

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT-THIRD SESSION

DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE

REPORT ON THE 108TH SESSION OF THE INTERNATIONAL LABOUR
CONFERENCE, GENEVA SWITZERLAND

PARLIAMENT
OF KENYA
LIBRARY

12TH TO 21ST JUNE, 2019

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THE NATIONAL ASSEMBLY PAPERS LAID		DAY.
DATE:	18 JULY 2019	Thursday
TABLED BY:	Chair, DC on Labour and Social Welfare	
CLERK-AT THE TABLE:	Getrude Chebet	

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. Labour,
- ii. Labour 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 |

COMMITTEE SECRETARIAT

1. First Clerk Assistant	Mr. Adan Gindicha
2. Clerk Assistant	Mr. John Mugoma
3. 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 pleasure to forward this report to the House for consideration. The International Labor (ILO) Conference is the highest decision making body. This is an annual gathering of tripartite delegations from the organization's 187 member states and a number of observers from other international actors to consider a series of topics related to the world of work. The 2019 conference was the 108th session of the ILO. Hon. Speaker, as a Committee tasked with the oversight of the Labor sector; this was a very appropriate forum to interact with international players in the sector. This conference was also key in that it was the 100th year since the inception of ILO. The key theme for the 108th conference was: Violence and harassment in the world of work and the future of work. Information and reports on the application of the various ILO Conventions and recommendations was also shared.

Kenya was represented at the conference by all the social partners: that is the ministry of Labour and Social Protection, The Federation of Kenya Employer (FKE) and The Central Organization of Trade Unions (COTU). Among key issues of interest to the country was the proposed review of the labor laws, many of which were enacted before the dawn of the new constitutional dispensation.

The Committee on Labor and Social Welfare was represented at the Conference by:


- 1) Hon Ronald Tonui, MP- Leader of the Delegation
- 2) Hon Catherine Wambilianga, MP
- 3) Hon Tom Odege ,MP
- 4) Hon William Kisang, MP(Chairperson, Departmental Committee on ICT joined the delegation)
- 5) Mr. Adan Gindicha – Delegation Secretary

I am glad to report that Kenya was, once again rated favorably among the countries that observe the various ILO conventions. A number of countries were found to have been in serious violation

of obligations of ratified conventions and were called upon to explain their situation by the conference committee on application of standards.

Overall, the conference made far reaching resolutions touching on all the thematic areas. My Committee will work in close collaboration with the Ministry and other social partners in following up on the implementation of these resolutions.

The Committee expresses its gratitude to the offices of the Speaker and the Clerk of the National Assembly for the support accorded to members towards effective participation in this important conference. Hon. Speaker on behalf of the delegation, and pursuant to the standing order 199(6) it is now my pleasure to table in the House the Report of the 108th Session of the International Labor Conference.


HON. ALI WARIO, CBS, MP 8th Aug 2019.

**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON LABOUR AND
SOCIAL WELFARE**

3.0 PROCEEDINGS OF THE CONFERENCE THEMATIC AREAS

3.1 Introduction

The 108th Session of ILO was opened on 10th June 2019 by Ms. Alfaro Espinosa, Chairperson of the Governing Body of the International Labour Office. In her remarks the Chairperson welcomed all the delegates to the centenary session of the Conference. The conference subsequently elected His Excellency Mr. Jean-Jacques Elmiger, Secretary of State of Swiss Confederation for the position of President of the Conference.

Over 5000 delegates representing Governments, employers and workers from the 187 member states of the ILO attended the conference whose key agenda included:

1. Reports of the Chairperson of the Governing Body and of the Director General
2. Programme and Budget proposals for 2020-21
3. Information and reports on the application of convention and recommendations
4. ILO Centenary outcome document
5. Violence and harassment in the world of work
6. Thematic debates and events connected to the future of work.

3.2 Proceedings on the thematic areas

3.2.1 Convention on Violence and harassment at the place of work

The Conference adopted the Convention concerning the elimination of violence and harassment in the world of work, the resultant recommendations and resolutions on 21st June 2019 after two weeks of deliberations at the Committee level. The convention has 8 key principles as outlined below:

1. Prohibiting in law violence and harassment
2. Ensuring that relevant policies address violence and harassment
3. Adopting a comprehensive strategy in order to implement measures to prevent and combat violence and harassment
4. Establishing or strengthening enforcement and monitoring mechanism
5. Ensuring access to remedies and support for victims
6. Providing for sanctions

7. Developing tools, guidance, education, training, and raising awareness, in accessible formats as appropriate
8. Ensuring effective means of inspection and investigation of cases of violence and harassment including through labour inspectorates or other competent bodies

Following the adoption of the convention, the Plenary of the conference subsequently adopted the resolution inviting all member states to ratify the convention. Governments in consultation with employers and workers organizations were invited to initiate the process of implementing the recommendations arising from the Convention.

3.2.2 ILO Centenary Declaration for the Future of Work, 2019

1. The ILO marks its 100th year at a time of transformative change in the world of work, driven by technological innovation, demographic shifts, environmental and climate change, and globalization, as well as at a time of persistent inequalities, which have profound impacts on the nature and future of work and more importantly on the place and dignity of people in it.
2. Countries must therefore act with urgency to seize the opportunities and address the challenges to shape a fair, inclusive and secure future of work with full, productive and secure work for all.
3. Countries should focus on a future of work that is fundamental for sustainable development that puts an end to poverty and leaves no one behind
4. The ILO is advocating for a human-centered approach to the future of work, which puts workers' rights and the needs, aspirations and rights of all people at the heart of economic, social and environmental policies

Based on this scenario concerning the future of work, the ILO made the following declaration;

- i) To ensure a just transition to a future of work that contributes to sustainable development in its economic, social and environmental dimensions
- ii) Harnessing the fullest potential of technological progress and productivity growth, including through social dialogue, to achieve decent work and sustainable development, which ensure dignity, self-fulfillment and a just sharing of the benefits for all

- iii) Promoting the acquisition of skills, competencies and qualification for all workers throughout their lives as a joint responsibility of governments and social partners in order to address existing and anticipated skills gaps, pay attention to ensuring that education and training systems are responsive to labour market needs and enhance workers capacity to make use of opportunities available for decent work.
- iv) Developing effective policies aimed at generating full, productive and freely chosen employment, and in particular the transition from education and training to work, with particular emphasis on the effective integration of young people into the world of work
- v) Achieving gender equality at work through a transformative agenda, with regular evaluation of progress made,
- vi) Ensuring equal opportunities and treatment in the world of work for persons with disabilities, as well as other persons in vulnerable situations,
- vii) Strengthening labour administration and inspection

3.2.2 Report of the credentials committee

The conference endorsed the rights to vote for Benin, Iraq, Kiribati, Libya, Sierra Leone and Somalia.

4.0 OBSERVATIONS AND RECOMMENDATIONS

4.1 Observations

4.1.2 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.


4.1.3 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.

4.2 Recommendations

4.2.1 **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.**

4.2.2 **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**

4.2.3 **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**


8th Aug 2019.