



الهيئة العامة للقوى العاملة
Public Authority of Manpower



International
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Organization



Decent Work Country Programme For Kuwait



2018-2020

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2018–2020

Contents

Introduction	3
Country Context	4
Socio-economic context	4
Labour Market Challenges in Kuwait	5
Labour migration governance	7
Women and youth unemployment	7
Social Security	8
Vulnerable groups	8
Discrimination	8
Tripartism and social Dialogue	8
Country Programme Priorities	10
PRIORITY 1: Enhancing skills of women and men foreign workers	10
PRIORITY 2: Improved Governance of foreign labour	14
PRIORITY 3: Strengthening social dialogue and tripartism	18
Implementation planning, management and evaluation:	20
Implementation, performance monitoring and evaluation arrangements	20
Role of ILO Constituents	21
Assumptions and Risks	22
Synergies and coordination	22
Funding Plan	22
Advocacy and communication plan	23

I. Introduction

The international Labour Organization (ILO) was established in 1919 based on the conviction that universal and lasting peace can only be based on social justice, with a tripartite structure, bringing Governments, Workers and Employers together to promote social justice and the “humanization” of the labour market. In 1946, the ILO became the first Specialized Agency of the UN. Since its inception the ideals of social justice and decent work has been at the heart of the ILO’s mandate, with the international labour standards at the core of its work to ensure decent conditions for workers.

The Decent Work agenda, which today is the basis for the ILO’s work, defines the concept of Decent Work as: “...involving opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.”

As its main means of ensuring effective and efficient progress at national level in promoting the Decent Work agenda, the ILO launched the Decent Work Country Programmes (DWCP) in 2004. The DWCPs are designed in extensive consultations with the ILO’s tripartite constituents, align – where possible - with international development agendas and are based on the priorities of constituents and the policies and strategies of each country. The prime objective of the DWCP is to identify and describe the support required from the ILO to achieve measurable progress at country level to achieve decent work for all women and men. (ILO, 2016).

With the adoption of the 2030 Agenda for Sustainable Development (2030 Agenda) in 2015 with the Decent Work Agenda at the heart of several of the Sustainable Development Goals (SDGs), a new phase of integration of DWCPs in the overall UN effort began, and DWCPs should be integrated into the new generation of United Nations Sustainable Development Frameworks (UNDAFs). The DWCP is thus an integral component of national development. For the ILO and its constituents it is also a medium-term programming framework, helping the ILO and the tripartite partners in setting priorities and guiding its work with constituents at country level.

The proposed DWCP for Kuwait will build upon (i) the main achievements of ILO work with its partners over the last years and (ii) the current momentum placing employment and workers’ rights high on the national agenda. As such, it will ensure a more holistic, coherent and integrated ILO response to the decent work challenges faced by Kuwait. It will be aligned to national development frameworks and the United Nations Framework under preparation. The subsequent document thus presents an overview of the current economic and socio-economic context and outlines the DWCP’s priorities, outcomes, indicators and strategies as developed in close consultation between the ILO, the Kuwaiti Government and social partners.

The first draft of the document was developed based on a consultation with tripartite constituents during a technical and programmatic mission in January 2018 followed by a tripartite workshop aimed at reaching agreement on needs and priorities for the development of a decent work country programme in Kuwait. The outcome of the workshop was agreement on the three main priority areas of the DWCP, as well as the key outcomes, based on which the ILO drafted the following DWCP document validated during a second tripartite consultation in April 2018.

The DWCP will thus be implemented in close partnership between the ILO and its constituents in Kuwait and focus on the following three priorities:

PRIORITY 1: Enhancing skills of women and men foreign workers

PRIORITY 2: Improved Governance of foreign labour

PRIORITY 3: Strengthening social dialogue and tripartism

The following cross-cutting policy drivers are mainstreamed under each of the three priority areas:

- a) International labour standards;
- b) Gender equality and non-discrimination;
- c) Social dialogue;

A just transition to environment sustainability

II. Country Context

With an estimated population of around 4.1 million, of which 69 per cent are non-Kuwaitis coming from South Asia and the Arab world, Kuwait has a limited national labour supply and is, as most GCC countries, heavily reliant on foreign workers ever since the beginning of the oil age. The large and continuous influx of migrants has created serious labour market imbalances in the country which persisted despite the various government interventions aiming at converting to national manpower.

a. Socio-economic context

Kuwait is a rich country and a welfare state, financed almost entirely by oil revenues that accounts for 50% of Kuwait's GDP. Historically, oil revenues have helped fund a particularly generous welfare system where its inhabitants enjoy a very high per capita income. In 2015, growth was sluggish (0.5% of GDP), mainly due to the decreasing oil revenues, which has suffered from the drop in the global prices of oil. Growth per capita GDP at constant prices has declined from 8.1 per cent in 2011 to -2.6 per cent in 2014. After an estimated 1.2% contraction in real GDP in 2017, it is expected that the economy will grow by 1.1% in 2018, with the pace of real GDP growth accelerating to an average of 3.4% a year in 2019-2022¹.

Kuwait is aiming to position itself as gateway for investment in the area. The public sector dominates the economy and concentrates three-quarters of the country's wealth. The Government has launched a development plan for 2015-2020, focusing on long-stalled infrastructure mega projects.

b. Labour Market Challenges in Kuwait

The population composition is a reflection of the increasing dependence of the labour market, especially in the private sector on migrant workers, where the percentage of male migrant workers represents 90% without the family sector and 78% with the family sector, of the total migrant workers. The low levels of education and technical skills of migrant workers compared to national labour, reflects the total freedom of employers and the absence of clear criteria in the recruitment of migrant workers regardless of their educational qualifications and skills and practical experience. This hinders the development process and negatively affects the productivity level.

The Kuwaiti labour market is strongly segmented, with the majority of the workforce being non-nationals and representing 82% of the total workforce, and the majority of nationals being employed in the public sector, i.e. 74% and in high-paying parts of the private sector (incl. finance, insurance, mining)². The private sector, which employs the majority of migrant workers, generally provides

¹ EIU Country Report February 2018

² IMF, 2015a, Selected Issues – Kuwait.

wages and benefits that are well below public sector standards or at least those accepted by Kuwaiti nationals. This is an important factor behind Kuwaitis' low enthusiasm in migrating to the private sector and the failure of Kuwaitization efforts of the government.

Nationalisation of the private sector workforce is a key priority for the government. Nationalisation policies in Kuwait are centred on long-term wage subsidies for nationals employed in the private sector along with Kuwaitization measures including bans on the recruitment of foreign workers³.

While there has been an increase in nationals' share of private sector employment, the private sector continues to be a less attractive option for Kuwaiti jobseekers⁴, and more comprehensive reforms and policies are needed to achieve long-term and sustainable outcomes in terms of productivity and employment⁵.

In fact, the number of Kuwaitis working in the private sector registered a drop in 2017 as compared to 2014, falling from 5.2% to 4.3%. The share of nationals in the public sector also decreased, falling from 77.2% to 74.3% over the same period⁶. Furthermore, the private sector employs only 8 per cent of the total national workforce in the country, while it employs 74.8 per cent of the foreign labour.

This is mainly the result of a private sector dependent on low-wage, low-skilled workers. In fact, as much as 83 per cent of migrants working in the private sector have secondary education and below compared to around 40 per cent of Kuwaitis working in this sector, which also translates into wages that overall are lower for migrants than nationals. The public sector in fact attracts the educated who study with the main objective to find employment in the public sector.

In terms of the sectoral composition of employment, 68.2 per cent of Kuwaiti men work in public administration and defence, followed by 6 per cent working in Education. Female Kuwaitis work primarily in public administration (47.3 per cent), followed by education 35.6 per cent and then human health and social work activities at 6.3 per cent. This compares to around 18 per cent of non-Kuwaitis working in Administrative and Support services activities followed by 17 per cent working in Household Activities and 15 per cent in Mining and Quarrying.

In fact, the Kuwaiti government has one of the most extensive private sector employment support programs in the region. In order to close the gap between private and public sector wages, the Kuwaiti government provides substantial financial incentives to nationals working in the private sector with the aim at equalizing the wages for Kuwaitis working in the private sector to those of public sector workers.

The latest government decision to increase Kuwaiti nationals' participation in the private sector is viewed as an illustration of the realities of economic reform as the government struggles to push for decreasing budget deficit that is estimated to have reached KD3.5bn (US\$11.6bn; an estimated 10.1% of GDP) in 2017/18⁷.

The education system does not currently supply the skills needed in the private sector labour market, esp. in the industrial sector and with regards to technical skills. Most Kuwaiti students are enrolled in

³ GLMM, 2014, Arab Gulf States: An Assessment of Nationalisation Policies; IMF, 2014a, Labour Market Reforms to Boost Employment and Productivity in the GCC – An Update.

⁴ GLMM, 2014, Arab Gulf States: An Assessment of Nationalisation Policies; IMF, 2014a, Labour Market Reforms to Boost Employment and Productivity in the GCC – An Update.

⁵ IMF, 2015a, Selected Issues – Kuwait

⁶ Labour market information system 2017.

⁷ EIU Country Report February 2018

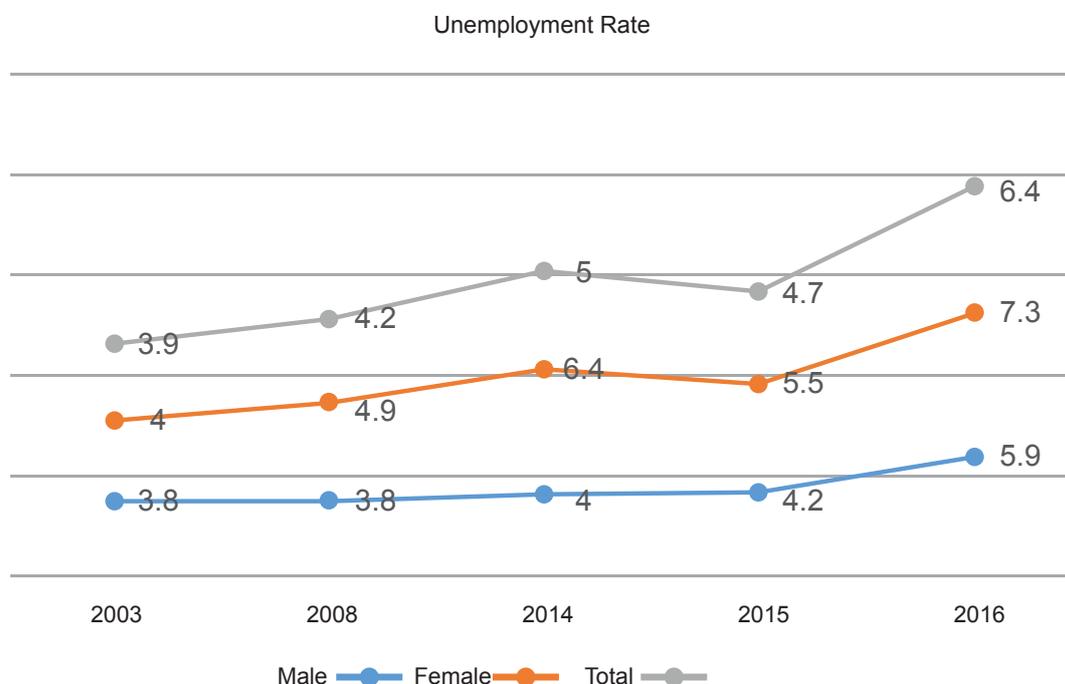
humanities and art subjects, with just about 30% majoring in STEM fields⁸, aiming for public sector employment due to higher wages and social status.⁹ Survey data also suggests a limited willingness of graduates to adapt their skills to labour market needs.¹⁰

Unemployment rates in Kuwait are highly driven by the preference of Kuwaitis to work in the public sector. In fact, according to the 2015 LFS, nearly 58 per cent of the unemployed Kuwaitis said that they refuse to work in the private sector and will work only if a public sector job is available. This is expected with the country’s constitution guaranteeing all citizens work, under Article 41: “Every Kuwaiti has the right to work and to choose the type of his work. Work is a duty of every citizen necessitated by personal dignity and public good. The State shall endeavor to make it available to citizens and to make its terms equitable.”

Compared to a total unemployment rate of 2.2 per cent when including migrant workers, Kuwaitis’ unemployment rate registered 6.4 per cent in 2016, an increase from 3.9 per cent in 2003. Female unemployment rate increased by 3.3 percentage points during this period compared to 2.1 percentage points increase among Kuwaiti men. The greater participation of women in the labour force is one factor behind the increase in their rate of unemployment. The Kuwaiti youth on the other hand have high unemployment rates of 26.611 per cent with young Kuwaiti women almost twice as unemployed as young Kuwaiti men (See figure 1, Table 1), despite government’s efforts to “Kuwaitize” the private-sector workforce and accommodate the growing number of young Kuwaitis.

Figure 1

Figure 1: Kuwaiti Unemployment Rate (%), by age and sex, 2003-2016



⁸ “STEM education” refers to teaching and learning in the fields of science, technology, engineering, and mathematics.

⁹ GLMM, 2014, Arab Gulf States: An Assessment of Nationalisation Policies; IMF, 2014a, Labour Market Reforms to Boost Employment and Productivity in the GCC – An Update.

¹⁰ YouGov & Bayt, 2016, The Skills Gap in the Middle East and North Africa.

¹¹ Labour force survey 2016

Table 1

معدل البطالة بين فئة الشباب (15-24) حسب الجنسية (كويتي / غير كويتي) والنوع لعام 2015 - 2016			
Youth Unemployment by Nationality and Sex 2015-2016			
Nationality and Sex			الجنسية والنوع
year	2016	2015	السنة
Both Sexes			كلا الجنسين
Male	9.4	11.2	ذكور
Female	30,0	23,2	اناث
Total	15.4	15.3	الجملة
Kuwaiti			غير كويتي
Male	20.5	17.0	ذكور
Female	37,1	31,5	اناث
Total	26.6	22.1	الجملة
Non-Kuwaiti			غير كويتي
Male	4.9	8.2	ذكور
Female	24,9	18,9	اناث
Total	10.0	11.8	الجملة

Labour Force survey 2016

In light of the above, the ILO RO and DWT for Arab States in close collaboration with constituents designed the DWCP for the period 2018-2020 to address the most pressing labour challenges in the various realms. The description below presents the priorities, outcomes, outputs, and activities under the Kuwait DWCP, as agreed with the tripartite constituents.

c. Labour migration governance

The Kuwaiti economy has been relying heavily on low-skilled foreign workers to address skills and labour shortages. Recently, in the context of nationalisation policies, the government has been attempting to restrict and better regulate the entry of foreign workers through the establishment of occupational standards for migrant workers through the Kuwait Occupational Standards, Assessment and Certification Centre (KOSAC, in cooperation with GIZ) and bans on the hiring of foreign workers (most recently for foreign workers for the public sector).¹² Challenges for the development and implementation of more comprehensive and longer-term labour migration governance reforms include limited regulatory capacity of the labour administration.¹³

d. Women and youth unemployment:

Interestingly, and contrary to other countries in the region, both adult and young women's unemployment rate is lower than that of men, suggesting that women who look for jobs tend to find them. However, economic activity rates for women, despite above regional averages, remain considerably below those of men (39.3% vs. 52.6%).¹⁴ Kuwait also faces the challenge to create sufficient employment opportunities for new Kuwaiti entrants to the labour market, many of which are highly skilled, but not necessarily in the fields required by the labour market. A strong preference among young nationals for public sector jobs adds to employment challenges.

¹² The New Arab, 2016, "Kuwait looks to ban expats from public sector jobs".

¹³ GLMM, 2014, *Arab Gulf States: An Assessment of Nationalisation Policies*; IMF, 2014a, *Labour Market Reforms to Boost Employment and Productivity in the GCC – An Update*.

¹⁴ KCBS, 2015, *Labour Force Survey 2015*.

e. Social Security:

While benefits under Kuwait's social insurance system are generous, they are only accessible to are available to nationals, hence excluding a large part of the workforce from public social protection. Self-employed are entitled to register for social insurance on a voluntary basis.¹⁵

The Kuwait Public Institution for Social Security (KPIFSS) administers the country's social insurance and a strategic framework for social safety nets has been developed by the Ministry of Social Affairs in cooperation with the World Bank. Despite a generous social welfare system, there is still no contributory scheme for maternity benefits and the workplace injury scheme foreseen under the social insurance law has yet to be implemented (however, free healthcare is available to Kuwaiti citizens).¹⁶ Extensive subsidies for public sector employees and citizens continue to account for a substantial share of government social spending.

f. Vulnerable groups:

Low-skilled migrant workers are at increased risk of exploitation by their employer or recruitment agencies. As is the case in the region, migrant domestic workers (mostly female) are particularly vulnerable to poor and exploitative working conditions.¹⁷ The government has undertaken a number of measures to better protect domestic workers, mainly through the 2015 law regulating the working conditions of domestic workers (incl. minimum wage, hours, rest days, end-of-service gratuity).¹⁸ However, key challenges remain with regard to inspection and monitoring of compliance, as the law does not specify enforcement mechanisms and responsibility over domestic workers' employment remains with the Ministry of the Interior.¹⁹

g. Discrimination:

The government of Kuwait is going in the right direction towards better gender-sensitive occupational segregation when comparing the distribution of men and women in different occupation groups²⁰. This shows the country has however to address the issue of gender wage gap that ranges between 30 per cent in the public sector to more than 40 per cent in the private sector.

The law prohibits discrimination in employment on grounds of gender, sex, race and disability in the public sector, but no such provisions are in place for the private sector.²¹

h. Tripartism and social Dialogue

Kuwait has the longest experience in tripartite participation among the Arab States, with long-standing national tripartite consultative bodies. The government publicly supports its social partners, yet issues remain with regard to freedom of association, and particularly the right to strike.

Kuwait is one of the few Arab states that have ratified both C87 and C98. However, the law imposes some restrictions on workers' ability to join and form unions, incl. a requirement that new unions must have at least 100 founding members, of which 15 have to be Kuwaiti citizens. Non-citizens may not hold union office and have to obtain official approval to join a union.²²

¹⁵ KPIFSS, 2015, *PFISS Guide 2015*; ILO, 2009a, *Building adequate social protection systems and protecting people in the Arab region*.

¹⁶ KPIFSS, 2015, *PFISS Guide 2015*.

¹⁷ ILO CEACR, 2016, *Observation – Forced Labour Convention, 1930 (No. 29) – Kuwait*

¹⁸ ILO, 2016i, *Ways forward in recruitment of low-skilled migrant workers in the Asia-Arab States corridor; GLMM, 2015c, The Legal Framework of the Sponsorship System of the Gulf Cooperation Council Countries: A Comparative Examination*.

¹⁹ US Department of State, 2016, *Country Reports on Human Rights Practices for 2015 – Kuwait*

²⁰ the Duncan Index of Dissimilarity registered 0.326 in 2015 compared to 0.369 in 2014

²¹ US Department of State, 2016, *Country Reports on Human Rights Practices for 2015 – Kuwait*.; ILO CEACR, 2015, *Observation – Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Kuwait*.

²² ILO CEACR, 2016, *Observation – Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) – Kuwait*.

DWCP (2017-2020)	Alignment with National Development Frameworks	Alignment with SDGs
PRIORITY 1: Enhancing skills of women and men , foreign workers	Supporting human and social development Pillar of the Kuwait Vision 2035 and “Reform the education system to better prepare youth to become competitive and productive members of the workforce” of the Kuwait National Development Plan: The Pillar of increasing the GDP and raising the citizens’ standard of living of the Kuwait Vision 2035 and “Develop a prosperous and diversified economy to reduce the country’s dependence on oil export revenues” of the Kuwait National Development Plan	SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all 4.4.By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship
PRIORITY 2: Improved Governance of foreignlabour	Enhancing and improving the effectiveness of government administration Pillar of the Kuwait Vision 2035 and “Reform administrative and bureaucratic practices to reinforce transparency, accountability, and efficiency in the government” of the Kuwait National Development Plan	SDG 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all 8.8. Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment SDG 10: Reduce inequality within and among countries 10.3. Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard 10.7. Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies
PRIORITY 3: Strengthening social dialogue and tripartism	Promoting demographic policies, supportive of development strategy pillar of the Kuwait Vision 2035 including “Promoting the observance of human rights and, in this regard, preserving Kuwait’s reputation in adherence to relevant international conventions”.	SDG 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all 8.8. Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment

III. Country Programme (CP) Priorities

The DWCP in Kuwait will be implemented with and through the tripartite constituents and social partners with focus on three priorities:

PRIORITY 1: Enhancing skills of women and men foreign workers

Outcome 1: Enhanced skills anticipation frameworks and certification system by the responsible government agencies (PAM)

Outcome 2: Improved competency-based recruitment systems through the implementation of recognition of prior learning (RPL) pilot for 500 migrants in 4 occupations is undertaken with countries of origin

Outcome 3: Design and enforcement of the regulation on occupational license

PRIORITY 2: Improved Governance of foreign labour

Outcome 1: Strengthened fair recruitment processes for foreign workers through legislative and regulatory changes

Outcome 2: Improved protection of women and men foreign workers including through enhanced dispute prevention and resolution mechanisms and enhanced access to justice procedures for foreign and domestic workers.

Outcome 3: Strengthened inclusive dialogue on labour mobility with countries of origin, including in the establishment of fair recruitment corridors.

Priority 3: Strengthening social dialogue and tripartism

Outcome 1: Improved Legal framework and structures of SD and capacities of social partners

Outcome 2: Effective Contribution of Social Partners to Policy making and CB through enhanced SD mechanisms

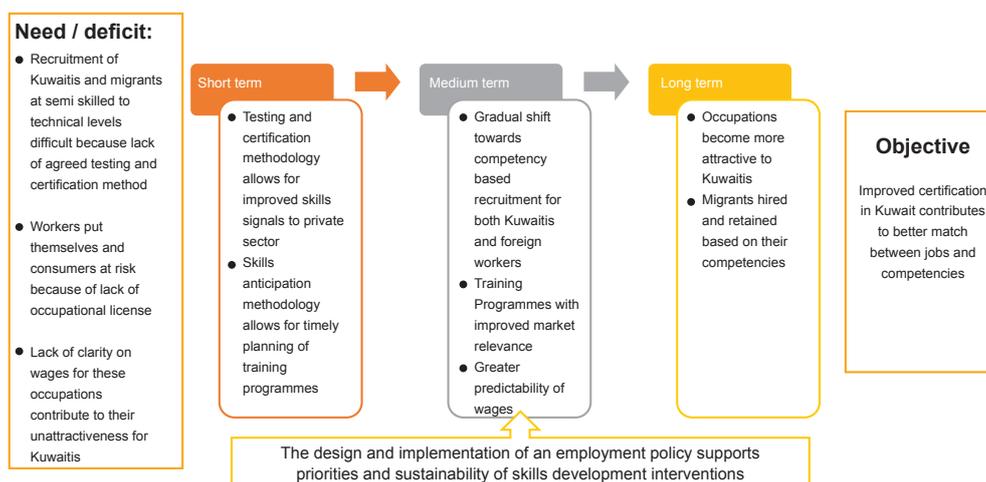
The following four cross-cutting policy drivers are mainstreamed under the three priority areas mentioned above:

- International labour standards;
- Gender equality and non-discrimination;
- Social dialogue;
- A just transition to environment sustainability;

Each of these priority areas includes a number of activities at the macro, sectoral and micro levels, spanning research, advocacy and technical cooperation projects.

PRIORITY 1: Enhancing skills of women and men foreign workers

Theory of Change linkages:



Talents and skills is one of the areas where ILO support was expressly requested by Kuwaiti constituents and therefore is established as one of the priorities identified for the DWCP. Outputs foreseen under the DWCP address deficits mainly at the meso- or institutional level, such as a lack of skills anticipation underpinning training programmes and the absence of a national certification method or system to support labour market mobility. They do not, however, expressly address broader issues, especially at the policy level, that contribute to the labour market inefficiencies that Kuwait is experiencing. This includes the absence or inadequacy of policies and institutions to mitigate and correct skills mismatches in the labour market, as well as the perpetuation of strong labour market segmentation along at least two axes (public – private sector employment, national – non-national workforce).

Vision 2035 prioritizes the increase of Kuwaitis in the workforce while keeping the number of migrant workers required for economic growth. From a Skills perspective, Kuwaitis should have the right knowledge, skills and attitudes to shift from a public to a private occupation, while at the same time competent migrants should be attracted and retained – if they fit within the quotas. Changes in the labour market – triggered by decisions at policy levels, as well as company level and for individuals – need to be informed by the right signals of the individuals' competencies, also to facilitate a process of lifelong learning and re-training.

Based on the Kuwait 2016-2019 / 2020 Mid-range Development Plan, the State seeks to introduce reforms to the labor market, including to apply the Kuwaiti professional qualifications system on workers before entering Kuwait to limit the entry of unqualified workers; to authorize the registration of workers subject to the project's sponsorship for a period not exceeding the project's execution period, with the impossibility of transferring the sponsorship during the project duration, and the creation of companies specialized in the provision of various domestic and family services, and the regulation of direct recruitment of domestic workers through citizens.

The functions of the former Kuwait Organization for Standards Accreditation Competencies (KOZAC) were transferred to the Public Authority for Manpower in April 2017 that now takes care of issuing competency standards for Kuwait, based on a DACUM methodology (more than 300 standards so far), and of overseeing the skills testing for migrants (3 occupations so far), and for Persons With Disabilities. At the same time, the Manpower and Government Restructuring Programme, among other services, test and certifies those who wish to move from the public to the private sector.

However, (a) there is limited visibility of the occupations these institutions and training providers should focus on; (b) these institutions do not apply a standard testing and certification methodology and their certificates have limited recognition among employers; (c) the lack of predictability of the wages and working conditions hampers the transfer of Kuwaitis from the public to the private sector.

In order to address these issues and work towards achieving greater impact, ILO ROAS needs to utilize entry point activities to open up opportunities to address these fundamental labour market dysfunctionalities:

Identifying entry points: The outputs and corresponding activities agreed under the draft DWCP provide the entry point. In the short-term, ILO interventions will address some of the key deficits identified, including the adoption and effective implementation of skills anticipation frameworks and enhanced certification system by the responsible government agencies (MGRP, PAM). The piloting of a recognition-of-prior-learning approach with a limited sample of migrant workers will also feed into this. The ILO will also support the design and enforcement of a comprehensive occupational license system. Together, these will help establish more formalised and competency-based recruitment systems, especially for the private, but also for the public sector.

Responsive capacity-building can open up policy space: Achievement of intended outcomes depends, to a great degree, on the capacity of the relevant actors to implement the approaches developed by ILO. A capacity-building exercise responding to identified needs for PAM and others could therefore

accompany DWCP activities on skills. This would not only help strengthen national counterparts with a view to increasing impact. It would also provide an opportunity for ILO ROAS to introduce arguments for how market-relevant and demand-led skills development, effective labour market governance and reducing inequalities can foster a more productive and diverse economy (especially private sector), thus supporting Kuwait's national vision.

Accessing public-private sector segmentation through skills interventions: Promoting competency-based recruitment needs to go hand in hand with developing market-relevant training programmes. This way, workers (and especially Kuwaitis) may have greater confidence in shifting jobs (especially from the public to the private sector). However, this also requires enhancing Kuwaiti perceptions of private sector employment, who maintain a strong preference for public sector jobs. Therefore, ILO medium-term activities should also focus on supporting attitudinal change and the quality of the jobs that are offered, including as part of training curricula and collaboration with government, schools and universities as well as the private sector itself. Enhancing efficiency and aligning supply and demand in the labour market also requires more transparent and enhanced wages and working conditions.

The DWCP Priority 1 will contribute a methodology to be used for testing and certification for both Kuwaitis and Migrant workers. There is no pilot for Kuwaitis under this DWCP as it is expected that the methodology will be piloted and used through the regular training programmes of the Kuwait skills development system from semi-skilled to technical level. Also, Nationals will benefit from the programme by accessing occupational license that guarantee they have the required competencies for targeted occupations that would be otherwise dangerous – both for workers and consumers. Kuwaitis will also benefit from the DWCP priority 1 by gaining a greater clarity on wages for the targeted occupations.

Main Objective for the Skills Development component: Improved certification in Kuwait contributes to better match between jobs and competencies

OUTCOMES	OUTPUTS
<p>OUTCOME 1.1: Enhanced skills anticipation frameworks and certification system by the responsible government agencies</p>	<p>Output 1.1.1: Sectors and methodologies are prioritized after a review of studies, and a skills gap analysis is conducted at a national level.</p> <p>Output 1.1.2: PAM agrees on the methodology for the skills gap analysis study</p> <p>Output 1.1.3: Occupations and competencies are prioritized in three sectors after a mixed method research.</p> <p>Output 1.1.4: PAM staffs understand the various models of testing and certification of skills.</p> <p>Output 1.1.5: Draft SOPs are proposed based on priorities of PAM, and in line with good practices tested internationally as well as Kuwait specificities.</p> <p>Output 1.1.6: Test developers and assessors have increased capacity for testing and certification of skills.</p> <p>Output 1.1.7: Theoretical and practical tests are developed for targeted occupations and saved in a database.</p> <p>Output 1.1.8: A pilot is run separately for 300 Kuwaitis, as part of on-going programmes.</p> <p>Output 1.1.9: Standard Operating Procedures (SOPs) are revised based on the pilot, finalized and adopted.</p>

<p>OUTCOME 1.2: Improved competency-based recruitment systems through the implementation of recognition of prior learning (RPL) pilot for 500 foreign workers in 4 occupations is undertaken with countries of origin</p>	<p>Output 1.2.1: RPL Pilot concept, financial arrangements for testing, and workplan are agreed in an inception workshop with all relevant institutions, recruitment agencies, participating employers identified by KCCI and relevant training institutions / apex bodies of countries of origin.</p> <p>Output 1.2.2: Testing centres are selected according to criteria mutually agreed by ILO and PAM, and MOUs are signed for the accreditation of these centres for theoretical and practical testing – if possible with online testing facilities.</p> <p>Output 1.2.3: A test bank for the four targeted occupations (both practical and theoretical tests) is finalized by ILO and PAM.</p> <p>Output 1.2.4: Potential assessors are recruited and trained by ILO and relevant training institutions / apex bodies of countries of origin.</p> <p>Output 1.2.5: 500 potential foreign workers are tested in the four occupations and placed with participating employers.</p> <p>Output 1.2.6: 500 foreign workers are tested in Kuwait after 3 years in order to measure their improved competencies</p> <p>Output 1.2.7: Employers are satisfied with the RPL pilot and their satisfaction is documented through a survey.</p>
<p>OUTCOME 1.3: Design and enforcement of the regulation on occupational license</p>	<p>Output 1.3.1: Capacity building is provided to relevant stakeholders (PAM) to improve their understanding of international good practices related to occupational license.</p> <p>Output 1.3.2: Capacity building is provided to Kuwaiti workers to improve their perception of private sector employment, through collaboration with government, schools, universities, and private sector.</p> <p>Output 1.3.3: Information about licensed workers is readily accessible to employers and consumers through PAM website.</p> <p>Output 1.3.4: Complaint mechanisms are available with professional association and PAM for unsatisfied employers / consumers.</p> <p>Output 1.3.5: Employers and workers agree on wage levels for targeted licensed occupations</p>

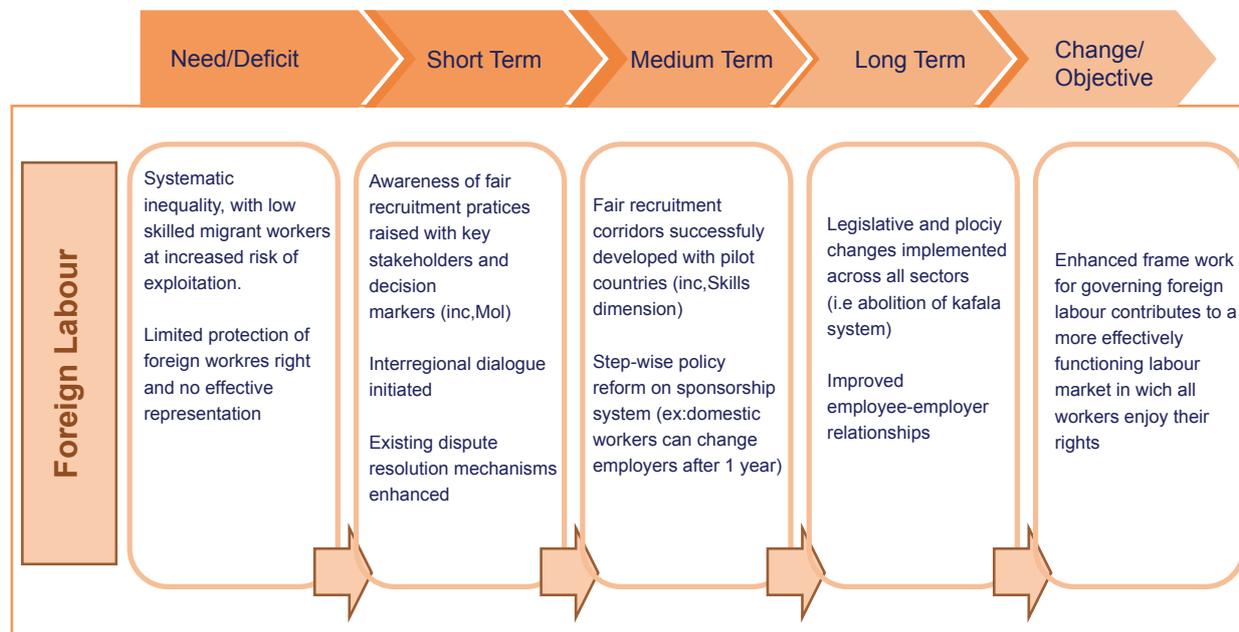
This component will intersect with

- the Migration component for the implementation of the pilot that will also benefit from additional activities (pre-departure awareness raising on rights and responsibilities, as part of the corridor approach);
- the Social Dialogue component for the collective bargaining around wage levels for the proposed occupational license system;

Reinforcing the governance of the skills development system will be a cross cutting characteristic of the component, by strengthening the participation of employers and workers representatives in testing and certification, and evaluation of impact.

PRIORITY 2: Improved Governance of foreign labour

Theory of Change linkages:



Kuwait, like other GCC countries, has a highly segmented labour market, with the majority of the workforce, and nearly the entirety of the private sector workforce, composed of non-nationals.

Vision 2035 prioritizes increasing the number of Kuwaiti nationals in the workforce while ensuring there are still sufficient foreign workers available in key employment sectors essential to maintain economic growth.

However, the renewed focus on Kuwaitization of the workforce and some of the political rhetoric associated with achieving this objective can impact adversely on the situation of migrant workers. The governance of foreign labour in Kuwait also suffers from a number of challenges, which, among others, are linked to gaps in the labour law and related laws and regulations, the capacity of the Public Authority of Manpower (PAM) and other relevant government institutions and of social partners in light also of pressures associated with restructuring and related issues, and underdeveloped social dialogue.

During the consultation mission to Kuwait at the end of January/beginning of February 2018, tripartite constituents agreed to include a priority area focusing on the governance of foreign labour encompassing four strategic components: (1) Instituting fair recruitment processes applicable to foreign workers; (2) Enhancing dispute resolution mechanisms and access to justice; (3) Improving the treatment of foreign domestic workers; and (4) Fostering dialogue with key countries of origin. Given that the DWCP guidelines necessitate a maximum of three outcomes per priority, the 2nd and 3rd strategic objectives will be merged in view of the similarity and complementarity between them.

In order to achieve longer-term impacts to bring about a labour market that functions effectively and is able to provide decent work for both Kuwaiti citizens and migrant workers, ILO ROAS will need to engage in broader dialogue and support, including at the policy level.

- Continuing to raise awareness and disseminate the discourse of labour rights: In the short-term, the activities agreed to form part of the DWCP will provide an important basis for raising awareness on principles of fair recruitment, building upon ILO ROAS' existing and successful activities in Kuwait through the FAIRWAY project. Crucially, this would require the engagement of the Ministry of Interior as one of the key actors and decision-makers with regard to domestic workers, which has become more urgent in the light of the ministerial decree to transfer responsibility for domestic workers' issues from the Ministry of Interior to the Ministry of Social Affairs and Labour and PAM²³, but also with other actors that are important with regard to ILO ROAS' long-term objectives: the global private sector as well as multi-stakeholder platforms such as the Leadership Group for Responsible Recruitment.
- Focusing on dispute resolution as an entry point to more fundamental labour governance reform: The review and improvement of existing mechanisms for dispute resolution provides an important opportunity for ILO to make the case for more effective governance of foreign labour while at the same time addressing one key vector of non-national worker vulnerability, i.e. limited access to remedy and recourse, including to the courts. ROAS' engagement in Kuwait has shown that a lack of capacity at institutional level (including PAM, as well as the judiciary) is a substantial challenge which can be mitigated by incorporating a capacity-building component into scheduled programming.
- Pursuing demonstration effect of fair recruitment corridors: The successful development of fair recruitment corridors with a number of selected, pilot countries of origin will be used to generate important demonstration effects supporting the case for enhanced governance of foreign labour internally, while the interregional dialogue helps to establish Kuwait as a leading reformer with regard to fair recruitment of migrant workers externally.
- Incremental shifts to migrant labour reform: A step-wise approach to reducing imbalances between the rights of migrant workers and Kuwaiti nationals could start with enhancing policy coherence within the sponsorship system, e.g. by reducing the number of years after which domestic workers can change their employer to one, which could be incorporated into the labour law or an amended law on Domestic Workers. Gradually, the scope of changes could be broadened to ensure coherent legislative frameworks covering all sectors and workplaces, resulting in the replacement of the sponsorship system with a employment contract-based system for governing employer-employee relations.

The provision of ILO technical assistance to implement this priority area of the DWCP is aligned with and will build on the ongoing work and activities that are currently taking place and foreseen under the auspices of the Regional Fair Migration Project in the Middle East (FAIRWAY), as well as other relevant projects such as Work in Freedom (WIF) or Global Action to Improve the Recruitment Framework of Labour Migration (REFRAME).

Main objective for the governance of foreign labour priority: Enhanced framework for governing foreign labour contributes to a more effectively functioning labour market in which all women and men workers enjoy their rights.

²³ Pending clarification of the system of transfer of responsibilities

OUTCOMES	OUTPUTS
<p>Outcome 2.1. Strengthened fair recruitment processes for foreign workers through legislative and regulatory changes</p>	<p>Output 2.1.1: More effective monitoring and enforcement of recruitment of foreign workers, in accordance with the ILO General Principles and Operational Guidelines for Fair Recruitment (2016), is discussed with government authorities (including PAM and the Domestic Workers Department in Ministry of Interior), social partners and other relevant actors in a national stakeholders' workshop on fair recruitment, as well as follow-up activities.</p> <p>Output 2.1.2: Study on harmonization of recruitment regulations is completed and pertinent recommendations are discussed, with a view to initiating legislative and regulatory changes.</p>
<p>Outcome 2.2: Improved protection of women and men foreign workers including through enhanced dispute prevention and resolution mechanisms and enhanced access to justice procedures for foreign and domestic workers.</p>	<p>Output 2.2.1: Dispute prevention and resolution mechanisms within PAM and the Domestic Workers Department in the Ministry of Interior as well as access to justice modalities are reviewed, and pertinent recommendations are discussed, with a view to initiating legislative changes.</p> <p>Output 2.2.2: Capacity building is provided to labour administration staff of PAM and the Domestic Workers Department in the Ministry of Interior, while together developing enhanced dispute resolution and access to justice modalities for foreign workers.</p> <p>Output 2.2.3: A review of the Domestic Workers Law No. 68/2015 is conducted and policy advice is provided to PAM and the Domestic Workers Department in the Ministry of Interior, with a view to initiating regulatory changes that move towards full alignment of Law No. 68/2015 with the ILO Domestic Workers Convention, 2011 (No. 189).</p> <p>Output 2.2.4: Capacity building is provided to labour administration staff of PAM and the Domestic Workers Department in the Ministry of Interior, and awareness raising of the legal provisions is provided to employers of domestic workers, with a view to improved implementation of the Domestic Workers Law No. 68/2015.</p> <p>Output 2.2.5: Two training workshops are conducted to staff of the Kuwait Trade Union Federation (KTUF) on rights-based approaches to fair migration.</p> <p>Output 2.2.6: New services are provided by workers' organizations to their members and related civil society organizations for protection and promotion of decent work for migrant workers, including domestic workers.</p>

	<p>Output 2.2.7: Support provided to PAM and the Domestic Workers Department of the Ministry of Interior to ensure that the governance of domestic worker issues takes place in a fair and effective manner.</p> <p>Output 2.2.8: Voice of women and men foreign workers is strengthened, including through support to and enhancement of the resource centre for foreign workers.</p> <p>Output 2.2.9: Outreach strategy is developed and implemented for empowerment of migrant workers.</p>
<p>Outcome 2.3. Strengthened inclusive dialogue on labour mobility with countries of origin, including in the establishment of fair recruitment corridors.</p>	<p>Output 2.3.1: The modalities for and establishment of an inclusive interregional dialogue with countries of origin in Africa (Kuwait Initiative) are discussed, in collaboration with PAM and other pertinent government agencies, and in consultation with social partners and other relevant stakeholders from Africa.</p> <p>Output 2.3.2: First Kuwait Initiative dialogue is held in 2019.</p> <p>Output 2.3.3: Two fair recruitment corridors with principal countries of origin are established, including skills training in the country of origin to better match workers with employers in Kuwait.</p>

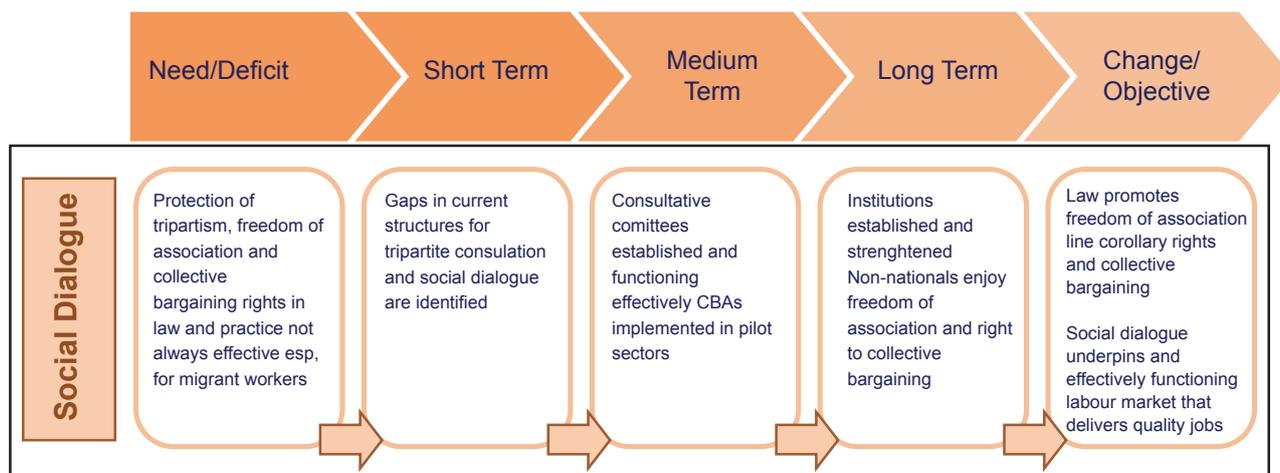
The governance of foreign labour priority in the DWCP intersects with

- The skills development priority and particularly the component addressing the recognition of prior learning pilot for 500 foreign workers in four occupations undertaken in collaboration with countries of origin, and
- The social dialogue priority and particularly the component that aims to build the capacities of social partners to engage in social dialogue and collective bargaining to respond in a timely manner to evolving national policy challenges relating to the governance of foreign labour, including dialogue with countries of origin.

The principal risk to successful implementation of this DWCP priority concerns organizational changes affecting key personnel in PAM and other key ministries that either delay implementation or seek to shift the overall policy direction. Moreover, while Vision 2035 aims to implement the legitimate policy objective of increasing the number of Kuwaiti nationals in the private sector and reducing the size of the foreign labour force, there is a risk that this policy could be pursued through increased immigration controls resulting in greater precariousness among the foreign labour force.

PRIORITY 3: Strengthening social dialogue and tripartism

Theory of Change linkages:



Kuwait has the longest tradition of tripartism in the Gulf, yet issues remain with regards to institutionalizing social dialogue in a systematic way with defined methodologies and techniques leading to more effective and proactive national institutional capacities. Moreover, the large size of the non-national labour force in Kuwait requires more inclusive social dialogue platforms that reflect all levels of the labour market segmentation. Accordingly, achieving longer-term objectives on decent work in Kuwait encompasses supporting social partners to better contribute to national policy challenges, which is the core anticipated outcome of the areas for cooperation agreed under the DWCP to be developed.

Kuwait has ratified the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), and the Collective Bargaining Convention, 1981 (No.154).

An Advisory Committee for Labour Affairs (ACLA) has been established to give opinion on labour issues, in conformity with article 143 of the Labour Code Number 6 / 2010. The Committee is a national tripartite structure, composed of 16 members, 8 representatives from Government, 2 representatives from KCCI, and 4 representatives for workers (2 from KTUF and 2 consultants) and headed by the General Director of PAM. The Committee meets every quarter to provide opinions on matters presented to it by the General Director of PAM based on the request of the Minister of Labour. Although the establishment of ACLA is a good step towards the institutionalization of social dialogue, a more elaborated approach needs to be undertaken for defining its vision and role towards effectively influencing policy and law making processes as well as promoting sound industrial relations in Kuwait.

An effort that will enable the State of Kuwait to meet the recent comments made by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) on Conventions No. 87 and No. 98 (Observation of 2017) to ensure the full conformity of labour legislations with the ILO principles.

Strong and representative social partners and an active and broad-based social dialogue are important for good industrial relations and a key contributing factor to the sustainable development of the country. Based on the above, the constituents in Kuwait agreed that strengthening social dialogue and

tripartism should be a priority area under the DWCP as it guarantees the most appropriate means of regulating employment relations in the country.

In order to reach longer-term decent work objectives, the ILO will work with its constituents in Kuwait towards creating a policy environment that enables social dialogue, protects freedom of association and collective bargaining rights and improves employer-employee relations.

- Consistent messaging on the functional gains of social dialogue: The DWCP foresees a study to assess the established tripartite structures and mechanisms for social dialogue, collective bargaining and policymaking. This study constitutes an important first step and ILO ROAS will ensure that it aligns with (and feeds into) country-level research carried out on employment issues, making a clear case for how and why social dialogue is essential for a well-functioning labour market (thus reemphasising the value-added that ILO can bring to Kuwait's national economic and human capital development priorities). The communications objective here is not to disassemble, but rather to present a different, more practical perspective on the enabling rights and gaps to be filled.
- Increasing awareness and discussion on the role of the social partners in the broader decent work agenda through capacity-building interventions: Capacity-building activities for social partners will respond to the gaps and needs identified in the study and designed in a way that enables social partners to contribute to ILO ROAS' longer-term objectives. This will also take into account the role of workers' and employers' representatives in foreign labour governance (e.g. with regard to dispute resolution mechanisms) and skills and private sector development (e.g. with regard to improving wages and working conditions for all workers and raising awareness of private sector employment among Kuwaiti nationals).
- Underlining the importance of social dialogue as a means (to national objectives) as well as an end in itself: Well-designed capacity building will contribute to the effective functioning of tripartite, consultative committees. In order for these to be involved in key policy-making processes, it is also important that other influential stakeholders (notably government bodies beyond ILO ROAS direct counterparts in PAM) are convinced of the value and benefit that social dialogue can bring to the realisation of their own priorities. As part of this, sectoral collective bargaining agreements could be piloted in a way that integrates with activities on skills and workforce development as well as improving foreign labour governance, e.g. by making working conditions more transparent in segments of the private sector identified as potential employers of nationals or by strengthening or complementing existing (PAM) dispute resolution mechanisms. Showcasing the benefits of enhanced social dialogue, including in relation to the migrant workforce, can be crucial in generating the buy-in and momentum needed to address inequalities with regard to freedom of association and collective bargaining rights at legislative level, working towards enhanced enjoyment of rights for non-national workers, including through reforming the trade union law and ensuring its consistency with ILO Conventions.

Main objective for strengthening social dialogue and tripartism: Legislation protects freedom of association (including corollary rights) and collective bargaining. Social dialogue underpins an effectively functioning labour market that delivers quality jobs.

OUTCOMES	OUTPUTS
Outcome 3.1: Improved Legal framework and structures of SD and capacities of social partners	Output 3.1.1: A scoping and assessment study is conducted on collective bargaining structures, aiming at assessing effectiveness, identifying gaps, and developing recommendations towards enhancing social dialogue structures and mechanisms ensuring an institutionalized process that secures ownership and inclusiveness of all social partners. Output 3.1.2: Tripartite established Committees by-laws revised Output 3.1.3: Structures at KCCI and KTUF in charge of raising awareness and building capacities of enterprises and union members created. Output 3.1.4: A national strategy to promote collective bargaining is developed. Output 3.1.5: proposals developed promoting tripartite social dialogue and consensus building
Outcome 3.2: Effective Contribution of Social Partners to Policy making and CB through enhanced SD mechanisms	Output 3.2.1: Capacity building is provided to social partners to engage effectively in national policy discussions on skills and anticipation development and feed into the foreign labour policy of Kuwait. Output 3.2.2: Collective bargaining agreements enhanced or signed in 2 sectors to be selected upon results of assessment Output 3.2.3: Proposals for needed amendments on labour legislation and occupational safety and health regulations developed

IV. Implementation planning, management and evaluation:

a. Implementation, performance monitoring and evaluation arrangements

The DWCP is a time-bound results-based partnership framework between the ILO and its constituents to advance on the decent work agenda. Three tools will be used for monitoring and evaluation of the DWCP

- i) Implementation plan;
- ii) Results framework;
- iii) M&E plan;

A tripartite DWCP committee will be established composed of representatives from ILO and each of the tripartite constituents that will monitor and guide the DWCP implementation. The tripartite committee will be involved in the development of the programme and has the following roles and responsibilities:

- 1) Develop the DWCP results framework for the agreed outcomes under each country priority;
- 2) Develop the monitoring and implementation plans, including annual plans and reporting templates;
- 3) Conduct the final tripartite consultations to endorse the National DWCP;

- 4) Monitor the DWCP's implementation and progress towards results, strategic alignment and stakeholders' engagement;
- 5) Coordinate among all partners to ensure an effective and efficient implementation of the approved DWCP;
- 6) Provide strategic guidance for the implementation of the programme in tandem with the needs and national developments;
- 7) Coordinate with other ministries, development and international partners to promote and implement the DWCP ensuring its sustainability;
- 8) Collaborate in resource mobilization for the programmes and the activities to be implemented within the context of the DWCP where funding is needed;
- 9) Prepare minutes of meetings and report on the committee work and status of programme delivery;
- 10) Engage in an evaluation and end-of-programme review;

The committee will hold regular meetings to monitor the progress towards achievement of the DWCP results, with ILO support. Ad-hoc meetings may be called outside of the regular schedule as and when needed.

The Committee will nominate a secretariat to assist in reporting on the meetings and monitoring the implementation of the committee's decision, in rotation between tripartite constituents among their representatives in the Committee. It may request the support of special technical advisory bodies (committees) or experts for specific type of activities to be implemented.

The Regional Office for the Arab States (ROAS) will manage the Programme, with the support of its Decent Work Technical Support Team (DWT), relevant technical departments from HQ and the International Training Centre in Turin. The Regional Programme Unit (ROAS/RPU) will provide regular backstopping and M&E support to the DWCP. It will support the resource mobilization to fund the programme, and the Regional Communication and Public Information Unit will ensure sufficient levels of visibility of the DWCP during the implementation.

The programme will be subject to annual reviews and a Country Programme Review (CPR) at the end of the DWCP period. A CPR is a participatory tool used to review the design of a DWCP, examine performance against expected outcomes, ascertain what has been achieved, whether outputs have led to the expected outcomes, and whether the strategies and partnerships have been effective and efficient based on the comparative advantages of the different partners.

The DWCP might also undergo an independent evaluation managed by EVAL and with the involvement of the Regional Office and constituents.

b. Role of ILO Constituents

Kuwait ILO constituents, through the Government, represented by the Public Authority of Manpower, the Kuwait Trade Union Federation (KTUF) and the Kuwait Chambers of Commerce and Industry (KCCI), are active partners in the development and implementation of the DWCP.

One of the main lessons learned from DWCP reviews, is the need for the active engagement of ILO constituents at all levels from the development of the DWCP, to its implementation and evaluation to ensure national ownership and sustainability of results. National ownership and increased accountability will be further developed through outreach and advocacy efforts among tripartite constituents and other key actors. The constituents are therefore key partners in achieving results and have been engaged in the development of the DWCP since the early stages of the process.

The Public Authority of Manpower and social partners shall make available their respective expert staff to coordinate the work to be carried out through ILO projects and programmes. They will also provide the required logistical support as needed and available. The tripartite partners, through the tripartite committee, are committed to engage in the necessary follow-up activities to achieve the expected DWCP results, report on the progress achieved and propose strategies to overcome challenges and bottlenecks.

c. Assumptions and Risks

The achievement of the DWCP results are contingent to the continued engagement of the tripartite constituents and strong collaboration between them and the ILO. This necessitates the sustainability of political will as well as representation and collaboration of ILO constituents.

The success of the ILO's policy work in advancing on decent work in Kuwait is dependent on the continued tripartite support on these priority issues.

Moreover, it is assumed that ILO, in collaboration with the tripartite partners, will be able to mobilize sufficient resources for the achievement of the DWCP outcomes. Resource mobilization being a shared responsibility, the tripartite partners will support the ILO in this task.

d. Synergies and coordination

ILO will adopt an integrated approach to programming ensuring close coordination and synergies between different partners. ILO will seek to consolidate previous work done in the country and build on the achievements of various DC projects for the promotion of better working conditions, non-discrimination and equal rights at work.

The DWCP will adopt an integrated outreach and advocacy strategy to achieve the goals of decent work, tripartism and social dialogue through coordination and information sharing with tripartite constituents.

V. Funding Plan:

Kuwait is a high-income country, and normally not eligible for external donor support, with some exception particularly in the area of labour migration. The financing of the DWCP is therefore a joint concern for the ILO and the Kuwaiti constituents.

The ILO will contribute via its technical advisory services, while the Government and social partners will bear the cost of the activities to be carried out, e.g. studies, workshops/seminars and participation in ILO training activities. In the current biennium, the ILO have ongoing regional projects on migration. However, for the ILO to have sufficient capacity to provide technical services to Kuwait, significant additional funding is required. The exact funding gap will be identified as part of the implementation planning exercise and updated through periodic reviews and annual workplan. Although the funding for the complete programme will not be available at the time of signature of the MOU, the parties commit to making the financial resources needed for implementation of the first year of DWCP activities available shortly after signature.

Resources needed for the whole programme will be mobilized through the annual joint planning, implementation and monitoring of the DWCP. The ILO will use national statistics which are regularly published by the government and annual work reports to monitor the progress of this DWCP.

VI. Advocacy and communication plan

A decent work advocacy strategy will be developed aiming at a greater recognition of the relevance of decent work to Kuwait's vision and economic and development agenda, for stronger partnerships and joint efforts among ministries, organizations and sectors. The advocacy and communication plans will commence with making this DWCP document, ILO's key publications and key results of ILO work in Kuwait available to the public both in Arabic and English. This will give members of the Kuwaiti constituents and the public-at-large access to decent work-related materials. In addition, good practices from other ILO projects and knowledge sharing platforms for learning about practical approaches to realize decent work will be made available for constituents. ILO Beirut will regularly publish DWCP activities and results on its websites and in joint communications with the constituents and the UN Country Team for Kuwait.



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