

GOOD PRACTICES AND LESSONS LEARNED

Oxfam GB – Kenya

Project: Promoting livelihoods and inclusion of vulnerable women domestic workers and women small scale traders

Good Practice - Influencing the Government of Kenya to take concrete steps for the ratification of International Labour Organisation (ILO) Convention Number 189 on Decent Work for Domestic Workers in Kenya.

1. Brief summary

To promote decent work, employment rights and social protection for the target women domestic workers, the project has and continues to influence the government to have in place concrete steps towards ratification of this convention. The ILO convention No. 189 was adopted in 2011. Each member country is then expected to voluntarily ratify and deposit the convention with the ILO. Ratification involves signing the convention by the approved government official. Ratification of the Decent Work for Domestic Workers Convention, 2011 (No. 189) will, therefore, strengthen the resolve by the government to provide a more comprehensive coverage to guarantee achievement of decent work for domestic workers.

2. Key Areas of Good Practice

- Development of Supportive Legal and Policy Frameworks (1.2)
- Advocacy Methods (1.3)
- Institution and capacity strengthening of implementing agency, project partners including (local) government agencies (1.10)
- Awareness raising among informal economy operators/workers and other stakeholders (4.3)
- Organising informal economy workers into associations, cooperatives or other officially registered groups (1.9)
- Community based savings and credit schemes (3.5)
- Providing support to informal economy operators/workers to access services (social protection services, business registration, access to formal savings and credit schemes, training, etc.) (3.1)
- Entrepreneurship and business management training (3.2)
- Leadership training, empowerment training (3.4)
- Vocational and/or skills training (3.6)
- Knowledge of rights, laws and regulations (3.1)
- Support to improve Occupational Safety and Health among informal economy workers (2.3)
- Community-based social protection (4.4)
- Enabling especially vulnerable groups on economic empowerment (women, people with disabilities, affected by HIV, youth, refugees, migrants, minority groups, etc.) (4.6, 4.7, 4.8, 4.9, 4.11)

3. Context - Brief description

Where the good practice was implemented:

Nairobi City, but the impact of the ratification would be country wide.

Why it was implemented:

The good practice was developed to respond to the challenges of the informal economy in Kenya which are exacerbated by the inadequate policy environment, including the delayed ratification of the global standards for domestic workers as enshrined in the International Labour Convention (ILO) Convention 189 on domestic workers' rights, and poor implementation/enforcement of existing legislations. The domestic workers sector in Kenya is highly informal and unregulated. From the baseline survey, the project established that domestic workers suffered a myriad of violations- from low wages paid, to physical and even sexual abuse by unscrupulous employers. These groups often lack the voice owing to their unreliable nature of the occupation. They are often unaware of their rights and entitlements, and even where some are informed, they often lack coordination and networks like the trade unions and human rights organizations to enable them voice their concerns. Majority of domestic workers are unskilled or semi-skilled which affects their inability to negotiate for fair wages and conducive working environment. By ratifying C189, the Kenya government will be committing to implementing the convention provisions, thus securing the rights of domestic workers and providing a framework within which the sector should exist. The ratification will also provide an enabling environment for domestic workers to flourish within the vocation, thus positively impacting their livelihoods and wellbeing.

Who was involved:

This good practice is being implemented by Oxfam staff and its partners in collaboration with the national domestic workers' unions KUDHEIHA. Sector stakeholders were also involved in consultations including the Ministry of Labor and Social Services, Central Organization of Trade Unions (COTU-K), and CSO's working in the sector. E.g. Solidarity Centre, HAART Kenya, I-day etc. Consultations with domestic workers and community members have also been done across the county, since the ratification will have a nationwide impact. Domestic workers in Kenya, employers, the government.

When the activity was implemented:

This has been under implementation since April 2015 and is expected to end in August 2018

4. Level and type of innovation of the good practice

The good practice is considered innovative because it brings in the forefront the relevant workers union in Kenya to directly mobilise, influence, lobby and organise stakeholders towards the ratification process. This approach is effective because it utilises the labour union movement to spearhead the process.

5. Description: processes and steps involved

The responsibility of ratifying the ILO C189 lays with the 3 tripartite partners- the worker's union, the Government ministry of Labor and Social Services, and the Federation of Kenya Employers. In influencing the ratification, it is a requirement that the relevant workers' union which in the Kenyan case is the Kenya Union of Domestic Workers, Hotels, Educational Institutions and Allied Workers (KUDHEIHA) should be involved in ratification of the convention.

Working with relevant workers' union: To commence the ratification process, Oxfam with support from EU project influenced KUDHEIHA to initiate the engagement and negotiation processes with the relevant government agencies and other stakeholders towards ratification. The key agencies in the process were the Ministry of Labour and Social Services, Federation of Kenya Employers (FKE),

Central Organization of Trade Unions (COTU) Kenya.

Stakeholders' consultations: These were held to jointly adopt an action plan and roles and responsibilities towards ratification of the convention. KUDHEIHA and Oxfam started to hold consultations with these key agencies (MOL, FKE and COTU) both formally and informally to deliberate on the processes for ratification of the convention No. 189 in Kenya. However, the breakthrough for the formal ratification process came after four forums that brought together these mentioned agencies and other relevant stakeholders during which the team discussed and came up with road maps towards ratification of the convention complete with the timelines and responsibilities of each stakeholder. The final forum adopted (on 28th and 29th March 2017) very important action plans with clear roles and responsibilities of each stakeholder towards the ratification of the convention in Kenya. So far, the stakeholders came up with the framework for ratification of the ILO convention which includes adopting the process/roadmap with timelines, coming up with the issues for consideration in the technical paper for the ratification and domestication and developing the TOR for a consultant to undertake drafting of the technical paper. The consultant was recruited to lead the process, the content of the technical paper was agreed upon.

Formation of technical committee on ratification: The key agencies formed the technical committee on ratification and seconded their representatives as key contact persons to the committee during the stakeholders' consultation meetings. The technical committee has been instrumental in ensuring implementation of the agreed upon roadmap. The technical committee consists of representatives from MOL, FKE, COTU, KUDHEIHA and Oxfam and meets regularly to review progress and deliberate further.

Development of the sessional paper on ratification: The technical committee recruited a consultant to support the ratification process by drafting a technical paper which is being used as a Country Position Paper to lobby government to take actions towards the ratification. So far, the stakeholders came up with the framework for ratification of the ILO convention which include adopting the process/roadmap with timelines, coming up with the issues for consideration in the technical paper for the ratification and domestication.

Lobbying to secure support: The ratification exercise requires vigorous lobbying amongst a variety of stakeholders and timely placement before relevant Committees of National Assembly and the national senate. The Country Position Paper was presented to members of the KUDHEIHA National Executive Board and COTU National Governing Council and its Affiliate Members through separate half-day meetings for sensitization, buy-in and adoption. The two bodies adopted the paper and reaffirmed their mandate to push for ratification of ILO C189 as they will support and represent domestic workers' rights and interest so as to realize decent work for domestic workers, promote social dialogue between the tripartite partners (MOL, COTU and FKE) in matters that affect domestic workers.

Petition to the Parliament and Ministry of Labour: In collaboration with the technical committee members KUDHEIHA organised a procession to present a petition on ratification of ILO Convention 189 to the Speaker of the National Assembly and the same to the Ministry of Labour and Social Protection on ratification of C189 on Decent Work for Domestic Workers in Kenya. The main content of this petition was pulled from the Country Position Paper which draws attention to the key facts about domestic work in Kenya, case for the ratification of ILO C189, and status of the ratification. The procession was attended by close to 500 domestic workers within Nairobi City County, representatives from KUDHEIHA, COTU, Solidarity Centre and Oxfam. The petitions were received by a member of the Parliamentary House Committee at parliament building who promised to table it

before the same House Committee before it is presented by the speaker to reading. At the Ministry of labour the petition was received by both the Principal Secretary and Chief Administrative Secretary who promised to push for the ratification and gave an appointment to the Secretary General of KUDHEIHA for further discussions the following day.

Next steps: As part of lobbying and influencing process, next steps will involve sharing of the Position paper to the Federation of Kenya Employers (FKE) and the Ministry of Labour and its National Labour Board. If this lobbying is conducted successfully, the session paper will be adopted unanimously. Once approved by the cabinet, the cabinet memorandum will be submission to the Clerk of national assembly and have the same discussed by the Committees of the National assembly and the other committee of the senate which is responsible for Labour and Welfare affairs. Once approved by the national assembly which is the competent authority according to the ILO Constitution, the Session paper can now be ready for submission to the Director General of the International Labour Organization for registration hence formal ratification.

6. Resources Resources and skills needed to carry out the good practice

Financial resources, technical expertise on the ratification process, mobilization and influencing skill, networking skills etc.

7. Sustainability of the Good Practice

Once ratified this convention will contribute to securing the rights of the domestic workers and will play a big role is providing a framework within which the domestic workers sector in Kenya will operate. The Government of Kenya will also be reporting periodically on progress made on implementation of the provisions of the convention.

8. Links to Other Resources

Draft Kenya Country C189 Ratification Position paper
LNdinda@oxfam.org.uk or Wendy Okolo on WOkolo@oxfam.org.uk

Lesson Learned

1. Challenge that was faced

One of the challenges faced during the first year of the project implementation was the high mobility of women domestic workers. Majority of the domestic workers the project works with are employed on casual basis and thus are often moving from one part of the city to another, or from one town to another thus making it difficult to organize them into groups, and engage them in capacity building activities.

The women also work in private spaces (people's homes) and thus it was hard to get them to participate in project activities during hours weekdays and during hours when they are working.

2. How it was addressed

The project held discussions with the target women and agreed that some activities would be held on weekends, specifically on Sundays when majority of the women had an off day. This called for adjusting of the project staff working hours to meet the beneficiary needs.

On the mobility issue, the use of mobile phone technology to keep target women engaged has helped in disseminating learnings, and keeping groups' conversations going. This was mainly through use of whatsapp and SMS. The project also adopted a strategy of using peer to peer trainers, who would receive trainings and cascade them further to their peers.

Yes the project was partially able to overcome the challenge since domestic workers mobility is still

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high and even though we utilise mobile technology to reach them, some interventions require face to face engagements. The use of peer to peer trainers has also helped since the peer champions are able to meet their colleagues whom they work in the same neighbourhoods much easier.

The project employed 3 strategies: -

- Use of mobile phone technology to pass information to domestic workers
- Use of peer to peer trainers who could reach their colleagues much easier than project staff since they work in the same neighbourhoods.
- Providing flexibility to hold capacity building meetings on weekends, specifically on Sundays.

3. Positive lessons learned that were not covered in the good practice(s)

Deeper reflections on lessons learnt will be done at the annual project review forum scheduled for October 2018.