

REPORT OF A BASELINE SURVEY OF WOMEN DOMESTIC WORKERS IN MUKURU INFORMAL -SETTLEMENT - NAIROBI KENYA



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OXFAM



prospect

**Report of a Baseline Survey of Women Domestic Workers in Mukuru
Informal Settlement - Nairobi Kenya**

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LIST OF ACRONYMS

CEO	Chief Executive Officer
ILO	International Labour Organization
KES	Kenya Shillings
KUDHEIHA	Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers
OSH	Occupational Safety and Health
SPSS	Statistical Package for Social Sciences
UNEP	United Nations Environment Programme
UNHABITAT	United Nations Human Settlements Programme
UNWOMEN	United Nations Entity for Gender Equality and the Empowerment of Women

FOREWARD

Oxfam is an international non-governmental organization that works in over ninety countries globally and believes that in a wealthy world, poverty is unjustifiable and preventable and that the present state of inequality and injustice must be challenged. We believe that with the right help and capacity, the poor people can change their lives for the better. Oxfam is part of the global movement for change, one that empowers people to create a future that is secure, just, and free from poverty. Oxfam has been operating in Kenya since 1963 and works with the most vulnerable communities in Nairobi City and the Arid and Semi Arid Lands especially in Turkana and Wajir counties. The goal of our programmes is to work with the poor to overcome poverty and suffering.

Our Urban Programme has been in existence since 2010; working in Kibera, Mukuru and Korogocho informal settlements. Oxfam's interest in working with female domestic workers has culminated into partnership with Prospect Union and was the result of our learning from a project the organisation implemented in Mukuru informal settlement between 2009 and 2012 titled "food security crisis intervention in the Nairobi slums". The focus of the food security project was response, recovery and development of communities from the shock of food crisis and poverty challenges that faced women headed households. 3,000 households participated in the project

Through this project, Oxfam gained insight into the lives of thousands of women in Mukuru informal settlements who work as casual domestic workers and that these women faced serious livelihood challenges which include low and delayed pay, poor working conditions and sexual exploitation as well as physical and psychological abuse.. Despite these challenges, they continue to work under these difficult circumstances for the sake of their survival and to support their dependants which included young children.

This level of vulnerability and the labour challenges faced by these women encouraged Oxfam to initiate consultations with other stakeholders with the aim of working with them to reduce their difficulties and suffering. Oxfam entered into partnership with Prospect Union and agreed that any project targeting the challenges of women domestic workers required baseline information that would provide objective details of the working environment under which the domestic workers operate. Such information is currently not documented. Oxfam carried out this study, which now provides credible data and improved understanding of this informal and relatively opaque sector. With financial support from Prospect Union the study was carried out in Mukuru informal settlement in May and June 2013. The report provides a detailed analysis of the context in which the women domestic workers operate and challenges they face. This publication will provide the guideline on the programmatic areas that Oxfam and Prospect Union will explore in working with and empowering the women domestic workers. It is our hope that other development partners, the Government of Kenya and other stakeholders will find this publication useful in their own work.



Nigel Tricks
Oxfam Kenya Country Director

ACKNOWLEDGEMENT

This publication was the result of financial and technical commitment from a number of institutions and individuals. The baseline survey and publication were financed by the Prospect Union. Special acknowledgement to Beverly Hall and Anne Douglas who committed their valuable time in these processes and played critical roles in the technical thinking that contributed to its success. Oxfam owes the success of this publication to the Prospect Union for the valuable financial and technical support.

The baseline survey benefitted greatly from the professional work of Dr. Benson Agaya and Pius Masiga Asunza, the two consultants and their five research assistants. This team worked tirelessly in production of the survey report from development of the survey tools to data collection, analysis and report writing. Without their professional commitment, this publication would have not been successful.

Very importantly, Oxfam would like to thank the women domestic workers in Mukuru informal settlement and other respondents who created time out of their busy schedules and put aside their numerous challenges to provide the useful information on this grey area. Without their corporation, this report would have not been realized.

Last but equally important, sincere gratitude goes to Oxfam Kenya Country Programme staff under the overall leadership on Nigel Tricks, the Country Director who dedicated their time in one way or the other towards the production of this report. In particular, we would like to single out the Monitoring and Evaluation Coordinator Clemence Nyamandi, Urban Programme Coordinator Elizabeth Muthoni and Funding Coordinator Annie Wakanyi. Others are, Lilyanne Ndinda Velo, Polycarp Otieno, Faith Wanjala and Michael Juma Otieno.

EXECUTIVE SUMMARY

The International Labour Organisation (ILO) estimates show that in 2010, 52.6 million women and men above the age of 15 were domestic workers. This figure represents a significant share of global wage employment at 3.6 per cent. The estimates further show that women comprised 43.6 million or 83 per cent of the total global domestic workforce and further that domestic work is an important source of wage employment for women, accounting for 7.5 per cent of women employees worldwide. In spite of their valuable role in serving and caring for households and contribution to the global economy, domestic workers remain one of the least socially recognized and protected groups of workers globally.

Kenya has in recent years made great legal and administrative efforts to protect workers in various sectors from exploitation and abuse. For instance, Article 41 of the Kenyan Constitution 2010 lays the framework for fair labour practices and makes extensive provisions for recognition and protection of workers' rights. The article spells the rights of workers to fair remuneration, reasonable working conditions and to form, join or participate in the activities and programmes of trade unions and participation in strike. In addition, Kenya is committed to implementing the ILO Convention 189 that sets global standards for domestic workers. In spite of these provisions, women who constitute the majority of domestic workers in the country remain vulnerable, are often subjected to poor working conditions and excluded from entitlements commonly enjoyed by other wage workers under the national laws.

Vulnerability of domestic workers in Kenya is evident in the numerous documented accounts that show for instance that their remuneration tends to be among the lowest in the labour market, and they tend to be informally engaged. Furthermore domestic workers are vulnerable to abusive treatment, discrimination and unfair working conditions. Such abusive practices tend to be aggravated by their general isolation from other workers, socio-cultural barriers (e.g. language, class and religion) that prevent them from engaging and negotiating with their employers and serious difficulties in finding alternative jobs due to their lower-than-average levels of formal education. ILO statistics indicate that large proportions of domestic workers globally do not receive minimum wages specified under national law, have no limitation of their normal weekly working hours, and lack maternity leave or maternity cash benefits.

Taking into consideration the above observations, this survey sought to answer the following main questions; 1) What are the socio-economic and political conditions under which women domestic workers from Mukuru informal settlement within the City of Nairobi operate? 2) What is the level of knowledge and understanding by the women domestic workers in Mukuru informal settlements of their human rights and the relevant labour and human rights laws? 3) What are the labour and human rights challenges affecting the women domestic workers in Mukuru informal settlements? 4) What are the various options for addressing the challenges by the women domestic workers in Mukuru informal settlement?

A survey design was employed in this study. The survey methodology was chosen because it is the most appropriate study design for obtaining information from individuals who belong to a larger group, organization, or society. It is also the most relevant method for obtaining information to describe, explain, and at times predict attitudes, behaviours, aspirations, and intended behaviours. Qualitative data were also obtained to complement quantitative information from the survey data. Qualitative methods were used to capture data in narratives, anecdotes, gestures, idioms and settings both in individual and group interview situations.

The survey found that although domestic work sector in Kenya has extensive legal and administrative regulative structures such as the Constitution 2010, the Labour Relations Act 2007,

the ILO Convention 189 and Labour Ministry, the women domestic workers in Mukuru informal settlement remain vulnerable. They are exposed to abusive treatment, discrimination and receive low wages that in most cases are less than half the minimum daily or monthly wages. These workers were however found to recognize their rights in a number of areas. These included the right to safe and healthy working environment (OSH), right to fair wages and reasonable working conditions, and right not to be discriminated against. They also recognized their right to redress in instances of rights violations.

The survey has also revealed some challenges that casual women domestic workers in Mukuru informal settlement face. They include the challenges in obtaining legal and relevant documents like identity cards, health and good conduct certificates, frustration by security guards in accessing compounds of prospective employers, and harassment by City of Nairobi inspectorate officials through frequent arrest for gathering in job- prospecting sites. Other challenges include failure by the employers to pay minimum wages, dismissal from work without compensation, abusive treatment, sexual harassment, discriminative practices at work and exposure to hazards like cleaning toilets and handling sick people without adequate protection.

The survey has identified several options to address these challenges. They include reliance on male sponsors to provide identity cards on behalf of their spouses to secure the trust of prospective employers and employing group solidarity strategy that involves women looking out for each other and sharing information on references on new or alternative employers. Another dimension of group solidarity involves the women taking common decisions to boycott work in the premises of known abusive employers. The women domestic workers cope with abusive and demeaning tasks assigned to them by invoking cultural taboos against performing such tasks and often they are successful in avoiding them. The other options are creating alternative employment in small-scale businesses like selling food, clothes, handicrafts or operating service facilities like child care centres. It concludes that since the social circumstances under which some women come to seek employment as domestic workers allows them limited career options outside this sector, their working conditions and effectiveness could be improved by focusing on three critical areas. These are employer-employee relations, employee skills and employee attitude and behaviour change.

The survey thus recommends that non-profits like Oxfam Kenya should support the women to acquire relevant entrepreneurship skills and capital to create alternative income options alongside domestic work. KUDHEIHA should also negotiate with the state on behalf of women domestic workers to secure favourable conditions for obtaining registration and documentation. The Ministry of Human Resource Development and Social Welfare should support and register more Domestic Workers Training agencies to educate and empower both employers and women domestic workers to realize compliance with relevant laws and regulations and improved work relations. It is also recommended that the state should periodically review wages proportionately across all sectors since most employers argued that it was unrealistic to pay domestic workers the official monthly minimum wage of 8,580 shillings especially for the employers who did not earn anything more than double this amount monthly.

1.0 BACKGROUND

The International Labour Organization, ILO, chapter (2009) observes that domestic workers represent considerable portions of the labour force and are predominantly women. According to UNWOMEN Newsletter report of March 12, 2013, domestic workers number between 52.6 and 100 million worldwide and 83 per cent are women. ILO (2012) also notes that what distinguishes domestic workers from many other workers, however, is that they work in private households, their remuneration tends to be among the lowest in the labour market, and they tend to be informally engaged. Domestic workers are thus vulnerable to abusive treatment, discrimination and unfair working conditions. Such abusive practices originate or manifest in their isolation from other workers, long and unpredictable hours of work, low levels of remuneration, socio-cultural barriers (e.g. language, class and religion) that prevent them from engaging and negotiating with their employers and serious difficulties in finding alternative jobs due to their lower-than-average levels of formal education. Since their workplaces are private households, domestic workers, to a large extent, work in relative isolation from other workers making it exceptionally difficult for them to meet with fellow workers to exchange experiences and information and to organize collectively.

Kenya has in recent years made great legal and administrative efforts to protect workers in various sectors including domestic workers from exploitation and abuse. For instance, Article 41 of the Kenyan Constitution 2010 lays the framework for fair labour practices and makes extensive provisions for recognition and protection of workers' rights. The article spells out the rights of workers to fair remuneration, reasonable working conditions and to form, join or participate in the activities and programmes of trade unions and to go on strike.

In addition, Kenya is committed to implementing the ILO Convention 189 that sets global standards for domestic workers pursuant to Article 2 (5) and (6) of the Constitution 2010. The article provides that the general rules of international law and any treaty or convention ratified by Kenya shall form part of the law of Kenya under the Constitution. Part II of the Labour Relations Act 2007 also spells out the workers' rights with regard to freedom of association. The Act protects the workers' right to form and participate in activities of relevant associations and labour unions. In spite of these provisions, women domestic workers remain vulnerable and are often subjected to poor working conditions and excluded from entitlements commonly enjoyed by other wage workers under national laws.

This survey therefore sought to analyse conditions under which women domestic workers operate and work in and around Mukuru informal settlement within the City of Nairobi. In particular the survey sought to answer the following key questions on women domestic workers who live in Mukuru informal settlement.

1.1 Main Questions and Sub-questions

1. [a] What are the socio-economic and political conditions under which women domestic workers from Mukuru informal settlement operate?
[b] What are the perceptions of the existing and potential employers towards women domestic workers from Mukuru informal settlement?
[c] What are the barriers to good and healthy relations between employers and female domestic workers in and around Mukuru informal settlements?
[d] What are the options for improving working relations between employers and female domestic workers in Mukuru informal settlements?
2. What is the level of knowledge and understanding by the female domestic workers in Mukuru informal settlements of their human rights and the relevant labour and human rights laws?
3. What are the labour and human rights challenges affecting the domestic female workers in Mukuru informal settlement?
4. [a] What are the viable options for addressing the challenges that face women domestic workers from Mukuru informal settlement as workers?
[b] What are the formal and informal coping mechanisms used by the women domestic workers against human rights abuses in their working environments?
[c] What are the alternative livelihood options for the women domestic workers apart from wages from domestic work?
[d] What organized domestic workers groups and local institutions exist within Mukuru informal settlement or other parts of Nairobi City, and what services do they offer, their effectiveness, and capacity gaps?

1.2 Objectives

The overall objective of this survey was to assess socio-economic and political environment under which women domestic workers in and around Mukuru informal settlement within the City of Nairobi operate, the challenges affecting them, and the various options for addressing these challenges.

1.3 Specific Objectives

- i. To assess the socio-economic and political conditions under which female domestic workers from Mukuru informal settlement within the City of Nairobi operate.
- ii. To assess the level of knowledge and understanding by the women domestic workers in Mukuru informal settlements of their human rights and the relevant labour and human rights laws.
- iii. To assess the labour and human rights challenges affecting the domestic women workers in Mukuru informal settlements.
- iv. To assess the viable options for addressing the challenges that face women domestic workers.

2.0 METHODOLOGY

2.1 Site Description

Mukuru informal settlement is located on the South Eastern side of Nairobi City and has 12 villages with estimated population of 250,000. The settlement incorporates the 'villages' of Fuata, Nyayo, Kabibiria, Kayaba, Knigstone, Kisii, Kwa Njenga, Kwa Reuben, Lunga Lunga, Mariguini, Sinai, and Satellite. According to the UN-HABITAT (2010) the actual number of people living in slums in many cities in Africa is unknown because urban slum populations are highly mobile and fluid and tend to change relentlessly thereby rendering slum enumeration problematic. It is therefore common to see wide variations in the population figures quoted by different programmes and studies for the various informal settlements in Nairobi City. For instance a Non-Governmental Organization, *Covenant Foundation–Kenya* that operates in Mukuru estimates the population in this settlement at a high of 700,000 while another agency *Practical Action* places the population of the area at approximately 250,000. However, more reliable estimates of the Mukuru population are those based on the 2009 Kenyan Population and Housing Census results. The 2009 Census results show the population of Mukuru as 255,094, spread into 4 main blocks of villages, Mukuru Nyayo (53,303), Mukuru kwa Njenga (130,401), Landi Mawe (26,509), and Viwandani (44,881).¹ The 2009 Census results also show that there were 140,153 males and 114,941 females living in Mukuru.

Administratively, the settlement traverses sub counties of Makadara and Embakasi. It is located along the Ngong River stretching to over 6 Kilometers and is politically divided into five (5) wards of Nairobi South, Landi Mawe, Viwandani, Mukuru Kwa Reuben and Mukuru Kwa Njenga. In addition, parts of Imara Daima ward also fall within this settlement. These wards spread across three National Assembly constituencies namely Starehe, Makadara and Embakasi South. Mukuru fits the international definition of slums of having: inadequate access to safe water; little or no sanitation; poor structural quality of housing; overcrowding; or insecure tenure (UN HABITAT, 2010; Mutisya and Yarime, 2011). However, the proximity to the Kenya's largest industrial area makes it an attractive residence for industrial workers most of whom settle there with their families and carry on small businesses like selling food and running recreational outlets like bars and video parlours.

2.2 Study Design

A survey design was chosen for this inquiry. Surveys are research instruments designed to obtain information from sampled individuals who belong to a larger group, organization, or society. The information gathered is used to describe, explain, and at times predict attitudes, behaviours, aspirations, and intended behaviours. Survey methodology allows us to study only some portion or sample of the population that is carefully selected to capture the characteristic of the larger population and to generalize our findings to the parts of population not directly studied. The survey methodology was chosen because it provided the means to collect data rapidly and effectively from large and complex populations like that which is found in Mukuru. Survey data could also be easily translated into numbers and could be summarised graphically to facilitate interpretations and comparisons between different groups and population segments. The samples were drawn from amongst individuals or known groups of women domestic workers, representatives of households employing women domestic workers in and around Mukuru informal settlements, agents engaged in formal or informal recruitment of female domestic workers, officials of civil society organizations and trade unions working with domestic workers.

Qualitative methods were also used mainly to capture non-numerical data and to complement the information from the survey data. Qualitative methods were used to observe gestures, idioms and settings particularly in group interview situations. It was used to observe and record data that

¹ Figures computed from the segment of UN HABITAT *The State of African Cities 2010: Governance, Inequality and Urban Land Markets* report titled The Kibera Census.

typically would not be expressed numerically such as what the workers referred to as ‘a lucky day’² or ‘good customers.’³

2.3 Literature Review

Literature on the topics of labour, domestic workers and human rights were reviewed in order to identify and summarize relevant concepts and issues for purposes of developing appropriate comprehensive data collection tools. Specific thematic areas identified for detailed field inquiries were levels of remuneration (see table 1 below), negotiation of terms and conditions of work, working hours, dispute resolution, job alternatives, workers’ rights, and collective organization. In order to generate these themes, the survey reviewed a range of literature including *The Constitution of Kenya, 2010* particularly articles 41 on labour relations, *The Labour Relations Act, 2007*, and *The Occupational Safety and Health Act, 2007* especially Part II on general duties of occupiers. Other relevant literatures that were reviewed included ILO policy briefs, Conference reports and Conventions focusing on domestic work and services sector.

A particularly relevant document was the ILO Convention 189 and its provisions that are part of Kenyan law especially the requirement that employers give domestic workers weekly 48-hour breaks, among other benefits. The ILO convention demands that countries enact rules that see domestic workers receive annual leave, maternity leave, social security cover and nothing less than minimum wage. Table 1 below for instance shows the minimum wages set vide Kenya government gazette notice of June 2012 but these minimum wage guidelines are rarely honoured in practice. According to Mumo (2012) despite these legal measures, industry reviews show that domestic workers are still abused and exploited.

Table 1 Basic Minimum Consolidated Wages (General Wages Order (amendment) Order June 2012)

Occupation	Mode of Payment	Minimum wage rate for cities of Nairobi, Mombasa and Kisumu (KES)	Other Municipalities (KES)
General labourer including cleaner, sweeper, gardener, child care giver, house servant, day watchman, messenger	Hourly	76.7	70.1
	Daily	421.8	379.3
	Monthly	8580	7916
Night Watchman	Hourly	86.3	78.55
	Daily	459.3	428
	Monthly	9572	8874

Source: <http://www.africapay.org/kenya/home/salary/minimum-wages> Accessed 30/5/2013

NB: A presidential order on Labour Day (1/5/2013) raised the minimum wages by 14% but relevant implementation guidelines from the concerned ministry had not been released by mid-June 2013.

² This expression could refer to an opportunity to work for more than one employer in a day and take home double the normal daily wages or a chance to get any work at all for majority casual domestic workers

³ Generous and kind employers that offer gifts in addition to wages and do not mistreat or underpay domestic workers.

2.4 Sampling Methods

The respondents were selected through **non-probabilistic** (purposive) sampling methodology. This involved identifying and approaching a member of the population bearing the relevant characteristic such as employee, employer, agent or official of an organization working in or with the domestic work sector. The sampling frames were drawn on the basis of characteristics such as

existing groups or organizations, residential wards or blocks, administrative or political boundaries, and points of contact such as domestic worker recruitment agencies and business premises operated by domestic employers, agents and employees. The survey utilized **snow-ball** sampling techniques. This involved the use of formal and informal inquiry strategies to obtain sponsorship for field entry and to establish contact with respondents who subsequently introduced the survey team to other respondents bearing similar characteristics.

Table 2 Sample Distribution

Respondent Category	Sample Frame	Sample Size
Primary respondents (Female domestic workers)	Live-in workers Live-out regular workers Live-out casual	3 persons* 5 blocks =15 3 persons * 5 blocks =15 12 persons * 5 blocks =60 Total 90 respondents
Employers	<u>Contact ward:</u> Landi Mawe Nairobi South Mukuru Kwa Njenga Mukuru Kwa Reuben Viwandani	2 employer households 2 employer households 2 employer households 2 employer households 2 employer households Total 10 respondents
Recruitment Agent	Each of the five wards	1*5 = 5 However only 3 responded to the survey (Reuben, Njenga, Viwandani)
Key informants interviews	Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers - KUDHEIHA Organizations working with Domestic Workers in Nairobi	1 Programme Coordinator KUDHEIHA 1 Domestic Workers Organizer KUDHEIHA 1 CEO 'Changing Fortunes Organization' 1CEO 'Centre for Domestic Training' (Declined to participate in Survey)
Focus Group Discussions	Live-out casual	3 groups each consisting of 8 individuals 1 group combining women from Landi Mawe and Nairobi South wards 1group combining women from Reuben and Viwandani wards 1 group constituted only by women from Njenga ward

2.5 Tools and Techniques of Data Collection

Questionnaires and interview guides were used to elicit information from various respondents. These tools were developed and discussed with relevant staff at Oxfam and other stakeholders so as to address and incorporate as far as possible their comments and suggestions. The considerations taken when developing the tools of data collection were the use of simple language, comprehensive

coverage of relevant issues, and efficient collection of data assured by brevity of tools and convenient schedule of interview sessions.

This survey applied face-to-face interviews with the different categories of respondents. Five female enumerators were identified and recruited to conduct interviews with the primary respondents – the female domestic workers living and working in and around Mukuru settlements. They were recruited on the basis of their familiarity with the study setting and networks established over a long period in the informal settlements. All except one were residents of the different wards of Mukuru. The exception however had considerable experience in the informal settlement having worked in different programmes in the area over the years.

The principal investigator and the assistant held a one day orientation and training meeting with enumerators to ensure uniformity of approach in interpreting the questions into simple conversational Kiswahili for purposes of communicating effectively with respondents in the field. The enumerators were encouraged to adopt a conversation approach when interviewing the primary respondents – the female domestic workers so as to avoid fear or confusion that could arise from perceptions that the respondents were being interrogated.

The orientation and training was followed by a one day field testing of the tools. The testing revealed areas for improvement especially on clarity in the content of the tools and field entry strategies. The field entry techniques and the interpretation difficulties that some respondents expressed with regard to some questions during the testing were subsequently addressed in a one day meeting of the enumerators with the survey leaders.

The principal investigator and the assistant moderated all the three focus group discussions that were convened in Mukuru Kwa Njenga, Landi Mawe, and Viwandani. Furthermore the principal investigator and the assistant interviewed the employers, recruiting agents, and officials of organizations that work with domestic employees in Nairobi. This was done purposely to avoid involving the enumerators whose social backgrounds would have put them at a relative disadvantage when interviewing employers, agents and officials who were predominantly from the neighbouring middle class districts. Limited direct observations were also made with respect to employer-employee relations and recruiting agent-job applicant interactions.

2.6 Methods of Analysis

Both qualitative and quantitative data were generated and analysed in this survey. Qualitative data were cleaned, coded, analysed and interpreted thematically. Among the issues analysed and interpreted qualitatively were tendencies in recruitment and wage negotiations, employment and income options, actions in resolving employment disputes, and attitudes in employer – employee relations. Others were organization and advocacy channels available to domestic workers and options for improving their working conditions.

On the other hand quantitative data were cleaned, coded, analysed and interpreted using the Statistical Package for Social Scientists (SPSS) for windows version 16. Graphs and simple descriptive statistics were then utilized to organize, summarize, present, and interpret the quantitative data. The data that were analysed quantitatively included average monthly household income, alternative employment and income sources for domestic workers, challenges facing women domestic workers from Mukuru informal settlement, options for dealing with the challenges, and obstacles to dealing with the challenges.

3.0 FINDINGS

3.1 Importance of Domestic Work to Female Workers

The survey found that women domestic workers are generally hired to perform a wide range of duties such as laundry and ironing, caring for children, caring for the sick, general household cleaning that include mopping, dusting, washing toilets, sweeping, and disposing of garbage. Other tasks included cooking, picking children from or dropping them at school, washing cars, keeping watch over employers' homes or tending their small businesses while they were away and running errands for the employers. The majority of the respondents reported that domestic work was of critical importance to them and their families since for most of them it was the only source of income. As one respondent in Mukuru Kwa Njenga noted:

'If we miss work, we have nothing and our children suffer'

For nearly all the women who do not live in their employers' homes, it was the source of money to buy food, paying rent, school fees for their children, transport and even contributions to merry-go-rounds (grant systems which is common among Kenyan women and which involves members making contributions and grant to specified members by rotation through pre-arranged agreements). Apart from being the source of income, the respondents indicated that engagement in domestic work enabled them to avoid idleness and also provided channels that enabled them to receive gifts like clothing and food stuff from some of their employers as extra benefits. Other benefits included donations in times of crises like medical and school fees as well as bereavement

3.2 Challenges Facing Casual Women Domestic Workers

Casual women domestic workers from Mukuru informal settlement face numerous challenges related to securing work opportunities, poor working conditions, and social problems that affect their right to work and control over the income they earn from domestic work. The social problems mainly arise at the household level where men occasionally seek to control their wives and partners with respect to whether or not they should serve as domestic workers and how their income from domestic work should be spent. In the group interviews the respondents reported that they often walked long distances in search of work in middle class districts due to lack of bus fares and this often left them too exhausted to be productive even when they finally got the much needed work.

"I wake up at 5.00 A.M. on daily basis and do my own household chores before leaving my residence on foot to the nearby middle class estate of Nairobi West in search of work because I cannot afford the transport cost. My journey to work and back takes about one and a half hours".

CHRISTINE KEMUNTO Casual Domestic Worker, Mukuru Slums NAIROBI

Many of the women lacked identity cards rendering them unemployable since most employers insist on valid identity cards as a precondition for allowing them to work in their households. The common explanation for lack of identity papers was that women tended to experience greater difficulties in securing these documents due to official requirement that they are sponsored and guaranteed by either their husbands or their parents in case they were unmarried. This requirement presented challenges since most of them lived with partners with whom they had not formalized their unions.

In some instances, potential employers demanded certificates of good health and good conduct from the Health and Police Departments respectively before one could be employed. The problem with these documents was that they had to be renewed frequently and on each occasion they are required to pay relevant fees, a factor that closed out most of these women who could not afford. The fees ranging from KES 700 to KES 2500 for certificates of good conduct and health respectively which were found to be too high for majority of the women who earned an average of KES 200 per day from domestic work. Furthermore these documents were rarely issued at once and required

repeated visits, a fact that imposed unaffordable expenses especially on transport costs on majority of these women.

Further they reported that they faced age discrimination since some employers preferred younger women (18-24 years) while others preferred older ones (25-40 years) claiming that younger women tended to be distracted by boyfriends or other male partners. Some respondents reported that they took chances by sitting at strategic locations in middle income areas but this exposed them to challenges such as long hours of exposure to the scorching sun, rain or chilly conditions and frustration by security guards who frequently demanded bribes to allow them access to employers' compounds. They also faced frequent harassment by city authorities who threatened them with arrest for gathering illegally outside private homes. The women also claimed that the city authorities often viewed them as nuisance to property owners for demanding to be hired.

Some respondents also revealed that their husbands or male partners often objected to them working because they feared they would lose control over the women if they earned their own income as domestic workers.

The respondents also reported that they experienced abusive treatment, sexual harassment, discrimination and unfair working conditions. The experiences involved undertaking demeaning tasks like washing undergarments and toilets with open hands and handling sick people without protective gear, denial of rest and food, and introduction of additional tasks and varying the workload beyond initial agreements without additional compensation. Figure 1 below illustrates the challenges that faced female domestic workers. As shown, low wages, unreliable pay, and 'job insecurity' were cited as the most serious and common challenges facing female domestic workers.

"As a casual domestic worker, Beatrice Akinyi faced many challenges including denial of food apart from morning tea while she worked for a whole day, lack of respect from the children who keep abusing her and disturbing her including climbing on her back, and talking to her badly. "I was once spit on by a child," She says. She has also had instances where her employer failed to pay her monthly salary when she went to deliver. Asked how she deals with challenges at work, she says, "I just keep quiet and pray to God to help me come out of my problems by giving me other income opportunities."

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BEATRICE AKINYI Casual Domestic Worker, Mukuru Slums NAIROBI

"My husband has never approved of my being a casual domestic worker, he despises domestic worker," She explains. He works at a flour mill factory in industrial area, Nairobi, but his income cannot sustain our family. Though it (domestic work) doesn't earn me much, at least I have something for myself at the end of the day.

EBBY MAKUNGU Casual Domestic Worker, Mukuru Slums NAIROBI

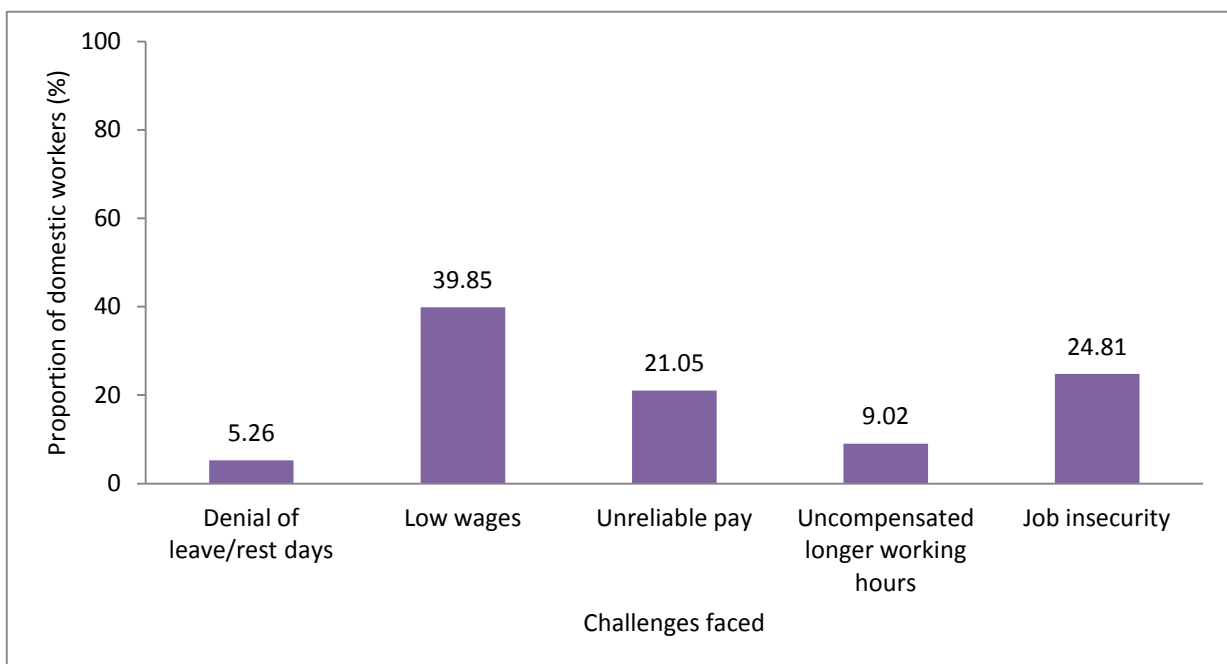
Whereas the official daily minimum wage for domestic workers as shown in table 1 above is KES 421.8 per day, majority of the casual women domestic workers reported that they earned an average of KES 200 with only few exceptions where employers paid above the minimum based on level of acquaintance with the worker or the number of tasks assigned in one day. To majority of the respondents 'job insecurity' meant limited ability to secure work especially after a prolonged absence or break from the ranks of daily domestic job-seekers and the high risks of being fired before the assignment is completed often without pay. Dismissals were attributed to employers' dissatisfaction with work performance, women householders' suspicions of sexual relations developing

"I sit on the stones at the gates to South B Estate from 7.00 A.M. and wait till mid day. If I fail to get work by then, I leave to open up my groundnuts business along Enterprise Road, outside Kenya Wine Agencies Ltd. I always ensure that I fry my groundnuts before I leave to search for domestic work. My business cannot sustain itself, so I have to supplement it with casual domestic work". "Domestic workers are faced with very many challenges. At my age, I do not have the strength to do as much work as many of my clients make me do. They don't offer me any food and the pay is so low. The least I get for washing clothes is KES 200 and the most is KES 300. Sometimes I have to redo the clothes because the client feels they were not well done. I have no knowledge of any legislation that advocates for justice for domestic casual labourers".

HILDA HAMALA Casual Domestic Worker, Mukuru Slums NAIROBI

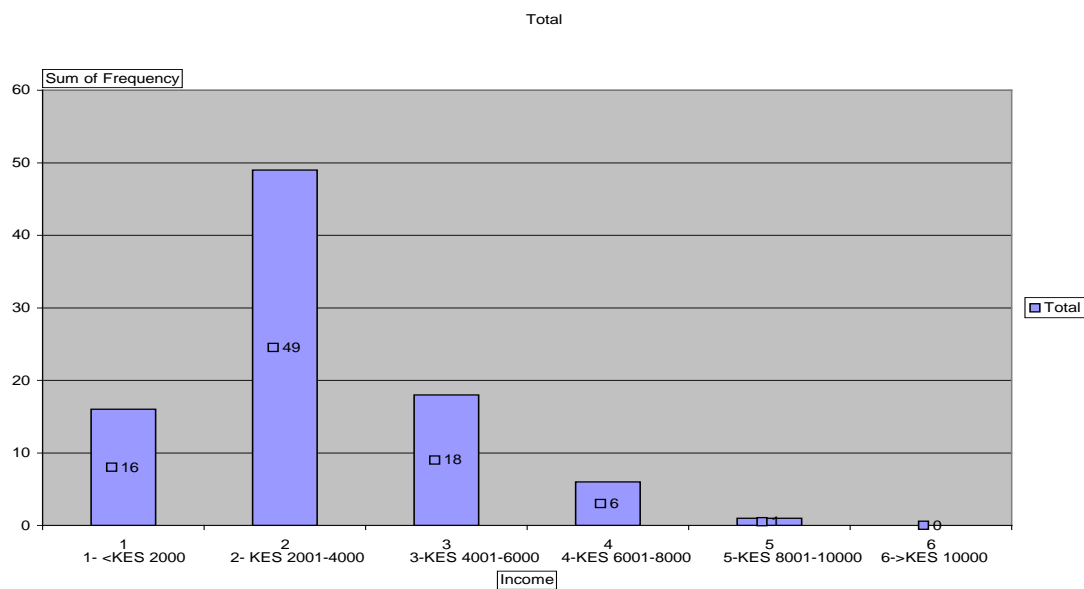
between their husbands and female domestic workers, claims of extravagance or wastefulness of the workers, and misunderstandings on how to make good loses arising from accidents at work and the behaviour of employers' children towards workers.

Figure 1: Key Challenges Faced by Casual Domestic Workers



The problem of low wages as shown in figure 1 is further illustrated by the reported average monthly household income for the surveyed domestic workers. Figure 2 below shows that only one household reported a monthly income of more than KES 8,000 that falls just below the official minimum wage of KES 8,580 for domestic workers in the City of Nairobi. The figure shows that 65 out of 90 or 72 per cent of the households earned less than 50 per cent (KES 4000) of the monthly minimum wage for domestic workers. This implies that women domestic workers are poorly remunerated in Nairobi and that the employers have very little regard to the law. This is compounded by weak enforcement by the relevant government departments and the fact that women are vulnerable and lack organization to take any meaningful actions.

Figure 2 Average Monthly Household Incomes for Domestic Female Workers in Mukuru



3.3 Coping Mechanisms against Unfair Working Conditions and Rights Abuses

This survey revealed that most of the women domestic workers did nothing in the face of abuse and violations of their rights. The majority in this category reported that they persevered in the face of ill-treatment and abuses due to lack of alternative employment and income earning opportunities. For the few that did anything, they mainly used informal coping mechanisms to deal with rights abuses. This was partly attributed to limited awareness of the formal coping mechanisms and the risks associated with them. The study further noted that any attempts to make formal reports on abuses and exploitation in the workplace would almost automatically lead to their dismissal from work and loss of earnings. The respondents only considered taking formal action such as reporting to the local administration in situations where there was violence, commotion that drew neighbours' attention, or where there was visible physical injury or pregnancy arising from sexual abuse. Among the different levels of local administration, the chief⁴ was the most trusted official to be approached to seek redress in case of rights violations. The chief's office was considered not only sufficiently more powerful than the village elder but also more approachable than the police or the higher office of sub-county officer.

Among the strategies that the women used to cope with the difficulties of obtaining documents was relying on their husbands or male partners' identity cards to guarantee that they would be

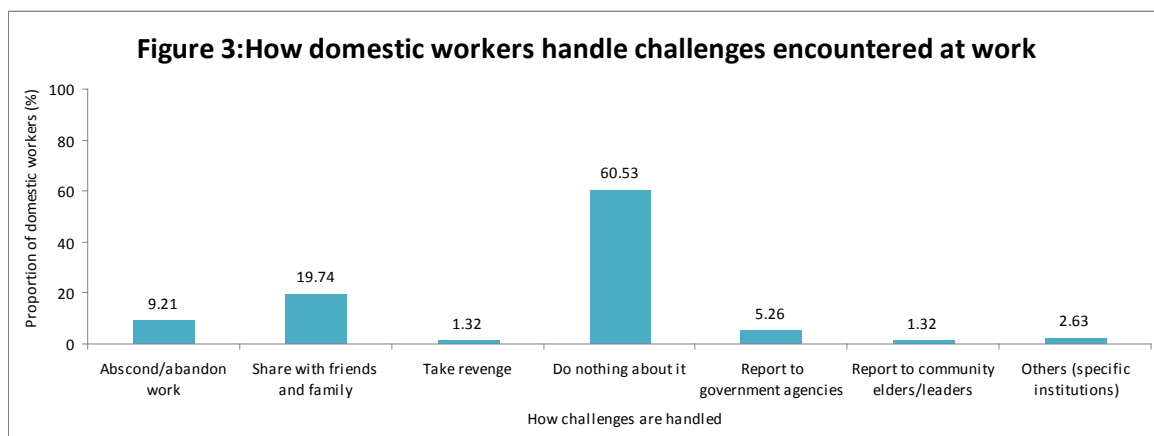
⁴ This is basically the third tier official from the bottom rank of administration which is the village elder whose immediate superior is the Assistant Chief.

located through these men whenever it was necessary. In the absence of male sponsors, they would resort to working within Mukuru informal settlement for employers who were familiar with them. The earnings from such opportunities were however smaller than the minimum daily income they earned when they worked in the middle class neighbourhoods .In instances where they were seriously underpaid and overworked they opted to seek employment in other locations or to find better paying employers in the same localities.

The most common coping mechanism therefore was *group solidarity* involving for instance the workers looking out for each other and giving each other references to find new or alternative employers who would offer better employment terms. Sometimes in furtherance of group solidarity, the domestic workers would fight back by taking common decisions to boycott work in the premises of known abusers. This typically involved warning each other about the dangers of accepting work in such homes. Some respondents indicated that they coped by operating petty businesses alongside domestic employment to cushion themselves against risks like defaults in wage payment, unfair wage deductions arising from damages such as accidental breakage of glasses or plates and denial of wages for refusing to submit to sexual advances. The respondents also reported that they coped with sexual harassment by threatening to report those who harassed them to their wives or mothers in case the culprits were sons or other relatives in the employers’ households.

In situations where the domestic workers were assigned demeaning or abusive tasks such as washing their employers’ underwear or massaging the bodies of male employers, they coped by ignoring part of the assignments or pretending not to have heard the instructions to perform them. In other circumstances they would cite cultural taboos as prohibiting the performance of such tasks. Most respondents reported that invoking cultural taboos quite often assured success in avoiding some tasks considered demeaning or offensive. On the other hand the respondents noted that failure to complete assigned tasks on account of excessive workload often presented risks such as getting dismissed or withholding of wages.

Figure 3 below shows how women domestic workers handle challenges encountered at work. The figure indicates that majority of the workers (60.53%) do nothing about their predicament while 19.74% share the information with friends and family who often advise them on what to do. It is also noted that 9.21% abscond or abandon the work whenever challenges occur whereas in one percent of the cases they take revenge by damaging the employers’ property or mistreating the children left in their care. Approximately 9% of the respondents reported that they reported such abuse to government agencies, community leaders and local institutions such as youth and women organizations.



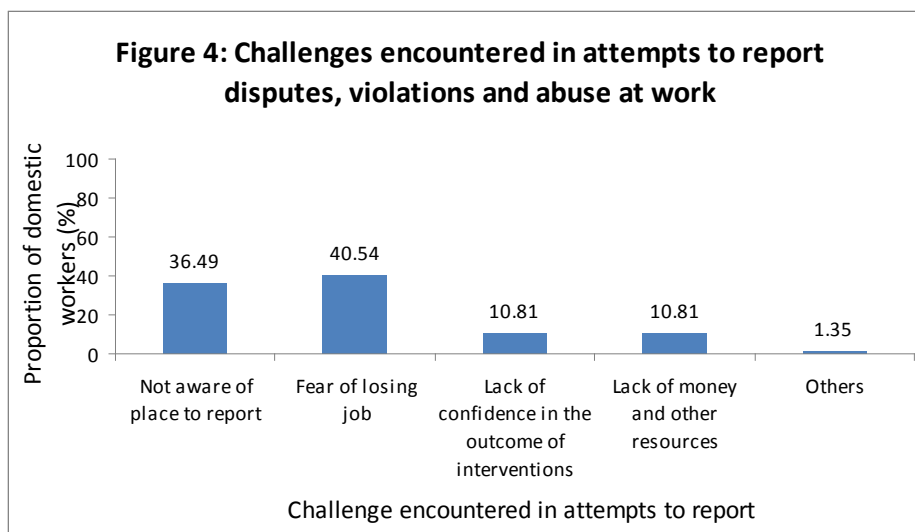
3.4 Obstacles to Dealing with Challenges

The women domestic workers cited a number of obstacles that impeded their efforts to resolve disputes, violations and abuses that arise in their workplace. First, the employers tend to use their economic and social influence to intimidate employees that complain or make claims against them. Most participants in the group interview reported that employers often corrupted officials such as the local administrator especially the chiefs and the police to deny them justice. In most instances because the offending parties are from distant middle class areas with jurisdiction limits that curtail any positive attempts by committed officials from Mukuru informal settlement to intervene. The participants observed that quite often the police would demand bribes before acting on their complaints against employers. Thus some respondents noted:

'Sometimes they tell us to go arrest the defaulting employers by ourselves and present them to the authorities.'

The study also established that a forced code of silence was common among the women domestic workers. Such silence is achieved by employers through tactics that include threatening the women who complained with violence or influencing fellow employers to deny them work opportunities. The workers observed that another method used to suppress them and ensure silence was the tendency to falsely accuse them of stealing whenever they presented any complaints. In some instances where the female workers reported sexual harassment to the wives or partners of the male culprits, the workers would instead be accused of making sexual advances to the men. The employees also reported that whenever they made requests for wage increases they would be subjected to abnormally heavy workloads, denial of food on account of wage increases, outright refusal to pay and deliberate delays in payment of wages.

Figure 4 below summarizes the obstacles that women domestic workers encountered in their attempts to deal with the challenges in the workplace. The figure shows that majority 40.52% of them faced the risk of losing their jobs and income and therefore preferred to persevere and suffer in silence while 36.49% were not aware of any place to report or complain. An equal proportion of women, that is 10.81% in each case, lacked confidence in the outcomes of any interventions or lacked money and other resources to pursue their complaints.



3.5 Alternative Livelihood Options for Female Casual Domestic Workers

The survey revealed varied responses to the question of alternative livelihoods options for female casual domestic workers. In Mukuru Kwa Njenga, Landi Mawe and Nairobi South, the preferred options was self-employment which included making and selling handicrafts and engaging in other small scale businesses like sale of potato chips, wheat buns, clothes and charcoal. Others observed that they could provide services such as child care. They further reported that majority of them had acquired handicraft making skills through their own efforts and also through previous programme interventions in the settlements but faced challenges of finances to establish and grow their businesses in this field and limited opportunities to market their products.

The women in Mukuru Kwa Reuben and Viwandani however reported that they had no alternative livelihood options apart from employment as domestic workers. They claimed that they had considered options like hawking of merchandise in the Industrial Area and other parts of the City of Nairobi but often fell foul of the city council officials. As such they considered domestic work as safer. This limited range of options is attributed to a number of factors. For instance many of the Mukuru women who opt for domestic work have limited opportunities for any other form of work having dropped out of school early due to financial challenges or early pregnancies and therefore have few skills or financial resources to engage in business. In other instances they are widows who previously relied entirely on their departed spouses as the sole breadwinners and are left without any viable career foundations. Yet still, others are women who have left unstable marriages to start off as independent household heads

3.6 Domestic Workers' Organizations and Institutions in Mukuru and Nairobi

This survey established that there were no domestic workers organizations operating within Mukuru informal settlement. Telephone contacts were made with an organization, *Centre for Domestic Training* that operates in adjacent Nairobi West area but the officials declined to grant an appointment or interview. The data also showed that out of the 90 respondents surveyed only 2 or approximately 2.2% belonged to any welfare groups but none reported that the groups they belonged to were specifically constituted by domestic workers or that they addressed the interests of domestic workers.

Further a field the survey showed that the national domestic workers union KUDHEIHA and 1another private organization *Changing Fortunes* were involved in recruitment, organizing, training and empowerment of domestic workers. The activities of KUDHEIHA were however concentrated in the middle class and up-market districts of Nairobi particularly Westlands and adjacent areas.

Changing Fortunes empowerment programmes involved training in three critical areas of skills, health and safety at work and finance management including savings and banking services. In addition, the organization encouraged employers of domestic workers to follow the legal processes in hiring the workers including clear job descriptions and formalised worker engagements. They also conducted seminars for employers and employees on critical issues such as effective communication and setting clarity of work and boundaries in employment relations.

Although *Changing Fortunes*, a private organization that has been in existence for five years was found to have been successful in training and empowering nearly 300 domestic workers mostly drawn from the middle class zones of Kilimani, Langata and South B and South C it was severely constrained in two ways. First it lacked the human resource and financial capacity to offer services beyond a small group of recipients at any given time. Secondly it had comparatively less capacity than a public sector entity to overcome suspicion and resistance of employers and other stakeholders in this sector.

KUDHEIHA constituency was found to be countrywide with programmes for domestic workers in Nairobi area covering the entire city but restricted only to registered members. Non-registered

members could therefore only benefit from publicly disseminated information from the union. The services that KUDHEIHA offered domestic workers included information dissemination, convening forums where domestic workers meet every second Sunday of the month to deliberate on issues affecting them and training on conflict prevention and dispute resolution in employment relations. Other services include lobbying and negotiating with the Ministry of Labour on behalf of the workers and offering conciliation services where disputes arise between domestic workers and their employers. The union also equipped domestic workers with skills to survive beyond the period of their employment as domestic workers. Further the union sensitized and trained the workers on how to overcome the challenges in their places of work, how to be self assertive and how to speak out and seek help whenever it was necessary.

KUDHEIHA in particular was largely effective in the discharge of its mandate of representing the interest of domestic workers and other workers in allied sectors. It relied on its partnership with credible organizations like the American Centre for International Labour Solidarity (ACILS) and wide national networks including Domestic Workers' Committees in various districts of Nairobi to address the needs of domestic workers. It used the strategies of door-to-door campaigns and making presentations on workers' rights at public forums to promote and protect the interests of domestic workers. It was however reported that KUDHEIHA was severely constrained in its ability to reach domestic workers through the strategy of door-to-door campaigns considering the high levels of suspicion from employers and doubts of employees. The survey also revealed that the union tended to over rely on information brochures and pamphlets but these could be supplemented with mass media campaigns.

3.7 Female Casual Domestic Workers' Knowledge and Understanding of their Human Rights

This survey found a high level of knowledge and understanding of broad issues pertaining to human rights among casual women domestic workers in Mukuru although very few were able to articulate on them. Very few made any reference to the constitution, and the relevant national and international statutes as providing the framework for protection and exercise of human rights. In spite of these limitations most respondents recognized their entitlement to safe and healthy working environment by citing lack of protective gear like gloves when cleaning toilets or handling the sick. The respondents also indicated that they were often neglected whenever they fell ill while on duty, a fact that revealed their awareness of the right of every human being to health care. Some respondents observed that some employers would lock up workers for several hours in their homes while they were away on the excuse that the workers would steal from them if allowed to move freely.

The respondents were also aware of their right to non-discriminative treatment and cited instances when they were forced to eat left-over food or use separate cutlery from members of their employers' households. They also cited denial of food on account that the worker was not a regular member of the employer's household as a discriminatory practice that infringed on their rights. Some respondents cited incidents in which they were denied the right to use the toilets in the same households where they served causing them serious suffering.

The women also signified their understanding of the right to fair remuneration and fair conditions of work by citing instances when they endured assaults, insults, harsh supervision and accepted very low wages out of desperation to keep their families going. They also recognized the violation of their right to reasonable working conditions by referring to numerous instances where employers would vary the terms of engagement to the disadvantage of workers. Such variations included introducing additional tasks without commensurate compensation and asking the workers to go away and come for their wages the following day or long after the services were rendered.

Furthermore they recognized the duty of the government to respect and protect the human rights of everybody including the domestic workers. They emphasised the need to train local administrators and the police to respect and protect their human rights. They also observed that the cost of seeking justice where rights are violated should not be prohibitive. Some respondents noted that it was often the case that one required between 500 and 1000 Kenyan shillings to bribe officials or to file a case with them even in situations where the amount of money in dispute could well be below 500 Kenyan shillings.

3.8 Employers' Perceptions Towards Women Casual Domestic Workers

This survey revealed that the perceptions of employers towards women casual domestic workers were centred on determination of duties to assign the workers, determination of wages and response to needs and problems of the workers. It shows that in five (5) out of every ten (10) cases (50%) the employers favoured negotiations in determining the duties assigned to the workers. In three (3) out of ten (10) cases, the duties assigned to workers were based on changing needs of the employers whereas in two (2) out of every ten (10) cases, the duties were assigned solely at the discretion of the employers. On wage determination the survey shows that in nine (9) out of ten (10) cases the employers negotiated the wages with the employees while it is only in one (1) out of ten (10) cases that the wages were determined solely by the employer. The survey also revealed that nine (9) out of ten (10) employers offered to hear out the workers so as to find solutions to the latter's needs and problems. Most employers would however offer support only on matters touching on ill health, bereavement or other family misfortunes. It was only in one (1) out of ten (10) cases that employers preferred to grant time off⁵ from work and strictly observe normal hours of work limits as a way of responding to workers' needs and problems.

The survey also established several barriers to good relations between employees and female domestic workers from Mukuru informal settlement. It revealed that whenever an employee got pregnant while living with or serving an employer, the relations were likely to be strained. This was partly due to the fact that the effectiveness of employees was often lowered by pregnancy. Furthermore pregnancy in most instances necessitated reversal of roles where the employer would be required to care for and support the employee. In some cases the relations were strained by the fact that members of the employers' household would burden the employee with even the simplest of personal tasks resulting in overwork of employees.

In other instances, the employees were accused of negligence of duties and wastefulness in using their employers' resources. Many employers also reported that female casual domestic workers were prone to absenteeism, exhibited attitude and behaviour problems such as resisting correction, and often lacked appropriate skills and effectiveness. Other barriers to healthy employer – employee relations in the domestic work sector were identified as pilferage or theft by employees, employee failure to give adequate notice of intention to leave, employer restrictions on access to food and disputes over leave days or rest time.

With regard to the options for improving relationship between employees and women domestic workers, the respondents suggested that employers should not overwork the employees and should pay them fair wages regularly and ensure periodic wage raises. Other respondents indicated that the relations could be improved by giving employees appropriate orientation and skills training in areas like housekeeping, first aid, cooking, and child care to ensure competence and effectiveness in performance of their duties. Further the respondents observed that the relations could be improved

⁵ This was application to casual workers with regular employers and leave was often granted to attend to matters such as illness and attending to school issues involving their children.

by conducting seminars and workshops for employers on employee relations and motivation through monetary compensation and listening and caring attitude. They noted that these measures would be critical in changing employee attitudes toward domestic work so as to see themselves as important as any other workers.

3.9 Feasibility of Unionizing Female Casual Domestic Workers

Among the employers surveyed, five (5) out of ten (10) considered unionization of domestic workers as very necessary, three (3) considered it necessary, one (1) as not necessary whereas another one (1) did not have an opinion on this matter . On the other hand among the workers there was unanimity that domestic workers unions and associations were very important in addressing the issues that affect domestic workers in Kenya.

Considering the role of KUDHEIHA in recruiting, mobilizing, training and advocating for the rights of workers in the domestic sector as outlined in section 3.6 above, it would be concluded that unionizing female casual domestic workers in not only highly desirable but also feasible. Their work would be complemented by other organizations already working with domestic workers such as *Changing Fortunes*.

4.0 SUMMARY AND CONCLUSIONS

This survey revealed that although there are extensive legal and administrative structures with the responsibility for regulating domestic work sector in Kenya such as the Constitution 2010, the Labour Relations Act 2007, the ILO Convention 189 and Ministry of Labour, the casual women domestic workers from Mukuru informal settlement remains vulnerable. They are exposed to abusive treatment, discrimination and receive extremely low wages that in most cases are less than half the minimum daily or monthly wages. The study however established that the casual women domestic workers have a strong desire to be treated with respect and to carry out their work professionally.

With regard to their understanding of their human rights the majority the women were found to be broadly knowledgeable about the relevant labour and human rights issues although they were not very articulate. For instance they recognized their entitlement to safe and healthy working environment, (OSH) by lamenting the lack of protective gear like gloves when cleaning toilets or handling the sick. They also understood their rights to fair wages and reasonable working conditions without discrimination. They also recognized their right to redress in instances of violations without undue limitations such as high cost of seeking justice.

The study also been revealed that women domestic workers face tremendous challenges in obtaining key documents like identity cards, and health and good conduct certificates partly due to stringent and frustrating bureaucratic procedures and also due to financial difficulties. They also face barriers meet challenges created by security guards that often have to be bribed to let them into the compounds of prospective employers as well as those created by city inspectorate officials that view casual domestic job-seekers as nuisance in the strategic locations they use as job prospecting sites. Furthermore they receive inadequate pay, experience abusive treatment, sexual harassment, discrimination and work in unfair conditions that include performing demeaning tasks, cleaning and handling toilets and sick people without adequate protection, and being dismissed from work without compensation.

Various options for addressing these challenges have also been identified. One of the options is reliance on male sponsors to provide their identity cards to prospective employers to secure the trust of employers. The other coping mechanism commonly employed is group solidarity that involves the women looking out for each other and giving each other references to find new or alternative employers who would offer better employment terms. Group solidarity also involves the women taking common decisions to boycott work in the premises of particular known abusers. The women domestic workers also cope with abusive and demeaning tasks assigned to them by invoking cultural taboos against performing such tasks with tremendous success on most occasions. The other options identified for addressing these challenges were creating alternative employment in small-scale businesses like selling food, clothes, handicrafts or operating service facilities like child care centres.

This survey concludes that since the social circumstances under which some women come to seek employment as casual domestic workers allows them limited career options outside this sector, their working conditions and effectiveness could be improved by focusing on three critical areas. These are employer-employee relations, employee skills and employee attitude and behaviour change. The employer-employee relations could be improved by conducting seminars and workshops for employers on employee relations and motivation through monetary compensation and adopting a listening and caring attitude. The employee skills and effectiveness could be improved by giving the employees appropriate orientation and skills training in areas like housekeeping, first aid, cooking, and child care. Finally the employee attitude and behaviour change could be realised by offering group seminars and sensitising the workers to adopt attitudes and behaviour that encourage employers and employees alike to recognize domestic work as important as any other work.

5.0 RECOMMENDATIONS

Non-profits like Oxfam GB -Kenya should support the women to acquire relevant business skills and capital to create alternative income options alongside domestic work.

- KUDHEIHA should negotiate with the state to secure favourable terms and conditions for obtaining legal documents for domestic workers.
- The Ministry of Human Resource Development and Social Welfare should support and register more Domestic Workers Training agencies to educate and empower both employers and domestic workers to realize compliance with relevant laws and regulations and improved work relations.
- The state should periodically review wages proportionately across all sectors to encourage employers to comply with the minimum wage guidelines for domestic workers.

6.0 CHALLENGES ENCOUNTERED AND RESPONSE

The survey encountered challenges of securing appointments to interview staff of private domestic workers recruitment and training agencies. Most of them were evasive when contacted directly or by phone. In most instances they gave excuses that they were too busy or had planned to travel and could not change their plans to accommodate the survey. After several frustrating attempts some of the agencies were eventually omitted from the survey. However, the attitudes of the representatives who declined to participate and the excuses offered such as 'we do not admit strangers in our premises' gave valuable insights to the survey. On the other hand the few agencies that yielded to the survey were mostly persuaded through introductions by individuals familiar to the proprietors or members of their staff.

The survey team later learned from the few agencies that allowed interviews that the reluctance was due to three main factors. First, many were unlicensed operations and the proprietors thought they would be putting themselves in trouble by allowing strangers to interview them. Secondly, they had suspicions that 'researchers' could be potential competitors interested in gathering data to facilitate establishment of similar agencies. Thirdly, they had suspicions that the research could be part of state agency investigations to expose non-compliance with relevant laws and regulations in the domestic work sector.

7.0 CASE STUDIES

CASE STUDY 1 Domestic Workers; Christine Kemunto

Kemunto started domestic work while still a child (11 years) in order to get school fees. "I was then in class six, and did that work until I reached form four at Mosisa Day Secondary in 2007." That year, she was unceremoniously released and someone else brought to do her job. "Although I did my secondary school exams, I haven't gone to collect my certificate because I still owe the school money." She explains.



Kemunto left her rural home for Nairobi in 2007 to look for a job. Since there weren't any meaningful jobs, she joined a small food kiosk. She soon met a man, got married and moved into Mukuru Kayaba slums with him. Kemunto went back to doing domestic chores, first washing neighbours clothes and this would earn her equivalent of 0.5USD per day. This however could only pay for her lunch and clothing. She did this work during the day when the husband was away doing casual work at construction sites. Her husband deserted her when she became pregnant. And since she couldn't afford rent and food, she opted to become an in-house domestic worker in a nearby estate. She was eventually sent away when she delivered her baby. This was when she started engaging as a casual domestic worker in order to meet her household needs.

"Good employers give you food and sometimes clothes that they do not use," Kemunto remarks. Her day starts at 5:00am. She does her own domestic chores before leaving the house on foot to the nearby middle class estate of Nairobi West. Her journey to work takes about an hour and a half. Occasionally she is let into the estate by security people and she moves from house to house knocking at people's doors asking them if they need a house help for the day. On days she is not let into the estate, she joins her fellow job seekers who converge and sit on stones and pavements at the main entrance to the estate and wait to be picked by a home owner to work for the day.

"I earn an equivalent of 2.3USD a day and on a good day 2.9USD especially when am lucky and am given curtains and carpets to wash. Explains Kemunto." My regular duties though include cleaning the compound and house, washing the clothes, cooking for the dog, washing vehicles, and utensils, washing toilets, taking children to school, washing vehicles, being sent on petty errands. She says her wage is decided by the employer though the two of them agree beforehand. "This amount (2.3 USD) is insufficient. The kind of work we do deserve double that, which at least will be sufficient for my household needs." She says. "Sometimes I sleep hungry or borrow from the shops especially when am sick and not able to go to work."

Some of the problems she faces include sexual harassment especially in houses with men only; More work with minimal pay, unreliable payments, insults, being told to eat outside the house, being made to pay for broken items, and being made to wash innerwear especially by foreigners. "Sometimes am denied food or the food is deducted from my pay and at other times am delayed and made to leave as late as 8.00 P.M. I sometimes despise my work because I do a lot of work, I don't even get time to relax and yet I still can't meet my needs."

When asked about her rights as a worker, Kemunto asks, “What rights? I have never heard about those rights. And neither do I know Institutions advocating for them.” She however agrees that there needs for laws to regulate their working conditions including working times, provision of uniform, payments based on the work done, and reasonable work. She also hopes that one day there will be ‘a place’ for advocating for the rights of domestic workers, training on domestic work to enable them use things like gas in order to professionalize the work, and to ensure there are contractual engagements with the employers .

CASE STUDY 2 Domestic Workers; Beatrice Akinyi Outo

Beatrice Akinyi Outo is a mother of four and a widow. She lives in Mukuru Kwa Njenga slums in Embakasi Village. Her youngest child is just a year and two months old. Her other three children are in school. Whenever she leaves to go to work, she leaves her little baby in a make shift baby care at Rofis Academy. The school cum baby care is run by only three teachers who manage upto class three. One of her two children is supported by a Catholic Church and the other by the school management which allows her to pay half the required tuition.



Beatrice started domestic work at her rural home when still a young girl, in standard seven when her mother developed psychological problems back in 1992. She moved to Nairobi the following year and got a job in a university lecturer’s home. She got married, but six years later her husband died and she had to return to her old job once again. She got remarried in 2005 and lives with her new husband who was a loader while she continued to work as domestic worker. They combined their income to pay rent and meals.

Beatrice works for a lady at a nearby middle class estate, Imara Daima and gets equivalent of 2.3 USD per day. Her employers runs a grocery and often gives her some groceries, those that are almost getting spoilt and cant be sold anymore. She is also allowed to work for other people whenever she has spare time. Since she is also a mother, her day starts at 4.00 A.M She does her house chores that include cleaning the house, children’s clothing, fetch water and taking her children to school. She leaves her house at 9.00 A.M. Her workplace is a 30 minutes walks. Beatrice works until 9.30 P.M. in the night and returns to her home at 10.00 P.M. The children are usually collected from school by their elder sister when she comes back from school. Usually she sleeps close to midnight after doing some house chores.

Whereas her wage is very little for a mother of four, she cannot reject it because she has no alternatives. “If you look at this amount and the family needs- bus fare to school for my children, lunch for them and food, it’s not enough,” She explains.

Over the years she has faced numerous challenges in the course of her work. These include too much work, being denied food, except morning tea while she is expected to work for a whole day, lack of respect from the children who keep abusing her and disturbing her including climbing on her back, and talking to her badly. “I was once spit on by a child,” She says. She has also had

instances where her employer failed to pay her monthly salary when she went to deliver. Asked how she deals with challenges at work, she says, "I just keep quiet and pray to God to help me come out of my problems by giving me other income opportunities."

Beatrice Akinyi says she has only ever heard about rights of domestic workers on a local radio station, and while she is aware that underpayment is against the law and has heard rumours that the government has set minimum wages as well as requirement for employers to pay for them hospital insurance fund, she does not know how such laws can help her. She says she has also heard that there are domestic workers' bureaus which offer opportunities and handle work place problems, she does not know where they are and would not like going to them because according to her, 'they are usually for young women and those who differ with their husbands.'

In her opinion, changes that could be made to make domestic work better include to increase pay to equivalent of 5.8 USD per day, freedom to plan her work i.e. when to wash, iron, cleaning the house, timely and reliable payment that allows for savings as well.

8.0 REFERENCES

- Government of Kenya (2010) *The Constitution of Kenya*. Nairobi: Government Printer
- Government of Kenya (2007) *The Labour Relations Act*. Nairobi: Government Printer
Government of Kenya *The Occupational Safety and Health Act, 2007*. Nairobi: Government Printer
- ILO (2009) *Decent Work for Domestic Workers*, Report IV(1), International Labour Conference, 99th Session, Geneva.
- ILO (2011) *Global and Regional Estimates on Domestic workers*, Domestic Work Policy Brief No. 4 (Geneva)
- ILO (2012) *Conditions of Work and Employment Programme – Advancing Decent Work for Domestic Workers*, Policy Brief No. 1, Geneva.
- Mumo Muthoki (2012) Domestic workers see hope of a better deal in ILO treaty. *Saturday Nation* September 15, 2012.
- Mutisya, Emmanuel & Yarime Masaru (2011) Understanding the Grassroots Dynamics of Slums in Nairobi: The Dilemma of Kibera Informal Settlements. *International Transaction Journal of Engineering, Management & Applied Sciences & Technologies*, 197-213.
- Schwenken, H., & Heimeshoff, L.M. (eds.). (2011): *Domestic Workers Count: Global Data on an often Invisible Sector*. (Kassel, Kassel University Press)
- UN HABITAT (2010) *The State of African Cities 2010: Governance, Inequality and Urban Land Markets*. Nairobi: UNEP
- UNWOMEN (2013) Domestic Workers Count Too: Ensuring Protection, Upholding Rights, Newsletter, March 12, 2013 <http://www.unwomen.org/2013/03/> accessed 3/23/2013



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