

**STATE DEPARTMENT FOR GENDER AND AFFIRMATIVE ACTION**

**PRESENTATION ON NATIONAL CARE POLICY**

**AT THE CARE TWG CONSULTATIVE SESSION**

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# Presentation Outline

- ◆ Introduction
- ◆ Policy Goal and Objectives
- ◆ Rationale of the Policy
- ◆ Legal and policy framework
- ◆ Policy Development Approach
- ◆ Situation analysis
- ◆ Priority Actions



# Introduction

- ◆ Care work is a major pillar of the socio-economic system.
- ◆ According to ILO, care work, both paid and unpaid, is crucial to the future of decent work.
- ◆ Unpaid care work and paid care work influence each other and perpetuates gender inequalities in paid work outside the care economy.
- ◆ No substantive progress can be made in achieving gender equality in the labour market unless inequalities in unpaid care work are tackled.



# Policy Goal and Objectives

## Policy Goal

◆ To promote gender equality through establishment of a care system that supports the well-being and dignity of all Kenyans, recognizes and rewards care work.

## Policy Objectives

- Recognize and value unpaid care work;
- Redistribute and reduce care work to achieve gender empowerment of women and girls;
- Promote reward and representation of paid care workers; and
- Promote provision of public care systems.

# Rationale of the Policy

- The Kenya Constitution explicitly provides for shared responsibility of both parents to care for their children (article 53), article 57 provides for care of the older members of the society (both by the family and the state), Article 43, provides for rights to the highest standards of healthcare services, including reproductive health care. Article 41 provides for the rights by workers to fair labour practices, fair remuneration as well as reasonable working conditions
- Unpaid care work is articulated **in the Sustainable Development Goals (SDG 5 Target 5.4.1)** which Commits member states to recognize unpaid care and domestic work through provision of policies, infrastructures and social protection policies.



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- The policy is informed by the **Kenya National Care Needs Assessment Report of 2022 by UN Women** and **the Kenya Time Use Survey of 2021 by KNBS**.
- **Care sectors contributed 6.8 percent to GDP at current prices in 2021(KNBS, 2022)**
- Women spend **3 hours 36 minutes more** on unpaid care work than men **(KNBS, 2021)**
- Working Women **spend 3 hours 18 minutes per day** on unpaid care and domestic work than working men**(KNBS, 2021)**



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- ◆ Men spend **2 hours 36 minutes more** on **System of National Accounts**(SNA) productive activities compared to women
- ◆ Women **spend about 3 hours 42 minutes more** on **Non-SNA productive activities** compared to men
- ◆ The System of National Accounts (SNA) is **the internationally agreed standard set of recommendations on how to compile measures of economic activity**



# Legal and Policy Framework

- ◆ **The Kenya Constitution Article 41** specifically provides for labour relations - fair labour practices, fair remuneration as well as reasonable working conditions
- ◆ **The Kenya Vision 2030 - MTPIV (2023 – 2027)** prioritized the development of the National Care Policy which will promote recognition and valuation of unpaid care work
- ◆ **Transformation Agenda (BETA, 2022 – 2027)** promoting through establishment of a care system
- ◆ **The Kenya Women's Economic Empowerment Strate** among other National policies and legislations



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- ◆ **The Universal Declaration of Human Rights (1948)** right to an adequate standard of living and the right to social security
- ◆ **Beijing Declaration and Platform for Action (1995)** stresses the importance of unpaid work, aims to support policies focused on unpaid care
- ◆ **SDG 5 (target 5.4)**, aims at recognizing and valuing unpaid care work. Achievement of gender equality is cross-cutting and inseparable from the rest of the Agenda's 17 goals.
- ◆ **The ILO conventions 100, 102, 156, 183, 189 & 190** reaffirm the right to social security for all women and men; and promote community services, public services, such as childcare and family assistance services and facilities; and benefits



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- ◆ Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).
- ◆ Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol)
- ◆ African Union Agenda 2063
- ◆ Convention on the Rights of the Child - CRC (1989)
- ◆ Convention on the Rights of Persons with Disabilities (2006)

# POLICY DEVELOPMENT APPROACH



- ◆ Policy development involved **a consultative and participatory approach** that involved various stakeholders including the public sector, private sector, academic and research institutions, civil society organizations, Non-Governmental Organizations (NGOs) and development partners.

# 1. SITUATIONAL ANALYSIS



# SITUATIONAL ANALYSIS

**1. Measurement of unpaid care work** – The Kenya Time Use Survey, conducted by the KNBS in 2021, highlighted dynamics of unpaid care work and its gender disparities within the country

- Kenya does not periodically measure unpaid care work and has not included unpaid care work in its national accounts.

**2. Employment and Labour Policies/Regulations** -Employment governed by the general law of contract, as much as by common law



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- Employment Act (Cap. 226) and the Regulation of Wages and Conditions of Employment Act (Cap. 229) make rules governing wages, leave and rest, health and safety, the special position of children and women; and termination of employment
- The efficacy in addressing caregivers' needs remains limited. Regulations regarding working hours, leave entitlements, and workplace short in accommodating the unique challenges faced by care women, in terms of flexibility and support



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- ◆ Employment and Labour Policies/Regulations i.e labour rights of care workers; limited regulation of hiring of care workers by agencies; lack of quantification, recognition, and reward of unpaid care work at the household level and limited skills to undertake quality care work.

**3. Social Protection** – Social protection is crucial for workers and their families, providing family benefits, health care and provides income security in the event of contingencies as sickness, unemployment, old age, disability, maternity, loss of the breadwinner and social assistance programs.



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- ◆ Limited social protection coverage for the elderly, PWDs and their caregivers; inadequate amount of cash transfer to address the needs of the recipients, among others

**4. Child Care** - The Kenya Time Use Survey reveals that women in households with one or more children below 6 years spend more than seven times on non-SNA activities than men in similar households. Women spend 9 times more time on childcare and instruction activities than men (KNBS, 2021).



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- ◆ Childcare is often under-reported, Care services for under four (4) year-olds would ensure women stay and re-enter employment; day care centres are staffed by informal care workers with high children-care worker ratio which ranges from 8:1 to 32:1
- ◆ Day care centers are mostly private, largely serve the under (4) year-olds not taken care of by the ECDE centres
- ◆ There is absence of public sector provision of childcare for (4) year-olds, these services remain unpaid care service in households or the community, and are largely informal



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- lack of a national legal framework to guide the establishment and operations of childcare centers; Inadequate awareness and understanding on the need of having childcare centers within communities; inadequate support in childcare centers to offer services for proper growth of the children; untrained workforce for childcare centers among others.

**5. Health care** – Article 43(1) of the Constitution of Kenya provides for the right to health and healthcare. Health care services include preventive, curative, and palliative services. In Kenya, about 800,000 citizens are in need of health services every year. Only about 14,552 (1.8 percent) of these citizens are currently receiving services, and among children less than 5 percent of pediatric services are accessible (MOH, 2021).



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- ◆ Long-term care is provided at home by informal caregivers including family and friends, this is similar to persons with disabilities, including palliative care for those with terminal illness
- ◆ Research on informal healthcare in Kenya is scanty
- ◆ In Kenya, Community Health Promoters (CHPs) have been recognized as an important category of health workers. The CHPs however are number to serve the community at the prescribed ratios



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- ◆ As defined by WHO (2015), "long-term care systems enable older people experiencing significant loss of capacity to receive the care and support of others consistent with their basic rights, fundamental freedoms, and human dignity."
- ◆ Perception of caregivers as mere mediators and not experts in their role as caregivers; insufficient remuneration and the multiple trajectories of persistent gender discrimination; inadequate measures to reduce the impact of unpaid health care work on labor force participation among



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**6. Social and Cultural Norms** - Despite urbanization, Kenya remains highly patriarchal. More women have entered the workforce and are still faced with the responsibility of providing domestic care work. Discriminatory social norms support gender inequalities in unpaid care work; persistent gender gaps in labour force participation among others. Addressing these barriers requires multifaceted approaches, including policy changes, cultural shifts, and educational initiatives aimed at promoting gender equality in all spheres of life

**7. Care for Elderly persons** – The Kenya 2019 census indicates aged 65+ represented 9.8% of total population. They have gaps in health-care services and domestic help. Women are likely to become a widow may increase vulnerabilities



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- Older women in need of care themselves continue to provide care to others in the family such as elderly husband, young children and family members with disabilities which significantly impacts on their mental and physical health and financial well-being.
- The Government of Kenya has the cash transfer program, among others but this doesn't take care of the care giver.
- Inadequate support facilities for elderly care at county and district levels lead to increased cases of stigmatization of the aging and elderly



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**8. Care for Persons with Disability** – Healthcare issues for PWDs are addressed under Article 25 of the Convention on the Rights of Persons with Disabilities (CRPD). It stipulates that States Parties recognize the right of persons with disabilities to enjoy the highest attainable standard of health without discrimination based on disability.

- ◆ PWDs continue to encounter barriers while accessing healthcare. Challenges include skills and knowledge of healthcare workers, challenges faced by caregivers, including issues of remuneration and psychological need to be considered.
- ◆ Inadequate compliance with the law in terms of equalization for persons with disability to cater for care responsibilities, compliance and enforcement on friendly PWD public infrastructure, and others



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**9. Care support infrastructure** – Inadequate access to safe water and sanitation; safe and renewable energy ; inadequate supply and connection to electricity and inadequate access to time and labour-saving technologies.

- Gender-responsive infrastructure is pivotal for fostering equitable opportunities across communities. Health infrastructure plays a pivotal role in ensuring access to essential health services for women and girls. Lack of health facilities and absence of inclusive environments increase the burden of disease, leading to preventable deaths and compromised health outcomes during health crises



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**10. Domestic work/services** – Domestic work constitutes a cornerstone of caregiving within Kenyan households. However, the sector predominantly operates informally which exposes domestic workers to exploitation, with low wages and poor working conditions. Women bear a disproportionate burden of both unpaid care work within families and formal employment in domestic work. There are inadequate measures to ensure they are covered by social security services.

- ◆ unpaid and paid domestic work is not captured in the sy accounts; unpaid and paid domestic work is primarily under and girls and inadequate measures to enhance the uptake measures for domestic workers

## 2. PROPOSED POLICY ACTIONS



# 1. Measurement of unpaid care work

The government of Kenya is committed to addressing significant gender disparities on time spent in unpaid care work to achieve gender equality and inclusive economic growth.

The specific actions include:

- ◆ Integrate unpaid care work into National Accounts to accurately reflect its economic value;
- ◆ Undertake regular time use surveys to monitor changes in care
- ◆ Undertake continuous research on unpaid care work



## 2. Employment policies and regulations

The Government is committed to promote family friendly employment policies and regulations that recognize and seek to reduce the additional responsibility of care work on women and men.

The specific actions include:

- ◆ Strengthen implementation of labour laws by creating awareness
- ◆ Develop and implement bilateral labour agreements for workers;
- ◆ Establish a social welfare fund for Kenyan Women workers to provide a safety net for distressed diaspora citizens; and
- ◆ Develop and implement work friendly policies that promote flexible working hours and guarantees paid maternity and paternity leave.



### 3. Social Protection

The government is committed to improving livelihoods and reducing vulnerabilities of those in need of care that include children, the elderly, persons with disability, and the sick.

The specific actions include:

- ◆ Initiate care friendly and gender responsive social protection systems and policies including at places of work;
- ◆ Upgrade the Management Information System for so beneficiaries to obtain real time data;



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- ◆ Develop a coordinated framework for social protection providers at National and County levels;
- ◆ Develop and implement a universal pension scheme for all care workers;
- ◆ Establish cash-for-care benefit systems as a way of recognizing and compensating care givers.



## 4. Child Care

The government is committed to ensure adequate care for children especially for those under 4 years who are not catered for in the existing early childhood development centres

The specific actions include:

- ◆ Develop legal frameworks and guidelines for creation and operation of childcare facilities at county level;
- ◆ Establish government sponsored childcare facilities for children in the counties;
- ◆ Promote and formalize registration, operations and monitoring of childcare facilities; and
- ◆ Develop curriculum and certification for training child caregivers



## 5. Health care

The government commits to provide access to quality and affordable health care to all including, palliative care.

The specific actions include:

- ◆ Establish and strengthen community driven palliative care services;
- ◆ Develop guidelines for the establishment and management of palliative care centres;
- ◆ Promote establishment of public rehabilitation centres community levels to address mental health needs for members of the society;



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- ◆ Promote and strengthen the structures to support care givers through community support/welfare groups;
- ◆ Promote specialized home-based care under the Social Health Insurance Fund (SHIF); and
- ◆ Promote wellness programmes for care givers to reduce stress and increase their job satisfaction.



## 6. Social and Cultural Norms

The Government is committed to address the socio-cultural beliefs and practices that guide the assignment of roles and responsibilities with regard to care work.

The specific actions include:

- ◆ Enhance advocacy campaigns to change community's attitude towards assignment of gender roles;
- ◆ Incorporate care work in school curriculum as a means of changing norms; and
- ◆ Conduct research on socio-cultural norms and care work.



## 7. Care for elderly persons

The Government of Kenya recognizes the invaluable contributions and inherent dignity of elderly persons and commits to promote their wellbeing, ensuring their rights, and providing them with adequate access to affordable quality care

The specific actions include:

- ◆ Establish an integrated and harmonized database to enhance registration of the elderly in need of care;
- ◆ Establish cash-for-care benefit systems as a way of rewarding and compensating caregivers of the elderly persons;



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- ◆ Establish and scale up community outreach programmes for the elderly persons;
- ◆ Promote public-private partnership in the establishment care homes for the elderly;
- ◆ Develop regulations and standards on the establishment and management of facilities for the elderly care; and
- ◆ Promote formation of support groups for the elderly persons.



## 8. Persons with Disabilities

The government of Kenya is committed to ensuring adequate access to affordable and quality care for persons with disabilities.

The specific actions include:

- ◆ Establish an integrated harmonized database to track the PWDs in need of care;
- ◆ Enhance provision of accessible social amenities and assistive enable care for the PWDs;



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- ◆ Scale up and strengthen community outreach programmes for PWDs;
- ◆ Develop a code of conduct for caregivers;
- ◆ Promote provision and uptake of disability-friendly information, communication and technology; and
- ◆ Enhance the skills of PWDs on activities of daily living to improve on their own care.



## 9. Support Infrastructure

The government commits to investment in the care economy through provision of gender responsive public services that would reduce the responsibility of unpaid care work.

The specific actions include:

- ◆ Identify national coverage gaps in care services, estimate the cost of public investments and track expenditures for eliminating these coverage gaps;
- ◆ Enhance access to care relevant social infrastructure such as hospitals, schools, places of worship, leisure facilities, markets and WASPs;
- ◆ Leverage on technology to improve care work; and
- ◆ Mainstream gender and disability in the development and infrastructure.

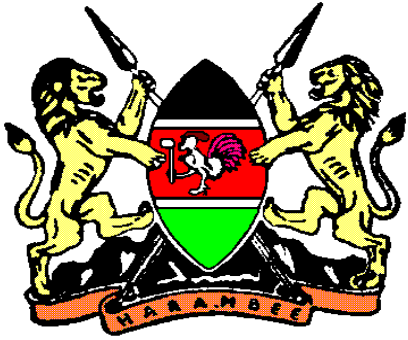


## 10. Domestic work

The government will ensure decent work for paid domestic workers and promote shared responsibility of unpaid domestic work.

The specific actions include:

- ◆ Develop an integrated database of domestic workers;
- ◆ Develop curriculum and certification for domestic care workers;
- ◆ Establish functional mechanisms for reporting, providing feedback and resolving grievances by domestic workers; and
- ◆ Enhance uptake of social security for domestic workers



# INSTITUTIONAL AND IMPLEMENTATION FRAMEWORK



The successful implementation of this policy will require adequate financial, human and technical resources. Resource mobilization strategies include;

- ◆ Budgetary allocation from the National Treasury;
- ◆ Partnerships through bilateral agreements and support by other international development and grants agencies;
- ◆ Partnerships with Faith based organizations, Civil society organizations, private sector and other funding agencies for specific projects;
- ◆ Fundraising activities.



**THE END**  
**ASANTE SANA**