



**Republic of Kenya**

**Kenya Labour Migration: Trends, Challenges, Management  
and Potential Areas for Cooperation**

**By**

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**Hon. Ministers**

**Distinguished Guests**

**Ladies and Gentlemen**

I take this opportunity to present highlights of the Kenyan labour migration trends, labour management initiatives undertaken, challenges and potential areas for cooperation within the region.

## **Introduction**

Kenya has a population of 47.6 million people; 49.5% male and 50.5% female. Unemployment rate is at 7.4% with about 85 per cent of the unemployed below 35 years.

Unemployment and underemployment remain major development challenge in the country mainly due to rapid population growth, low economic growth as well as the structural rigidities within the labour

market. Because of these and many other challenges, Kenyans are increasingly seeking employment opportunities beyond the borders.

## **LABOUR MIGRATION OVERVIEW**

The high levels of unemployment and the socio-economic and environmental conditions within the country are the key push factors for migration. The pull factors include the opportunities for a better life namely; higher salaries, better quality of education and health care in the countries of destination. Given the increasing number of migrants, and considering this trend may persist in the foreseeable future, the management of safe, orderly and regular migration has unavoidably become one of the critical challenges that Kenya and the region must address.

Kenyans are present in most regions of the world, including Asia, the Middle East, Latin America and the Caribbean, and Oceania. Lately, there is an increasing number of Kenyan professionals migrating to Canada and Australia. There are 29,448 Kenyan migrant workers who have been cleared to work in Saudi Arabia as homecare managers between March 2019 and January 2020.

Kenyan migrant workers contribute significantly to the socio-economic development of the country in terms of skills, expertise and transfer of knowledge upon return. For instance, monthly remittances inflows in 2019 averaged KShs. 23 Billion Shillings (about US\$ 228.14 million).

# **LABOUR MIGRATION MANAGEMENT REFORMS**

## **1. Legal and policy framework**

### **1.1. International Agreements**

Kenya has ratified and domesticated ILO Convention No. 143 on Migrant Workers, and Convention 97 on Migration for Employment. In addition, the country is a signatory to the East African Community Common Market Protocol and is also guided by the Inter-Governmental Authority on Development (IGAD) Revised Regional Migration Policy Framework.

In order to enhance protection of Kenyan Migrant Workers, the country has signed three (3) Bilateral Labour Agreements (BLA); with the Kingdom of Saudi Arabia, State of Qatar and the United Arab Emirates

(UAE). Kenya has also initiated negotiations towards Bilateral Labour Agreements with Jordan, Kuwait, Oman and Bahrain. The aim is to conclude agreements with all key destination countries for Kenyan workers.

## **1.2. Policy on Labour Migration**

Kenya's policy frameworks governing labour migration include: National Diaspora Policy; National Employment Policy and Strategy for Kenya; and Foreign Policy. However, Labour Migration issues are fragmented in various policy documents and implemented by different agencies. This has resulted in uncoordinated implementation of the policies. The Government is therefore developing a comprehensive National Labour Migration policy to provide coordinated policy framework for

implementation of programmes on labour migration and to reinforce other existing policies.

### **1.3 National Legal Framework**

The Constitution of Kenya advocates for decent work, promotes freely chosen productive employment, fundamental rights at work, adequate income from work, representation and social protection for workers. Other legal frameworks on labour migration in Kenya include: Immigration and Citizenship Act, 2011; Counter-Trafficking in Persons Act, 2010; National Employment Authority Act, 2016; the Employment Act, 2007; and the Labour Institutions Act, 2007. The major challenge is the enforcement of the existing legislation and lack of a comprehensive legal framework for labour migration. The Government is finalizing the

Labour Migration Management Bill to reinforce the legal framework on labour migration management.

## **2. Institutional Framework and Systems on Labour Migration**

### **2.1. Agencies dealing with labour migration**

Kenyan labour migration issues are handled by multiple agencies including: Ministry of Labour and Social Protection; National Employment Authority (NEA); Directorate of Immigration; and the Ministry of Foreign Affairs. The fragmented and uncoordinated administration of labour migration coupled with inadequate resources

inhibits effective synergy and coordination of labour migration management and implementation of programmes.

Kenya has established 3 Labour Attachés; in Saudi Arabia, Qatar and United Arab Emirates. The Attachés are mandated to handle issues regarding the welfare of Kenyan migrant workers, identification of employment opportunities, monitoring the implementation of labour agreements, among others.

## **2.2. Pre-departure Training and Orientation**

Kenya developed and launched a Curriculum on Homecare Management in 2018 with special focus on Pre-Departure Training. In addition, country-specific Information Handbooks and a website have been

developed to reinforce pre-departure training. These initiatives have been useful in providing basic information to potential and departing migrants to ease their transition into the countries of destination and help them maximize the benefits of their overseas employment.

### **2.3. Labour Market Information for Kenyan migrant workers**

Kenya lacks reliable, accurate and timely labour market information on its migrant workers. To address this, an information system will be developed that will be useful in projecting labour demand in identified countries, developing skills development programmes to meet foreign labour market demand, dissemination of information on Kenyan migrant workers and estimating and projecting remittances. The

Government has embraced an electronic platform (MUSANED<sup>1</sup>) for facilitating the contracting of domestic workers to Saudi Arabia. The system has increased transparency, reduced recruitment costs by eliminating intermediaries and enhanced provision of information.

#### **2.4. Promotion of Fair Recruitment of labour migrants**

Kenya has a high number of private employment agencies, which has given rise to unethical practices due to high competition for clients. To address this challenge, an elaborate mechanism for vetting the agencies has been established, and regulations to guide their operations have been developed. In addition, the agencies have been encouraged to form

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<sup>1</sup> Online system used by the Saudi government to register and manage domestic workers.

associations for self-regulation, and an updated list of licensed agencies is publicized in the National Employment Authority website.

### **3. Protection of migrant workers' rights**

Migrant workers at times sign contracts with local recruiting agents before departure but upon arrival in the country of destination, they are forced to sign new contracts drawn in foreign languages they do not comprehend which leaves them vulnerable to exploitation. To address this, the Government is negotiating Bilateral Labour Agreements with key destination countries to ensure use of standard contracts for all migrant workers.

#### **4. Human trafficking and smuggling**

Kenya, like other states in the region is perceived to be a source, transit point and destination for persons being trafficked and smuggled into the country to provide cheap labour. To address this, Kenya acceded to the UN Protocol to Suppress and Punish Trafficking Persons, Especially women and Children in 2005. This supplemented the United Nations Convention against Transnational Organized Crime. The UN Protocol was then domesticated through the Counter Trafficking in Persons Act, 2010.

## **5. Transferability and portability of social security benefits**

Kenya has no bilateral, regional or multilateral agreement to facilitate the transferability and portability of social security benefits among partner states. Whereas there are elaborate social security schemes providing protection to workers within member state countries, the benefits cannot be transferred in any other Member State.

This calls for the need to finalize the draft Social Security Portability Bill of the EAC Common Market Protocol to provide for portability of social security benefits within the region.

## **KEY AREAS OF CO-OPERATION**

1. Establishing more effective governance of labour markets through harmonized labour policies and strengthened human rights protection for all migrant workers
2. Promotion, conclusion and application of bilateral and multilateral coordination frameworks and agreements to ensure organization of migration for employment and portability of social security rights and benefits of migrant workers.
3. Coordination and sharing of information and intelligence to crack down on smuggling and trafficking network and capacity building

of institutions involved in anti-smuggling and anti-trafficking initiatives.

4. Establishment and strengthening the capacity of law enforcement agencies to identify victims of trafficking as well as setting up referral mechanisms (including reception centers) in collaboration with various non-state actors.
5. Development of labour market information systems that adequately recognize labour market needs and inform the formulation, implementation and evaluation of labour migration policy.

6. Continuous collection of labour market data, and development and maintenance of an active Skills Inventory that is accessible to all stakeholders
7. Undertaking research on global demands for labour through agencies concerned with industrial and other skill-based training.
8. Development, implementation, continuous review and improvement of pre-departure training in order to equip prospective migrant workers with requisite skills, knowledge and attitude to enable them cope with challenges in the host country.
9. Development and implementation of return and re-integration programmes for returning migrants.

10. Development and adoption of a system to grade and certify semi-skilled and unskilled workers for their experience where they have not acquired certificates during period of service abroad.
11. Harmonization of registration and regulation of Private Employment Agencies and sharing of information on the registered agencies as well as formation of regional associations to enhance self regulation among the Private Employment Agencies.

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