



KENYA

A TRADE UNION FOCUS ON THE SDGs

#HLPF2024

WORKERS DEMAND A NEW SOCIAL CONTRACT

WORKERS NEED DURABLE RESPONSES TO MULTIPLE CRISES

Trade unions were involved in measures to mitigate the effects of the Covid-19 pandemic. These included a tripartite memorandum of understanding with workers and employers, to protect jobs and help retrenched workers back into employment during the recovery.

Since coming to office in 2022, the Kenya Kwanza government has introduced new taxes in order to tackle Kenya's high level of national debt. However, opposition from trade unions and public protests have recently led to some of these proposed taxes being scrapped, to protect Kenyans from the increasing cost of living.

Trade unions have not been involved in developing measures to face the food, energy and climate crises, however. They have been advocating for changes in acts of parliament to allow trade union representation on strategic energy and climate boards, for instance, Energy and Petroleum Regulatory Authority (EPRA) and the National Climate Change Council (NCCC).

Dialogue with social partners is focused on SDG 8, primarily through the development and implementation of the Decent Work Country Program under the Ministry of Labour and Social Protection.

ARE TRADE UNIONS AT THE TABLE?

Article 43 of the Kenyan Constitution on Economic and Social Rights states that the government must ensure its policies and development plans promote SDGs. The Kenyan government implements the 2030 Agenda through its Vision 2030 strategy, rolled out in five-year Medium-Term Plans (MTPs). The MTP "Bottom Up Economic Transformation Agenda for Inclusive Growth" (BETA), together with the County Integrated Plan, cover the period 2023-2027. The State Department for Economic Planning under the Treasury is responsible for coordinating implementation and monitoring of the SDGs.

Following elections in 2022, Kenya's new government has created new state departments and provided resources to implement the SDGs. Kenya has also

recently signed new trade agreements with the EU and US, in which the SDGs have been given prominence. However, trade unions report a reality of insufficient budgets for government ministries to achieve the Goals, partly driven by increased debt servicing costs. Reporting on SDGs is inadequate, particularly given recent changes in the coordinating ministries.

There is a multi-stakeholder platform, the SDGs Kenya Forum, that includes civil society organisations but not trade unions. Trade unions are therefore not consulted by the government during the preparation of the UN Voluntary National Review. They are making efforts to meet with the UN Resident Coordinator.

TRANSPARENCY



Irregular access to limited information

CONSULTATION



Informal or ad hoc consultation

SOCIAL DIALOGUE



No involvement of social partners



IS THE (DECENT) WORK GETTING DONE?

Kenya's human development index (HDI) has increased to a medium level of 0.6, however serious challenges remain to meet **target 1.1 (eradicate extreme poverty)**: 36.1 per cent of the population lived below the international poverty line of USD 2.15/day in 2021, and 26 per cent of the population were deemed working poor in 2023. The proportion of the population covered by **social protection systems (target 1.3)** remains low: only 7.2 per cent of the population were covered by at least one benefit in 2021. However, in 2023–24, Kenya revised its National Social Protection Policy, introduced a new Social Protection Bill, and significantly increased affirmative action funding. Spending on **essential services (target 1.a.2)**, including health, education, social protection, and water and sanitation, was 23.6 per cent of the total national budget in 2022–23, representing only 6.06 per cent of GDP.

On **gender equality**, more work is to be done. Kenya's first-ever Time Use Survey in 2023 showed that that, on average, women spend approximately five hours a day on **unpaid care and domestic work (target 5.4)** while men spend only one hour. On **target 5.5 (women's full and effective participation)**, women held 49.6 per cent of managerial positions in 2019 and 23.3 per cent of parliamentary seats in 2023. A recent (2023) assessment of **gender budgeting** in public finance management reported poor performance.

With regard to **target 8.3 (support decent job creation)**, 86.5 per cent of all jobs were deemed informal in 2019, and 60 per cent deemed vulnerable in 2022. There is still progress to be made in achieving **target 8.5 (full and productive employment and decent work for all)**. Females are more likely to be unemployed and underpaid than men. The **proportion of youth not in employment, education or training (target 8.6)** was 18.7 per cent (25 per cent of females versus 12.2 per cent of males) in 2021. Kenya still faces challenges

to meet **target 8.7 (eradicate forced labour and the worst forms of child labour)**. Despite initiatives including the Children's Act 2022 and more worksite inspections, the ILO reports that child labour and trafficking continue to be significant problems. **Target 8.8 (protect labour rights and promote safe and secure working environments for all workers)** is still far off being met. Kenya scored 4.38 (10 being the worst) for reported labour rights violations in 2020. According to government figures, there were 6979 occupational accidents and 380 fatalities in 2023. There is a shortage of labour inspectors, despite recruitment efforts. Kenya has ratified ILO Convention 98 on collective bargaining, but not Convention 87 on freedom of association.

Kenya has high levels of inequality and is not on track to meet **target 10.4 (progressively achieve greater equality)**: labour income share of GDP fell to 36 per cent in 2021, with 31.8 per cent of overall GDP held by the top 10 per cent of income earners compared to only 7.2 per cent of GDP held by the bottom 20 per cent. Kenya has established minimum wage councils which are yet to be operationalised. Social partners are involved in migration policy development in Kenya under **target 10.7 (migration and mobility)**.

Trade unions report ongoing efforts to be involved in national and sectoral dialogues to achieve a Just Transition under **target 13.2 (integrate climate change measures into policies)**.

More progress is needed on **target 16.10 (protect fundamental freedoms)**. In 2024 Kenya was reported as having systematic violations of rights.

TRADE UNION ASKS TO LEAVE NO ONE BEHIND

Trade unions call on the Kenyan government to:

- Involve trade unions more closely in SDG implementation.
- Ensure that devolution to counties works more effectively and that better data gathering and reporting take place.
- Increase budgets to key ministries delivering on the SDGs, including Labour, Health, Climate, and Devolution.
- Support job creation with greater investment in TVETS and involving trade unions in policy discussions and reviews on employment.
- On social protection, increase coverage and public confidence in the National Social Security Fund.
- Strengthen the Ministry of Labour's capacity to ensure compliance with the minimum wage law.
- Enforce existing labour rights laws by ensuring the Ministry of Labour has sufficient human resources and budget.
- Promote social dialogue by investing in the National Labour Board.



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