

SESSION 1: PROMOTING DECENT WORK SHARING GOVERNMENT INITIATIVES AND EXPLORING POSSIBLE GFMD ROLE IN THE THEMATIC REVIEW OF THE POST -2015 UN DEVELOPMENT AGENDA

Kenya has been identified as a Source, transit and destination country for migrants. Labour migration opportunities are a matter of grave interest to us. It is worth noting that Kenya is also host to over 350,000 refugees and is open to expansion of facilities for more. Kenya is also the current secretariat of the newly established Africa Institute for Remittances (AIR) Project, whose core mandate is to help migrants and other stakeholders implement concrete strategies and operational instruments with a view to use remittances as development tool for poverty eradication. Migration is a key enabler to development and its positive elements should be a key focus.

PROMOTING DECENT WORK

1. Key priority of Kenya Government in promoting decent work for of migrant workers

The Kenya Government is committed to ensuring protection of migrant workers. The Employment Act of 2007 (section 5) requires the Government to promote, guarantee equality of opportunity and protect the rights of migrants and their families.

The Government appreciates the challenges facing realization of decent work for migrants and has put in place a Task Force to look into matters relating to the management and administration of foreign employment and labour migration to ensure effective measures are put in place for the protection of the rights of migrants.

The report of the Taskforce will assist in identifying gaps in the protection of the rights of migrants which hampers the realization of decent work for them and its recommendations will assist in highlighting areas in policy, legislation and administrative procedures that need to be reviewed to ensure decent work for migrants.

2. Indicators for measuring progress towards the target

- i) Legal, policy and administrative framework developed or reviewed for the promotion or protection of decent work for migrants;
- ii) Institutional framework put in place for protection of migrants;
- iii) Reported cases of violation of rights of migrants;

3. Kenya Government's initiatives to:

- i) Upgrade Labour Standards For Migrants**

Policy and Legislative

- ✓ The Government has entrenched protection of migrant workers in the Constitution and Employment Act, 2007;
- ✓ The Government is reviewing the Labour Institutions Act and the Labour Relations Act and the Rules and Regulations governing recruitment agencies to ensure that such agencies do not exploit migrant workers;
- ✓ The Government is in the process of negotiating Bilateral and Multilateral Agreements to ensure that the rights of migrants are protected. Such Agreements cover areas like liberalization of movement of labour, equal opportunities, protection of wages and reasonable working conditions. Draft Bilateral labour Agreements have been prepared between Kenya and the UAE, Jordan, Qatar and Saudi Arabia. The Northern Corridor Integration Projects Agreement on free Movement of Labour between Kenya, Rwanda and Uganda on total liberalization of labour has been prepared and forwarded to the Office of the Attorney General for finalization.
- ✓ Following an outcry on gross mistreatment of Kenyan domestic workers in some countries the Kenya Government has temporarily suspended sending Kenyan domestic workers to destination countries where mistreatment of Kenyan workers are reported, until a proper framework for their protection is put in place.
- ✓ The Government plans to send labour attaches to key destination countries for Kenya workers to ensure that rights of migrant workers are enforced;
- ✓ The Government is conducting pre-departure training for workers recruited to work abroad in conjunction with the IOM and the Youth Fund.
- ✓ The Government has adopted the Diaspora Policy which contain measures for protection of migrant workers and provides for support to ensure effective integration upon return and the and the Foreign policy which provides for their protection.
- ✓ The Government has a framework for the development of a national labour migration policy that will address issues of protection of the rights of migrant workers to ensure non-discrimination and fair labour practices, regulation of recruitment agencies, empowerment of migrant workers, remittances, etc.

Institutional Framework

- ✓ The National Employment Bill, 2014 which is before the National Assembly proposes the establishment of a National Employment Authority, a semi-autonomous body to be responsible for all employment issues and ensure effective management of foreign employment.
- ✓ The Government is in the process of establishing an integrated labour market information system to be managed by the proposed National Employment Authority for effective collection, analysis and dissemination of data including data on migrants.

- ✓ The Government has allocated money for the construction of an Employment Promotion Centre to promote employment and related services.

ii) Government initiatives to improve employment, wages and working conditions of migrants

- ✓ The Government has negotiated Agreements to improve employment. For example, the Kenya Government and the UAE are negotiating whereby Kenya will be sending 100,000 workers.
- ✓ The Government is reviewing the procedure of attestation of Foreign Contracts to ensure that the terms and conditions of employment meet the statutory requirements.