



WORKING CONDITIONS AND POLICY ISSUES IN THE EMPLOYMENT,
RETENTION AND PROMOTION OF WOMEN WORKERS IN PUBLIC ROAD
TRANSPORT IN NAIROBI

HEINRICH
BÖLL
STIFTUNG



FLONE
INITIATIVE

#2020WTACONFERENCE

Presenter Bio

Paul Wafula is a Humanitarian Development Specialist with a special focus on gender mainstreaming, policy analysis and social research. He has worked with several Civil Society Organizations in Kenya among them Flone Initiative where he has contributed significantly in research on gender equity mainstreaming in public transport and associated spaces.

He has also been a facilitator for Flone Initiative's Women in Transportation program where he has trained both male and female transport operators in Kenya and Uganda.

In October this year, he led a study by Flone Initiative on the working conditions and policy gaps in the employment, retention and promotion of women workers in Nairobi's public road transport industry which is the subject of his presentation today.



#2020WTACONFERENCE

Introduction



This report presents findings of a study on employment, retention and promotion of women workers in public road transport carried out in October 2020 in Nairobi.

It entailed review of existing policy documents and publications, survey with female workers; conductors, drivers and stage attendants as well as in-depth one-on-one interviews with PSV SACCO managers, union representatives and partner organizations.

The study was limited to the public road transport and associated spaces.



FLONE
INITIATIVE



Background

- ❑ Nairobi public road transport is informal and privately run mostly dominated by mini-buses and vans famously known as *matatus*.
- ❑ Work in the matatu sector encompasses various roles like stage attendants, drivers and conductors, who collect fares and announce the route but also other informal roles including callers, touts and security workers (Wright 2018, 39).
- ❑ The sector is largely informal and therefore estimating the size of its workforce may be difficult, but it may employ around 160,000 people nationally (Wright 2018, 32).

Background

- ❑ Historically, the industry has been overwhelmingly male-dominated
- ❑ A 2018 Gender Equity report by Flone Initiative revealed that PSV SACCO managers believe that women make good workers (trustworthy, professional and safe) and all of them were willing to employ women. However, it was revealed that only 10% of women form the labour force.
- ❑ As a result, it is easy to overlook their specific needs and how these impact on their employment, retention and promotion in the industry.



Challenges and issues-problems

- ❑ Women worker in the industry they face immense challenges like being stereotyped, precarious working arrangements, long working hours, low pay, sexual harassment, limited professional development opportunities and violation of their labor rights among others.
- ❑ Occupational Health and Safety (OHS) concerns in the industry include risk of road accidents, physical hazards, violence, dangerous operational situations and exposure to harmful substances which can have a direct impact on other road users and on overall traffic and public safety.



Relevant Policies

- ❑ The Employment Act of 2007 addresses gender discrimination in employment and promotes affirmative action and equal opportunities in the employment and obliges employers of more than twenty employees to implement a **sexual harassment policy**.
- ❑ However, the Act does not establish civil remedies for sexual harassment, which is an important enforcement mechanism for victims.
- ❑ The Sexual Offences Act, 2006, which also prohibits sexual harassment at work fails to specifically outline the forms of sexual harassment. It only addresses sexual harassment in certain circumstances but it does not, however, prohibit sexual harassment in public places such as in transportation systems.



Relevant Policies

- ❑ The NTSA regulations of 2014 demand provision of written contracts to employees in compliance with labour laws and regulations, including statutory deductions, as well as health and workplace safety.
- ❑ However, compliance to this regulation has been dismal due to reluctance by vehicle owners who are not able to meet the labor cost for such arrangements.
- ❑ Employees therefore work on casual basis and for long hours to deliver on targets set by the PSV owners or risk losing their jobs. They are also not entitled to rights like freedom of association, right to paid leave, social protection, family-friendly working arrangements like flexible working hours.



Relevant Policies

The Constitution of Kenya, 2010 advocates for decent work, where freely chosen productive employment is promoted simultaneously with fundamental rights at work, adequate income from work, representation and security of social protection (Omolo, 2012).

Other Instruments include;

- The Work Injury Benefits Act (2007) which provides for compensation of workers for injuries sustained in the course of duty.
- The Occupational Safety and Health Act (2007) that requires employers to have health and safety policies to protect workers against work-related injuries.
- The labour Relations Act 2007 and Labour Institutions Act 2007 are also applicable in the transport sector to enhance rights and obligations among social partners and foster social dialogue.



Relevant Policies Progress and challenges

- ❑ Legal notice 161 of 2003 provides that employment of drivers and conductors on permanent basis and legal notice 219 of 2013 provides that public transport in Kenya be offered by registered entities with a code of conduct for their employees
- ❑ These legislations have had a positive effect on women's participation in the industry but there are still disparities in employment between men and women, and women work in more informal wage employment.
- ❑ The transport sector in Kenya continues to display major decent work gaps that exist, denying the women workers the full benefits of the ILO Decent work agenda.



Findings on working conditions and labor rights

- 40% of women interviewed face gender discrimination and 56% don't consider their SACCOs or companies as equal opportunity employers
- Long working hours as over half of women work 5-6 days a week for over 12 hours each day
- 60% are in precarious working arrangements as they lack formal contracts with their employers in spite of several legislations directing for the same
- 42% of women workers would quit work due to low pay (Ksh 10,000-15,000 monthly)
- No consideration for occupational health and safety as 62% don't have any medical cover and are not insured in case of accidents.



Findings on working conditions and labor rights

- ❑ While transport workers unions exist for collective bargaining, they seem to be unable to penetrate the informal system and have a hard time recruiting members as only 11% of women interviewed are members of a union.
- ❑ It also emerged that sexual harassment on female workers is a critical issue as findings reveal 79% had experienced it and 96% of those did not report since 95% of respondents who state that mechanism don't exist.
- ❑ However, it emerged that while it is a requirement by the Employment Act 2007, PSV SACCOs don't have documented sexual harassment policies or reporting and response mechanisms for the same

Findings on working conditions and labor rights

- ❑ The findings uncover that majority of female transport workers (55%) have no additional training or certifications apart from their basic or secondary education since they may not have time for personal development or academic advancement due to long working hours in the sector.
- ❑ Additionally, besides wages, (66%) of women workers don't have any additional benefits including maternity leaves, promotions or paid leaves since they are casuals.
- ❑ Women are generally not represented in decision-making roles and roles mostly taken by women in the matatu sector are conductors or stage attendant roles, which are more precarious and less well-paid than driving or on-board roles

Key policy options and recommendations

- ❑ **Enforce regulations on permanent formal contracts;** currently, transport companies, PSV SACCOs or individual PSV owners do not abide by labor laws since they have not entered into formal contractual arrangements with workers as stipulated in the Employment Act 2007.
- ❑ **Mainstream gender needs into transport operations;** this could entail employers committing to promote equal opportunities in employment as well as safeguard pregnant and nursing women from undertaking risky jobs and promote work life balance for female transport workers.
- ❑ **Address issues affecting operations of the matatu business;** consider the dynamics of informal sector and eliminate cartels and criminal elements that extort investors.



Key policy options and recommendations

- ❑ **Make anti-sexual harassment policies mandatory;** at registration of transport companies and SACCOs with clear, actionable and reliable systems to address harassment when reported.
- ❑ **Review PSV SACCOs operation and mandate to adequately address human resource issues;** the subscriptions they receive from members cannot suffice the cost of hiring workers on permanent basis, catering for workers benefits and associated cost of labor.
- ❑ **Increase gender inclusion in policy and governance;** there is need to enhance gender mainstreaming into the revised national transport policy with specific targets.



Key policy options and recommendations

- ❑ **Address gender discrimination in hiring and promotion in public transport work;** ensure adoption of affirmative action on hiring practices and voluntarily adopt the “two-thirds rule” and implement a plan to reach 33.3% women staff across all levels of employment. Equally gender equity should also be considered in promotion opportunities since many women are stuck into lower paying positions compared to men.
- ❑ **Strengthen union roles in the sector;** It is essential that policies are geared toward unions reinforcing the efforts of unions to effectively undertake their very essential roles of fighting for workers’ rights.



HEINRICH
BÖLL
STIFTUNG

Q&A



FLONE
INITIATIVE

#2020WTACONFERENCE



Thank You



FLONE
INITIATIVE