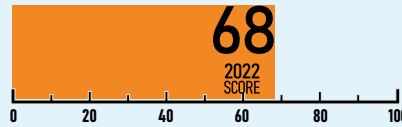




Kenya



65.5 2020 SCORE

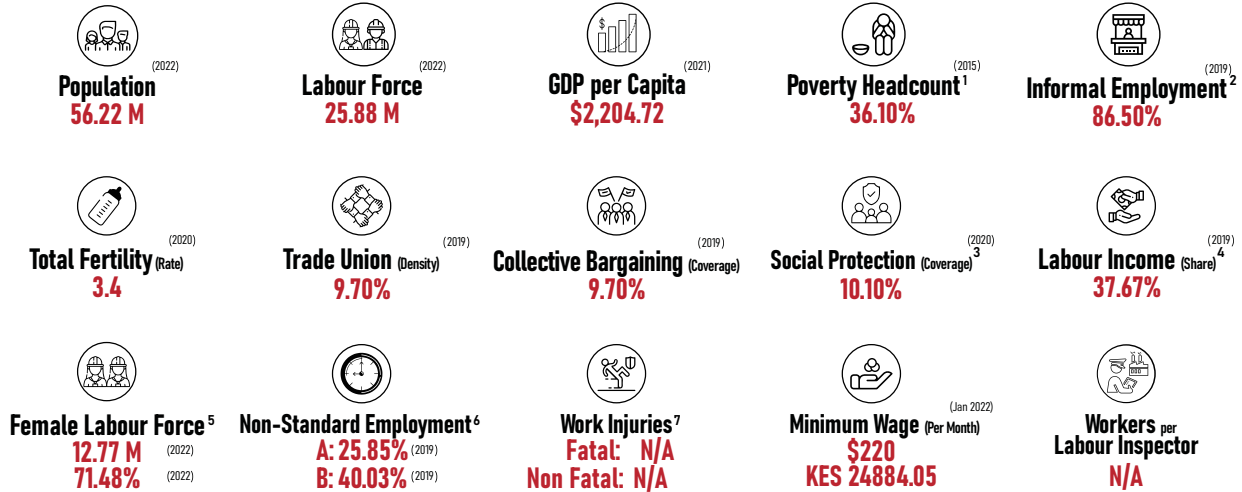
Sub-Saharan Africa

Lower-middle income

Limited Access to Decent Work

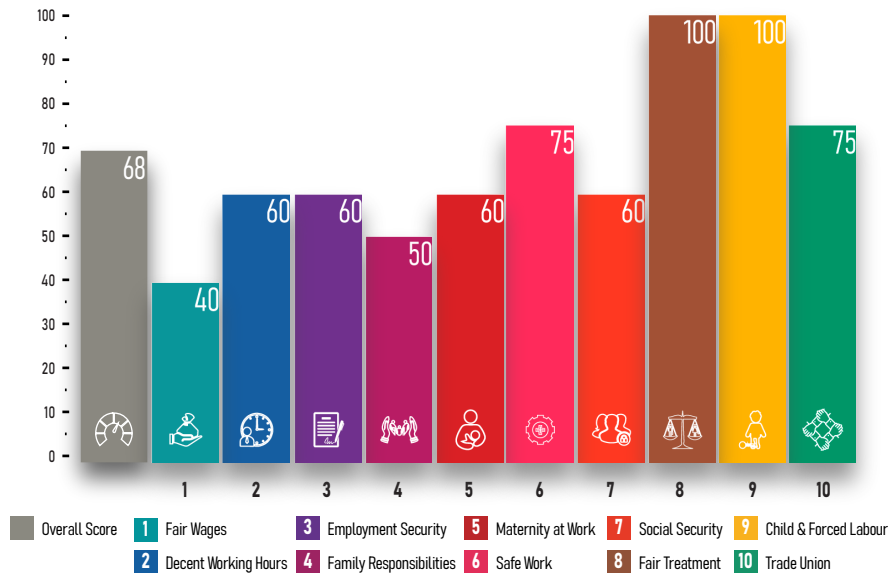


Contextual Indicators



Sources: World Bank
International Labour Organization
WageIndicator Minimum Wages and Living Wages Database
M = Million

Legislative Performance Indicators



Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

Kenya's overall score is 66 out of 100. The overall score for Kenya is higher than the regional average observed across Sub-Saharan Africa (64.4). Within the Sub-Saharan Africa region, the highest score is observed for Guinea (80.5).

¹ Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

² Share of informal employment in total employment (%), as measured under SDG 8.3.1

³ Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

⁴ Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

⁵ The female labour force is shown in absolute number along with the female labour force participation rate

⁶ Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

⁷ Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

LABOUR RIGHTS INDEX 2022

	Question ⁹	Answer	Legal Basis	Trend ¹²
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	No	§17(10) of the Employment Act 2007; §43-47 of the Labour Institutions Act 2007	●
	Does the law require regular payment of wages?	Yes	§2, 17-21 of the Employment Act 2007; §50 of the Labour Institutions Act, 2007	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	§6(2) of the Regulation of Wages (General) Order 1982	●
	Does the law require additional compensation for working on a weekly rest day?	No	§6 (1b) of the Regulation of Wages (General) Order 1982	●
	Does the law require additional compensation for night work?	No	§5-6 of the Regulation of Wages (General) Order, 1982	●
2. Decent Working hours	Does the law stipulate general working hours as 48 hours or lower?	No	§5-6 of the Regulation of Wages (General) Order 1982; §27 of the Employment Act 2007	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	No	§6(3) of the Regulation of Wages (General) Order 1982	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§27(2) of Employment Act 2007; §6-7 of the Regulation of Wages (General) Order 1982	●
	Does the law require paid public holidays?	Yes	§9(3) of Constitution of Kenya 2010; §8 of the Regulation of Wages (General) Order 1982; Public Holidays Act 1984	●
	Does the law require at least three working weeks of paid annual leave?	Yes	§ 28 of the Employment Act 2007; §9 of the Regulation of Wages (General) Order 1982	●
3. Employment Security	Does the law require written employment contracts or at least written employment particulars?	Yes	§9-10 of the Employment Act 2007	●
	Does the law restrict the hiring of fixed-term contract workers?	No	No applicable legal provisions could be located	●
	Does the law limit the length of probation period including renewals to a maximum of 3 months?	No	§ 2 & 42 of the Employment Act, 2007	●
	Does the law require a 30-day notice before contract termination?	Yes	§ 35-36 & 43-51 of the Employment Act 2007	●
	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	Yes	§ 35(5,6), 40(1g) of the Employment Act 2007	●
4. Family Responsibilities	Does the law require parental leave for parents?	No	No applicable legal provisions could be located	●
	Does the law require at least one week of paid paternity leave for fathers?	Yes	§ 29(8) of the Employment Act 2007	●
	Does the law require flexible work arrangements for workers with family responsibilities?	No	No applicable legal provisions could be located	●
	Does the law require paid nursing breaks?	Yes	§ 71 of the Health Act, 2017	●
	Does the law prohibit inquiring about pregnancy during recruitment?	Yes	§5(3) of the Employment Act 2007	●
5. Maternity at Work	Does the law require paid maternity leave of at least 14 weeks?	No	§29 of the Employment Act 2007	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	Yes	§29(1) of the Employment Act, 2007	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	No	§29(1) of the Employment Act, 2007	●
	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§ 46 of the Employment Act 2007	●
	Does the law require provision of free personal protective equipment to workers from employer?	Yes	§101 & 102 of the Occupational Safety and Health Act 2007	●
6. Safe Work	Does the law require the employer to train workers on health and safety issues?	Yes	§99 of the Occupational Safety and Health Act 2007	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	No	No applicable legal provisions could be located	●
	Does the law provide for employment injury benefit?	Yes	§10 & 28-37 of the Work Injury Benefits Act 2007; ISSA Country Profile for Kenya	●
	Does the law provide for an old age pension?	Yes	§36 of the National Social Security Fund Act 2013; Retirement Benefits Act 1997	●
	Does the law provide for a dependants/survivors' pension?	Yes	§37 & 40 of the National Social Security Fund Act 2013	●
7. Social Security	Does the law provide for unemployment benefit?	No	National Employment Authority Act 2016; ISSA Country Profile for Kenya	●
	Does the law require paid sick leave for the first 6 months of sickness?	No	§30 of the Employment Act 2007; ISSA Country Profile for Kenya	●
	Does the law provide for invalidity benefit?	Yes	§38 of the National Social Security Fund Act 2013	●
	Does the law require equal remuneration for work of equal value?	Yes	§ 27 & 41 of the Constitution of Kenya 2010; §5(5 & 6) of the Employment Act 2007	●
	Does the law prohibit sexual harassment in employment?	Yes	§6 of the Employment Act 2007; §28 of the Sexual Offences Act 2006	●
8. Fair Treatment	Does the law prohibit discrimination in employment matters? ¹⁰	Yes	§27 & 32(3) of the Constitution of Kenya 2010; §5(3) of the Employment Act 2007	●
	Does the law allow women to do the same jobs as men?	Yes	No restrictive legal provisions could be located	●
	Does the law guarantee basic labour protections for gig economy workers?	Yes	National Social Security Fund Act 2013; ISSA Country Profile for Kenya	●
	Does the law prohibit employment of children?	Yes	§56, Employment Act, 2007; §7, Children Act 2001; Rule 12, Employment (General) Rules, 2014	●
	Does the law set employment entry age equal to or higher than the compulsory schooling age?	Yes	§28 and 30 of the Basic Education Act, 2013	●
9. Child and Forced Labour	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	§2, 53-64, Employment Act 2007; §2 & 10 (1), Children Act 2001	●
	Does the law prohibit forced labour?	Yes	§2, 4 & 53, Employment Act 2007; §174 and 254-266, Penal Code, 2009; §13.1, Children Act, 2001	●
	Does the law allow workers to form and join unions of their own choice?	Yes	§41, Constitution of Kenya 2010; §4-14, Labour Relation Act, 2007	●
10. Trade Union	Does the law allow workers to bargain collectively with employers through their representative unions?	Yes	§41, Constitution 2010; § 54-61, Labour Relation Act 2007	●
	Does the law provide for the right to strike?	No	§41, Constitution 2010; §76-81 & fourth schedule, Labour Relation Act 2007	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	Yes	§79(3) of the Labour Relation Act 2007	●

Covid 19 and Labour Market in Kenya*

Total Covid Cases	0.34 Million
Total Covid Deaths	5,668
Partial Vaccinated	24.0%
Fully Vaccinated	18.0%

Wage Subsidies	⊗
Social Security Contributions (deferrals/waivers)	⊗
Paid Sick Leave	⊗
Add. Unemployment Benefits	⊗

Protection from Dismissals	⊗
Telework/flexible work	●
Improved Health Access	⊗
Training (activation measures)	⊗

⁹ The Index has 10 indicators and 46 evaluation criteria or questions.

¹⁰ The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

¹¹ A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). The score of Kenya on SDG 8.8.2 is 2.51 (2020)

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

¹² In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change