ULANDSSEKRETARIATET – DTDA
DANISH TRADE UNION DEVELOPMENT AGENCY

LABOUR MARKET PROFILE

Kenya

2024/2025

This profile brings insights and useful information of the labour market's structure, status, and challenges in the country.

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PREFACE

The Danish Trade Union Development Agency (DTDA) is the development organisation of the Danish trade union movement.

DTDA's work is in line with the International Labour Organization's global Decent Work Agenda (DWA), which is based on its four 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, Eastern Europe, 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) provides a comprehensive overview of the structure, development, and challenges. It applies several central indicators addressing labour market aspects, including unionism, social dialogue, bi-/tri-partite mechanisms, policy development, legal reforms status' compliance with international standards, just transition, and 4IR.

National partner organisations provide annual narrative progress reports, including information on labour market developments, as part of programme implementation and monitoring.

National statistical institutions and international databanks, such as ILOSTAT and NATLEX, World Bank Open Data, the ITUC Survey of Violations of Trade Union Rights, the U.S. Department of State, and other internationally recognised labour-related global indexes, are used as sources of general (statistical) data and information.

Academia and media sources (e.g., national news) are used to research labour market issues.

The profile is regularly updated; the current version covers 2024 to 2025. Labour Market Profiles for more than 20 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 was photographed by Mr. Mark Sven Torfinn.

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EXECUTIVE SUMMARY

Kenya's economy has delivered robust growth, with a significant increase in labour productivity. This progress has not led to real minimum wage hikes, though, and the share of labour in the national income is declining. The fight against extreme poverty has slowed, and there is a concerning rise in protest tax reforms.

The 2010 constitutional 'big bang' transformation at the county governance level is reshaping public service dynamics, but it is also contested due to gaps in the implementation of labour laws. National compliance with labour rights has deteriorated, and implementation has faded amid the widespread informal economy. The impact of climate change and the burgeoning digital economy are also reshaping the labour market, highlighting the need for adaptation and innovation.

The social dialogue environment in Kenya has seen some positive changes in the early 2020s, with a record-high 24% of employees covered by collective bargaining agreements in 2023. Nonetheless, several key sectors have experienced a decline in the average basic wages and allowances offered under these agreements. Despite structural employment shifts harming the formal sector, the broader trade union membership rate is rising, succeeding in organising workers from the informal economy. Generally, trade unions and employers' organisations play a central role in the administration of central tripartite institutions.

A worrisome trend is that new jobs are not created in the formal sector but instead self-employed, haunted by low-income activities in the informal economy. Climate migration contributes to the urbanisation rush, and the country is experiencing a remarkable drop in age dependency among the working-age population. Remittances fuelled by emigration flow are gaining more weight in the economy, landing far above foreign direct investments. The advanced legal framework for protecting Kenyan women workers is echoed in the highest rate in management positions compared with East African countries. Swelling youth unemployment pushes a shift in mindset among Kenyan graduates: more graduates pursue vocational courses at Technical and Vocational Education and Training (TVET) institutions, and agriculture has attracted more attention and respect, interlinked with the expansion of social media.

Although Kenya is a top performer in Eastern and Southern Africa in educational attainment, it is not a remedy for young Kenyans' lack of decent jobs. Difficulties of the school-to-work transition are reflected in the Not in Education, Employment, or Training (NEET) rate, which is rising. As indicated, the TVET sector experienced a significant boost at the start of the 2020s, and Kenyan firms offering formal training programmes are pointedly higher than those in neighbouring countries. The country has become one of the leading African countries, often called the "Silicon Savannah", with one of the region's most well-established business process outsourcing (BPO) industries. One of the key alterations ushered in by the economy is the rise of digital labour platforms, bringing an increasing number of part-time and contractual workers, which could lead to employment vulnerability and make unionisation more difficult.

An upsurge in non-contributory social protection and health insurance coverage is in progress, but access to social security remains limited, with leakage to the wealthiest quintile. Just one out of ten Kenyans are covered by at least one social protection benefit, falling on the margin due to the impact of the COVID-19 pandemic and landing slightly below the average in sub-Saharan Africa. A shortage and uneven distribution of health workers, particularly in rural areas, have been recognised as obstacles to quality healthcare and equitable access.

FACT SHEET

Significant improvements

- Central trade agreements function with labour provisions, putting pressure on domestic legislation, with attention to platform work, green jobs, and child labour.
- Several sectors, such as education, mining, water supply, and information and communication, benefited from big hikes in CBAs' average basic wages.
- Kenya has a sound climate change framework and is considered one of the most progressive in the region concerning the development of renewable energy policies.
- The country has demonstrated progress in developing and expanding the TVET and social protection systems.

Social dialogue

- Relatively high collective bargaining coverage rate of 24% for employees.
- Social partners have intensified their bi-partite negotiations and consultations on labour-related issues, including institutionalised collective bargaining agreements (CBAs).
- A relatively new Alternative Dispute Act of 2021 aims to fast-track dispute resolutions, and social partners promote joint guidelines on settling labour relations and employment dispute mechanisms.

Main challenges

- The 2010 constitution led to a wave of reforms of structural management at the county level, facing incoherent national policymaking and leadership, weak technical capacity, and a persistence of strikes in various sectors.
- Food insecurity, hollowing out real income value, and climate change's impact trigger social conflicts linked with competition for resources, like water.
- Trade unions in Kenya strongly advocate a Just Transition agenda, aiming to reconcile the fight against climate change with preserving workers' and communities' livelihoods and promoting social justice.
- The government planned to review labour laws that hinder job creation in the burgeoning digital economy and catch the ambitious target of one million jobs in the next three years from BPO in the digital space.
- There are concerns that the ongoing instability from protests could lead to a prolonged economic downturn.

Unionism

- A broader trade union density of 16% for recorded employment.
- The trade union membership rate growth rose by 22% from 2016 to 2023.
- Violations of trade union rights rank 4 of 5+.

The trade union movement's central five risks that are most likely to pose the biggest threat to unionism in the next two years:

- Globalisation and outsourcing.
- Technological changes and a growing gig economy
- Decline in union membership.
- Economic instability.
- A growing informal economy.

Workforce

- The working-age population is 30 million.
- Unemployment rate of 5.6%.
- The proportion of informal employment in non-agriculture employment is 81%.
- Child labour rate is 8.5%.
- Falling labour share of national income reaching 36%.
- Men and women employees share 65% and 35% of total employment, respectively.
- The education, employment, or training (NEET) rate of 20%.

COUNTRY MAP

Source: National Online Project.

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ECONOMIC PERFORMANCE

Kenya's economy, the largest among the East Africa Community (EAC) members, is ranked as a lower-middle-income country. It is recognised as dynamic, with a solid private sector and regional transport hub.

Vision 2030, a long-term development agenda launched in 2008, is a strategic blueprint. Its current Fourth Medium Term Plan (2023-2027) is established through social dialogue. The government's Big Four agenda, initiated in 2017, is a key driver for Vision 2030, focusing on affordable housing, universal healthcare, manufacturing, and food security.

At the beginning of the 2020s, Kenya's otherwise broad-based economic growth faced multiple shocks triggered by the global COVID-19 pandemic, bringing massive job losses, political instability, climate change impacts, and waves from the Russian war against Ukraine. Consumer price inflation accelerated, putting real minimal wage increases in limbo (see also Appendix Table 3 and Figure 2 ahead).

The country's business regulations and labour market efficiency, detailed in Appendix Table 9 and Table 10, are relatively well-functioning. However, the economic landscape, traditionally anchored in agriculture, manufacturing, and tourism, is undergoing shifts. This transformation is driven by the impact of climate change and the Fourth Industrial Revolution advancement of digital technologies. These factors, as detailed in the Working Conditions and Workforce sections, are reflected in the decline of formal jobs and labour share of national income. Additionally, the prevalence of the informal economy poses challenges in applying labour and business regulations in practice.

Kenya's tax-to-GDP ratio, at 15%, is in line with the African average. It is worth mentioning that the country's personal income tax revenues (22%) are relatively high, while social security contributions are very low (2%).[1] The implications of the ongoing tax reform have raised concerns for employers and trade unions, potentially leading to a contraction in the employment space. It even ended in street protests starting in June 2024 due to new taxes that would include hikes in levies on income for the national medical insurance plan and taxes on vegetable oil and fuel, increasing the cost of especially daily consumables. These protests have severely impacted the country's labour market and economy, causing widespread business closures in major urban centres like Nairobi and Eldoret, and weakening investor confidence. The unrest even has led to an estimated 50 deaths, contributing to heightened fear and uncertainty among businesses.

The economic sectoral trends are reflected in a slight downturn in the industry sector. Similarly, the service sector slowly fell but continues significantly above the regional average. The agricultural sector's value added increased in the margin, driven by cash crop exports, floating above the regional average, but the tempo stalled in recent years.

Kenya has reduced the gap for extreme poverty and landed at one of the lowest levels among neighbouring countries, supported by some improvements in the agricultural sector and social protection coverage. At the start of the 2020s, food insecurity, hollowed-out real income value, and climate change impact triggered social conflicts. Nevertheless, in 2022, 17% of Kenya's population lived below US$1.9 per day, marking a 2% decline from 2021.[2]

Just Transition

Kenya is highly vulnerable to climate change impacts that could put millions of workers at risk, especially in the agriculture, tourism, forestry, water, and transport sectors. Projections suggest that inaction against climate change in Kenya could result in up to 1.1 million additional poor in 2050. To cope with climate change and other shocks, 37% of affected households reduce food consumption, and 33% look for additional income sources, taking a toll on Kenya's human capital.[3] Other estimations of such ruptures suggest real GDP losses of up to 7% from the baseline by 2050.[4]

Kenya has a sound climate change framework and is considered one of the most progressive in the region concerning the development of renewable energy policies (see Appendix Table 4). Studies found a somewhat mixed outcome with a high level of disparity between what is on policies and what is being implemented on the ground.[5]

Although mitigating the risk factors requires promoting a just transition to offer more green jobs, the objectives are not yet mainstreamed into its broader development agenda to reach a transition to a low-carbon, climate-resilient society.[6] A Just Transition agenda has been strongly advocated by trade unions in Kenya, aiming to reconcile the fight against climate change with the preservation of workers' and communities' livelihoods and the promotion of social justice. A comprehensive approach is seen as crucial when Kenya and the African continent face complex challenges. In September 2023, the main demands of the African trade union movement were launched in a declaration statement, setting up ten demands calling for the Just Transition agenda (see details in Appendix Table 5).

Export Processing Zones

Kenya has promoted Special Economic Zones (SEZs) and Export Promotion Zones (EPZs) to create jobs, diversify and expand exports, increase productive investments, foster technology transfer, and trickle down into the domestic economy.

The Export Processing Zones Authority (EPZA), a key player in this landscape, operates as a State Corporation under the Ministry of Industrialization, Trade and Enterprise Development. EPZA's strategic plan, spanning 2019/2020-2023/2024, and its specific strategies to expand and improve industrial infrastructures, create employment, and diversify products, demonstrate its commitment to driving industrial development and employment creation.

The number of EPZ firms in Kenya increased from 42 in 2010 to 165 in June 2022. EPZs firms in the apparel industry have struggled with poor performance caused by insufficient orders, especially in the United States (see more in the Trade Agreements sub-section). Nevertheless, EPZs' direct employment has increased, from 31,502 workers in 2010 to almost 83,000 in 2022, representing about 1.3% of the employees.

EPZ workers are often forced to do long hours and unpredictable work, and many are hired casually. Firms frequently refuse to recognise trade unions and obstruct their efforts to organise workers, further complicating unionism.[7] Collective bargaining in the EPZs has been fragile, but some studies found that such agreements had a positive impact on EPZ employees' welfare, industrial action, dispute resolution, and trade union representation.[8] Some estimations suggested that 14% of EPZ workers were unionised in Kenya.[9]

LABOUR LEGISLATION

Central employment and labour legal framework in Kenya are covered by 14 laws, including five for industrial relations below (see all in Appendix Table 66):[10]

- Kenya Defence Forces Act, 2012 (No 25 of 2012).
- Industrial Court Act, 2011 (Act No. 20 of 2011) (Cap. 234B).
- The Constitution of the Republic of Kenya, 2010, including the 'big bang' devolution of power to Kenya's 47 county governments, implemented in 2013.
- The Employment Act, 2007 (No. 11 of 2007).
- Labour Relations Act, 2007 (Acts No. 14).

The 2010 Constitution reshuffled the governance landscape via a decentralisation of power and significant institutional reforms. It took effect in 2013 and considered a rapid and ambitious devolution processes. The new system is divided in two governing bodies: i) Seven semi-autonomous regional governments and a central government; ii) 47 newly created counties, which are assigned with 14 function areas, delegating power away from the central government to subnational governments. It has been a big change, and county governments have encountered political, fiscal and administrative challenges in the delivery of services to Kenyans.[11]

The new governance format has brought trade unions to more points of engagement for negotiating labour rights and conditions, addressing specific regional issues and potentially increasing their bargaining power and effectiveness in advocating for workers' rights.

The labour legal framework is currently under review, and several changes have already been implemented in recent years; for example, there is no distinction between a probationary contract and a permanent or fixed-term contract, and employers must be vigilant to ensure that the procedures are updated to ensure compliance.[12]

Observations on Labour Legislation

Kenya's 2010 constitution allows trade unions to undertake activities without government interference: The right to freedom of association, the right to collective bargaining, and the right to strike are recognised by law but strictly regulated, including not specifically protecting workers from anti-union discrimination (see details Appendix Table 77).

Central labour laws apply to all groups of workers. Reports noted that the government enforced the decisions of the Employment and Labour Relations Court inconsistently, and many employers did not comply with reinstatement orders. Civil society organisations and trade unions criticised the government for not doing enough to protect migrant workers' rights and failing to repatriate citizens working overseas under what they described as abusive conditions.[13]

In the aftermath of the 2010 constitution, the devolved government has brought challenges, including incoherent national policymaking and leadership, weak technical capacity at county level, poorly implemented or non-existent mechanisms for public consultation, and a lack of gender-disaggregated data on which to base policymaking.

Most of Kenya's workers are part of the informal economy, operating outside labour and business regulations. This is often due to a lack of awareness or incentives, limited labour inspections coverage, and a lack of trust in the tax system. More details can be found in the Informal Economy sub-section.

Ratified ILO Conventions

International Labour Organization's (ILO) conventions enumerate international principles and rights at work. Kenya has 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 8 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.

In recent years, COTU-K has been leading the advocacy to ratify the ILO Private Employment Agencies Convention (C181) regarding regulating private recruitment agencies. It has submitted several petitions to the Ministry of Labour and Social Protection, the Senate, and the National Assembly for ratifying the ILO Violence and Harassment Convention (C190) Convention 190, but both conventions have not yet been ratified.

The independent ILO body, known as the Committee of Experts on the Application of Conventions and Recommendations (CEACR), listed observations and direct requests for a series of conventions in recent years. For example, requests for the Right to Organise and Collective Bargaining Convention (C098) in 2022 noted the diverging views expressed by the government and the trade union movement concerning deducting agency fees from non-unionised workers benefiting from a collective agreement. Also, the timeframe of 360 days taken as a performance indicator for the adjudication of anti-union discrimination cases by the courts, which was not met in most cases, was excessively long, not to mention the request for the government to improve the efficient handling of anti-union discrimination cases (see more in the Labour Dispute Resolution System sub-section).

The Sustainable Development Goals indicator 8.8.2 measures compliance with fundamental labour rights. Based on ILO textual sources and national legislation, Kenya's scoring has deteriorated in recent years and is the worst among the neighbouring countries (see more in Table 1). This trend suggests that the country is not moving in the right direction to reach the specific SDG goal.

Table 1: Level of national compliance with labour rights among Kenya and neighbouring countries, 2022

Country	Value
Ethiopia	2.0
Kenya	4.0
Somalia	1.0
South Sudan	2.0
Tanzania	1.4
Uganda	1.3
Eastern Africa	2.2

Note: The value ranges from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with freedom of association and collective bargaining (FACB) rights) and 10 the worst (indicating lower levels of compliance with FACB rights based on ILO textual sources and national legislation.
Sources: International Labour Organization, Key Indicators of the Labour Market (KILM).

Trade Agreements

Kenya is a member of the World Trade Organisation (WTO) and is linked to several regional trade agreements (RTAs). Two have labour provisions that influence Kenya's labour market, not to mention a bilateral trade agreement with the United Kingdom that functions with labour clauses.

Firstly, the East African Community (EAC) free trade agreement from 1999 contains a labour provision for employment and working conditions. The members agreed to establish a common market with free movement for the region's workers, goods, services, and capital. The EAC common market protocol ensures freedom of association and collective bargaining, giving EAC migrant workers the same rights as national citizens. Some of the EAC's main achievements include removing visas and work permit fees for East Africans and using ID and student cards as travel documents. However, this regional cooperation still struggles as a united bloc; for instance, free labour movement within the EAC opens questions of achieving equal opportunities and social labour rights for migrant workers; for example, if workers can bring pensions across borders. The implementation of economic integration has slowed in the last few years, especially regarding lifting barriers to trade, the free labour movement, and EAC's Social Agenda. The East African Trade Union Confederation (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.

Secondly, 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.

African economies initiated an ambitious regional integration programme in the form of the African Continental Free Trade Area (AfCFTA), which Kenya ratified in 2018. 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. In addition, the Tunis declaration from September 2022 by trade unions from 39 African countries stresses the inclusion of labour provisions in the AfCFTA agreement to ensure compliance with international labour standards and the decent work agenda.[14]

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 impact effects of regional trade agreements labour clauses overall.[15]

The EAC finalised the Economic Partnership Agreement (EPA) negotiations with the European Union (EU) in October 2014. Kenya and Rwanda signed the EPA in September 2016, and Kenya has ratified it. The remaining EAC members must sign and ratify the agreement for the EPA to enter into force. Instead, 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 implementation of the dialogue is elaborated upon, dealing with a series of aspects such as democracy, governance, and human rights; social development; climate change and the green transition; and the digital agenda.[16]

The United States and Kenya announced the U.S.-Kenya Strategic Trade and Investment Partnership launch 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.[17]

Kenya has several other bilateral trade agreements, including Gulf Countries. Studies found that labour clauses (LCs) in trade agreements (TAs) on bilateral trade did not demonstrate a statistically significant impact on trade flow.[18]

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. These organisations are usually represented as the government, 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.

The Ministry of Labour and Social Protection (MLSP) is a central player in the labour market, divided into five departments.[19] It was noted that the State Department for Labour and Skills Development has been understaffed, as well as the most affected is the Office of Registrar of Trade Unions, facing a shortage of technical officers. The ministry's current main priorities are: i) promotion of jobs creation through a multi-sectoral and multi-stakeholder approach; ii) review of the current labour laws to align them to emerging issues, international best standards and the 2010 Constitution; iii) restructuring and institutionalising of National Labour Board and Wages Councils; iv) operationalisation of the Alternative Dispute Resolution Mechanism to provide speedy resolution of labour disputes; v) protection of the rights and welfare of Kenyan migrant workers through various initiatives, including Completion of the construction and equipping of the National Occupational Safety and Health Institute; vi) establishment of the Work Injury Social Insurance Scheme to transform the current employer "blame-based" work injury compensation system to an all-inclusive social based work injury insurance system.[20]

MLSP has promoted a Strategic Plan as a blueprint for implementing activities, programmes, and projects for the period 2018-2022, which will end in June 2023. The next-generation Strategic Plan for 2023-2027 is in progress.

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

Trade Unions

Trade unionism can be traced back to the early 1930s in Kenya. Today, national legislation provides for workers' rights, including those in EPZs, to form and join unions of their choice and to bargain collectively. It prohibits anti-union and discrimination and provides for reinstatement of workers dismissed for union activity. Trade unions are allowed to operate freely in the public sector.

Decades of a shrinking formal sector have challenged unionism in Kenya along with weak implementation of the labour laws and inefficient labour institutions, including the labour dispute resolution system, anti-trade union governance, outsourcing, contracting and massive retrenchment. But the leading trade union centre, the Central Organisation of Trade Unions (COTU-K), has in recent years refocused on organising workers from the informal economy and gained at least seven new affiliate unions since 2016, which included re-affiliation of Kenya National Union of

Teachers, and affiliated 47 trade unions today. Based on data from COTU-K, many trade unions even registered remarkable hikes of affiliated members, triggering a significant aggregate upsurge in the membership rate of 22%, grasping close to 3.1 million workers in 2023.[21]

A broader trade union density of recorded employment reached 16% in 2023, which was relatively higher than in other Eastern African countries. It is worth mentioning that COTU is considered one of the strongest trade union centres in Africa as a well-established political actor on general labour market issues.

Most trade unions are sector-based, with a few general unions covering several industries. The largest and most influential unions include agriculture and plantation, county government, commercial and food, and education (see details in Appendix Table 11). Generally, agricultural workers tend to be scattered and non-unionised, but in Kenya, those working in large plantations tend to be organised, making up 17% of all union members.

The constitution of COTU-K states that there shall be two special seats in the Executive Board reserved for the Women Chairperson and the Youth Chairperson, like other trade unions. Five out of 24 Executive Board members of COTU-K are registered as women and one youth representation.

According to COTU-K, the central five issues that are most likely to pose the biggest challenge to unionism in the next two years are: i) globalisation and outsourcing, ii) technological changes and a growing gig economy, iii) decline in union membership, iv) economic instability, and v) a growing informal economy.[22]

Employers' Organisations

The Global Competitiveness Index provides a view on various aspects, including labour market efficiency, based on surveys among Kenyan employers in the country. This latter efficiency has landed medium, ranking the country as 79 out of 141 countries (1 is the best) (see more in Appendix Table 9). Based on the Global Risks Report 2024, identified by the Kenyan Executive Opinion Survey, the five risks that are the most likely to pose the biggest threat to the country in the next two years are economic downturn, public debt, unemployment, inflation, and food-supply shortage.[23]

The Federation of Kenya Employers (FKE) is the leading employer organisation, established in 1959. The federation is independent of both government and political parties. FKE's 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, directly and indirectly, through 15 associations that cut across all sectors of the economy. The members constitute both small and large employers. The organisation is active in national and international tripartite institutions.

SOCIAL DIALOGUE

Kenya's 2010 Constitution stands out as one of the most recent to constitutionally recognise the right to collective bargaining, a significant step in labour rights. It's also worth mentioning that the regulations prescribe specific obligations rather than a general duty to bargain in good faith.[24] The country has ratified key international conventions (see Appendix Table 8).

The legal framework and the Industrial Relations Charter, based on a voluntarily agreed code of practice and procedure between the social partners, support tripartite consultations. These sessions have played a central role, gathering the views and advice from social partners; reviewing labour bills; establishing national bodies responsible for employment, and analyse economic and social development plans.

In 2013, the Public Service Commission established consultative committees at the county level, each consisting of up to three members from the County Government and three members from employees' unions. Institutionally, a committee provides a platform for negotiation and secures cooperation between the parties.

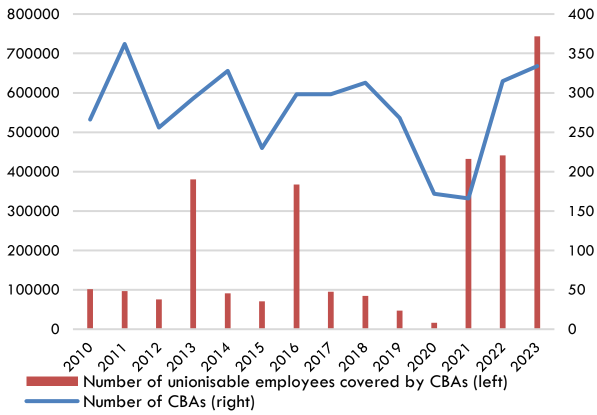
Industrial peace deteriorated at the end of the 2010s, triggered by controversial collective bargaining agreements, causing rifts and an increase in strike action. The social dialogue ambience bounced back at the beginning of the 2020s.

Social partners have intensified their bi-partite negotiations and consultations on labour-related issues, including institutionalise collective bargaining agreements (CBAs), 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.[25]

Collective Bargaining Agreements (CBAs) are negotiated at the enterprise or sectoral level. The Kenya County Government Workers Union, an affiliate of COTU-K representing county government employees, begins the negotiation process upon receiving a Recognition Agreement from any of the 47 counties. The union then negotiates and signs the CBAs on behalf of the county government workers.

Figure 1 shows the number of CBAs and coverage since 2010. At the end of 2010, the weakened industrial relations turned into unrest and strikes from different sectors dealing with deteriorated employment terms and CBA implementation. The number of unionisable employees covered by the collective agreements even reached rock bottom in 2020, also because the government suspended large CBAs via lockdown measures to curb the Covid-19 pandemic. The number of CBAs rebounded afterwards, and workers covered by the agreements increased by 69% from 2022 to 2023, grasping its peak of at least 743,000 workers.

Figure 1: Number of collective bargaining agreements and unionised employees' coverage in Kenya, 2010-2023



Source: Kenya National Bureau of Statistics, Economic Surveys.

The ratio of the number of unionisable employees covered by the agreements to total wage employees reached 24% in 2023. On a broader scale, CBA coverage reached only 3.7% of total employment in 2023.

In 2023, the manufacturing sector had the highest number of CBAs (133) but represented a small share of 3.5% of the total unionised employees covered by CBAs. The education sector had the second highest number of CBAs

(48), with a significant share of 44% of all CBA-covered unionised employees. The public administration, defence, and compulsory social security sectors opened three CBAs in 2023, covering 44% of all CBA-covered unionised employees. A concerning issue is that several sectors - agriculture, manufacturing, construction, and transportation - saw declines in the average basic wages and allowances offered through CBAs from 2022 to 2023. This indicates a need to renegotiate CBAs to better protect members from the rising cost of living. On the positive side, other sectors like education, mining, water supply, information and communication benefitted from big hikes in CBAs' average basic wages from 2022 to 2023.[26] The lowest average basic wage and allowances offered by CBAs are in the construction sector. It remains significantly higher than the minimum wage.

Some of the central factors that tend to undermine the collective bargaining process in Kenya are conflicts in ambiguous regulations and inconsistencies in the constitutional and statutory roles and mandates of public institutions, including confusion over the role of the Salaries and Remuneration Commission in public sector collective bargaining. Also, there was a lack of compliance with mandatory timelines in registration of collective agreements and failure to honour contractual obligations; for instance, the health sector faced devolution of health services and a lack of clarity on the proper determinant of wages of publicly employed medical staff who may be deployed to counties.[27]

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.

Wages Councils

Kenya's regulation of wages is part of the Labour Institutions Act. Minimum wages are set after consultation with the social partners within the wage councils. There were 17 wage councils (WCs) before the review of the labour laws in 2007 and only five had been activated by 2008: i) General Services, ii) Agriculture, iii) Protective and Security Services, iv) Building and Construction Industry, and v) Floriculture. In September 2020, the government announced vacancies for appointment of independent members to eight additional Wage Councils: i) Oil, Gas and Mineral Extraction, ii) Maritime, iii) Leather and Footwear Trade, iv) Tailoring and Garment Manufacturing Trades, v) Transport, vi) Wholesale, Retail and Distribution Trades, vii) Hotel and Catering Trades, viii) Domestic Workers. It also sought to appoint independent members to three existing WCs namely, Building and Construction Industry; Protective Security Services; and Floriculture. Despite existence of the mentioned 13 WCs, only two are active, which are for General Services and Agriculture.

Labour dispute resolution system

The Labour Relations Act of 2007 and the Employment Act of 2007 are the primary laws regulating collective and individual labour dispute resolution in Kenya. The labour dispute settlement framework is based on a dual system: the court system and the alternative dispute resolution (ADR) mechanisms.

If the parties cannot reach an arbitration agreement at the company or organisational level, they must report the labour dispute to the Ministry of Labour and Social Protection, who shall appoint a conciliator. If conciliation fails, a party can also refer the dispute to the Employment and Labour Relations Court (ELRC). The conflicts are mainly resolved through the court process, which is costly and takes longer to determine disputes. Per June 2024, this court is decentralised to 13 out of 47 counties.[28] However, the formal labour disputes resolved through the court process face an 82% case backlog of ELRC's total 11,800 pending cases.[29] This overwhelming number of buildup cases is not only due to a low number of judges, but also many parties file lawsuits directly to ELRC, bypassing reconciliation stages via the Ministry of Labour and Social Protection. It is worth mentioning that the timeframe of 360 days taken as a performance indicator for adjudicating anti-union discrimination cases by the courts, which was not met in most cases, was excessively long.

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.[30]

A relatively new Alternative Dispute Act of 2021 aims to fast-track dispute resolutions instead of filing to the courts of law, which has a massive backlog of cases, delaying justice. This act provides a legal framework for settling certain disputes by reconciliation, mediation, and traditional dispute resolution. Although ADR mechanisms are emerging, they are still underdeveloped; for instance, they lack independent statutory dispute resolution institutions.

COTU-K and FKE have proposed joint guidelines on settling labour relations and employment disputes through ADR mechanisms to the Ministry of Labour and Social Protection. The guidelines provide several alternative avenues outside the court system to hasten the dispute resolution processes.

TRADE UNION RIGHTS VIOLATIONS

Kenya is ranking 4 out of 5+ (5 is worst) on the Global Rights Index in 2023, 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.[31]

ITUC registered five cases of systematic violations of rights from 2020 to 2022, concerning bad faith bargaining of the collective agreement for local government workers not implemented; bad faith bargaining in the higher education sector where agreement was not implemented; workplace refusal to recognise a union; union busting at artificial hair manufacture; government intervention needed to stop union busting.[32]

Most forms of forced or compulsory labour are prohibited in Kenya, including child labour. However, reports found that human traffickers exploit domestic and foreign victims in Kenya, and traffickers exploit victims from Kenya abroad. For example, employment agencies recruit Kenyans to work in the Middle East, Central and Southeast Asia, Europe, Northern Africa, and North America, where traffickers often exploit them in massage parlours, brothels, domestic servitude, or manual labour; Kenyans who voluntarily migrate in search of employment opportunities are frequently vulnerable to exploitative conditions (see more in the Migration sub-section).[33]

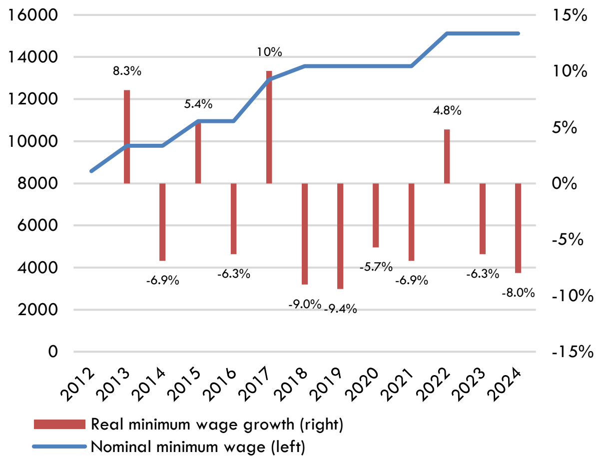
Crises heighten the risk of all forms of modern slavery, and climate crisis has accelerated these circumstances. About 269,000 people were living in modern slavery in Kenya, which is 0.5% of the population and ranking as number 20 out of 50 African countries on the Global Slavery Index (1 is the worst score) in 2023. 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.

WORKING CONDITIONS

The latest adjustment of the nominal minimum wages was from 2022, with an average hike of 11%. However, in real terms (deducted inflation), the minimum wage value has been outpaced by the increasing cost of living; for instance, a yearly fall of 4.4% on average from 2020 to 2024 (see more in Figure 2 and Appendix Table 12).

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. Another factor is that Kenya's gross monthly minimum wage is located at the high end of Africa; it is not involved in personal income tax but instead 12% for social security contributions. The average annual growth of real minimum wages does not follow labour productivity, and the minimum wages do not cover employees who are not part of CBAs.

Figure 2: Nominal minimum wage trend (Kenyan shilling) and real minimum wage growth (%) in Kenya, 2012-2024



Note: The real minimal wage growth is based on the inflation rate in consumer prices deducted in nominal minimum wage growth.
Sources: TradingEconomics.org; own estimations on real minimum wage growth based on nominal MW growth with deducted inflation in consumer prices.

Most Kenyan workers operate in the informal economy and often do not comply with 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 policy was at the stage of a cabinet memorandum for submission to Cabinet in July 2023 and awaits approval.

All labour officers within the Ministry of Labour have the capacity of labour inspectors, but 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. They frequently do not issue penalties if they encounter a workplace violation. Even in grave instances, inspectors do not have the legal authority to act against the enterprise by ordering the closure of operations.[34] The government pays low salaries to labour inspectors; regularly, they do not provide vehicles, fuel, or other resources, making it very difficult for inspectors to do their work effectively and leaving them vulnerable to bribes and other forms of corruption.[35]

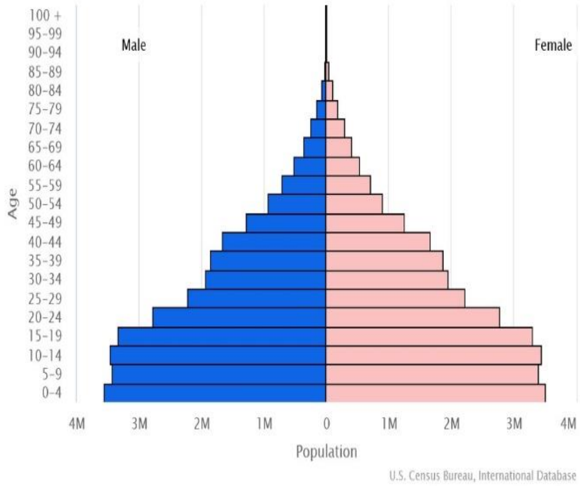
The Department for Labour had yet to hire new inspectors after many retired in the previous two years: The number of labour inspectors stood stalled, reaching 130 labour inspectors, equalling about one per 23,000 employees in 2022. These employees represent just about 15% of the total employment, and bringing the total employment into the equation, the coverage of one inspector grips 147,000 Kenyan workers. Thus, the number of inspectors was insufficient to provide effective workplace inspection: the ILO is concerned if the relation exceeds one inspector per 20,000 workers in transition economies and one inspector per 40,000 workers in less developed countries.[36] It hints that Kenya must employ at least 150 labour inspectors among employees.

WORKFORCE

Kenya is a multi-ethnic, multi-cultural, and multi-religious country with a population of about 56.1 million in 2024. The country's demographic landscape demonstrates a decelerated population growth trend that is faster than the sub-Saharan Africa average. It points out that Kenya is on the path to a population age structure enabling a "demographic dividend", i.e., when the share of the working-age population is larger than the non-working-age share of the population. Figure 3 below visualises Kenya's demographic pyramid, echoing the gradually falling age dependency to the Working-Age Population ratio, remarkably from 83% in 2011 to 69% in 2022.

Like other sub-Saharan African countries, Kenya is witnessing significant growth in its older population. The proportion of Kenyan older people is currently estimated at 4.5% and is projected to double to 9.5% by 2050.[37] This demographic shift is anticipated to bring about a surge in financial pressure on social protection, particularly in areas such as health and eldercare pensions. These projections highlight the need for policy interventions to address the challenges of population ageing (see more in the Social Protection section).

Figure 3: Population pyramid based on the Age-Sex structure of the population in Kenya, 2023



Source: Central Intelligence Agency, The World Factbook, Kenya, May 2024.

The main trends of Kenya's workforce are summarised below, and other facts are available in Appendix Table 13:

- Total employment growth was hit by the global COVID-19 pandemic, mainly from the private sector, but it rebounded, reaching 20 million workers (excluding small-scale farming and pastoralist activities) in 2023.
- The share of employees and those in the public sector fell significantly compared to total employment.
- Manufacturing, agriculture, wholesale and retail trade, and motor vehicle and motorcycle repair are the leading industries in providing wage employment in the private sector. Employment in

accommodation and food service activities has increased remarkably in recent years, boosted by tourism.
- Manufacturing employment as a proportion of total employment is at a medium level compared to neighbouring countries.
- While the agricultural sector has experienced a decline in employment, the industry sector has maintained stability. However, the service sector is rising, presenting the potential for future job creation, grasping self-employed.
- Kenya's labour productivity is outpacing neighbouring countries, but the broader underutilisation rate (i.e., aggregating time-related underemployment, unemployment, and potential workforce) still trims the scope.

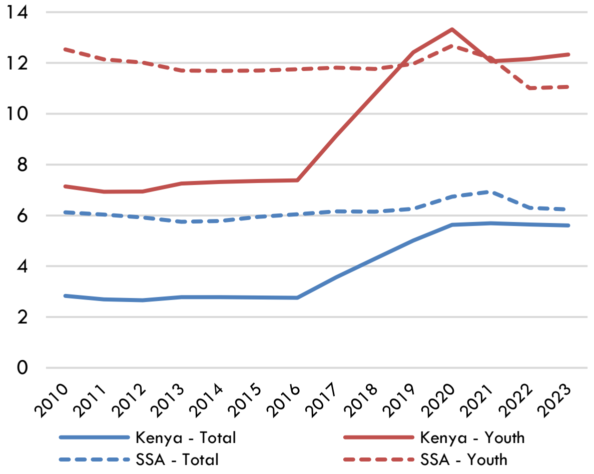
Labour income share fell by eight percentage points during the last decade, representing the lowest rate among neighbouring countries. This situation raises concerns about the future's inequality, keeping workers' income growth in pace with labour productivity, and applying collective bargaining agreements. These factors are meeting changes that involve the increased use of new technology and globalisation, not to mention being haunted by informality.

Kenya's job creation heavily relies on the growth and development of its micro, small, and medium enterprises (MSMEs), emerging as the backbone of growth, innovation, and employment opportunities. According to the Kenya National Bureau of Statistics (KNBS), there are at least 7.4 million MSMEs employing approximately 14.9 million individuals, contributing approximately 40% of the GDP. A large part of these enterprises operates in the informal economy. This group encounters difficulties like access to a credit line or a bank loan, and it complicates the development of unionism and collective bargaining.

Unemployment

Kenya's low unemployment rate started to rise and turned relatively high before the Covid-19 pandemic in 2020, which did not trigger an alarming unemployment hike; the rate stands slightly below the regional average. Unemployment is mainly an urban phenomenon, sticking with persons with higher education levels and youth; for example, the youth unemployment rate reached its record-high peak of 13% in 2022 (see Figure 4). The mounting unemployment is attributed to population growth, changes in migration flow, and youngsters are becoming better educated demanding for formal decent jobs. However, unemployment is shadowed by the influx of individuals into casual or informal activities as a survival strategy and subsistence farming is occupied during planting and harvesting but not engaged full-time throughout the year, creating some "disguised unemployment." These factors underestimate the real unemployment rate.

Figure 4: Unemployment rate in Kenya and sub-Saharan Africa average, Total and Youth, %, 2010-2023



Source: International Labour Organization, modeled ILO estimate.

Unemployment is statistically a part of the employed group, excluding people outside the workforce. Approximately 23% of the working-age population in Kenya is estimated to be 'economically inactive', a term that masks a significant potential for unemployment.

There is no provision for unemployment benefits under Kenyan labour legislation and no functioning unemployment insurance scheme. A draft bill for an unemployment insurance system is under review in the National Assembly, which is setting up a structured mechanism for financial assistance in the event of job loss, whether due to redundancy or illness. The bill outlines an Unemployment Insurance Fund, with contributions expected from employers and employees, and sets up the Unemployment Insurance Authority. The proposed funding model faces a headwind from both trade unions and employers' organisations concerning deducting a percentage of employees' salaries to be matched by employers to fund the insurance scheme, which already encounters the cumulative effect of recent deductions from the housing levy and National Hospital Insurance Fund's that are at risk of being financially unsustainable.[38]

Migration

Kenya ratified several central international conventions dealing with international standards and the fulfilment of migrants' rights, including one of the ILO's four conventions (C143; see more in Appendix Table 8). The country has a sound legal framework regarding migration, and the government operates with several migration policy instruments at the national and regional levels. The government announced plans to send at least one million skilled workers to foreign nations to gain more diaspora remittances into the country. This mass exodus of qualified and highly skilled Kenyans has raised brain drain concerns.

The latest 2019 Kenya Population and Housing Census (KPHC) showed that 9 million people were lifetime migrants in Kenya, with the highest number of recent internal migrants located in Nairobi County and Kiambu County.[39]

The adverse impacts of climate change are challenging many small-scale agricultural workers living in vulnerable areas. A glimpse of its scope is displayed by a large segment of internally displaced people (IDPs) associated with disasters – floods and droughts – that reached 2.4 million persons since 2008, mainly accelerating in recent years. Internal displacements by internal conflict have reached 514,000 persons since 2008, mainly from the start of 2010.[40] In May 2024, about 273,000 IDPs lived in temporary centres. 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.

Kenya's urbanisation rate increased slowly from about 20% in 2000 to 29% in 2022, but it is projected that more than half of Kenya's population will be urban by 2050, putting pressure on infrastructure development to harness 'unjust' cities.[41]

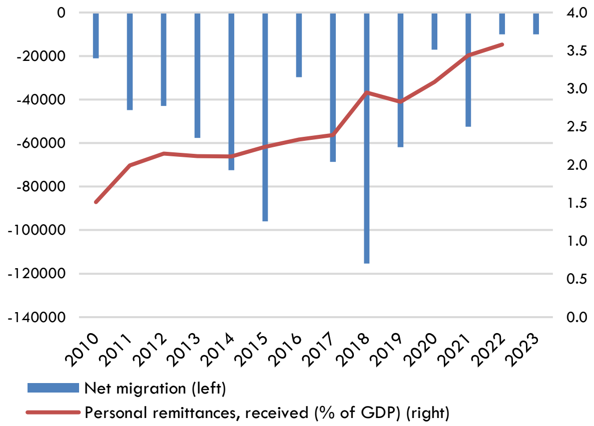
A complex mix of conflict, insecurity, and economic factors are key drivers of migration from Eastern Africa. Kenya is a regional hub for irregular migration as a destination, origin, and transit to other regions and continents. Most immigrants in Kenya are from other African countries, and the majority are from Eastern African countries.

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 have started moving towards the Middle East, particularly Saudi Arabia, Qatar, and Dubai. The low-skilled migrant workers are vulnerable to abuse, receive inadequate wages, experience poor working conditions and are occasionally discriminated against. The skilled emigration rate represented about 35%, raising concerns about losing trained and qualified workers in key sectors, especially the health sector.[42] Most Kenyan migrant workers lack formal mechanisms, including consular assistance for self-improvement, wellbeing and protecting their rights.

Kenyans seeking local and foreign employment can access services from the National Employment Authority (NEA) and County Employment Bureaus. Conditions for migrant workers remain generally unregulated, though, and the government does not keep specific statistics on migrant labourers in the country.

More have left than entered Kenya since 2010. However, the net migration flow has become more balanced in recent years due to the impact of the Covid-19 pandemic and the tightening of the European Union's immigration policy. Personal remittances influxes are increasing and becoming weighty in the economy, far above the low foreign direct investments (Figure 5). 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. A large part of the remittances is allocated to investment in real estate (land and building), mortgage payment, and purchase of food and household goods.[43]

Figure 5: Kenya's net migration and personal remittances trends, 2010-2023



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.

Saudi Arabia is the primary destination for Kenyan economic migrants; government estimates indicate that over 200,000 Kenyans currently work in Saudi Arabia, of which over half are domestic workers. The visa sponsorship system – common in Bahrain, Jordan, Kuwait, Lebanon, Saudi Arabia, and the United Arab Emirates – binds domestic workers to one employer and prevents their freedom of movement.[44]

Kenya has always received a relatively high refugee population of about 600,000, mainly from Somalia. Most reside in the two refugee camps of Dadaab and Kakuma, as well as urban areas. Women and children make up 77% of the refugees and asylum seekers. The number of refugees started to fall in the mid-2010s due to the ongoing voluntary repatriation of Somali refugees but has rebounded since 2019, affected by the COVID-19 pandemic, reaching above 500,000 in 2022.

Kenya's Refugee Act of 2021, a significant step towards promoting self-reliance among refugees, holds the potential to transform their lives. Aligned with the commitments made under the Comprehensive Refugee Response

Framework (CRRF), the act streamlines the issuance of documents, enabling refugees to participate in livelihood activities and access financial and other services from government and public institutions. It also gives refugees a voice in the formulation of development plans. While the act does not currently grant freedom of movement and continues the encampment policy, it paves the way for a more inclusive and supportive future for refugees in Kenya.

Informal Economy

Kenya's informal economy dominates employment, representing 81% of employment in non-agriculture and 97% among those in agriculture. A worrisome trend is that this high share of informal labour is not falling as hoped, which would help achieve SDG 8.3.1, dealing with the formalisation of employment. On the positive side, there are some improvements in harnessing informality; for instance, the National Hospital Insurance Fund (NHIF) brought affiliated informal workers on the rise (see more in the Social Protection section).

The informal economy is linked with small-scale activities that use simple technologies and employ few people. The ease of entry and exit into this segment, coupled with the use of low-level or no technology, makes it an avenue for job 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%).[45]

The gig economy in Kenya is a growing part of the informal economy, ensuring jobs to over 100.000 people such as ride-hailing, delivery services, and online freelancing. This sector operates largely outside formal employment structures, meaning gig workers, like other informal economy workers, lack job security, benefits, and legal protections. Their income is often unpredictable, and many must work long hours under high pressure to sustain themselves.

There is no specific legal or policy framework in Kenya to support a tripartite social dialogue in the informal economy. On the other hand, the informal artisan (*Jua Kali*) sector in Kenya is represented by the Kenya National Federation of Jua Kali Associations (KNFJKA). KNFJKA has been advocating for a review of the Labour Institutions Act 2007 to make a provision for representation of the informal sector – an enterprise-based concept and it is defined in terms of the characteristics of the place of work of the worker – in the tripartite structure of the National Labour Board. Further, KNFJKA has proposed an Informal Sector-driven Transformation Strategy. In response to this, the Government in January 2024 established an Informal Sector Transformation Unit at the Presidency, within the Office of the Deputy President. A Technical Working Group (TWG) that brings together the Government, ILO and the Informal Sector representation through the KNFJKA to drive a national dialogue on informality and the need for the transformation strategy.[46]

Trade unions and employers' organisations are showing a growing interest in the informal economy as a new avenue for membership recruitment. For instance, COTU-K has started organising workers from the informal economy by supporting selected affiliates representing markets, beauty workers, drivers, gig workers, and others without formal employment. These affiliates and informal economy associations sign MoUs to support labour rights and workers' access to essential services. The certification of prior skills through the National Industrial Training Authority (NITA) also helps day-to-day workers transition into the formal labour market. NITA is COTU-K's primary educational partner in their joint efforts to bridge the skills gap by aligning Kenyan vocational training with the needs of the labour market.

Child Labour

Around 38% of Kenya's population is between 0 and 14 years old. As outlined in the Population Pyramid above, this segment's growth lost pace (revisit Figure 3).

Kenya has endorsed most international treaties and conventions on children and child labour. Several national laws address child labour and all forms of violence against children, including the Children Act of 2001, which was the latest amendment in 2022 with provisions for their right to social security; by the same token, under the age of 18 can legally not marry.

The labour regulations prohibit most of the worst forms of child labour. The Employment Act states that children should not work before 18 years, and children who are formal employees violating the act are rare. The 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. Reports found that the country made minimal advancement in efforts to eliminate the worst forms of child labour. Key coordinating committees related to the elimination of child labour lack adequate resources to carry out their mandates, including for the labour inspectorate, affecting its ability to ensure that child labour laws are enforced.[47]

Kenya promotes child policies and launches several new plans: In 2023, Kenya's government will abolish all privately owned orphanages and children's homes within the next eight years, and child policy at the county level will emerge to enable children to access enhanced care protection, and fundamental rights as enshrined in the 2010 Constitution and the Children Act. Also, the National Care Reform Strategy for Children of 2022-2032 marks a substantial transformation in the child protection system in Kenya. The government further implements child labour programmes such as the Community Child Labour Monitoring Programme and the National Safety Net Programme, which includes cash transfers for orphans and vulnerable children.

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, the widespread informal economy, and cultural heritage. According to the Kenya National Bureau of Statistics (KNBS), around 8.5% of children, or 1.3 million, are engaged in child labour.[48] It appears low compared to the sub-Saharan Africa average, at 26% in 2020.[49] 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. An impact of the COVID-19 pandemic caused 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.

Child labour in Kenya 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, often subjected to the worst forms of child labour.

Gender

Kenya has demonstrated political will to promote gender equality and is committed to central, regional, and international gender-related conventions and protocols. Generally, the country's laws and regulations around the life cycle of a working woman score 84 out of 100 (100 is best) in 2024, relatively higher than the regional average across sub-Saharan Africa at 74. They still encounter a lower ranking on the indicator measuring laws affecting parenthood, entrepreneurship, pension, and assets (see more details in Appendix Table 14).[50]

Kenya promotes several gender-related policies, and the National Gender and Equality Commission Act of 2011 mandates the National Gender and Equality Commission (NGEC) to promote gender equality and freedom from discrimination.

Gender inequality is haunted by beliefs around gender roles, norms, and female empowerment. Apart from the mentioned legal hurdles, women's unpaid childcare and domestic work limit their contribution to and benefit from productive activities, constraining their mobility and limiting access to market resources and information while participating in the economy.[51] This situation is reflected in the global Gender Inequality Index (GII), ranking Kenya 139 out of 162 countries (1 is best) in 2022. Kenyan women have difficulty working in non-traditional fields, receive slower promotions, and are more likely to be dismissed. It is worth mentioning that the process of devolving power to counties creates new mechanisms to promote women's political representation.

Table 2 below shows that Kenyan women have a significantly higher unemployment rate, and a lower employee share that links with the 'domestic burden', making them more likely than men to work in part-time or informal employment in low-productivity sectors. It is worth noting that Kenyan women have a slightly higher share of the employers' rate than men.

Table 2: Key indicators for employed gender gaps in Kernya, 2021

	Men	Women
Participation rate	73%	63%
Employment share	52%	48%
Unemployment rate	3.9%	7.6%
Employees share	65%	35%
Employers share	1.4%	1.7%
Informal employment rate	77%	86%

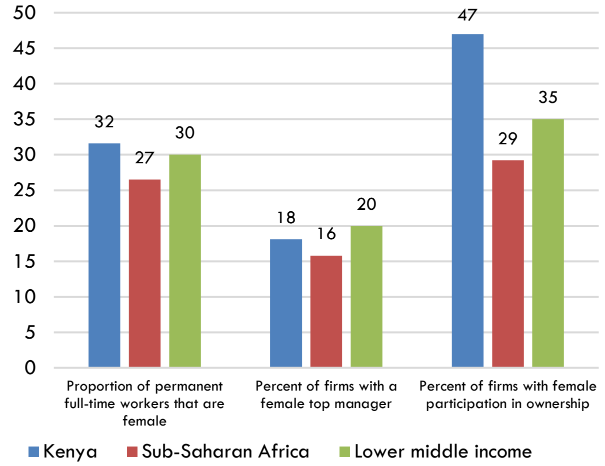
Source: International Labour Organization, ILOSTAT.

Kenyan women's average monthly income was around two-thirds that of men. Nevertheless, the monthly gap is larger than the hourly gap because women work fewer hours than men in paid employment due to women's disproportionate responsibilities for unpaid care work, discriminatory practices prevalent in the labour market and individual preferences.[52]

The country boasts a relatively high proportion of women in managerial positions at 50%, a figure that surpasses that of neighbouring countries. This surge in women's leadership roles not only strengthens the commitment to gender equality but also instils a sense of empowerment and confidence among other women to actively participate in decision-making organs across the country.

Kenya's latest Enterprise Survey 2018 reported that 47% of firms had women participation in ownership, significantly higher than the sub-Saharan African average. However, like in sub-Saharan Africa and lower-middle-income countries, firms with female top managers remain low in Kenya (Figure 6).

Figure 6: Status of women participation in employment, top management, and ownership, %, 2018



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

Youth

Kenya's population structure is facing a significant 'youth bulge', a term used to describe the increase in the youthful population. In 2021, the youth (aged 15-24 years) accounted for a substantial portion of the working-age population, reaching 10 million or 32% of the total working-age population. The demographic shift, which is now starting to change, presents an opportunity for a demographic dividend (revisit Figure 3).

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, and protection from harmful cultural practices and exploitation.

The government targets the youth as drivers of innovation in Kenya, linked to international commitments such as the African Union Agenda and the Kenya Youth Development Policy rollout in 2019. The latter policy attempts to promote 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.

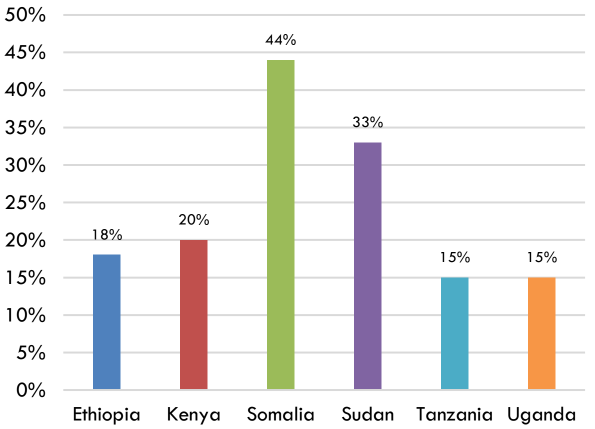
The National Youth Council operates as a representative body advancing the voice of the youth and manages several affirmative action funds that target youth, women and people living with disabilities with low/interest-free funds for economic empowerment activities.

The country's latest ranking on the Global Youth Development Index was 143 out of 183 countries (1 is best) in 2023, a significantly better position than the neighbouring countries. The country's best scoring was regarding political and civic participation rank (16 of 183 countries).

Each year, at least 800,000 young Kenyans enter the job market. However, just 15% of them complete the transition, that is, find a stable or satisfactory job.[53] Instead, most end up in informal low-income jobs with limited access to insurance. This situation mirrors the dual factor: many youngsters still need to complete school, and others are better educated, but the labour market needs to offer sufficient decent jobs. The youth is more vulnerable to unemployment and unfulfilled societal expectations that could lead to depression for many graduates who are expected to secure white-collar jobs to care for their families quickly.

The not-in-education, employment, or training (NEET rate) rate provides a better indication of the extent of barriers challenging young people in the labour market than the unemployment rate does. Kenya's NEET rate was 20% in 2019, higher than that of several neighbouring countries (Figure 7). Kenya's NEET rate is 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 7: 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.

Interestingly, the influence of youth unemployment in Kenya has pushed a remarkable shift in mindset among progressive youth and young graduates. Firstly, to earn money, more graduates pursue vocational courses at Technical and Vocational Education and Training (TVET) institutions (see more in the Vocational Training sub-section). Secondly, agriculture has attracted more attention and respect among Kenyan youth, which is interlinked with the upsurge of social media.[54]

EDUCATION

Kenya has ratified most international treaties protecting the right to education. Several laws guarantee the implementation of this right, including the 2010 Constitution of Kenya, which guarantees every child a right to free and compulsory basic education; the Basic Education Act regulates the introductory and adult education provisions; the Employment Act provides statutory education for workers.

The government adopted various general and specific policies on education that led to reforms to improve the quality of education to a competency-based curriculum (CBC), professional teacher development, textbook, 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. The reform has made Kenya a top education performer in Eastern and Southern Africa.[55]

Government expenditure in the education sector has been stable slightly above 5.0% of GDP, grasping the international Education 2030 Framework for Action's benchmark for government financing of education within 4% to 6% of GDP. Education spending per capita is relatively high compared to neighbouring countries, a proxy indicator of quality education.

A testament to the progress of the compulsory and free education policy is reflected in Kenya's increased literacy rate for the population, landing far above the regional average. This upsurge benefitted an increased school enrolment after it became compulsory and free in 2003. The quality of education has also improved; for example, employees have experienced an upsurge at the intermediate and advanced education levels, similar to the self-employed but at a lower scope. However, weak infrastructure, overcrowded schools, and internal regional enrolment disparities are still constrained for quality free primary education.

As mentioned, one out of five Kenyan youth is not in employment, education, or training (NEET). The difference in the NEET rates of young people with lower and higher levels of educational attainment is relatively modest in Kenya, which is similar in sub-Saharan Africa. The number of tertiary graduates has increased faster than the formal job creation to accommodate them. Both phenomena are evidence of a mismatch, or, in other words, that increased educational attainment is not a remedy for the lack of decent work available to young Kenyans. The NEET rate of young adults with less than basic education was higher than that of those with tertiary (advanced) education. Young adult women had a higher NEET rate than young adult men at every education level. It suggests that higher educational qualifications did not close the gender gap.[56]

Vocational Training

Kenya's development agenda, linked with Vision 2030 and the Big Four Agenda, focuses on technical and vocational education and training (TVET). It is supported by a solid legal framework, including the TVET functions shared between the National and County Governments in the 2010 constitution.

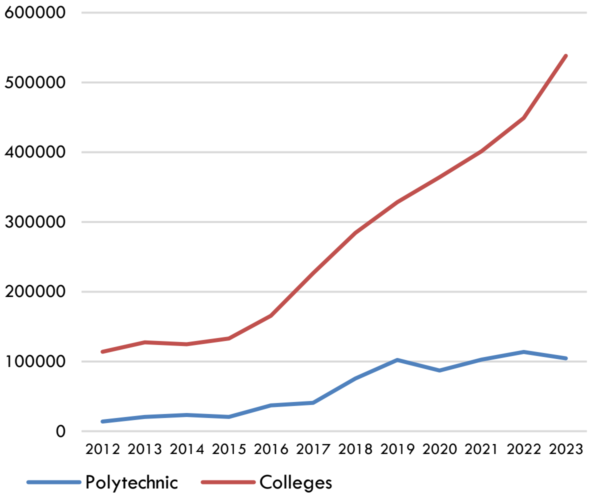
The Technical and Vocational Education and Training Authority (TVETA) is a pivotal State Corporation. Its mandate involves the promulgation of policies, plans, programmes, and guidelines for the effective implementation of the TVET Act. The Ministry of Education and its State Department for Vocational and Technical Training, in collaboration with four State Corporations or Semi-Autonomous Government Agencies (SAGAs), oversee the setting of TVET standards. A diverse range of other TVET institutions, including the National Qualifications Authority (KNQA), are also actively engaged in this process in coordination with social partners like COTU-K and FKE.[57]

The public expenditure for the TVET sector has experienced a significant boost at the start of the 2020s. The State Department for Vocational and Technical Training's expenditure to total education expenditure ratio reached 4.8% in 2023/2024, a clear indication of the government's commitment to the sector. Data shows that Kenya's government expenditure on secondary and post-secondary non-tertiary vocational education has been notably higher than that of neighbouring countries, underscoring the country's dedication to TVET development.[58]

In the Affordable Housing and Settlement areas priority of the government, there is a projected job creation of 100,000 jobs annually for TVET graduates. However, it will be only through formalisation that trade union membership and benefits will be realised in the proposed housing scheme. Studies found that there is a positive relationship between trade union participation and employees' productivity, leading to recommendations that TVET institutions should have a trade union official representative.[59]

TVET enrolment has been increasing in Kenya, dominated by TVET colleges, aggregating almost 643,000 students in 2023 (Figure 8). The ratio of TVET enrolment to secondary school enrolment is slowly upward, grasping the so far highest level at 16% in 2023/2024.

Figure 8: Enrolment in TVET institutions in Kenya, 2012-2023



Source: Kenya National Bureau of Statistics, Economic Surveys.

Kenya's TVET system has several challenges; for instance, limited industry linkages of TVET programmes; 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 workers.[60] Work-based opportunities in formal TVET are relatively scarce; there are only 500–600 apprenticeships available annually, though total enrolment in TVET is about 90,000.[61]

TVET education is based on theoretical training, which, to some extent, gives less attention to the assessment of competence as required in the workplace. The trade union movement has expressed concern about the lack of access to training and upskilling for specific technical skills. On the positive side, the government has embarked on TVET curriculum reforms to address the skills gap among youth and bring more industrial exposure rather than theory.[62]

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

Improved technical skills from TVET programmes have been associated with higher worker and firm productivity and more equitable growth. However, many formal employers argue that a lack of skilled workers is a significant bottleneck for their operations, particularly skills gaps among TVET graduates. Vouchers to youth to participate in TVET in formal private or public institutions found limited evidence of average impacts on earnings; hourly wage increases were only observed among wage earners.[63]

The National Industrial Training Authority (NITA) in Kenya promotes and regulates industrial training to enhance workforce skills. It oversees the development of training programs, certification, and accreditation of training institutions. COTU-K represents employees on NITA's board, while FKE represents employers. NITA is an avenue for labour market partners to push for more demand-driven and relevant vocational training. Besides its overall regulatory role for TVET institutions, NITA runs five training centres.

Fourth Industrial Revolution

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.

The past decade has seen a fourfold increase in the number of local digital labour platforms across a range of sectors in Kenya. This development of the information and communication technology (ICT) landscape has attracted investors and policymakers.

Some recent improvements are the Digital Economy Blueprint of 2019, which sets a framework to leverage digital government, digital business, infrastructure, innovation-driven entrepreneurship, and digital skills and values, aligning with the Kenya Vision 2030. Also, the National Transport and Safety Authority Regulation of 2022 sets the ride-hailing and taxi sector. The government is planning to review labour laws that hinder job creation in the burgeoning digital economy and catch the ambitious target of one million jobs in the next three years from business process outsourcing (BPO) in the digital space.

The country has become one of the leading African countries, often called the "Silicon Savannah", with one of the region's most well-established BPO industries. Kenya is witnessing a rapid growth of digital and online work platforms operating in different sectors, with over 23 platforms in the ride-hailing sector alone, transforming how the country's workforce accesses job opportunities. Studies found that out of 12 platforms across the ride-hailing and delivery services sectors, only one of them could confirm that all platform workers earn at least the local minimum wage. The digital economy employed over 35,000 workers in 2019 and is estimated to grow 33% annually, projecting to employ about 90,000 workers in 2023, which equals 0.5% of total employment. This upsurge is motivated by a lack of other employment opportunities or supplementing earnings to generate income. Due to the high costs that workers are forced to absorb, most platform workers work an average of 12 hours a day.[64] BPO workers often make minimal contributions to insurance schemes at about 5%, while contributions to the public health insurance scheme range from 32% to 84% among sectors.

Algorithmic management practices such as ratings significantly influence workers' access to work and better-paying tasks. Some of the central factors that challenge the BPO sector concern: i) platform workers, classified as independent contractors, lack the protection afforded by the Labour Regulation Act, inhibiting their right to collective bargaining; ii) platforms often distance themselves from workers, complicating the establishment of employment relationships and the identification of true employers, not to mention these workers face significant social insurance gaps; iii) although the Occupational Safety and Health (OSH) Act in principle applies to platform workers, it lacks the various contexts of platform workers; iv) contractual relationships between platforms and workers are ambiguous; v) data processing faces bias leading to the production of discriminatory outcomes for platform workers.[65]

Platform workers have limited interaction with trade unions, except the Kenyan Union of Domestic, Hotel, Educational Institutions, Hospitals, and Allied Workers (KUDHEIHA), which advocates for domestic workers in Kenya. These workers often need more awareness or incentives for unionism. Platform companies usually retaliate against workers who attempt to unionise, including termination or deactivation from the platform. Fear of this can discourage workers from joining unions and participating in collective bargaining. Reports found that the platform business model, which often relies on a large pool of available workers, can discourage unionisation due to fear of being quickly replaced by other workers. This model stymies platform workers to leverage their power to negotiate with platforms effectively. Survey data revealed that participation in groups by domestic platform workers happens more on social media (38%) and informal groups (13%) than in trade unions (1%).[66]

The country has experienced a growing application for ICT aspects. For example, the number of Kenyan internet users has increased over the previous two decades but is losing pace compared with the sub-Saharan African average. Recent reports detected that a majority (80%) of enterprises were not using any available internet use platforms.[67] On the other hand, Kenyans' demand for mobile cellular subscriptions is soaring, hovering far above the regional average (see Appendix Figure 10). As previously indicated, the country is at the forefront of this digital transformation, visualising in the mobile money services. These changes have revolutionised financial services and acted as a catalyst for broader socio-economic empowerment, including as a changer for women's financial inclusion who were previously excluded from formal banking.

Struggling to survive in a competitive job market of digital automation can carry extra stress for workers in Kenya, bringing new challenges for the trade union movement. For instance, the effects of "casualisation" and "externalisation" could emerge with an increasing number of part-time and contractual workers. These factors could lead to employment vulnerability, making unionisation more difficult.

SOCIAL PROTECTION

Kenya, in its commitment to social security and welfare, has ratified several international conventions, including two of the fifteen up-to-date ILO Social Security conventions (see Appendix Table 8). The 2010 Constitution strengthens this commitment by guaranteeing all Kenyans rights to social security and brought two key reforms that changed health workforce management: transfer of health workforce management to 47 newly formed county governments and granting health workers a right to unionize and collectively bargain.

The government actively promotes a social protection policy for income security, social health protection, and shock responsive social protection (see more in Appendix Table 16). Despite the expansion of regular and predictable social transfer schemes, a broader comprehensive legal framework for social protection is still needed. To address this, the Ministry of Labour and Social Protection has drafted the Older Persons Bill and the Social Protection Bill, which are currently in the stage of soliciting comments and reviews.

The legal framework for social protection is linked with self-employed and wage-employed workers. In contrast, a majority of approximately eight out of ten Kenyan workers operate in the informal and rural economy and are caught in a vicious circle of vulnerability, poverty, and social exclusion. On the positive side, the government launched a strategy with guidelines for extending coverage and ensuring the adequacy of social protection interventions that benefit urban and informal sector workers over 2023-2027.

COTU-K has significantly contributed to the legal and policy framework on social protection and advocated for the recognition of tripartism. They represent organised workers in the governance of the National Social Security Fund (NSSF) and the National Hospital Insurance Fund (NHIF), heading to improved accountability in the administration of social contributions (see ahead). The organisation actively works with the government to make health and pension schemes more flexible and accessible. It led to more workers access to social security. Additionally, COTU-K made efforts to address social protection clauses in CBAs; for instance, trade unions have been able to secure benefits into local CBAs, such as gratuity in addition to NSSF retirement benefits, and have successfully negotiated medical benefits in addition to the NHIF.[68]

The political commitment to social protection was integrated into Vision 2030. The social protection expenditure has increased, peaking at 5.8% of national government expenditure in 2020/2021, down to 5.5% in 2023/2024 or 1.5% of GDP.[69] Although there is no settled international benchmark for social protection, ILO suggests that low-and middle-income countries should spend at least 3.3% of GDP on providing a universal package of social protection benefits that cover children, maternity, disability, old age, as well as administrative costs. It hints that Kenya needs a hike of the current investment by an additional 1.8 percentage points of GDP.[70]

The National Social Security Fund Act of 2013 establishes a National Social Security Fund (NSSF) with shared responsibility among the central and county governance. Every employer and employee must register with NSSF; failing to do so attracts a fine. The NSSF Act increased and diverted the contribution rates to the fund system: a monthly obligatory contribution equivalent to 12% of an employee's salary (50/50 among employees and employers). A legal institutional limbo entered the scene in 2023, whether the Employment and Labour Relations Court (ELCR) lacked jurisdiction to determine some constitutional validity of the NSSF Act. In February 2024, the Supreme Court confirmed the reinstatement of the validity of the ELRC judgment that found the NSSF Act unconstitutional. This judgement implies that the NSSF rates employers should apply as those applicable before enacting the NSSF Act of 2013. NSSF still advises employers to continue contributing to the fund and remains empowered to continue receiving contributions.[71] It is worth mentioning that informal workers are not benefitting from the programme because they or their employers did not make the required financial contribution rates to the fund system.

A broader social protection coverage remains low: just 9.0% of the population is covered by at least one social protection benefit in 2021, which fell by 1.1 percentage points from 2019 (see more in Appendix Table 15). The system for non-contributory social protection programmes was boosted, visualising a hike in cash transfers from 1.7 million in 2013 to 5 million people in 2019. On the other hand, coverage of social security – e.g., persons with severe disabilities collecting disability social protection benefits, children/households receiving child/family cash benefits, poor persons covered by social protection systems – remains very limited, with leakage to the richest quintiles.

The active membership in pension schemes rate has been on the rise in recent years, except with a slight downturn in 2020 due to the Covid-19 pandemic: This group increased by 49% from 2019 to 2023, grasping four million active members in 2023, equalling 20% of the total recorded employment.[72]

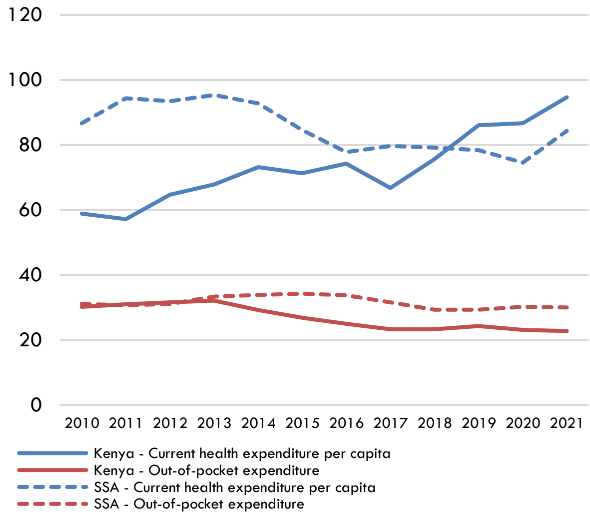
Currently, there is no unemployment insurance and benefits provision under Kenya's labour legislation. Nevertheless, the National Employment Authority's functions include necessary steps to encourage equal opportunity employment practices for the benefit of the unemployed and to protect the unemployed against any form of abuse or exploitation. The Unemployment Insurance Authority Bill of 2022, aiming to provide for the payment of unemployment benefits to certain employees and to provide for the establishment of the Unemployment Insurance Authority, remains in the Parliament's proposal stage.

In Kenya, women in formal employment are entitled to three months of maternity leave with full pay through employer liability. However, coverage reached just 6.3% of mothers with newborns receiving maternity benefits in 2019, slightly below the Eastern Africa average of 7.8%.[73] Male employees are entitled to two weeks of paternity leave with full pay; data on its coverage are scarce.

Subsidies for fertiliser, food, and energy (fuel, electricity, and cooking gas) are central to Kenya's social protection system. Different categories of subsidies are geared towards diverging objectives, which could be financially risky.[74] For example, the International Monetary Fund raised concerns in January 2024 about the re-introduction of the fuel subsidy scheme that a lack of funds to pay oil marketers will lead to distortion of the national budget, reflected in the ongoing mounting government debt (revisit Appendix Table 3).

The country has achieved progress in healthcare during the last decades, marked by reductions in maternal and child mortality rates and increasing life expectancy. In addition, the country's health out-of-pocket expenditure fell, and health expenditure per capita rose (Figure 9). Although government health expenditure lost pace during the last decade, it stays above the World Health Organization's minimum threshold of 4% of GDP. It is worth mentioning that NHIF's membership has steadily grown over the years to 9 million in 2020, including 3.2 million from the informal economy.[75]

Figure 9: Current health expenditure per capita (current US$) and out-of-pocket expenditure (% of current health expenditure) trends in Kenya and sub-Saharan Africa (SSA), 2010-2021



Source: The World Bank, World Development Indicators.

As indicated, Kenya's 2010 Constitution led to the transfer of health workforce management to 47 formed county governments, granting health workers the right to unionise and collectively bargain. Since the health employment management brought a function of county public service boards, the national government was no longer obliged to sign collective bargaining agreements. Nevertheless, public health workers work under challenging staff shortages, inadequate pay, and poor working conditions, not to mention fragile dialogue ambience at the county level. This stance has carried a surge in health worker strikes during the last decade, linked with resource constraints becoming a barrier to government efforts to address health worker concerns.[76] The government has taken steps to address the shortage and uneven distribution of health workers, particularly in rural areas, which have been recognised as obstacles to quality healthcare and equitable access. Investments in health are directed towards health worker training and education, as well as working conditions in rural areas to attract and retain healthcare professionals.

APPENDIX: ADDITIONAL DATA

Table 3: Kenya's key economic data, projections, 2019-2025

Values	2019	2020	2021	2022	2023	2024	2025
GDP (current, US$)	101bn	101bn	110bn	114bn	109bn	104bn	110bn
GDP per capita (PPP, US$)	5,124	5,050	5,574	6,146	6,603	6,976	7,350
Total investment (% of GDP)	19.3%	19.7%	20.4%	19.2%	17.4%	18.4%	19.4%
Gross national savings (% of GDP)	14.1%	14.9%	15.2%	13.9%	13.5%	14.1%	15.2%
General government expenditure (% of GDP)	24.4%	24.8%	24.0%	23.4%	23.3%	23.2%	22.6%
Government gross debt (% of GDP)	59.1%	68.0%	68.2%	68.4%	73.3%	73.0%	70.3%

Source: International Monetary Fund, World Economic Outlook Database, April 2024.

Table 4: Kenya's Climate Governance

Climate Governance
Laws and Regulations
Climate Change Act (CCA), 2016.
Energy Act, 2019.
Policies and Strategies
National Climate Change Action Plan (NCCAP), 2018-2022.
National Policy on Climate Finance, 2016.
Least Cost Power Development Plan (LCPDP), 2017-2037.
Transport Sector Climate Change Annual Report.
Kenya Climat-Smart Agriculture Strategy (CSA), 2017-2026.
Institutions
National Climate Change Council (NCCC).
The national Environment Management Authority (NEMA).
Climate Change Directorate (CCD), in the Ministry of Environment and Forestry.
Ministry of Energy (MoE).
Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works (MoT).

Source: Climate Action Tracker, Climate Governance in Kenya, May 2024.

Table 5: The main demands of the African trade unions in the declaration statement calling for the Just Transition agenda, 2023

Main demands in the declaration statement calling for the Just Transition agenda
1. Decent work and quality jobs: Trade unions insist on the creation of quality jobs as part of climate change policies. They demand that these jobs uphold labour rights and prioritise decent working conditions for all. This includes investments in skills development and training for workers to adapt to emerging green industries.
2. Social protection: Workers adversely affected by climate change must benefit from social protection measures, including income support, access to health care, education, and training to facilitate their professional reorientation. Trade unions are committed to protecting the most vulnerable workers and communities from the potential impacts of climate policies.
3 Worker Participation: Workers must be involved in the development and implementation of climate-related policies and projects, as they have valuable insights into the realities of their industries and communities.
4. Community Engagement: Local communities and stakeholders must be involved in decision-making on climate initiatives. Priority should be given to investment in sustainable infrastructure, green technologies and community resilience.
5 Gender equity: Trade unions demand that gender considerations be integrated into climate policies, recognising that women are often the most affected by the effects of climate change. They call for the empowerment of women through training, leadership and gender-sensitive policies.
6. Investment in green jobs: Trade unions call for substantial investment in green technologies, renewable energy and sustainable agriculture. They believe this investment will boost economic growth, create jobs and help preserve the environment.
7. Labour rights and just transition plans: Trade unions demand that labour rights be enforced and upheld in the context of climate policies, including the right to organise and the right to collective bargaining. Comprehensive just transition plans must be developed to outline pathways for affected workers and communities through the transition period.
8. Reskilling and Upskilling: Trade unions call for reskilling and upskilling programmes to equip workers with the skills needed for the transition to green industries by adapting to the needs of the labour market.
9. Support for impacted industries: The industries most vulnerable to the impacts of climate change policies should be given targeted support and resources to help them transform their operations while safeguarding jobs.
10. Transparency and accountability: Trade unions call for transparency in the allocation of resources and the distribution of benefits resulting from climate initiatives. They also call for accountability mechanisms to be put in place to hold stakeholders accountable for meeting their just transition commitments.

Source: ITUC-Africa, Africa Climate Summit: African trade unions call for a just transition.

Table 6: Central employment and labour legal framework in Kenya

Legislation
1. Constitution of Kenya, 2010.
2. The Labour Institutions Act, 2007.
3. Employment Act, 2007.
4. Regulation of Wages (General) Order 1982.
5. Public Holidays Act 1984.
6. The Occupational Safety and Health Act, 2007.
7. Work Injury Benefits Act, 2007.
8. National Social Security Fund Act 2013.
9. Retirement Benefits Act 1997.
10. Sexual Offences Act, 2006.
11. Children Act, 2001.
12. Industrial Training Act, 1960.
13. Labour Relations Act, 2007.
14. Labour Institutions Act 2007.

Source: WageIndicator.org, Decent Work Check 2023: Kenya.

Table 7: Central legal reservations concerning the rights to organise, collective bargaining, and strikes in Kenya

Right to organize
• The Registrar of Trade Unions may refuse to register a union if another union already exists which is sufficiently representative of the whole or of a substantial proportion of the workers the new union seeks to represent. • Union membership and voting rights are granted only to persons employed in the sector for which the trade union is registered. • The Labour Relations Act limits the autonomy of trade unions in determining the eligibility conditions of their representatives and allows for interference of the authorities in election processes. • The law imposes strict conditions and limitations on the use and management of trade unions. The Registrar of Trade Unions also has extensive powers to audit these funds. • The Registrar may cancel or suspend the registration of a trade union, employers' organisation or federation if the Registrar is satisfied that the trade union, employers' organisation or federation is operating in contravention of the Labour Relations Act. • The Labour Relations Act excludes members of the prison service and the National Youth Service from its scope.
Right to collective bargaining
• A union shall be recognised as a bargaining agent if it represents a simple majority of those employees eligible to become union members. This provision extends to public sector employers. • In accordance with the Salaries and Remuneration Commission Regulations 2013, before the commencement of any collective bargaining process, the commission advises the management of a public service on the fiscal sustainability of the proposal of the union – and that when the collective bargaining process is successful the management needs to confirm with the Commission the fiscal sustainability of the negotiated package before the signing of the agreement. • While the 2010 Constitution recognises the right of every trade union to bargain collectively, it is not clear whether this right can be enjoyed by members of the Prison Department, the National Youth Service, by teachers under the Teachers/Service Commission, and by workers in the public sector.
Right to strike
• Compulsory recourse to arbitration, or to long and complex conciliation and mediation procedures prior to strike actions. • A strike must concern the terms and conditions of employment or the recognition of a trade union. Sympathy strikes are prohibited. • Pursuant to article 80 of the Labour Relations Act, employees taking part in, calling, instigating or inciting others to take part in a strike deemed illegal breaches the employee's contract and is therefore liable to disciplinary action; and cannot receive any payment or any other benefit under the Employment Act during the period the employee participated in the strike. • According to the First Schedule of the Labour Relations Act, essential services, where strikes are strictly prohibited, are as follows: water supply services; hospital services; air traffic control services and civil aviation telecommunications services; fire services of the government or public institutions; posts authority and local government authorities; ferry services.

Source: International Trade Union Confederation, Survey of Violations of Trade Union Rights, Kenya: Legal, May 2024.

Table 8: Ratified ILO Conventions in Kenya

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

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: International Labour Organization, NORMLEX, Country Profiles: Kenya, May 2024.

Table 9: 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.

Table 10: Ease of Doing Business in Kenya, 2020

Topics	Ranking
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 tell 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: World Bank & IFC, Ease of Doing Business 2020 in Kenya.

Table 11: Registered Trade Union membership in Kenya, 2023

Trade unions	Total members	Share
Central Organisation of Trade Unions (COTU-K)		
Amalgamated Union of Kenya Metal Workers	70,000	2.3%
Kenya Petroleum Oil Workers Union	11,000	0.4%
Bakery, Confectionery Manufacturing & Allied Workers Union	17,000	0.5%
Kenya Building, Construction, Timber, Furniture & Allied Trades Employees Union	40,000	1.3%
Kenya Chemical & Allied Workers Union	12,000	0.4%
Kenya Engineering Workers Union	80,000	2.6%
Kenya Game Hunting & Safari Workers Union	7,000	0.2%
Kenya Union of Printing, Publishing, Paper Manufacturing & Allied Workers	50,000	1.6%
Kenya Plantation & Agricultural Workers Union	520,000	17%
Kenya Scientific, Research, International, Technical & Allied Institutions	2,000	0.1%
Banking Insurance & Finance Union	28,000	0.9%
Communications Workers Union Kenya	30,000	1.0%
Railway Workers Union	20,000	0.6%
Tailors & Textiles Workers Union	60,000	1.9%
Transport & Allied Workers Union	80,000	2.6%
Kenya Union of Entertainment & Music Industry Employees	8,000	0.3%
Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals & Allied Workers	200,000	6.5%
Kenya Union of Sugar Plantation Workers	30,000	1.0%
Kenya County Government Workers Union	320,000	10.3%
Kenya Shipping, Clearing & Warehouses	6,000	0.2%
Seafarers Workers Union	300	0.0%
Kenya Quarry & Mine Workers Union	12,000	0.4%
Kenya Electrical Trades Allied Workers Union	180,000	5.8%
Kenya Shoe & Leather Workers Union	9,000	0.3%
Kenya Jockey, Betting Workers Union	3,000	0.1%
Union of National, Research Institutes	11,000	0.4%
Kenya National Private Security Workers Union	200,000	6.5%
Kenya Salon and Beauty Union	42,000	1.4%
Kenya Hotels & Allied Workers Union	30,000	1.0%
Kenya Union of Commercial, Food & Allied Workers	280,000	9.0%
Kenya Union of Journalists	12,000	0.4%
Kenya Long Distance Truck Drivers and Allied Workers Union	30,00	0.1%
Kenya National Union of Nurses	90,000	2.9%
Kenya Glass Workers Union	8,000	0.3%
Kenya Union of Water and Sewerage Workers	31,000	1.0%
Kenya Union of Pre-Primary Education Teachers	800	0.0%
Kenya Union of Post-Primary Education Teachers	260,000	8.4%
Kenya Aviation Workers Union	16,000	0.5%
Kenya Airline Pilots Association	800	0.0%
Kenya Medical Practitioners & Dentists Union	8,000	0.3%
Kenya Private Universities Workers Union	17,000	0.5%
Kenya Dock Workers Union	7,000	0.2%
Kenya National Union of Teachers	280,000	9.0%
Kenya Union of Service Employees	790	0.0%
Kenya Union of Clinical Workers	2,000	0.1%
Kenya Union of Special Needs Education Teachers	3,000	0.1%
Kenya Union of Veterinary Workers	1,000	0.03%
Trade Union Congress of Kenya (TUC-Ke)		
Union of Kenya Civil Servants	22,600	
University Academic Staff Union	3,530	
Kenya Universities Staff Union	2,046	

Source: COTU-K; TUC-Ke.

Table 12: Kenya's highest and lowest scale of regional minimum wages, 2022-currently

Minimum wages	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 13: Kenya's key workforce data, 2021

Indicator	Value
Working Age Population	30,180,300
Employment rate	64%
Unemployment rate	5.7%
Employed share	
Urban	33%
Rural	67%
Public	5.2%
Private	95%
Employed by aggregated sector share	
Agriculture	34%
Industry	15%
Service	51%

Source: Kenya 2021 Labour Force Survey.

Table 14: Kenya - Scores for Women, Business and the Law, 2024

Mobility	Workplace	Pay	Mariage	Parenthood	Entrepreneurship	Assets	Pension	Index score
100	100	100	100	40	75	80	75	84

Note: Overall scores are calculated by taking the average of each indicator, with 100 representing the highest possible score.
Source: The World Bank, Kenya: Women, Business and the Law 2024.

Table 15: Proportion of population covered by social protection systems and health in Kenya and sub-Saharan Africa (SSA), %, latest year

Indicator	Kenya	SSA ****
Population covered by at least one social protection benefit	9.0% *	11%
Persons above retirement age receiving a pension	20% *	11%
Persons with severe disabilities collecting disability social protection benefits	2.4% *	2.6%
Unemployed receiving unemployment benefits	0% ***	0.7%
Mothers with newborns receiving maternity benefits	6.3% **	7.8%
Employed covered in the event of work injury	12% **	8.5%
Children/households receiving child/family cash benefits	3.2% *	6.6%
Poor persons covered by social protection systems	3.9% *	-
Vulnerable persons covered by social assistance	3.6% *	6.7%
SGD 3.8.1: Universal health coverage, % of population	53%	-

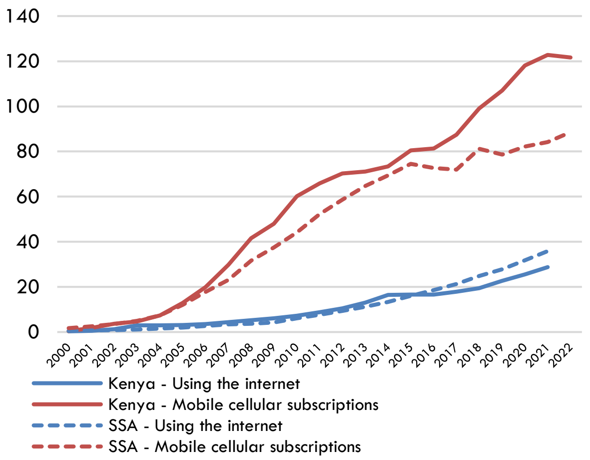
** Data from 2021. ** Data from 2019. *** Data from 2022. **** Data from 2020.*

Source: International Labour Organisation, Key Indicators of the Labour Market (KILM); World Health Organization, Coverage of essential health services (SDG 3.8.1) (%).

Table 16: List of Kenya's social protection legal framework

Laws
• 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.

Figure 10: Individuals using the Internet (% of population) and mobile cellular subscriptions (per 100 people) trend in Kenya and sub-Saharan Africa, 2000-2022



Source: The World Bank, DataBank - World Development Indicators.

REFERENCES

[1] The Organisation for Economic Co-operation and Development, Revenue Statistics in Africa 2023 – Kenya, May 2024.
[2] Central Organization of Trade Unions – Kenya, Partner's Annual Narrative Progress Report, DTDA, January 2023.
[3] The World Bank, Climate Action Key to Kenya's Upper-Middle-Income Country Aspirations, November 17, 2023.
[4] The World Bank, Climate Action Key to Kenya's Upper-Middle-Income Country Aspirations, November 17, 2023.
[5] Friedrich-Ebert-Stiftung Kenya Office, Discussion Paper on Just Energy Transition in Kenya, 2018.
[6] Mulwa, R., Museumbi, E., and Maina, M., Incorporating Just Transitions in Kenya's Low-Carbon Development Path. Climate Strategies, 2022.
[7] Industry-All Global Union, Kenyan union takes Hela Intimates to court over workers' rights violations, 2018.
[8] Ngulumbu Benjamin Musembi & Fanice Waswa, Effect of Trade Union Practices on Employees Welfare at Export Processing Zones Industries in Athi River, Kenya, Journal of Strategic Management, 6(1), 39–58, 2022.
[9] Lene Kristin Vastveit, Export Processing Zones in Sub-Saharan Africa – Kenya and Lesotho, 2013.
[10] International Labour Organization, Legal Database on Industrial Relations (IRLEX), Kenya, 2019.
[11] The World Bank Group, Kenya's Devolution, November 26, 2019.
[12] Dentons, A Snapshot of Recent Changes in Kenya's Labour Laws, 120 Years of Legal Excellence in Kenya Anniversary Edition, 2023.
[13] U.S. Department of State, Annual Country Reports on Human Rights Practices: Kenya, 2023.
[14] IndustryAll, Tunis declaration calls for inclusion of labour provisions in the African Continental Free Trade Area agreement, September 29, 2022.
[15] Isao Kamata, Labor Clauses in Regional Trade Agreements and Effects on Labor Conditions: An Empirical Analysis, IDE Discussion Paper No. 609, July 2016.
[16] European Commission, EU and the Republic of Kenya launch strategic dialogue and engage towards implementing the East African Community Economic Partnership, June 22, 2021.
[17] Office of the United States Trade Representative, United States and Kenya Announce the Launch of the U.S.-Kenya Strategic Trade and Investment Partnership, July 14, 2022.
[18] Céline Carrère, Marcelo Olarreaga, Damian Raess, Labor Clauses in Trade Agreements: worker protection or protectionism?, August 2017.
[19] Kenya's Ministry of Labour, Department.
[20] Ministry of Labour and Social Protection, Remarks by Hon. Florence Bore, Cabinet Secretary, Ministry of Labour and Social Protection, During the official briefing session with the Board of Trustees and Management of the National Social Security Fund (NSSF), Office of the Cabinet Secretary, November 9, 2022.
[21] Central Organisation of Trade Unions – Kenya, Trade Union Membership 2023.
[22] Central Organisation of Trade Unions - Kenya, Data collection review, July 2024.
[23] World Economic Forum, Global Risks Report 2024, Global Risks Perception Survey 2023-2024.
[24] International Labour Organization, Social Dialogue Report 2022: Collective Bargaining

for an inclusive, sustainable, and resilient recovery, 2022.

[25] The Kenya Institute for Public Policy Research and Analysis, KIPPRA, Conflicting Laws and Unclear Employment Relationships Complicate Implementation of CBAs, 2018.

[26] Kenya National Bureau of Statistics, Economic Survey 2024, 2024.

[27] Kenya Institute for Public Policy Research and Analysis, Challenges in Implementing and Enforcing Collective Bargaining Agreements, KIPPRA Discussion Paper No. 208, 2018.

[28] National Council for Law Reporting (Kenya Law), Employment and Labour Relations Court, May 2024.

[29] Kenya News Agency, ELRC Court asked to expedite pending cases within 100 days, November 12, 2022.

[30] Johana K. Gathongo, Labour Dispute Resolution in Kenya: Compliance with International Standards and a comparison with South Africa, 2018.

[31] International Trade Union Confederation, Global Rights Index 2023, 2023.

[32] International Trade Union Confederation, Survey of violations of trade union rights: Kenya, May 2024.

[33] U.S. Department of State, 2023 Trafficking in Persons Report: Kenya, 2023.

[34] International Labour Organization, Safety, and health at work country profile: Kenya.

[35] U.S. Department of Labour, Findings on the Worst Forms of Child Labour: Kenya, Bureau of International Labor Affairs, 2022.

[36] International Labour Organization, Press Release, ILO calls for strengthening labour inspection worldwide, November 16, 2006.

[37] Isabella Aboderin and Hilda Owii, Data collection methodology and tools for supporting the formulation of evidence-based policies in response to the challenge of population ageing in Kenya, African Population and Health Research Center, 2019.

[38] Kenya Institute for Public Policy Research and Analysis, Unemployment Insurance Fund and Safeguarding of Job Losses, January 8, 2024; Business Dayli, Employers, workers oppose more taxes to fund unemployment cover, September 24, 2023.

[39] Kenya National Bureau of Statistics, Economic Survey, 2022.

[40] Internal Displacement Monitoring Centre, Kenya, June 2024.

[41] Friedrich Ebert Stiftung, Towards the Just City in Kenya: Popular Version, 2022.

[42] International Organization for Migration, Migration in Kenya: A country profile 2018.

[43] Central Bank of Kenya, Diaspora Remittance Survey, December 2021.

[44] U.S. Department of State, Trafficking in Persons Report: Kenya, 2023.

[45] Kenya National Bureau of Statistics, Economic Survey, 2022.

[46] Central Organization of Trade Unions – Kenya, QA responses, June 27, 2024.

[47] U.S. Department of Labour, Findings on the Worst Forms of Child Labour: Kenya, Bureau of International Labor Affairs, 2022.

[48] UNICEF, Let's end child labour in Kenya, June 12, 2021.

[49] International Labour Organization and United Nations Children's Fund, Child Labour: Global estimates 2020, Trends and the road forward, 2021.

[50] World Bank Group, Women, Business, and the Law 2024: Kenya.

[51] USAID, Gender Equality & Female Empowerment in Kenya.

[52] UN Women, Gender Pay Gap and Labour-Market Inequalities in Kenya, 2024.

[53] International Labour Organization, African youth face pressing challenges in the transition from school to work, August 10, 2023.

[54] James Karuga, Youth unemployment in Kenya: Challenges and solutions, April 2, 2024.

[55] The World Bank, Kenya Economic Update: Lessons from Kenya's Education Reforms, June 2022.
[56] International Labour Organization, African youth face pressing challenges in the transition from school to work, August 10, 2023.
[57] Technical and Vocational Education and Training Authority, National TVET Standards: Kenya Report, 2020.
[58] The World Bank, World Development Indicators, Government expenditure on secondary and post-secondary non-tertiary vocational education as % of GDP (%).
[59] John Warua Mwathe, Dr. Hazel Gachunga, Dr. Esther W. Waiganjo, Influence of Trade Unions on Productivity of Technical and Vocational Education Training Institutions in Kenya, Journal of Business & Change Management, Vol. 4, Iss. 3 (30), pp 428 - 452, September 15, 2017.
[60] Technical and Vocational Education and Training Authority, National TVET Standards: Kenya Report, 2020.
[61] International Bank for Reconstruction and Development / The World Bank, UNESCO and the International Labour Organization, Building Better Formal TVET Systems: Principles and Practice in Low- and Middle-Income Countries, 2023.
[62] Technical and Vocational Education and Training Authority, Thinking Without the Box: How TVET institutions are raising revenues from Income Generating Activities, The TVET Eye, Issue 004, December 2023 - May 2024.
[63] International Bank for Reconstruction and Development / The World Bank, UNESCO, and the International Labour Organization, Building Better Formal TVET Systems: Principles and Practice in Low- and Middle-Income Countries, 2023.
[64] Fairwork, Fairwork Kenya Ratings 2023: The Promise and Peril of Platform Work in the Kenyan Platform Economy, 2023.
[65] International Labour Organization, Digital labour platforms in Kenya: Exploring women's opportunities and challenges across various sectors, 2024.
[66] International Labour Organization, Digital labour platforms in Kenya: Exploring women's opportunities and challenges across various sectors, 2024.
[67] Ministry of Labour and Social Protection and Kenya National Bureau of Statistics, Informal Sectors Skills and Occupations Survey (ISSOS), Basic Report, 2020.
[68] Peter Baraza, A Report on the Influence of the Trade Union Movement on Social Protection in Kenya: Mapping of Trade Unions Influence and Promotion of Social Protection Policies and Schemes, August 2022.
[69] Kenya National Bureau of Statistics, Economic Survey, 2024.
[70] The Office of the United Nations High Commissioner for Human Rights, Human Rights-Based Analysis of Kenya's Budget 2022/23, August 2022.
[71] Ernst & Young Global Limited, Kenya Supreme Court affirms jurisdiction of Employment and Labour Relations Court to determine constitutional validity of social security act, March 27, 2024.
[72] Kenya National Bureau of Statistics, Economic Survey, 2024.
[73] International Labour Organization, ILOSTAT, SDG indicator 1.3.1 - Proportion of population covered by social protection floors/systems (%) | Annual, Bolivia.
[74] Dr James Ochieng, Hellen Chemyongoi, Daniel Omanyo, Economic Subsidies: The Kenya Experience, The Kenya Institute for Public Policy Research and Analysis, February 1, 2024.
[75] The National Health Insurance Fund, About Us, June 2024.
[76] Medium, Health workforce labour challenges in Kenya: what more needs to be done?, July 4, 2023.