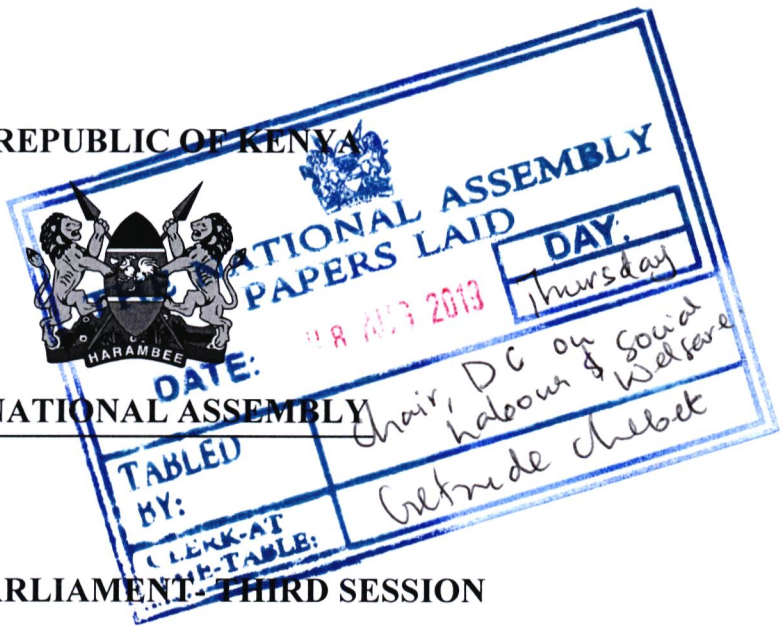


REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - THIRD SESSION

DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE

REPORT OF THE COMMITTEE'S VISIT TO RIYADH, SAUDI ARABIA
ON A FACT FINDING MISSION ON THE WELFARE OF MIGRANT
KENYAN WORKERS IN THE KINGDOM OF SAUDI ARABIA



FEBRUARY 27TH TO 3RD MARCH, 2019

Approved for Table
8/8/19
DSM

Directorate of Committee Services
Clerk's Chambers
National Assembly
NAIROBI

AUGUST 2019

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1.0 INTRODUCTION

1.1 Establishment and Mandate of the Committee

The Departmental Committee on Labor and Social Welfare is established in accordance with the provisions of Standing Order 216 of the National Assembly. Its mandate as provided for in Standing order 216(5) is to *inter-alia*:-

- i. Oversight over the day to day running and administration of Ministries, Departments and Agencies under its purview;*
- ii. Consider Estimates of the said Ministries, Departments and Agencies;*
- iii. Consider relevant legislation and recommend enactment of laws; and,*
- iv. Carry out vetting of State/Public Officers as required by law.*

The Committee is mandated to consider the following subjects:-

- i. Labor,
- ii. Labor relations,
- iii. Manpower or Human resource Planning,
- iv. Gender,
- v. Youth,
- vi. Social Welfare and Security,
- vii. Children`s Welfare,
- viii. And Persons Living With Disabilities.

1.2 Oversight

In executing its mandate, the Committee oversees the following government Ministries, departments and or agencies, namely:

- i. Ministry of Labour
- ii. The State Department for Social Security and services
- iii. The State Department for Gender
- iv. The State Department for Youth
- v. The State Department for Arid and Semi- Arid Lands

1.3 Committee Membership

- | | | |
|-----|--|----------------------------------|
| 1. | The Hon. Ali Wario, MP - Chairperson | Jubilee Party |
| 2. | The Hon. Joyce Korir, MP - Vice Chairperson | Jubilee Party |
| 3. | The Hon. Gladys Wanga, MP | Orange Democratic Movement Party |
| 4. | The Hon. Janet Marania Teyiaa, MP | Jubilee Party |
| 5. | The Hon. Janet Nangabo Wanyama, MP | Jubilee Party |
| 6. | The Hon. Ronald Kiprotich Tunoi, MP | Jubilee Party |
| 7. | The Hon. James Onyango Koyoo, MP | Orange Democratic Movement Party |
| 8. | The Hon. Rose Museo, MP | Wiper Democratic Party |
| 9. | The Hon. Alfred Kiptoo Keter, M.P | Jubilee Party |
| 10. | The Hon. Charles Kanyi Njagua, MP | Jubilee Party |
| 11. | The Hon. Catherine Wambilyanga, MP | Ford Kenya Party |
| 12. | The Hon. Fabian Kyule Muli, MP | Independent |
| 13. | The Hon. Ole Sankok David, MP | Nominated (Jubilee Party) |
| 14. | The Hon. Abdi Mude Ibrahim, MP | Jubilee Party |
| 15. | The Hon. Michael Mwangi Muchira, MP | Jubilee Party |
| 16. | The Hon. Safia Sheikh Adan, MP | Jubilee Party |
| 17. | The Hon. Tom Odege, MP | Orange Democratic Movement Party |
| 18. | The Hon. Wilson Sossion, MP | Nominated (O.D. M Party) |
| 19. | The Hon. Omboko Milemba, MP | Amani National Congress Party |

1.4 Committee Secretariat

- | | |
|------------------------------|---------------------|
| 1. First Clerk Assistant | Mr. Adan Gindicha |
| 2. Clerk Assistant | Mr. John Mugoma |
| 3. Senior Legal Counsel | Ms. Doreen Karani |
| 4. Research & Policy Analyst | Mr. Said Osman |
| 5. Fiscal Analyst | Ms. Amran Mursal |
| 6. Media Relations | Ms. Noelle Chelagat |

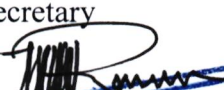
2.0 FOREWORD

Hon speaker,

It is my great pleasure to forward this report to the House for consideration. Unemployment remains one of the key challenges facing our country today. Indeed, unemployment especially among the youth has often been described as a ticking time bomb, with potentially negative repercussions for the nation. Every year, the country's training institutions at various levels continue to churn out millions of new entrants into the Labour market, who unfortunately cannot be absorbed. The country must find ways of addressing this challenge as a matter of priority. One of the ways of addressing this challenge Mr. Speaker, is to find suitable destinations for our excess labour. One key characteristic of our labour force is the flexibility and dynamism of the Kenyan workers which has seen millions of Kenyans securing jobs in all the continents of the world. The country can therefore leverage on this potential to export both skilled and unskilled labour to countries that have severe shortage of human resource. Mr. Speaker, Saudi Arabia is one such country, where much of the labour force is migrant.

It is based on this recognition that my Committee identified Saudi Arabia as its first destination in establishing the welfare of Kenyan workers in the Middle East in general. Close to 55000 Kenyans are working in the Kingdom. Majority of these workers are Domestic servants, though there are a number of professionals such as teachers and bankers. The concern of the Committee is the welfare and safety of the workers while ensuring Kenya competes favorably with other source countries such as India, Ethiopia, Sri Lanka, Sudan and Pakistan. The Committee on Labor and Social Welfare was represented during the visit by:

- 1) Hon Ali Wario, MP
- 2) Hon Ibrahim Mude, MP
- 3) Hon Omboko Milemba, MP
- 4) Mr. Adan Gindicha – Delegation Secretary


HON. ALI WARIO, CBS, MP
CHAIRPERSON

THE NATIONAL ASSEMBLY
PAPERS LAID

DATE: 08 AUG 2019 4 DAY.

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3.0 BACKGROUND TO THE VISIT

1. One of the key challenges the country has faced over the past decades is that of unemployment. However unemployment is not just a Kenyan challenge but a global challenge. International Labour Organization (ILO) in its 2018 report on Global Unemployment indicated that 192 million people worldwide remain out of work, translating to a global unemployment rate of 5.6 per cent.
2. Kenya's Unemployment, according to ILO stands at over 18.4 per cent, among the highest in the world. In comparison, the US unemployment rate was 3.6 per cent, Germany 3.1 per cent and the United Kingdom 3.8 per cent over the same period.
3. In Kenya the challenge is aggravated by the fact that about 1 million new entrants enter the Labour market annually. The youth remain the largest part of unemployed persons in the country constituting a huge potential for social and political conflict.
4. All key actors from the Government, the industry and training institutions have a collective duty to create opportunities that translate to meaningful participation of the youth in the development of their communities and nation.
5. The Committee recognizes the need for the country to explore foreign employment opportunities as a panacea to the challenge of unemployment that is currently facing the country.
6. The Committee fact finding visit had the following objectives:
 - i) To establish the welfare of Kenyan workers in the Kingdom of Saudi Arabia, in the face of widespread media reports of mistreatment and even deaths of Kenyans arising from their employment.
 - ii) To ascertain the implementation of the Bi-lateral Labour agreement between Kenya and the Kingdom of Saudi Arabia in order to participate in the promotion of the Kingdom as a destination country for migrant Kenyan workers.

7. To attain the stated objectives, the Committee held meetings with Kenya's Ambassador to Riyadh Amb. Peter Oginga Ogego; The Labour Attache, representatives of the Kenyan Migrant workers in Saudi Arabia and Saudi Ministry of Labour officials from Wednesday 27th February 2019 to Monday 4th March, 2019.

3.1 Committee findings

8. The Kingdom of Saudi Arabia hosts approximately eleven (11 No.) million foreigners as employees in various job categories. Out of the above figure, Kenya has approximately 55,000 migrant workers in the Kingdom, which translates to minimal percentage as compared to what other countries have exported to the Kingdom.

However, to accommodate 11million migrant workers, the Kingdom has undertaken various measures ranging from legal to social frameworks. These measures are meant to guarantee the welfare of migrant workers in the Kingdom.

9. Measures undertaken by the government of the Kingdom of Saudi Arabia to address the welfare of workers.

a) Wages

In an effort to address unpaid or delayed salaries, the Saudi Government through the Ministry of Labour and other State Authorities enacted legislation to control employers and employees in terms of wages. According to the provisions of labour laws currently, an employer must pay wages earned by an employee by 5th of the following month. Any Employer who fails to pay wages by 5th risks a fine of not less than Saudi Riyals (SAR) 5, 000 and being blocked from transacting any business including freezing his/her account. This is already being enforced. The wages to employees are fixed by Agents and their clients based on the ability of employer to pay far above the minimum wages fixed by the joint technical team whichever is greater.

The employer must open an account in the name of an employee to deposit wages before 5th of the following month and the same reflects at the Ministry of Labour through an automated system called MUSANED managed by the sameMinistry. The Kenyan mission will be granted access to the system to enable monitoring.

b) Employment Contracts

To address the numerous complaints of unscrupulous agents drafting fake contracts, The Ministry of Labour of the Kingdom has developed standard contracts through the MUSANED system for domestic workers which are observed by both employers and recruitment agents. On hiring an employee an employer must issue a copy of the contract to an employee otherwise he/she risk a fine not less than SAR 5,000. According to standard contracts, no employer can transfer an employee to work for another family member as the same is considered violation of the contract.

c) Work Permit/Iqama

The work permit is issued for five years renewed annually by the employer. This permit is only issued to employees who enter the Kingdom on contract. Employees who violate the contracts are deprived of their right to ownership of the work permit/Iqama. Such employees lose medical covers, right to rent housing facilities, free food, security and any other privileges that are enjoyed under contract. These employees are referred to as runaways or stateless illegal migrant workers. These types of employees in Saudi Arabia normally are exposed to all sorts of illegal activities and which are from time to time escalated in the social media. This group of employees is likely to fall into the hands of unscrupulous employers who are not monitored through the recognized MUSANED system and are the source of the negative publicity employment in the Middle East has received.

d) Hours of Work

The Saudi Labour laws require that Domestic workers are expected to work not more than 9 hours per day. Those working in hazardous areas are expected to work for 7 hours per day. This is in accordance with the provisions of Saudi labour laws under article 98, 99 and 100.

e) Annual Leave

Under article 109 of the Saudi labour laws a worker is entitled to a prepaid 21 working days leave in a year of not less than twelve months. Under article 110 of the Saudi labour laws a worker may with the approval of the employer postpone his annual leave to the following year thereof, but the employer cannot postpone for more than 90 days in aggregate. A

worker is entitled to accrue leave days' pay if not taken at the time of separation with the employer. This is in accordance with article 111 of the Saudi labour laws.

f). Rest and Off Days.

An employee is entitled to one rest day on Fridays every week with full pay. Any rest day worked is not compensated by cash, but by one other extra rest day. This is in accordance with article 104 of the Saudi labour laws.

g) Service Pay

A worker is entitled to half salary for every complete year during the first two years, but less than 5 years of service. Any employee who works for more than 5 years is entitled to one-month salary for every complete year of service. This is for employees who earn their salaries at the end of the month. This is in accordance with article 84 of the Saudi labour laws. For employees who earn their wages in a period less than one month, are entitled to one third of their wages for every complete year in a period less than five year of service, to two thirds of wages in a period more than five year but less than ten years of service and to full salary for a period more than ten year of service.

All terminal benefits are to be paid within a period less than two week from the date of separation. This is in accordance with article 85 of the Saudi labour laws. Please note that all the payments are calculated on the basis of the final wage rates paid to employees.

During termination, either party is expected to issue one month notice in writing or pay cash in lieu to the other party.

h) Other measures

In an effort to alleviate the challenges faced by workers who for one reason or the other terminate their contracts before censuring other jobs, the Kingdom of Saudi Arabia has set up newly constructed centres equipped with all house hold facilities, with labour, immigration and security offices. These centres are serving as call centres for domestic workers to make reports whenever their employers deny them their rights. Through these

centres, where disputes are concluded, and the employer is unable to settle, the Government pays an employee and is left to follow up with the employer who is temporarily blocked from transacting any business until the Government recovers its money.

Similarly, the Government established regional social offices to handle cases associated with adultery, prostitution and also follow up cases of unpaid salary, alcoholism and rape. These offices are of crucial importance since majority of the ladies are victims of the same offences. The centres also perform guiding and counselling. They similarly serve as deportation centres where if a female employee has no case with the employer can only stay for less than ten days to exit the Kingdom.

The other changes in Saudi labour laws, have been on employee personal documents. No employer should confiscate employee documents which include passport, Work permits (iqama) and mobile phones. The employer who confiscates such documents risks a fine not less than SAR 5,000.

4.0 COMMITTEE OBSERVATIONS


4.1) Kenyans have been finding their ways into the Kingdom of Saudi Arabia illegally. These Kenyans are being facilitated by either unregistered agents or are individual Kenyans who acquire visiting visas directly to Saudi Arabia, Qatar and Bahrain, but later on find themselves in the Saudi Arabia labour market. Such Kenyans, who go to Saudi outside the recognized channel for migrant labour often find themselves in the hands of unscrupulous agents and employers who subject them to untold suffering.

4.2) In line with the bilateral Labour agreement between Kenya and Saudi Arabia, several measures have been initiated to protect Kenyan workers from exploitation. These measures have been entrenched into Saudi Labour laws. They cover such key issues as wages, hours of work, employment contracts, termination of employment, confiscation of travel documents, work permits and mobile phones and labour dispute resolution mechanism.

4.3) there is great potential for labour export to Saudi Arabia. Saudi Arabia has a total of over 11 million foreign employees out of which only slightly over 50,000 are Kenyans. Other countries such as India, Pakistan, Sudan and Sri Lanka have over 600,000 workers in the Kingdom

4.4) opportunities in Saudi Arabia are not limited to just domestic workers. There are opportunities in teaching, medical field, drivers, artisans and hospitality.

4.5) A number of Kenyans in Saudi Arabia have suffered various forms of culture shock due to the huge difference in the social economic set up of the two countries. Some have not been able to fit into the strict social-cultural conditions associated with Islam.


8th Aug 2019

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5.0 COMMITTEE RECOMMENDATIONS

5.1 The Ministry of Labour and Social Protection and the National Employment Authority must ensure thorough vetting of employment agencies to ensure Kenyans travel to Saudi Arabia and other destinations through officially recognized channels. The immigration Department must be equally vigilant on movement of persons to these countries to ensure only Kenyans with *MUSANED* (an automated system through which the Saudi Ministry of Labour monitors compliance of employers of domestic workers with established employment practices) compliant employment contracts are permitted to travel.

5.2 The Ministry of Labour and Social Protection and that of Foreign Affairs must continuously monitor the implementation of the bilateral Labour agreement to ensure that the measures initiated to protect Kenyans working in Saudi Arabia are fully adhered to. The office of the Labour Attaché must be strengthened and allocated adequate resources in order to fully monitor employment trends in the Kingdom.


5.3 The National Employment Authority and the Directorate of Diaspora Affairs, Ministry of Foreign Affairs should embark on a rigorous campaign to market Saudi Arabia as an important destination country for foreign employment. The current notion that foreign workers in Saudi Arabia go through suffering need to be corrected and the citizens sensitized on the correct procedure of travel to Saudi Arabia.

5.4 The National Employment Authority should as a matter of priority seek for more opportunities, other than for domestic workers, in Saudi Arabia. The Authority should use the Labour attaché office to solicit for opportunities in conjunction with both Kenyan and Saudi Employment agencies.

5.5 The Ministry of Labour should initiate and strengthen pre- departure training to prepare Kenyans travelling to Saudi Arabia for the challenges expected in Saudi Arabia as a way of assisting them fit in well into the Saudi social economic system.

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8th Aug 2019

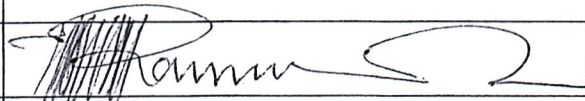
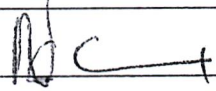
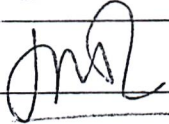
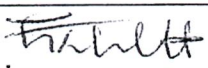
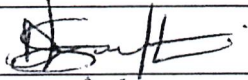

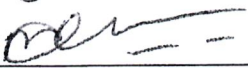

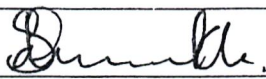

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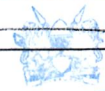
KENYA NATIONAL ASSEMBLY – 12TH PARLIAMENT
DEPARTMENTAL COMMITTEE ON LABOUR & SOCIAL WELFARE
Attendance Schedule / Payment Schedule

*Paper laid by
 Chairperson, Labour
 and Social Welfare
 Hon. Ali Wario
 Wednesday
 9/10/2019
 AW*

Venue: CPA ROOM Time: From 10:00A.M To 11:45A.M Date: 30/7/2019

Agenda: CONSIDERATION AND ADOPTION OF FIVE (5) COMMITTEE REPORTS: (1) FACT FINDING VISIT TO SAUDI ARABIA (2) SOCIAL PROTECTION CONFERENCE IN ADDU ABABA (3) 108TH SESSION OF ILO IN GENEVA (4) 12TH SESSION CRPD IN NEW YORK (5) NATIONAL YOUTH COUNCIL (AMENDMENT) BILL.



No.	NAME	SIGNATURE
1.	The Hon. Ali Wario, MP - Chairperson	
2.	The Hon. Joyce Korir Chepkoech, MP - Vice Chairperson	_____
3.	The Hon. Gladys Wangari, MP	_____
4.	The Hon. Janet Marania Teyiaa, MP	_____
5.	The Hon. Alfred Kiptoo Keter, MP	_____
6.	The Hon. Janet Nangabo Wanyama, MP	
7.	The Hon. Ronald Kiprotich Tonui, MP	_____
8.	The Hon. James Onyango K'Oyoo, MP	
9.	The Hon. Rose Museo, MP	_____
10.	The Hon. Fabian Kyule Muli, MP	
11.	The Hon. Ole Sankok David, MP	
12.	The Hon. Abdi Mude Ibrahim, MP	
13.	The Hon. Michael Mwangi Muchira, MP	
14.	The Hon. Safia Sheikh Adan, MP	 
15.	The Hon. Tom Mboya Odege, MP	
16.	The Hon. Catherine Wambilianga, MP	_____

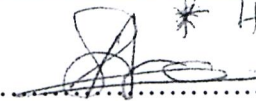


THE NATIONAL ASSEMBLY
PAPERS LAID

DATE: **09 OCT 2019** DAY: WED

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<u>No.</u>	<u>NAME</u>	<u>SIGNATURE</u>
17.	The Hon. Charles Kanyi Njagua, MP	
18.	The Hon. Omboko Milemba, MP	
19.	The Hon. Wilson Sossion, MP	PRESENT

Signed.....  Date..... 30/07/19.....
 * Hon Sossion, MP, was present but did not sign
 ADAN SORA GINDICHA Committee Clerk

Signed.....  Date..... 01/8/19.....
 Director Committee Services

**MINUTES OF THE 41ST SITTING OF THE DEPARTMENTAL COMMITTEE ON
LABOUR AND SOCIAL WELFARE HELD ON TUESDAY 30TH JULY, 2019 AT
10.00AM IN THE CPA ROOM, MAIN PARLIAMENT BUILDING.**

PRESENT

1. **The Hon. Ali Wario, MP** - Chairperson
2. The Hon. Janet Nangabo, MP
3. The Hon. James Onyango K'Oyoo, MP
4. The Hon. Tom Mboya Odege, MP
5. The Hon. Abdi Mude Ibrahim, MP
6. The Hon. Michael Mwangi Muchira, MP
7. The Hon. Fabian Kyule Muli, MP
8. The Hon. Safia Sheikh Adan, MP
9. The Hon. David Ole Sankok, MP
10. The Hon. Wilson Sossion, MP

APOLOGY

1. **The Hon. Joyce Korir, MP** - Vice Chairperson
2. The Hon. Alfred K. Keter, MP
3. The Hon. Rose Museo Mumo, MP
4. The Hon. Gladys Atieno Wanga, MP
5. The Hon. Janet Marania Teyiaa, MP
6. The Hon. Ronald Kiprotich Tunoi, MP
7. The Hon. Omboko Milemba, MP
8. The Hon. Catherine Wambilianga, MP
9. The Hon. Charles Kanyi Njagua, MP

IN ATTENDANCE

The National Assembly Secretariat

1. Mr. Adan Sora Gindicha -Clerk Assistant 1
2. Mr. John Mugoma -Clerk Assistant II
3. Ms. Doreen Karani -Legal Counsel
4. Mr. Osman Said -Research Officer
5. Ms. Amran Mursal -Fiscal Analyst
6. Ms. Sheila Chebotibin -Sergeant-At-Arms
7. Ms. Farida Ngasura -Audio Officer

AGENDA

1. Prayers
2. Preliminaries
 - i. Introductions
 - ii. Communication from the Chairperson

- iii. Confirmation of Minutes of previous Sittings
 - iv. Matters Arising
3. Consideration and adoption of the following Committee reports:-
- i. **Report on the National Youth Council (Amendment) Bill, 2019.**
 - ii. **Report of the Committee fact finding visit to Riyadh, Saudi Arabia on the Plight of Kenyan migrant workers in the Kingdom of Saudi Arabia.**
 - iii. **Report of the Committee on the Specialized Technical Committee meeting on Labour, Employment and Social Protection, Addis Ababa, Ethiopia.**
 - iv. **Report of the Committee on the 108th Session of ILO, Geneva Switzerland.**
 - v. **Report on 12th Session of the Conference of Status Parties to the Convention of the Rights of Persons with Disabilities, UN, New York**
4. Any Other Business
5. Adjournment/Date of the next Sitting

MIN.NO. DC/LSW/206/2019:- PRELIMINARIES

The Chairperson called the meeting to order at 10.40am and thereafter a prayer was said.

MIN.NO. DC/LSW/207/2019: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Hon. Wilson Sossion, M.P and seconded by Hon. Michael Mwangi Muchira, M.P respectively.

MIN.NO. DC/LSW/207/2019: CONFIRMATION OF THE MINUTES FROM THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO. DC/LSW/208/2019: ADOPTION OF THE REPORT ON THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL, 2019

The Committee observed that the sponsor of the Bill, Hon. Gideon Keter, M.P has not officially withdrawn the Bill as it was agreed upon during stakeholders meeting in April 2019. Further, it was noted that the Ministry of Public Service, Youth and Gender didn't submit its amendments to the Committee for consideration but instead undertook to carry out a comprehensive review of the Bill. As such, the Committee resolved to proceed with the consideration of the Hon. Gideon Keter's Bill since the Hon. Member's right to legislate cannot be subjugated by the intention of the Ministry to present a future legislative proposal overhauling the entire National Youth Council Act.

The Committee further observed the following:-

- i. Inclusion of the Amendments from the Ministry into the Bill would be against the provisions of S.O 135(5) by expanding the subject of the Bill.
- ii. The Bill seeks to increase the number of youth membership of the Council from eight to nine and to ensure their appointments are made through a competitive process. The amendment would make the total membership of the Council an odd number only ideal

for voting but would also render the Council Membership bloated contrary to the stipulated numbers under the Corporations Act (15 persons) and the State Corporations Advisory Committees' code of Governance for State Corporations (Mwongozo - 9 persons); and

- iii. Ensuring that appointment of the Youth in the Council follows a competitive process promotes the values and principles of public service as contained in Article 232 of the Constitution by requiring fair competition and merit as basis of appointment.

Way Forward

Having deliberated on the composition of Youth Council Board, the Committee resolved to postpone the adoption of the report and seek clarification from the Hon. Gideon Keter, M.P to give justification for a bloated Youth Council Board.

MIN.NO. DC/LSW/209/2019: ADOPTION OF THE REPORT ON FACT FINDING VISIT TO RIYADH, SAUDI ARABIA ON THE PLIGHT OF KENYAN MIGRANT WORKERS IN THE KINGDOM OF SAUDI ARABIA.

The Committee considered and adopted the report with the following observations and recommendations:-

Committee Observations

1. Kenyans have been finding their ways into the Kingdom of Saudi Arabia illegally. These Kenyans are being facilitated by either unregistered agents or are individual Kenyans who acquire visiting visas directly to Saudi Arabia, Qatar and Bahrain, but later on find themselves in the Saudi Arabia labour market. Such Kenyans, who go to Saudi outside the recognized channel for migrant labour often, find themselves in the hands of unscrupulous agents and employers who subject them to untold suffering.
2. In line with the bilateral Labour agreement between Kenya and Saudi Arabia, several measures have been initiated to protect Kenyan workers from exploitation. These measures have been entrenched into Saudi Labour laws. They cover such key issues as wages, hours of work, employment contracts, termination of employment, confiscation of travel documents, work permits and mobile phones and labour dispute resolution mechanism.
3. There is great potential for labour export to Saudi Arabia. Saudi Arabia has a total of over 11 million foreign employees out of which only slightly over 50,000 are Kenyans. Other countries such as India, Pakistan, Sudan and Sri Lanka have over 600,000 workers in the Kingdom
4. Opportunities in Saudi Arabia are not limited to just domestic workers. There are opportunities in teaching, medical field, drivers, artisans and hospitality.

5. A number of Kenyans in Saudi Arabia have suffered various forms of culture shock due to the huge difference in the social economic set up of the two countries. Some have not been able to fit into the strict social-cultural conditions associated with Islam.

Recommendations

- a. The Ministry of Labour and Social Protection and the National Employment Authority must ensure thorough vetting of employment agencies to ensure Kenyans travel to Saudi Arabia and other destinations through officially recognized channels. The immigration Department must be equally vigilant on movement of persons to these countries to ensure only Kenyans with *MUSANED* (an automated system through which the Saudi Ministry of Labour monitors compliance of employers of domestic workers with established employment practices) compliant employment contracts are permitted to travel.
- b. The Ministry of Labour and Social Protection and that of Foreign Affairs must continuously monitor the implementation of the bilateral Labour agreement to ensure that the measures initiated to protect Kenyans working in Saudi Arabia are fully adhered to. The office of the Labour Attaché must be strengthened and allocated adequate resources in order to fully monitor employment trends in the Kingdom.
- c. The National Employment Authority and the Directorate of Diaspora Affairs, Ministry of Foreign Affairs should embark on a rigorous campaign to market Saudi Arabia as an important destination country for foreign employment. The current notion that foreign workers in Saudi Arabia go through suffering need to be corrected and the citizens sensitized on the correct procedure of travel to Saudi Arabia.
- d. The National Employment Authority should as a matter of priority seek for more opportunities, other than for domestic workers, in Saudi Arabia. The Authority should use the Labour attaché office to solicit for opportunities in conjunction with both Kenyan and Saudi Employment agencies.
- e. The Ministry of Labour should initiate and strengthen pre- departure training to prepare Kenyans travelling to Saudi Arabia for the challenges expected in Saudi Arabia as a way of assisting them fit in well into the Saudi social economic system.

MIN.NO. DC/LSW/210/2019: ADOPTION OF REPORT OF THE COMMITTEE ON THE SPECIALIZED TECHNICAL COMMITTEE MEETING ON LABOUR, EMPLOYMENT AND SOCIAL PROTECTION, ADDIS ABABA, ETHIOPIA.

The report was adopted with the following observations and recommendations:-

Observations

1. Africa has in the recent years seen an upsurge in child labour. It is alarming that while the trend is declining globally, African has remained an exception. It is estimated that 71 million children are engaged in child labour throughout the continent with a big proportion of them engaging in potentially hazardous work. In order to address this gap, the African Union has initiated a Ten- Year Plan for the continent to address this vice.
2. There exists a legal and policy lacuna in the provision of social security and protection across the continent. The provision of social security and protection to the vulnerable groups such as the older persons, the orphans and persons living with severe disabilities is still largely managed through executive whims than through proper legal and policy framework

Recommendations

- a. The Ministry of Labour and Social Protection should initiate a multi stakeholder approach involving all actors in the sector to help combat child labour. The country should implement fully the Ten -Year Plan being spear headed by the African Union with the technical support of the International Labour Organization (ILO).
- b. The Ministry of Labour and Social Protection should fast track the formulation of the necessary legal and policy framework to ensure the ongoing cash transfer programmes are effective in addressing the plight of the vulnerable members of the society.

MIN.NO. DC/LSW/211/2019: ADOPTION OF THE REPORT OF THE COMMITTEE ON THE 108TH SESSION OF ILO, GENEVA SWITZERLAND.

Members considered and adopted the report with the following observations and recommendations:-

Observations

- a. The 108th Session of ILO adopted the Convention on the elimination of violence and harassment in the world of work .Some of the key principles of the convention include: prohibition of violence and harassment in the world of work in law, establishment of enforcement mechanism for victims, ensuring access to remedies and support for victims and provision of sanctions to offenders.

- b. The global labour market is undergoing a major transformation occasioned by technological innovations, demographic shifts, environmental change and globalization. These changes will come with a new set of challenges as well as opportunities which the nation must identify and address as a matter of priority. Some of the skills possessed by workers today may become obsolete in the near future hence the need for life-long learning among workers.

Recommendations

1. The Ministry of Labour should immediately embark on the sensitization of key stakeholders on the contents of the ILO Convention on the elimination of violence and harassment in the world of work.
2. The Ministry of Labour in conjunction with the Ministry of Foreign Affairs should initiate the process of ratification of the ILO Convention on elimination of violence and Harassment in the world of work
3. The Ministry of Labour should embark on a process of establishing the relevant skills for the present and future labour markets and advise training institutions and industry players accordingly

MIN.NO. DC/LSW/212/2019: REPORT ON 12TH SESSION OF THE CONFERENCE OF STATUS PARTIES TO THE CONVENTION OF THE RIGHTS OF PERSONS WITH DISABILITIES, UN, NEW YORK

The Committee considered the report and made the following observations and recommendations:-

Observations

- (a) There is no recent data on the situation of Persons with Disabilities in Kenya.
- (b) Kenya remained committed to the implementation of the provisions of the Convention through participating in 11 past conferences in line with Article 40 of the Convention.
- (c) Though significant progress had been made by the international community to implement the Convention since its adoption in 2006, there is still a long way to go towards the realization of rights but there is need to strengthen inclusion, solidarity and equality, as well as build partnerships.
- (d) The United Nations Convention on the Rights of Persons with Disabilities (UN-CRPD) aims to promote, protect and ensure all PWDs enjoy human rights and fundamental freedoms on an equal basis with others. It also aims to promote respect for the inherent dignity of PWDs. Kenya ratified the UN-CRPD in May 2008.

- (e) Persons with disabilities have the opportunity to realize their rights provided the necessary resources are made available to them. The obligations set out in the Convention have financial obligations that require adequate resourcing at both the national and international level.

Recommendations

- I. The Kenya National Bureau of Statistics should use the Washington group of short questions in the upcoming National Population and Housing Census in August 2019. This is also in line with the recommendations of the concluding observations of the CRPD Committee on Article 31 on data and statistics and in line with the commitment on data collection and disaggregation.
- II. The Government should legislate on the Persons with Disability Draft Bill 2018, the review of the bill is important in order to align it with the constitution of Kenya which was promulgated in 2010 and also to make it compliant with the CRPD which Kenya ratified in 2008 and by virtue of article 2(6) of the Constitution which forms part of Kenya's written laws. The draft bill should be aligned with the Sustainable Development Goals to ensure that persons with disabilities in Kenya are not left behind in the area of inclusive development.
- III. The Government should review the Mental Health Act of 1989 to align it with international best practises and the Convention on the Rights of Persons with Disabilities (CRPD).
- IV. The Ministry of Labour and Social Protection should also develop a booklet on awareness creation to address the thematic areas of stigma and discrimination. This should be done in consultation with organizations of and for persons with disabilities to ensure that the booklet is in accessible formats, have clear targeted messages for different constituents and effective disseminations at all levels.
- V. Government departments and agencies should implement and enforce existing legal and policy frameworks while at the same time reform the laws that explicitly discriminate against persons with disabilities to make them compliant with the CRPD and reflect international human rights standards.
- VI. The line Ministries should synchronize the implementation of the concluding observations of the CRPD Committee and the National Action plan for the implementation of the Global Disability Summit commitments from 2018-2021 to avoid duplication and create synergies among all the stakeholders and also on Agenda 2030 and the SDGs.
- VII. The line Ministries should promote inclusive data collection processes in all areas of service delivery. This will ensure consistent collection of disability disaggregated data

and carry out a disability specific survey since the last one was conducted in the year 2007.

MIN.NO. DC/LSW/213/2019: ADOPTION OF THE COMMITTEE SCHEDULE OF ACTIVITIES FOR AUGUST TO SEPTEMBER, 2019

Members considered and adopted the following committee work schedule for August and September, 2019:-

DATE	ACTIVITY
Tuesday 23 rd July 2019	Meeting with CSs for Labour and Social Protection and Public Service, Youth and Gender to respond to questions by Members
Thursday 25 th July 2019	<ul style="list-style-type: none"> • Meeting Hon KimaniIchungwa, sponsor of the Labour Relations (Amendment)Bill,2019 • Consideration of the National Youth Council(Amendment)Bill,2019 • Consideration of the National Drought Management Authority(Amendment)Bill,2019
Tuesday 30 th July 2019	<ul style="list-style-type: none"> • Consideration and adoption of the following reports: <ol style="list-style-type: none"> i) Report on the Labour Relations(Amendment)Bill ii) Report on the National Youth Council(Amendment)Bill iii) Report on the National Drought Management Authority(Amendment)Bill iv) Report on the Committee visit to Saudi Arabia on fact finding regarding welfare of migrant Kenyan workers v) Report on the 3rd AU Specialized Technical Committee on Social Development, Labour and Employment vi) Report on 108th Session of ILO vii)Report on Conference of State Parties on the Rights of Persons with Disabilities
Thursday 1 st August, 2019	<ul style="list-style-type: none"> • Meeting with NSSF on the management of the Fund
Tuesday 5 th August, 2019	<ul style="list-style-type: none"> • Meeting with Union of Civil Servants regarding provision of Work Injury Benefits and Group Personal Accident Cover for Civil Servants and employees of NYS.
Thursday 8 th August, 2019	<ul style="list-style-type: none"> • Thursday 8th August to Sunday 11th August: Inspection visit to Nyanza and Western regions regarding non- payment of workers and complains of discrimination in Muhoroni, Chemelil, Kibos and Busia sugar companies
Thursday 15 th August 2019	Meeting with the Attorney General regarding the Petition by Hon Ali Mbogo on non- payment of dues to former employees of the African Safari Club

Monday 19 th August 2019- Thursday 23 rd August 2019	Committee retreat to Consider:- <ul style="list-style-type: none"> • Labour Relations (Amendment) Bill, 2019 • Report on the Petition on non-payment of ASC Workers • Meeting with NYS Council • Consider Committee Work-Plan for the 2019/20
Thursday 29 th August	Committee visit to UAE and Qatar on fact finding regarding the implementation of Bilateral Labour Agreements with the two countries and the plight of migrant Kenyan workers

PROPOSED FOREIGN VISITS FOR THE PERIOD AUG TO DECEMBER 2019

1. Fact finding visit to United Arab Emirates and Qatar on the Welfare of Kenyans working as migrants
2. UNHRC New York September 2019
3. UN General Assembly, New York 2019(Sustainable Development Goals)
4. 40th Session UN Human Rights Council Geneva- November 2019
5. ILO Governing Body- Geneva Switzerland- November 2019

MIN.NO. DC/LSW/214/2019: ANY OTHER BUSINESS

Invitation to the International Youth Day Celebrations on 12th August, 2019 in Matuga, Kwale County

The Hon. Michael Muchira, M.P and Hon. Fabian Muli, M.P were nominated to attend the above function whose global theme is "Transforming Education." The event will be graced by H.E. the President of the Republic of Kenya.

MIN.NO. DC/LSW/215/2019: ADJOURNMENT

There being no other business, the meeting was adjourned 11.45am

SIGNED: 

The Hon. Ali Wario, M.P
(Chairperson)

DATE: 6 Aug 2019