



International  
Labour  
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# Decent Work Country Programme

# Kenya

DECENT  
WORK  
COUNTRY  
PROGRAMME



# **Decent Work KENYA**

**2007-2011**

**ILO's Country Programme for the Republic of Kenya**

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## Abbreviations

COTU (K)	Central Organization of Trade Unions (Kenya)
DWCP	Decent Work Country Programme
DWK	Decent Work Kenya
EAC	East African Community
ERS	Economic Recovery Strategy for Wealth and Employment Creation
FKE	Federation of Kenya Employers
GBS	Government Budget Support
GER	Gross Enrolment Rate
GFATM	Global Fund to Fight AIDS, Tuberculosis and Malaria
GOWE	Growth oriented women entrepreneurs
ILFS	Integrated Labour Force Survey
ILO	International Labour Organization
ILS	International Labour Standards
IPEC	International Programme on the Elimination of Child Labour
JAS	Joint Assistant Strategy
MDGs	Millennium Development Goals
MOE	Ministry of Education, Science, and Technology
MOST	Ministry of Science and Technology
NPA	National Plan of Action on the Worst Forms of Child Labour
PMS	Poverty Monitoring System
PRSP	Poverty Reduction Strategy Paper
SMEs	Small and Medium Enterprises
UNDAF	United Nations Development Assistance Framework
WEDGE	Women entrepreneurship development and gender equality
WFCL	Worst Form of Child Labour
YEN	Youth Employment Network

## Introduction

The overall goal of the International Labour Organization (ILO) is to promote opportunities for decent work for women and men in all countries. The ILO provides technical and institutional assistance to constituents in member States to meet that goal. In accordance with the approved ILO Programme and Budget for 2006-07, the primary means for the ILO to provide such assistance at the country level, are the Decent Work Country Programmes (DWCPs). The *Decent Work Country Programmes in the ILO – A Guidebook* define DWCP as “a programming tool to deliver on a limited number of priorities over a defined period” in order to “increase the impact of the ILO’s work” and to be “more visible and transparent”. Being developed with the active participation of the social partners, it is a programme “in support of constituents, national policy and institutions”.

A DWCP is the ILO’s contribution to the shared concerns and emerging demands for “better alignment between national goals and international cooperation”, more effective aid and aid coordination reflected in the Paris Declaration on Aid Effectiveness, the Rome Declaration on Harmonization and the Millennium Declaration’s call for a global partnership for development. As stated in the guidebook, the DWCP should be “the best possible intersection between country characteristics and policies, constituents’ priorities and ILO objectives”. And as it is stated in the ILO Director-General’s Introduction to the International Labour Conference (ILC) 2005, “Consolidating progress and moving ahead”:

“[...] through decent work country programmes, the ILO should equip itself to contribute more effectively within its mandate to national sustainable development, as well as to the international policies giving it support.”

The ILO approach to poverty reduction, **decent work for all**, goes hand in hand with the pledges in the **Millennium Declaration**. The **ILO Decent Work Agenda**, which strives to combine economic growth with equity, contributes to all the eight MDGs<sup>1</sup>. It has four elements:

- **Employment** — the principal route out of poverty is productive work and income;
- **Rights** — without them, men and women will not be empowered to escape from poverty;
- **Protection** — social protection safeguards income and underpins health;
- **Dialogue** — the participation of employers’ and workers’ organizations in shaping government policy for poverty reduction ensures that it is appropriate and sustainable.

The ILO has been active in Kenya for many years and several programmes and projects have been implemented covering many sectors including employment creation, women’s entrepreneurship, labour relations, skills/business training, and elimination of child labour. Through the DWCP the ILO will focus its interventions in a few areas, which have been carefully identified in line with the current development frameworks. Hence, the DWCP in Kenya translates the above mentioned demands for harmonization, aid effectiveness and alignment into a coherent country level response that is aligned with

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<sup>1</sup> For more information, see the ILO information folder on Decent Work and the MDGs: <http://www.ilo.org/public/english/bureau/exrel/mdg/briefs/index.htm>

the national Poverty Reduction Strategy Paper (PRSP); the *Economic Recovery Strategy for Wealth and Employment Creation, 2003 - 2007* (ERS)<sup>2</sup>, and the Vision 2030 document, which seeks to develop Kenya into a globally competitive and prosperous nation with a high quality of life. Vision 2030 is anchored on three pillars, namely :

- Social: a just and cohesive society;
- Economic: sustainable economic growth of 10% per year;
- Political: an issues-based, people-centred, results-oriented democratic political system.

The DWCP is also aligned with the United Nations Development Assistance Framework (UNDAF)<sup>3</sup>, other important national development processes, as well as the ILO Decent Work Agenda and ILO Programme and Budget 2006-07. Not at least, it is developed and will be implemented in close partnership with the ILO constituents; the Government, workers' and employers' organizations and the wider UN system in Kenya.

## Recent national developments

Kenya has experienced an average of 4 per cent GDP growth over the last six years. Agriculture remains the dominant sector in the Kenyan economy, accounting for 22.6 per cent of the GDP and a significant proportion of employment. The government sees industrialization as the main development challenge, but the share of manufacturing has changed since independence, and accounted for 10 per cent of GDP in 2004. The sector received a major boost following the inclusion of Kenya in the list of beneficiaries of the African Growth and Opportunity Act (AGOA), a US government initiative. Out of total 11.85 million of labour force 75 per cent is in agriculture. Kenya is struggling to attract foreign direct investment (FDI), especially compared to its East African neighbours, a situation that is aggravated by poor governance.

Kenya has the largest economy in East Africa with GDP at US\$ 18 billion (2005)<sup>4</sup> a total population is around 34.3 million. However, it also has a high incidence of absolute poverty. An alarming 46 per cent of the population is estimated to be absolute poor. The number of poor people increased from 3.7 million from the period 1972-73 to an estimated 15 million today. This situation is aggravated by poor governance, weak internal control systems and lack of will to carry out the commitments made through legislative, policy and institutional enactment.

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<sup>2</sup> <http://povlibrary.worldbank.org/files/cr0511.pdf>.

<sup>3</sup> [http://www.undg.org/documents/1863-Kenya\\_UNDAF\\_2004-2008\\_-\\_Kenya\\_2004-2008.doc](http://www.undg.org/documents/1863-Kenya_UNDAF_2004-2008_-_Kenya_2004-2008.doc)

<sup>4</sup> World Bank, at <http://devdata.worldbank.org/external/CPProfile.asp?CCODE=KEN&PTYPE=CP>

Life expectancy	49 years <sup>5</sup>
Infant mortality	79 deaths per 1,000 live births
Age structure: 0-14 years	42.5%
Age structure: 15-64 years	55.2%
Age structure: 65 years and over	2.3%
Literacy rate:	73.6 % (% of people ages 15 and above) <sup>6</sup>

## **National frameworks for poverty reduction**

In December 2002, Kenyans held democratic and open elections, which were judged free and fair by international observers. Under the presidency of Mr. Mwai Kibaki, the new ruling coalition promised to focus its efforts on generating economic growth and concurrently creating 500,000 jobs annually, combating corruption, improving education, and rewriting its constitution. In November 2005, the Kenyan electorate voted against a new draft constitution supported by President Kibaki<sup>7</sup>.

Kenya's PRSP, the Economic Recovery Strategy for Wealth and Employment Creation (ERS)<sup>8</sup> running from 2003-07 presents a road map for economic recovery. Its three main objectives are (i) *Economic growth* (through economic stability and financial sector reforms; infrastructure and productive sectors); (ii) *Equity and poverty reduction* (through human development; labour; agriculture and environment; poverty targeted programs) and (iii) *Governance* (through public safety, law and order; public administration; monitoring, evaluation and statistics). After two decades of weakening economic growth, low productivity and high unemployment, the ERS's aims at restoring the economy through high growth in order to achieve other development objectives. The strategy calls for redefining the role of the state as a facilitator for private sector growth and investment.

A Joint Assistance Strategy (JAS) for development partners in Kenya is under preparation and due 2007.

## **UN Response**

The UN has adopted Kenya's Poverty Reduction Strategy Paper as the natural way to anchor its programmes. The UNDAF for Kenya is covering the period from 2004-08 and focuses on four broad priority areas of cooperation (i) Promote good governance and the realization of rights; (ii) Reduce the incidence and socio-economic impact of HIV/AIDS, malaria and TB, (iii) Strengthen national and grassroots systems for emergency preparedness, prevention, response and mitigation; and (iv) Promote sustainable livelihoods and protect the environment.

Through the UNDAF, the UN system in Kenya has embarked on a serious search for more effective ways enhancing added value and wealth to combat poverty, create jobs and improve people's livelihoods. In addition to joint programmes under the UNDAF areas of cooperation, the UN in Kenya is jointly seeking solutions to ensure alignment of the UN planning cycle

<sup>5</sup> <http://devdata.worldbank.org/external/CPProfile.asp?PTYPE=CP&CCODE=KEN>

<sup>6</sup> World Bank, 2006

<sup>7</sup> <http://www.state.gov/r/pa/ei/bgn/2962.htm> accessed on 03.03.06

<sup>8</sup> <http://povlibrary.worldbank.org/files/cr0511.pdf>.

with that of government's fiscal year, harmonization of cash transfers, enhanced common services, and active public advocacy for the UN and the reform process. The Country Team of all heads of UN agencies team and the development partners have also committed to simplifying own systems and procedures in preparation for the JAS by 2007 to support implementation of the ERS, and are working together by aligning behind the Government's strategy in priority sectors.

## ***ILO Response***

The ILO together with the members of the United Nations Country Team collectively supports national partners' efforts towards capacity development and effectiveness in achieving the UNDAF outcomes. The ILO is actively participating at the theme group level and in all the technical working groups and sector-wide Groups (on justice, law, order; Kenya education, gender, women's entrepreneurship, health support programme, etc.) that meet regularly.

While the development challenges for Kenya are many and clearly outlined in the ERS, the ILO offers a decent work approach to development built around policies aimed at stimulating remunerative and productive employment, which cuts across all the MDGs and puts decent work into the country context. All ILO assistance will be set within the DWCP. For the period 2006-2010, the ILO's work will focus on three priority areas in its support to the national development process. All three areas have been identified as strategic for ILO interventions at the country level based on the ERS, the UNDAF, consultations with the constituents and the ILO 2006-07 strategic objectives and mainstreamed strategies. The proposed three selected priority areas are:

- Youth empowerment, youth employment and elimination of child labour, particularly in its worst form
- Expanding & strengthening of the principle of inclusion for enhanced influence of tripartite partners in the national & international framework
- Expansion of social protection and fight against HIV/AIDS at the work place

Over and above these three priority areas for the ILO in Kenya, the ILO will strengthen the capacities of the Ministry of Labour and Human Resource Development, the Congress of Trade Unions (COTU-K), the Federation of Kenya Employers (FKE) and their affiliates, in implementing activities to realize the overall development objective of Kenya's DWCP, i.e. *Poverty reduction through decent work for women and men*. The ILO will continue to actively work to ensure that Decent Work is on the national development and poverty reduction agenda by promoting more active use of decent work instruments in the ongoing ERS processes.

In addition to its four strategic objectives reflecting the Decent Work Agenda<sup>9</sup>, the ILO 2006-07 Programme and Budget identifies five mainstreamed strategies, namely a fair globalisation, working out of poverty, advancing gender equality<sup>10</sup>, expanding the influence of social partners, social dialogue and tripartism and greater influence of international labour standards

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<sup>9</sup>(i) Promote and realize standards and fundamental principles and rights at work; (ii) Create greater opportunities for women and men to secure decent employment and income; (iii) Enhance the coverage and effectiveness of social protection for all; (iv) Strengthen tripartism and social dialogue.

<sup>10</sup> In this context, it is important to mention that the Permanent Secretary of the Ministry of Labour and Human Resource Development has appointed, on 4 July 2007, a Gender Officer with the objective of mainstreaming gender concerns in the Ministry's policies, plans and programmes.

in development. These will form the integral part in the implementation of the activities related to the above three outcomes.

## **ILO Mandate and experience**

The Millennium Declaration and MDG 8 with its related Target 16 call upon the development and implementation of “strategies for decent and productive work for youth” done “in cooperation with developing countries”<sup>11</sup>. In cooperation with the World Bank and the UN the ILO is leading the secretariat of the Youth Employment Network (YEN), which was set down by the UN Secretary General in response to this call. The ILO in Kenya is supporting youth initiatives including gender sensitive skills development of young workers, employment creation for youth through SME in the informal economy, and research on youth unemployment in the area of globalization.

In support of MDG 2 on Universal primary education<sup>12</sup> and the ILO Declaration on Fundamental Principles and Right at Work , the ILO promotes employment creation, skills development and extension of social protection<sup>13</sup> to poor families, not at least the families/households with child labourers, with a view to eliminate the worst forms of child labour. In Kenya, the implementation of the ILO Time Bound Programme on the Worst Forms of Child Labour (TBP) dictates that the problem of child labour and its worst forms are mainstreamed in the programmes and activities of strategic partner agencies, which requires close engagement and networking with these partners.

Reduction of HIV/AIDS is among the MDGs for reduction of global poverty and cuts across the ILO Decent Work Agenda<sup>14</sup> . UNAIDS has appointed the ILO as lead agency for work place related HIV/AIDS interventions through its division of labour among UN agencies, globally. Over the last few years the ILO has collaborated with its tripartite constituents to promote workplace prevention, to combat discrimination and to mitigate the social and economic impact of the disease. One of main areas of action have been to raise awareness of the social, economic and development impact of AIDS through its effects on labour and employment to help governments, employers and workers support national efforts to control HIV/AIDS to fight discrimination and stigma related to HIV status. This has been pursued via advocacy and awareness raising, policy guidance and standard setting and strengthening the capacity of the social partners through technical cooperation. ILO constituents have acknowledged the usefulness of the ILO Code of Practice on HIV/AIDS and the World of Work as a tool to guide workplace responses to HIV/AIDS. A new programme on interventions against HIV/AIDS at the workplace, funded by OPEC is to become operationalised in 2007.

## **ILO in East Africa**

Kenya is a Partner State of the East African Community (EAC). In 2001, the ILO signed a Memorandum of Understanding with the EAC to consult each other on planning and execution of programmes of common interest, particularly those within the EAC Labour and Employment Sector. Since then the ILO and the EAC have had a number of joint activities,

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<sup>11</sup> See more on the Decent Work Agenda, youth employment and the MDGS at <http://www.ilo.org/public/english/bureau/exrel/mdg/briefs/index.htm> .

<sup>12</sup> See Information folder on linkages between the MDGs and the Decent Work Agenda, especially MDG 2 on <http://www.ilo.org/public/english/bureau/exrel/mdg/briefs/mdg2.pdf> .

<sup>13</sup> Through its *Global Campaign on Social Security and Coverage for All* in cooperation with community-based organizations, trade unions and civil society.

<sup>14</sup> See how the Decent Work Agenda related to MDG 6 on <http://www.ilo.org/public/english/bureau/exrel/mdg/briefs/index.htm>

e.g. joint preparation of the 2004 AU Extraordinary Summit on Employment and Poverty Alleviation, as well as the development of post summit strategies. At the sub regional level ILO is providing support to other areas such as migration and free movement of persons, social protection and employment issues in general. Within this framework, ILO is supporting the Member states, including Kenya, to better participate in activities related to regional integration at the EAC level.

To address some of the above mentioned challenges, the expected outcomes and related strategies under the three selected DWCP priority area are based on the following criteria: Alignment to the ERS, the UNDAF, the Declaration of the 2004 Extraordinary AU Summit on Employment and Poverty Reduction and ILO Programme and ILO Programme and Budget 2006-07, support from the social partners, development partners and key policy decision makers. The sections below give a brief background to and justification for choosing the respective DWCP priority areas in Kenya; identify the expected outcomes under each area, as well as outputs.

## Decent Work Country Programme Priorities

To address some of the above mentioned challenges, the expected outcomes and related strategies under the three selected DWK priority area are based on the following criteria: Alignment to the ERS, the UNDAF, the Declaration of the 2004 Extraordinary AU Summit on Employment and Poverty Reduction and ILO Programme and Budget 2006-07. The table below shows the DWK in a nutshell, while the table in Annex 1 indicates the DWK's alignment to the national development frameworks and includes the outputs of the expected outcomes.

### *The Kenya Decent Work Programme (DWK) in a nutshell*

<b>DWK priorities</b>	<i>Youth empowerment, youth employment and elimination of child labour, particularly in its worst form</i>	<i>Fight against HIV/AIDS at the work place and expansion of social protection</i>	<i>Expanding &amp; strengthening of the principle of inclusion for enhanced influence of tripartite partners in the national &amp; international framework</i>
<b>Expected outcomes</b>	1.1. Creation of employment opportunities for the youth	2.1. Increased access to social protection for the workers, including those in the informal economy.	3.1. Enhanced capacity of social partners to participate in national & international policy forums
	1.2. Development of integrated HRD strategy	2.2. Decreased HIV/AIDS prevalence at the workplace	3.2. Enhanced labour relations & industrial peace
	1.3. Elimination of the WFCL	2.3. Sector policies and legislations that address HIV/AIDS at the workplace in accordance with the ILO Code of Practice and International Labour Standards adopted	3.3. Enhanced equitable income distribution
	1.4 Improved security and Elimination of the use of drugs and harmful substances		

<b>DWK priorities</b>	<i>Youth empowerment, youth employment and elimination of child labour, particularly in its worst form</i>	<i>Fight against HIV/AIDS at the work place and expansion of social protection</i>	<i>Expanding &amp; strengthening of the principle of inclusion for enhanced influence of tripartite partners in the national &amp; international framework</i>
	1.5 Young women's and men's entrepreneurial skills for self employment and SME activities enhanced/increased		

### ***Priority area 1: Youth empowerment, youth employment and the elimination of child labour, particularly in its worst form***

Youth employment is critical for economic stability and growth. About half of the Kenyan population is below the age of 15, which translates into the nation having a very large youth population within the next five to ten years. While the youth population forms 60 per cent of the total Kenyan labour force, the economic growth has not been strong enough to absorb the annual 500 000 new entrants to the labour market. Hence, a core problem facing young women and men in Kenya is un- and underemployment, as well as lack of voice in decision-making bodies, making youth vulnerable to social exclusion and poverty. It is estimated that 2 million or 14.6 per cent of the labour force in Kenya is openly unemployed, with young women and men accounting for alarmingly 45 percent of the total, the majority between 16 and 39 years old. Estimates indicate an increasing trend on unemployment over the last two decades, from 16 to 25 percent between 1986 and 1999 in urban areas, while it remained lower, around 9.4 percent, in the rural areas in the same period.

Young women in Kenya are facing even greater constraints in joining the labour force compared to young men due to factors such as low education and skills, cultural attitudes and practices, discrimination, and limited opportunities to access productive resources, hence failing to influence their lives, leading to vicious cycle of poverty from one generation to the next. Young workers in Kenya are found in most economic activities, but have a greater concentration in the urban, informal economy in commercial services (sales, cleaning, domestic care etc.) and trade. The informal economy and small-scale agriculture account for more than two thirds of the total employment in Kenya. There, many young women and men are engaged in casual or temporary terms of employment with poor salaries and low, if any, social protection. In the modern sectors, young workers are concentrated in food processing industries, textiles, transport and commercial services, which are not the traditional trade union operation areas, which results in low trade union outreach to these workers.

Of the many international labour conventions that are applicable to young workers and jobseekers, Kenya has ratified several, including the Conventions on Minimum Age (1973, No. 138) and Worst Forms of Child Labour (1999, No. 182). But several important ILS remain to be ratified, e.g. the conventions on Freedom of Association and Protection of the Right to Organise (1948, No. 87), Employment Policy (1964, No. 122), Vocational Rehabilitation and Employment (Disabled Persons), (1983, No. 159), Discrimination (Employment and Occupation), (1958, No. 111), Occupational Safety and Health (1981, No.

155). In addition, there is also a need to domesticate and harmonize the labour laws with existing ones within the ongoing labour law reform.

Kenya's Central Bureau of Statistics, with the support of Statistical Information and Monitoring Programme on Child Labour (SIMPOC), carried out a nationwide child labour survey in 1998/99. The survey revealed that there are 1.9 million working children aged 5 to 17, comprising 984,000 (51.8 per cent) boys and 910,000 (48.2 per cent) girls. These represent 17.4 per cent of all children in Kenya and 14.4 per cent of the country's total working population. Out of these, there are 1.3 million children who are engaged in economic activities. Causes of child labour include poverty and the low value placed on education due to weak education and infrastructure systems, as well as HIV/AIDS. It is estimated that there are 1.1 million AIDS orphans (under the care of relatives, guardians or running households themselves) and the declining economic status due to globalization effects. Child labour occurs not only in plantations but also on small-scale farms. It is reported that children are involved in growing Miraa, a mild narcotic grown around Mount Kenya; these children are permanently drugged and thus very vulnerable to sexual abuse.

Child labour is a key obstacle to the achievement of MDG 2; Universal primary education, given the fact that a child who is not educated cannot be empowered to escape from poverty<sup>15</sup>, as well as well as the global goals of MDG 3 and 4<sup>16</sup>. ILO's work in this area has helped to highlight the linkage between education and child labour. The Ministry of Education clearly acknowledges that there are over 1 million children out of school and are in child labour.

The problem of child labour in Kenya is also linked to poor living condition occasioned by the weak economic system, a weak social protection infrastructure and limited coverage of social services other than education, as well as the impact of HIV/AIDS, which has left orphaned children without sufficient support for survival. The ILO priority to address child labour is fully aligned to address the objectives and priorities set by the Government in the NPA, the ERS and the UNDAF. Cognizance will be made of the fact that children who are currently working are denying young persons (youth) opportunities to get employed in some instances. Furthermore, cognizance will be made of the fact that these working children will be less employable once they become young persons due to having no training, in some instances no education at all during their years as children. Hence, they will join the already growing numbers of unemployed and underemployed youth. Hence, the link between child labour and youth unemployment/ underemployment will be kept well on the radar of the DWCP-K. The ILO will continue to promote the application of Conventions No. 138 on minimum age and No. 182 on worst forms of child labour through time-bound and other programmes. In line with this commitment and objective ILO aims at protecting and promoting decent working standards for children above the minimum working age working in acceptable and allowed sectors through integrated area-based programmes.

The work will contribute directly or indirectly to ILO's central goal of promoting decent work for women and men, by preventing children from entering into WFCL; providing assistance to withdraw children from worst forms of child labour or removing the risks and hazards from the workplace; ensure access to education and/or vocational training to those who have been withdrawn from the worst forms of labour; and intervene to protect children at risk, and make provisions for special situation of girls.

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<sup>15</sup> See Information folder on linkages between the MDGs and the Decent Work Agenda, especially MDG 2 on <http://www.ilo.org/public/english/bureau/exrel/mdg/briefs/mdg2.pdf>

<sup>16</sup> For more on the link between MDGs and decent work: <http://www.ilo.org/public/english/bureau/exrel/mdg/>

## **Demand and potential support**

In 2005, Kenya applied to be admitted as a lead country in the joint ILO/UN/World Bank Youth Employment Network (YEN). A Youth Employment Summit was organised in 2006 and addressed **unemployment** especially among the young adult and on proffering ways and solutions to **youth unemployment** through building **youth** capacity for **employment**, entrepreneurial culture, building trade capacities, attracting Foreign Direct Investment (FDI) and eco-entrepreneurship. Kenya has established a Ministry for Youth Affairs as the overall government institution with empowering youth. This new Ministry has already established and operationalized a Youth Development Fund. Women's entrepreneurship funds have been established by Government and the private Equity Bank. In so doing the government has developed National Youth Policy and a National Employment Policy and Strategy, which highlights strategies to promote young persons access to decent, productive and sustainable work. Within this framework, which is approved by the cabinet and awaiting discussion by Parliament where it was tabled in November 2006, youth issues will be mainstreamed and integrated in all development policies. The policy emphasizes several youth strategies, e.g. to encourage the attitude among youth towards self-employment, provide employment counselling and career guidance, establish labour market systems to strengthen collection and dissemination of labour market information relevant for youth access to skills, jobs, resources and markets, and strengthened district employment offices. The Plan of Action of the National Youth Policy identifies youth employment and entrepreneurship as critical to address the youth unemployment challenge. The plan aims at the participation of young women and men in agriculture, livestock production and cottage industries, and it suggests the following strategies: mobilisation through training, creation of information centres and the establishment of market outlets.

Kenya's PRSP, the ERS, raises the problem of youth unemployment and situates youth among marginalized groups facing barriers for entry and progression into socio-economic activities, lacking access to public services and being especially vulnerable to the spread of HIV/AIDS. Lack of skills, assets and access to credit facilities has rendered self-employment difficult for the youth, in many cases leading to high crimes, street begging and drugs. The majority of the unemployed, though educated, do not have necessary skills for formal employment or self-employment. In response to these challenges, the ERS states that the Government will develop programmes, in collaboration with stakeholders, e.g. the creation and sustention of a revolving youth fund for promotion of self-employment, improved mechanisms to manage transition from school to work, as well as career guidance, industrial attachment, mentoring and coaching and business counselling advisory services.

The Kenya UNDAF recognizes that the role of youth is inadequately mainstreamed in leading policy, and it support youth participation in the area of sustainable production and income diversification. UNDAF supports continuing education for youth and adults under its outcome on increased access to basic social services. Young women and men are also targeted in the UNDAF support against HIV/AIDS and TB prevalence, including promotion for adolescents and youth health and generic information on safe sexual behaviour and drug abuse prevention among out-of-school youth.

The Government of Kenya has initiated a number of policies and programmes that are aimed at combating the worst forms of child labour and ultimately the elimination of child labour. The country has ratified Kenya both ILO Conventions 138 (minimum age) of 1973 and 182 (worst forms of child labour) of 1999. Kenya has also ratified and domesticated the UN Convention on the Rights of the Child (UNCRC) of 1990 and the country is signatory to the African Charter on the Rights and Welfare of the Child (ACRWC).

A National Plan of Action on the worst forms of child labour is to be operationalised soon; it is a framework for the national time-bound measures taken by the Government of Kenya as a result of ratifying Convention 182 on the Worst Forms of Child Labour (WFCL). The NPA is part of the Government's broad framework to further enhance ownership and broad political commitment, and it is intended to deal with policy advice and support to policy-makers to improve, as well as strengthening the enabling environment for facilitating targeted action against child labour. Finally, this is in line with the national PRSP, the ERS, whose objective is to improve access to decent employment by young people.

Upstream work will also focus on improving social security measures in both urban and rural areas (particularly in areas with high incidence of child labour); and support the strengthening of institutions that create opportunities for employment, skills training and employability. In light of this, ILO will work closely with social partners in building their capacity to promote the mainstreaming of decent youth employment with the objective of progressively eliminating the worst forms of child labour. Upstream work will also include collaboration and contributing to national processes of addressing human (particularly child) trafficking in policies and programmes, as well as institutional support and capacity building for the Social Security Unit that is being established by the Ministry of Labour and Human Resource Development.

The capacities of ILO constituents will be developed based on ILO's earlier work linking knowledge, services and advocacy. Technical assistance will be provided to guide dialogue and discussions aimed at improving the policies and programmes affecting working children in very specific sectors such as domestic labour, fishing, mining, commercial agriculture, commercial sex and quarrying. In collaboration with other stakeholders, ILO will engage workers and employers organizations in its major and national activities with the objective of including their views in proposals and recommendations made to government and other stakeholders on the improvement of working standards and access to decent employment. Technical advice in this area will be enriched by the work done by the Youth Employment Task Team (the conclusions of the Tripartite Meeting on Youth Employment 2004), the directions proposed by the International Labour Conference on Youth Employment and national and regional processes. Focus will be on contributing national action plans for youth employment with a focus on children withdrawn from child labour and those at risk from entering into worst forms of child labour.

### **Strategies for promoting youth employment and combating child labour**

In order to ensure that improved, integrated and accurate policies on youth employment are developed, implemented and reaching poor young women and men in Kenya, the ILO will assist the social partners – the workers [COTU-K and affiliates] and employers' organizations [FKE and affiliates] and the Government [Ministry of Labour and Resource Development ] in sustaining the central role of productive and decent employment and youth employment in the establishment of the youth fund, as well as in national development policies, notably the PRS [Economic Recovery Strategy for Wealth and Employment Creation (ERS)].

In pursuing the strategies to promote youth employment, conscious efforts will be made to develop specific actions that meet the specific needs, characteristics and aspirations of young women and young men.

In particular, this upstream ILO support will include technical advice to and capacity building of the constituents for their active engagement in the PRS [ERS] process - including its costing and linkage to the national budget process, implementation and monitoring - as well as

in the development and implementation of other relevant policies, such as the National Youth Policy and the National Employment Policy and Strategy.

In order to ensure bottom-up approaches to youth employment that capture the problems facing young workers and jobseekers, the ILO will positively support youth participation in these development processes, as well as Kenya's application to become a lead country within the ILO/UN/World Bank Youth Employment Network (YEN), and its cooperation with youth led initiatives, such as the Youth Employment Summit (YES).

In order to guide policy with accurate labour market information on specific target groups, the ILO will support the expansion of the knowledge base on national employment and youth employment issues to ensure good quantitative and qualitative data disaggregated by age and sex. This will be done in line with national initiatives to strengthen collection and dissemination of LMI on youth access to skills, jobs and resources, as well as through technical support to national Labour Force Surveys and other relevant surveys, as well as capacity building of the constituents for their active engagement in such surveys.

Finally, as part of the work to build up the knowledge base and guide national policy, the ILO will support employment and labour market research, focusing on linkages between youth employment and globalization, child labour, HIV/AIDS and poverty reduction, and support the dissemination and awareness of research results.

In view of the grave barriers young Kenyans are facing entering the labour market and in starting up and sustain businesses, especially their lack of access to finance and to social protection, the ILO will supplement the upstream interventions under the first youth employment outcome with downstream pilot interventions and support the upscaling of best practices into national policies.

In particular, the ILO will support downstream pilots that strengthen the access of young men and women to credit, savings and micro-insurance through SMEs. The purpose of the ILO support is not only to facilitate self-employment and start up of small businesses for young women and men through access to finance, but also to reduce their vulnerability through the provision of a minimum of social protection in terms of micro-insurance, thereby promoting decent work for youth. Experience has shown that youth benefit the most from such a multiple services approach.

The target groups are the most vulnerable, poor young women and men; especially rural youth; young women and men in the urban, informal economy; youth at risk for HIV/AIDS transmittance and disabled youth. Linkages to income generating schemes for families with children withdrawn from the worst forms of child labour will be sought. The interventions will be gender sensitive and undertaken in close cooperation with the workers' and employers' organizations, with a view to upscale successful pilot interventions and build the capacity of social partners to implement such strategies.

Special attention will be given to the informal economy, where a majority of young, urban workers end up due to lack of opportunities and face barriers in setting up businesses, especially in access to financial services. As part of the strategy, the ILO will continue its work to create enabling environment for small and informal businesses through tripartite social dialogue, now with a focus on young women and men and the constraints that they are facing in business start-ups. The support will build on and combine the best experiences from current ILO programmes in East Africa.

The interventions will also reach out to informal, young workers through Cooperatives, as a continuation of ILO efforts to reduce poverty in this sector, including capacity building, training on organizing and creating decent employment opportunities for informal workers

and establishing mechanisms for micro credit services through Cooperatives. The lessons learned from the SYNDICOOP programme<sup>17</sup> (2001 – 2006) will be used to promote decent work through cooperative ventures on a larger scale, through the recently approved COOPAfrica programme (2007 – 2010).

Acknowledging the urgent need of young Kenyan's for strengthened skills and accurate training in order to survive successfully in the labour market, the ILO will supplement the upstream interventions under the first youth employment outcome through downstream pilot interventions in support of improved and adequate entrepreneurship training initiatives and career counselling for young working men and women. Interventions will be geared towards existing, effective market opportunities. The purpose of such training is to enhance young workers' productivity, competitiveness and income generation through skills development, while strengthening youth awareness of core ILO labour standards, viable social protection solutions (including micro-insurance), HIV/AIDS and safety at the workplace.

The target groups are the most vulnerable poor, young women and men, especially rural youth, young women and men in the urban, informal economy; youth at risk for HIV/AIDS transmittance and disabled youth. Linkages to entrepreneurship and training components for children withdrawn from the worst forms of child labour and their families will be sought. The interventions will be gender sensitive and undertaken in close cooperation with the workers' and employers' organizations. The ILO support under this outcome will build on experiences from current ILO programmes in East Africa and best practices with a view to later upscale, if successful, the pilot interventions and give social partners capacity building in implementing such strategies.

Because the informal sector is one of the largest sectors containing working children in Kenya, the ILO will facilitate discussions and dialogue between social partners and other stakeholders that are aimed at improving the policy environment and protection of children working in the informal sector with the objective of increasing access to social protection through provision of technical support for policy review and analysis. In light of this, the ILO will facilitate the review and amendment of Employment Bill to include WFCL and reflect the provisions in Conventions 138, 182, Children's Act (2001), Education Act and all the sectors currently not included in the Employment Act; support the simplification and dissemination of reviewed laws, policies and regulations; and strengthening law enforcement institutions and agencies including local authorities, judicial officers, labour inspectors, police, children's officers, and chiefs.

The ILO will continue to provide support aimed at strengthening the child labour components of the national and sub national development programmes and development of the necessary institutional and technical capacities for effective and sustained implementation. The ILO will also aim at strengthening the legal framework for combating child labour and mobilizing key stakeholders to support enforcement. Furthermore, the ILO will ensure that the capacity to interpret and implement the policies and programmes exists and will therefore target institutional and technical capacities for effective and sustained implementation. Specific measures are necessary for child labour issues as reflected and linked to the PRS process. It is therefore important to incorporate child labour into budgeting, implementation and monitoring and evaluation plans and processes part of the implementation of the PRS. The ILO will further promote the development of fundamental principles and rights knowledge base, raise awareness and promote implementation of conventions on right of workers (particularly young women and men) at work both in the formal and informal sectors and ensure that the capacity to interpret and implement the policies and programmes exists both nationally and

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<sup>17</sup> SYNDICOOP: Organizing of informal economy workers through joint cooperative – trade union action.

sub nationally and will therefore target institutional and technical capacities for effective and sustained implementation.

Prevention, withdrawal, and rehabilitation are the most important strategies to be used for this outcome. The ILO will work with MOEST through the Kenya Education Sector Support Program (KESSP) to address the issue of education alternatives to children removed from WFCL or children at risk through coordination with the MOEST and other agencies to ensure that free education is targeted especially at working children, for instance by identifying target districts, villages and school; through addressing the specific barriers to education that working children and their families face, such as facilities and capacity of teachers; and through inclusion of child labour as a subject in the curriculum at all levels of education including in primary school and in teacher training, and design modules for teacher training focusing on teachers understanding their own role and that of the education system vis-à-vis child labour (including issues like discriminatory attitudes and use of corporal punishment).

The ILO's work in education will be linked to the general sector policies as well as to global poverty reduction policies and strategies, the MDGs and EFA initiatives. The ILO will further lead discussions on promotion of mainstreaming HIV/AIDS and decent work in the informal sector with the aim of improving access to decent employment by withdrawn children who have undergone vocational training. Further, it will ensure that the country education and employment strategies are comprehensive (integrating basic education, literacy, technical skills training, business skills training, pre- and post-training support services), with systematic identification of employment income-generating opportunities at the local level, market information, and policy development, capacity building of social partners and have linked the impact of HIV AIDS on orphans.

ILO will support key partners in the development and improvement of training systems and improvement of training opportunities (with operational linkages with work/job/self employment opportunities) for children working in the informal sector. In this light, the ILO will provide support for skills and vocational training opportunities to withdrawn children using different strategies in different settings as pilots, the strategies being different from traditional centre-based training a view of contributing to the strengthening of national training and employability policies and programmes. The issue of quality control and training will be emphasized in order to promote sustainable replication and scaling up of the pilots. Complementary to this, the ILO will contribute technically to gender focused labour market information with the objective of contributing to sustainable policies and knowledge base on linkages between effective employment and labour market policies.

In terms of support for families and guardians of withdrawn children, the ILO will facilitate the identification of these families to be targeted with other strategies of NPA in order to prevent children from entering into WFCL. The ILO will further support families of children withdrawn in the participating districts to reduce their dependence on children's earnings and train them on links between HIV AIDS, poverty and child labour (using tools developed by ILO field and Geneva). The understanding of the links between HIV AIDS and child labour is essential in mitigating the spread of the disease and thus in reducing the number of working children. The ILO will facilitate the economic opportunities and programmes assessed in targeted districts and communities; increasing capacities of identified vulnerable groups to access opportunities and programmes; and support the strengthening of community based safety nets accession, including micro health insurance, access to micro-saving schemes, community level income-generating activities, and other models.

The ILO will specifically build the capacities of its constituencies to address household income and income generation issues in PRS, as well as their capacity to develop and

implement decent work approach to crisis response, including policies to develop sustainable livelihoods, institutions and support services; strengthen social security systems (particularly those impacting on the situation of child labour) and strengthen social support systems in communities where working children are coming from. A particular promising strategy to combat child labour, and at the same time promote youth employment, consists of promoting women's entrepreneurship.

The ILO will provide tripartite constituencies with technical inputs aimed at improving national education and training policies and programmes together with a range of employment related support services. In line with the Human Resources Development Recommendations<sup>18</sup> the key objective of this outcome is to strengthen national training policies and practices, particular with a focus on skills that are appropriate to children withdrawn or being prevented from entering into WFCL.

The ILO's upstream strategy in the area of education aims at enhancing the response of the formal and other complementary school systems to the needs of child labourers, other out of school children and children at risk of school drop. To this end, the ILO will participate actively in and contribute to education and vocational training policy review processes. ILO support in form of technical assistance in promoting the implementation of EFA initiatives and compulsory schooling legislations including ensuring that national budgeting targets working children will constantly be provided. Further, the ILO will underline the need to practically implement C. 138 and 182, including legal change, data collection, time bound targets, child labour monitoring systems and mainstreaming child labour in relevant development policies.

Efforts at the policy review level will be complemented by collaborative effort with the Teacher's Union, the Education institutions and the Ministry of Education (Vocational and Primary Education) aimed at strengthening the knowledge base on child labour. The ILO IPEC Teacher's Kit as well as other tools development by the ILO, including the SCREAM pack will be promoted as guiding tools in the development of nationally owned programmes and tools to address the problem within the education sector at national and district levels.

In the area of non formal education, the ILO will work with MOE, Service Provides and other partners to enhance the effectiveness of complementary systems for out of school children. Positive and sustainable experiences gained over the years with regard to non formal education will be documented and disseminated. The ILO will also provide technical inputs in support of policy and institutional processes leading to the effectiveness of vocational training programmes and apprenticeships schemes and complementary support services such as micro finance, training in entrepreneurship, and other businesses skills by effectively linking them to decent employment.

The capacity of tripartite partners will be strengthened in order to enable them to engage in key national discussions regarding the improvement of the training environment and linking vocational skills training to productivity, competitiveness and job quality. By doing so, the ILO will continue to provide technical expertise in the design and testing of new approaches and tools to reduce poverty and reduce child labour, based on comprehensive responses, the ILO will link and integrating social protection with employment promotion, elimination of child labour, and local economic development. Training activities aimed at increasing the capacity of ILO constituencies and other partners in effectively addressing social protection and access to decent employment for withdrawn children and children at risk will emphasise

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<sup>18</sup> <http://www.ilo.org/public/english/employment/skills/recomm/main.htm>

the role of policy makers, planners, managers and other key actors involved in developing national social security systems.

Poverty has been identified in Kenya as a major factor in child labour and the realization of the goal of NPA requires measures that address child labour within the national frameworks for poverty reduction. The ERS is the key guiding processes and national framework, which target vulnerable groups. The ILO will ensure ongoing participation in forums aimed at reviewing the ERS in order to ensure that child labour, as well as issues central to the elimination of child labour, are mainstreamed. In addition, the ILO will make strategic interventions aimed at mainstreaming child labour in the newly introduced constituency funds and local authority funds aimed at supporting systems that reach grassroots. All the key policies and programmes provide opportunities to mainstream child labour issues, especially in communities prone to WFCL. The ILO will provide an opportunity to link current education policies to the needs of children in WFCL. This will include provision of technical advice in order to facilitate mainstreaming of child labour in EFA Policy and programme being implemented in Kenya through the Ministry of Education and the Ministry of Science, and Technology.

The elimination of WFCL in Kenya also requires uniformity in labour related laws, which must also be implemented and enforced in order to realize the goals set in the PRS/ERS aimed at elimination of child labour. The ILO will provide technical support in ensuring that the Employment Act, the Children's Act and the draft Bill on Labour laws, which demands harmonization, are mainstreamed with child labour and issues affecting employability and access to decent employment by young women and men above the legal working age and working in non hazardous and safe conditions and sectors<sup>19</sup>.

ILO constituents, Education and vocational training stakeholders will be brought together to review and draw lessons from experience gained in transitional education, vocational and skills training under phase I and to underline approaches for making vocational and skills training programmes available and accessible as an alternative to child labour. As a further contribution, a study to update and review the labour market information will be mainstreamed in policies and policy dialogue with relevant institutions.

The ILO will strengthen national capacity to ensure adequate institutional arrangements of social security schemes. By doing so, the ILO will provide technical expertise in the design and testing of new approaches and tools to reduce poverty and reduce child labour, based on comprehensive responses, the ILO will link and integrating social protection with employment promotion, elimination of child labour, and local economic development. Training activities aimed at increasing the capacity of ILO constituencies and other partners in effectively addressing social protection and access to decent employment for withdrawn children and children at risk will emphasise the role of policy makers, planners, managers and other key actors involved in developing national social security systems.

Through the support of family survival and livelihood, the ILO will continue to promote micro and small enterprise development by providing management skills training to families of child labourers and improving the household income of families of working children (whether potential CL or withdrawn CL), hence providing them with education as an alternative.

Policies, programmes and interventions on child labour will be implemented in collaboration with a wide range of stake-holder organizations and collaborating agencies, including

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<sup>19</sup> <http://www.ilo.org/public/english/standrds/relm/ilc/ilc91/pdf/re-i-a.pdf>

government, development partners, bilateral donors, workers and employers' organizations, Government Ministries, national and international NGOs, CBOs, local government and communities. The building of broad alliances continues to be one of the key strategies in combating child labour.

The ILO promotes the extension of social protection to reach the poor through its global campaign on Social Security and Coverage for All in cooperation with community-based organizations, trade unions and civil society. The goal of eliminating child labour is embodied in this campaign and primarily in ILO Conventions (138 and 182), national legislation and policies and, at the same time contributing to the achievement of African Union Summit Declaration<sup>20</sup>.

## ***Priority area 2 – Fight against HIV/AIDS at the work place and Expansion of social protection***

Although HIV/AIDS was declared a national disaster in 1999 by the government, its spread continues unabated. The pandemic is having a catastrophic social and economic impact, with a potential effect on political stability (UNDAF, 2003). With an estimated two million people already infected, and with more than 700 AIDS-related deaths per day, the pandemic is considered to be the greatest social catastrophe in Kenya's history. The impact of HIV/AIDS in Kenya, in terms of social, psychological, demographic and economic costs to both individuals and the entire community, raises concern. The rapid spread of the disease poses grave health problems and will have damaging macro-economic consequences in terms of falling labour productivity and loss of experienced workers and reduced savings, all of which have devastating impact on the macro-economic well being of the country. HIV/AIDS has played a role in reducing the life expectancy. The effects of excess mortality due to AIDS can result in lower life expectancy, higher infant mortality and death rates, lower population and growth rates, and changes in the distribution of population by age and sex than would otherwise be expected. The problem of HIV/AIDS is a new threat to Kenya's economic recovery.

With regard to social protection, the challenges are daunting. Some 80 per cent of Kenyans work in rural areas, mainly in small-scale farming and crop growing. Most live in large extended families whose members have worked together for generations on family farms. Accordingly, the concept of social protection or security for that matter hasn't fully spread from the mostly urban formal sector and to the rural farms and informal workplaces. Thus, extending social protection/ security coverage in the country will be challenging.

### **Demand and potential support**

The national response in Kenya has rapidly accelerated over the past year with the substantial expansion of external funding. Across the country, prevention, treatment and mitigation programmes are being scaled up; efforts in 2005 are geared to address gaps in knowledge related to the quality and effectiveness of these interventions. The overall national goal has been to slow the spread of the pandemic and eventually bring it to a halt, and to adequately respond to its socio-economic impact.

The government's priorities and strategies articulated in the 2000 – 2005 National Strategic Plan on HIV/AIDS – which aims to reduce HIV/AIDS prevalence by 25 per cent by 2005 include prevention and advocacy, managing (workplace) programmes, amongst others, and

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<sup>20</sup> <http://www.africa-union.org/home/Welcome.htm>

mitigating the social and economic impact. Development partners are rallying around the national response to support interventions to reduce the incidence and socio-economic impact of HIV/AIDS. Ratification by the government of the ILO Core Conventions, specifically Convention no. 111 (Discrimination), and Convention no. 100 (Equal Remuneration) has added impetus to the initiative of mitigating the impact of the disease in the workplace. The provisions of the conventions have been integrated in the ongoing labour law reform process the Kenyan government, in collaboration with its social partners, has been pursuing over the past four years.

Within the context of supporting the national plan to combat HIV/AIDS, the UNDAF framework aims at contributing to the reduction of the incidence of and mitigation of the social and economic impact of HIV/AIDS. Kenya's fight against HIV/AIDS recently received a major boost after the World Bank released funds to fight the disease.

The fact that the epidemic's primary impact is on the working-age population is key to addressing the most important effects of HIV/AIDS on sustainable economic and social development. Child labour is one of the greatest costs of the HIV epidemic, linked to the growing number of orphans and children taken out of school to cope with the impact of HIV/AIDS. These developments have clear implications in terms of policies for social protection and poverty reduction, and require specific attention in policies and programmes.

Slowing down HIV transmission is, therefore, essential to employment creation and other related costs. A study of commercial farms in Kenya indicated very high levels of HIV infection. Direct cash costs related to HIV rose dramatically – company spending on funerals was reported to have increased five fold between 1989 and 1997, and direct health expenditure ten-fold. Absenteeism and productivity loss were reported by estate managers. The overall costs emanating from the epidemic were autonomous and impacting negatively on the general economic outlook.

As the workplace is a community of adults and often a social base, it is the ideal setting for a range of prevention efforts, including information on HIV transmission, education for behaviour change, and practical measures such as condom contribution.

Social protection being very crucial to negate the impact of the epidemic, ILO, in collaboration with the government, FKE, COTU – K and other development partners such as WHO/UNAIDS 3 by 5 initiative and GFTAM, will support the expansion of access to treatment, care, support for workers, their families and communities. This will also include lending support to the development of public-private partnerships.

#### Indicators

- HIV/AIDS policy and programme in private and SME/ informal sector enterprises or workplaces adopted & implemented effectively
- Enhanced reasonable accommodation at the workplace through social dialogue, improving social and labour outcomes
- Reduced HIV/AIDS prevalence rate in sectors (e.g education, agriculture).

With regard to social protection, it was not a priority in Kenya for many years. As a result, the country does not have a comprehensive policy framework aimed at fostering sustainable social protection programmes. However, due to the fact that the majority of those infected by HIV/AIDS are the economically active and the majority of whom are found in the informal economy where social protection is almost non-existent, there is a demand and need to address these issues simultaneously. Mitigating the impact of HIV and AIDS on the working

population/ in the workplace is to be pursued in conjunction with enhancing social protection coverage to those in the informal economy. In so doing, integrating HIV/AIDS into contingencies covered in social security schemes or, alternatively, developing schemes that will take cognizance/ address the intermittent stages of the disease will be pursued. In addition, it is important to develop gender-specific strategies to fight HIV/AIDS at the workplace, as well as strategies that address the problems caused by HIV/AIDS in small and medium enterprises.

Plans are now underway to reorganize the social security sector to ensure that all workers, in both the formal and the informal sectors, are guaranteed basic income replacement support measures based on the principle of solidarity.

The Kenyan government is converting its existing provident fund for private sector workers, the NSSF, into a national social insurance pension scheme that meets ILO minimum standards and aims at extending coverage to all workers in both the formal and informal economies. Kenya's commitment is based on the conviction that every Kenyan should benefit from at least a minimum level of social security. Social protection, which takes a special place in the context of a strategy for poverty reduction and decent work, is the best way to reach the Millennium Development Goals.

### **Strategies to combat HIV/AIDS at the workplace and expand social protection**

The ILO will facilitate the inclusion of workplace policies and programmes in national action plans and Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM) country coordinating mechanisms and support the scaling up of their implementation. Studies will be encouraged and supported technically and financially to be undertaken, by the government, FKE and/or COTU – K, so as to understand the economic and social impact of HIV/AIDS, as well as providing a sound basis for planning and implementing national AIDS strategic plans and workplace policies and programmes, including the costing of HIV interventions in the world of work.

The ILO will advise the government on the development and/or the effective implementation and enforcement of national policies and legislation on HIV/AIDS. Training will be availed to the tripartite partners in carrying out legal reforms aimed at incorporating norms related to addressing HIV/AIDS at the workplace.

Work will continue aimed at fostering national and international partnerships, especially collaboration between FKE and COTU-K, and support the development of national policy-making through research and policy analysis on the socio-economic and labour market impact of HIV/AIDS. Technical support will be availed to strengthen the capacity of the labour inspectorate, FKE and COTU - K and informal sector operators to deal with HIV/AIDS in the workplace.

In cooperation with UNAIDS and donors such as the Global fund, GTZ and others, the ILO will work with the relevant authorities in promoting access to anti-retroviral treatment through OSH services, where possible.

Assistance will be provided in drafting Policies/ regulations/ legislation that reasonably accommodate workers with family responsibilities of caring for infected family members. This will also include the promotion of integrating of HIV/AIDS workplace policy/programme indicators into the Poverty Monitoring System (PMS).

The ILO will support the upscale advocacy for respect of fundamental rights and principles at workplaces for those infected and affected by HIV/AIDS. Capacity building to public and private sector institutions/ bodies in developing workplace programmes to combat HIV/AIDS at the workplace based on the ILO Code of Practice will be provided. The Code will be domesticated through the development of training tools to address HIV/AIDS at the workplace in the public, private and informal sectors. The current OPEC funded project on workplace programmes and policies will be a conduit through which the objectives set out in the DWCP will be achieved.

The office will continue to promote the implementation of ILO Standards on equal treatment and non discrimination of all kinds including HIV/AIDS victims through amongst other, sensitizing magistrates/ industrial court judges on HIV/AIDS at the workplace related issues that will encourage jurisprudence development by handling cases expeditiously.

In enhancing/ expanding social protection coverage, the ILO will provide/ offer technical support to the government in converting the provident fund scheme into a mandatory national insurance pension scheme which will be guided by the minimum standards of the ILO Convention no. 102 and world wide agreed principles of social security.

### ***Priority area 3 – Expanding and strengthening of the principle of inclusion for enhanced influence of tripartite partners in national and international frameworks***

While the centrality of employment and labour issues have long been recognized by African countries as one of the major means to alleviate poverty and empower people to be part of the social, economic and political processes, global development partners are now gradually taking a similar position. Until recently, Ministers of Labour, employers' and workers' organizations had not been successful in influencing national, sub-regional and regional agendas such as PRSPs and the NEPAD, as well as other global agendas and debates to mainstream employment as a key objective.

Social partners call for employment focused macroeconomic policies to be integrated in the ERS/ PRS as adopted by the AU Summit. While participating in the PRS process, there is need to strengthen the capacities of social partners to effectively communicate the decent work message. With the new labour laws that are more in line with ILS, there are inadequate governmental, institutional and human capacities in the prevention and settlement of disputes in the three countries, as well as the enforcement of the new labour laws. The Ministries of Labour in East Africa are relatively marginalized when it comes to adequate budgetary allocations, or the provision of external aid. Accordingly, the Ministries have inadequate staff strength, inadequately trained staff and insufficient equipment and material to perform their duties.

As a result of ongoing economic reforms and restructuring in East Africa, trade unions are fast losing membership with retrenchments and reduction in the size of formal sector employment. A weakened membership base is therefore partly eroding the power of trade unions to bargain effectively. The need to strengthen their capacity to organize and increase their membership is widely felt. The need for increased gender equity implying an increase in women trade union membership especially at leadership levels is also widely acknowledged.

While large modern sector employers, especially multinationals, are in step with modern human resources development techniques, as well as conflict resolution and collective bargaining procedures, this is not the case for all employers in East Africa. In the small and medium scale enterprises, these practices are less well accepted, especially in the large

informal economy. Employers' organizations therefore face a challenge of spreading the best practices observed among some of their members to others. Uganda and Tanzania, have recently introduced the employer of the year award, as a way of promoting standards.

Coverage of formal social security schemes has been declining as a result of the retrenchments and reduction in size of the formal sector. This concern is part of the ongoing social security reforms in the country.

## **Strategies**

The main actors in the prevention of labour disputes, their resolution and their enforcement are the Government as represented principally by the Ministry of Labour, the Employers and Workers, and their respective organizations. For an effective and equitable negotiation and bargaining process, balanced strength and powers of the negotiating parties is needed.

The institutional and human capacity limitations of the Ministries will be addressed by supporting training programmes for labour officials at all levels, in the prevention and settlement of labour disputes. Training will also be extended to industrial court judges and their supporting panelists or assessors. Training programmes will also be mounted in negotiation skills, in collective bargaining, and in the gathering of appropriate information; and in socio-economic and labour market data to support collective bargaining for employers and workers' representatives.

Emphasis will be laid on the domestication of those ILO (core) Conventions that have already been ratified by Kenya, and the ratification and subsequent domestication of those that are not (in particular Conventions 87 and 150).

Capacity building programmes in organization skills will be developed to leaders of workers' and employers' organizations and the Government. On the workers' side, the training will be given extension of trade union membership, especially among women and in difficult sectors, such as agriculture and the informal economy and in small and medium scale enterprises, as well as in export processing zones. Central trade unions will be assisted to establish web sites, and relevant staff trained in their development and management. Key trade union officials will be trained in computer skills and the use of the Internet, to facilitate networking with trade union officials in the country, within East Africa and around the world.

Priority will be given to the contributing to the appropriate training programmes of employers' organizations in human resources development and management especially for small-scale entrepreneurs and women entrepreneurs. This will also include partnering with employers' organizations in their campaign to extend the respect for Conventions No. 87 and 98 among their membership. Efforts will be made to develop services, which meet the needs of SMEs, women and young entrepreneurs.

Efforts will be made to provide services for workers and employers to ensure that areas such as competitiveness, productivity, social protection, equal opportunities for men and women are key in the PRS. ILO experience in the implementation of Sub regional projects on labour based technologies, infrastructure and service delivery, labour reform process and HIV/AIDS will contribute towards this outcome.

Capacity will also be strengthened to other line ministries involved in employment promotion and creation including those in sectors such as agriculture, infrastructure and service delivery, health, education and training, mining, and tourism.

Extension of social protection to workers in the informal sector will be a priority. Initial work will involve a review of social protection schemes and their institutions. The support will include actuarial evaluation of social security institutions.

### ***Cross cutting priorities***

#### **Strengthening the social dimensions of regional integration in East Africa for a fair globalization**

In 2001, the ILO signed a Memorandum of Understanding with the EAC with an agreement to consult each other on planning and execution of programmes, particularly those within the EAC Labour and Employment Sector. Since then the ILO and the EAC have had a number of joint activities, e.g. the recent joint preparation of the AU Extraordinary Summit on Employment and Poverty Alleviation (Ouagadougou, September 2004), as well as post summit strategies. The Ministry of Labour and Human Resource Development has set up a ministerial technical working team to implement the plan of action of the Ouagadougou Summit; this initiative should be supported within the framework of the DWCP. ILO is providing support in related areas, such as migration and free movement of persons, social protection and employment issues in general.

The Workers' organizations of the three, namely TUCTA/ZATUC the Central Organization of Trade Unions (Kenya) (COTU (K) and the National Organization of Trade Unions (Uganda) (NOTU (U) reactivated, with ILO assistance, the East African Trade Union Confederation, EATUC, in September 2005. This provides a forum for the workers to contribute to the decision making process of the EAC, ensuring that the social dimensions of globalization are taken into consideration.

Similarly, the employers' organizations in East Africa agreed to form a regional body that would be the conduit through which they would integrate employer issues within the East African integration process. The East African Business Council (EABC) was inaugurated in August 2004 in Arusha, during which work plan was discussed and agreed upon. Amongst the agreed priorities was the need to speed up harmonization of the labour/ employment regimes and regulatory framework

At the AU Summit the Heads of State committed themselves to enhancing the capacities of the Economic Communities, Including the EAC, to promote the productive employment dimension within the framework of regional and inter regional cooperation. In this regard, the EAC is expected to establish within its own structure a Regional Follow-up Institution to the Summit that will be responsible for the coordination of the Declaration and Plan of Action in East Africa

### **Strategies**

The development strategy of the EAC already acknowledges economic co-operation and development with a strong focus on the social dimension. As part of the AU Summit follow-up strategy, EAC also intends to make Employment and poverty eradication central in its projects/programmes and agenda. Further research and advocacy will be undertaken on placing employment at the centre of economic and social policies in East Africa. Building on the work ILO has undertaken with the Community, assistance will be provided in strengthening the mechanisms for dialogue and networking among social partners. Further, the ILO will provide support to institutionalize employment and labour issues into the EAC work. This calls for expanding the influence of social partners at the Sub regional level, strengthening social dialogue and tripartism. Gender mainstreaming and representation of

women in the decision making bodies of the social partners at the EAC level will be highlighted.

With the free movement of persons in the East African sub-region, ILO will provide capacity building to social partners on the role of international labour standards as means of developing the legal and policy frameworks guiding free labour movement. Within this context the Kenyan government is currently building upon the work undertaken by the ILO Migration project by engaging the various stakeholders in streamlining migration for development both within the sub-region and beyond.

The ILO will support the implementation of the new labour laws, which all three countries have recently adapted or are in an advanced stage of adopting, and particularly advise on enforcement and effectiveness of implementation. Focus will be on the harmonization of the labour legislations, investment codes, fiscal and monetary policies, as well as negotiations on the Free Movement of Persons, Labour, Services, Right of Establishment and Resident protocol. In the discussions and implementation, the capacity of social partners will be strengthened to ensure that the social dimensions of globalization and regional integration are taken into account.

The ILO's mainstreamed strategy in support of "A fair globalization", will take a three pronged approach, focusing on support to research on globalization issues, dissemination of the research and developing capacity of local institutions to manage the process. There is a general problem on data adequacy and reliability. Most of the impacts of globalization are not measured by conventional data/tools e.g. how globalization affects peoples' lives. This will be achieved by enhancing policy coordination as part of institutional framework. ILO will assist in developing indicators on globalization related issues.

## **DWCP in partnership – Implementation and management**

### ***Consultations and partnerships***

Preliminary consultations with the Government and the social partners have been undertaken on the content of the Kenya DWCP, mainly through the wide participatory consultation process that resulted in the ERS and in which ILO constituents and other partners participated actively. All three DWCP priority areas have support among national key stakeholders and are aligned to the ERS.

A number of UN agencies have expressed great interest in joint cooperation on youth development, HIV/AIDS and social protection of vulnerable groups, including children, and discussions on cooperation in these areas have taken place through the development of the UNDAF, and continue in the various technical inter-agency theme groups. Extensive consultations with the new Government of Kenya on the DWCP will be undertaken in the first quarter of 2006 in order to agree on the details when it comes to partnership, interventions and implementation. The key institutions with which the ILO will search partnership with under each of the DWCP priority areas are as follows:

### ***Challenges/Risks***

The further development of the Kenya DWCP faces a number of challenges, including: the changed approach to projects under the JAS framework. There, the Government states that it wants projects only for pilots and increased direct Government Budget Support (GBS) as the main finance mechanism of development assistance. This new challenging framework should be taken seriously. For the ILO, this means not the "same old business" in terms of small,

stand-alone projects. However, the success of the Kenya DWCP depends not only of the ILO Area Office's ability to say no to irrelevant project proposals and to develop programmes and raise funds in innovative ways faced by these new demands, but not at least of the appropriate support from HQ and ROAF in terms of technical advice and a serious assessment of field structure and administrative and financial systems. e.g. the availability of seed money for local resource mobilization.

### **Sources of funds and time table**

The resources for Decent Work Kenya will be raised from the following sources:

- The tripartite constituents: Government, employers' organizations and workers organizations;
- ILO Regular Budget in Dar es Salaam, SRO Addis Ababa, RO Addis Ababa and headquarter departments;
- Regular Budget for Technical Cooperation (RBTC) through global resource mobilization by headquarter units, such as ILO/AIDS, Social Protection Sector, Sectoral Activities, Cooperative Branch, Small Enterprise Development Team, etc.;
- Ongoing technical cooperation programmes and projects in Kenya, such as IPEC TBP and WEDGE/GOWE
- Global resource mobilization: Resources raised by ILO headquarters in support of the DWK;
- Local resource mobilization:
  - UN System in Kenya (e.g. UNDP funding to employment policies and youth development policy);
  - Government through bidding channeled through the budget support system;
  - Donor community (e.g. African Development Bank and IFAD).

A table quantifying the various commitments and earmarking by the different stakeholders over the entire DWT period will be developed by the ILO and the constituents during the first six months of programme implementation. This will be completed by a time table that shows how the different activities will be implemented over time.

### **Sources**

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  - United Nations Development Assistance Framework (UNDAF) KENYA 2004-2008, UN System in Kenya, 2003
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  - *Working out of poverty*, DG Report to the International Labour Conference, ILO 2003
- [In sources on HIV/AIDS and Child Labour in Kenya]

## Postscript and Signatures

We, social partners from Kenya, have agreed on this Decent Work Country Programme as our common strategy to provide our fellow Kenyans with decent and productive work, in conditions of freedom, equity, security and human dignity. We believe that decent work is the main route out of poverty, and are therefore convinced that this Country Programme will contribute significantly to the goals of Kenya's Vision 2030.

Nairobi, 23 August 2007:

Mr. Mark Bor  
Permanent Secretary  
Ministry of Labour and Human Resource Development

 Mr. Francis Atwoli  
Secretary General  
Central Organization of Trade Unions (COTU)

Mrs. Jacqueline Mugo  
Executive Director  
Federation of Kenyan Employers

Jürgen Schwettmann,  
Director  
ILO Office for the United Republic of Tanzania,  
Kenya, Somalia and Uganda

## Annexes

### ***Current ILO programmes in Kenya***

**Advisory Support Information Services and Training (ASIST)** – Africa: This is the ILO's Employment-intensive Investment Programme's regional programme for Africa. The programme promotes and supports optimization of employment creation opportunities in infrastructure investments through employment-intensive approaches.

**International Programme for the Elimination of Child Labour (IPEC)**, which deals the elimination of child labour in the country. IPEC has been operating in the country since 1992 and several projects have been implemented. Currently there are three projects i.e. Time Bound Programme funded by USDOL, Skills training funded by the Canadian government and Capacity Building project Funded by USDOL.

Other projects with support from the ILO office in Dar-es-Salaam include HIV/Aids, Gender and Employment, Youth employment, social dialogue, cooperative development, social protection, waste management and review of labour laws. Others are supported directly from Geneva such as the project on indigenous communities.

**HIV/AIDS Workplace Policies and Programmes** : This project is aimed at strengthening the capacity of workers and employers' organizations in scaling up existing initiatives in Kenya: expanded training of workers and employers organizations members, expanded training of shop stewards, monitoring capacity building of OSH committees in selected workplaces and enhancing capacity within labour and industrial courts to apply HIV/AIDS related regulations. Furthermore, the project will focus on particular vulnerable sectors as highlighted by the social partners during the project design mission in July 2006 (fisheries and plantations), taking into account the particular needs of SMEs.

The interventions will feed into the National AIDS Strategic Framework 2005-2009 and will link with the ACUs based in each Ministry.

**Women's Entrepreneurship Development and Gender Equality (WEDGE) and Growth-Oriented Women Entrepreneurs (GOWE)**. These two programmes, funded by Irish Aid and ADB/IFC, and implemented in partnership with FKE, seek to harness the entrepreneurial energy of women, with a particular emphasis on those female entrepreneurs who consider their business not just as an income-generating activity but as a business venture with growth potential.

***The DWK in the Context of Kenya's Development Frameworks***

DWCP priority area 1 – Youth empowerment, youth employment and elimination of child labour, particularly in its worst form				
ERS 2003 – 2007 about Youth & child labour	UNDAF about Youth & child labour	Other relevant National Development Frameworks	KENYA DWCP OUTCOMES	GLOBAL ILO Programme & Budget 2006 - 2007
<p><b>p.55:</b> Government appreciates that the problems of increased youth unemployment have been exacerbated amidst depressed economy... is creating and sustention a revolving youth fund for promotion of self employment. Other measures will include providing mechanisms to manage transition from school to work, career guidance, industrial attachment, etc.</p> <p><b>p.55:</b> The main challenge in addressing this problem has been schoolenrollment, retention and reintegration of working children back to school. Government policy will develop programmes and schemes that will identify child headed homes and provided for their needs and welfare, education and training</p>	<p><b>p.18:</b> Promote sustainable livelihoods and protect the environment. The UN will explore measures to create employment and raise incomes for Kenyans through interventions in such areas as credit &amp; finance, etc.</p> <p><b>p.17:</b> There will be a particular focus on <b>children</b>, amongst other vulnerable groups, access to education within the context of human rights.</p>	<p><b>Country Assistance Strategy (CAS) 2004 - 2007</b></p> <p>The country's Economic Recovery Strategy is built on three interlinked pillars, including</p> <p>■ <i>Enhancing equity and reducing poverty</i> by providing <b>universal free primary</b></p>	<p><b>1.1.</b> Creation of employment opportunities for the youth</p> <p><b>1.2.</b> Development of integrated HRD strategy</p> <p><b>1.3.</b> Elimination of the WFCL</p> <p><b>1.4.</b> Improved security and Elimination of the use of drugs and harmful substances</p> <p><b>1.5.</b> Young women's and men's entrepreneurial <b>skills</b> for self employment and SME <b>activities</b> enhanced/ increased</p>	<p><b>Outcome 2a3:</b> Youth employment – ILO constituents have improved data ... and technical support to develop and implement integrated, effective and inclusive policies and programmes to promote opportunities for young women and mento obtain decent and productive work.</p> <p><b>Outcome 1a2:</b> Targeted action against child labour</p>

<b>DWCP priority area 1 – Youth empowerment, youth employment and elimination of child labour, particularly in its worst form</b>				
<b>ERS 2003 – 2007 about Youth &amp; child labour</b>	<b>UNDAF about Youth &amp; child labour</b>	<b>Other relevant National Development Frameworks</b>	<b>KENYA DWCP OUTCOMES</b>	<b>GLOBAL ILO Programme &amp; Budget 2006 - 2007</b>
		<p><b>education</b>,improving access to basic health care,expanding productive capacity in agriculture,and supporting programs to reduce poverty in Kenya 's most disadvantaged communities - the arid and semi-arid lands and the urban slums.</p>		

<b>DWCP priority area 2 – Fight against HIV/AIDS at the work place and expansion of social protection</b>				
<b>ERS 2003 – 2007 about HIV/AIDS &amp; social protection</b>	<b>UNDAF about HIV/AIDS &amp; social protection</b>	<b>Other relevant National Development Frameworks</b>	<b>KENYA DWCP OUTCOMES</b>	<b>GLOBAL ILO Programme &amp; Budget 2006 - 2007</b>
<p><b>p. 52:</b> Government is implementing a comprehensive multi-sectoral national strategy against HIV/AIDS... the government also plans to intensify strategies to mitigate</p>	<p><b>p.17:</b> reduced incidence and socio-economic impact of <b>HIV/AIDS</b>, malaria and TB.</p>		<p><b>2.1.</b> Decreased HIV/AIDS prevalence at the workplace</p>	<p><b>Outcome 3b3:</b> National plans for combating HIV/AIDS in the world of work – ILO constituents take action to alleviate the socio-economic impact of HIV/AIDS in the</p>

<b>DWCP priority area 2 – Fight against HIV/AIDS at the work place and expansion of social protection</b>				
<b>ERS 2003 – 2007 about HIV/AIDS &amp; social protection</b>	<b>UNDAF about HIV/AIDS &amp; social protection</b>	<b>Other relevant National Development Frameworks</b>	<b>KENYA DWCP OUTCOMES</b>	<b>GLOBAL ILO Programme &amp; Budget 2006 - 2007</b>
stigma and discrimination.			<p><b>2.2.</b> Sector policies and legislations that address HIV/AIDS at the workplace in accordance with the ILO Code of Practice and International Labour Standards adopted</p> <p><b>2.3.</b> Increased access to social protection for the workers</p>	<p>world of work.</p> <p><b>Outcome 3a1:</b> Improved policies and strategies to extend social protection to all</p>

<b>DWCP priority area 3 – Expanding &amp; strengthening of the principle of inclusion for enhanced influence of tripartite partners in the national &amp; international framework</b>				
<b>ERS 2003 – 2007 about role of tripartite partners</b>	<b>UNDAF about participatory approaches</b>	<b>Other relevant National Development Frameworks</b>	<b>KENYA DWCP OUTCOMES</b>	<b>GLOBAL ILO Programme &amp; Budget 2006 - 2007</b>

<b>DWCP priority area 3 – Expanding &amp; strengthening of the principle of inclusion for enhanced influence of tripartite partners in the national &amp; international framework</b>				
<b>ERS 2003 – 2007 about role of tripartite partners</b>	<b>UNDAF about participatory approaches</b>	<b>Other relevant National Development Frameworks</b>	<b>KENYA DWCP OUTCOMES</b>	<b>GLOBAL ILO Programme &amp; Budget 2006 - 2007</b>
<b>p. 52:</b> Government is implementing a comprehensive multi-sectoral national strategy against HIV/AIDS... the government also plans to intensify strategies to mitigate stigma and discrimination.	<b>p.17:</b> reduced incidence and socio-economic impact of <b>HIV/AIDS</b> , malaria and TB.		<b>3.1.</b> Enhanced capacity of social partners to participate in national & international policy forums  <b>3.2.</b> Enhanced labour relations & industrial peace  <b>3.3.</b> Enhanced equitable income distribution	<b>Outcome 4a2:</b> Social partners influence socio-economic and governance policies

***Cross cutting priorities***

**Strengthening the social dimensions of regional integration in East Africa for a fair globalization**

<b>ERS 2003 – 2007 about role of tripartite partners</b>	<b>UNDAF about participatory approaches</b>	<b>Other relevant National Development Frameworks</b>	<b>KENYA DWCP OUTCOMES</b>	<b>GLOBAL ILO Programme &amp; Budget 2006 - 2007</b>
				<p><b>Africa regional priority:</b> Regional integration and social dialogue</p> <p>Social cohesion</p>