



**KENYA DECENT WORK COUNTRY  
PROGRAMME  
2013 - 2016**

## ACROYNMS AND ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
ART	Antiretroviral Therapy
CEO	Chief Executive Officer
COTU-K	Central Organization of Trade Unions - Kenya
DWCP	Decent Work Country Programme
EFA	Education For All
EIIP	Employment-Intensive Infrastructure Programmes
ERS	Economic Recovery Strategy
FAO	Food and Agricultural Organization
FKE	Federation of Kenya Employers
GDP	Gross Domestic Product
GoK	Government of Kenya
HIV	Human Immunodeficiency Virus
HSNP	Hunger Safety Net Programme
FAO	Food and Agricultural Organization
IGAD	Intergovernmental Authority on Development
IHRD	International Human Rights Day
ILO	International Labour Organization
IOM	International Organization for Migration
IPEC	International Programme on the Elimination of Child Labour
KJAS	Kenya Joint Assistance Strategy
KLM-KBS	Kenya Labour Market- Knowledge Based Strategy
KNASP	Kenya National AIDS Strategic Plan
KNBS	Kenya National Bureau of Statistics
LAB	Labour Advisory Board
LMIS	Labour Market Information System
MDGs	Millennium Development Goals
MGCSD	Ministry of Gender, Children and Social Development
MOL	Ministry of Labour
MOYAS	Ministry of Youth Affairs and Sports
MRP	Minor Roads Project
MSE	Micro and Small Enterprises
MTP	Medium Term Plan
NACC	National AIDS Control Council
NACOSH	National Council for Occupational, Safety and Health
NESC	National Economic and Social Council
NSSF	National Social Security Fund
NLB	National Labour Board
NSC	National Steering Committee
OSH	Occupational Safety and Health
OSHA	Occupational Safety and Health Act
OVC	Orphans and Vulnerable Children
PMCT	Prevention of Mother to Child Transmission
RARP	Rural Access Roads Programme
SACCOs	Savings and Credit Cooperatives
MSE	Small and Micro Enterprises

SNAP	Support to the implementation of the National Action Plan for the Elimination of the Worst Forms of Child Labour
TACKLE	Tackling Child Labour through Education
TVET	Technical and Vocational Education Training
UNCT	United Nations Country Team
UNDAF	United National Development Assistance Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
WIBA	Work Injury Benefit Act
YEF	Youth Entrepreneurship Facility
YES-JUMP	Youth Employment Support - Jobs for Unemployed and Marginalized Young People

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## **1. INTRODUCTION**

The International Labour Organization (ILO) is devoted to advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. The Organization continues to pursue its founding mission to promote social justice as a basis for universal and lasting peace, as set out in the ILO Constitution and the Declaration of Philadelphia. In every Member State, the ILO promotes decent work as a national objective and assists constituents to advance towards that objective.

A time-bound Decent Work Country Programme (DWCP) is the main instrument for ILO cooperation in a specific country, and through it, ILO constituents and social partners articulate country priorities, implementation strategies that effectively and efficiently utilize human and financial resources in order to generate the greatest possible results. The DWCP encourages strategic partnerships, leveraging of resources and resource mobilization. The DWCP is intended to be “the best possible intersection between country characteristics and policies, constituents’ priorities and ILO objectives”. The ILO Decent Work Agenda, decent work for all, strives to combine economic growth with equity, and 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 since its independence and several programmes and projects have been implemented over the years, covering many sectors including employment creation, women’s entrepreneurship development, labour relations, youth entrepreneurship, and the elimination of worst forms of child labour.

Through the DWCP for Kenya, the ILO will focus its interventions in a few areas, which have been carefully identified with the ILO and the Government, and the workers and employers organizations. The priorities are in line with the Vision 2030, the second Kenya Medium Term Plan (2013-2017), the Kenya Jubilee Manifesto, and other key national development frameworks and the UN Development Assistance Framework (2009-2014).

## **2. COUNTRY CONTEXT**

The macroeconomic performance of the Kenyan economy has shown strong resilience over the last few years, even in the face of the global economic slowdown. The country’s Gross Domestic Product (GDP) grew by an average rate of 3.7 per cent annually since 2002, reaching 7 per cent in 2007, then falling back to 4.4 per cent in 2011, owing to several reasons including inflation tightening of monetary policy stance upto mid 2012, unfavorable weather conditions and socio-economic challenges arising from post election violence from a disputed 2007 general election. In 2013 the economy is estimated to have grown by 4.6 percent. The Kenyan economy navigated through the global economic storm in 2011 virtually unscathed although still below potential and initial expectations. Among the major contributing factors for the economic success, have been increased credit to the private sector, low inflationary pressure and improved weather conditions.

Kenya has implemented major legal and institutional reforms. The enactment of the Constitution of Kenya (2010) has ushered in major reforms covering the judiciary, the electoral process, the security sector, establishment of constitutional and independent offices, legal framework governing public expenditure management and devolution. These reforms have enhanced public participation, transparency, and accountability and are expected to result in improved service delivery in all sectors over the next medium term period and beyond.

In spite of this modest success, Kenya is still faced with acute economic and social challenges, with a fair share of these being high unemployment rate and poverty.

In the constitution, tenets of the Decent Work Agenda are embedded in Chapter Four, also known as the Bill of Rights. The issues addressed include economic and social rights, including social security; freedom of association; labour relations; equality and freedom from discrimination; and specific application of rights for youth, children and people living with disabilities. The 2013 elections put into place a new national government, as part of the implementation of the 2010 Constitution and was also accompanied by a new system of a devolved government, that presents opportunities for further expansion of decent employment opportunities for Kenyans.

For 2012, the World Bank projects a 5 percent growth rate, if the government is able to effectively maintain political stability in the run-up to and after the transformative elections, further invest in transport and electricity infrastructure, invest in relevant skills and education for its labor force and address corruption and discrimination in the market place.

## **2.1 Poverty indicators**

Social disparities are vast and reflect differences in economic development opportunities that are compounded by inequalities including based on gender, age, social class, geographical distribution, and access to social services. Particularly women and youth in Kenya face special problems arising from poverty, forced early marriage, domestic violence, HIV and AIDS, lack of access to health services and an unfavorable business environment. Even though Kenya ratified the UN Convention on the Elimination of All Forms of Discrimination against Women and has enacted legislation to implement its provisions in 1984, gender disparities remain widespread. Much of the problem lies with traditional practices that favor men in access to education, land, and inheritance, financial services, employment, and access to positions of political power.

Poverty, especially income poverty, remains one of the most daunting challenges for Kenyans today. The national population in 2009 stood at 38.6 million people and is growing by an average of one million per year. The high rate of population growth is bound to have adverse effects on the economy due to increased public spending, and high dependency ratios. More than half (58 per cent) of Kenyans live below poverty line (on less than \$2 a day, Global Competitiveness Report, 2008) meaning they have inadequate access to basic needs such as food, water, shelter, clothing and educational and health facilities. Households that have high dependency ratios, rural dwellers, especially those in Arid and Semi-Arid Lands (ASAL), people with disability, women, youth and the informal sector workers are the most affected. Rural and urban poverty remains a challenge. The Kenyan poverty profile also reveals strong regional disparities in the geographical distribution of poverty, and between rural and urban areas.

## **2.2 Status of the Labour Market**

Unemployment and underemployment is currently at 40 per cent of the labor force (World Fact Book, 2008) estimated at about 20 million people. Unemployment for age 15-34 years, standing at 25 per cent in 2005/06 and has increased over the years. The largest rise in the working-age population was recorded among the age cohort of 15-34 years where the working-age population increased from 9.7 million persons in 1998/99 to 13.1 million persons in 2005/2006. The overall labour force participation rate was slightly over 72 percent in 2005/2006 with the male labour force participation being higher than the female participation rate. The participation rates were higher in urban than in rural areas. The unemployment rate among females in 2005/06 was 14.3 per cent compared to 11.2 per cent among males (KNBS, 2008). A higher proportion of the labour force (77.5 per cent) is found in the rural areas where employment opportunities are minimal, leading to rural-urban migration.

Data from the government's annual economic surveys show that formal sector employment growth has been on the increase but at a very slow rate. In 2009, the public sector created 2 million jobs and 2.127 million jobs in 2011. On the other hand, informal sector employment increased by 10 per cent between 1998 and 2002, 6.4 percent between 2002 and 2005, and 12.3 per cent between 2006 and 2008. This was attributed to minimal growth in both public and modern sector employment, which forced many young people into the informal sector. The fact that only 1.5 per cent of the unemployed youth have formal education beyond the secondary school level and over 92 per cent have no vocational or professional skills training worsens the situation and limits their chances of fully participating in the formal sector. Hence, even though the earnings received in the informal sector are inadequate to put people above the poverty line, the 'working poor' cannot afford not to be engaged in some activity.

The employment challenge is further compounded by the casualization of jobs, where the proportion of casual workers in wage employment increased gradually from 17.9 per cent in 2000 to 30.1 per cent in 2010. These workers, like those in the informal sector do not enjoy the fundamental rights at work, such as freedom of association and collective bargaining; right to paid leave; and the right to social protection, as provided under the National Social Security Fund and the National Hospital Insurance Fund. Small and medium sized enterprises provide employment opportunities for 74 per cent of the total employed. However, the ability of the MSE sector to create both quality and durable jobs is hampered by numerous challenges and constraints including an unfavorable policy environment, inhibitive legal and regulatory framework, limited access to financial services and markets, inadequate access to skills and technology, insecurity of tenure, poor access to infrastructure, inadequate business skills and linkages with large enterprises, gender inequality, unfavorable taxation regime, limited access to information, HIV and AIDS pandemic and occupational health and safety requirements.

Education and training plays a critical role in the production of skills and competencies necessary for employability. The effective creation of demand oriented capabilities in Kenya has been hampered by the weak linkage between education and training institutions, and industry in development of curricula; and the absence of integrated industrial training and attachment programmes. In addition, a gap exists between the level of technology used by industry and those used by the education and training service providers to undertake training. The skills upgrading nexus between secondary, tertiary institutions, universities and industry is further compounded by an increasing conversion of number of middle-level colleges, especially national polytechnics and technical institutions converted into public universities, without much effort to establish or upgrade other institutions to fill the void.

The Labour Market Information System (LMIS) remains largely inefficient and un-coordinated, and where available the information is inconsistent, incomplete, and outdated. The lack of a policy on Labour Market Information coupled with inadequate research on availability of skills in the market has made capacity building a challenge. This lack of relevant information concerning supply and demand has compounded the unemployment problem.

### **2.3 Status of Social Protection**

There is a growing recognition of the potential impact of social protection in reducing poverty, child labour and inequality, especially given the global economic downturn. It has been understood that social protection can assist people in escaping from chronic poverty and help those hit by shocks avoid destitution. Despite the existence of an integrated Social Protection Policy, a number of challenges still prevail, namely, the development/articulation of a clear and coherent vision on social protection in Kenya, which needs to be supported by strong leadership and by a focal point within Government that can manage effective institutional coordination. In addition, the organizational capacity to implement and expand cash transfer programs is weak and there is a need for a strong Management Information System platform for social protection to effectively coordinate social protection programmes and to expand coverage and provide robust evidence on impact.

The status of occupational safety and health (OSH) is an issue of growing concern. The scarcity of data, which makes it impossible to characterize the conditions under which workers are engaged and the fact that the majority of workers in Kenya are transitory, operating mainly in the informal economy pose to be some of the challenges faced. In addition, awareness on OSH is low thus exposing a huge number of workers to work place risks.

According to the Kenya AIDS Epidemic update 2012, the adult HIV prevalence in Kenya is estimated at 6.2 per cent with the HIV prevalence among women being almost twice to that of men at 8 per cent and 4.3 per cent respectively. Although the prevalence has been declining in recent years, the impact of the HIV epidemic is far-reaching. Incidence is still very high, with an estimated 55,000 to 100,000 annual new HIV infections. Kenya's epidemic is mixed with new infections divided among the general population and specific most-at-risk groups, such as sex workers, injecting drug users and men who have sex with men. Overall, HIV prevalence is significantly higher among women than among men and especially among young people.

Approximately 1.6 million Kenyans are currently living with HIV, 800,000 are women and 220,000 being children aged 0 to 14 years. Despite rapidly expanded access to antiretroviral therapy (ART), HIV testing and prevention of mother-to-child transmission (PMTCT) services in recent years, an estimated 62,000 adults still die annually due to AIDS-related illnesses. AIDS mortality is believed to be responsible for about 50 per cent of an estimated 2.4 million orphans and vulnerable children in need of care and support. With regards to HIV and AIDS interventions, the informal economy is lagging behind although 8.3 million people are employed in the informal economy, which constitutes 80.1 per cent of total employment in the country. Few interventions exist and they are limited to only a few services, mainly condom provision and counseling. HIV and AIDS related services are available but only on a referral basis. Workplace policies are inexistent in most organizations.

Through their labour, Kenyan migrant workers have contributed to growth and development in their countries of employment. Kenya has benefited from their remittances and the skills acquired during their migration experience. Yet, the migration process has posed serious challenges. Many Kenyan migrant workers, especially low skilled workers have experienced serious abuse and exploitation. The



departure of migrant workers has, to some extent, been ongoing with little government oversight and with very little protection of the rights of those migrating to work outside the country. Consequently, some Kenyans seeking employment abroad have become victims of human trafficking and smuggling and often find themselves being exploited by unscrupulous employers due to lack of information, poor working conditions and government support to ensure genuine and fair employment.

#### **2.4 Status of Child Labour**

Child labour is considered as a key obstacle to Kenya's endeavour to achieve MDG 2: Universal Primary Education, given the fact that a child who is not educated cannot be empowered to escape from poverty, as well as the global goals of MDG 3<sup>1</sup> and 4<sup>2</sup>. The Ministry of Education estimates that there are over 1 million children out of school. The KNBS Child Labour Analytical Report (2008) estimates that 1.01 million children are economically active; 773, 696 (365,537 girls and 408,159 boys) are in child labour. Child labour has been found to be a result of a multiplicity of causes in Kenya. Poor economic performance and lack of social security has contributed to the increasing number of households affected by poverty. Children from poor households therefore have to work in order to supplement household incomes. In the past, deepening poverty and adverse effects of structural adjustment programmes were cited as factors which prevented children from going to school, as families were unable to meet the cost of education. The adverse effects of HIV and AIDS have been a major contributor to children vulnerability. This is because the resultant death of parents and children *gives rise to orphans. Many orphans are left under the care of relatives, including grandparents whose ability to care for the orphans are minimal.* Children therefore have to find employment in order to survive. The lack of access to education in some areas and even, poor quality education is yet another factor driving child labour.

#### **2.5 Status of Social Dialogue, Tripartism and International Labor Standards**

The ILO is based on the principle of tripartism - dialogue and cooperation between governments, employers, and workers - in the formulation of standards and policies dealing with labor matters. In Kenya the workers are represented by Central Organization of Trade Unions (COTU) and Employers by the Federation of Kenya Employers (FKE).

The tripartite approach to adopting standards ensures that they have broad support from all ILO constituents. Tripartism consultations at the national level ensure that ILO standards are formulated, applied and supervised with the participation of employers and workers. These standards take the form of Conventions or Recommendations. As of January 2012, the International Labour Conference had adopted 189 Conventions and 201 Recommendations over the course of the ILO's 92-year history. These labour standards cover a broad range of subjects including fundamental rights at work, the employer - employee relationship and industrial relations, conditions of work, occupational safety and health, gender equality, social security and other work-related areas of social policy.

Kenya has so far ratified 49 ILO Conventions, 6 of which have been denounced. Section 2(5) of the Constitution of Kenya provides that the general rules of international law shall form part of the law of Kenya, while Section 2(6) states that any treaty or convention ratified by Kenya shall form part of the law of Kenya under the Constitution.

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<sup>1</sup> Reduce Child Mortality

<sup>2</sup> Improve Maternal Health

Kenya has ratified seven of the eight fundamental principles and rights at work and will continue to dialogue over the ratification of Convention 87 on the Freedom of Association.

Efforts to strengthen tripartite consultation amongst various institutions will continue and this will be done concurrently with strengthening freedom of association. The National Labour Board (NLB) was set up under the Labour Institutions Act, 2007 (No. 12 of 2007). It operates as a tripartite advisory body to the Minister of Labour on general issues pertaining to various elements of the labour market, including employment, productivity and wages, training, employment relations, labour legislation and matters relating to trade unions. It deals also with issues relating to the institutions and processes pertaining to the settlement of labour disputes. At another level, the NLB advises the Minister on Kenya's participation in international organizations, notably the ILO and other regional and continental institutions dedicated to labour, such as the African Union's Labour and Social Affairs Commission.

Although the functions of the Board are largely confined to the general area of labour, it is also mandated to investigate or carry out research on "labour, economic and social policy". This provides a critical opening for innovation and creativity in contributing to national issues that may impact on the labour market. In other words, it places the NLB in a strategic position within the broader dialogue on socioeconomic issues that are important to the labour market, and could facilitate a potentially fruitful interface with institutions, such as the National Economic and Social Council.

The under-funding of tripartite institutions inhibits their performance and threatens their continuity. The absence of an adequate budgetary allocation, material resources and staff has undermined the enormous role that tripartite institutions can play in policy formulation and implementation. These shortcomings are reflected in the irregularity of the meetings of the various institutions. As the evidence has suggested, it is one thing for the parties, particularly the Government, to accept social dialogue as a useful mechanism for consensus building, but it is clearly another to ensure the effective use of the machinery.

The effectiveness of these social dialogue institutions is largely dependent on the organization and work of a secretariat to carry out basic and vital servicing functions. As the case of the Joint Industrial and Commercial Consultative Committee has shown, an adequately funded secretariat, staffed by competent officials, is indispensable if tripartite institutions are to be effective and for sustainability. This is particularly true of such institutions as the National Labour Board and the General Wages Advisory Board.

### **3. THE NATIONAL RESPONSE**

Kenya's national endeavors to reduce poverty through addressing labour and employment issues is couched in legal, policy and operational frameworks, namely the National Constitution 2010, Vision 2030, the Medium Term Plan, the UNDAF and the strategic plans currently in force for each of the tripartite partners. Kenya is currently developing the second medium term plan for the implementation of *Kenya Vision 2030*, whose aim is to transform the country into a modern, globally competitive, middle income country, offering a high quality of life for all citizens by the year 2030. The first MTP (2008-2012) was geared towards national healing and reconciliation, as well as rapid economic reconstruction to reverse the damage and setbacks the country suffered following the December 2007 General Elections. The Plan as well as frameworks such as the National Action Plan on Youth Employment, the Youth Employment Marshal Plan, and the National Youth Policy also spell out

intervention strategies for the creation of more employment opportunities especially for the youth, who presently constitute the largest segment of the nation's labour force and the pool of the unemployed; and the attainment of gender balance in the national programmes, as well as introducing measures aimed at bringing more equitable development in all regions of the country. The government has developed a draft National Employment Policy and Strategy (June 2012), which provides the vision for sustainable livelihoods through productive employment and decent work.

The ILO is supporting the Government to create a more conducive policy environment for MSE development, primarily through the facilitation of labor law reform, and in addition there have been attempts to stimulate specific sector reform to promote a decent work agenda in the MSE sector. The National Micro and Small Enterprises (MSE) Bill (2011) takes cognizance of the fact that MSEs are the drivers of Kenya's economy and it aims at an organized, regulated and well-coordinated MSE sector in Kenya for improved productivity and growth. Recognizing the obstacles that women entrepreneurs face, the ILO has supported the strengthening of member based associations and networks and the provision of business training and credit.

To address the youth employment challenge, a number of initiatives have been put into place. The Ministry for Youth Affairs (MOYAS) was established in December 2005 to represent and address youth concerns, including employment. This was found necessary against the backdrop that despite the numerical strength of young people, they are not well represented in the national, political, socioeconomic and development processes. As such, the Ministry was mandated to coordinate and mainstream youth issues in the National Development agenda. A National Youth Employment Action Plan (2007-2012) and a Marshall Plan (open document for use with no timeframe) have been put in place that emphasize youth participation and empowerment, employment creation, education and training. The Kenyan government on June 2012 launched a presidential directive on "Youth Access to Government Procurement", which allocates 10 per cent of all government procurement to youth owned enterprises. There is need to improve the technical, managerial and business skills of the youth to enable them to take advantage of this Government initiative.

The Youth Enterprise and the Women Enterprise Funds were launched by the government in 2007, as a strategic move towards curbing youth unemployment and as alternative financial services to women, who are excluded from the formal and informal financial sectors respectively. The Youth Enterprise Fund facilitates youth employment through enterprise development by providing loans to existing microfinance institutions, registered NGOs involved in micro financing and savings and credit cooperative organizations (SACCOs); attracts and facilitates investment in business or industrial parks, markets and incubators; and supports youth oriented micro, small and medium enterprises to develop linkages with large enterprises; and facilitates employment of youth in international labour markets. The Women Enterprise Fund also promotes local and international marketing and linkages of micro, small and medium enterprises owned by women with big enterprises; and supports capacity building of women beneficiaries and their institutions. According to Vision 2030 and the Medium Term Plan 2008-2012, the sector is expected to create almost 88 per cent of the 2.6 million jobs that the Government of Kenya plans to create during the period 2008-2012.

Kenya has committed to a number of global frameworks - Education For All (EFA) and MDGs, as articulated in Sessional Paper No. 1 of 2005 on Policy Framework for Education, Training and Research and Vision 2030. An analysis of the impact of the post-election crisis on the education sector drew attention to the need for more investment in youth and adult education, and training opportunities and skills development that are responsive to the needs of the labour market. To enhance the

employability of young people, the Ministry of Labour implemented a programme in 2008, which incorporates industrial attachment as a performance contracting target for the Directorate of Industrial Training (DIT). The Federation of Kenya Employers (FKE) has been involved in facilitating industrial attachment through collaboration with the education and training institutions and via its network of employers. The FKE has also established regional industrial attachment centres.

One of the development programmes that has been adopted by the Government of Kenya and effectively used to tackle unemployment and poverty in various parts of the country has been Employment Intensive Infrastructure Programmes (EIIP). These programmes have been executed in Kenya by various government departments, NGOs, donors and UN agencies in the last three and half decades. Examples of such programmes include Rural Access Roads Programme (RARP), Minor Roads programme (MRP), Roads 2000 Program, Kazi Kwa Vijana (Work for Youth), Kenya Slum Upgrading Programme (KENSUP), and Trees for Jobs programme. The ILO has also provided technical support in the implementation of such programmes.

The most significant EIIPs have been in the road sub-sector, notably in opening up rural Kenya with 13,000km of roads, which has jump started the local economy and created about 20 million person-days of employment (equivalent to about 85,000 full time jobs) in the 1970s and 1980s. The Government of Kenya (GoK) has been implementing employment intensive road improvement and maintenance programmes since 1970s initially through the Rural Roads Access project (RARP) and later, the Minor Roads Project (MRP). In the 1990s, the GoK developed a new road improvement and maintenance strategy under a generic name Roads 2000. The R2000 programme strategy makes optimal use of the labor force as a predominant resource in road infrastructure delivery, while ensuring quality and cost effectiveness of works. It also involves mainstreaming social and environmental protection factors in infrastructure projects as a means of delivering decent work for vulnerable people.

As part of expanding the benefits of employment intensive works, the ILO with support from the Government of Japan and in collaboration with Government of Kenya is providing technical assistance in introducing Cobblestone paving and Do-nou maintenance technologies in Kenya. These technologies are proven to improve the livelihood of the rural and urban communities, and create employment opportunities for youth, improving the livelihood of communities contribute towards maintaining peace and security.

It has been understood that social protection can assist people in escaping from chronic poverty and help those hit by shocks avoid destitution. Both the Government and Development Partners have increased the commitment to social protection interventions. Such measures include cash transfer programs for orphans and vulnerable children (OVC), older persons, persons with disability, unemployed youth (Kazi Kwa Vijana), and the chronically food insecure in the arid lands (the Hunger Safety Net Program, HSNP). Key Ministries including Ministry of Labour, Gender, Children and Social Development (MGCSD), Public Health and Sanitation, Medical Services and Development of Northern Kenya and Other Arid Lands in collaboration with Development Partners, including ILO, have developed an integrated Social Protection Policy that will set out the framework for social assistance, social security and health insurance aspects in Kenya. Labour market regulations are mostly in place, though stronger enforcement is needed.

The new social protection policy has fundamentally changed the scope and coverage of the National Social Security Fund (NSSF) beyond the relatively small wage earning population. Thus, beginning in 2009, the Fund was empowered to register any size of employers, particularly the small and micro

enterprises, which are obliged to remit statutory contributions to the Fund every month, meaning that an estimated 8 million members can in principle participate in the Fund. Additionally, the new law requires employers to make special contributions to the Fund, on behalf of casual workers.

Other government specific policies, such as the national HIV and AIDS and child labour policy have set the blueprints as to how the government, in collaboration with the social partners and other stakeholders will address these national challenges that impede on the decency of work.

The status of occupational health and safety conditions in Kenya is an issue of growing importance to the industrialists, practitioners, the Government and consumers. The Ministry of Labour reports that more than half of the industrial accidents and injuries in Kenya go unreported. A national policy on Occupational Safety and Health (OSH) based on Convention 155 on Occupational Safety and Health of 1981 and Convention 187 on a Promotional Framework on OSH has also been formulated. In recent years, steps have been taken towards reviewing the Occupational Safety and Health Act (OSHA) and Work Injury Benefits Act (WIBA). The National Council for Occupational Safety and Health (NACOSH) is a tripartite body created by the Occupational Safety and Health Act, 2007 (No. 15 of 2007) to advise the Minister for Labour on all matters pertaining to OSH in Kenya.

#### **4. UN RESPONSE – THE UNDAF 2009-2013**

The UN has been responding to Kenya's development challenges even before independence. Its work involves a number of UN agencies with a wide range of mandates, including economic, social and political development and encompassing good governance, human rights, health and nutrition, education, gender mainstreaming, humanitarian response and environmental conservation. Under the auspices of the United Nations, Kenya United Nations Development Assistance Framework (UNDAF) identifies a specific set of development issues that are explicitly aligned with the government's Vision 2030 and Medium Term Plan and are framed within the context of the MDGs. The development outcomes specified in the UNDAF are most appropriate to the areas of focus and expertise of the UN agencies, and emphasize joint programming efforts to maximize the collective efficiency of the United Nations.

This is the third UNDAF for Kenya that was jointly developed by the UNCT and the Government of Kenya. It covers the period 2009-2013 with an extension to June 2014 in order to realign to Government National Planning Cycles. The UNDAF is based on three priority areas and three cross-cutting themes integrated across the priority areas and outcomes. These are as follows:

1. *Improving Governance And The Realization Of Human Rights*
2. *Empowering people who are poor and reducing disparities and vulnerabilities*
3. *Promoting sustainable and equitable economic growth for poverty and hunger reduction with a focus on vulnerable groups.*
4. *Cross-cutting themes include: Gender equality; HIV AND AIDS; migration and displacement; and climate change.*

The UNDAF makes specific reference to the DWA, in recognition of the fact that there is need to promote opportunities for Kenyan women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity. Through the UNDAF, the UN system in Kenya has embarked on a serious search for more effective ways of enhancing added value and wealth to combat poverty, create jobs and improve people's livelihoods. Hence, the three priorities, namely youth employment and the elimination of child labour; mitigating the impact of HIV and AIDS;

and strengthening social dialogue as articulated in both Decent Work Country Programmes covering the periods 2006-10 and 2012-15, respectively are aligned with the three UNDAF outcomes.

## **5. LESSONS FROM ILO'S PAST COOPERATION IN KENYA**

For the period 2007-2011, the ILO's work in its support to the national development goals, focused on three priority areas. All three areas were identified as strategic for ILO interventions at the country level based on the Economic Recovery Strategy (ERS), the UNDAF, consultations with the constituents and the ILO strategic objectives for the period as reflected ILO Strategic Framework and the Programme and Budget.

The three selected priority areas were:

- 1. Youth empowerment, youth employment and elimination of child labor, particularly in its worst form.*
- 2. Expanding and strengthening of the principle of inclusion for enhanced influence of tripartite partners in the national and international framework.*
- 3. Expansion of social protection and fight against HIV AND AIDS at the work place.*

Over and above these three priority areas, the ILO strengthened the capacities of the Ministry of Labour, COTU-K, FKE and their affiliates, in implementing activities to realize the overall development objective of Kenya's DWCP. The ILO contributed to the DWCP through mainly various technical cooperation projects, such as the Youth Entrepreneurship Facility (YEF) and Youth Employment Support-Jobs for the Unemployed and Marginalized Young People (YES-JUMP) on youth employment and entrepreneurship development; COOPAfrica on cooperative development; enhancing the role of employers organizations on private sector development through the ProInvest project; and projects addressing Child Labor such as TACKLE and Support for National Action Plan (SNAP) on elimination of child labor. Other interventions include implementing HIV AND AIDS workplace programmes; Roads 2000 that involves implementing the Roads 2000 strategy nationwide; and the Womens' Entrepreneurship Development and Gender Equality programme. The ILO will continue to actively work towards ensuring that Decent Work is on the national development and poverty reduction agenda by promoting more active use of decent work instruments in the ongoing MTP processes.

Even though, there was no independent evaluation of the 2007-2011 DWCP, some lessons have been learned from its implementation. There has been slow implementation of the DWCP outcomes due to limited funding, as the implementation is dependent on Technical Cooperation projects. A resource mobilization plan will be necessary in the next DWCP to ensure increased resources for the programme. Knowledge about the DWCP priorities and outcomes must extend beyond the tripartite partners, if partnerships are to be created and resources mobilized. More still needs to be done to advocate and lobby for the DWCP in the country, thus communication strategies are needed in the next DWCP implementation. The communication strategy and a central coordination role of the DWCP is important to facilitate better understanding and enhance visibility to stakeholders.

The DWCP must have an element of flexibility to better respond to emerging priorities and local contexts. One such example is the need for the DWCP implementation to be within the new constitution dispensation and ensuing legislations, which will possibly require technical and financial resources.

## 6. DWCP PROGRAMMING PROCESS AND PRIORITIES

As part of the UNCT, the ILO has participated in articulating the kind of support and assistance the UN will provide to the Kenyan government and its people in response to the range of development challenges outlined above. In so doing, the ILO has focused on areas where its comparative advantage will have greatest impact, namely in labour and employment (within the context of livelihoods, social protection, social dialogue and cross-cutting aspects including gender, environmental protection) through the DWCP. The ILO offers a decent work approach to development built around policies and grass roots interventions aimed at stimulating remunerative and productive employment.

The second DWCP process started with request by the Ministry of Labour at the March 2010 Governing Body for assistance to commence the process of undertaking steps towards reviewing the labour and employment regime, and its regulatory and legal framework, and aligning it with the new constitutional dispensation. An ILO multi-disciplinary team comprised of ILO Specialists from the DWT and Dar es Salaam undertook the mission, which among other objectives reconciled the 2007-2011 DWCP and its implementation plan with the new structural constitutional dispensation and identified/confirmed new priorities for the DWCP, in light of the new political dispensation. The issues that emanated from consultations with tripartite constituents included employment creation; productivity improvement and measurement to improve competitiveness; improving relevance and effectiveness of industrial training; labour laws; occupational safety and health; and the implementation of the Kenya labour market knowledge base strategy (KLM-KBS).

During a series of subsequent participatory consultative meetings with government, social partners - FKE and COTU-K and the ILO, the issues were narrowed down to shared priorities, as reflected in the strategic plans of the constituents. The priorities identified for consideration in the DWCP are consistent with those identified under the first generation DWCP (2006-2010) and include:

- Social protection: (including social security, labour migration, OSH, HIV and AIDS, child labour and minimum wage fixing): expanding social protection in the informal economy remained high on the government's agenda, as is addressing the issue of minimum wage fixing;
- Employment creation: enhancing MSE development particularly targeting job creation schemes for disadvantaged groups such as youth, women, those with disability, and those living with HIV and AIDs; improving relevance and effectiveness of industrial training to reduce the skills mismatch; and development of relevant employment policies, including an employment policy, youth employment action plans and guidelines on a national productivity agenda;
- Social dialogue (industrial harmony): the need to for a strengthened National Labour Board, amongst other statutory consultative bodies

To address these priorities, the expected outcomes and related strategies under the three selected DWCP priority areas are based on the following criteria: alignment to Vision 2030, the UNDAF, the Declaration of the 2004 Extraordinary AU Summit on Employment and Poverty Reduction and ILO Programme and Budget 2012-2013.

## SUMMARY OF THE KENYA DECENT WORK PROGRAMME

DWCP Priorities	1) Enhancing Social Protection through policies and actions that promote social assistance, social security and health insurance.	2) Promotion of employment creation and employability	3) Strengthening industrial relations
Expected Outcomes	1) Increased access to social security benefits for workers including those in the informal economy, and the unemployed  2) Improved working terms and conditions accessed by women and men workers  3) Worst Forms of Child Labour Eliminated	1) Improved access for young women and men to decent and productive employment opportunities  2) Increased business growth for MSEs	1) Enhanced labour relations and industrial peace through social dialogue  2) Increased domestication of International Labour Standards

### 7. COUNTRY PROGRAMME PRIORITIES, OUTCOMES, INDICATORS AND STRATEGIES

**PRIORITY 1:** *Enhancing Social Protection through policies and actions that promote social assistance, social security and health insurance*

**Outcome 1.1:** Increased access to social protection benefits for workers, including those in the informal economy, and the unemployed

INDICATORS:

- Percentage of women and men accessing Social protection services
- A re-structured NSSF incorporating the informal economy
- Increased contributions to NSSF
- Increased percentage of HIV affected households accessing social protection services

OUTPUTS

- 1.1.1: National Social Protection Policy (NSPP) implemented
- 1.1.2: Adoption of social protection measures targeting specific poor and vulnerable groups
- 1.1.3: Adoption of social protection measures targeting specific working groups, including women in the informal economy



## STRATEGY

The Government in collaboration with workers and employers organizations, the ILO and other partners will put in place effective social protection mechanisms that are accessible to workers, whether unemployed and/or in the informal economy. In relation to economic growth and poverty reduction, safety nets for vulnerable households, including HIV-affected households will be targeted in various interventions. The government will also build partnerships and linkages with other agencies and institutions to ensure the effective provision of social protection services. The ILO will support the compilation of statistics on social protection that will be essential in policy formulation and decision-making.

The passing of the integrated social protection policy will provide guidance to Government, workers employers and development partners in the implementation of strategic social protection initiatives in the country. Such a policy framework will simultaneously increase the level of coordination and harmonization of social protection initiatives in the country. Also, given that social security schemes at present provide for a limited range of social protection coverage and benefits, measures, such as scaling up safety nets and providing financial literacy and skills will be undertaken to broaden the coverage and benefits for the various categories of contributing members. Kenya is yet to ratify Convention 102 (1952) but the ILO constituents and social partners will facilitate the ratification in order to expand coverage and benefits of social protection.

Gender equality will also be promoted in social protection delivery mechanisms using gender audits to inform analysis and to mainstream. The examination of the differing needs constraints and opportunities and the impact of these differences in women's and men's access to social protection will be critical. The Government of Kenya recognizes the need to ensure that women are not penalized career-wise for their reproductive role. To this effect, discussions are underway at the National Social Security Fund regarding the introduction of a maternity grant, which would be a major step toward addressing the pervasive gender inequities in the Kenyan workplace. A government-mandated maternity grant would help ensure that women have financial security during maternity leave and also help to reduce discriminatory hiring practices against women.

### **Outcome 1.2: Improved working conditions accessed by women and men workers**

#### INDICATORS:

- Number of HIV and AIDS national/ sector policies in place
- Number of women and men workers accessing HIV services through the workplace
- Percentage reduction in HIV stigma and discrimination among women and men
- Number of collective bargaining agreements with HIV and AIDS and OSH clauses
- Review of wages regulation orders by MOL and Minimum wage gazetted

#### OUPUTS:

- 1.2.1: National and Sector policies and legislations that address HIV and AIDS at the workplace in accordance with the ILO Recommendation 200 implemented
- 1.2.2: OSH services strengthened in selected sectors
- 1.2.3: Labour migration coordination and management systems strengthened
- 1.2.4: Wage fixing mechanisms to develop and implement wage policies in place

## STRATEGY:

The ILO will continue to collaborate with constituents and other partners to improve working conditions for men and women, including migrants, in a number of ways by enhancing safety and health conditions, including the reduction of HIV-related stigma and discrimination and reducing new HIV infections among vulnerable workers in key economic sectors taking into account the higher prevalence among women and young people. This will also entail strengthening the monitoring and evaluation to ensure HIV sensitivity. In order to protect workers, a rational wage policy is a prerequisite and the development of an integrated Wages and Incomes policy that is in line with the Constitution is a priority of the Government. The ILO will also support the Government to develop the policy. The Government in collaboration with workers' and employers' organizations and other partners, including the ILO will strengthen its collaboration with Foreign Employment Agencies to undertaking deliberate measures aimed at sourcing employment opportunities and information necessary for pre-departure preparations of the job seekers. This will entail establishing and enforcing regulatory systems and promoting the establishment of private employment services in selected counties and monitor their operations, with particular focus on promoting and protecting the rights of labour migrants. A comprehensive policy framework covering labour migration will be developed and hinged on international instruments. Other policies on migration including the migration policy signed by IGAD will also be reviewed and regulatory systems will be reinforced.

Working in close partnership with the constituents, networks of people living with HIV and other stakeholders involved in the national response to HIV and AIDS, the ILO will provide technical assistance through the UN Joint Programme on HIV and AIDS using the workplace as the conduit through which it contributes to the national response, increasing the demand and access to HIV services and reducing employment-related HIV stigma and discrimination. Through its tripartite structure, the ILO has direct access to the workplace in both public and private sectors and will contribute to the creation of an enabling environment to address HIV in the world of work. Implementation of the Recommendation 200 concerning HIV and AIDS and the World of Work, including its emphasis on gender equality will be crucial for an effective HIV and AIDS World of Work response. Advocacy for the implementation of the Recommendation will be enhanced.

The ILO will support the development of the National Tripartite Workplace HIV and AIDS policy and sector specific policies in line with the Kenya National Code of Practice on HIV and AIDS at the Workplace, ILO Code of Practice on HIV and AIDS and the world of work and International Labor Standards. This will ensure for sustained leadership and commitment in HIV and AIDS programming in the workplace. ILO will support the development of a HIV and AIDS mainstreaming tool kit in the workplace aimed at the standardization and harmonization of existing operational guidelines and adaptation of national and international guidelines and instruments to workplace settings e.g. Greater Involvement of People Living with HIV (GIPA) mainstreaming guidelines, HIV Testing and Counselling (HTC) guidelines. Sectoral mainstreaming policies and guidelines will be developed through consultative processes starting with sector leaders and identification of needs within the sector. Top management engagement will be ensured through sensitization and the development of a clear implementation and monitoring and evaluation framework. Sector specific codes/MOU will be developed to enhance commitment to the implementation and Monitoring and Evaluation framework. Key sectors will be identified based on vulnerabilities and the level of interventions.

Linkages to the national mechanisms through the UN Joint Team on HIV and AIDS will be key to ensure that workplaces are aligned to the Kenya National AIDS Strategic Plan (2009/10 – 2012/3) - KNASP III. The ILO is tasked with private sector mobilization for the HIV and AIDS response, as per the

UNAIDS and its co-sponsors' Division of Labour. The ILO will therefore strive to support the National AIDS Coordinating Committee to strengthen coordination of the private sector response through KNASP III Pillar 2 mechanism. The generation of strategic information for evidence informed programming will also be enhanced. This will ensure that workplaces are well coordinated to deliver in the national response.

In an endeavor to promote safety conditions in the workplace, the Ministry of Labour in collaboration with the workers and employers organizations, the ILO and other key partners will develop technical codes of practice and rules, in accordance with the requirements under both OSHA and WIBA legislation. In addition, the Government will coordinate the process of updating the National Occupational Safety and Health Profile for Kenya, which will be combined with improving the OSH information system and in particular, reporting and notification of occupational incidents, accidents and diseases to include HIV and TB.

Given that wages represent an important part of labour costs and are an essential variable for enterprises' competitiveness, the ILO will collaborate with government and the social partners, and other selected stakeholders, in developing an Income and Wage policy whose primary objective will be to maintain a reasonable level of consumption, while allowing for an adequate level of investment. The ILO and the constituents will make full use of national structures and the regulatory framework already in place to pursue this goal, such as the Wages Boards and the Commission which is to set and regularly review the remuneration and benefits of all State officers and to advise the National and County Governments.

### **Outcome 1.3: Worst Forms of Child Labour eliminated**

#### INDICATORS:

- Percentage decrease in children engaged in child labour (age group 5-17 yrs)
- Percentage reduction of boys and girls in risky occupations

#### OUTPUTS

Output 1.3.1: National Child Labour Policy and legislation implemented

Output 1.3.2: Referral systems and safety nets for support of children developed and strengthened

#### STRATEGY:

The ILO will continue collaborating with the Government in scaling up national efforts to eliminate child labour in the country through the Child Labour Division. The ILO will assist the government to adopt the National Policy on Child Labour and implement the Kenya National Action Plan for Elimination of Child Labour. The MOL will coordinate regular updates of child labour data in order that all partners working on child labour issues understand the trend and plan and implement more effective strategies. ILO will also provide technical guidance to the constituents and other partners to develop Action Plans and strategies to eliminate Child Labour.

The capacity of constituents to tackle child labour will be strengthened through technical guidance and financial support from the ILO and other partners working on child labour issues. The MOL will also assist the constituents to strengthen partnership with the Ministry of Education to mainstream child labour concerns into the national education policies and strategies. The partnership between the

constituents and Ministry of Gender, Children and Social Development will also be strengthened to mainstream child labour concerns into the national efforts on child protection. More collaboration with key sectors, including the agriculture sector, will be sought to reduce child labour in the sector. The ILO will also work to strengthen the partnership with other UN and international agencies such as UNICEF, FAO, UNESCO, IOM and World Bank so that child labour concerns can be widely covered by interventions in multiple sectors.

An Integrated Area Based Approach will be applied through ILO-IPEC's direct action programmes in order to establish a model for creating a sustainable environment for Child Labour Free Zones. The model will be widely shared among national partners for its replication.

Special attention will be paid to address the unconditional worst forms of child labour such as commercial sexual exploitation of children and trafficking in children.

***PRIORITY 2: Promotion of employment creation and employability***

**Outcome 2.1: Improved access for young women and men to decent and productive employment opportunities**

**INDICATORS:**

- Number of productive jobs created for young men and women
- No of sector plans and frameworks on youth employment implemented

**OUTPUTS**

Output 2.1.1: Job creation programmes, including green jobs and employment intensive public works for unemployed and vulnerable men and women expanded

Output 2.1.2: Youth employment plans reviewed

Output 2.1.3: Labour Market Information System (LMIS) strengthened

Output 2.1.4: National Skills Training Strategy finalized and implemented

Output 2.1.5: National Industrial Training and Attachment Policy implemented

Output 2.1.6: Public and private employment services strengthened

**STRATEGY:**

The ILO will collaborate with the Government to address youth unemployment, and to address the needs of the youth within the framework of the Employment Policy and which will be aligned to the National Youth Policy instruments. Measures will be put in place to mainstream and integrate youth issues in all national development policies. Vision 2030 has identified high potential sectors for leveraging economic growth hence government ministries and agencies have articulated plans and policies in sectors that provide good opportunities to streamline youth employment opportunities.

In Kenya, many government and donor agencies support youth employment initiatives but there is little effort at coordinating the activities. The ILO will work with the ministry responsible for coordination of youth affairs and with stakeholders to strengthen youth sector coordination under the UN Joint programme on Youth.

Decent work opportunities for young women and men will be investigated through targeted and selected surveys, including school-to-work transition surveys, green jobs assessment, while the

capacity for the Ministry of Labour will be increased to be able to interpret, analyze and disseminate labor market data. Technical and advisory support will be provided on the implications of the survey results of policy and guidance on programme design.

The implementation of the new Constitution and regional integration in the East African Community will entail exploring the protocols for job creation potential at the local levels. The ILO will support efforts to mainstream the youth skills development agenda and socio-economic activities at the regional level and within the EA common market protocols.

As part of the employment creation for young men and women, the ILO will explore and support diverse sectors, such as agriculture and scale up labour intensive infrastructure works nationwide, which will have a far reaching positive impact on the livelihood of local communities and the national economy. Good practice drawn from working in this area by the ILO in Kenya and other developing nations will be documented with the results used to sensitize policy makers and stakeholders on the importance of intensive public works in creating employment.

To address the perennial problem of skill mismatch to the labor market in Kenya, the articulation of an Integrated Human Resource Development Strategy (IHRD) will be undertaken. The ILO will focus its efforts towards aligning the strategy with developing human resources to labour market needs and provide the guiding framework for the review of curricula for various programmes at the different levels of skill development and career guidance and counseling. This will involve strengthening the coordinating institutions and frameworks that will be geared towards establishing strong links between institutions of higher learning, and TVET institutions and industry to guarantee curricula development reflects the skills needs of industry. Further, incentives to private sector entrepreneurs to implement industrial attachments will be explored and implemented, where feasible. The apprenticeship system will also be strengthened and promoted under the industrial training levy scheme. The government will also establish and strengthen the public employment agency and youth empowerment centers to make them fulfill the function of job search, employment counseling and placement/employment of job seekers.

## **Outcome 2.2 Increased business growth for MSEs**

### INDICATORS:

- Percentage of MSEs with increased sales and profits
- Number of jobs created as a result of growth in MSE businesses served

### OUTPUTS

- Output 2.3.1: Market led driven Business Development Services (BDS) provided
- Output 2.3.2: Regulatory reforms facilitated
- Output 2.3.3: Access to credit and financial services improved

### STRATEGY:

Business management and entrepreneurial skills are critical in the growth and development of MSEs. To improve and promote the acquisition of entrepreneurial skills, market led BDS will be provided in partnership with support organizations. Weak business linkages are one of the causes of poor market access by MSEs. Large and small firms will be encouraged to have market/supply linkages with MSEs, encourage agro-processing enterprises, processing and packaging for value addition. The ILO will seek

to build upon business plans recently adopted by FKE to disseminate the model to their affiliates, and through them to broader spectrum enterprises.

In collaboration with Government and relevant institutions, the ILO will review current modes of technology acquisition and transfer, give support to technology transfers through exhibition and trade fairs, encourage partnerships through sub-contracting, franchising and increase overall access to information on available technology and acquisition of technological skills. The ILO will promote MSE associations as avenues for channeling support services to the MSEs, securing credit for members, entering into contracts, and act as avenues for development partners to channel support services to MSEs, information collection and dissemination

The ILO will collaborate with Government to continue with legislative and regulatory reforms for the development of laws that are dynamic and responsive to the needs of MSEs. The ILO will support MSEs to be organized into a strong umbrella organization, that will be used as a platform for advocacy on issues that are critical to the sector and to lobby for the enactment of the long awaited Micro Small Enterprises Bill. Awareness will be created on existing laws, such as the labour laws, land laws and Local Government Reforms that affect MSEs.

Working in close partnership with the relevant Government institutions and lending institutions, consultations will be held on how to improve access to financial services. MSE/cooperatives owned by young people will be strengthened through training, business linkages, and service provision. MSEs will be encouraged to form/join cooperatives and associations at county level as these will play a pivotal role in encouraging savings and investments and offering loans, market linkages and other capacity building initiatives, such as training and mentoring.

### ***PRIORITY 3: Strengthening Industrial Relations***

#### ***3) Outcome 3.1: Enhanced labour relations and industrial peace through social dialogue***

##### **INDICATORS:**

- Number of new recognition agreements signed by Employers and Workers organizations
- Percentage reduction in number of strikes and lockouts recorded
- Number of trade disputes arbitrated upon and completed by the Industrial Court
- Number of Collective Bargaining Agreements signed and registered by the Industrial Court

##### **OUTPUTS**

Output 3.1.1: Capacity of constituents on principles of social dialogue enhanced

Output 3.1.2: Regulatory framework governing social dialogue reviewed

Output 3.1.3: Awareness raised on principles of Fundamental Principles and Rights at the Workplace and Conventions 87 and 98

Output 3.1.4: Framework for Commission of Mediation & Conciliation (CMC) established

Output 3.1.5: Guidelines, tools and position papers to support labour regulation promotion and compliance finalized

## STRATEGY:

Technical assistance will be availed to support revising and implementing the labour law regime within the context of the new constitutional dispensation (2010) and decentralized level. The assistance will strategically seek to develop labour regulations and guidelines, promote alternative dispute mechanisms through capacity building for both public, as well as private sectors. Particular focus will be on strengthening freedom of association in the public service geared towards curbing the increasing labour disputes therein (strikes). For purposes of monitoring progress, technical assistance will aim to establish a reliable and efficient reporting mechanism /compliance system which will rely primarily on labour inspection. The ILO will provide technical and advisory support to the Ministry of Labour to develop an Integrated Productivity Management Framework.

### *Outcome 3.2: Increased domestication of International Labour Standards*

## INDICATORS:

- Number of dialogues on ratification of selected International Labor Standards
- Number of relevant ILS domesticated into national law and practice

## OUTPUTS

Output 3.2.1: Strengthened Tripartite Institutions (Wage Councils, National Labour Board)

Output 3.2.2: Dialogue on selected ILS for ratification facilitated

## STRATEGY:

Support to the tripartite institutions towards establishing and strengthening social dialogue institutions, such as National Labor Board, and associated committees will be provided. Technical assistance to facilitate dialogue on selected International Labor Standards that are yet to be domesticated and/or ratified will be provided; but also for tripartite partners to play a larger role in integrating standards and DWA in national frameworks, legislations and policies.

Support for strategic planning and resource management will be mobilized through the ILO's Bureau for Employers' and Workers' activities, as well as through private sector support groups and the UN. The collaborative effort will seek to identify and adopt strategies and actions that will catalyze the expansion of employers' and workers' organizations membership base and increase representativeness and inclusiveness. Further, building upon the creation of the business plan under the Pro-Invest initiative, assistance will be geared to improve/increase service provision to members and non-members. This will also entail lobbying and advocacy role enhanced through better communication, increased research and evidenced-based positioning.

## **8. IMPLEMENTATION AND MANAGEMENT FRAMEWORK**

The formulation, implementation and management oversight role for the Kenya Decent Work Country Programme (DWCP) will be driven by a National Steering Committee (NSC) under the auspices of the National Labour Board (NLB). The NSC is comprised of the CEOs from Government, workers and employers' organizations and other relevant institutions. The ILO is an observer in the Committee. The NSC will convene at least twice a year to monitor and review implementation of the DWCP.

An Implementation Committee for the DWCP will also be established, consisting of equal representation from each of the constituent partners, who are also members of the DWCP National Steering Committee. The Implementation Committee, which will comprise of technocrats, will oversee the formulation and planning of projects and activities developed within the framework of the DWCP and to approve initiatives before their implementation. This will be done to ensure that activities formulated reflect constituents' priorities and are in sync with their strategic plans. For each of the three priorities, a Chairperson will be responsible for coordinating the implementation of the outcomes.

The Implementation Committee will meet at least once every quarter of each year during the cycle of the DWCP.

A Secretariat comprised of two officers from the Ministry of Labour and the ILO will be established to support the functions of the various committees to undertake their work.

### ***The Role of the ILO***

The Director of the ILO Country Office (Dar es Salaam) will assume overall responsibility for managing the implementation of the Decent Work Country Programme in close consultation with the Implementation Committee of the DWCP. The Director will be supported by the Programme Officer in the Country Office to ensure that close collaboration and coordination between the Implementation Committee and the ILO leading to smooth realization of the goals set therein.

### ***ILO Specialists, Regional Office for Africa and Technical Departments in Geneva***

Each priority of the DWCP is already supported by a range of technical cooperation projects managed by a National Project Coordinator, with a support structure and is supervised by the respective DWT Specialist from a technical area within which the project falls. The Specialist works hand in hand with the relevant technical department in Geneva. The Regional Workers and Employers Specialists will provide support to the outcomes of workers and employers organizations. The Gender Specialist in the Regional Office will provide guidance and support in ensuring that concrete gender equality issues are strengthened in activities.

These structures will work in tandem to realise the component of the DWCP, complementing each other. The modus operandi adopted in the previous DWCP served to support the constituents in pursuing the goals set, and will continue in the current cycle of the same. Project Advisory Committees will continue to ensure engagement of the constituents in project implementation and bring them closer to the focus of technical cooperation intervention.

### ***Role of Government and the Social Partners***

Government and the Social Partners will provide overall strategic guidance to the implementation and monitoring and evaluation of the DWCP through the DWCP Implementation Committee (referred to above). The Government and the Social Partners will be consulted and will avail/provide technical inputs in the formulation of projects and in the development of Terms of Reference for all new projects and initiatives. The partners will also participate in ad-hoc Thematic Advisory Committees, when established and Project Advisory Committee meetings to provide technical and strategic guidance and to facilitate partnerships for the implementation of DWCP.



## **9. RESOURCE MOBILIZATION**

A robust resource mobilisation and communication strategy and plan will be developed by the DWCP Implementation Committee and implemented so as to mobilise resources to support the DWCP. The responsibility for resource mobilization will be shared between the ILO, Government and the Social Partners and driven by a resource mobilisation team constituted from the DWCP implementation committee in order to expedite the timely implementation of projects and activities emerging from the DWCP. Resources will be mobilized from multi-lateral donors, internal ILO funding, UNDAF (Joint Programmes) and through local cost sharing mechanisms with Government and the Social Partners, who have already committed their funds to pursue some of the priorities in the DWCP.

## **10. MONITORING AND EVALUATION**

The DWCP Implementation Committee will be charged with reviewing and evaluating the implementation of the DWCP. The Committee will meet quarterly (as it will be agreed by its members) to review updates and reports on outcomes, outputs and activities undertaken within the framework of the DWCP. An updated Projects Matrix will also be presented to the National Labour Board during when the NLB is in session and has the DWCP on the agenda.

A midterm review of the DWCP will be conducted midway the DWCP timeframe (2014) and an evaluation conducted at the end of the DWCP in 2016.

The DWCP programme presents a roadmap for the implementation of the Decent Work Agenda in Kenya over a three year period. During this time, the DWCP will be reviewed regularly to ensure relevance to emerging development priorities during the life cycle of the programme. 5% of the operational budget of the DWCP will be dedicated to monitoring and evaluation activities.

**ANNEX 1: List of Ongoing ILO Technical Cooperation projects**

<b>DESCRIPTION</b>	<b>KEY PARTNERS INVOLVED</b>	<b>DONORS</b>
1. Africa Commission: Youth Entrepreneurship Facility	Ministry of Labour, Ministry of Education, Science and Technology, Microfinance Institutions, COTU, FKE	DANIDA
2. Women Entrepreneurship Development for East Africa	Ministry of Labour, COTU, FKE, Microfinance Institutions, Ministry of Gender, Children and Social Development	IRELAND
3. The law-Growth Nexus II: Labour Law and the Enabling Business Environment for SMEs in Kenya	Ministry of Industrialization, Ministry of Labour, FKE, COTU	NORWAY
4. Strengthening the world of work response on HIV/AIDS	Ministry of Labour, Ministry of Health, FKE, COTU	ONE UN FUND
5. Joint Programme on Gender Equality and Women's Empowerment in Kenya	Ministry of Labour, Ministry of Gender and Social Development, FKE, COTU	ONE UN FUND
6. Creating jobs: Building Capacity for Roads 2000 KENYA	Ministry of Labour, FKE, COTU	SIDA
7. Creating the enabling environment to establish models for child labour free areas in Kenya: Support to NAP with focus on agriculture & old children	Ministry of Labour, Ministry of Gender, Children and Social Development, FKE, COTU	USA
8. Tackling Child Labor Through Education	Ministries of Labour and Education, COTU, FKE, NGOs	EUROPEAN COMMUNITY
9. Strengthening Human Security in the Border Communities of Turkana, Kenya	Ministry of Labour, FKE, COTU	UN Trust Fund

## ANNEX 2: List of Ratified ILO Labour Conventions

Conventions		Ratified
Member since 1964		
C2	Unemployment Convention, 1919	13.01.1964
C5	Minimum Age (Industry) Convention, 1919	13.01.1964 denounced on 09.04.1979
C11	Right of Association (Agriculture) Convention, 1921	13.01.1964
C12	Workmen's Compensation (Agriculture) Convention, 1921	13.01.1964
C14	Weekly Rest (Industry) Convention, 1921	13.01.1964
C15	Minimum Age (Trimmers and Stokers) Convention, 1921	13.01.1964
C16	Medical Examination of Young Persons (Sea) Convention, 1921	09.02.1971
C17	Workmen's Compensation (Accidents) Convention, 1925	13.01.1964
C19	Equality of Treatment (Accident Compensation) Convention, 1925	13.01.1964
C26	Minimum Wage-Fixing Machinery Convention, 1928	13.01.1964
C27	Marking of Weight (Packages Transported by Vessels) Convention, 1929	09.02.1971
C29	Forced Labour Convention, 1930	13.01.1964
C32	Protection against Accidents (Dockers) Convention (Revised), 1932	13.01.1964
C45	Underground Work (Women) Convention, 1935	13.01.1964
C50	Recruiting of Indigenous Workers Convention, 1936	13.01.1964
C58	Minimum Age (Sea) Convention (Revised), 1936	13.01.1964
C59	Minimum Age (Industry) Convention (Revised), 1937	13.01.1964
C63	Convention concerning Statistics of Wages and Hours of Work, 1938	13.01.1964
C64	Contracts of Employment (Indigenous Workers) Convention, 1939	13.01.1964
C65	Penal Sanctions (Indigenous Workers) Convention, 1939	13.01.1964
C81	Labour Inspection Convention, 1947	13.01.1964
C86	Contracts of Employment (Indigenous Workers) Convention, 1947	13.01.1964
C88	Employment Service Convention, 1948	13.01.1964
C89	Night Work (Women) Convention (Revised), 1948	30.11.1965
C94	Labour Clauses (Public Contracts) Convention, 1949	13.01.1964
C97	Migration for Employment Convention (Revised), 1949	30.11.1965
C98	Right to Organise and Collective Bargaining Convention, 1949	13.01.1964
C99	Minimum Wage Fixing Machinery (Agriculture) Convention, 1951	09.02.1971
C100	Equal Remuneration Convention, 1951	07.05.2001
C105	Abolition of Forced Labour Convention, 1957	13.01.1964
C111	Discrimination (Employment and Occupation) Convention, 1958	07.05.2001
C112	Minimum Age (Fishermen) Convention, 1959	09.02.1971 denounced on 09.04.1979
C118	Equality of Treatment (Social Security) Convention, 1962	09.02.1971
C123	Minimum Age (Underground Work) Convention, 1965	20.06.1968 denounced on 09.04.1979
C129	Labour Inspection (Agriculture) Convention, 1969	09.04.1979

C131	Minimum Wage Fixing Convention, 1970	09.04.1979
C132	Holidays with Pay Convention (Revised), 1970	09.04.1979
C134	Prevention of Accidents (Seafarers) Convention, 1970	09.04.1979
C135	Workers' Representatives Convention, 1971	09.04.1979
C137	Dock Work Convention, 1973	09.04.1979
C138	Minimum Age Convention, 1973	09.04.1979
C140	Paid Educational Leave Convention, 1974	09.04.1979
C141	Rural Workers' Organisations Convention, 1975	09.04.1979
C142	Human Resources Development Convention, 1975	09.04.1979
C143	Migrant Workers (Supplementary Provisions) Convention, 1975	09.04.1979
C144	Tripartite Consultation (International Labour Standards) Convention, 1976	06.06.1990
C146	Seafarers' Annual Leave with Pay Convention, 1976	14.09.1990
C149	Nursing Personnel Convention, 1977	06.06.1990
C182	Worst Forms of Child Labour Convention, 1999	07.05.2001
Ratified: 43    Conditional ratification: 0    Declared applicable: 0    Denounced: 6		