Labour Market Profile Kenya – 2022/2023

This profile provides a comprehensive overview of the labour market's structure, development, and challenges.

Danish Trade Union Development Agency

ULANDSSEKRETARIATET – DTDA
DANISH TRADE UNION DEVELOPMENT AGENCY

PREFACE

The Danish Trade Union Development Agency (DTDA) is the development organisation of the Danish trade union movement. This agency was established in 1987 by the two largest Danish confederations – the Danish Federation of Trade Unions (Danish acronym: LO) and the Danish Confederation of Professionals (Danish acronym: FTF). These confederations merged to become the Danish Trade Union Confederation (Danish acronym: FH) in January 2019, and DTDA replaced LO/FTF Council as the name of the development agency.

The work of DTDA is in line with the global Decent Work Agenda (DWA) based on its pillars: creating decent jobs, guaranteeing rights at work, extending social protection, and promoting social dialogue. The overall development objective is to eradicate poverty and support the development of just and democratic societies by promoting the DWA.

DTDA collaborates with trade union organisations in Africa, Asia, Latin America, and the Middle East. The programmes' immediate objective is to assist the partner organisations in becoming change agents in their own national and regional labour market context, capable of achieving tangible improvements in the national DWA conditions and the labour-related Sustainable Development Goals (SDGs).

The Labour Market Profile (LMP) format provides a comprehensive overview of the labour market's structure, development, and challenges. In the framework of DWA and SDGs, LMPs follow several central indicators addressing labour market development aspects, especially the unionism evolution, social dialogue and bi-/tri-partite mechanisms, policy development, and legal reforms status vis-à-vis ILO conventions and labour standards, among others.

Primary sources of data and information for LMPs are:

- As part of programme implementation and monitoring, national partner organisations provide annual narrative progress reports, including information on labour market developments. Furthermore, specific data and information relating to central indicators are collected using a unique data collection tool.
- National statistical institutions and international databanks are used as a source for the collection of general (statistical) data and information, such as ILOSTAT and NATLEX, World Bank Open Data, ITUC Survey of Violations of Trade Union Rights, the U.S. Department of State, and other internationally recognised labour-related global indexes.
- Academia and media sources (e.g., Labour Start, national news, among others) are used in research on labour market issues.

The profile is regularly updated; the current version covers 2022-2023. Labour Market Profiles for more than 30 countries are available on DTDA's website:
https://www.ulandssekretariatet.dk/.

DTDA prepared the Labour Market Profile in close collaboration with Kenya's Central Organization of Trade Unions (COTU-K). If any comments arise to the profile, please contact Mr Kasper Andersen (kan@dtda.dk) from DTDA.

The front-page photo illustrates metal workers in Nairobi, and it is photographed by Jan Toft Andersen.

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EXECUTIVE SUMMARY

The Covid-19 pandemic triggered economic ruptures in 2020, resulting in many workers losing their jobs and livelihoods, pushing many to balance the poverty line in Kenya. Although the economy and employment rebounded in 2021, the Russian war against Ukraine in 2022 led to a new global crisis costing a reduction of Kenyan workers' income purchasing power. Generally, the country's economic growth has benefitted from a boost in the agricultural sector but is highly vulnerable to climate change impacts and challenging its future job creation and just transition.

The labour market's legal framework improved in recent years. But the continuously growing employment in the informal economy is haunted by loopholes in labour and business regulations in practice, often due to a lack of awareness or incentives.

Industrial relations deteriorated at the end of the 2010s linked to controversial Collective Bargaining Agreements (CBAs). They further faced initial lockdown measures to curb the pandemic in 2020. These conditions complicated the negotiation for collective bargaining and caused trade unions to lose many members; the Central Organization of Trade Unions - Kenya (COTU-K) still recorded a relatively high trade union density of total employment at 6.0% in 2021. On the positive side, a Memorandum of Understanding was signed in April 2020 by the labour tripartite social partners to ensure decent work in crisis response. CBAs coverage rebounded in 2021, reaching 14% of wage employees, mainly due to an upsurge in the education sector. It also supported a long-waited adjustment of the minimum wages in May 2022, raising it by 12% on average. However, in real terms (deducted inflation), the minimum wage was outpaced by the increasing cost of living.

Demographic shifts are reflected to curb the youth bulge connected to urbanisation and waning fertility rate. Labour's share of national income is falling, standing at the lowest level among the neighbouring countries. It sticks to persistent inequality and the meagre poverty reduction track record during the last decade. The projected unemployment rate of around 5.7% in 2021 appeared to be relatively low but was shadowed by a high underutilisation rate of 35%.

The considerable emigration flow of Kenyan workers sparked a brain drain. Remittances are gaining more economic weight, even significantly higher than foreign direct investments. The new legal framework to protect refugees in Kenya improved their voices heard, but still, their job opportunities and income generation continue to be problematic.

Reforming Kenya's education system gave a tailwind in its performance; for example, the enrolment and number of TVET institutions are increasing, making it the fastest-growing category in the education sector. Firms offering formal training programmes are significantly higher than the neighbouring countries. Despite the fast evolution of the information and communication technology (ICT) sector attracting investors and policymakers, four out of five (80%) informal enterprises are not using any available internet.

The country demonstrates improvements in social protection, particularly the health insurance system and national safety net programme take strides ahead. It was helped by social dialogue among social partners, particularly the COTU-K plays a central part in the social security and health institutional managing boards. Other cash transfer schemes' coverage declined, though, and still, just 10% of the population was covered by at least one social protection benefit in 2020. Unemployed have not received benefits, but a new state-backed Unemployment Insurance Fund (UIF) emerged in 2021 but has not yet been implemented per November 2022.

Status of key labour market indicators in the framework of the Decent Work Agenda (DWA) in Kenya

Creating decent jobs	
Policy reforms addressing creation of decent employment	Kenya adopted a skills development policy, and several other ongoing policies deal with the minimum wages, poverty reduction, TVET Financial Policy, Small and Medium Enterprises Authority, and Prior Learning Policy.
ILO standard setting on improvement of the status of workers from the informal economy	Tri-partite National Informal Employment Forum addresses policy issues and the status of informal employment. They lack a policy addressing the status of informal economy workers.
Guaranteeing rights at work	
Growth in partner trade union members (%)	A fall of 56% for COTU-K members from 2018 to 2021.
Violations of trade union rights	Ranking 4 out of 5+ (5 is worst) on the Global Rights Index in 2022. *
New labour legislation is improved according to ILO's standards	The addition of the Alternative Dispute Resolution Act of 2021; amendment of the Employment Act of 2021 to provide statutory education for workers, amendment of NHIF Act of 2021 with some reservations due to interference of the workers' representation on the board; Refugee Act of 2021 to foster refugee self-reliance in accordance with the commitments made under the Comprehensive Refugee Response Framework (CRRF); the state-backed Unemployment Insurance Fund (UIF) was launched in July 2021; Children Act of 2022 has provisions for the right to Social Security. Additionally, the Climate Change Act of 2016 outlines an enhanced response to climate change and provides mechanisms and measures to achieve low-carbon climate-resilient development.
Partner organisations with minimum 30% women representation in decision-making bodies	COTU-K women's share in leadership and decision-making bodies was 20% in 2021.
Extending social protection	
Health social security coverage as % of total population	The National Health Insurance Fund (NHIF) registered principal members have increased significantly from 6.8 million in 2016 to approximately 14 million in 2022, along with about 12.9 dependants.
Workers from the informal economy have access to national social security schemes	The existing NHIF provision of voluntary membership from the informal economy represents 5 million principal members with approximately 6.6 million dependants in 2022. They are challenged by a high dropout rate.
Promoting social dialogue	
Trade union density of total employment (%)	6.0% in 2021.
Cooperation in labour-employer relations	91 out of 141 countries in 2019. **
Number of Collective Bargaining Agreements (CBAs)	313 CBAs in 2018 steadily dropped due to the pandemic, reaching 116 CBAs in 2021 (see more in Figure 4 ahead).
The ratio of Collective Bargaining Agreements coverage to unionised employees	From 0.6% in 2020 to 14% in 2021.
Bi-/tri- partite agreements concluded	An advisable example was a Memorandum of Understanding (MoU) signed in April 2020 by the tripartite social partners to offer guidance to both the unions and employers on how to handle industrial relations on the shop floor in ensuring decent work in the context of crisis response, such as the Covid-19 pandemic and recognising the importance of social dialogue. COTU-K and FKE have jointly proposed joint guidelines on settling labour relations and employment disputes through Alternative Dispute Resolution (ADR) mechanisms to the Ministry of Labour through several alternative avenues outside the court system to hasten the dispute resolution processes.

** Listed as "regular violations of rights": governments and companies are regularly interfering in collective labour rights or failing to fully guarantee essential aspects of these rights.*
*** Based on survey data for employers' view.*

Source: DTDA's Data collection tool: Kenya, 2021; COTU-K; Kenya National Bureau of Statistics, Economic Survey 2022; ITUC's Global Rights Index, 2021; The Global Competitiveness Report, 2019, 8th pillar: Labour market efficiency.

COUNTRY MAP

Source: UN Cartographic Section.

TABLE OF CONTENTS

Tables

Figures

ECONOMIC PERFORMANCE

Vision 2030 strategy was launched in 2008 as a development blueprint based on five-year Medium-Term Plans (MTPs). The MTP 2018–2022 came to an end aiming at making the country a new industrialisation, supporting a conducive operating environment for manufacturing businesses. The Fourth Medium Term Plan (2023-2027) preparatory process is ongoing via social dialogue and is expected to be implemented in 2023. The government has further promoted the Big Four agenda since 2017 to ensure affordable housing and universal healthcare, enhance manufacturing and attain food security, and accelerate Vision 2030 attainment.

Kenya has been ranked as a lower-middle-income country since 2014, passing the World Bank's threshold based on GDP per capita. The economy is recognised as dynamic and the largest economy among the East Africa Community (EAC) members, benefiting as a regional transport hub and a strong private sector.

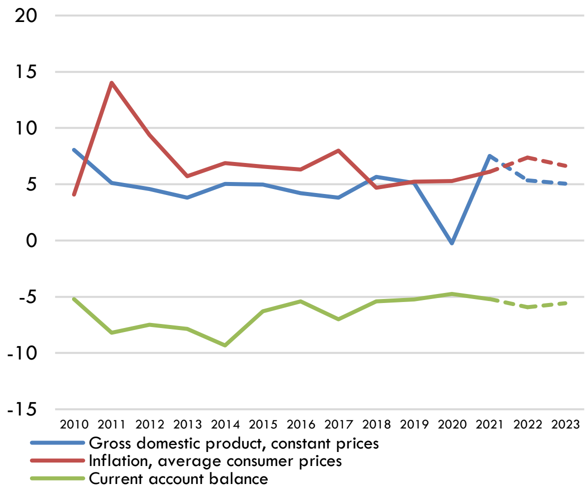
During the 2010s, Kenya's economy achieved broad-based growth averaging 5.0% per year. However, in 2020 the global Covid-19 pandemic shock affected Kenya's economy hard, disrupting international trade and transport, tourism, and urban services activity.[1] Although the agricultural sector stood resilient, helping to tame the GDP downturn, the pandemic led to a fall of 1.7% in the Gross Domestic Product (GDP) per capita from 2019 to 2020. In 2021, the economy rebounded, costing an increasing government debt, not to mention some sectors, such as tourism, remained under pressure. The Russian war against Ukraine has also negatively affected business in Kenya, manifesting in high costs of imports like fuel, wheat, and fertiliser. GDP growth was projected at 5.3% in 2022. Generally, inflation in consumer prices was stable at around 5% at the end of the 2010s, slightly increasing at the beginning of the 2020s, which to some extent has thwarted the workers' income purchasing power (see more details in Table 1, Figure 1, and the Working Conditions section).

Table 1: Kenya's key economic data, projections, 2019-2023

Values	2019	2020	2021	2022	2023
GDP (current, billion, US$)	100	101	111	115	118
GDP per capita (current, US$)	2,108	2,073	2,219	2,255	2,258
Total investment (% of GDP)	19%	20%	20%	20%	20%
Gross national savings (% of GDP)	14%	15%	15%	14%	14%
General government total expenditure (% of GDP)	24%	25%	25%	25%	23%
General government gross debt (% of GDP)	59%	68%	68%	69%	68%

Sources: International Monetary Fund, World Economic Outlook Database, October 2022.

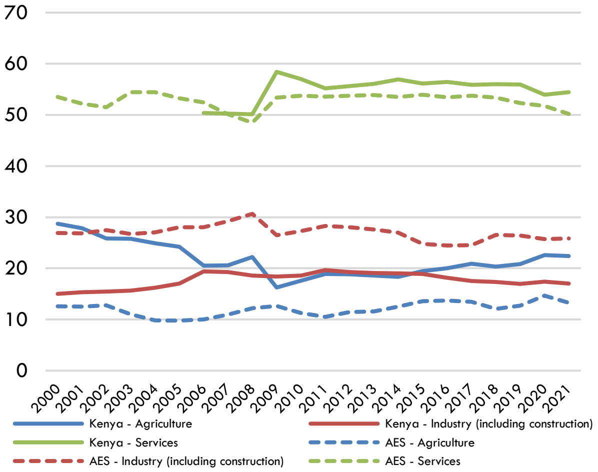
Figure 1: Gross domestic product, inflation, and current account balance trends in Kenya, %, 2010-2023



Sources: International Monetary Fund, World Economic Outlook Database, October 2022.

Agriculture is the economic backbone in Kenya at 30% of GDP, but manufacturing's share of GDP has risen significantly over the years. On a broader view, Kenya's aggregated sectoral economic changes in terms of value-added show that the agricultural sector has been growing while the industry sector is falling. It indicates that the current MTP 2018–2022 has not fully achieved an improvement for manufacturing businesses. The agricultural sector's value-added is significantly higher than the Eastern and Southern Africa average, while the industry is lower. The service sector has been more stable and slightly higher than the regional average, with a drop at the beginning of 2020 as an impact of the Covid-19 pandemic (Figure 2).

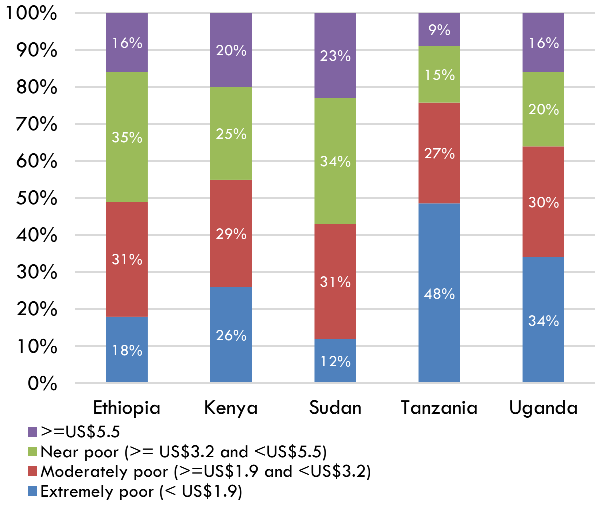
Figure 2: Aggregate sectoral economic changes, value added in Kenya and Africa Eastern and Southern (AES), % of GDP, 2000-2021



Note: Value added is the net output of a sector after adding up all outputs and subtracting intermediate inputs.
Source: The World Bank, World Development Indicators.

Among the country's employed population, estimations of the aggregated working poor (<US$3.1 per day) fell from 63% in 2010 to 56% in 2021, based on ILO-modelled measures. The share of the working poor was at the medium level compared to the neighbouring countries. Kenyan near-poor workers increased slightly by four percentage points since 2010, while the middle-class group increased from 15% in 2010 to the so far peak of 20% in 2021 (see Figure 3).

Figure 3: Projections of employment by economic class in Kenya and neighbouring countries, %, 2021



Note: Data excludes the economically inactive population, covering 36% of the population (aged 15+). The value is measured at Purchasing Power Parity (PPP).
Sources: ILO, Key Indicators of the Labour Market (KILM).

The poverty reduction in Kenya has not benefitted from real minimum wage hikes in the 2010s but is more due to an upsurge in remittances and improved social protection coverage. The economic rupture in 2020 pushed many workers to balance on the poverty line, challenged by food insecurities and a lack of health supplies and services. Many Kenyans suffer from economic inequality, but the distribution of family income dropped from 47 in 2005 to 41 in 2015 (Gini-index 0 represents perfect equality, while 100 represents high inequality), in line with Tanzania (41) and Uganda (43).[2] The Human Development Index (HDI) ranked Kenya as medium human development, at 152 out of 191 (1 is best) in 2021, with no changes in the HDI ranking from 2015 to 2021.

The informal economy is widespread, coupled with the investment climate marred by endemic corruption, creating obstacles to good governance. On the other hand, the Kenyan government has actively implemented reforms to attract foreign direct investments. It has, among others, been reflected in some improvements in business regulations. The Doing Business Index ranked Kenya 56 out of 190 countries (1st is best) in 2020. Out of ten qualities, the country's best ranking was protecting minority investors (1), getting credit (4), and resolving insolvency (50). Several scales were inferior, e.g., registering property (134) and starting a business (129). See more details in Appendix Table 16.

The latest broad election was held in August 2022, including voting for governor, senators, and National and County Assemblies members. Notably, more women and youth are vying for political positions compared to the last general elections. The Former deputy president, William Ruto, was elected President of Kenya and now serves as the country's 5th President since independence. His main opponent, Raila Odinga, challenged the election results in Kenya's supreme court, but his complaints were dismissed. Since the elections, President Ruto's allies have won the positions of speakers of the National Assembly and the Senate, which gives his coalition control of the parliamentary agenda.

Just Transition

Kenya is recognised as highly vulnerable to climate change impacts, ranked 152 out of 181 countries in the 2019 ND-GAIN Index. The economy is mainly dependent on sectors and markets sensitive to the effects of climate change, such as agriculture, water, tourism, and health. These effects come from deforestation, soil erosion, desertification, and overfishing. Especially, degraded water quality and resources are under pressure from agricultural, chemical, urban and industrial wastes, and hydroelectric power. Water shortage is expected to pose a problem in the coming years in the labour market. For example, recent reports found that climate change is set to ravage tea production in Kenya, the biggest global supplier of black tea, threatening the livelihoods of millions of plantation workers.[3]

Kenya signed the Paris Agreement. Policies and the unconditional target are rated 1.5°C compatible - the country benefits from significant renewable energy capacity. In 2021, more than 90% of generated electricity came from renewable sources. Coal still makes up about 12% of the energy mix by 2040.[4]

The government has acknowledged that climate change will negatively impact Kenya's future development and achievement. The Climate Change Act of 2016 outlines an enhanced response to climate change and provides mechanisms and measures to achieve a low-carbon climate-resilient effect. The act adopts a mainstreaming approach that integrates climate change considerations into all sectors and County Integrated Development Plans. The government operates with Kenya's National Climate Change Action Plan (NCCAP) 2018-2022.[5] In 2020, the Ministry of Energy launched the Kenya National Energy Efficiency and Conservation Strategy, establishing energy efficiency targets in the buildings, industry, agriculture, transport, and power sectors to meet the goal of reducing the national energy intensity by 2.8% a year. In 2021, the Ministry of Environment and Forestry introduced the Sustainable Waste Management Act to progress the solid waste Nationally Appropriate Mitigation Action (NAMA).

Kenya still needs to adopt Just Transition in its low-carbon development discussions as the application of this concept still needs to be improved in the political agenda.

Export Processing Zones

Kenya has created Special Economic Zones (SEZs) and Export Promotion Zones (EPZs) to promote export-oriented manufacturing. The objectives of these zones are to create jobs, diversify and expand exports, increase productive investments, foster technology transfer, and create backward linkages between the zones and the domestic economy. The legal framework was set by the EPZ Act Chapter 517 of 1990. Additionally, the Special Economic Zone Law from 2015 provides a broader scope than the EPZs, e.g., licensed firms will benefit from a range of tax concessions and a reduced corporate tax rate.

A central actor is the Export Processing Zones Authority (EPZA), which functions as a State Corporation under the Ministry of Industrialization, Trade and Enterprise Development. EPZA under the EPZ programme offers a range of benefits; for example, full ten years of corporate tax holiday and 25% afterwards, VAT and custom duties deductions, and full ten years of withholding tax holidays. EPZA launched a strategic plan covering 2019-2023 and developed specific strategies to address expanding and improving industrial infrastructures, employment creation, and diversification of products. Generally, EPZ investments are on the rise, and implementing the EPZ programme for Small and Medium Enterprises (SMEs) has improved the export business environment of small-scale indigenous enterprises. EPZ firms with entirely local ownership are around 37%.

Kenya's EPZs increased from 42 in 2010 to 75 in 2020 in various development stages by private and public zone developers and operators.[6] The EPZs mainly include horticulture, clothing/garments manufacturing, pharmaceuticals, and tea processing.

EPZs direct employment expanded from 31,502 persons in 2010 to 60,733 persons in 2019; it fell by 13% from 2019 to 2020, reaching 52,598, due to the Covid-19 pandemic impact. EPZ workers represented about 1.9% of the wage employed in 2020 (see more in the Workforce section).

Collective bargaining in the EPZs has been fragile. Workers are often forced to do long hours and unpredictable work, and many are hired casually. In addition, firms often refuse to recognise trade unions and obstruct their efforts to organise workers, further complicating unionism.[7] Some estimations suggested that 14% of workers were unionised in Kenya.[8]

Apparel produced in the EPZs declined markedly in 2020 (Quarter II) because of export markets' lockdowns and inadequate supplies of imported raw materials. To support the industry, the government waived the restriction that allows EPZ entities to offload only 20% of their production in the local market to qualify for tax benefits, thus giving them access to the domestic market. In addition, EPZ companies were allowed to compete for domestic contracts for Personal Protective Equipment (PPE) for Infection Control kits to help stop the spread of Covid-19.

NATIONAL LABOUR LEGISLATION

For several years, the Ministry of EAC, Labour, and Social Protection has processed a review of Kenya's labour-related laws to ensure they are synch with the 2010 constitution and regional integration. For instance, various recent bills were approved, including the National Health Insurance Fund (Amendment) Act of 2022; the Employment (Amendment) Act of 2021 and 2022; the Refugees Act of 2021. Appendix Table 14 further presents a list of the approved labour-related laws since 2014. Several other bills continue in progress. Generally, the labour legislation framework complies with recognised international standards to a large degree but still with flaws (see ahead). The statutory central labour law and industrial relations are summarised below:

- **The constitution of 2010** provides for the rights and freedoms of employees, employers' organisations, and trade unions.
- **Employment Act of 2007** governs the relationship between employers and employees and provides for the minimum conditions of employment. Several amendments to the act have been approved; the latest concerning leave entitlement in case of child adoption was approved in April 2021, and recruitment was approved in April 2022.
- **Labour Institutions Act of 2007** governs the creation of labour institutions such as the National Labour Board; the Commission of Inquiry; the director of employment; other employment bodies, such as the Wages Council.
- **Labour Relations Act of 2007** governs the registration and relations of trade unions and employers' organisations and promotes employees' freedom of association.
- **Occupational Safety and Health Act of 2007** governs employees' workplace safety, health, and welfare.
- **Work Injury Benefits Act of 2007** governs the compensation of employees for injuries or diseases contracted during employment.
- **National Social Security Fund Act of 2013** governs eligibility and terms of contribution to employee pensions.
- **National Health Insurance Fund Act of 1998,** with several amendments, including aligning its processes to universal health coverage (UHC) in 2022, governs the national medical fund for employees.
- **Employment and Labour Relations Court Act 2014** and the Employment and Labour Relations (Procedure) Rules 2016 handling disputes in the Employment and Labour Relations Court.
- **Refugee Act of 2021** aims at the ability for refugees to contribute to Kenya's national and local economy.

The Kenyan government also implemented measures to counter the impact of the Covid-19 pandemic on the economy and labour market. Studies found that the most significant shortcoming lies in the lack of targeted protection for the informal economy. For example, the national curfew and partial lockdown disrupted economic activities for informal workers, mainly daily wage earners. In addition, the government has not developed rescue measures for businesses that have ceased operations because of the pandemic.[9]

Observations on labour legislation

The International Trade Union Confederation (ITUC) has several observations of legislation in comparison to the international standards on the right to organise, the right to collective bargaining, and the right to strike:[10]

- Registrar of Trade Unions may refuse to register a union if another union already exists sufficiently representative of the whole or a substantial proportion of the workers the new union seeks to represent.
- Barriers to the establishment of organisations.
- Restrictions on workers' right to form and join organisations of their own choice.
- Restrictions on trade unions' right to organise their administration.
- Categories of workers prohibited or limited from forming or joining a union or holding a union office.
- Both the right to collective bargaining and the right to strike are recognised by law but strictly regulated.
- Barriers to the recognition of collective bargaining agents.
- Restrictions on the principle of free and voluntary bargaining.
- Limitations or bans on collective bargaining in certain sectors.
- Barriers to lawful strike actions.
- Ban or limitations on certain types of strike actions.
- Limitations or bans on strikes in certain sectors.

Reports found that the government generally respected freedom of association and the right to bargain collectively. However, enforcement was inconsistent.[11] Besides, labour laws apply to all groups of workers, but informal workers are side-lined in practice.

Ratified ILO Conventions

International Labour Organization's (ILO) conventions enumerate international principles and rights at work. Kenya ratified 52 conventions. The latest ratified conventions were the Seafarers' Identity Documents Convention (C185) and the Work in Fishing Convention (No. 188), both in 2022. Appendix Table 15 shows that Kenya ratified seven out of ten fundamental conventions, three out of four Governance Conventions, and 42 Technical Conventions, out of which 15 are Up-To-Date and actively promoted.

The independent ILO body, known as the Committee of Experts on the Application of Conventions and Recommendations (CEACR), listed a series of observations and direct requests for a series of conventions in recent years. For example, CEACR raised a request dealing with the Right to Organise and Collective Bargaining Convention (C098) in 2021. For example, the committee noted that Kenya's government states that the timeframe taken as a performance indicator for proceedings for the adjudication of anti-union discrimination cases by the courts is of 360 days, but that such target maximum duration is only met on 33% of the cases. In addition, there are uncertainties about the establishment of collective bargaining machinery in the public sector, as well as the Salaries and Remuneration Commission Regulations from 2013, indicating if any category of state and public officers does not fall within the mandate of the commission.

Kenya's government expressed its readiness to ratify the Freedom of Association and Protection of the Right to Organise Convention (C087), considering that the requirements are incorporated in the Labour Relations Act and the constitution.

Trade Agreements

Two Regional Trade Agreements (RTAs) influence Kenya's labour market. First, the East African Community (EAC) free trade agreement from 1999 contains a labour provision for employment and working conditions. Second, the Common Market for Eastern and Southern Africa (COMESA) agreement ratified by Kenya in 2000 extends to the collaboration on employment conditions and labour law. Kenya also signed the African Union Abuja Treaty, establishing the African Economic Community. African economies initiated an ambitious regional integration programme in the form of the African Continental Free Trade Area (AfCFTA), which Kenya ratified in 2018. It is worth mentioning that AfCFTA is the world's second-largest trade area (after the WTO) in member countries. The East Africa Trade Union Confederation (EATUC) is pushing hard to include labour clauses in this agreement and has conducted various studies mapping labour rights violations and highlighting the benefits of allowing the free movement of labour and labour rights.

Back in 2010, the members of the EAC agreed to establish a full, common market with free movement for workers, goods, services, and capital in East Africa. Freedom of association and collective bargaining is enshrined in the EAC common market protocol that aims to give EAC migrant workers the same rights as national citizens. Free labour movement within the EAC opens questions of how to achieve equal opportunities and social labour rights for migrant workers, for example, if workers can bring pensions across borders. The free labour movement has created concerns in some EAC countries, as the states' workforces have differences in productivity and educational level. However, the implementation of economic integration has slowed in the last few years, especially regarding lifting barriers to trade and the free labour movement. Although standard tariffs are increasingly abolished, trade is still challenged by non-tariff barriers and corruption. And EAC's Social Agenda is also moving slowly.

The Eastern Africa trade union movement aims to safeguard workers' interests in the EAC, including ensuring that ILO standards are upheld, member states' labour policies are harmonised, the tripartite model is institutionalised, and the free movement of labour is promoted. The EATUC got observer status in the EAC in 2009, and along with employers' organisations, they participate in ministerial summits, sectoral summits, and other summits involving labour market issues.

Studies argue that the measures of labour conditions (i.e., mean real monthly earnings, mean weekly work hours per employee, fatal occupational injury rate, and the number of the ILO's Fundamental Conventions ratified) find no evidence for possible pro-labour-condition effects of Regional Trade Agreements (RTA) labour clauses overall.[12]

Kenya is a member of the Southern African Development Community (SADC) to advance international and regional integration and boost competitiveness. The Southern African Trade Union Coordination Council (SATUCC) has become SADC's leading regional trade union organisation. Its membership consists of all major trade union federations in the SADC region.

The EAC finalised the Economic Partnership Agreement (EPA) negotiations with the EU in October 2014. Kenya and Rwanda signed the EPA in September 2016, and Kenya has ratified it. The three remaining EAC members must sign and ratify the agreement for the EPA to enter into force. Burundi, Rwanda, and Uganda are on the UN's list of Least Developed Countries (LDCs), while Kenya and Tanzania are non-LDC. Kenya and the European Union launched the Strategic Dialogue in June 2021 to strengthen the multilateral partnership between the EU and the EAC region. A roadmap to ensure a swift implementation of the dialogue is elaborated upon dealing with a series of aspects such as democracy, governance, and human rights, including gender equality; social development; climate change and the green transition; the digital agenda.[13]

The United States and Kenya announced to launch of the U.S.-Kenya Strategic Trade and Investment

Partnership in July 2022. This agreement will pursue to enhance engagement leading to high standard commitments in a wide range of areas to increase investment; promote sustainable and inclusive economic growth; benefit workers, consumers, and businesses (including micro-, small-, and medium-sized enterprises); support African regional economic integration.[14]

Kenya has several other bilateral trade agreements, including Gulf Countries (see more in the Migration sub-section). Generally, studies found that labour clauses (LCs) in trade agreements (TAs) on bilateral trade did not demonstrate a statistically significant impact on trade flow.[15]

SOCIAL PARTNERS

Social partners are central to promoting the realisation of core labour rights and social justice for workers by protecting freedom of association and collective bargaining in bi- and tripartite functions. These partners usually represent government institutions, trade unions, and employers' organisations.

Government

Kenya's government is the largest employer in the formal sector, with around one out of four total formal employment. Based on the new government's executive order no. 1 of 2022 restructured the 21 ministries with some state departments being moved. The structures remain the same with 21 Ministries and 47 government counties are linked with labour-related issues, including recruitment of employees and participation in social dialogue and tripartite institutions (see more in the Social Dialogue section).

The Ministry of Labour and Social Protection is a central player in the labour market. It is divided into five departments:[16]

- Labour Department is the ministry's focal point agency responsible for implementing the major labour-related laws. The department is also responsible for coordinating the central tripartite institutions in handling labour issues via a dialogue process and consultation between workers, employers, and government representatives.
- Department of Trade Unions registrar of trade unions, including inspection of trade unions' books of accounts and records and determination of trade unions disputes arising from their operations by the law and their constitutions.
- National Productivity and Competitiveness Centre (NPCC) is mandated to promote productivity management to enhance economic growth and competitiveness. The centre implements productivity improvement activities countrywide at national and county levels for public and private sector organisations and companies.
- The Directorate of Occupational Safety and Health Services (DOSHS) focuses on ensuring compliance with the provisions of the Occupational Safety and Health Act 2007 and promoting the safety and health of workers.
- The Directorate of National Human Resource Planning and Development (DNHRPD) is divided into two divisions: Human Resource Planning and Human Resource Development. These two divisions are geared to take charge of manpower planning and development. DNHRPD is mandated to collect and analyse manpower supply and demand data from local institutions and establishments.

Other ministries interlinked to the labour market are the Ministry of Public Service and Gender, overseeing the public service; the Ministry of Education; the Ministry of Health.

Trade Unions

Trade unionism is traced back to the early 1930s in Kenya. Generally, the legislation provides for workers' rights, including those in EPZs, to form and join unions of their choice and to bargain collectively. It prohibits antiunion and discrimination as well as provides for reinstatement of workers dismissed for union activity.

The country has two federations: the dominating national Central Organization of Trade Unions - Kenya (COTU-K) and the relatively new Trade Union Congress of Kenya (TUC-Ke), which mainly brings together public service sector trade unions. There are also several independent informal economy unions.

About 50 are registered as trade unions in 2021, most affiliated with COTU-K, representing around 1.1 million workers in 2021. Most trade unions are sector-based, with a few general unions that cover several industries. Trade unions are allowed to operate freely in the public sector. The sectors with the most influential trade unions include agriculture and plantation; education; trade, restaurants, and hotels; public service (see more details in Appendix Table 13). Trade union density of recorded employment was estimated at 6.0% in 2021, relatively higher compared to other Eastern African countries.[17]

Table 2: Status of trade unions in Kenya, 2021

Indicators	Value
Number of trade unions	50
Members of trade unions	1,091,311
Women member share of waged workers (COTU-K)	50%
Trade union density of recorded employment	6.0%
Ratio of organised workers from the informal economy to total membership (COTU-K)	2.1%

Note: Recorded employment projection is based on 2016-2019 average growth.
Source: DTDA data collection tool: Kenya, 2021; and own estimations of trade union density based on data from Kenya National Bureau of Statistics, Economic Survey 2021.

The widespread informal employment still challenges organising workers in unionism and following the traditional industrial relations framework (see more in the Informal Economy sub-section). The ratio of organised workers from the informal economy to the total membership of COTU-K was around 2.1% in 2021. Trade unions submitted a petition to the National Assembly in 2022 calling for intervention against precarious employment, including regulating private employment urgencies.

The country has one of the most institutionalised industrial relations in Africa but has dramatically deteriorated. Reports detect how the misuse of internships and other forms of transitional employment threaten the survival of trade unions, with employers often not hiring employees after an internship ends. State agencies increasingly outsourced jobs to the private sector; by the same token, casual workers often were employed on short-term contracts in the private sector. Casual or contract labour replaces permanent positions, especially in the EPZs, the Port of Mombasa, and the agricultural and manufacturing sectors. Some other cases link to employers staffed permanent jobs with rotating contract workers. This practice occurred at the management level, where employers hired individuals as management trainees and kept them in these positions for the maximum permitted period of three years. Instead of converting such trainees to permanent staff, employers replaced them with new trainees at the end of three years.[18] In addition, irregular labour migration also put pressure on creating decent jobs and unionism.

The governmental Teachers Service Commission (TSC) reportedly contributed to weakening teacher trade unions through its dispute with the Kenya National Union of Teachers (KNUT) regarding alleged TSC delays in remitting members' fees, which crippled the capacity of the union to provide member services and reduced union membership from 300,000 in 2019 to 13,000 in 2021. This situation has been normalised after the KNUT conducted their national election bringing in new leadership, which has improved the industrial relationship with the government. About 100,000 workers have been duly registered as union members and are now paying the union fees. KNUT is also affiliated with COTU-K and receives services, including training organised by COTU-K. The University Academic Staff Union also expressed frustration over continued Ministry of Labour delays in implementing a collective bargaining agreement, pending since 2017, that would improve pay and terms of service of its 30,000 members.[19]

The status of the two major trade union centres is summarised below.

Central Organisation of Trade Unions
The Central Organisation of Trade Unions (COTU-K) was formed in 1965 and is the largest trade union federation in Kenya, with 46 affiliated trade unions in 2021. It is considered one of the strongest trade union centres in Africa. The organisation is a well-established political actor on general labour market issues. The role of COTU-K has concentrated on negotiating improvements in salaries, workplace safety, fringe benefits and generally better terms and conditions of employment for the workers represented by COTU in the formal sector. Most of the affiliates are engaged in collective bargaining processes.

COTU-K represents affiliated unions and informal economy associations in tri/bi-partite bodies. The organisation is affiliated with the International Trade Union Confederation (ITUC), Organization of African Trade Union Unity (OATUU), Trade Union Federation of Eastern Africa (TUFEA), East African Trade Union Confederation (EATUC), and SATUCC. Half of its members are women, but only 20% of its leadership are women.

COTU-K's official membership rate dropped 56% from 2018 to 2021. The loss in memberships was occasioned by the redundancy and layoffs, occasioned by the increased mechanisation, and due to the Covid-19 pandemic. The organisation's affiliated unions range from large unions, such as the Kenya Plantation and Agricultural Workers Union (KPAWU), with 400,000, to much smaller trade unions, with only a few hundred members (Appendix Table 13).

In recent years, COTU-K has begun organising workers from the informal economy by supporting selected affiliates to support marketers, beauty workers, drivers, gig workers, and others without formal employment. COTU-K affiliates and informal economy associations sign MOUs supporting labour rights and workers' access to essential services. Certification of prior skills through the National Industrial Training Authority (NITA) helps day-to-day workers enter the formal labour market. NITA is also COTU-K's primary educational partner in their joint efforts to close the skills gap by adjusting Kenyan vocational training to target the needs of the labour market.

A sector-based green growth strategy seeks to ensure that the workforce of Kenya acquires new skills and enjoys a just transition to greener technologies and production. A corps of green representatives helps COTU-K affiliates to adjust to the changing demands of the labour market.

COTU-K sits on National Social Security (NSSF) and National Hospital Insurance Fund (NHIF). It is actively working with the government to make health and pension schemes more flexible and accessible, thereby giving more workers access to social security. Politically, COTU-K helped broking peace between the opposition and the ruling coalition in the previous election period. COTU-K actively supported long-term opposition leader Raila Odinga in the August 2022 elections. He lost the race to William Ruto, who now serves as Kenya's 5th president. During the elections, he won many supporters by promising improvements for informal economy workers.

Trade Union Congress of Kenya
Kenya's Federation of Public Service Trade Unions was launched in November 2012. It was renamed the Trade Union Congress of Kenya (TUC-Ke) in 2014. TUC-Ke represented 400,000 members in 2018, but the organisation lost influence and significance when its most prominent member, KNUT, joined COTU-K in 2019.

Employers' Organisations

Employers were estimated to make up around 8.1% of the total employment in Kenya in 2019, equalling 4.8 percentage points higher than the African average, at 3.2%. Employers' high share links to the active entrepreneurship movement in the country.

The Global Competitiveness Index provides the employers' view on several aspects, including pillar eight, dealing with the labour market's efficiency. Information is based on surveys among employers and other statistical data. The latest available measurements from 2019 show that Kenyan employers considered the labour market moderately effective, ranking the country as 79 out of 141 countries (1 is the best). Out of the 12 labour market efficiency indicators, the highest scorings are in the labour tax rate (8), internal labour mobility (21), and hiring and firing practices (44), indicating that employers in Kenya are generally satisfied with the labour taxation rate and find it relatively easy to fire and mobilise labour. Kenya's lowest score is the ratio of wage and salaried women workers to men workers (113), suggesting a substantial wage gender gap (see more in the Working Conditions section and Gender sub-section). The cooperation in labour-employer relations rank is the second lowest (91) and fell by 19 steps from the ranking (72) in 2018, indicating a deterioration in social dialogue in Kenya (see more details in Table 3).

Table 3: Labour market efficiency in Kenya, 2019

Indicator	Rank
Total	79
Redundancy costs (weeks of salary) **	69
Hiring and firing practices *	44
Cooperation in labour-employer relations *	91
Flexibility of wage determination *	69
Active labour market policies *	84
Workers' rights *	89
Ease of hiring foreign labour *	81
Internal labour mobility *	21
Reliance on professional management *	57
Pay and productivity *	50
Ratio of wage and salaried female workers to male workers **	113
Labour tax rate **	8

** Survey data. ** Ranked by per cent. Note: Rank from 1 to 141 (1 is highest).*
Source: The Global Competitiveness Report, 2019, 8th pillar: Labour market efficiency.

The status of the leading employers' organisation is summarised below.

Federation of Kenya Employers
The Federation of Kenya Employers (FKE) was established in 1959. It has changed from a traditional employers' organisation focusing on industrial relations to include services that address the emerging needs of the dynamic labour market. The federation is independent of both government and political parties.

FKE is a member of the International Organization of Employers (IOE) and affiliated with Business Africa. Membership is open to all organisations in the public and private sectors, except the civil service and the disciplined forces. Its membership comprises at least 4,000 Kenyan businesses, both direct and indirectly, through 15 associations that cut across all sectors of the economy. The members constitute both small and large employers. Kenya has an estimated 35,000 large or medium-sized enterprises, representing 2% of Kenya's 1.7 million enterprises. The organisation is registered with United Nations Global Compact and collaborating with ILO.

FKE represents organised employers in the central bi-/tripartite organs and contributes with inputs to deals and hearings on labour policies and legislation. Major achievements in 2021 included the preparation and presentation of four Memorandums to the National Assembly, holding five press briefings to protect and preserve members' interests in different areas, including on the National Hospital Insurance Fund Amendments; proposed regulatory changes and addressing various issues affecting employers.[20]

Recently, FKE has expressed concerns about Kenya's competitiveness in doing business, the fast-growing youth population, wage increases, the lacking infrastructural repair, and the high emigration of workers (see also the Migration sub-section). FKE has been involved in capacity-building programmes such as small-scale enterprises and microfinance development, tackling youth unemployment, and advocacy for social protection. From surveys conducted by FKE, the skill-intensive service sector shed almost half of all jobs created between 2019 and 2020 due to the Covid-19 pandemic, with even larger losses in the education sector due to the closure of schools. Many companies had to close and terminate employees' contracts due to the untenable business environment. Additionally, there were concerns about the efficacy of the vaccines as well as the role of employers in facilitating their employees to be vaccinated. Most employers decried the insufficient supply of vaccination as a hindrance towards fully inoculating their employees. Furthermore, vaccination concerns pitted employers against employees based on the essentiality of health concerns in protecting enterprises, employees, and clients. Nevertheless, employers showed great enthusiasm towards having their employees vaccinated.[21]

In 2021, training programmes in legal, industrial relations and occupational safety and health (OSH) were carried out. The decline in the number of courses conducted was due to the Covid-19 pandemic. The General Elections 2022 process slowed business activities as the political climate heightened.

SOCIAL DIALOGUE

Social dialogue is functioning in both bi- and tripartite mechanisms in Kenya, guided by an institutional and legal framework that brings together the social partners. The country has ratified the Tripartite Consultation Convention (C144) and the Right to Organise and Collective Bargaining Convention (C098) (revisit Appendix Table 15). It is worthwhile to note that Kenya is one of the most recent countries providing for constitutional recognition of the right to collective bargaining. Regulations prescribe specific obligations instead of the general duty to bargain in good faith.[22]

Tripartite consultations have evolved from the legal framework and the Industrial Relations Charter, a voluntary agreed tripartite code of practice and procedure between the social partners. These sessions have played a key role in Kenya, helping to gather the views and advice of representatives of social partners, review labour bills, establish national bodies responsible for employment, and analyse economic and social development plans. For instance, Kenyan civil servants maintain collective relations with the authorities through representative bodies or contacts between civil servants' associations and/or trade unions and civil servants. Direct consultation occurs between the government and the Union of Kenya Civil Servants, for instance, about the voluntary early retirement scheme, new salaries for civil servants and withdrawal of allowances. Concerning matters that were not part of the consultation, such as the terms and conditions of service for unionised civil servants, the Industrial Court of Kenya ordered the parties to initiate formal negotiations on improving terms and conditions of employment.[23]

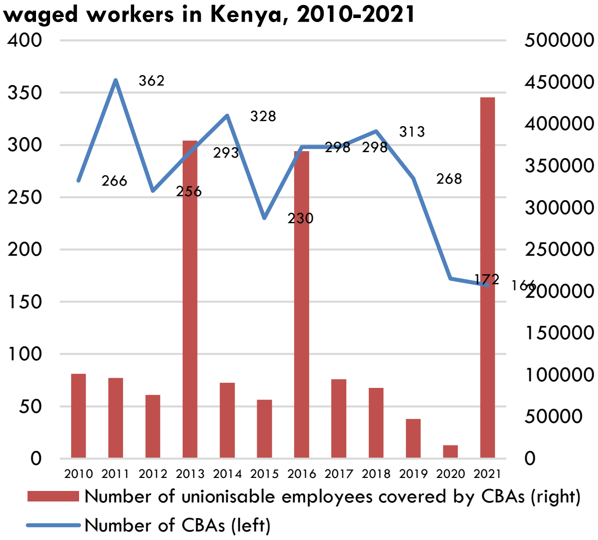
The social dialogue ambience was challenged by deteriorated industrial relations at the end of the 2010s (see more in the Trade Union Rights Violations section). But an advisable example was a Memorandum of Understanding (MoU) signed in April 2020 by the tripartite social partners to offer guidance to both the unions and employers on how to handle industrial relations on the shop floor in ensuring decent work in the context of crisis response, such as the Covid-19 pandemic and recognising the importance of social dialogue.

Social partners have intensified their bi-partite negotiations and consultations on labour-related issues during the last decade, such as dispute handling and alternative dispute resolution; negotiations and consultations on topics ranging from collective bargaining and decent work; taxation; social protection; Technical Vocational Education and Training (TVET) and skills development; the Big Four Agenda; implementing EAC protocol on the free movement of labour to migration; the process of formalising the informal economy to small-medium enterprises.

Kenyan has institutionalised collective bargaining agreements (CBAs) as a central social dialogue mechanism, defined by law as written agreements on terms and conditions of employment between a trade union and an employer or a group of employers or employers' organisation.[24]

Figure 4 shows the number of CBAs and coverage during the last decade: The number of CBAs has experienced a declining trend since 2017 due to controversial CBAs turning into unrest and many strikes from different sectors concerning employment terms and implementation. It led to a deterioration in industrial peace and social dialogue. The ratio of unionise employees covered by CBAs to wage employed peaked at 14% in 2016 and plummeted to 0.6% in 2020 when the government suspended most large CBAs due to Covid-19. For example, the non-payment of wages and staff shortages led to a national strike of healthcare workers in December 2020. Following an agreement with doctors to return to work, nurses in Kiambu County reached an agreement that included back-pay of wages, the provision of personal protective equipment (PPE) and defrayal of the medical costs for nurses who had fallen ill with Covid-19. The deal was replicated in negotiations in other counties. In 2021, the state of industrial relations remained calm. The lockdown measures to curb the pandemic initially complicated negotiating for CBAs through meetings, but it eventually turned operational via virtual consultations. CBAs' coverage rebounded in 2021, reaching 14%, after an upsurge in the education sector.

Figure 4: Total status of CBAs and its coverage of waged workers in Kenya, 2010-2021



Source: Kenya National Bureau of Statistics, Economic Surveys.

In 2021, the sectors with the highest number of agreed CBAs were manufacturing (65 CBAs covering 24,606 workers), education (30 CBAs covering 338,710 workers), and financial and insurance activities (13 CBAs covering 22,307 workers).

From 2019 to 2020, the average basic wages and monthly allowances offered by the CBAs fell by 33% and 44%, respectively. It is worth mentioning that in the healthcare sector, several agreements signed at the county level in 2020 made provision for nurses to be included in national health and injury insurance. Both the average basic wages and monthly allowances offered by the CBAs recovered in 2021, hiked by 24% and 23% from 2019.[25]

Legal provisions of collective bargaining continue to face bottlenecks as employers and the government fail to comply with some clauses laid down in the CBAs. Research of CBAs from eleven developing countries, including eight from Africa, counting Kenya, showed that the country's surveyed CBAs enclosed wage clause (100%); to some extent, wages tied to skills (68%) and employer contributions to the pension fund (62%), but few with pay scale (4%) and employer contributions to disability fund (2%), and none with unemployment fund (0%). These CBAs introduced standard sickness, disability, and health/medical assistance clauses. Concerning Kenya's CBAs clauses, coverage on working hours, paid leave, and work-family arrangements were fully enclosed (100%), and most frequently regarding paid maternity leave (98%); two out of five (41%) about the childcare clause.[26] Thus, in employment contracts and CBAs, broader health issues – e.g. family planning or engaging employers in providing a full range of contraceptive services as part of the health insurance – tend to get less priority among workers compared to a better salary, leave and transportation provisions.

Government invasion into the collective bargaining process has been detected. For instance, the Salaries and Remuneration Commission (SRC) interfered with negotiation processes by increasing the duration of the CBAs from two to four years as well as imposing several restrictions on the overall CBA negotiation processes.[27]

CBAs low coverage of the total employment at 2.4% in 2021 links to the widespread informal micro- and small enterprises operating outside the labour and business regulations, often due to a lack of awareness or incentives (see more in the Informal Economy sub-section).

Other issues that emerged in 2021 were the administration of leave days (sick leave, normal leave, maternity, and paternity leave) while employees were working from home, challenging the management of working from home.

Central Tripartite Institutions

Numerous consultation bodies are set to promote social dialogue among social partners in Kenya, and the leading institutions are presented below:

National Labour Board

The National Labour Board (NLB) is a tripartite institution representing the government, trade unions, employers' organisations, independent members, Director of Employment, Director of Micro and Small Enterprises Authority (MSEA), Director of Occupational Safety and Health (OSH), Director of Industrial Training, Registrar of Employment and Labour Relations Court, and the Registrar of Trade Unions. The Labour Board advises the Minister of Labour on legislation and other labour matters. The Minister of Labour consults the board when various sensitive changes to the labour laws are made.

During the National Labour Board meeting in 2021, social partners reported on the status of the Kenya Decent Work Country Programme 2021-2024 that operates with the Ministry of Labour and Social Protection, FKE, COTU-K, and ILO.[28]

Wages Councils

The Labour Institutions Act of 2007 established a general wages council and an agricultural wages council. Other sectoral wages councils could be set up. It was not until August 2021, though, a new wage council was ready: the Maritime Wages Council. It was a major step towards better employment conditions for Kenyan seafarers.

According to the regulation's outline, the councils should set statutory minimum wages and working conditions in different occupations, monitor the enforcement of minimum standards requirements and advise the Minister of Labour on matters of minimum wages and conditions of employment in the formal sector and the informal economy. In practice, these councils have not effectively operated; for example, the last wage review was in 2018 (see more in the Working Conditions section).

Other bi-/tripartite organs

- National Industrial Training Authority (NITA).
- National Social Security Fund (NSSF).
- National Hospital Insurance Fund (NHIF).
- Labour Board and Tripartite Committee.
- Employment and Labour Relations Court.
- National Advisory Committee on Occupational Health and Safety.
- Micro and Small Enterprises Authority.
- Kenyan Electricity Board.
- National AIDS Control Council.
- National Tripartite Consultative Committee.
- Kenyan anti-corruption Board
- Teacher Service Commission
- Educational Task force.
- Productivity Centre of Kenya (PCK).
- National Economic and Social Council (NESC).

Labour Dispute Settlement System

The Labour Relations Act of 2007 and the Employment Act of 2007 are the primary laws regulating collective and individual labour dispute resolution. The labour dispute settlement framework is based on a dual system: First, disputes are mainly resolved through the court process, which is costly and takes longer for disputes to be determined. Second, Alternative Dispute Resolution (ADR) mechanisms are emerging but still underdeveloped; for example, they lack independent statutory dispute resolution institutions. Studies found that gaps between the statutory framework regulating the resolution of a labour dispute and the application of laws in practice continue, not to mention the system has been criticised for lack of impartiality leading to increases in strikes, lockouts, and other related labour disputes.[29]

The employment and Labour Relations Court (ELRC) settle employment and industrial relations disputes to secure good labour relations in Kenya. This court is decentralised to nine out of 47 counties so far. In 2016, the judiciary finalised the Employment and

Labour Relations (Procedure) Rules. Important changes were the provision for parties to access file pleadings directly in electronic form, new pre-trial procedures, and a 30-day time limit for the court to submit a report on disagreements over collective bargaining agreements filed.[30]

Many cases involving trade unions and employers' organisations are listed on termination, alleged refusal to sign Recognition Agreement and to negotiate, CBA implementation, and issues to deal with salary cuts and other austerity measures employers had put in place to support businesses against the effects of Covid-19. For example, between 2011 and 2019, out of 6,253 filed cases on employees' dismissals, ELRC ruled that employers had to pay for employees benefits and/or compensation in 70% of the cases.[31]

COTU-K and FKE have jointly proposed joint guidelines on settling labour relations and employment disputes through ADR mechanisms to the Ministry of Labour through several alternative avenues outside the court system to hasten the dispute resolution processes. A new Alternative Dispute Act of 2021 aims to fast track the disputes resolutions instead of filing to the courts of law, which had a backlog of cases; as a result, delaying justice. The act provides a legal framework for settling certain disputes by reconciliation, mediation, and traditional dispute resolution.

Reports registered that the government inconsistently enforced the decisions of the ELRC. Many employers did not comply with reinstatement orders, and some workers accepted payment instead of reinstatement. In several cases, employers successfully appealed the ELRC's decisions to a branch of the High Court.[32] Additionally, ELRC received many claims arising from the dual system. The parties filed most lawsuits directly without referral to the Ministry of Labour and Social Protection for reconciliation through the ADR system, i.e., bypassing reconciliation stages, thus overwhelming litigation in court. The court had an enormous backlog, raising concerns regarding the long delays and lack of efficacy, not to mention a critically low number of judges.

The chief justice designated all county courts presided over by senior resident magistrates and higher-ranking judges as special courts to hear employment and labour cases. Providing adequate facilities outside of Nairobi was difficult, but observers cited the ability of workers to submit labour-related claims throughout the country as a positive step.

TRADE UNION RIGHTS VIOLATIONS

Kenya is ranking 4 out of 5+ (5 is worst) on the Global Rights Index in 2022, characterised by "systematic violations of rights:" the government and/or companies are engaged in serious efforts to crush the voice of workers putting fundamental rights under threat.[33] The country ranked 3 in 2017 and its ranking worsened since 2018, primarily due to collective action was systematically repressed in the country.

ITUC registered 20 cases of systematic violations of rights from 2017 to 2019.[34] For example, these cases concerned bad faith bargaining dealing with the collective agreement for local government workers not being implemented as well as bargaining in the higher education sector where agreement were not implemented; workplace refuses to recognise union; union busting at artificial hair manufacturer; government intervention needed to stop union busting in Kenya; county governor threatens to sack striking workers; hospital governor stops deduction and remittance of union dues in retaliation after notification of strike action; union leaders imprisoned for organising the airport workers' strike where police violently suppressed protestors.

Most forms of forced or compulsory labour are prohibited in Kenya, including child labour. However, in some situations, up to 60 days of compulsory labour per year for preserving natural resources are allowed. In practice, the government did not effectively enforce the regulations, and forced labour occurred, including forced child labour (see the more in Child Labour sub-section). Forms of forced labour include debt bondage, exploitation of migrant workers, and compulsion of persons, including family members, to work as domestic servants. Nairobi-based labour recruiters operated via networks in Uganda and Ethiopia that enlisted Burundian, Ethiopian, Rwandan, and Ugandan workers through fraudulent offers of employment in the Middle East and Asia.[35]

Kenya is ranked 41 out of 167 countries on the Global Slavery Index from 2018. This index measures modern slavery, i.e., slavery-like practices (such as debt bondage, forced marriage, and sale or exploitation of children), human trafficking and forced labour. Around 328,000 people are living in modern slavery in the country.

WORKING CONDITIONS

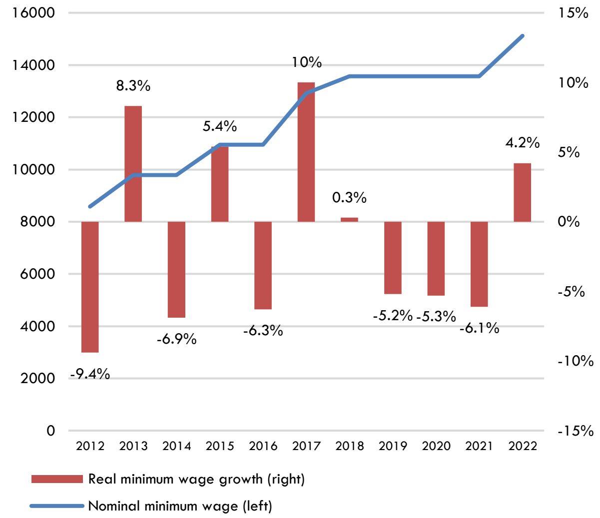
Kenya's regulation of wages is part of the Labour Institutions Act. The government establishes basic minimum wages by occupation and location, setting minimum standards for monthly, daily, and hourly work in each category. The minimum wages in urban areas are almost double as high as in rural areas, and the same goes for skilled workers compared to non-skilled workers (Table 4). The latest adjustment of the minimum wages took four years, from 2018 to May 2022, and raised by 12% on average. However, in real terms (deducted inflation), the minimum wage was outpaced by the increasing cost of living.

Table 4: Status of monthly salary and minimum wage in Kenya

	Current KSh	Current US$
Average Wage Earnings (2021)	68,953	629
Lowest minimum wage, general workers and others, cities (2022)	15,202	131
Highest minimum wage, cashiers and others, cities (2022	34,303	295
Lowest minimum wage, agriculture (2022)	7,545	65
Highest minimum wage, agriculture (2022)	13,611	117
Average yearly real minimum wage growth (2012-2022)	-1.0% *	

** Real minimum wage is based on deducting inflation of nominal minimum wage.*
Source: CEIC Data, Kenya Average Wage Earnings; WageIndicator.org, Minimum Wage – Kenya; own estimations of real minimum wage growth.

Figure 5: Kenya's nominal minimum wage per month and yearly real minimum wage (%) trends, 2012-2022



Source: TradingEconomics.org; own estimations on real minimum wage growth based on nominal MW growth with deducted inflation in consumer prices.

Kenya's gross monthly minimum wage level is superseding many other Eastern African countries. Studies show that the country's minimum wage growth is lower than the labour productivity growth. Social security contributions for a single minimum wage earner with no children in Kenya was 5% of gross minimum wage.[36] It is worthwhile to mention that the minimum wages cover employees who are not unionized, not to mention around 83% of all employed operate in the informal economy who often do not comply the labour and business regulations such as the minimum wage scale. Trade unions are advocating for establishing a national wage policy to bridge the gap between the Minimum Wage and the ideal living wage; a draft awaits approval.

On a broader view, Kenya's average monthly wage-earning was KSh 68,953 (US$629) in 2021. Real average earnings increased yearly by 2.7% at the end of the 2010s, but they plummeted by 1.4% in 2020 and further dropped by 3.8% in 2021.[37]

The average monthly income of women was around two-thirds that of men. Commonly, women have difficulty working in non-traditional fields, receive slower promotions, and are more likely to be dismissed. Reports found that both men and women experience sexual harassment in job recruitment, but women more frequently experience it (see more in the Gender sub-section).[38]

All labour officers within the Ministry of Labour have the capacity of labour inspectors, although much of their time is devoted to resolving labour disputes. General labour inspectors do not typically have a relevant educational background and receive minimal on-the-job training related to their role as inspectors. Inspectors often do not issue penalties if they encounter a workplace violation. No laws or regulations deal with fines or sanctions in such cases. Even in grave instances, inspectors do not have the legal authority to act against the enterprise by ordering the closure of operations.[39] The government pays low salaries to labour inspectors. It often does not provide vehicles, fuel, or other resources, making it very difficult for them to do their work effectively and leaving them vulnerable to bribes and other forms of corruption. In 2021, the Department for Labour had yet to hire new inspectors after a large number retired in the previous two years.[40]

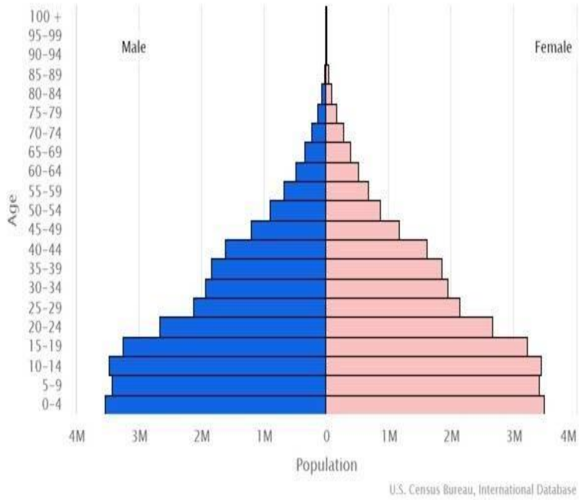
Based on a mapping of general workplace provisions, employers' responsibility to protect the safety and health of workers has low gaps in policies but gaps in their implementation. Also, prevention along OHS management principles and practice, together with the elimination of discrimination based on gender, have low gaps on the policy level there are high gaps in the implementations.[41]

WORKFORCE

Kenya is a multi-ethnic, multi-cultural, and multi-religious country. Its population growth demonstrated a slowly declining trend from 3.7% in the 1980s to 2.5% on average in the 2010s. The population reached almost 55 million people in 2021. The fertility rate fell from 6.9 in the 1980s to 3.9 births per woman in the 2010s. The life expectancy rate increased from 58 years in 1980 to 67 in 2020.

The population pyramid visualises how the demographic shifts are progressing, curtailing the youth bulge. Yet, Kenya's population growth challenges the creation of decent jobs, access to social services, arable land, and natural resources. Around 60% of the population is below 25 years old; 59% are of working age (15-64); 3.1% are 65 years and over.

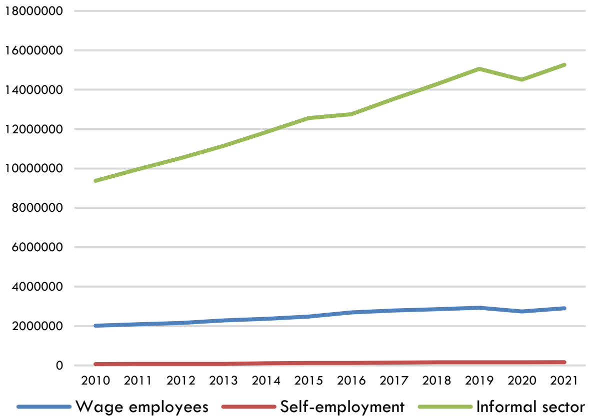
Figure 6: Population pyramid based on Age-Sex structure of the population in Kenya, 2022



Source: CIA, The World Factbook, Kenya.

Total employment outside small-scale agriculture and pastoralist activities stood at 18.3 million persons in 2021. At least eight out of ten (83%) operate in the informal economy while 16% as wage employees; self-employed is a minor group of 0.9%. Total employment fell by 4.1% from 2019 to 2020, resulting from the Covid-19 pandemic, hitting hardest the wage employees by -6.3%. Relaxation of various containment measures, such as the night curfew, lockdowns, and travel restrictions, coupled with the rollout of Covid-19 vaccination supported a positive impact on economic activities: Total employment rebounded in 2021, increasing by 5.3% from 2020 to 2021. Figure 7 shows that the formal (modern) sector is not creating sufficient decent jobs to curb the widespread informal economy: the informal economy employment ratio to total employment increased by one percentage point from 2010 to 2021, reaching 83%.

Figure 7: Total recorded employment in Kenya, 2010-2021



Note: Modern establishments encompass wage employees, self-employed, and unpaid family workers.
Source: Kenya National Bureau of Statistics, Economic Surveys.

At least two out of three (68%) of wage employment are in the private sector, while one out of three (32%) is in the public sector. It is interesting to observe that especially wage employment in the private sector got hit by the Covid-19 pandemic in 2020 and fell by 10% from 2019 to 2020. In contrast, wage employment in the public sector increased by 2.2%. In 2021, employment in the private sector had not yet fully recovered since the downturn in 2020 (see more details in Table 5).

Table 5: Wage employment in private and public sector, growth, and sector share in Kenya, 2021

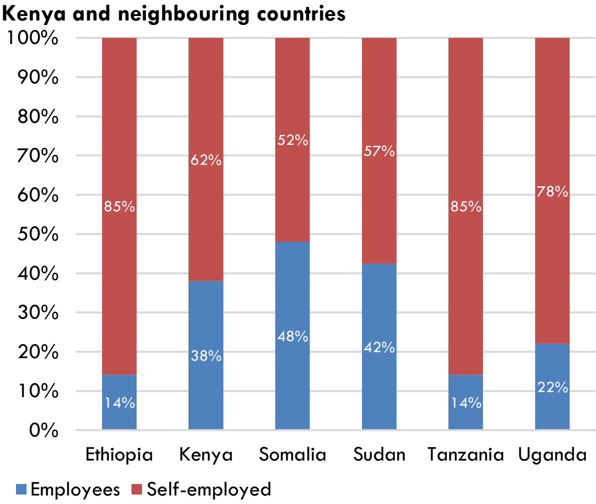
	Wage employment	Growth, 2019-2021	Share, 2021
Private sector	1,984,200	-3.8%	68%
Public sector	923,100	6.7%	32%
Total	2,907,300	-0.7%	100%

Source: Kenya National Bureau of Statistics, Economic Survey 2022; own estimations on growth and share.

Appendix Table 18 shows shifts in wage employment by industry and sector in Kenya. Some of the most noteworthy changes were the employment in the agricultural sector share of total wage employment dropped by five percentage points from 2010 to 2021 and reached 12%. The largest sectoral hike in employment was in the construction sector, boosted by 129% from 2010 to 2021, reaching a share of 7.8% of total employment. The education sector's share of total employment also climbed by three percentage points, grabbing a share of 21% of total wage employment, which to a large degree, is supported by a significant increase in private education employees.

Comparative data from the ILO's database show that Kenya's employees group hovered significantly above Ethiopia, Tanzania, and Uganda while superseded by Somalia and Sudan (see Figure 8). Kenya has one of the highest manufacturing shares of total employment at 6.9% in 2019, only surpassed by Somalia at 11%. The manufacturing sector is crucial for realising Vision 2030 concerning formal job creation and linkages with the other sectors. In Kenya, this sector is responsible for producing textiles, leather, construction material, agro-processing products, and machinery. Micro and Small Enterprises (MSEs) characterised by low-skilled jobs are the dominant part of this sector. At least 7.4 million MSEs are operating in Kenya, and about 98% are micro enterprises that employ less than ten persons. The medium enterprises account for only 0.2% of MSMEs in the economy, known as the 'missing middle' challenging the creation of decent formal jobs.[42]

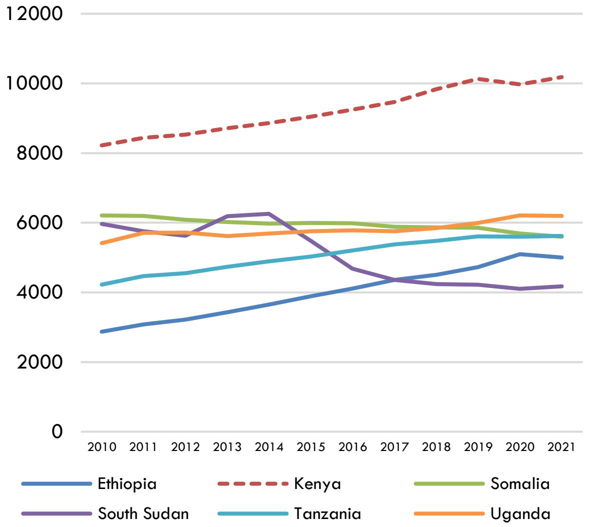
Figure 8: Latest employment by status in employment in Kenya and neighbouring countries



Source: ILO statistical database ILOSTAT.

The country's labour productivity stood significantly higher than the neighbouring countries, with gradually widening gaps (Figure 9). Estimations suggest that Kenya's labour productivity dropped by 1.5% from 2019 to 2020, caused by the Covid-19 pandemic. It rebounded in 2021 by 2.1%, though.

Figure 9: Projections of Kenya and neighbouring countries' labour productivity trend, Output per worker (GDP constant 2017 international $ at PPP), 2010-2021



Source: ILO statistical database ILOSTAT.

In Kenya, labour's share of national income has been declining from 41% in 2010 to 38% of GDP in 2019, the lowest rate among the neighbouring countries. All neighbouring countries' rates either stood stable or even increased, like in Tanzania. This situation supports the country's weak progress in the SDG to achieve better equality (see more in Appendix Table 12 dealing with the SDG table, Indicators 10.4.1). This issue raised concerns about slowing income growth, inequality, and loss of consumer purchasing power. The change involves increased use of new technology, globalisation, the widespread informal economy, and the hollowing out of collective bargaining agreements.

Unemployment and underemployment

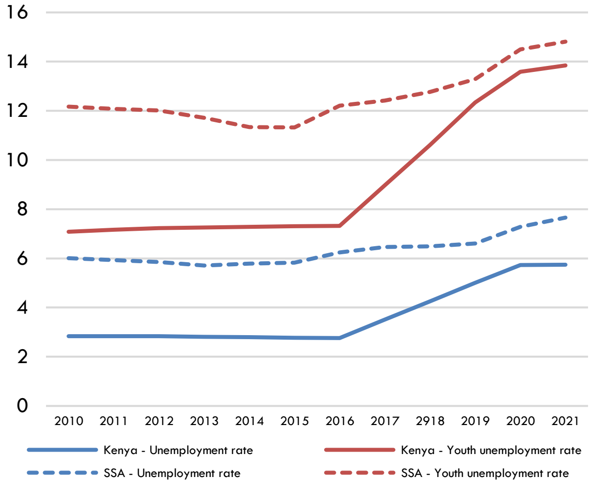
Kenya's latest Household Budget Survey from 2019 registered the unemployment rate at 5.0%. Generally, in lower-middle-income countries, many people have little choice but to engage in economic activities without social protection. Kenyan women's unemployment rate was slightly higher than men. ILO's modelled estimations listed the rising unemployment rates since 2017 related to statistically methodological adjustments: Kenya is getting closer to the regional average rate (see Table 6 and Figure 10).

Table 6: Status of unemployment in Kenya, 2019

Type	Sex	Per cent
Unemployment (15+)	Total	5.0%
	Men	4.8%
	Women	5.3%
Youth Unemployment (15-24 years)	Total	13%
	Men	12%
	Women	14%
Underutilisation *	Total	20%
	Youth	35%

** Underutilisation represents the share of the extended labour force that are in unemployment, time-related underemployment, or the potential workforce.*
Source: Kenya's Household Budget Survey, 2020.

Figure 10: Unemployment trend in Kenya and Eastern Africa (EA), Total and Youth, %, 2010-2021



Source: ILO's modelled estimations.

Unemployment is mainly a phenomenon for youth. And subsistence farming is occupied during planting and harvesting but not engaged full-time during the entire year, creating some "disguised unemployment." In addition, around 36% of Kenya's working-age population was projected as economically inactive in 2019. It further created a massive amount of hidden unemployment in the economy and an acute undersupply of employment opportunities. The broader underutilisation rate (i.e., aggregating time-related underemployment, unemployment, and potential workforce) was 35% in 2019, with a deep gender gap (see more in the Gender sub-section).

Since the formal sector is not providing sufficient new jobs, weak social protection coverage, including a lack of unemployment insurance schemes, pushes most workers to generate some income through causal informal activities, often by lower hours, to survive. Unemployment is statistically a part of the employed group, excluding economically inactive persons.

Migration

Kenya ratified four international conventions dealing with international standards and fulfilment of migrants' rights, including the ILO's Migrant Workers (Supplementary Provisions) Convention (C143) and the United Nations Convention relating to the Status of Refugees. The country has a sound legal framework in place regarding migration:

- Kenya's 2010 constitution gives prominence to the people's sovereignty and citizenship issues.
- The Citizenship and Immigration Act of 2011 allows immigrants to work and study in Kenya, which the State Department of Immigration, Border Control and Citizen Services implements. It was amended in 2014 to establish a Border Control and Operations Coordination Committee. All children in Kenya have access to government-funded primary and secondary education. Permanent residents of Kenya have access to social security based on their residence in the country and not their employment status.

At the policy level, the government operates with the Kenya Diaspora Policy, administered by the Ministry of Foreign Affairs. It was launched in January 2015. The Kenya National Adaptation Plan 2015–2030 outlines specific migration-related climate resilience strategies. The migration authorities further have contingency plans for managing large-scale migration in times of crisis, including the National Disaster Response Plan. Basic health services for refugees are provided through health centres in official refugee camps, as well as through referrals to public hospitals. The Office of the United Nations High Commissioner for Refugees (UNHCR) promotes the Comprehensive Refugee Programme to increase the enrolment of refugees in the national health system.[43] In March 2022, Eastern and Horn of Africa countries met to work on common labour migration policy and laws.

The 2019 Kenya Population and Housing Census (KPHC) showed that 9 million people were lifetime migrants in Kenya. Nairobi County had the highest number of recent internal migrants, about 641,000, followed by Kiambu with about 319,000. There were more female recent migrants than males across all counties.[44]

Kenya's urbanisation rate increased from about 24% in 2009 to 29% in 2021, standing higher than Ethiopia (22%), South Sudan (21%), and Uganda (26%) but significantly lower than Somalia (45%) and Tanzania (36%).

Displacement associated with disasters is mainly from floods in Kenya, and around 36,400 persons were registered in 2021. Displacement associated with conflicts and violence peaked in 2014 with 220,200 persons. It turned relatively low since 2019, reaching about 4,600 persons in 2021.[45] About 190,000 internally displaced persons (IDPs) still lived in temporary centres in 2021. Although the government took steps to resettle the displaced, lack of secure land tenure, children out of school, weak access to health services, lack of livelihood opportunities and discrimination remain obstacles to lasting solutions.

A complex mix of conflict, insecurity and economic factors are key drivers of migration from Eastern Africa. Kenya is a regional hub for irregular migration as a destination, origin and transit country towards other regions and continents. Most immigrants in Kenya are from other African countries, and the majority are from Eastern African countries. Besides, it is one of a few African countries that grant visitors from other countries visas on arrival.

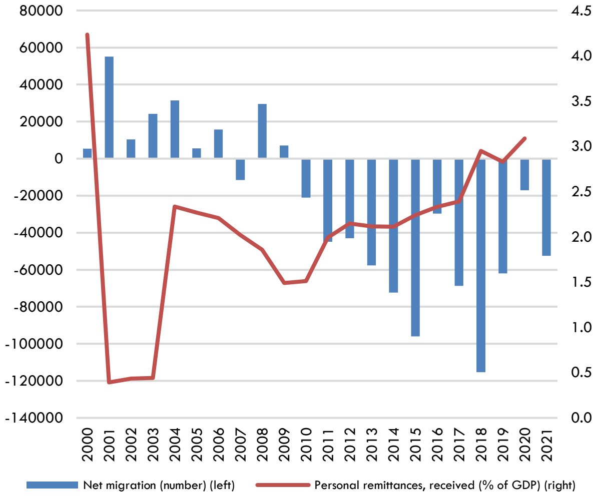
Central drivers of emigration link to access to employment and education opportunities. Top destinations have been the United Kingdom, the United States, and other African countries, particularly Tanzania and Uganda. Semi and unskilled migrant workers started to move towards the Middle East, particularly to Saudi Arabia (at least 80,000 living and working Kenyan as domestic workers), Qatar, and Dubai. Migrant domestic workers were banned in 2012 but lifted in 2017. These low-skilled migrant workers stay vulnerable to abuse, receive inadequate wages, experience poor working conditions and are occasionally discriminated against. On the other hand, the skilled emigration rate represented about 35%, raising concerns about the loss of trained and qualified workers in key sectors, especially from the health sector.[46] Most Kenyan migrant workers lack formal mechanisms, including requisite consular assistance for self-improvement, wellbeing and protecting their rights.

Kenya has bilateral agreements and Memorandums of Understanding (MoUs) regarding migration-related issues such as the welfare and protection of migrant workers; for example, from the Kingdom of Saudi Arabia, Qatar, and the United Arab Emirates (UAE). MoUs fall short of taking care of the interests of the workers in practice. The Republic of Kenya's Senate, via its Standing Committee on Labour and Social Welfare, argued that Kenya still lacks a comprehensive policy and helpful legal framework to guide, govern and create stability in the migration processes.[47]

Kenyans seeking local and foreign employment can benefit from services provided by the National Employment Authority (NEA) and County Employment Bureaus. Currently, 31 Public Employment Service Offices are operating. Nevertheless, conditions for migrant workers stay generally unregulated, nor did the government keep specific statistics on migrant labourers in the country.

During the 2000s, more entered than left Kenya. The migration flow significantly changed during the 2010s, visualised in escalating negative net migration. The impact of the Covid-19 pandemic in 2020 somewhat slowed down the migration flows, but emigration rebounded strongly in 2021 (Figure 11).

Figure 11: Kenya's net migration and personal remittances trends, 2000-2021

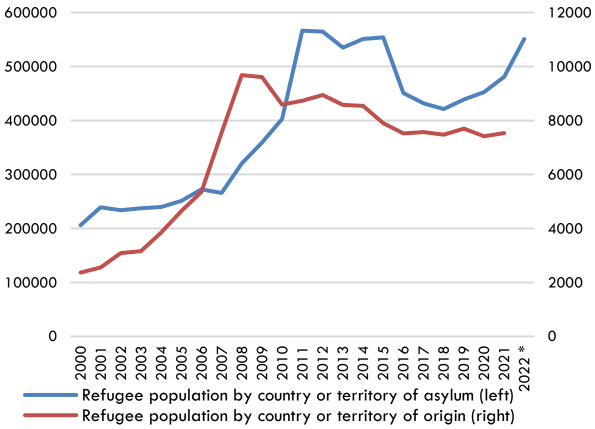


Note: Net migration is the total number of immigrants minus the annual number of emigrants, including both citizens and noncitizens.
Source: Migrant Data Portal, Migration statistics; The World Bank, World Development Indicators.

Personal remittances are slowly rising during the 2010s, representing 2.3% of GDP in the 2010s on average; they dropped in the margin in 2020 to 2.8% but rebounded in 2021 to 3.1%. These remittances are not yet an integral part of the economy but significantly higher than foreign direct investments (FDI); for example, a one percentage point gap in the 2010s, with FDI at 1.3% of GDP on average. It is worth mentioning that Kenya's remittances align with the sub-Saharan African average, at 2.4% of GDP in the 2010s. A recent Diaspora Remittance Survey found that most recipients are self-employed, unemployed or students, suggesting a relatively high dependency ratio of Kenyans on the diaspora. Slightly over a half of the remittance amounts were allocated to three uses: investment in real estate (land and building) for recipients, mortgage payment for senders and purchase of food and household goods.[48]

Kenya has always received a relatively high influx of refugee population by country or territory of asylum, especially with an upsurge during the 2010s getting close to 550,000 in April 2022. In contrast, refugees with origin from Kenya represent a minimal group of close to 7,500 persons, just a size of 1.6% on average from 2010-2021 compared with the refugee population by country or territory of asylum (Figure 12). The Kenya refugee operation will continue to be marked by the region's political developments and humanitarian situation, mainly in its two main countries where refugees fled from Somalia (53%) and South Sudan (25%).

Figure 12: Refugee population by country or territory of asylum and origin in Kenya, 2000-2022



* *Data from* April 2022.
Source: The World Bank, World Development Indicators; The UN Refugee Agency, Figures at a Glance: Kenya.

Kenya's new Refugee Act of 2021 includes significant changes in policy on refugee economic inclusion, integration, refugee status determination, and the ability for refugees to contribute to Kenya's national and local economy. The act promotes refugees become self-reliance in accordance with the commitments made under the Comprehensive Refugee Response Framework (CRRF). It aims at streamlining the issuance of documents in enabling refugees to participate in livelihood activities, access financial and other services from government and public institutions and give refugees a voice in the formulation of development plans. On the other hand, the act lacked freedom of movement and continues the encampment policy by establishing designated areas for refugee settlement. The continuation of the encampment policy will continue to present a great limitation on the ability of refugees to access and participate in livelihood activities.

Informal Economy

Kenya's employment is dominated by the informal economy representing 83% of total employment (non-agriculture) in 2021. It is among the highest shares among the neighbouring countries. A central structural and complex problem in Kenya's labour market is that the wage employees' group is not curbing the informal employment growth (revisit Figure 7). A study from the International Monetary Fund estimated that Kenya's size and development of the informal economy stalled, dropping by just one percentage point from 2000 to 2015, reaching 33% in 2015. This size was in line with Ethiopia (34%) but significantly lower than Tanzania (52%) and Uganda (39%).[49] These situations suggest that the country is struggling to trickle-down the labour and business regulations among workers and enterprises, often due to a lack of awareness or incentives. For instance, about 80% of the informal enterprises are not using any of the available internet platforms.[50]

Informal workers often operate in vulnerable working conditions side-lined for minimum wages and pension insurance. This adverse environment further challenges industrial relations, organising workers, performing collective bargaining through social dialogue, and weakened labour rights coverage. On the positive side, the National Hospital Insurance Fund (NHIF) principal members is changing: From 2016/17 to 2020/21, membership in the informal economy grew by 11% while a 2.2% growth was recorded in the formal sector. In 2016, membership in the informal economy counted for 44% of the total membership peaked at 55% in 2021. Micro-Insurance dominates this impressive increase among the informal group, i.e., members in the informal economy paying for themselves a monthly contribution fixed at KSh 500 (US$4.6), benefitting NHIF's quest to achieve universal health coverage. Health care is one of the four pillars of the Big Four agenda as a universal right, with food security, affordable housing, and manufacturing (see more in the Social Protection section).

Some other improvements are detected; for example, the country's informal payments to public officials fell from 28% in 2013 to 26% of firms in 2018, stood higher than Ethiopia (8.3%) and Tanzania (20%) but lower than the other neighbouring countries.

The informal economy covers all small-scale activities that use low and simple technologies and employ few persons. Most small businesses such as retailers, hawkers and other service providers are in this informal seconomy. These informal enterprises often have inadequate capital or credit, as well as getting markets/customers for their goods.[51] The ease of entry and exit into this segment, coupled with the use of low-level or no technology, makes it an easy avenue for employment creation but with low labour productivity. Informal employment (excluding those working in small-scale farming and pastoralist activities) is concentrated in wholesale and retail trade, hotels, and restaurants (60%); manufacturing (20%); community, social and personal services (10%).[52] Table 7 shows the status of Kenya's informal economy.

Table 7: Status of Kenya's informal economy

Indicator	Per cent
Proportion of informal employment in total employment (2019)	87%
Proportion of informal employment in total employment (non-agriculture) (2021)	83% *
Informal employment covered by NHIF (2021)	36% *
Size of the informal economy (2015)	33%

** These numbers exclude those engaged in rural small-scale agriculture and pastoralist activities.*
Sources: Kenya National Bureau of Statistics; The World Bank; International Monetary Fund.

The Covid-19 pandemic triggered an unprecedented impact on the economy, especially the informal economy. For instance, informal enterprises were less able to access formal lines of credit or Covid-19-related government support. Besides, relief measures were less likely to reach those in need, and inequities within countries worsened. Smaller businesses experienced greater declines in employment and working hours than larger ones. Nevertheless, employment in the informal economy grew by 5.5% from an estimated 14.5 million workers in 2020 to 15.3 million in 2021, equalling a creation of 754,000 jobs while the formal sector down to 177,000 new jobs (revisit Figure 7).

Both employers' organisations and trade unions are increasingly finding interest in the informal economy as new membership recruitment. Also, informal workers are represented in the National Labour Board and the Wage Councils via COTU-K. This group is becoming more organised into associations, cooperatives, and unions to negotiate wage and work conditions, matching the government's minimum wage guidelines and representation in the Employment and Labour Relations Court. As previously mentioned, the ratio of COTU-K organised workers from the informal economy to total membership continues low at 2.1% in 2021 (revisit Table 2).

There is a series of challenges of taxing enterprises in the informal economy, dealing with mistrust and weak structural dialogue between the informal economy and government, as well as tax evasion and corruption as the usual way of doing business.

A tripartite national informal economy forum has been established in Kenya but still lacks a legal framework and policies supporting tripartite social dialogue in the informal economy. Instead, most of the exchange is bipartite and is usually either a union engaging with an informal employer or informal associations connecting with government agencies.

Child Labour

Around 39% of Kenya's population is 0-14 years old. As outlined in the Population Pyramid above, this segment's growth lost its pace (revisit Figure 6).

Kenya has endorsed most international treaties and conventions on children and child labour, including the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, as well as ILO's Conventions on Minimum Age of Employment (C138) and the Worst Forms of Child Labour (C182) (see Appendix Table 15). Several national laws address child labour and all forms of violence against children:

- Children Act of 2001 has been revised several times, where children are protected from child labour and all forms of violence; the latest

amendment from 2022 introduced provisions for their right to social security.
- Counter Trafficking in Persons Act of 2010 protects children from being trafficked within and outside Kenya.
- Education Act of 2013 and revised 2014 supports children in Kenya with free and compulsory Basic Education while aligning other rights accorded to children, such as the right to protection from exploitation and abuse.
- Employment Act of 2007 states conditions under which children should not work before 18 years and situations where children can undertake light work.

The government prohibits most of the worst forms of child labour. Children as formal employees violating the Employment Act has been rare. On the other hand, this law does not prohibit child labour for children employed outside the formal contractual agreement: child labour operates in the informal economy, side-lined by the government's monitoring and control system.

Kenya promotes child policies; several are somewhat outdated, missing action plans and face a lack of resources. The latest instrument functioning is the National Policy on Elimination of Child Labour adopted in 2016, supported by the National Plan of Action for Children in Kenya (2015-2022).[53] The government implement child labour programmes such as the Community Child Labour monitoring programme; the National Safety Net Programme, which includes Cash Transfer for Orphans and Vulnerable Children. By the same token, the National Care Reform Strategy for Children of 2022-2032 marks a substantial transformation in the child protection system in Kenya.

The National Steering Committee on the Elimination of Child Labour functions, including representation from labour-related social partners.

The root of child labour is linked with poverty. According to the Kenya National Bureau of Statistics (KNBS), around 8.5% of children, or 1.3 million, are engaged in child labour.[54] It appears quite low compared to the sub-Saharan Africa average, at 26% in 2020.[55] But it is plausible due to KNBS's estimation is based on the employed group, excluding those working in small scale farming and pastoralist activities. Child labour is visible in arid and semi-arid land counties. Many boys are sent out to herd livestock or harvest, while girls are married early or engaged in domestic work. Generally, most Kenyan child labourers operate in family agriculture plots, mining, as domestic servants, fishery, vendors, or scavengers in the cities.

An impact of the Covid-19 pandemic cost at least 1.72 million people in Kenya to lose their jobs and close schools, suggesting that many families could resort to sending their children to work.

Gender

The long struggle for equal rights in Kenya started in the early 1990s, has progressed. The country ratified several global and regional conventions dealing with gender issues: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Discrimination (Employment and Occupation) Convention (C111); Protocol to the African Charter on Human and Peoples' Rights of Women in Africa; Article 3 of the Protocol on Amendments of the Constitutive Act of the African Union (AU); the AU strategy for Gender Equality and Women's Empowerment (GEWE).

The country took strides towards developing a national legal framework to promote gender equality in the workforce and the economy. The 2010 constitution can be considered gender transformative, prohibits discrimination and extends the right to equal opportunities for all in political, economic, cultural, and social spheres. Several other labour-oriented laws, like the Employment Act, the Employment and Labour Relations Court Act, and the Labour Institutions Act, are gender-neutral. For example, the Employment Act protects from discrimination and the enjoyment of the right to work within favourable work conditions. It fails to protect employees against sexual harassment fully. Although the law provides entitlements for maternity leave of three months with full pay, no punitive measures are outlined for companies that do not comply (see more in the Social Protection section). Generally, Kenya's laws and regulations around the life cycle of a working woman score quite positive at 81 out of 100 (100 is best), substantially higher than the sub-Saharan Africa average (71). Still, it has a weak position for parenthood and entrepreneurship.[56]

At the national policy level, Kenya promotes the implementation of the National Policy on Gender and Development from 2019: Towards creating a just, fair and transformed society free from gender-based discrimination in all spheres of life practices. Kenya's State Department for Gender, managed by the Ministry of Public Service and Gender, launched several new policies in March 2021: the Gender Mainstreaming Policy in Tourism; the Revised National Policy on the Eradication of Female Genital Mutilation (FGM) Policy; Women Economic Empowerment Strategy 2020-2025; a Gender-Based Violence Mobile Application.

The National Gender and Equality Commission Act of 2011 sets the National Gender and Equality Commission (NGEC). This commission has the mandate to promote gender equality and freedom from discrimination.

On a broader gender view, the Global Gender Gap Index 2022 from the World Economic Forum – gender-based gaps along specific dimensions (health, education, economy, and politics) – ranks Kenya 57 out of 146 countries (1 is best). It was primarily supported by high ranking in economic participation and opportunities (6); health and survival (57), and political empowerment (81) at the medium level; educational attainment (118) at the low level. Similarly, the Gender Inequality Index from the United Nations Development Programme – focusing on maternal mortality, adolescent birth, the share of seats in parliament, population with at least some secondary education, and workforce participation – located the country 128 out of 170 countries (1 is best) in 2021. The rankings took strides through reforms with positive results for women's economic empowerment. The increase in women's activism, employment rates, the number of seats occupied in parliament, and a reduced gender wage gap are indicators of improvement.

International organisations register that women and adolescent girls are particularly vulnerable to poverty, especially in the household and community, exacerbated by gender-based violence, harmful cultural attitudes and beliefs around gender roles, norms, and female empowerment. Limited control over benefits from land and other resources constrains women's successful participation in the economy, particularly as producers and market actors. Women's unpaid childcare and domestic work limits women's contribution to and benefit from productive activities, constrain their mobility and limit their access to market resources and information while participating in the economy.[57]

Labour-related gender gaps remain stark. For example, women's wage employment represented 39% of total wage employment in 2021. Data from Kenya's latest Economic Survey 2022 illustrated that men almost dominated all sectors; for example, the wide gender gap in the manufacturing industry, with women's share of 28%. However, the largest group of wage employment was among education, with a minimal gender gap, the women's share of 49%. A remarkable contrast is a group representing activities of households as employers were dominated by women, meaning two out of three (66%) of this sector's workers. Table 8 shows a narrow gender gap in total employment but stark among employees favouring men while more women are self-employed.

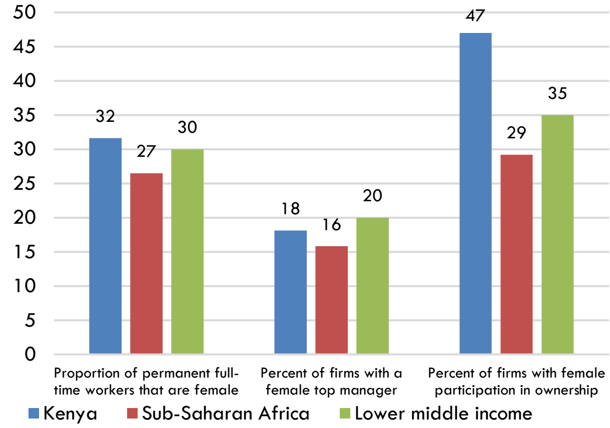
Table 8: Key indicators for labour gender gaps in Kenya, 2019

	Men	Women
Employment	52%	48%
Unemployment	4.8%	5.3%
Employees	64%	36%
Self-employed workers *	45%	55%

** Self-employed workers include four sub-categories of employers, own-account workers, members of producers' cooperatives, and contributing family workers.*
Source: Kenya's Household Budget Survey 2019.

Kenya's latest Enterprise Survey 2018 reported that 47% of firms had woman participation in ownership, which was significantly higher than the sub-Saharan African average. However, firms with female managers remain low in Kenya, like sub-Saharan Africa and lower-middle-income countries (Figure 13).

Figure 13: Status of women participation in employment, top management, and ownership, %, 2018



Source: The World Bank, Enterprise Surveys, Kenya 2018: Country Profile.

Youth

Kenya's youth (15-24 years old) represent 21% of the population and around 16% of the total employment. Each year about 500,000 to 800,000 young Kenyans enter the job market. Just 15% of them successfully secure formal jobs with harsh competition.[58] The youth bulge is changing slowly, reflected in the population pyramid (revisit Figure 6), supported by the mounting urbanisation and declining fertility rate.

The 2010 constitution cushions affirmative action programmes to ensure that the youth access relevant education and training; opportunities to associate, be represented and participate in political, social, economic, and other spheres of life; access employment; protection from harmful cultural practices and exploitation.

The Ministry of ICT, Innovation and Youth Affairs promotes that the youth are drivers of innovation in Kenya. It is harnessed to Vision 2030, linked to international commitments such as the African Union Agenda and the United Nations Strategy for the Youth of 2014, just as the ministry initiated the Kenya Youth Development Policy rollout in 2019. The latter policy attempts to gear the youth to become more competitive in today's globalised markets by creating decent jobs and income-generating opportunities for all youth, facilitating the building of digital skills, and leveraging young people's natural affinity to technology. Organisational arrangements and operational plans challenge its ambitious targets, and resources do not follow. In June 2022, the government developed a Youth Development Bill that attempts to anchor the Youth Development Policy and other youth-oriented policies into law to streamline youth empowerment programmes and initiatives.

The National Youth Council operates as a representative body advancing the voice of the youth and manages several Affirmative Action Funds that continue to target youth, women and people living with disabilities with low/interest-free funds for economic empowerment activities.

The country's latest ranking on the Global Youth Development Index was 129 out of 181 countries (1 is best) in 2020, a significantly better position than the neighbouring countries, e.g., Tanzania (148) and Uganda (157).

Kenya's youth challenges in the labour market are linked to several aspects:

- Youth unemployment is estimated to be between 65% and 80% of total unemployment. Most of these unemployed youth have no job training other than formal schooling, leading to a lack of job skills shadowed by an inadequate training infrastructure.
- Most employed youth are in vulnerable employment related to informal working arrangements associated with low productivity, inadequate earnings, and difficult working conditions. About 84% of the employed youth is in informal employment.
- There is a large inactive Kenyan youth population (excluded from the employment group): at least one in every ten youth is inactive if those in school are excluded. Inactivity is associated mainly with homemaking activities or chores, affecting female youth

more than male youth. The overall inactivity rate among the youth in the country was 22%, and they were not engaged in any work or business.

- Many highly skilled young people remain unemployed due weak decent job creation to properly address the growing youth workforce. Often, they resort to taking jobs abroad and, in some cases, engage in vulnerable activities.
- Kenya is short of a sufficient number of young graduates with technical vocational education and degrees in Information and Communication Technology (ICT), and young workers appear to lack both technical and soft skills (see more in the Vocational Training sub-section).

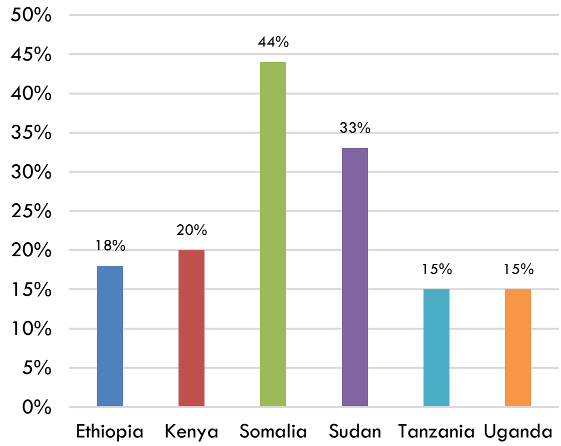
Due to social distancing policies, the Covid-19 pandemic has affected the youth in various aspects, such as health and well-being, education, employment, and civic activities. For example, youth are the most vulnerable to job layoffs.

It is not easy starting a business which could discourage many young entrepreneurs to formalise their business (see Appendix Table 16). On the positive side, Forbes Africa recently released a list of Africa's 30 best entrepreneurs under 30 years. It was notably that seven out of the 30 entrepreneurs were Kenyan.[59]

The Youth Enterprise Development Fund (YEDF) financed over 376,000 loan disbursements from 2017/18 to 2021/22. However, the fund has been haunted by not properly informing the youth on how it can be accessed as well as the low repayment rates. Moreover, the lack of monitoring and capacity building is insufficient concerning gender imbalance.[60]

The NEET rate (i.e., those not in employment, education, or training) was 20% in 2019, higher than several neighbouring countries, except Somalia and Sudan hovering far above (Figure 14). Kenya's NEET rate is also significantly higher for women than men, 24% vs 15%, respectively. Young people from lower-income families are usually more present in the NEET rate. The economic downturn in 2020 caused by the Covid-19 pandemic will most likely create an upsurge in the NEET rate.

Figure 14: Proportion of youth (aged 15-24 years) not in education, employment or training in Kenya and neighbouring countries, %, latest data



Source: International Labour Organization, Key Indicators of the Labour Market.

EDUCATION

Kenya has ratified most international treaties that protect the right to education. At the national level, the Constitution of Kenya sets every child with a right to free and compulsory basic education. The State shall take measures, including affirmative action programmes, to ensure that the youth access relevant education and training. The Basic Education Act of 2013 regulates the country's basic and adult education provisions. The Amendment of the Employment Act provided statutory education for workers in 2021. The Children's Act also acknowledges and protects every child's right to education. Other education laws guarantee the implementation of the right to education.

Kenya further adopted various general and specific policies on education. The most recent are the second Medium Plan Term of Vision 2030 launched in 2013 and the Policy Framework for Education and Training of 2012. It led to reforms to improve the quality of education geared to a competency-based curriculum (CBC), reforming professional teacher development, textbook policy, and management practices at the local level. Recent lessons from the education reforms showed that the system improved quickly, despite disruption by the Covid-19 pandemic in 2020. These reforms have made Kenya a top education performer in Eastern and Southern Africa.[61]

The government expenditure in the education sector dropped from 6.3% of GDP in the 2000s to 5.4% of GDP on average in the 2010s. It was still relatively high spending on education, reaching international benchmarks and hovering 1.3 percentage points higher than the sub-Saharan Africa average, at 4.1% of GDP. Education spending per capita is also relatively high compared to countries in the region, a key factor in quality education. The government budget on education went 19% of the total budget in 2020.

Kenya's literacy rate for the population aged 15+ increased from 72% in 2007 to 82% in 2018, reaching significantly higher than the neighbouring countries, for example, the sub-Saharan Africa average at 65%. This upsurge benefitted an increased net enrolment at the primary school level after it became compulsory and free in 2003. However, weak school infrastructure, overcrowded schools, and internal regional enrolment disparities are still constrained fully and quality free primary education in practice.

Concerning the workforce by education, around 16% of Kenyans had less than basic education, while slightly more than one out of two (55%) had basic education. Even if students complete at the primary school level, a smaller group enter further education: At the intermedia and advanced levels are 24% and 4.3%, respectively, not to mention showing significant gender gaps favouring males (Table 9).

Table 9: Employment by education in Kenya, %, 2019

	Less than basic	Basic	Intermediate	Advanced
Total	16%	55%	24%	4.3%
Men	14%	52%	29%	5.0%
Women	18%	59%	19%	3.5%

Source: Kenyan Household Budget Survey 2019.

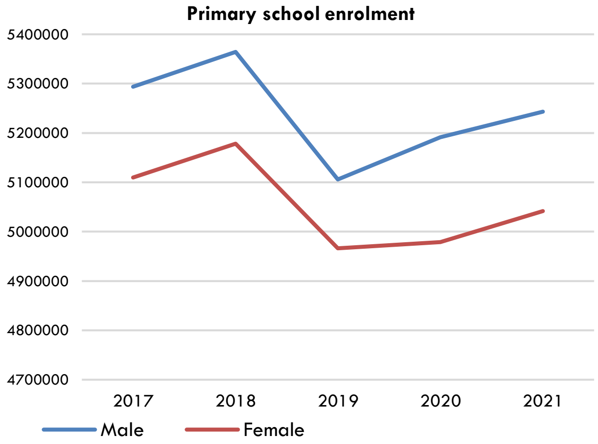
Kenya's education programme functions by the 8-4-4 system: eight years of primary education, four years of secondary education, and four years of university education. Kenya National Bureau of Statistics reported that enrolment in primary education was on the rise but plummeted in 2019, with almost 500,000 fewer students compared to 2018. It rebounded slightly in 2020 and followed in 2021 but has not yet reached its 2018 peak (see ahead).

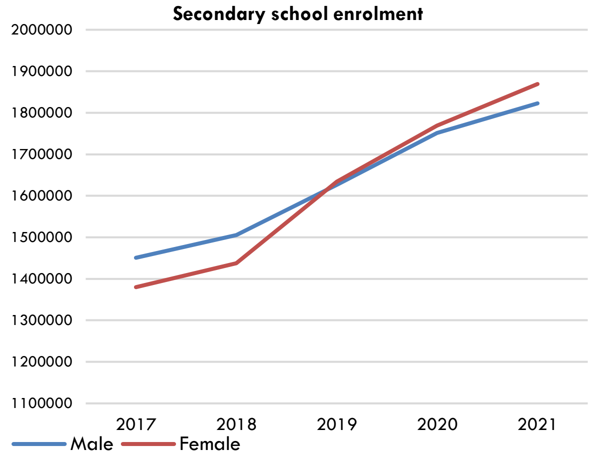
Kenya's pupil completion rate was on the rise from 84% in 2017 to 95% in 2020 but dropped to 85% in 2021 as an impact of the Covid-19 pandemic. Likewise, the primary to secondary transition rate increased from 83% in 2017 to 91% in 2020 and plummeted to 79% in 2021.[62]

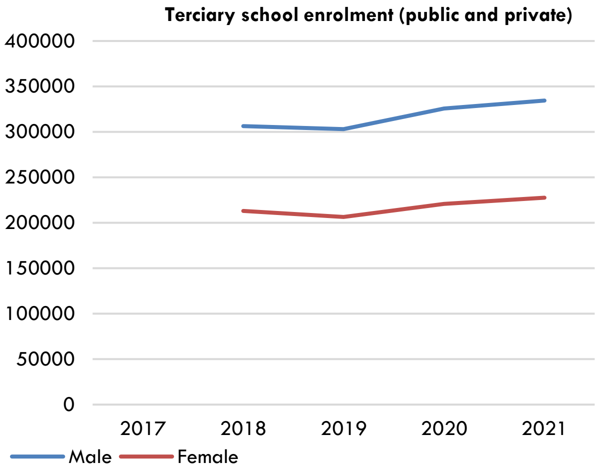
School enrolment at the secondary education level is also on a steady rise; girls have even slightly surpassed boys since 2019. It is worth mentioning that Group 1 at the secondary school enrolment level in 2021 was 22% lower than the number of primary school enrolments at the Standard 8 (last year) in 2020. As previously indicated, it reflects the large numbers of dropouts attributing many students fail to transit to the secondary level. Around 1.1 million children of primary school age (6 to 13 years old) are out of school.

At the tertiary (university) level, the enrolment of students is growing at a low pace (see more details in Figure 15).

Figure 15: Enrolment in primary, secondary and tertiary (university) education in Kenya, male and female, 2017-2021







Source: Kenya National Bureau of Statistics, Economic Survey, 2022.

Around 17 million students and more than 320,000 teachers were affected by the closure of 30,000 primary and secondary schools in 2020 due to the Covid-19 pandemic. Schools gradually reopened from October 2020 to January 2021. Efforts to provide remote learning revealed a significant digital divide, with over 50% of the students being left out, mainly due to a lack of appropriate electronic devices, access to electricity and internet connectivity.[63]

Vocational Training

The country's development agenda linked with Vision 2030 and the Big Four Agenda guide the country's focus on technical and vocational education and training (TVET). The Technical and Vocational Education and Training Act No. 29 of 2013 establishes the TVET system's governance, management of institutions, assessment, examination, and certification. Kenya National Qualifications Framework Act of 2014 further streamlined different mandates in the direction of the TVET sector.

The TVET functions are shared between the National and County Governments as contained in the 2010 constitution. At the national government level, TVET is linked with education policy, standards, curriculum, examinations, granting of university charters, universities, tertiary educational institutions, institutions of research, higher learning, primary schools, special education, secondary schools, special education institutions and promotion of sports and sports education. The county government level encompasses pre-primary education, vocational training centres, home-craft centres, farmers' training centres, and childcare facilities.

Technical and Vocational Education and Training Authority (TVETA) is a State Corporation whose mandate entails promulgating policies, plans, programmes, and guidelines for effectively implementing the TVET Act. Setting the TVET standards is managed by the Ministry of Education, and its State Department for Vocational and Technical Training with two directorates, i.e., the Directorate of Technical Education (DTE) and Directorate of Vocational Education and Training (DVET). The State Department operates with four State Corporations or Semi-Autonomous Government Agencies (SAGAs). Other institutions involved in the TVET system are:[64]

- Kenya Bureau of Standards (KEBS) develops standards for the educational sector, including higher education, technical and vocational education, and special needs education.
- National Qualifications Authority (KNQA) supports the coordination with social partners like COTU-K and FKE, harmonises the various levels of education, and creates a database of all qualifications in the country.
- Technical and Vocational Education and Training Curriculum Development, Assessment and Certification Council (TVET CDACC) under the Ministry of Labour is mandated to design and develop curricula for the training

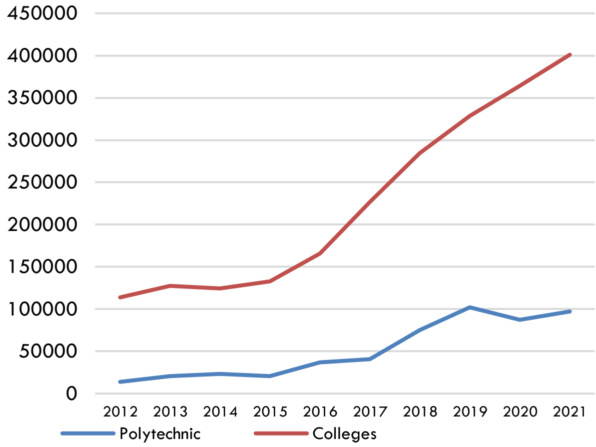
institutions' examination, assessment, and competence certification.

- Kenya Institute of Curriculum Development (KICD) focuses on technical and vocational education in the country.
- The National Industrial Training Authority (NITA) under the Ministry of Labour provides certificate courses for skilling and apprenticeships to people with any skill and education level. NITA supports workers in the informal economy by administrating and issuing certificates recognising prior learning. It operates with five training centres of its own, while its curricula and examinations are used by more than a hundred vocational training centres. A board of directors leads NITA with members from employer organisations, the trade union movement, and educational experts.
- Other authorities that regulate their respective sectors and set standards for workers involving TVET: National Construction Authority (NCA), Kenya Maritime Authority (KMA), Kenya Civil Aviation Authority (KCAA), and Tourism Regulatory Authority (TRA), which regulate their respective sectors and set standards for workers.

The ratio of the State Department for Vocational and Technical Training expenditure to total expenditure for the education sector rose from 2.7% in 2017/2018 to 4.3% in 2020/2021 but fell to 3.4% in 2021/2022. This State Department's expenditure introduced a significant structural shift: its development expenditure share to total expenditure fell from 77% in 2017/2018 to 16% in 2021/2022, while the recurrent expenditure increased from 23% to 84% during the same period.[65] This shift is caused by the transfer of technical teachers from Teachers Service Commission (TSC) to the State Department. Other data suggest that Kenya's government expenditure on secondary and post-secondary non-tertiary vocational education has been significantly higher than the neighbouring countries.[66]

Enrolment in TVET was on an upsurge in Kenya: The total number of TVET institutions grew by 43% from 2017 to 2021, reaching 2,396 in 2021 (59% public and 41% private), making it the fastest-growing category in the education sector; national polytechnics stood at 12 since 2020. Figure 16 shows the enrolment rate in TVET institutions: enrolment in polytechnic TVET schools was rising, peaking in 2019 with around 102,000 students, but it got stalled in 2020 and did not yet reach its highest in 2021. Enrolment in colleges TVET schools has experienced an upsurge since 2016, topping, so far, with at least 401,000 students in 2021/2022. The female shares of total TVET enrolment in 2021/2022 was 43%.

Figure 16: Enrolment in TVET institutions in Kenya, 2012-2021



Source: Kenya National Bureau of Statistics, Economic Surveys.

The structural stance of the labour market keeps skills gained from vocational schools often used in the informal economy. Some of the major challenges of TVET in Kenya are highlighted in recent reports: limited industry linkages of TVET programmes; incomplete labour market research and information; an insufficient number of occupational training standards with the need to revise and update existing occupational standards and curriculum for standardisation; fragmented TVET eco-system; resource constraints; limited adoption of technology; negative perception and inadequate access to TVET programmes; limited certifications amongst informal sector workforce.[67] Generally, workers' representatives have expressed concern about the lack of access to training and upskilling for specific technical skills. Other studies found that there is a positive linear relationship between trade union participation and employees' productivity in TVET institutions in Kenya.[68]

Kenya's firms offering formal training programmes were 37% of their permanent, full-time employees in 2018, significantly higher than the neighbouring countries. Formal firms continue to represent a small group, while most operate in informal micro and small enterprises.

The Fourth Industrial Revolution (4IR) introduces disruptions in the labour market: job losses due to digitisation are becoming more urgent, just as upskilling and retooling are putting pressure on the TVET system. Kenya's fast evolution of the information and communication technology (ICT) landscape has attracted investors and policymakers. The country became a role model for its widespread adoption of mobile money services and a burgeoning ICT application development sector. The business process outsourcing (BPO) market also was among the pillars of the development plans in Kenya to support job creation for youth in the form of customer service work, data entry, transcription, digitisation, financial accounting, auditing, and other higher value-knowledge processing. Studies found that an active BPO sector is present in Kenya, but it was less than envisioned. For example, the BPO sector has not been able to capture large amounts of work from foreign clients, falling far short of original hopes and expectations.[69] Media reported that Kenyan local BPO firms were often unable to give the market the necessary skills that would have guaranteed them steady jobs.[70] Information is scarce on how many workers operate in BPO in Kenya.

Kenya's ICT status lags behind other developed and Asian developing countries regarding ICT infrastructure and services. Policy reviews detected that the country has a shortage of young ICT specialists; there is a labour shortage of young graduates with specific technical and soft skills required within the ICT industry, not to mention young ICT specialists in the country often lack adequate English language skills.[71] Nevertheless, Kenya has experienced a growing application for ICTs aspects during the last two decades. For example, individuals using the internet increased from 4.4% in 2007 to 30% of the population in 2020, scoring in line with the sub-Saharan African average (30%) and significantly higher compared to the closest neighbouring countries. Kenyans' demands for mobile cellular subscriptions also soared from 29 in 2007 to 114 per 100 people in 2020, again significantly higher than the neighbouring counties as well as the sub-Saharan Africa average (83 per 100 people in 2020). Recent survey data displayed that a majority (80%) of enterprises were not using any of the available internet use platforms.[72]

The Covid-19 pandemic turned industries' apprenticeships abruptly closed. The TVET sector suffered since the education models have relied heavily on face-to-face learning using equipment and other experiential learning strategies. These learning standards do not lend themselves easily to online interventions and, as such, are affected by school closures.

SOCIAL PROTECTION

Kenya has demonstrated progress in developing and expanding the social protection system. The country has ratified several international conventions, including two out of fifteen up-to-date ILO Social Security conventions, i.e., the Equality of Treatment (Social Security) Convention (C118) and Minimum Wage Fixing Convention (C131) (see also Appendix Table 15). Social security is settled in several laws through an expansion of regular and predictable social transfer schemes but still requires a broader comprehensive legal framework for social protection:

- Kenya's 2010 constitution protects the right to 'social security.
- Social Assistance Act of 2013 addresses social assistance to vulnerable populations such as orphans and vulnerable children.
- National Social Security Fund (NSSF) Act of 2013 provides workers with financial security in retirement and basic security against

contingencies such as employment injury, illness, disability, and death.

- National Hospital Insurance Fund (NHIF) Act No 9 of 1998, latest amended in 2021, regulates the fund covering salaried workers and their dependants on a compulsory basis, as well as informal sector workers and people sponsored by individuals or institutions voluntarily.
- The Children Act of 2022 has provisions for the right to Social Security.

The political commitment was integrated into Vision 2030, encouraging the government to increase expenditure on social protection to reduce poverty. Additionally, the current National Social Protection Policy (NSPP) of 2011 has aimed to ensure that all Kenyans can live with dignity despite shocks and risks they may face during their lifetime, including access to decent work, affordable healthcare, social security, and social assistance.

Broadly, the social security system functions via three ranges:[73]

- Cash transfer programmes are geared toward food security, retention of children in schools, and access to basic health care.
- NSSF protects workers (formal and informal) in lump sum payments upon retirement.
- NHIF offers social health insurance to orphans and vulnerable children, persons with severe disabilities, and elderly persons.

COTU-K has significantly contributed to the policy and legislative framework on social protection and advocated for the recognition of tripartism and representation of workers in the governance of social protection institutions. It headed to improved accountability in the administration of social contributions. COTU-K also made efforts to raise an understanding of available social protection opportunities to its members while supporting the integration of benefits in collective bargaining agreements. Many stakeholders still lack awareness and incentives to affiliate with social protection schemes, even considered grave among informal workers and employers. On the positive side, other trade unions have addressed social protections in CBA clauses; for instance, trade unions have been able to secure benefits into local CBAs such as gratuity in addition to NSSF retirement benefits, and they have successfully negotiated medical benefits in addition to the NHIF (revisit Social Dialogue section).[74]

Although the social security legal framework has improved during the last decade, the coverage of a broader social protection continues to be low: just 10% of the population is covered by at least one social protection benefit in 2020 (see more details in Table 10). It is relatively high compared to the closest neighbouring countries, except being superseded by Tanzania (14%) The country's SDG target of implementing nationally appropriate social protection systems and measures for all continues to be a major challenge (see Appendix Table 12, Indicator 1.3.1).

Table 10: Proportion of population covered by social protection in Kenya, %, 2019/2020

Group	Coverage
Persons covered by at least one social protection benefit	10%
Persons above retirement age receiving a pension	13%
Persons with severe disabilities collecting disability social protection benefits	0.2%
Unemployed receiving unemployment benefits	0%
Employed covered in the event of work injury	9.3%
Children and households receiving child and family cash benefits	3.6%
Poor persons covered by social protection systems	2.5%
Vulnerable persons covered by social assistance	2.5%

Source: International Labour Organization, SDG labour market indicators.

The ratio of social protection expenditure to national government expenditure has steadily increased from 4.1% in 2018/19 to 5.2% in 2021/2022. Social protection expenditure stays a minor share of 0.5% at the county government level. The State Department for Social Protection's share of total national government expenditure on social services has increased from 41% in 2017/2018, peaking at 53% in 2019/2020 but dropped in the margin to 52% since 2020/2021.[75]

The Covid-19 pandemic triggered an unprecedented expansion of social protection programmes in Kenya to curb the shock, leading to innovative methods for implementing programmes. Among others, the government released KSh 8.6 billion (US$74 million) in July 2022 as payment to beneficiaries of various cash-transfer programmes; for example, the beneficiaries of the National Safety Net Programme (NSNP) received KSh 8,000 (US$69) each, as payment for two cycles. However, existing social protection databases did not have sufficient coverage of the populations most affected by the pandemic to be used in the response, not to mention the Single Registry was unable to support coordination and de-duplication of the reaction. Weak coordination of the response by the Social Protection Secretariat (SPS) was detected.[76]

The NSNP, known as *Inua Jamii* (Kiswahili for Community), provides cash transfers to orphans and vulnerable children, older persons, persons with severe disabilities, and those affected by hunger unsafely. The programme has succeeded, increasing from slightly over 200,000 in 2013 to 1.1 million beneficiaries at the beginning of 2022.

The government also provided social assistance through several other cash transfer schemes. All of them have demonstrated declining trends during the last five years, except the funds for the hunger safety net programme escalated in 2021/2022 (see more in Appendix Table 19).

Social security contributions are not universal but linked to a mandatory individual account. In 2013, the provident fund system increased contribution rates and diverted contributions into Tier 1 contributions to the National Social Security Fund (NSSF) and Tier 2 contributions to either the NSSF or a registered private pension plan. COTU-K supported three unions affiliates to sign Memorandum of Understanding with NSSF with NSSF in 2021, covering informal workers.

The broader pension schemes membership rate was on the rise, increasing by 31% from 2017 to 2021, peaking so far, with 1 million members in 2021.[77] It was worrisome to detect the number of NSSF members fell from 2017 to 2020 by 51%. Still, it rebounded by 41%, reaching almost 407,000 registered members in 2021. ILO's statistical data listed that around 13% of persons above retirement age receive a pension (revisit Table 10).

Kenya's 2010 constitution safeguards the population's right to the highest standard of health. Health expenditures were declining during the 2010s, reaching 5.2% of GDP on average, which was in line with the sub-Saharan Africa's average of 5.2%. On the other hand, Kenya's health expenditure per capita rose from US$58 in 2010 to its peak of US$83 in 2019 so far. In 2019, it was significantly higher than the closest neighbouring countries and even the sub-Saharan African average (Table 11). One of the reasons for this contrast links to Kenya's somewhat curbed population growth (revisit Figure 6).

Table 11: Status of expenditure on health and social contribution in Kenya and sub-Saharan Africa (SSA), 2010-2019 average

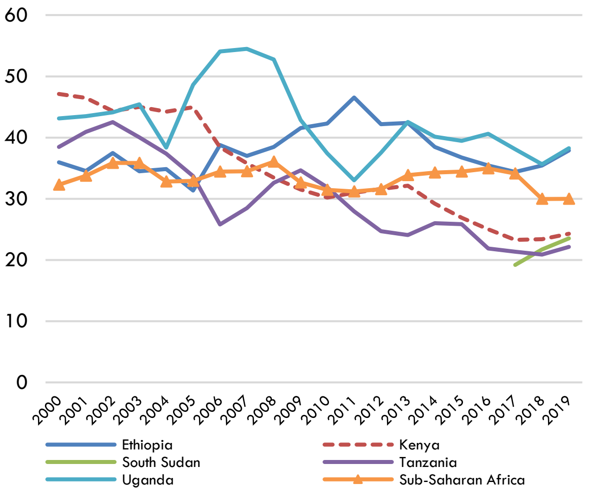
Service	Kenya	SSA
Total health expenditure, % of GDP	5.2%	5.2%
Current health expenditure per capita	US$ 68	US$ 89
Social contributions (% of revenue) *	2.0	-

** Social contributions include social security contributions by employees, employers, and self-employed individuals, and other contributions whose source cannot be determined. They also include actual or imputed contributions to social insurance schemes operated by governments.*
Source: The World Bank, World Development Indicators.

Reforming the National Hospital Insurance Fund's legal framework to align its processes to universal health coverage (UHC), introduced a new name via the National Health Insurance Fund Act of 2022. Implementing UHC in Kenya through NHIF means that every Kenyan resident should be a registered beneficiary and contributor to the national health insurer. NHIF provides hospital coverage for members and their dependents. Noteworthy, COTU-K lobbied against the proposed amendment perceived to have interference of the worker's representation. The fund's registered principal members have increased significantly from 6.8 million in 2016 to approximately 14 million in 2022, along with about 12.9 dependants. The existing provision of voluntary membership from the informal economy represents just 5 million principal members with approximately 6.6 million dependants, challenged by a high dropout rate.[78] The range and quality of the employer-provided insurance varies, e.g., some include family planning while others do not.

Figure 17 depicts Kenya's healthcare expenditure financed by private households' out-of-pocket payments steadily fell during the last two decades, landing significantly below the SSAs' average since 2008.

Figure 17: Out-of-pocket expenditure on health in Kenya and neighbouring countries, % of current health expenditure, 2000-2019



Note: Out of pocket expenditure is any direct outlay by households, including gratuities and in-kind payments, to health practitioners and suppliers of pharmaceuticals, therapeutic appliances, and other goods and services whose primary intent is to contribute to the restoration or enhancement of the health status of individuals or population groups. It is a part of private health expenditure.
Source: The World Bank, World Development Indicators.

The growing health expenditure per capita in Kenya supported considerable health improvements: The maternal mortality rate fell from 708 in 2000 to 342 deaths per 100,000 live births in 2017, which was significantly lower than the neighbouring countries. Similarly, the mortality rate under five dropped from 99 to 42 per 1,000 live births from 2000 to 2020; again, it stood substantially lower than the neighbouring countries.

Kenya's Employment Act provides three months of paid maternity leave for new mothers paid by the employer. Women have ensured the right to return to a job at a similar level (if not the same) after maternity leave. Studies found that the employer-based maternity leave costs liability fosters gender discrimination for women staff of reproductive age on non-temporary contracts.[79] The Employment Act provides for two weeks of paternity leave immediately upon the birth, with full payment by the employer. However, many men do not take their paternity leave, often related to socio-cultural attitudes toward masculinity and a general sentiment of making work a priority. Data are scarce on maternity/paternity leave coverage. It is worth mentioning that Kenyan teachers' new mothers were entitled to 120 days of maternity leave, up from the statutory 90 days, while fathers will have 21 days of paternity leave, up from the current 14 days per February 2022.

In the aftermath of the Covid-19 pandemic, Kenya's Ministry of Labour proposed the state-backed Unemployment Insurance Fund (UIF) in July 2021. To enrol, employees must contribute 1% of their pay, which employers will match. Salaried employees who become jobless will get a fraction of their pay for six months from UIF aimed at cushioning workers laid off or unable to work due to illness. Per October 2022, the fund is still not implemented.

APPENDIX: ADDITIONAL DATA

Table 12: Status of key Sustainable Development Goals in labour market related issues in Kenya

Indicators	Value	Year	SDG Targets
1.1.1: Working poverty rate (percentage of employed living below US$1.9 PPP).	26%	2021	By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than US$1.9 a day.
1.3.1: The population effectively covered by a social protection system, including social protection floors.	10% *	2020	Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.
5.5.2: Proportion of women in senior and middle management positions	50%	2019	Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life.
5.5.2: Proportion of women in managerial positions	50%	2019	
8.2.1: Annual growth rate of output per worker (GDP constant 2017 international $ at PPP).	2.1%	2021	Sustain per capita economic growth in accordance with national circumstances and, in particular, at least 7 per cent gross domestic product growth per annum in the least developed countries.
8.3.1: Proportion of informal employment in non-agriculture employment.	81%	2019	Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity, and innovation, and encourage the formalisation and growth of micro-, small- and medium-sized enterprises, through access to financial services.
8.3.1: Women	86%	2019	
8.3.1: Men	77%	2019	
8.5.1: Average hourly earnings of employees (Local currency).	Ks 100	2019	By 2030, achieve full and productive employment and decent work for all women and men, including young people and persons with disabilities, and equal pay for work of equal value.
8.5.2: Unemployment rate (Total, 15+)	5.0%	2019	
8.5.2: Unemployment rate (15-24 years)	13%	2019	
8.6.1: Proportion of youth (15-24 years) not in education, employment, or training).	20%	2019	By 2030, substantially reduce the proportion of youth not in employment, education, or training.
8.7.1: Proportion and number of children aged 5-17 years engaged in economic activity (Total).	-	-	Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025, end child labour in all its forms.
8.1.1: Non-fatal occupational injuries per 100,000 workers	-	-	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.
8.8.1: Fatal occupational injuries per 100,000 workers.	-	-	
8.8.2: Level of national compliance with labour rights (freedom of association and collective bargaining)	-	-	The exact measurement method and scoring for this indicator needs to be developed.
9.2.2: Manufacturing employment as a proportion of total employment.	6.9%	2019	Promote inclusive and sustainable industrialisation and, by 2030, significantly raise industry's share of employment and gross domestic product, in line with national circumstances, and double its share in least developed countries.
10.4.1: Labour income share as a percent of GDP.	38%	2019	Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality.

** Population covered by at least one social protection benefit (see more in* Table 10*).*
Source: ILO, Key Indicators of the Labour Market (KILM).

Table 13: Registered Trade Union membership in Kenya, 2021

Trade unions	Total members	Women members
Central Organisation of Trade Unions (COTU-K)		
Amalgamated Union of Kenya Metal Workers	6,340	535
Kenya Petroleum Oil Workers Union	3,500	1,050
Bakery, Confectionery Manufacturing & Allied Workers Union	13,000	5,200
Kenya Building, Construction, Timber, Furniture & Allied Trades Employees Union	21,000	3,800
Kenya Chemical & Allied Workers Union	2,300	920
Kenya Engineering Workers Union	27,000	22,950
Kenya Game Hunting & Safari Workers Union	3,200	2,240
Kenya Union of Printing, Publishing, Paper, Manufacturing & Allied Workers	3,400	1,530
Kenya Plantation & Agricultural Workers Union	400,000	277,500
Kenya Scientific, Research, International, Technical & Allied Institutions	2,900	870
Banking Insurance & Finance Union	3,100	1,395
Communications Workers Union (CWU)	5,500	2,640
Railway Workers Union	510	102
Tailors & Textiles Workers Union	62,000	28,600
Transport & Allied Workers Union	19,502	97
Kenya Union of Entertainment & Music Industry Employees	400	220
Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals & Allied Workers	107,000	40,801
Kenya Union of Sugar Plantation Workers	18,000	6,300
Kenya Local Government Workers Union	21,500	5,233
Kenya Shipping, Clearing & Warehouses	1,050	210
Seafarers Workers Union	120	12
Kenya Quarry & Mine Workers Union	6,500	1,300
Kenya Electrical Trades Allied Workers Union	37,000	5,400
Kenya Shoe & Leather Workers Union	1,300	455
Kenya Jockey, Betting Workers Union	250	30
Union of National, Research Institutes	5,500	1,650
Kenya National Private Security Workers Union	33,000	4,600
Kenya Salon and Beauty Union	5,100	2,300
Kenya Hotels & Allied Workers Union	1,100	440
Kenya Union of Commercial, Food & Allied Workers	58,120	18,079
Kenya Aviation and Allied Workers Union	200	20
Kenya Union of Journalists	1,800	900
Kenya Long Distance Truck Drivers and Allied Workers Union	1,200	10
Kenya National Union of Nurses	21,000	21,000
Kenya Glass Workers Union	1,800	360
Kenya Water and Sewerage Workers Union	2,600	650
Kenya Union of Pre-Primary Education Teachers	1,200	960
Kenya Union of Post-Primary Education Teachers	125,000	56,350
Kenya Aviation Workers Union	450	30
Kenya Airline Pilots Association	150	20
Kenya Medical Practitioners & Dentists Union	8,500	1,200
Kenya Private Universities Workers Union	730	292
Kenya Dock Workers Union	4,010	1,203
Kenya National Union of Teachers *	13,000 *	7,150
Kenya Union of Service Employees	2,500	1,375
Kenya Union of Clinicians	3,200	300
Trade Union Congress of Kenya (TUC-Ke)		
Union of Kenya Civil Servants	22,600	13,100
University Academic Staff Union	3,530	1,760
Kenya Universities Staff Union	2,046	396
Independent Informal Economy Unions / associations partnering with COTU-K		
Matatu Workers Association	-	-
Women in Music Association	-	-
Jua Kali Traders Association	1,785	12
Gibomba Traders Association	800	15
Public Transport Operators Union	1,600	20
Matatu Workers Union	-	-
Matatu Drivers and Conductors Workers Association	-	-
Nairobi Boda-boda Riders Association	1,120	-
Kenya Tuktuk and Boda-boda Workers Union	1,300	-

** KNUT registered 83,500 members in 2018 while as re-affiliated to COTU-K it triggered an upsurge up to 300,000 in the middle of 2019.*
Source: COTU-K; TUC-Ke; DTDA research.

Table 14: List of approved labour related legislation in Kenya, 2014-2022

Type of legislation	Legislation
2014	
General provisions	Persons Deprived of Liberty Act, 2014, No. 23 of 2014
	Statute Law (Miscellaneous) (Amendment) Act, No. 18 of 2014
Education, vocational guidance, and training	Kenya National Qualifications Framework Act, 2014, No. 22 of 2014
Specific categories of workers	National Police Service (Amendment) Act, No 11 of 2014
	National Police Service Commission (Amendment) Act, No 3 of 2014
Elimination of child labour, protection of children and young persons / Equality of opportunity and treatment	Trans Nzoia County Youth and Women Development Fund Act (No. 2 of 2014)
Equality of opportunity and treatment	Health and HIV and AIDS along the East African Community (EAC) Transport Corridors.
2015	
General provisions	Protection Against Domestic Violence Act, No. 2 of 2015
	Ethics and Anti-Corruption Commission (Amendment) Act, 2015 (No 12 of 2015)
	Special Economic Zones Act, 2015, No. 16 of 2015
	Companies and Insolvency Legislation (Consequential Amendments) Act, 2015 (No 19 of 2015)
	Companies Act, 2015 (No 17 of 2015)
	Prohibition of Anti-Personnel Mines Act, 2015 (No 21 of 2015)
Specific categories of workers	Public Service (Values and Principles) Act, 2015, No. 1A of 2015
Employment security, termination of employment	Insolvency Act, 2015 (No 18 of 2015)
	Companies and Insolvency Legislation (Consequential Amendments) Act, 2015 (No 19 of 2015)
Equality of opportunity and treatment	HIV and AIDS/STI and TB Multisectoral Strategic Plan and Implementation Framework (2015-2020).
2016	
General provisions	Bribery Act, 2016 (No. 47 of 2016)
	Access to Information Act, 2016 (No. 31 of 2016)
General provisions / Freedom of association, collective bargaining, and industrial relations	Political Parties (Amendment) (No.2) Act, 2016 (No 21 of 2016)
	Political Parties (Amendment) Act, 2016 (No. 14 of 2016)
Employment policy, promotion of employment and employment	National Employment Authority Act, 2016 (No. 3 of 2016)
Indigenous and tribal peoples	Protection of Traditional Knowledge and Cultural Expressions Act, 2016 (No. 33 of 2016)
Specific categories of workers	Mining Act, 2016 (No 12 of 2016)
	Kenya Defence Forces (Amendment) Act, 2016 (No 44 of 2016)
Fishers	Fisheries Management and Development Act (No 35 of 2016).
2017	
Minimum Wage	Legal Notice No. 111, Labour Institution act
	Legal Notice No. 112, Labour Institution act
	Employment Act 2007, Amendment of section 29 of No. 11 of 2007, Bill No. 14 of 2017
Maternity leave	Breastfeeding Mothers Clauses Bill, 2017

Elimination of forced labour	Prevention of Torture Act, No 12 of 2017.
Education, vocational guidance, and training	Basic Education (Amendment) Act, No. 17 of 2017.
Specific categories of workers	Public Service Commission Act, No 10 of 2017.
2018	
Industrial action	Statute Law Miscellaneous Amendments Bill No. 12 of 2018
General provisions	The East African Community Regional Contingency Plan for Epidemics due to communicable Diseases, Conditions, and other Events of Public Health Concern (2018 – 2023).
Elimination of child labour, protection of children and young persons / Employment policy, promotion of employment and employment services	National Youth Service Act, No. 17 of 2018.
2019	
General provisions	Data Protection Act, No. 24 of 2019.
	Irrigation Act, No. 14 of 2019.
	National Cohesion and Integration (Amendment) Act, No. 6 of 2019.
	Energy Act, No. 1 of 2019.
	Petroleum Act, No. 2 of 2019.
Equality of opportunity and treatment	RIATT-ESA Strategic Plan and Costed Implementation Plan (2019-2022).
2020	
General provisions	Public Health Act (Prevention, Control and Suppression of Covid-19) Regulations, 2020 (L.N. No. 49 of 2020).
	Public Health Act (Declaration of Formidable Epidemic Disease), 2020 (L.N. No. 37 of 2020)
Migrant workers	Kenya Citizenship and Immigration (Amendment) Regulations, 2020 (L.N. No. 81 of 2020).
2021	
General provisions	Employment (Amendment) Act, 2021 (No. 2 of 2021).
Elimination of child labour, protection of children and young persons	Early Childhood Education Act, 2021 (No. 3 of 2021).
Migrant workers	Refugees Act, 2021 (No. 10 of 2021).
2022	
General provisions	The Employment (Amendment) Act, 2022 (No. 15 of 2022).
	The Political Parties (Amendment) Act, 2022 (No. 2 of 2022).
Education, vocational guidance, and training	The Industrial Training (Amendment) Act, 2022 (No. 13 of 2022).

Source: ILO, NATLEX, Kenya.

Table 15: Ratified ILO Conventions in Kenya, September 2022

Subject and/or right	Convention	Ratification date
Fundamental Conventions		
Freedom of association and collective bargaining	C087 - Freedom of Association and Protection of the Right to Organise, 1948	Not ratified
	C098 - Right to Organise and Collective Bargaining Convention, 1949	1964
Elimination of all forms of forced labour	C029 - Forced Labour Convention, 1930	1964
	C105 - Abolition of Forced Labour Convention, 1957	1964
Effective abolition of child labour	C138 - Minimum Age Convention, 1973	1979
	C182 - Worst Forms of Child Labour Convention, 1999	2001
Elimination of discrimination in employment	C100 - Equal Remuneration Convention, 1951	2001
	C111 - Discrimination (Employment and Occupation) Convention, 1958	2001
Occupational safety and health	C155 - Occupational Safety and Health Convention, 1981	Not ratified
	C187 - Promotional Framework for Occupational Safety and Health Convention, 2006	Not ratified
Governance Conventions		
Labour inspection	C081 - Labour Inspection Convention, 1947	1964
	C129 - Labour Inspection (Agriculture) Convention, 1969	1979
Employment policy	C122 - Employment Policy Convention, 1964	Not ratified
Tripartism	C144 - Tripartite Consultation (International Labour Standards) Convention, 1976	1990
Technical Conventions (Up-to-date)		
Working time	C014 - Weekly Rest (Industry) Convention, 1921	1964
Social Policy	C094 - Labour Clauses (Public Contracts) Convention, 1949	1964
Wages	C131 - Minimum Wage Fixing Convention, 1970	1979
Migrant workers	C097 - Migration for Employment Convention (Revised), 1949	1965
	C143 - Migrant Workers (Supplementary Provisions) Convention, 1975	1979
Social security	C118 - Equality of Treatment (Social Security) Convention, 1962	1971
Freedom of association, collective bargaining, and industrial relations	C135 - Workers' Representatives Convention, 1971	1979
	C141 - Rural Workers' Organisations Convention, 1975	1979
Vocational guidance and training	C140 - Paid Educational Leave Convention, 1974	1979
	C142 - Human Resources Development Convention, 1975	1979
Seafarers	C146 - Seafarers' Annual Leave with Pay Convention, 1976	1990
	C185 - Seafarers' Identity Documents Convention (Revised), 2003	2022
	MLC - Maritime Labour Convention, 2006	2014
Specific categories of workers	C149 - Nursing Personnel Convention, 1977	1990
Fishers	C188 - Work in Fishing Convention, 2007 (No. 188)	2022 *

** The convention C188 will enter into force for Kenya on February 4, 2023.*

Note: Fundamental Conventions are the eight most important ILO conventions that cover four fundamental principles and rights at work. Equivalent to basic human rights at work. Governance Conventions represent four instruments that are designated as important to building national institutions and capacities that serve to promote employment. In addition, there are 83 conventions, which ILO considers "up-to-date" and actively promotes.

Source: ILO, NORMLEX, Country Profiles: Kenya.

Table 16: Ease of Doing Business in Kenya, 2020

Topics	2020
Overall	56
Starting a Business	129
Dealing with Construction Permits	105
Getting Electricity	70
Registering Property	134
Getting Credit	4
Protecting Minority Investors	1
Paying Taxes	94
Trading Across Borders	117
Enforcing Contracts	89
Resolving Insolvency	50

Note: Doing Business 2020 indicators are ranking from 1 (top) to 190 (bottom) among other countries. The rankings talk much about the business environment, but do not measure all aspects of the business surroundings that matter to firms and investors that affect the competitiveness of the economy. Still, a high ranking does mean that the government has created a regulatory environment conducive to operating a business.
Source: The World Bank & IFC, Ease of Doing Business 2020 in Kenya.

Table 17: Kenya's highest and lowest scale of regional minimum wages, 2022

Minimum wages in 2022	KES	US$
Minimum Wage – Cities: Nairobi, Mombasa, and Kisumu		
Lowest minimum wage (cleaners, gardeners, general workers, etc.)	15,202	131
Higest minimum wage (Cashier, driver, salesman-driver	34,303	295
Minimum Wage – Agricultural Industry		
Lowest agricultural minimum wage for unskilled workers	7,545	65
Highest agricultural minimum wage for farm foreman and farm clerk	13,611	117
Minimum Wage – Municipalities, Town Councils of Mavoko, Riuru, Limuru		
Lowest minimum wage (Cleaner, Gardener, General Worker, House servant, Children's ayah, Sweeper, Day watchmen, Messenger)	14,025	121
Highest minimum wage (Cashier, Heavy commercial vehicle driver, Salesmen-driver)	32,281	277
Minimum Wage – All other areas (neither cities nor municipalities nor town councils)		
Lowest minimum wage (Cleaner, Gardener, General Worker, House servant, Children's ayah, Sweeper, Day watchmen, Messenger)	8,110	70
Highest minimum wage (Cashier, Heavy commercial vehicle driver, Salesmen-driver)	30,267	260

Source: WageIndicator.org, Minimum Wage – Kenya.

Table 18: Aggregated wage employment by industry and sector trends in Kenya, 2010-2021

Industry and sector	2010	2021	Share, 2010	Share, 2021	Growth, 2010-2021	Share change, percentage point
Agriculture, forestry, and fishing	331,300	337,200	16%	12%	1.8%	-4.8%
Mining and quarrying	8,500	14,700	0.4%	0.5%	73%	0.1%
Manufacturing	261,700	336,800	13%	12%	29%	-1.4%
Electricity, gas, steam, and air conditioning supply	11,700	22,100	0.6%	0.8%	89%	0.2%
Water supply; sewerage, waste management and remediation activities	7,600	15,100	0.4%	0.5%	99%	0.1%
Construction	100,100	226,500	5.0%	7.8%	126%	2.8%
Wholesale and retail trade; repair of motor vehicles and motorcycles	181,500	258,500	9.0%	8.9%	42%	-0.1%
Transportation and storage	70,700	84,100	3.5%	2.9%	19%	-0.6%
Accommodation and food service activities	63,100	63,400	3.1%	2.2%	0.5%	-0.9%
Information and communication	77,900	134,000	3.9%	4.6%	72%	0.7%
Financial and insurance activities	54,100	77,800	2.7%	2.7%	44%	0.0%
Real estate activities	3,500	4,100	0.2%	0.1%	17%	0.0%
Professional, scientific, and technical activities	60,100	69,900	3.0%	2.4%	16%	-0.6%
Administrative and support service activities	4,000	5,800	0.2%	0.2%	45%	0.0%
Public administration and defence; compulsory social security	190,800	329,800	9.5%	11.3%	73%	1.9%
Education	356,000	609,200	18%	21%	71%	3.3%
Human health and social work activities	94,600	154,100	4.7%	5.3%	63%	0.6%
Arts, entertainment, and recreation	6,000	7,500	0.3%	0.3%	25%	0.0%
Other service activities	27,000	37,400	1.3%	1.3%	39%	-0.1%
Activities of households as employers; Undifferentiated goods and services-producing activities of households for own use	105,000	117,900	5.2%	4.1%	12%	-1.2%
Activities of extra-territorial organisations and bodies	1,000	1,400	0.0%	0.0%	40%	0.0%
Total	**2,016,200**	**2,907,300**	**100%**	**100%**	**44%**	N/a

Source: Kenya National Bureau of Statistics, Economic Surveys; own calculations concerning share and growth.

Table 19: Social protection schemes coverage, 2017/2018-2021-2022

	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Funds to orphans and vulnerable children	349,778	340,416	294,581	293,665	275,767
Funds to older persons	792,268	797,411	763,638	763,553	757,744
Fund to persons with severe disabilities	43,884	42,851	33,976	33,948	34,294
Funds for hunger safety new programme	190,380	145,072	127,028	133,722	214,024

Source: Kenya National Bureau of Statistics, Economic Survey 2022.

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