

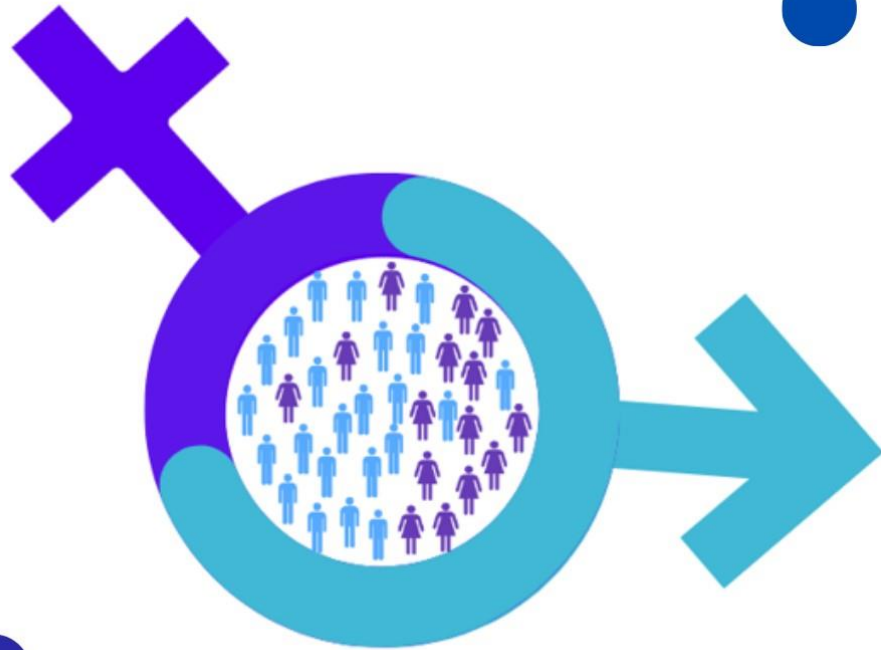


UNIVERSITY OF NAIROBI



INITIATIVES FOR WHAT WORKS FOR WOMEN'S  
ECONOMIC EMPOWERMENT (IWWWEE)

**A STUDY ON**  
**WOMEN IN THE LABOUR FORCE IN KENYA:**  
**A Focus on Employment and Entrepreneurship**  
**2007-2020**



**MARCH 2024**

Edited by:  
Samwel Wakibi & Martine Oleche

University of Nairobi  
African Women Studies Centre  
Women's Economic Empowerment Hub

+254 705 541 746

weehub@uonbi.ac.ke

weehub.uonbi.ac.ke

# **A STUDY ON WOMEN IN THE LABOUR FORCE IN KENYA: A Focus on Employment and Entrepreneurship 2007-2020**

A publication of the African Women Studies Centre,  
Women's Economic Empowerment Hub, University of Nairobi.

Copyright © 2024 UoN-WEE Hub.

ISBN: 978-9914-42-977-0

All rights reserved. No part of this publication or any portion thereof may be reproduced or used in any manner without prior written permission of the copyright owner, except for brief quotations and references in a review.

First published in March 2024.

Published by  
African Women Studies Centre  
Women's Economic Empowerment Hub  
University of Nairobi  
P.O. Box 30197-00100 | +254 705 541 746

[weehub@uonbi.ac.ke](mailto:weehub@uonbi.ac.ke) | <https://weehub.uonbi.ac.ke/>

Formatting Layout: Minneh Nyambura

## TABLE OF CONTENTS

<b>List of Tables</b> .....	<b>v</b>
<b>List of Figures</b> .....	<b>vi</b>
<b>Chapter Writer(s)</b> .....	<b>vii</b>
<b>List of Acronyms and Abbreviations</b> .....	<b>vii</b>
<b>Acknowledgements</b> .....	<b>ix</b>
<b>Foreword</b> .....	<b>x</b>
<b>Executive Summary</b> .....	<b>xiii</b>
<b>Definition of Key Terms and Concepts</b> .....	<b>xvi</b>
<b>Chapter One: Introduction</b> .....	<b>1</b>
1.1 Background .....	1
1.1.1 <i>Concepts and dynamics in the labour market</i> .....	1
1.1.2 <i>A historical perspective of women in labour force</i> .....	3
1.1.3 <i>The current situation in the labour market</i> .....	4
1.1.4 <i>General working conditions in main economic sectors-sectoral perspective</i> ..	7
1.2 Statement of the problem.....	7
1.3 Objectives.....	8
1.4 Scope and limitations.....	9
1.5 Literature review .....	9
1.5.1 <i>Women’s work and where (sector) they work</i> .....	9
1.5.2 <i>Labour Force participation rate</i> .....	11
1.5.4 <i>Factors associated with labour force participation for women</i> .....	14
1.5.5 <i>Interventions</i> .....	17
1.5 Frameworks for Measuring Labour Force Participation .....	17
1.6 Methodology.....	21
<b>Chapter Two: Women in Employment in Kenya</b> .....	<b>23</b>
2.1 Introduction .....	23
2.2 Utilization of the female labour.....	24
2.2.1 <i>Labour force participation rate</i> .....	24
2.2.2 <i>Employment to population ratio</i> .....	27
2.2.3 <i>Hours worked</i> .....	29
2.2.4 <i>Education Attainment and Illiteracy</i> .....	30
2.3 Female employment.....	31
2.3.1 <i>Status in Employment</i> .....	31
2.3.2 <i>Employment by Sector</i> .....	34
2.3.3 <i>Employment by Occupation</i> .....	35

2.3.4 <i>Employment in the Informal Economy</i> .....	37
2.4 Underutilization of female labour .....	37
2.4.1 <i>Unemployment rate</i> .....	37
2.4.2 <i>Time-related underemployment</i> .....	38
2.5 Summary, Conclusions and Recommendations.....	41
2.5.1 <i>Summary</i> .....	41
2.5.2 <i>Conclusions</i> .....	41
2.5.3 <i>Recommendations</i> .....	41
<b>Chapter Three: Women in Entrepreneurship in Kenya</b> .....	<b>43</b>
3.1 Introduction .....	43
3.2 Gender differences in Kenya's entrepreneurship ecosystem .....	44
3.3 Role of government in promoting women's entrepreneurship .....	48
3.4 Challenges faced by women entrepreneurs.....	48
3.5 The status of Kenya's Entrepreneurial Ecosystem Framework, Pillars, & Factors .....	49
3.5.1 <i>Supply Factors</i> .....	49
3.5.2 <i>Demand Factors</i> .....	52
3.6 Barriers to Allocation and Accumulation of Resources .....	54
3.6.1 <i>Access to Finance</i> .....	55
3.6.2 <i>Regulations</i> .....	55
3.6.3 <i>Social capital and culture</i> .....	56
3.7 Findings – Data gaps .....	57
3.8 Policy Implications and Recommendations.....	57
3.9 Conclusion .....	58
<b>Chapter Four: Trends in Women's Employment and Entrepreneurship in Kenya</b> .....	<b>59</b>
4.1 Introduction .....	59
4.2 Labour force participation rate.....	59
4.3 Employment by sector both formal and informal .....	61
4.4 Employment in the Agriculture sector .....	62
4.5 Employment in the Industry sector.....	62
4.6 Employment in the Established Sectors of the economy .....	64
4.7 Unemployment .....	67
4.8 Employment to population ratio.....	67
4.9 Status in Employment.....	68
4.9.1 <i>Trends in Wage and Salaried Workers</i> .....	68
4.9.2 <i>Trends in self-employed workers</i> .....	69
4.10 Trends in Contributing Family Workers .....	70

4.11 Trends in the Male and female participation in ownership of enterprises.....	71
4.12 Access to Formal financial services .....	72
4.13 Exclusion in the Access to formal financial services.....	73
4.14 Access to finance through informal Channels Only .....	74
4.15 Trends in the Access to Government Procurement Opportunities.....	75
4.16 Conclusion.....	76
<b>Chapter Five: Women in Employment in Kenya: An Analysis of The Enabling Policies, Laws and Administrative Framework.....</b>	<b>77</b>
5.1 Introduction .....	77
5.1.1 Policies, Laws, and the Administrative Frameworks - Pre-Access Period.....	77
5.1.2 Conclusions - Pre-Access Preparatory Period of Women in Employment .....	88
5.2 Policies, Laws, and the Administrative Frameworks - Post-Access Participation. .	88
5.2.1 Thematic Review of Regional and International Frameworks.....	88
5.2.2 Policies, Laws, and the Administrative Framework - Post-Participation Period.	91
5.2.3 Conclusions - Post-Access Participation Period.....	96
5.3 Policies, Laws, and the Administrative Frameworks - Upward Mobility .....	97
5.4 Review of Relevant Case Law.....	98
5.5 Best Practice regarding Policies, Laws, and Administrative Frameworks .....	102
<b>Chapter Six: Women in Entrepreneurship in Kenya: An Analysis of The Policies, Laws, and The Administrative Framework.....</b>	<b>106</b>
6.1 Introduction .....	106
6.2 Policies, Laws, and the Administrative Frameworks - Pre-Access Preparation ...	106
6.3 Policies, Laws, and the Administrative Frameworks - Post-Access Participation	114
6.4 Policies, Laws, and the Administrative Frameworks - Upward Mobility .....	120
6.5 Best Practice Regarding Policies, Laws and Administrative Frameworks .....	121
6.6 Overall Conclusions.....	123
6.6.1 Utility of Framework of Policies & Law in advancing the Cause of Women ..	123
6.6.2 The Robustness of the Institutional and Administrative Framework.....	123
6.6.3 The Role of the Judiciary as a Vanguard in Protection and Empowerment.	124
6.6.4 Barriers to Utility of Policies and Laws in advancing the Cause of Women ...	124
6.6.5 Lessons from a Comparative Analysis of Kenya and Other Jurisdictions. ....	124
6.7 Overall Recommendations.....	124
<b>Chapter Seven: Summary, Conclusion and Recommendations.....</b>	<b>126</b>
7.1 Introduction .....	126
7.2 Women in employment in Kenya .....	126
7.2.1 Summary and conclusion .....	126
7.2.2 Recommendations .....	127

7.3 Women in entrepreneurship .....	127
7.3.1 Summary and conclusion .....	127
7.3.2 Recommendation.....	127
7.4 Policy, Legal, Administrative Framework and Imperatives .....	128
7.4.1 Summary and conclusion .....	128
7.4.2 Recommendations .....	128
7.5 Data Gaps.....	129
7.5.1 Findings.....	129
7.5.2 Recommendations .....	129
<b>References.....</b>	<b>130</b>

## List of Tables

Table 1.1: Distribution of Total, Informal and Formal Employment, by Branch of Industry, Sex and Country Income Group, 2016 (percent) .....	5
Table 2.1: Kenya's Distribution of Population 15 years plus in LF by Gender and education-2019 and 2020 (%).....	41
Table 2.2: Kenya's Distribution of Employed Population age 15 years plus by Occupation and Sex, 2019 and 2020(%) .....	35
Table 3.1: Distribution of Business ownership by gender and business size %.....	61
Table 3.2: Distribution of Non-financial assistance needed or received by business % .....	62
Table 3.3: Percent Distribution of Highest education level of owner by gender.....	66
Table 3.4: Training and skills development of business operators by gender % .....	68
Table 3.5: Percentage distribution of MSMEs by gender and establishment location.....	70
Table 3.6: Distribution of business ownership by gender, and reason for starting business %	72
Table 3.7: Distribution of credit by gender, source and main purpose .....	73
Table 4.1: Trends in the Access to Government Procurement Opportunities.....	102
Table 5.1: Factors Relevant to the Preparation of Women for Employment in the Formal and Informal Sectors of Kenya .....	108
Table 5.2: Policies, Laws, and Administrative Framework for the Employment of Women in Kenya.....	111
Table 5.3: Specifics of the Policy, Laws, and Administrative Frameworks that Apply to the Post-Participation Period .....	124
Table 5.4: Best Practice regarding Policies, Laws, and Administrative Frameworks for Emulation by Kenya towards Promotion of the Cause of Women in Employment in Kenya.....	137
Table 5.5: Policies, Laws, and the Administrative Frameworks Governing Pre-Access Preparation of Women for Entrepreneurship in Kenya.....	142
Table 5.6: Policies, Laws, and the Administrative Frameworks Governing Post-Access Participation of Women in Entrepreneurship in Kenya.....	150
Table 5.7: Best Practice Regarding Policies, Laws and Administrative Frameworks for Emulation by Kenya towards Promotion of the Cause of Women in Entrepreneurship in Kenya .....	158

## List of Figures

Figure 2.1: Kenya's Labour force participation rate by sex and age – 2019 and 2020. ....	35
Figure 2.2: Kenya's Labour force participation rate by residence .....	36
Figure 2.3: Female labour force participation in Kenya (2019) .....	37
Figure 2.4: Kenya's employment to population ratio by age and gender – 2019 and 2020	38
Figure 2.5: Kenya's Average Hours Worked per Week by the Employed Persons Aged 15 Years Plus-2019 and 2020 .....	40
Figure 2.6: Kenya's Distribution of Population 15 years plus by Employment status -2019 and 2020 (%) .....	42
Figure 2.7: Kenya's Distribution of Population 15 years plus by Economic activity and sex, 2019 and 2020 (%) .....	45
Figure 2.8: Kenya's Distribution of Informal Employed Population age 15 years plus by Sex, 2019 and 2020 .....	48
Figure 2.9: Kenya's Unemployment rate by age and sex – 2019 and 2020 .....	49
Figure 2.10: Distribution of underemployed Population age 15 years plus by age and Sex, 2019 and 2020 .....	50
Figure 2.11: Distribution of underemployed Population age 15 years plus by residence and Sex in Kenya, 2019 and 2020 .....	51
Figure 3.1: Entrepreneurship Ecosystem: Conceptual Framework .....	57
Figure 3.2: Percentage distribution of MSMEs ownership by gender .....	58
Figure 3.3: Gender differences in the distribution of MSMEs by business registration .....	59
Figure 3.4: Characteristics of Firms, by Gender (2018) .....	60
Figure 3.5: Distribution of type of enterprise .....	60
Figure 3.6: Distribution of business ownership by sex and support group(s) that they belong to in relation to the business .....	63
Figure 3.7: Distribution of establishment's ownership by access to amenities .....	65
Figure 3.8: Distribution of business ownership by sex and support group(s) that they belong to in relation to the business .....	74



## Chapter Writer(s)

	CHAPTER & CHAPTER TITLE	WRITER(S)
1	Introduction	<ul style="list-style-type: none"> <li>◆ Dr. Samwel Wakibi</li> <li>◆ Carolyn Mwikali</li> </ul>
2	Women in Employment in Kenya	<ul style="list-style-type: none"> <li>◆ Dr. Martine Oleche</li> <li>◆ Beverlyne Ochieng'</li> </ul>
3	Women in Entrepreneurship in Kenya	<ul style="list-style-type: none"> <li>◆ Mwanamaka Mabruki</li> <li>◆ Margaret Maina</li> </ul>
4	Trends in Women's Employment and Entrepreneurship in Kenya	<ul style="list-style-type: none"> <li>◆ Robert Osudi</li> <li>◆ Duncan Kichamu</li> </ul>
5	Women in Employment in Kenya: An Analysis of The Enabling Policies, Laws and Administrative Framework	
6	Women in Entrepreneurship in Kenya: An Analysis of The Policies, Laws, and The Administrative Framework	
7	Summary, Conclusion and Recommendations	Dr. Samwel Wakibi

## List of Acronyms and Abbreviations

ACHPR	African Commission on Human and People's Rights
AGPO	Access to Government Procurement Opportunities
CoK	Constitution of Kenya
FLFP	Female Labour Force Participation
GBV	Gender-Based Violence
GoK	Government of Kenya
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICLS	International Conference of Labour Statisticians
ILO	International Labour Organization
JQI	Job quality index
KCHSP	Kenya Continuous Household Survey Program
KILM	Key Indicators of the Labour Market
KNBS	Kenya National Bureau of Statistics
LFPR	Labour Force Participation Rate
MPSGAA	Ministry of Public Service, Gender and Affirmative Action
MSMEs	Micro, Small and Medium Enterprises
NGEC	National Gender and Equality Commission
OECD	Organisation for Economic Co-operation and Development
PFM	Public Finance Management
PWDs	Persons with Disability
SACCO	Savings and Credit Cooperative Organizations
SDGs	Sustainable Development Goals
UN DESA	UN Department of Economic and Social Affairs

## Acknowledgements

The Women's Economic Empowerment Hub (WEE Hub) expresses its sincere gratitude to all those who supported and contributed to the successful completion of this study. WEE Hub extends its special thanks to the Bill and Melinda Gates Foundation for their funding and technical support. The leadership of WEE Hub, led by Prof. Wanjiku Kabira and Dr. Mary Mbithi, played an invaluable role in guiding the project. We would also like to acknowledge the authors of this project, including Dr. Samwel Wakibi, Dr. Martine Oleche, Mwanamaka Mabruki, Robert Osudi, and Dr. Linda Musumba, as well as co-authors Carolyne Mwikali, Beverlyne Ochieng', Margaret Maina, Duncan Kichamu, and Jane Muhia. Additionally, we would like to thank Prof. Tabitha Kiriti-Ng'ang'a, and other members of the quality control team who served as reviewers. Your contributions were crucial to the success of this project, and we are truly grateful for your support.

Special thanks go to the KNBS (Carolyn Mwituri, Vivianne Nyarunda, Newton Amugune and Dr. Samuel Mwenda) for the insights, capacity building of authors in data management, providing the datasets, guiding data reprocessing and analysis.

### **Dr. Sawel N. Wakibi**

Department of Geography,  
Population & Environmental Studies  
University of Nairobi

## Foreword

The status of labour markets is an important indicator of an economy's condition and development trends. This study on women in the labour force in Kenya, with a focus on employment and entrepreneurship, is very timely as it ascertains the status of women in the labour market in Kenya, providing a comparative analysis of labour force participation of men and women in both employment and entrepreneurship. The study comes at a time when across the globe, there are glaringly large gender gaps in labour force participation rates. The International Labour Organisation (ILO) statistics show that in 2023 the labour force participation rate for women was at about 64.5 percent while that for men was at about 92 percent, thus revealing a gender gap of 27.5 percent.

This lower participation rate of women in the labour force implies that globally women are less likely than men to work for an income or to seek jobs even actively, which clearly points to the existence of barriers preventing the general participation of women in the economy as well as in the labour market and in entrepreneurial activities. These barriers are many and diverse, ranging from inadequate education and skills to prevailing culture and gender norms, unpaid care, and domestic work responsibilities, as well as lack of policy or legal provisions. The Women, Business and Law Report shows an existence of a gap in legal gender equality of 64.2 percent, with this gap being much higher for developing and the least developed countries.

Additionally, statistics show that women are more likely than men to work in informal employment settings; work in or own informal businesses; have fewer opportunities for business expansion or career progression and if they do get a job, they earn less than men do, as is evident in the global gender pay gap. Globally, as well as at regional and national levels, the gender gap in labour force participation has continued to persist.

Job division is also evident in the different labour sectors. Women are over-represented in what is traditionally considered to be female roles related jobs. Thus, women are predominantly working in the sectors of social and health services, including occupations such as nursing, childcare, teaching and education, especially early childhood and primary education, clerical and librarian positions, cooking and cleaning jobs. Women are hardly represented in occupations such as heavy machinery and plant operations, or on ship deck crews. While they may be overrepresented in some manufacturing sectors such as the clothing industry, they are not so well represented in mining, quarrying, and construction related activities, which are dominated by males.

Furthermore, the study analyses policies, programs and regulations existing at the national level in Kenya to redress the imbalances; safeguard women rights at the workplace; and support the growth of women businesses. The study found that gender gaps related to participation in labour markets exist in Kenya and clearly

revealed that the playing field in the labour market and entrepreneurship for women and men in Kenya is not level.

Finally, the study proposes policies to address these imbalances. Dealing with these labour force participation barriers is crucial for enhanced economic participation of women and men and will contribute to inclusive growth in line with the Kenya Development Agenda of economic transformation.

**Dr. Mary Mbithi**

Department of Economics and Development Studies  
Director of Research, UoN-WEE Hub  
University of Nairobi

## Foreword

The African Women Studies Centre Women's Economic Empowerment Hub (WEE Hub) of the University of Nairobi conducted an extremely discerning study on *Women in the Labour Force in Kenya: A Focus on Employment and Entrepreneurship 2007-2020*. The study could not come at a better time than this when the issue of inclusiveness and women economic empowerment are a global concern. The freedom to work by choice, in conditions of dignity, safety and fairness is integral to human welfare. Ensuring that Kenyan women have access to this right is an important end in itself. From an economic perspective, reducing gender gaps in labour force participation, wage and income gaps as well as employment gaps, could substantially boost Kenya's Gross Domestic Product. This study was conducted by multidisciplinary team of researchers from the University of Nairobi's African Women Studies Centre WEE Hub led by Dr. Samuel Wakibi and Dr. Martine Oleche. The study establishes the situation of women in the workforce in Kenya; identifies gender gaps; and highlights access barriers to employment and entrepreneurship that women face. It also identifies gender-related data gaps in the national surveys on the Kenya labour market and examines the adequacy of available policies, programs, and regulations to safeguard women in the workforce. Finally, it provides recommendations for improvements.

In the introductory chapter, written by Samuel Wakibi and Carolyn Mwikali, the study starts by giving an overview of gender dynamics in the labour market and provides the contextual background by showing that women have been and still are underrepresented in certain sectors such as the manufacturing sector as well as in certain occupations. They are paid lower than men for the same work even though there exists equal pay legislation. Many women face unequal opportunities and workplace policies and practices do not promote a healthy work-life balance. This study employs a mixed-methods approach, which utilizes both quantitative and qualitative methodologies in a complementary manner. It utilizes secondary data; both aggregate and individual-level quantitative and qualitative data.

In the second chapter, written by Martine Oleche and Beverlyne Ochieng, the study presents the current employment situation in Kenya, with a specific focus on women, by comparing men's and women's engagement in both the formal and informal sectors. The study finds that in 2019, women's labour force participation in Kenya was only 62.9% as compared to men at 73%. Moreover, employed men in Kenya predominantly work longer hours than women. In 2019, the percentage of women who never attended school stood at 63.2% compared to 36.8% for men. The highest proportion of employed women is in the 40 to 44 age category; On the other hand the percentage of males who are paid employees outside the household is generally higher than that of females, whereas the percentage of females who are paid employees within the household is significantly higher than that of the males. The chapter also reports that the percentage of females contributing to family work was significantly higher than that of the males. The authors argue that women are more vulnerable to accepting less-paying service activities that provide more flexible

working hours, making it simpler to manage work and family obligations. They are also excluded from jobs in particular sectors due to cultural prejudices, thus restricting them from actively participating in employment opportunities in these sectors. For example, the study finds that in 2019, the manufacturing sector recorded only 30.16% of female labour participation compared to 69.84% of males. On the other hand, women are predominantly found in agricultural and related occupations as well as service providers in areas such as social work, household services, shop attendants, and market sales agents, among others. These are activities that require limited physical energy and relatively low human capital in terms of education, and skills. The study found that the percentage of female underemployment is higher than that of males, both in the rural and urban areas. The study recommends that policies and strategies should be designed to address the challenges that make it difficult for women to participate in the labour force, whether as employed or as self-employed in Kenya.

The third chapter, written by Mwanamaka Mabruki and Margaret Maina presents the current situation of women entrepreneurs in Kenya. Using the Entrepreneurial Ecosystem Framework methodology, the chapter discusses gender gaps in entrepreneurship. The study defines women entrepreneurs as female individuals or collectives who initiate, manage, and run businesses, primarily falling within the micro-, small, and medium-sized enterprise (MSME) spectrum. The study, using the World Bank Enterprise Survey data of 2018, finds that men own 52% of enterprises compared to 48% of women and posits that Kenyan women are primarily involved in industries aligned with traditional gender roles. The chapter also finds that female-owned businesses are more likely to be micro compared to male-owned businesses which are more likely to be small or large. This is because female-owned businesses face significant challenges that limit their ability to expand. The study recommends the implementation of a gender-sensitive legal and regulatory framework aimed at promoting women's economic empowerment.

Trends in women's employment and entrepreneurship in Kenya are presented in chapter four written by Robert Osudi and Duncan Kichamu. The trends in sectoral employment in Kenya over the last fifteen years show that, while agriculture continues to dominate as a sector where women are mostly employed, over the same period the service industry has seen increased employment of women. The chapter also finds that men have consistently been more than females in both regular and casual jobs that are generated by the formal sectors of the economy. There are also more men in salaried employment compared to their female counterparts and the gap between the two has remained consistent over the years at more than 20.0%.

Chapter five presents an analysis of policies, programmes, and regulatory interventions that have been put in place to bridge the gender gaps. The chapter seeks to specify the policies, laws, and administrative framework designed to propel women towards equal access to employment, as well as to support women during the course of their employment. Any gaps arising between the stated policies and laws as against their implementation are identified. The issues that are relevant to women

during the pre-access period; post-access participation; upward mobility and rise of women towards leadership positions in employment are categorized into various thematic areas to aid this examination. The study finds that in their formative stages, girls in Kenya are provided with equal opportunities as boys with respect to the nurturing, development and advancement of the knowledge and skills required for them to be ready to join the labour force as the law and policies are very supportive. However, despite these supportive laws and policies, women still lag behind with most of them only attaining education up to the primary school level with percentages of women in education institutions decreasing from the secondary school level up to tertiary institutions. The study also finds that a legal and policy framework for the elimination of discrimination against women at the workplace have been put in place as well as a provision of specific measures to ensure the welfare of women, particularly in warranting that their reproductive role is not a hindrance to their pursuits in employment. However, although some of these provisions have been there since the 1970s, there is a lot that needs to be done in translating the policies into practice in all organizations and institutions in Kenya.

Chapter six is the last chapter and is a summary of the findings and recommendations of the research. It shows that the legal and policy framework, including the Constitution of Kenya, 2010 are quite responsive to the issues of women, including those about employment and entrepreneurship. However, these enabling laws and policies have not been sufficiently implemented. The study recommends the development of precise programs and strategies that address and target the barriers existent in the entry, participation, and upward mobility towards leadership phases of women in employment and entrepreneurship in Kenya.

**Prof. Tabitha Kiriti-Ng'ang'a**

Professor of Economics

Department of Economics and Development Studies

University of Nairobi



## Executive Summary

The global labour force participation rate for women remains significantly lower than that of men, with only 53 percent of women participating in the labour force in 2022, compared to 80 percent of men. This is despite the majority of countries' commitment to the 8<sup>th</sup> goal of the Post 2015 UN Development Agenda to assist in fostering an inclusive and sustainable economy growth, ensuring equitable employment opportunities and decent work for every individual, irrespective of gender, by the year 2030. Closing the gender gaps in the labour market would substantially boost global GDP and those of individual countries including Kenya where the gender gap in the labour force was about 13 percentage points in 2020 and about 22 percentage points in business ownership in 2016 in favour of men.

This publication is a comparative analysis of labour force participation among men and women in employment and entrepreneurship in Kenya. The objective is to establish the situation of women in the workforce; identify gender gaps and access barriers to employment and entrepreneurship, and gender-related data gaps in the national surveys on the labour market. It also examines the adequacy of available policies, programs and regulations to safeguard women in the workforce and make recommendations for improvements.

This study is based on nationally representative datasets. The study reprocessed and analysed data (secondary data) initially collected by the Kenya National Bureau of Statistics (KNBS), and international datasets by World Bank and International Labour Organization (ILO). It also reviewed relevant literature from published and grey literature, as well as from the Kenya law office.

The study found gender gaps in the labour force in favour of men:

- ◆ On employment, the average gender gap in labour force participation has been about 5 percent points in favour of men since 2007 but widened to 10 and 13 percent points in 2019 and 2020 respectively which can be attributed to economic shocks due to the COVID-19 pandemic. The gender gap varies by age (the widest in the women's reproductive years; 25-39 years), status in employment and sector. Variations were also found in participation in the informal economy, unemployment and time-related underemployment. A higher proportion of women work in Agriculture, forestry and fishing compared to men. While among men, a higher proportion work in the manufacturing, mining and quarrying sector compared to women.
- ◆ On entrepreneurship, the gender gap in business ownership in Kenya is about 22 percent points in favour of men. Women own about a quarter compared to half of men while the other quarter of businesses is co-owned by mixed gender. Barriers to entrepreneurship for women in Kenya include access to financial resources, markets, amenities, information, training and entry to the formal sector/registration.

- ◆ The research also found data gaps, especially in analyzing situations in entrepreneurship. In some of the secondary data sources, data was not disaggregated by gender. Since 2016, Kenya has not conducted any national survey on all MSMEs.
- ◆ The study established that Kenya has comprehensive legal and policy frameworks to address the gender gap. For example, in the formative stages, girls in Kenya are provided with equal opportunity as boys with respect to the nurturing, development and advancement of the knowledge and skills required for them to be ready to join the labour force. There are also legal and policy frameworks for the elimination of discrimination against women at the workplace and provision for specific measures for the welfare of women particularly in ensuring that their reproductive role is not a hindrance to their pursuits in employment. And in relation to the upward mobility of women and their rise to leadership, the two-thirds gender rule provided in the Constitution for example has been a game-changer for Kenya. The mindset of every public organisation is to ensure compliance with the principle in any appointive positions including boards or other executive positions.
- ◆ However, these regulations may not be enforceable in the informal sector characterised by more women workers than men, and in entrepreneurship. Women in these sectors, therefore, face significant challenges in balancing their economic pursuits and family obligations. In entrepreneurship, there are affirmative action measures and interventions to increase the access of women to finance and available markets. Credit guarantee scheme provides credit to women at lower interest rates and with no collateral, and setting aside some government contracts for women through Access to Government Procurement Opportunities (AGPO) are some examples of procurement affirmative action schemes for women, youth and Persons with Disability (PWDs) in business.

To increase labour force participation among women, this study recommends:

- ◆ Start programs to strengthen the implementation of the legal and policy frameworks to address gender gaps and empower women on their rights to ensure they advocate for change in their spaces and enforce their own rights.
- ◆ Implement measures such as daycare for women who have newborn children to balance family and work. This will increase the number of new mothers with infants even in the untapped and underutilized sectors.

- ◆ Foster mentorship, networking programs, peer-to-peer learning, and business incubation interventions to provide necessary business skills/training, regulatory requirements and knowledge to women in order to navigate the difficult terrain of business growth and competitiveness.
- ◆ Put in place additional regulations for the entrepreneurship ecosystem factor in women's issues. Create entrepreneurs who are women by negotiating new boundaries in terms of women's roles, expectations from them, the way they can access credit, link with markets and business networks.
- ◆ The government should provide amenities such as clean toilets with sanitary facilities, running water, waste disposal, security, lighting, road infrastructure and safe spaces to carry out business.
- ◆ It is also recommended that future studies should collect gender as basic/demographic data to allow cross-tabulation (analysis) of phenomena by gender.
- ◆ Despite existing interventions, the gender gap in the workforce has persisted. Further research is therefore recommended to determine the adequacy of these interventions in solving the cause of the existing gender gaps in the labour force.

The publication is organized in a manner that aligns with the objectives of the study, as follows:

- Chapter I gives an overview of gender dynamics in the labour market. It provides the contextual background, the objectives and the methodology of the study of the labour force sector
- Chapter II presents the current employment situation in Kenya with a specific focus on women by comparing men's and women's engagement in both the formal and informal sectors.
- Chapter III presents the current situation of women's entrepreneurship in Kenya.
- Chapter IV presents trends in women's employment and entrepreneurship in Kenya.
- Chapter V presents an analysis of policy, programmes and regulatory interventions to bridge the gender gaps. It examines how they have evolved and their adequacy. It also suggests additional measures to improve the current situation.
- Chapter VI is the summary and recommendations of the study.

## Definition of Key Terms and Concepts

Term/Concept	Definition
<b>Economically Active</b>	The activity principle underlying the labour force framework revolves around the generation of goods and services falling within the production boundaries defined by the United Nations System of National Accounts (SNA 2008). Unemployed individuals are those who are reported to be without work, available for employment, and actively seeking job opportunities. Additionally, this category encompasses individuals who, although not meeting the standard unemployment criteria, reported being out of season or on temporary layoff.
<b>Inactive Population</b>	The economically inactive segment, referred to as individuals not actively participating in the labour force, includes those who neither worked nor held a job in the specified period and did not actively seek employment. This category comprises full-time students, individuals who are infirm or incapacitated, retirees, and those who, for unspecified reasons, do not require employment. The economically inactive population also encompasses individuals who reported being retrenched or declared redundant, as well as those whose businesses closed, and the persons have not taken steps towards seeking alternative employment or initiating new business ventures.
<b>Labour Force</b>	Comprises individuals within the working-age population who are either employed or unemployed. Formerly, it was also denoted as the 'currently active population.'
<b>Extended Labour Force</b>	Encompasses individuals within the working-age population who are either employed or unemployed, including the potential labour force.
<b>Potential Labour Force</b>	Is defined as all individuals of working age who, within a short reference period, were neither employed nor unemployed and fell into either of the following categories: (a) engaged in activities to "seek employment," were not "currently available" but would be available within a short subsequent period determined based on national circumstances (referred to as unavailable job seekers); or (b) did not engage in activities to "seek employment" but desired employment and were "currently available" (referred to as available potential job seekers).
<b>Employment</b>	Refers to the performance of work as defined above. This term is employed to quantify the count of individuals engaged in employment, encompassing those actively working during a brief reference period and individuals temporarily away from work while still retaining a job.

<b>Unemployment – Strict definition</b>	In precise terms, it designates individuals without employment, who have actively sought employment within the last four weeks and are currently open to job opportunities.
<b>The combined rate of unemployment and potential labour force (LU3)</b>	In addition to the unemployed under the strict definition, individuals who carried out activities to 'seek employment in the short reference period but were not "currently available" and those who were available but did not actively seek employment are also included Long-term unemployment: This refers to all unemployed persons with continuous periods of unemployment extending for one year or longer (52 weeks and over).
<b>Labour Force Participation Rate (LFPR)</b>	The LFPR is a measure of the proportion of a nation's working-age populace actively participating in the labour market, whether through employment or job-seeking. It offers insight into the magnitude of the labour supply available for contributing to the production of goods and services in comparison to the overall working-age population.
<b>The Working Age Population (WAP)</b>	Encompasses individuals in the population beyond a designated age threshold (15-64), utilized for statistical purposes to delineate the economically active population.
<b>Employment to Population Ratio</b>	This represents the fraction of a nation's working-age population that is currently employed. It serves as an indicator of the job prospects accessible to individuals within the economically active age brackets in an economy. A heightened employment-to-population ratio signals a substantial portion of the population being employed, whereas a diminished ratio implies a substantial segment of the population not actively engaged in market-driven economic activities, indicating either unemployment or being out of the labour force.
<b>Job quality index (JQI)</b>	An indicator of job quality that is based on various sub-indices such as wages, non-standard employment, working conditions, working hours and work-life balance, training, and interest representation. These sub-indices aim to encompass diverse facets of job quality (European Trade Union Institute, 2008).
<b>Time-Related Underemployment Rate</b>	This metric measures labour underutilization, offering insights into the proportion of employed individuals willing and available to expand their working hours (for the production of goods and services within the SNA production boundary). It identifies those who worked fewer hours than a predefined threshold during the reference period.
<b>Labour Underutilization [LU2]</b>	Describes discrepancies between the supply and demand of labour, leading to an unaddressed demand for employment within the population. Labour underutilization,

	denoted as [LU2], is determined by combining the rates of time-related underemployment and unemployment.
<b>Enterprise</b>	An undertaking or business entity, whether formal or informal, involved in the manufacturing of goods or the provision of services (MSME Act, 2012).
<b>Size Distribution</b>	The sizes of MSMEs are classified into micro (1-9 employees), small (10-49 employees), and medium (50-99 employees) establishments.
<b>Business/enterprise/firm</b>	The terms business, enterprise, and firm are utilized interchangeably to denote an economic unit, whether formal or informal, engaged in the production of goods or the provision of services. These are entities under which an establishment functions. Illustrations encompass factories, banks, kiosks, taxis, hawkers, and similar entities.

## CHAPTER ONE: INTRODUCTION

*Dr. Samwel Wakibi and Carolyn Mwikali*

### 1.1 Background

The 8<sup>th</sup> goal of the Sustainable Development Goals (SDGs) (Post-2015 Development Agenda) is to foster comprehensive and sustainable economic growth, generate employment, and ensure decent work opportunities for all women and men by 2030 (UN DESA, 2015). And in the spirit of the UN 2030 Agenda for Sustainable Development of *leaving no one behind*, countries have committed to prioritizing progress for those who are furthest behind, especially women and girls. According to World Bank (2022), global statistics indicate that women's participation in labour force is much lower at 53 percent in comparison to men at 80 percent (World Bank, 2022) and bridging such a gap could substantially boost global GDP (OECD, 2016).

#### 1.1.1 Concepts and dynamics in the labour market

Labour force or working age population refers to everyone from the age of 15 to 64 years looking for work or working (employed or unemployed). It is the total supply of labour available to participate in the process of producing goods and services in exchange for remuneration. Individuals who are not seeking for work, such as full-time students, stay-at-home mothers, and those over 64 and under 15, are not included in the labour force. (ILO, 2013).

Key metrics for tracking the labour force involve the ratios of employment to population, labour force participation rates, employment status, and age dependency ratios. However, the international labour organization (ILO, 2015) proposes 17 indicators to consider when creating effective policy measures for a labour market. The indicators cover employment and related variables; employment in the informal sector of the economy; unemployment and its characteristics; labour productivity; underemployment; salaries and benefits; education; and working poverty.

Individuals engaged in employment encompass all individuals aged 15 to 64 years who, within a specified brief timeframe, such as one week, were involved in either self-employment or paid employment. The unemployed population consists of all individuals aged 15 to 64 years who met the following criteria during the reference period: a) lacked employment (wage or entrepreneurial) during that period; b) were currently available for work within that timeframe; and c) actively sought employment, having taken specific measures in a defined recent period to secure employment (ILO, 2013).

According to Occupational Choice Theory (2010), being in self-employment or paid employment (worker for wage or entrepreneur) is an occupation choice. Generally, entrepreneurship is the initiative to set up own economic units (businesses), work for yourself and create jobs for others (entrepreneurial endeavours). Entrepreneurial ability is interpreted as the ability to create and manage jobs (Gawel, 2010).



Entrepreneurs stimulate economies by creating jobs and thus reduce unemployment. Researchers have categorized entrepreneurs into opportunity entrepreneurs and necessity entrepreneurs (Thurik et al. 2008; Block, Koellinger, 2009) depending on the environment/contingency to which they were responding by becoming entrepreneurs. Necessity entrepreneurs are individuals who experienced negative situations in the labour market (such as job loss) that pushed them into entrepreneurship. Opportunity entrepreneurs are a result of the positive effects of economic stimuli; they are pulled by attractiveness and potentially profitable business opportunities. It is the combined effect of both necessity and opportunity factors which determine the level of entrepreneurial activity an individual engages in (Gilad & Levine, 1986); the kind of entrepreneurial drive can affect entrepreneurial aspirations. For example, necessity entrepreneurs tend to prioritize aspects other than innovation and growth (Hessels et al, 2008).

According to Miranda et al. (2019), women exhibits less tendencies towards entrepreneurship than men. Married persons have a higher inclination in comparison to single people. Those from entrepreneurial families are also more likely to enter and succeed as entrepreneurs; and middle-aged entrepreneurs are more likely to succeed as opposed to young (Jennings & Brush 2013; Yang & Aldrich, 2014; Azoulay, Jones, Kim, & Miranda, 2019).

In Kenya, though entrepreneurship is not new, its history and development are not well documented as the focus has been on paid work. Entrepreneurship in the past has been in traditional agriculture which evolved from subsistence farming and with very limited value addition. However, this is changing, the country has adopted new technology and mobile connectivity and is leading in digital innovation in Africa (Wangalwa, 2014). The Kenyan government has also increased targeted funds for entrepreneurs, especially for young people and women (Malit, 2016) which can be interpreted as a recognition of the importance of social inclusiveness in economic development.

Economic units/businesses are categorized into informal and formal. According to ILO (2002), an informal or grey economy are “all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements; and do not include illicit activities”. Often, wages, insurances and other social and employment benefits are lacking or lower in the informal than in the formal economy. Working in an informal economy also leaves workers often without any protection by labour laws, and work in unsafe conditions, including the risk of sexual harassment especially for women. Eight out of ten businesses in the informal sector are also known to fail within three years (Feinleib, 2012).

According to ILO, in 2016, approximately 61% of the global working population was engaged in the informal economy (ILO, 2018), with variations based on the level of development. Developing countries had the highest percentage at 90%, followed by 67% in middle-income economies, and 18% in high-income (developed) countries. In



Kenya, 84% of the labour force was involved in informal employment, while 16% worked in the formal sector in 2018.

At global level, informal sector is a greater source of employment for men than for women (63 vs 58%), 19 vs 18% in developed countries and 69 vs 64 % in middle-income countries (ILO, 2018). However, in developing countries, the proportion of female workers in informal employment is substantially higher than males (92 versus 87%) (Bonnet *et al.*, 2019). In Sub-Saharan Africa, most women (74%) who work in the non-agricultural informal sector are street vendors, petty goods and services traders, seasonal workers, domestic workers and industrial workers (UN Women, 2016).

On a global scale, the informal sector served as a more significant source of employment for men compared to women (63% vs. 58%). In developed countries, the difference was 19% for men and 18% for women, while in middle-income countries, it was 69% for men and 64% for women (ILO, 2018). However, in developing countries, the proportion of female workers in informal employment was notably higher than that of males (92% versus 87%) (Bonnet *et al.*, 2019). In Sub-Saharan Africa, the majority of women (74%) engaged in the non-agricultural informal sector worked as street vendors, petty goods and services traders, seasonal workers, domestic workers, and industrial workers (UN Women, 2016).

The emerging economy; the digital ecosystem, is the new frontier for job creation and entrepreneurship. It includes content creation and digitization of the mainstream sectors (agricultural, industrialization and service) that offer new opportunities through innovations that upscale the value chain of the traditional industries. In Kenya, due to growth in the digital economy, the value of the ICT sector expanded by 12.9% between 2017 and 2018 (KNBS, 2019). Though Kenya's situation is not well documented at the micro-level, experience in Europe and elsewhere has indicated the existence of gender gaps in the digital economy.

### **1.1.2 A historical perspective of women in labour force**

Before the industrial revolution in Europe, production happened at home and both men and women equally participated as units of production. However, the industrial revolution brought in new ways of production (evolution of systems of production) that shifted production away from homes. Men moved out of their homes to the new sites of production but women especially those who were married remained at home to take care of homes and families (look after children and home). Available jobs for women in the industries were often unclean, hazardous and monotonous in nature, and extended in daily shifts and in days per week, and therefore only a few women continued to work after marriage due to stigma (Yellen, 2017).

World Wars (I and II) created opportunities for women to take up jobs to compensate for men who were conscripted into the army (Braybon, 1989). However, the pay was significantly lower than that paid to their male counterparts – a phenomenon that has persisted to the present time. In Canada for example, as recent as in 2017, women aged 15 years and older earned about \$0.69 to \$0.89 for every dollar earned

by men (Moyser, 2019). Women were also excluded from trade unions and entry to professional work (lawyers, doctors, and civil servants). After the wars, mothers of young children were once again discouraged from working.

To date, women are still underrepresented in certain sectors such as the industrial sector and occupations, and are paid lower pay for equal work compared to men despite existing equal pay legislation. Many women also find it difficult to balance desire for career and family. Further progress has also faced obstacles due to unequal opportunities and workplace policies and practices that do not promote a healthy work-life balance (Yellen, 2017).

In Kenya, before the Second World War, women worked mainly in the agriculture sector. At independence, most female labour was in self-employment in small-scale agriculture. In all branches of the economy, however, women's earnings were uniformly less than those of men (Stitcher, 1977).

Following independence, Kenya, outlined in its independence constitution, ensured political equality, and Sessional Paper No. 10 of 1965 (Republic of Kenya, 1965) underscored equal opportunities for all citizens, including women. A pivotal moment for women's rights occurred during the Nairobi Conference held in 1985, where the declaration of the third world conference on Women was adopted. This conference established benchmarks for progress in various domains, such as equal rights under the law and in the constitution, equal participation in society, and equal involvement in politics and decision-making. These initiatives enhanced the involvement of women in the labour force, but the associated benefits did not increase proportionately, highlighting the necessity for further reforms.

### **1.1.3 The current situation in the labour market**

Participation of female in the labour force is a crucial for economic development. However, their full participation is limited by constraints including education, time, financial and social capital. Globally, potentially, women constitute half of the working-age population. However, their participation in labour force is disproportionate at about 39% compared to men at 61% (World Bank, 2019). Participation among men was 72% compared to 47% among women; a gender gap of a 25 percentage points in favour of men with some regional differentials. Some regions have gender gaps of more than 50 percentage points (ILO, 2022) and bridging such gaps could substantially boost global GDP (OECD, 2016).

More men than women are also in senior levels positions. Globally, women's representation decreases as the levels progress. The proportion of boards of director seats and executives is 23%, senior managers are 29%, managers at 37%, while at professional and support staff level is 42% and 47% respectively (Mercer, 2020).

The informal sector exhibits a notably higher representation of women in comparison to men. In South Asia, for instance, more than 80% of women engaged in non-

agricultural occupations are self-employed. In sub-Saharan Africa, this figure stands at 74%, while in Latin America and the Caribbean, it is 54%.

The gender disparity in employment is also observable across sectors and branches of industry. Table 1, provided below, illustrates the global percentage distribution of individuals in employment, those employed in the informal sector, and formal employment based on industry, gender, and regional income group.

Table 1: Distribution of Total, Informal and Formal Employment, by Branch of Industry, Sex and Country Income Group, 2016 (percent)

Sector	Total			Men			Women			Gender Gap		
	Agriculture	Industry	Services	Agriculture	Industry	Services	Agriculture	Industry	Services	Agriculture	Industry	Services
		Global										
<b>Total</b>	25	19	56	24	24	52	26	11	63	-2	13	-11
<b>Informal</b>	38	18	44	36	22	42	42	11	47	-6	11	-5
<b>Formal</b>	6	23	71	5	28	66	6	14	80	-1	14	-14
	<b>Developing countries</b>											
<b>Total</b>	62	12	26	62	13	25	62	11	27	0	2	-2
<b>Informal</b>	69	10	21	69	11	19	68	8	24	1	3	-5
<b>Formal</b>	13	17	70	15	19	66	13	12	75	2	7	-9
	<b>Middle income</b>											
<b>Total</b>	26	19	55	24	24	52	28	11	61	-4	13	-9
<b>Informal</b>	36	19	46	33	23	44	40	12	48	-7	11	-4
<b>Formal</b>	5	24	71	5	29	66	5	14	81	0	15	-15
	<b>Developed</b>											
<b>Total</b>	3	22	75	4	32	64	2	11	87	2	21	-23
<b>Informal</b>	10	19	71	11	27	61	8	9	83	3	18	-22
<b>Formal</b>	2	24	75	2	33	64	1	12	87	1	21	-23

Source 1: ILO estimates (May 2018).

The industrial sector consists of mining and quarrying; manufacturing; construction; provision of electricity, gas, steam and air conditioning supply; water and sewerage, waste management and other related activities. Examples of service sector jobs include teaching, housekeeping, nursing and tours services.

From Table 1, most workers work in the service sector globally. In middle-income and developed countries, most people are employed in the services industries (75% for developed and 55% for middle-income) sector while in developing economies, agriculture is the main source of employment at 62%. However, the contribution of the industry sector in the labour market is lowest (12%) in developing economies and highest in developed economies (22%). For emerging economies, it is 19%.

Underlying these aggregate labour market rates are gender disparities among other demographic groupings. At the global level, and in all economies, there is a gender gap as men dominate the industry sector and women service sector. A higher proportion of women work in agriculture (26%) and the service sector (63%) compared to men at 24 % and 52 % respectively at the global level. In developing countries, the proportion of women is marginally higher in the service sector (27% versus 25% for men), while it is pronounced in middle-income (61% versus 52% for men) and developed countries (87% versus 64% for men).

Similar patterns are evident in both informal and formal economies. Globally, concerning gender, a larger percentage of females are employed in the service sector in both the informal (83%) and formal (87%) sectors, surpassing the figures for

men at 61% and 64%, respectively. On a global scale, within the informal sector, a greater proportion of women engage in agriculture (42%) and the service sector (47%) compared to men, who account for 36% and 42%, respectively. In developing economies, the percentage of females is higher in the service sub-sector (24% versus 19% for men). Conversely, the proportion of men is slightly higher in agriculture (69% versus 68%) and industry (11% versus 8%).

In the formal sector women's proportion was higher in agriculture (6% versus 5%) and service industry (80% versus 66%). In developing countries, the proportion of women was higher in-service sector (75% versus 66%); men were higher in agriculture (15% versus 13%) and industry (19% versus 12%) (see Table 1).

According to World Bank (2020), female participation in labour force in sub-Saharan Africa is 60 % compared to 71 % among men. And over 60 % of these working females work in the agriculture sector, which is known to be generally concentrated in time and labour-intensive jobs that are poorly compensated or not paid (ILO, 2016).

In Kenya, females constitute about 51 % of Kenya's working-age population (KNBS, 2019). However, more male than females are in the labour force (51% vs 49%). This is however better than in most countries in sub-Saharan African where average participation is 46.2% (World Bank, 2020). The better performance for women in the Kenya labour sectors is as a result of various initiatives including programmes, and legal and policy frameworks that aim at putting women at the centre of development (MPSG/GOK, 2019).

Evidence from recent household survey data also suggests that when there are shocks in labour markets for example COVID-19, women tend to lose jobs faster than men. According to the KNBS (2020) data, in 2020, women accounted for 61.9% (115,409) of the 186,402 jobs lost because of COVID-19. Effects of the pandemic also increased domestic work and unpaid care for women in comparison to men (UN Women, 2020).

Despite the Constitutional provisions in Kenya, as outlined in Article 41(2) of the Constitution of Kenya (2010) and the Employment Act of 2007, mandating equal pay for work of equal value for both men and women, disparities persist. According to Women, Business and the Law 2021, it is recommended that Kenya should contemplate revising legislation affecting women's post-maternity work opportunities, constraints on entrepreneurial endeavors, and disparities in property and inheritance rights between men and women to enhance legal equality for women.

Kenya has been collecting data about the labour market for a long time. However, the available knowledge about female's participation and status in the job market is mainly at the macro level which only provides an overall picture. For example, according to KNBS (2019), more men than women are in the labour force (51% vs 49%), but knowledge about the sectors where these women work is limited. The intention of this project is to reprocess and analyze available secondary data to make the situation of women in the labour force clear at the micro-level.

### **1.1.4 General working conditions in main economic sectors - sectoral perspective**

Working conditions are issues related to working time, remuneration, mental demands and physical conditions at the workplace (ILO, 2016). These aspects of "working conditions" are covered under various SDGs and targets including SDG targets 5.4; 8.5, 8.8 and 10.4 among others (UN DESA, 2015).

Stressful work conditions include excessive demands, lack of control over the work situation (low decision latitude), lack of job stability and future career possibilities, and inadequate social support at workplace (Dooley & Prause, 2004). Jobs of poor-quality are characterized by low marketability, insecurity and job strain. Such a work environment is known to increase depressive symptoms which are negative health outcomes (Leach et al, 2010).

Occupations within the industrial sector are positioned at the top of the job quality index (JQI) hierarchy. The job quality index serves as a comprehensive measure, amalgamating several sub-indices (non-standard employment, wages, working hours, working conditions and work-life balance, training, and interest representation) aimed at assessing diverse aspects of job quality (European Trade Union Institute, 2008).

In the agricultural sector, workers frequently struggle to find good job, earn meagre salaries, endure dangerous working conditions, and lack the resources to take effective action to improve their position. Jobs in the service sector (retail, hospitality and teleservice) have a high JQI but not as high as jobs in the industry. Agricultural and construction jobs often have poorer working conditions as well (OECD, 2001).

## **1.2 Statement of the problem**

Females have always worked either in the labour market or at home and most often in both. Their participation benefits a nation's welfare and prosperity on a larger scale as well as the individual's well-being (Yellen, 2017). Bridging gender gaps in workplace is good for individual women, their households, and also beneficial for economic growth and development (OECD, 2016).

Globally, the proportion of women participating in place of work is low in comparison to men but the gender gap has been shrinking. This does not mean women do not work but are in unpaid labour; women in unpaid labour are 24% while men are 1.5%; and generally, women work 2.5 times more hours on unpaid domestic and care work than men (World Economic Forum, 2021).

However, according to the Gallup study in 2016, more than two-thirds of women and men respondents would prefer that females be in paid jobs. Individual preference is, however, heavily influenced by education and poverty, and pressure to follow established gender norms. In Kenya, 87% of women prefer that women work at paid jobs (ILO-Gallup, 2017).

At the end of 2020, the rate of participation in labour force was 58.6% globally, down from 62.4 percent in 2010 (World Bank, 2020). In Kenya, the labour force participation rate among population of working age was 74.6 percent in 2019. The distribution by

gender was 49 % women and 51 % were men. In 2017 labour force participation among women was 32.1% compared to male at 36.2%; a gender gap of 4%, and shrinking as a result of various initiatives including legal and policy frameworks that aim at putting women at the center of development.

The improvement in labour force participation among women may however disguise the reality/differentials in the economic sector, occupation, type of work done, and leadership positions. In developing economies, a big share of women work is self-employment and in risky sectors; they own smaller, less successful informal businesses. In the formal sector, only 27% of top management jobs positions are held by women, a higher proportion of females in comparison to men work in risky sectors and occupy low-level jobs. They frequently work for lower pays and in dangerous working circumstances including the possibility risk of sexual harassment (UN Women, 2017).

Studies have identified drivers of gender gaps as economic, social, cultural and demographic factors while the challenges they face include balancing work and family, unfair treatment at work, lack of affordable care for children and relatives, and unequal pay (ILO-Gallup, 2017). To curb the gender gaps, therefore, appropriate interventions need to be identified and implemented.

Kenya's situation at the micro-level is not exhaustively analysed and documented despite the availability of rounds of surveys and other secondary data on the labour market. The data is in silos and not synthesized to present a clear picture (dynamics) of women in the workforce. This study aims to determine the gender inequalities in the Kenyan labour force, their causes, and the actions that can be used to close them. It also identifies gender-related data gaps in the design of national surveys on the Kenyan labour market.

This study reprocesses and systematically analyses available data and generates statistics of women population in paid employment and entrepreneurship in informal and formal sectors, and also identifies factors associated with gender gaps in workspace participation. It also identifies trends of women in paid work and entrepreneurship, identifies data gaps and suggests interventions for equal representation.

The knowledge generated will create a better understanding of workforce dynamics/participation in Kenya. It can also be used to formulate and design interventions to bridge gender gaps and ensure men and women participate in economic development and growth.

### **1.3 Objectives**

This study aims to establish the status of females in the labour force in Kenya in the context of employment and entrepreneurship; and identify gaps in the existing data. The specific objectives are to:

- (i) Establish the status of women in employment in Kenya
- (ii) Establish the status of women entrepreneurship in Kenya



- (iii) Identify access barriers to employment and entrepreneurship by women in Kenya
- (iv) Suggest policy options, law reforms and further research

## **1.4 Scope and limitations**

This study is a national study covering the period 2000 to 2022. It analyses levels, and trends, and identifies factors that affect women's participation in labour force in Kenya. It analyses 10 of the 17 key indicators identified by (ILO, 2015) to be considered when creating effective policy measures for a labour market to achieve decent work for all.

The potential limitations include the utilization of secondary data from different datasets and sources (census, surveys and administrative) relating to different study periods. Where a dataset lacked some relevant data, that data was extracted from another dataset. The dataset may have differed by design and period and thus in the definition and measurement of the variables.

Secondly, the economic sectors studied/analyzed are industry, services and agriculture. Jobs in sectors are not mutually exclusive and there might be overlaps in defining jobs in the stated sectors.

## **1.5 Literature review**

### **1.5.1 Women's work and where (sector) they work**

Culture, customs, mindsets, norms, and prejudices have all played a role in the gender distribution of labour throughout history. Women are typically in charge of reproductive function, which includes home responsibilities, childcare, caring for elderly and disabled (United Nations Development Fund, 2005; ILO, 2016). In some cases, women work shorter hours or stop working altogether to perform unpaid household tasks (Evandrou & Glaser, 2003).

According to Boserup (1970), in developing countries, the bulk of women's work is performed in non-market activities, such as at home or in the informal sector. Women's jobs are still largely in the informal sector and part-time labour, and are classified into four categories: caring, catering, cleaning and cash registers, all of which pay is meager or need 'payment in kind (Bonnet, Vanek, & Chen, 2019; World Bank, 2007; ILO, 2016).

According to a report by the USA (2020) on the status of women, women's and men's economic position is influenced by the industries in which they work. More than four out of ten women work in health care sector, nongovernmental education, recreation, and other services, while only one out of four men work in these fields. In Europe, men make up the majority in both formal and informal sectors. This hasn't changed much over the years. This reflects women's limited engagement in the formal labour market, either because they work at home or because their job is typically undocumented (UNECE, 2019). Working in personal and household services is more common among self-employed women than it is among self-employed males, and

they work three fewer hours per week on average (OECD, 2021). As indicated in a 2010 ILO report, agriculture was the primary source of employment for women in the preceding decade, but currently, the majority of women are employed in the services sector. In Sub-Saharan Africa, over 60% of employed women are engaged in agriculture, typically in roles that demand considerable time and labour, and are often characterized by low or unpaid wages (ILO, 2016).

In the service sector, women have a higher share of employment than men (ILO, 2004). In sub-Saharan Africa countries, the majority of people still live in rural areas and agriculture employs the majority of the workforce. As more people in lower-middle-income nations are moving into the home enterprise sectors - away from agriculture, women find it difficult to find and keep jobs in the rising wage sector and are primarily employed in informal household businesses (Sohnesen & Fox, 2012). As a result, agricultural feminization occurs as a result of the move to contemporary jobs, and women are frequently left behind. Agricultural labour remains important for rural women despite movements in the service and manufacturing sectors, as well as a fall in the agricultural sector's contribution to economies. (United Nations Economic Commission for Africa, 2017). However, between 1995 and 2015 the service sector surpassed agriculture in terms of employing the most women and men, accounting for nearly half of the global workforce (42.6 % of male and 61.5 % of females) (United Nations Women, 2015b).

Sectoral and occupational segregation are caused by a number of issues, including gender-based discrimination, poverty, rigid work schedules, little or no access to quality, inexpensive childcare, unfavourable maternity (ILO, 2016). In Sub-Saharan Africa, employment in the informal sector accounts for more than half of non-farm employment, employing 62.2 percent of employed women in Uganda and 49.8% in Tanzania (ILO, 2017).

ILO (2016) revealed that female entrepreneurs now account about a third of all enterprises in the formal sector around the world. However, in developing and transitioning economies, the bulk of businesses are very tiny; micro companies with limited development potential. Women are under-represented in businesses of all kinds, and the larger the company, the less likely it is to be led by a woman. (ILO, 2016). Further, the report stated that many women entrepreneurs are constrained to relatively tiny firms, frequently functioning in the informal economy, due to societal attitudes and standards that prevent them from even contemplating launching a business. Women are more likely to work in informal MSEs due to gender hurdles to wage employment and business growth.

Despite the increased presence of Kenyan women in the workforce in recent years due to enhanced educational access, a significant portion of them remains clustered in conventional "female occupations" within the informal sector. The involvement of women in the urban labour force in Kenya witnessed an improvement, rising from 30% in the early 1980s to 56% in 1995 (Suda, 2002).



### **1.5.2 Labour Force participation rate**

Numerous empirical studies exploring the factors impacting women's engagement in the labour market have been undertaken (He & Zhu, 2016). The expansion of women's labour force was notably more substantial than that of men across all global regions, except Africa, particularly during the 1980s and early 1990s (Lim, 2001).

In urban India, women labour force participation (FLFP) rates were shockingly low between 1987 and 2011 and have remained stable since the late 1980s. Despite increased economic growth, increasing pay and education levels, and a declining fertility, married women's labour force participation remained stable at roughly 18%. According to an analysis of five cross-sectional micro-surveys, the stagnation has been ascribed to a blend of factors related to both supply and demand (Stephan, 2015).

According to the World Development Indicator (2020), FLFP rates have varied significantly across the years (1991–2019) in Sub-Saharan Africa. This is a demonstration that the FLFPR among girls over 15 years of age in Sub-Saharan Africa has been steadily increasing since 1991, reaching a peak of 60.71 percent in 2006. The rate plummeted drastically to 60.27 percent in 2012, the lowest in history, before gradually recovering again in 2014 with a percentage of 60.28 percent and remaining at 60.59 percent until 2019. This shows that rate of participation of women in labour force is in a U-shape (Backhaus, Andreas & Loichinger, 2022)

According to Amsden (1980), women's contributions to activities in the modern sector have increased (Amsden, 1980). As confirmed by statistical evaluations from South Africa, developing countries are also experiencing rising FLFP trends (ILO, 2004). In the past two decades, there has been a notable rise in female labour force participation (FLFP) in South Africa (Ntuli, 2004). Over the same period, female participation in the labour force has increased by 3.2 percentage points in Sub-Saharan Africa. This rise could be attributed to a lack of or insufficient alternative income from social security, as well as continuing poverty that prevents people from quitting their jobs (ILO, 2016).

In 2021, the male labour force participation rate in Sub-Saharan Africa (SSA) stood at 72.32 percent, aligning with the global standard. In comparison to men, the female labour force participation rate in SSA was approximately 11%, which is 14 percent higher than the global average (Statista, 2022).

Women have, however, increased their participation in the work sector throughout the last century although there has been a widespread observation of a reduction in the female labour force (World Bank, 2020). For instance, women aged 16 years and older increased their labour force participation from 33.9 percent in 1950 to 64.6 percent in 1987 in industrialized countries such as the United States. After that, the percentage stayed constant and began to fall, up to 59 percent by the end of 2019 (US Bureau of Labour Statistics, 2020). However, according to Klasen (2019), the patterns in developing countries are highly diverse; FLFP rates have fallen in South Asia, remained unchanged in East and Southeast Asia, and increased marginally in Latin America and the Caribbean since 1990.

Over the last ten years, the disparity between male's and female's LFPR has narrowed in all regions except in the transitional economies (where for every 100 men in labour force, 91 women are economically engaged) and East Asia (where for every 100 active men, 83 women are economically active), all other regions have less than 80 women in labour force per 100 men economically active. In comparison to men, women had a 6.4% global unemployment rate in 2003 and men 6.1%. Male unemployment was only higher than female in East Asia and Sub-Saharan Africa (ILO, 2004). The Labour Force Participation Rate of Americans dropped significantly since peaking around the year 2000. Part of the drop in LFPR can be attributable to variables like technological advancements and commerce, which affect participation rates of various subpopulations (Setterfield, 2021).

While female labour force participation has a beneficial impact mostly in the service sector (Yeboah, Kumi & Ibrahim, 2022). According to Khan, Zahid and Akhtar (2014), the labour force distribution is very unequal, with a large discrepancy between male and female labour. This is seen in employment-to-population ratios, with 22.7 percent of working-age women employed compared to 82.5 percent of men. This is most likely due to religious and cultural customs, as well as a lack of possibilities. Employment-to-population ratios show how well a country's economy can employ its working-age population (generally 15 years and older). They can also be understood as a measure of how effectively economies make use of their working-age population's productive potential. Women's employment-to-population ratios are substantially lower than men's in every part of the world (ILO, 2004).

Even though there has been an upsurge in the involvement of women in the labour force in Africa during the last thirty years, women continue to face a lower degree of economic participation compared to men (WDI, 2020; Fabrizio et al., 2020). This diminished female participation rate signifies an underutilised resource in terms of labour market productivity and economic potential (Bustelo et al., 2019).

In entrepreneurship, there is still a significant gender divide. In 2018, only a third of EU nationals who were self-employed were women, and only 9.6% of working women were self-employed in comparison with 16.9% among men.

Self-employed women exhibit a broader range of business ventures compared to men. Specifically, they are more inclined than self-employed men to involve themselves in personal and household services, as well as to own and operate small enterprises, often without hiring additional staff (European Parliament, 2020). Conversely, women are less likely than their male counterparts to pursue entrepreneurial careers (Elam et al., 2019), and this gender gap tends to widen with the increasing level of a nation's development (Coduras & Autio, 2013). Consequently, a woman's choice to initiate a business is influenced by her socio-cultural background (Ahl, 2006).

### 1.5.3 Nature of Work, Leadership, Pay and Milestones

More women than men in Sub-Saharan Africa work in the informal employment and the region has the widest gender gap in informal sector globally (ILO, 2013a).

Generally, in underdeveloped countries, women make up a higher number of workers in "informal" and other insecure jobs, which are often outside the scope of labour legislation and inspection and hence more vulnerable to exploitation. Employments in informal sector do not offer the same benefits as those in formal sector. The benefits in formal sector include consistent pay, acceptable workplace health and safety conditions, job security and social (ILO, 1995). A study in South Africa by Nishimwe and Sabella in 2019 pointed out that women make up a larger proportion of the total informal workforce than males, and they are more likely to do unpaid domestic work than men.

Even among wage and salaried workers, non-regular or irregular employment is becoming more common. Men are more likely to be hired in core or regular and better-paid professions, while women are increasingly hired in peripheral, insecure, lower-valued employment such as home-based, casual, or temporary work employment security, social protection, and conditions for health and safety at work. Low salary, inconsistent income, little or no job or income security, and a lack of social safety are common characteristics of these employments (ILO, 2004).

Unpaid employment is disproportionately burdened on women around the world. However, unpaid work boosts the economy and frequently makes up for a lack of government investment in infrastructure and social services. It has the potential to contribute significantly more to the economy than commerce, manufacturing, or transportation. According to a global study by the ILO and Gallup in 2016, 70 percent of women prefer to work in paid professions, regardless of their employment situation.

A major step towards financial independence and self-determination for many women might be the transition from insecure employment to wage and paid work (World Bank, 2016). When women are economically active as employees or employers, their economic independence is highest, and lower when they are self-employed and lowest when they are contributing family workers.

High management positions are rarely filled by women, even in fields where women predominate (ILO, 2010). Women are generally under-represented in decision-making roles, especially in politics and industry (European Parliament, 2020) and over-represented in science and technology, and are concentrated in lower-paid, lower-skilled professions with greater job insecurity (Women at Work Trends 2016). Everywhere in the world, men occupy the highest business and institutional positions. According to a brief by the NGO Catalyst, the largest public corporations in U.S. employ about 45 percent women overall, but just 20 percent of board seats and 5 percent of CEO roles are held by women.

According to a European Union (2016) report, employment figures in Europe are equally distorted. Occupational segregation exists in all industries, with women occupying the lowest occupational categories, earning less and having fewer social security and pension entitlements (ILO 2016). In Kenya, women's are increasing engaging in the workforce, however, there are only a few women in top decision-

making and policy-making positions; a majority of women are in low-status jobs, low-paying and with few benefits and hazardous working circumstances (Suda, 2002).

According to ILO (2010), women are underpaid for comparable employment in every country. According to Stebbins and Frohlich (2018), the gender wage gap is partly explained by the fact that men and women tend to sort into various jobs. Restrictive rules that hinder women's career mobility and force them to work part-time include rigorous working hours and short maternity leaves.

A growing number of women (and men) are turning to entrepreneurship due to challenges in securing paid employment in both private and public sectors. In Sub-Saharan Africa (excluding Southern Africa), the proportion of women engaged in self-employment surged from 44% in 1970 to 90% in 1990, while this percentage increased in Northern Africa (European Parliament, 2020).

In Africa, women are more likely than men to pursue entrepreneurship. Women constitute 58 percent of the continent's self-employed individuals (Campos et al., 2019). However, female entrepreneurs in Sub-Saharan Africa, on average, generate 34 percent less income than their male counterparts (Delavelle, 2021). The higher inclination of women towards entrepreneurship in Africa is not necessarily driven by a strong passion or the necessary skills but is often a result of limited alternatives. Opportunities for wage labour are restricted, especially for women with less formal education, who may encounter bias in hiring processes.

#### **1.5.4 Factors associated with labour force participation for women**

The engagement of women in the labour force serves as both a catalyst and an outcome of development (IZA World of Labour, 2018). According to ILO (2019), the participation of women in the labour force is notably lower than that of men in almost every country. Addressing barriers and constraints that hinder women's entry into the job market is a crucial element of the Sustainable Development Agenda, which seeks to empower all individuals to achieve their full potential (UN DESA, 2015).

Overall, the economic, institutional and social barriers that limit women's involvement in the labour sector are country-specific (Klasen, Janneke, & Silva, 2017). Examining how socioeconomic factors affect women's decision to work and their capacity to do so is crucial given the challenges faced by women in the labour force in developing countries.

According to IZA World of Labour (2018), the literature considers the following key, often overlapping, dimensions of the development process: economic development and the type of growth, educational attainment, household income, social factors like societal norms affecting marriage, fertility, and the role of women both within and outside the home, as well as institutional factors (laws, protection, benefits) are all important considerations. International Labour Organization in a 2018 report, identified work-family balance, access to transportation, pressure to comply, personal preferences, gender roles and socio-economic choices as some of the challenges experienced by females in seeking work.

A study in India to determine the factors leading to low female labour participation concluded that it was determined by the type of residence (rural/urban), age of woman education levels, religion, marital status, number of children/family size, household wealth index, household head education, access to finances/ financial inclusion e.g., ownership of bank accounts, infrastructure, technology and labour market regulations (Sorsa et al., 2015).

Mulugeta and Tajani found woman age and her age at first marriage, family planning use, education level, sex of the household head, husband's income, household wealth index, husband's education level, mass media exposure, daycare facility awareness and access to credit to be determinants of women's labour force participation for reducing household poverty in an Ethiopian (Mulugeta & Tajani, 2021).

Literature describes women (Ahl, 2004; Dileo & Pereiro, 2018) as being more concerned with the care and emotional sphere and therefore in pursuit of social value (Urbano Pulido et al., 2014) and do not fit the stereotype of entrepreneurs as aggressive and high-risk proclivities (Bird & Brush, 2002) as well as more socially inclined to achieve and obtain economic benefits. Thaddeus (2022) discovered that rising rates of female employment are related to rising levels of education and rising levels of economic activity diversification.

Islam & Ahmed (2016) in a scoping study in Bangladesh on factors affecting women in entrepreneurship found factors affecting women in entrepreneurship are negotiating and bargaining abilities, management of sales, self-awareness, long-term involvement in business, and training in business. Even though more women are establishing businesses, they nevertheless face numerous challenges. Women have been prevented from becoming entrepreneurs for many years by obstacles like a lack of funding, gender bias, and government backing (Overcoming Some Of The Barriers To Women Entrepreneurship, 2021).

Success for female entrepreneurs depends on their individual traits and entrepreneurial skills as well as how supportive organisations and stakeholders handle or get around significant restrictions. In addition to having a variety of mental limitations, such as risk aversion, female entrepreneurs frequently lack access to financial and human capital, which inhibits the growth of their businesses. They also commonly lack soft skills, like leadership. The freedom, aspirations, and priorities of women are also hindered by psychological and physical constraints placed by society (Siba, 2019).

In the long run, having access to microfinance boosts female labour market participation. An IGC study in India found that increased access to microloans increased the number of women who participated in the labour force, with the effect being driven by self-employment rather than salaried labour (Gulati, Farzana, & Oriana, 2019).

In a study conducted by Atieno (2006) in Kenya, education emerged as a pivotal determinant influencing women's participation across various labour market



categories. The research emphasizes that addressing the challenge of women's entry into the labour market should prioritize efforts to improve their access to education, recognizing it as a crucial element in enhancing their human capital. Suda (2002) notes several factors contributing to gender disparities in job opportunities in Kenya, encompassing gender segregation in the labour market, socio-cultural attitudes towards women, limited knowledge and skill levels among women, and the absence of gender-responsive policies and programs.

Female entrepreneurship is at an all-time high. About a quarter of adult females in Sub-Saharan Africa are engaged in early-stage entrepreneurial activity. Senegal had the highest performance on the continent (36.6%) while South Africa had the lowest percentage of female business owners in the area (5.9%). The majority of African women company owners (61.8%) claimed they didn't start their companies out of necessity but rather because they perceived an opportunity. However, with 8.4 percent, Sub-Saharan Africa has the highest rate of discontinuation. Unprofitability is cited by almost 56 percent of women entrepreneurs in the region (Jackson, 2017).

Koellinger et al. (2011) examined entrepreneurial potential across 17 countries and found that women have a lesser potential than men. According to a study by Guzman and Kacperczyk (2019), women are 63 percent less likely than men to obtain external risk capital (Maria, Hernández-Sánchez, & Sánchez-Garca, 2020), with gender differences being the main cause of the difference.

A Forbes Magazine article found that education and innovative tools are the main ingredients to enable female entrepreneurs to thrive in the most challenging of circumstances like poverty (Chiu, 2019). Other studies have shown that non-economic factors like religion, culture, social norms, democracy, and governance are related to women's participation in the labour force (Bayanpourtehran & Sylwester, 2013; Chen & Suqin, 2018; Dildar, 2015; Erten & Metzger, 2019; Göksel, 2013; Lavy & Zablotsky, 2015; Priyanka, 2020; Zhike & Yang, 2018).

Several literature has highlighted the influence of cultural, socioeconomic, institutional factors, and technology on women's decisions regarding workforce participation (ILO, 2019). Despite varying findings, these studies suggest that women entrepreneurs often encounter a greater lack of support compared to their male counterparts when seeking business resources (Langowitz & Minniti, 2007).

In Kenya, as per ILO (2015), domestic responsibilities and prevailing gender norms that limit the time women can dedicate to their businesses are identified as primary obstacles to the growth of women entrepreneurs. This persists even as women possess the confidence and knowledge to seek financial support. Additionally, Mugo's study (2012) in Kenya reveals that financing alternatives, owner-entrepreneur skills, working capital management methods, and the regulatory framework set by the government all play a role in influencing the performance of entrepreneurs.

### **1.5.5 Interventions**

Creating appropriate, decent work for women is only achievable if policymakers do not just prioritize employment in social and economic policies, but also realize that women's workplace difficulties are far more serious than for men. Social protection programs are important in decreasing poverty and inequality, promoting inclusive growth, and promoting gender equality (UN Women, 2015-2016).

Many women turn to part-time work as the only way to balance work and family obligations (ILO, 2010). An intriguing case study is the Netherlands, where the government stepped in to extend social safety and rights to part-timers, leading to women actively selecting part-time work and not feeling excluded as a result of their choice. Women are more likely to finish their education and join the labour force if their mobility is increased. Three studies by the International Growth Centre (IGC) in 2012 and 2017 evaluated the Bihar government's bicycle program in India, which grants money to girls in grade 9 to purchase bicycles. According to the studies, the programme decreased the gender gap in enrollment in age-appropriate secondary schools by 40 percent, resulting in a 32 percent rise in girls' secondary school enrollment and a dropout rate for females of less than five percent (Gulati, Farzana & Oriana, 2019).

Universal health coverage, non-contributory pensions, basic income security for children, and public works programs are some of the other policies that countries have implemented (ILO, 2016). Other governments undertake several measures aimed at ensuring that males and females have equal opportunities in the workplace. Paid maternity leave, working time limits, worker safeguards that make it impossible to fire a woman due to pregnancy, and support for better care services are examples of such laws (Svetlana et al., 2020).

Follow-up studies of a three-year ILO-WED project in five African and Asian countries revealed that women-led firms' monthly profits grew by 50 percent and their sales tripled by four after getting training and support from the project. In addition, 11% more males said they had taken up domestic responsibilities (ILO, 2016).

According to a joint report by Deloitte and the OECD's Business and Industry Advisory Committee (2014), addressing specific policy considerations is vital for enhancing the impact of women entrepreneurs across economies. These considerations include education, non-discrimination, particularly in areas such as access to finance and property rights. Additionally, the establishment of SME financing instruments and mechanisms aims to support successful SMEs in expanding their operations and improving the overall financial market (AfDB, 2022).

### **1.5 Frameworks For Measuring Labour Force Participation**

A metric used to measure labour force participation is the percentage of the population either employed or actively seeking employment. The labour force participation rate is susceptible to cyclical fluctuations, with long-term structural changes being a major determinant. Alterations in the age distribution of the

population, school enrollment and educational attainment, the provision of employer-sponsored pensions, or social security benefits are examples of enduring structural shifts that can influence labour force participation. In this section, we examine various frameworks used to analyze labour force participation.

### **1.6.1 Theoretical Frameworks**

A theory is a set of propositions made up of clearly defined and connected constructs that establish the relationships between various variables (constructs) and provide a systematic understanding of the phenomena that the variables are used to describe. The purpose of a theory is to explain a phenomenon (Kerlinger & Lee, 2000). It does this by specifying which variables are interrelated and how they are related, thus enabling prediction from variables (Asher, 1984). Labour force participation can be explained using the neo-classical model of time allocation and the human capital investment model.

#### **a. Theory of labour supply**

According to Ehrenberg and Smith (2006), the source of individual utility is based on income and leisure. In this theory, work is considered a necessity in the creation of income for consumption. The theory is grounded in the concept of the consumption-leisure trade-off, wherein an individual strives to determine the optimal amount of labour supply to maximise utility within the constraints of limited time available for both work and leisure. The assumption underlying this theory is that the individual experiences a utility loss associated with labour time, implicitly acknowledging that working hours translate to a reduction in available free time.

In accordance with this theory, an individual worker encounters the challenge of deciding on a combination of work hours and leisure time that maximizes utility. This issue is solved when the individual worker explains their decision by weighing the benefits and drawbacks of a suitable quantity of free time in comparison to the necessary level of revenue. The amount of time one is willing to put in at work is determined by the relative market value of their labour, their value as a leisure time consumer, and their real income at the margin (McConnell, 2003).

The work-leisure hypothesis posits that the worker reaches an optimal state when the marginal rate of income substitution for leisure equals the hourly wage rate offered. According to this hypothesis, any alterations in the wage rate or the individual's preferences for leisure and income will lead to further adjustments in the number of work hours (Ehrenberg & Smith, 2006). These modifications show up as income and substitution impacts, which eventually modify the incentives for workers to labour. In the event of a wage rate increase, the individual worker will trade more work hours for leisure as the opportunity costs of leisure grow. The income effect, however, has a negative impact on employment. The employee cuts back on work hours by making more purchases after realising that the likelihood of future earnings has increased.

Becker (1965) illustrated this theory by demonstrating that a woman's utility or source of satisfaction comes from having children and working. In this view, a woman divides



her time between taking care of her children or working in the labour market to maximise her utility. She will therefore only decide to enter the workforce when the market wage is higher than the reservation wage.

### **b. Human Capital Investment Model by Gary Becker and Theodore Schultz (1960s)**

This model is founded on two pillars: education investment and potential profits from furthering education and skill development. It is assumed that employees with higher skill and training levels will likely have higher salaries than employees with lower skill and training levels (Becker, 1993). Because of this, people decide to invest more money in their education and training if they want to work full-time. More skilled workers are also linked to higher job satisfaction and greater satisfaction from non-market activities, in addition to higher income. Despite the human capital theory's prominent role in literature, empirical research reveals that men are more inclined than women to invest in their education and training (Schultz, 1961).

### **c. Mincer human capital model on earnings**

This theory builds upon the assumptions of Adam Smith's theory of compensating differentials and Milton Friedman's ideas regarding "choices among alternative (work options) differing in the probability distribution of the income they promise" (Mincer, 1974). Utilizing these assumptions, Mincer developed a novel theory, noting that an individual's choices lead to income streams that can be effectively evaluated using capital theory (Mincer, 1958). Mincer astutely predicted the impact of an individual's investment decisions by considering education and career as investment opportunities.

In his theory, Mincer proposed a straightforward and tractable econometric specification, leading to the log-linear earnings function. This formulation not only provided a measure of private rates of return to education but also facilitated generalization to post-secondary on-the-job training. The research indicated that a worker's earnings increase throughout their career at a decreasing rate, resulting in a concave earnings profile for most individuals (Mincer, 1970).

The Mincer earnings function carries significant empirical implications. First, it establishes a connection between wage levels and human capital expenditures, suggesting that an individual's earnings increase proportionally to the amount of human capital invested. Second, it posits that incomes rise more rapidly for young individuals before slowing down in the middle of their careers. Third, the model has implications for the distribution of incomes (Mincer, 1978). For instance, since "human wealth" is defined as the present value of lifetime wages, the distribution of earnings should exceed that of "human wealth."

### **d. Entrepreneurial ecosystem framework**

The term "Entrepreneurial Ecosystem" denotes a network of interconnected entrepreneurial entities, including actors, organizations, institutions, and processes. These components collaboratively operate, both formally and informally, to facilitate,

mediate, and oversee the functioning of a specific local entrepreneurial environment. The interactions within this ecosystem possess a dynamic and systemic nature, unfolding within a supportive environment (Schweitzer et al., 2019).

Mason and Brown (2014) established that in industrialized nations, increasing the number of high-growth companies (HGFs) is currently a key emphasis of industrial policy. The development of more HGFs is not a result of improving the business environment. Furthermore, transactional forms of assistance for HGFs (such money aid) are having little effect, at least after commencement. In response, Daniel Isenberg of Babson College (2010) created the entrepreneurial ecosystem concept. Key characteristics include entrepreneurial recycling and a knowledge-rich environment where information is readily accessible and shared. These features distinguish and define the dynamics of entrepreneurial ecosystems. These ecosystems also have a core of well-established, large companies. A strong culture, availability to start-up and growth financing, as well as the presence of major corporations, academic institutions, and service providers, are additional requirements for an entrepreneurial ecosystem.

According to Mason (2019) recent research and scholarly attention on the idea of entrepreneurial ecosystems (EEs) has highlighted the need for a more comprehensive and dynamic approach. The goal of EE strategy and application is to promote inclusivity and economic development (Audretsch et al., 2018).

A methodology and empirical validation of these causal linkages are required as the study of entrepreneurial ecosystems progresses in order to identify the metrics that serve as a good proxy for successful entrepreneurship and to investigate the data sources for these metrics (Nicotra et al., 2018).

Practitioners and academics have put a lot of effort into comprehending the features of the ecosystem and how best to sustain and develop it. Governments have given a lot of thought to the development of favourable conditions that result in the birth of the entrepreneurship ecosystem idea (Zacharakis et al, 2003; Isenberg, 2010; Malecki, 2011; Mason and Brown, 2014).

Various researchers alluded that an ecosystem for sustainable entrepreneurship that works well is made up of a variety of nearby resources and actors. An entrepreneurial ecosystem must have access to resources such as funding, human capital, sociocultural capital, infrastructure, support, and demand (Masson and Brown, 2014; Stam, 2015; Isenberg, 2010; Spigel and Harrison, 2018).

As noted by Ullah (2019), conducive institutional frameworks (including reduced government regulations, simplified tax compliance, and effective anti-corruption measures) and favorable physical conditions (such as improved access to finance, well-established infrastructure, political stability, a skilled workforce, and diminished competition from the informal sector) collectively establish an entrepreneurial ecosystem that facilitates the establishment, longevity, and expansion of businesses.

### **e. The Key Indicators of the Labour Market, ILO**

The framework known as Key Indicators of the Labour Market (KILM), established by the ILO in 2015, consists of 17 essential indicators offering insights into various facets of the labor market. These indicators encompass diverse aspects of employment, including employment status, economic activity, occupation, and working hours. Furthermore, the framework addresses key areas such as informal economy employment, unemployment and its characteristics, underemployment, education, wages, living costs, labor productivity, and working poverty. Due to its comprehensive nature, the KILM framework serves as a robust tool for evaluating and addressing significant issues concerning productive employment and decent labor standards (European Commission, 2022).

With data going back to 1980, KILM provides a collection of labour market indicators that cover various aspects of employment and labour market concerns for over 200 nations worldwide. In addition to national and regional sources, the data are sourced from international repositories. The relationship between education and access to the labour market is examined in the 9th edition of the KILM, which was published in 2015.

#### **1.6 Methodology**

This study employs a mixed-methods approach, which utilizes both quantitative and qualitative methodologies in a complementary manner. It utilizes secondary data; both aggregate and individual-level quantitative and qualitative data. The individual-level data were extracted from surveys conducted by the Kenya National Bureau of Statistics (KNBS) and administrative systems by the Ministry of Labour, while the aggregated data were extracted from published data by international agencies including ILO and World Bank. The results were disaggregated by sex, age, and economic sector. The study also reviews existing relevant legislative and regulatory volumes from the Kenya law office, relevant government ministries and grey literature.

Surveys conducted by KNBS are sample surveys and censuses, are national and employ a cross-sectional design. The most instrumental surveys identified for this study are the population and housing censuses (2019, 2009), Kenya Integrated Household Budget Survey (KHIBS) 2015/2016, Kenya Continuous Household Survey (KCHS), Kenya Demographic and Health Survey (KDHS) 2014, Small and Medium Enterprises (MSME) Survey 2016, and labour force survey by Ministry of labour.

The target population for this study is women aged 15 to 64 years in the labour force. However, in some instances, men 15 to 64 years of age were also considered to establish the gender gap in labour force participation.

The data were analyzed to bring out a clear picture of dynamics in the Kenya labour market as it relates to women's labour force participation. The study analyzes levels and trends of participation and factors associated with any observed change in the trends. The analysis was guided by the KILM framework by ILO (2015) and the entrepreneurial ecosystem framework.

Indicators and summary statistics in this study are presented in percentages, frequencies, and measures of central tendencies (mean, mode and median) and used to provide levels and trends. Graphs (histograms) are used to visualize trends. Data were also cross-tabulated to determine the relationship between variables (socio-economic and demographic versus labour force participation indicators).

Qualitative content analysis was undertaken on relevant pieces of legislation, regulations, and reports.

## CHAPTER TWO: WOMEN IN EMPLOYMENT IN KENYA

*Dr. Martine Oleche and Beverlyne Ochieng'*

### 2.1 Introduction

This chapter aims to fulfill the initial objective of the paper, which is to assess the status of women in employment within Kenya. The framework utilized for analyzing Women's Employment in Kenya adheres to the standards set by the International Labour Organization (ILO). Key indicators investigated include the labor force participation rate, employment status, sectoral distribution of employment, hours worked, occupational distribution, engagement in the informal economy, unemployment rates, employment-to-population ratio, time-related underemployment, and educational attainment and literacy levels. However, it's important to note that certain indicators, such as part-time workers, youth unemployment, long-term unemployment, individuals outside the labor force, wages and compensation costs, labor productivity, income distribution, employment across economic classes, and working poverty, exhibited data gaps which need to be addressed.

This publication acknowledges the distinct challenges women encounter in securing suitable employment opportunities. The objective of this chapter is to assess the effectiveness of utilizing the current Key Indicators of the Labour Market (KILM) in presenting an accurate portrayal of the contemporary female labor market. Additionally, it aims to spotlight the varying labor market characteristics between men and women.

This chapter employs sex-disaggregated Key Indicators of the Labour Market (KILM) to depict women's engagement in labor markets and elucidate how their unique experiences and constraints contribute to the broader gender disparities observed in workplaces. The International Labour Organization's (ILO) KILM database serves as a comprehensive repository of labor market data, providing valuable insights for monitoring and analyzing various critical issues associated with labor market functioning. Inequity in the labour market is one such problem. The KILM are divided into three main categories: the utilization of female labour, female employment (where and how they work), and underutilization of female labour (ILO, 2015). These categories form the bedrock of the analysis.

This chapter utilizes the Kenya Continuous Household Survey Program (KCHSP) 2019 and 2020 as the main data source. In addition, this analysis is supplemented by data sourced from official statistics and other reliable sources to cover variables inadequately addressed by the primary datasets. The rationale behind incorporating the Kenya Continuous Household Survey Program (KCHSP) lies in its capacity to fill existing data gaps present in current labor force surveys. Notably, the most recent independent survey collecting employment data dates back to the Labour Force Survey of 1998. The KCHSP encompasses key modules, namely the quarterly labor force and the quarterly household budget, which respectively furnish data on employment trends and household consumption patterns.

The main focus of KCHSP is to collect data on key labour indicators and poverty levels. This program conducts data collection quarterly, allowing for the generation of national estimates for labour indicators each quarter and annual county-level estimates for labor and poverty indicators, among others. The quarterly monitoring of labor indicators enables the analysis of changes over specific time periods.

The subsequent section analyzes each Key Indicator of the Labor Market (KILM) in detail, presenting the findings derived from the collected data.

## **2.2 Utilization of the female labour**

The utilization of female labour is composed of KILM indicators of labour force participation rate, employment to population ratio and hours worked. These variables are disaggregated by gender and age for national, rural and urban populations.

### **2.2.1 Labour force participation rate**

The term "labour force" encompasses both employed and unemployed individuals. The working-age population refers to those above the legal working age, typically starting from 15 years old, although this may vary based on national regulations and customs. The labour force participation rate measures the proportion of a country's working-age population actively engaged in the labour market, either through employment or job-seeking activities. It provides insights into the labour supply available for the production of goods and services relative to the working-age population (ILO, 2015).

This indicator aids in understanding labour market dynamics across different segments of the working-age population. According to the International Labour Organization (ILO, 2015), the extent and pattern of labour force participation are influenced by job opportunities and income demands. Hence, it is essential to analyze labour force participation rates separately for males and females.

Figure 2.1 illustrates the labour force participation rate (%) by gender, age, and nationally for the years 2019 and 2020. Gender-disaggregated data reveals a higher labour force participation rate among males compared to females. In 2019, the labour force participation rate for males was 73%, while for females, it stood at 62.9%, resulting in a gender gap of approximately 10.1%. Similarly, in 2020, the national labour force participation rate for males was 75%, while for females, it was 61.6%, indicating a gap of 13.4%. Consequently, the gender gap in labour force participation widened from 10.1% in 2019 to 13.4% in 2020 in favour of men.

In terms of age groups, Figure 2.1 demonstrates that female labour force participation consistently lags behind that of males across all age groups, reflecting the national trend. For women aged 15-64 years, the participation rate in the labour force increases from less than 50% in younger age cohorts (15-24 years) to 77.1% in the older age cohorts (60-64 years). The female labour force participation rates in prime working age not only trail those of males but also exhibit a distinct pattern, with rates increasing from lower to higher age cohorts until reaching the ages of 55-59 years, after which the participation rate declines significantly. Young women often exit the

labour force to start families and return at a slower pace as their children grow older (ILO, 2015), explaining why the highest female labour force participation rate occurs in the 40-44 age cohort while the largest gender gap is observed in the 25-29 age cohort. Additionally, women in older age cohorts tend to have higher participation rates than their younger counterparts, possibly due to increased educational attainment and qualifications over time.

Thus, labour force participation among the young (15-24) reflects the availability of educational opportunities, while participation among the elderly (65+) offers insights into retirement attitudes and the presence of social safety nets for seniors (ILO, 2015). Figure 2.2 presents this information for the years 2019 and 2020.

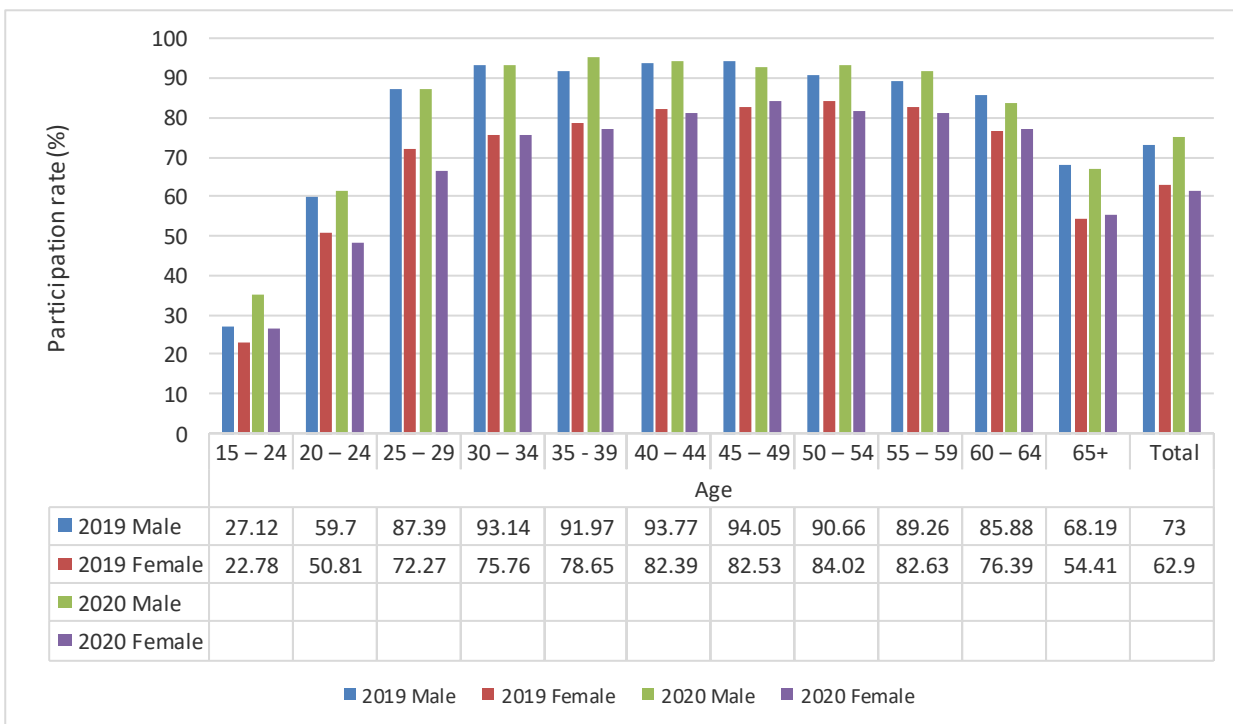


Figure 2.0.1: Kenya's Labour force participation rate by sex and age – 2019 and 2020. (Source 2: KCHSP 2019 & 2020)

From Figure 2.1, it can be observed that males participate more in the labour force compared to females for both 2019 and 2020. This trend raises at an increasing rate from the first cohort up to the ninth cohort before it starts falling again. This would be explained by the survey carried out by the Congressional Budget Office (2018) which argues that since the 1990s, sickness or disability has been the leading cause of males leaving the workforce. Scholarly discussions have highlighted various significant factors hindering women's participation in the labor force. These factors encompass lower educational attainment, restricted skill sets, limited access to productive resources, cultural perceptions and stereotypes, labor market segregation, family responsibilities, and the unequal distribution of unpaid domestic and caregiving duties (Ferrant, Pesando, & Nowacka, 2014; Uwakwe, 2004; Kee et al., 2020).

In terms of rural-urban comparison, Figure 2.2 shows that male labour force participation is still higher than that of females both in the rural and urban areas.



However, it is interesting to note that female labour force participation is higher for those who live in rural areas as compared to those living in urban areas. The predominance of agricultural activities in rural areas means that there's increased demand for active and available labour. In the urban areas, the service and industrial sectors require medium and high-level skills which some women might not have/posses. High gender disparities in educational attainments amongst the poorest quintile groups in Kenya provide a strong argument for this trend provided in national job participation between males and females. As an illustration, data from the 2019 population census indicated that only 3.5% of the population had achieved tertiary education, while 7% had completed technical and vocational training (TVETs) at the middle level following secondary education. In contrast, nearly half of the population had either primary education or no formal education, and approximately 24.5% had attained a secondary level of education (Kamer, 2022a).

Moreover, statistics reveal that females have improved in their enrolment rate. For example, in 2020 the attendance rates between males to females is 51.05% to 48.95% and 49.75% to 50.24% for primary and secondary levels respectively (Kamer, 2022b, 2022c). However, for university enrolment rates, males dominate compared to females. Data shows that males were at 59.61% while females recorded a 40.39% enrolment rate for the 2020/2021 academic year (Kamer, 2022d). Equally, the Kenya National Bureau of Statistics reports show similar enrolment trends. For instance, enrolment rates for 2019 between males and females in secondary schools stood at 49.88% and 50.12% respectively (KNBS, 2021b). To that end, given these trends in the school enrolment rates for both males and females in each level of education, there is sufficient evidence to support the observations made in Figure 2.1.

The severe shocks from the COVID-19 pandemic might have also had dire effects on gender job participation rates. Thus, it can be seen that there was a decrease in female labour force participation in urban areas from 2019 to 2020. As the effects became more pronounced whereby companies either sent their staff members on unpaid leave or laid them off, women suffered the most given that many do not complete tertiary education which would equip them with high skills needed for work. Their positions would have been rendered redundant as a result. Moreover, more women opting to stay at home to take care of children while males bracing to face the tough COVID-19 measures to cater for families at home would give more salient reasons for the observed high male labour force participation compared to females. Figure 2.2 further shows how the rate of labour force participation is distributed in terms of residence for 2019 and 2020.

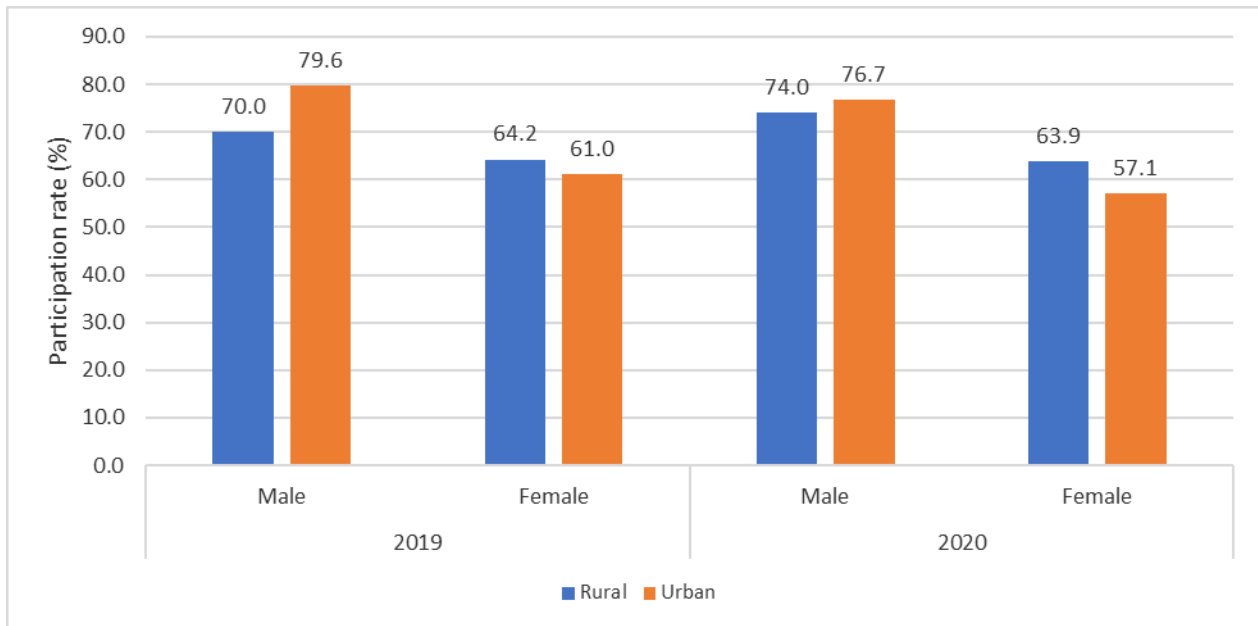


Figure 2.0.2: Kenya's Labour force participation rate by residence (Source 3: KCHSP 2019 & 2020)

In international comparisons, Kenya's female labor force participation rate lags behind that of some regional counterparts. While Kenya's overall labor force participation aligns roughly with countries of comparable income levels, its female labor force participation rate is more favorable when compared to Sub-Saharan African (SSA) and Low- and Middle-Income Countries (LMICs) on average. However, Kenya performs less favorably than most neighboring East African nations (Figure 2.3).

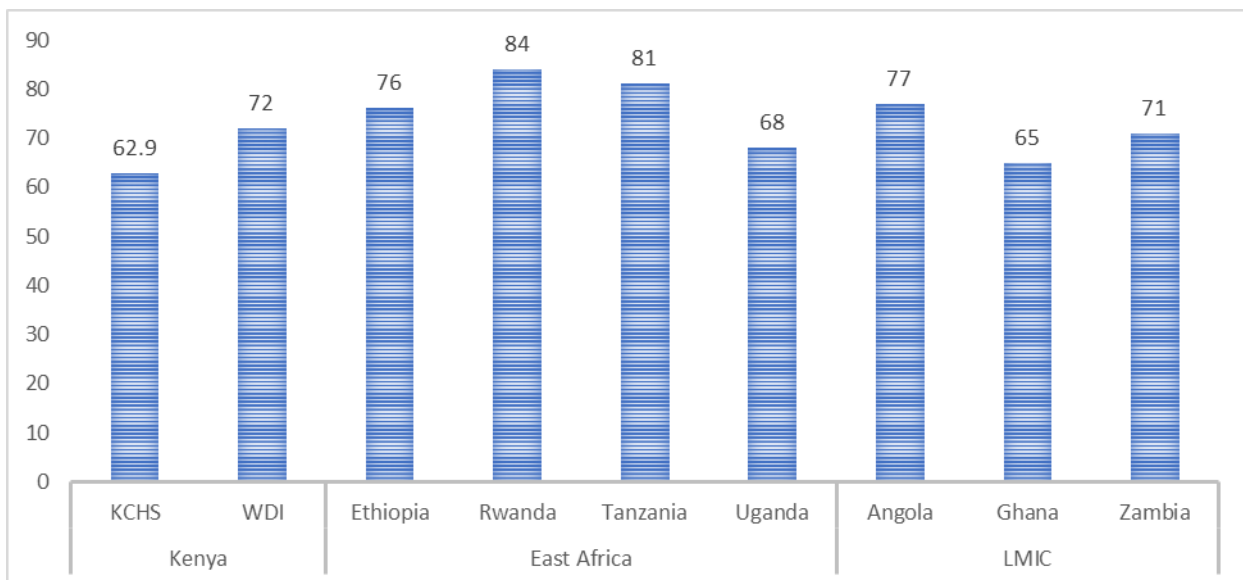


Figure 2.0.3: Female labour force participation in Kenya (2019). (Source 4: World Development Indicators & KCHS 2019.)

### 2.2.2 Employment to population ratio

The employment-to-population ratio refers to the proportion of a country's working-age population currently engaged in employment (ILO, 2015). Employment encompasses all individuals of working age who, within a specified short period like one week or one day, fall into either paid employment (actively working or having a

job but not actively working) or self-employment (actively working or owning an enterprise but not actively working) categories. A high ratio indicates a large portion of the population is employed, while a low ratio suggests a significant portion is not directly involved in market-related activities, likely due to unemployment or being out of the labor force entirely.

This ratio provides insights into an economy's ability to create employment opportunities, often offering more informative data than the unemployment rate for many countries. However, while a high overall ratio is generally viewed favorably, it alone does not provide a complete assessment of decent work or decent work deficits (ILO, 1999). Additional indicators are required to assess aspects such as earnings, working hours, informal sector employment, underemployment, and working conditions.

A high ratio may result from factors that are not necessarily positive. For example, in contexts where educational opportunities are limited, young individuals may choose available work over further education to enhance their human capital. Therefore, evaluating country-specific labor market policies requires a comprehensive examination of indicators collectively to gain a thorough understanding of labor market dynamics.

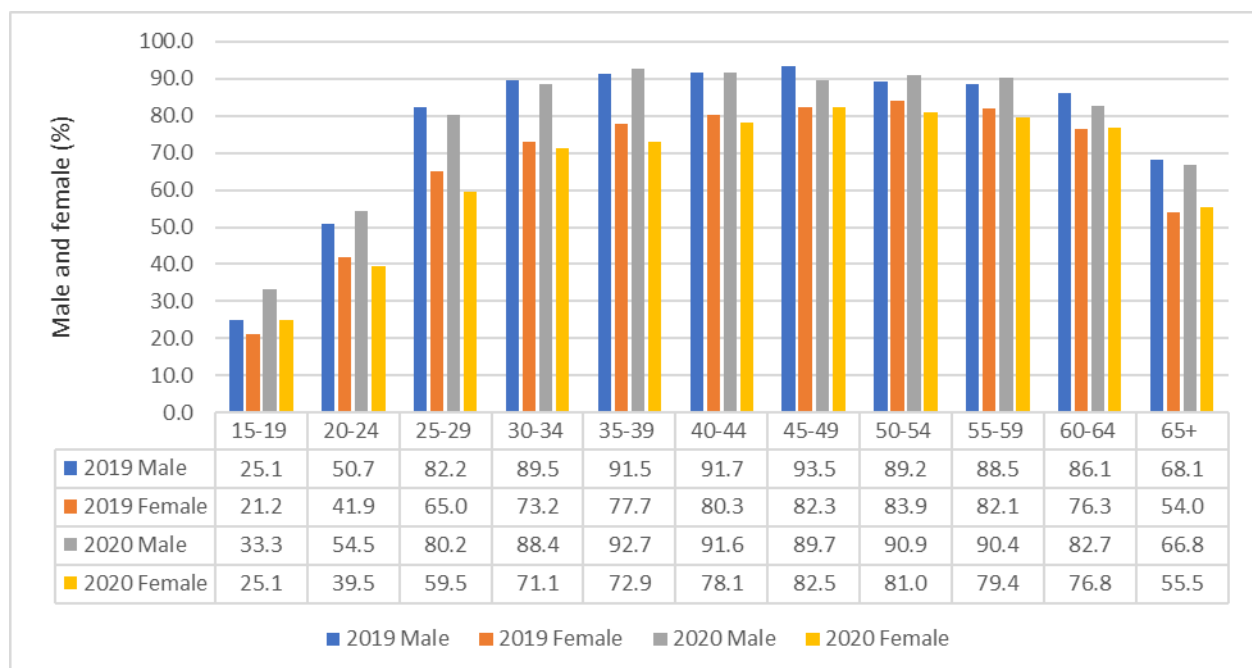


Figure 2.0.1: Kenya's employment to population ratio by age and gender – 2019 and 2020. (Source 5: KCHSP 2019 and 2020)

From Figure 2.4, employment-to-population ratios are typically higher for men than for women. For females, the age band of (40-44) years has the highest employment-to-population ratio while the age band of (15-19) years has the lowest employment-to-population ratio. This means that the highest number of employed women falls between the ages of 40 to 44 years. The employment-to-population ratio of women increases as the years increase.

### 2.2.3 Hours worked

The issue of working time has attracted considerable attention following the shifts in the labor market triggered by the global economic crisis of 2007/08. This crisis originated with banks providing cheap credit and relaxing lending standards, leading to a housing bubble. The subsequent great recession resulted in many individuals losing their jobs, savings, and homes, leading to a widespread economic downturn characterized by credit tightening, reduced international trade, housing market downturns, and soaring unemployment rates. It has been argued that the flexibility in working time has contributed to maintaining low and stable unemployment rates, despite significant output declines in certain advanced economies (Hijzen & Martin, 2013). Furthermore, over the long term, the number of hours worked can affect the health and well-being of workers (Spurgeon, 2003). Concerns have been raised by individuals in both developed and developing economies regarding the impact of long working hours on their family and community life (Messenger, 2004).

Long working hours can lead to inefficiencies in the labor market, prompting many organizations to seek ways to improve and sustain workers' productivity. Many organizations strive to cultivate a conducive and happier working environment that ensures optimal work-life balance. Therefore, it is crucial to recognize that the number of hours worked influences workers' productivity and labor costs for establishments (Vallo & Mashau, 2020). Research indicates that long working hours have a negative correlation with health, with longer hours leading to adverse health consequences for workers (Bannai & Tamakoshi, 2014; Ogawa, et al., 2018). Hence, it is essential to monitor the level and trends in working time across society for various groups of individuals, as emphasized by the International Labour Organization (ILO, 2008). This monitoring helps assess working and living conditions and analyze economic and broader social developments. Moreover, employers are increasingly interested in enhancing the flexibility of working arrangements and are engaging in negotiations for non-standard working arrangements with their employees (Lee, McCann, & Messenger, 2007). These arrangements may include working part of the year or week, night or weekend shifts, or variable daily or weekly schedules, among others.

The concept of actual hours worked includes time spent on productive tasks and other job-related responsibilities and obligations, as well as periods of inactivity during work hours and brief relaxation intervals essential for human well-being (ILO, 2015). This indicator provides an overview of the time spent on work activities by employed individuals worldwide.

Statistics are presented in a gender-disaggregated format and according to age groups. The labor hours represented include various ranges, such as less than 15 hours, 15-24 hours, 25-29 hours, and so on, up to above 99 hours worked per week. Figure 2.5 illustrates the working hours per week for males and females separately. Individuals falling within the 49 hours and over band may be considered to work excessive hours.

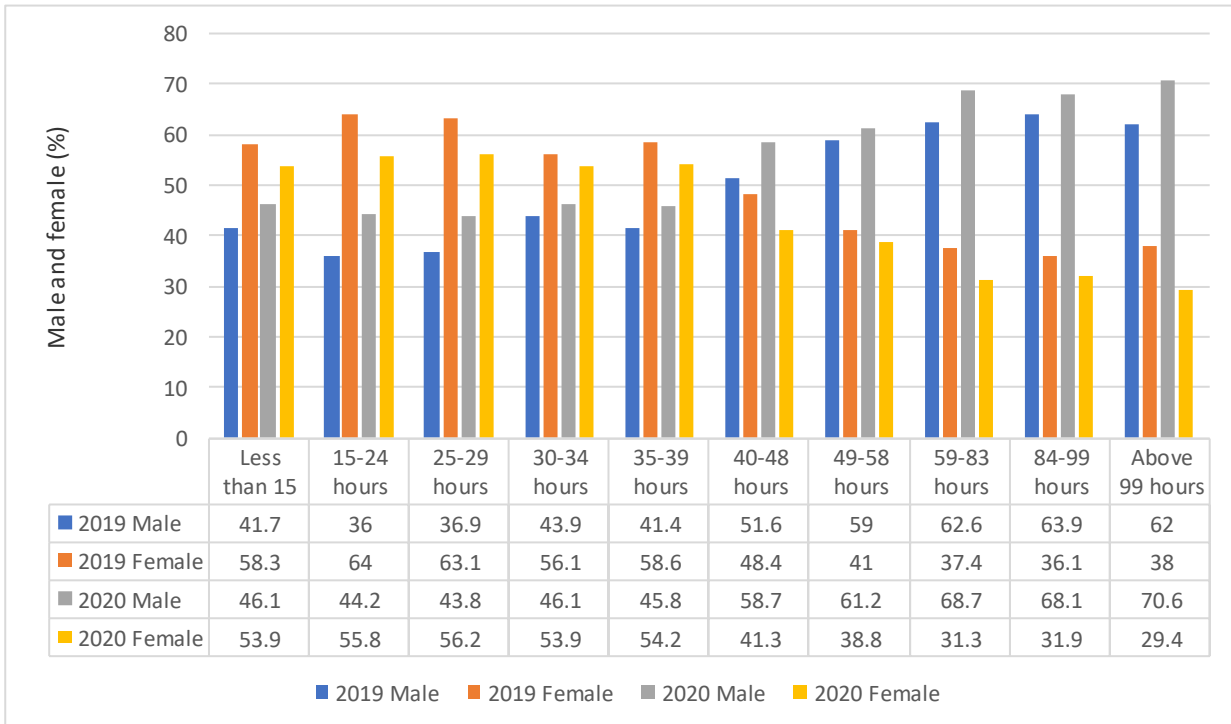


Figure 2.0.1: Kenya's Average Hours Worked per Week by the Employed Persons Aged 15 Years Plus-2019 and 2020. (Source 6: KCHSP 2019 and KCHS 2020)

From Figure 2.5, more women than men are working in the bands of less than 15hrs, 15 to 24hrs, 25 to 29hrs, 30 to 34hrs, and 35 to 39 hrs per week both in 2019 and 2020. From these bands, the highest percentage of women (64%) work between 15 to 24hrs as compared to 36% of males. As the number of working hours increase, the percentage of women in these bands significantly decrease. The bands of 40 – 48hrs, 49 – 58hrs, 59 –83hrs, 84-99hrs and above 99 hrs have more men than women, with very few women (36.1%) working between 84 – 99hrs in 2019 and this gets worse when few women (29.4%) work above 99hrs. From the statistics, men predominantly work longer hours than women.

#### 2.2.4 Education Attainment and Illiteracy

This indicator measures the distribution of the labour force's knowledge and skill base. The educational attainment can be according to the level of schooling i.e., less than one-year, pre-primary level, primary level, secondary level, and tertiary level (ILO, 2015). The data on this indicator is disaggregated into gender and different age cohorts. The statistics on the levels of educational attainment give insights into the skill structure of the labour force. Figure 2.5b shows the distribution of educational attainment of the working-age population in 2019 and 2020.

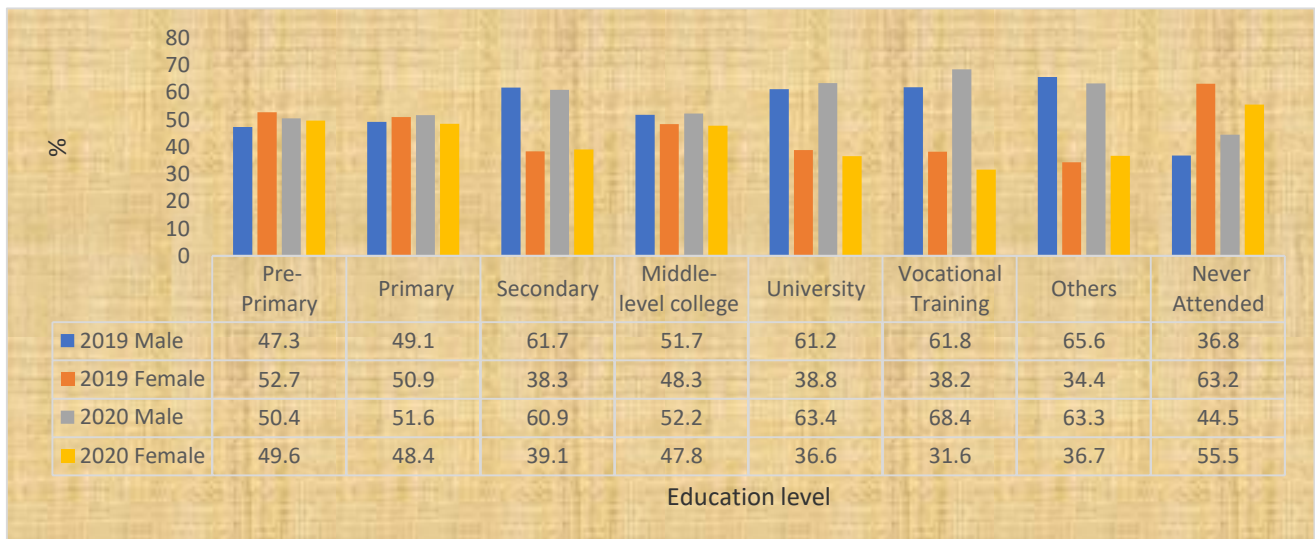


Figure 2.5b: Kenya's Distribution of Population 15 years plus in LF by Gender and education-2019 and 2020 (%). (Source 7: KCHSP 2019 and KCHSP 2020)

Education levels usually have substantial effects on the employability of individual prospects in the labour force (OECD, 2013, 2015; Graham & Paul, 2010). Based on the theory of Human Capital, Becker (1994) opines that increasing educational skills improved workers' productivity and that wage differentials reflect differences in productivity. Furthermore, highly educated workers earn higher wages (*ceteris paribus*) given the fact that they are more productive compared to their less educated colleagues. Statistics on education levels give a broad picture of the skill structure in the labour force and may help explain certain trends regarding labour mobility. From Figure 2.5b, a high percentage of women have never attended school. In 2019, the percentage of women who never attended school stood at 63.2% compared to 36.8% for men. Similar trends can be seen in 2020.

## 2.3 Female employment

This represents where and how women work

### 2.3.1 Status in Employment

This indicator provides insights into the composition of the workforce based on employment status, categorizing individuals into different categories: (a) those working for wages or salaries, (b) those operating their own businesses, with or without hired labor, and (c) those engaging in unpaid work within the family unit. The International Classification of Status in Employment (ICSE) sets out fundamental criteria for defining these status groups. It considers factors such as the types of economic risks associated with their work, the strength of institutional attachment between the individual and the job, and the level of authority over establishments and other workers conferred by the employment contract (ILO, 1993).

These two types of employees are represented as percentages of total employment for both sexes and separately for males and females (ILO, 2015). Wage and salaried workers are categorized as either employed within the household or outside the household. Self-employed workers are further categorized as Self-employed workers

with employees (employers), Self-employed workers without employees (own-account workers), Members of producers 'cooperatives - Workers who are members of a cooperative that produces products and services, and Contributing family workers (formerly known as unpaid family workers), especially common in family businesses or farming. Disaggregating employment data by status in employment provides a statistical foundation for characterizing employees' behavior and working circumstances, as well as establishing an individual's socioeconomic category (United Nations, 1997).

According to the ILO (2015), a country's significant economic growth may be indicated by a high proportion of wage and salaried employees. Conversely, a substantial share of self-employed individuals, those working for themselves without hiring others, may suggest a large agricultural sector and slower development in the formal economy. Moreover, the ILO (2015) distinguishes between vulnerable and non-vulnerable employment. Own-account workers and contributing family employees are less likely to have formal work arrangements and may lack components of decent employment, such as appropriate social security and a voice at work. Consequently, these two statuses are combined to form the category of "vulnerable employment," while wage and salaried employees, along with employers, constitute "non-vulnerable employment." Figure 2.7 illustrates the percentages of total employment for these categories for both males and females for the years 2019 and 2020.

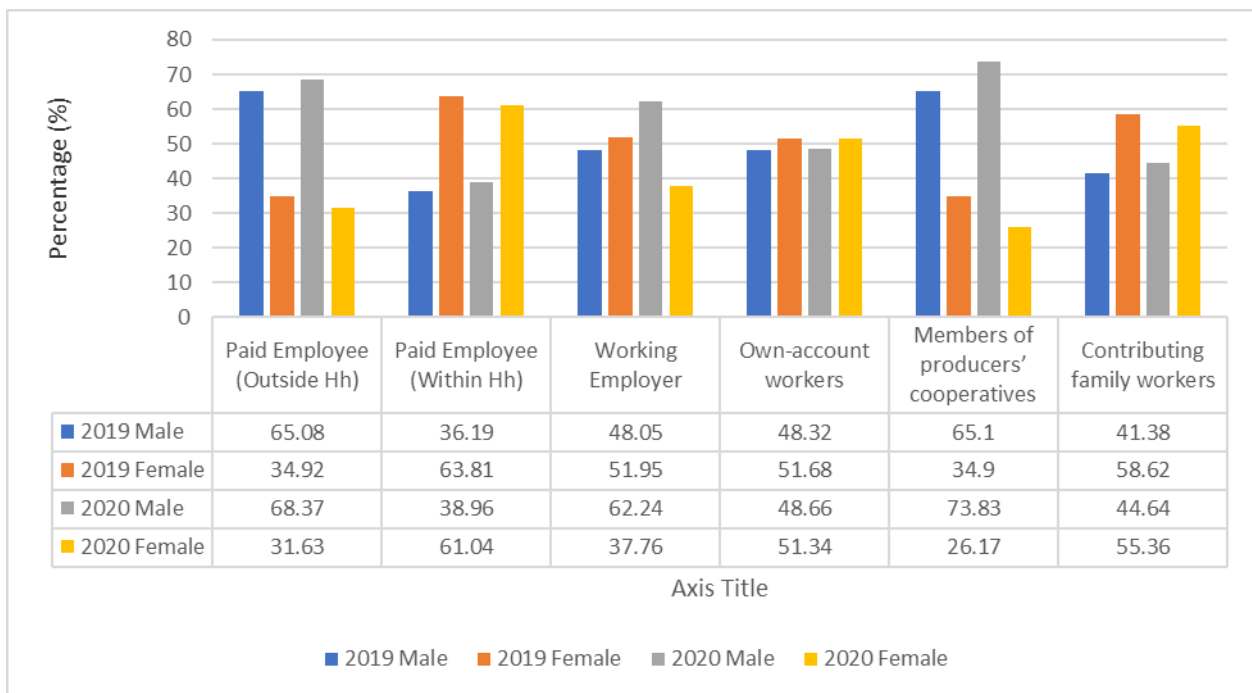


Figure 0.1: Kenya's Distribution of Population 15 years plus by Employment status -2019 and 2020 (%). (Source 8: KCHSP 2019 and 2020)

Paid employees are individuals employed in positions categorized as paid employment jobs. This designation implies that they have explicit (either written or oral) or implicit employment contracts that guarantee them a fixed payment not directly tied to the unit's income. From Figure 2.7, it can be observed that the percentage of males who are paid employees outside the household is generally higher than that of



females. For instance, in 2019 the percentage of males who are paid employees outside the household stood at 65.08% as compared to 34.92% of females. In 2020, this percentage increased to 68.37% whereas the percentage of females decreased to 31.63%. This means that the number of females who work outside the household in paid employment is still low.

However, contrary to this, the percentage of females who are paid employees within the household is significantly higher than that of the males. In 2019, this percentage was 63.81% as compared to the males' 36.19%. In 2020, this percentage slightly declined to 61.04% while that of the males rose to 38.96%. Even though a significant number of males work in this sector frequently as gardeners, drivers, or butlers; the sector remains heavily female-dominated with women accounting for the majority of all domestic workers (ILO, 2022). This explains why we have more females as domestic workers as compared to men. However, this number might have declined in 2020 because of COVID-19 which witnessed a record-high rate of layoffs.

Conversely, working employers are those individuals who work for themselves or with one or more partners. Consequently, in 2019 the percentage of females (51.95%) labouring as working employers was slightly higher than that of males (48.05%). However, in 2020, statistical evidence shows that the percentage of males (62.24%) improved significantly while that of females reduced significantly to 37.76%. This sector majorly captures enterprises dominated by females such as salons and related businesses; *Jua-kali* vendors such as *mama mbogas*; secondhand clothes vendors (referred to as *mitumba*); food vendors (referred to as *vibandas*); housemaids; clothe washing (referred to as *mama fua*); among others, were severely affected by the austerity measures taken to combat the effects of COVID-19 pandemic. This would likely explain the decline in female statistics.

On the other hand, own account workers are those individuals who work on their own without any assistance from an employee(s). They do not engage any employee continuously to work for them. Generally, Figure 2.6 shows that a higher percentage of females are own-account workers as compared to males. In 2019 for instance, the percentage of females working as own-account workers stood at 51.68% higher than that of the males which stood at 48.32%. The same trend can be observed in 2020 whereby the percentage of female workers working as own-account workers was 51.34% as compared to 48.66% of the males.

Additionally, members of producer cooperatives are individuals engaged in self-employment roles within a cooperative that produces goods and/or services, such as a food joint facility or outlet. Consequently, statistics show that the percentage of males who work as members of producer cooperatives is significantly higher than that of females. For example, in 2019 men who worked as members of producer cooperatives were 65.10% compared to 34.90% of women. Furthermore, in 2020 the gap went even higher with the percentage of males increasing to 73.83% while that of females reduced to 26.17%. This sector is largely dominated by the *matatu* industry which usually attracts male workers compared to females.

Lastly, contributing to family work is a kind of unpaid labour that supports market output. However, remuneration may come indirectly in the form of family income. It is very frequent among women, especially in houses where other family members work for themselves such as maintaining a family company or a farming enterprise. Figure 2.7 provides supporting statistics that the percentage of males contributing to family work stood at 41.38% while that of females stood at 58.62% in 2019. The same trend is also observed in 2020 where the percentage of females contributing to family work was significantly high (55.36%) than that of the males (44.64%).

### 2.3.2 Employment by Sector

This indicator categorizes employment into three primary sectors of economic activity: agriculture, industry, and services (ILO, 2015). Sectoral data provides valuable insights into identifying substantial shifts in employment patterns and stages of development. Analyzing this indicator involves a thorough breakdown of employment by sector, defined by the International Standard Industrial Classification of all Economic Activities (ISIC). Thus, Figure 2.7 illustrates employment by the various ISIC divisions as a percentage of total employment, along with disaggregation according to the divisions by gender for the three main sectors. The gender-disaggregated data gives the distribution of men and women across these sectors and whether there are sectors where there is more concentration of women and men, giving justification for such observations.

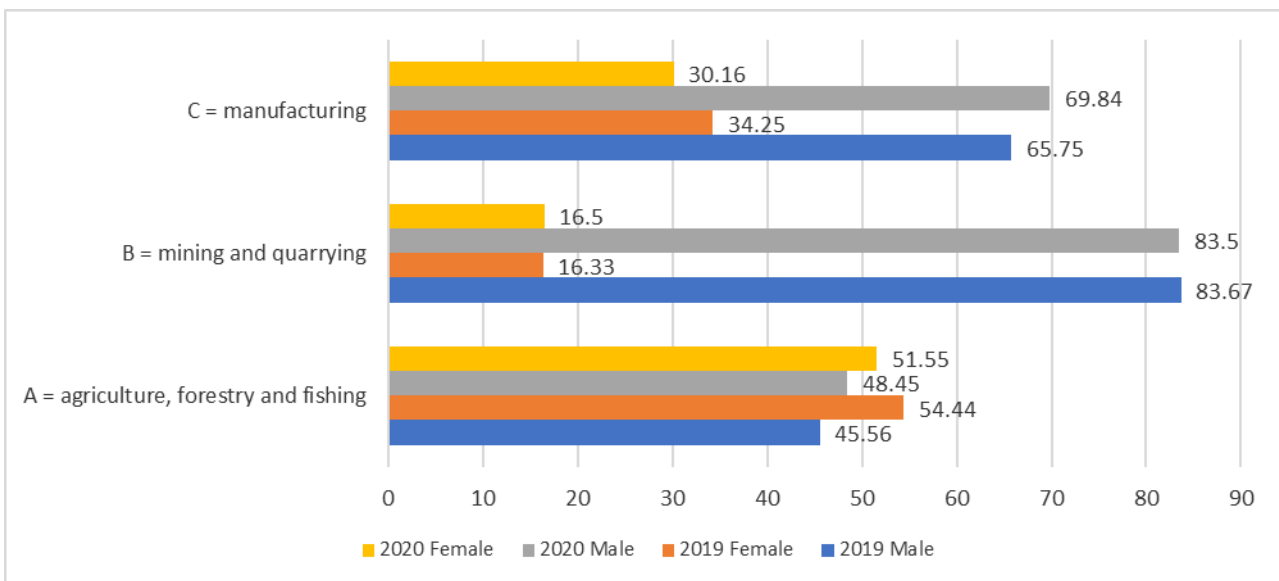


Figure 0.1: Kenya's Distribution of Population 15 years plus by Economic activity and sex, 2019 and 2020 (%). (Source 9: KCHSP 2019 and KCHSP 2020)

Women are more vulnerable to accepting less-paying service activities that provide more flexible working hours, making it simpler to manage work and family obligations (ILO, 2015). In addition, women are usually segregated from taking jobs in particular industries due to cultural prejudices thus, restricting them from actively participating in employment opportunities in these industries. Therefore, this would provide reasons as to why some sectors are predominantly occupied by men. Examples include the electrical and mechanical industry, matatu industry, construction industry, and

*bodaboda* (motorcycle) industry among others. Figure 2.8 for instance, shows that in the agricultural, forestry and fishing sector, the percentage of females actively involved in the economic activities in this industry was higher than that of the males. In 2019, the sector comprised 54.44% and 45.56% of females and males respectively. This is about an 8.88% difference. However, in 2020 the percentage of females to males in this sector was 51.55% and 48.45% respectively. A probable explanation for this trend would be as a result of COVID-19 which saw the laying off of many workers. This is what is referred to as inter-industry labour movements. As workers were laid off from other industries, they were readily absorbed into the agricultural, forestry, and fishing industry. Many families moved from urban to rural areas as urban life would no longer support their livelihoods as manufacturing and other industries shrunk their activities.

On the other hand, the manufacturing sector recorded 30.16% of female labour participation compared to 69.84% of male labour participation. However, in 2020 the female labour participation rate increased to 34.25% while that of males reduced to 65.75%. Conversely, the mining and quarrying sector witnessed the lowest proportion of women's labour participation for both 2019 and 2019. This would probably be explained by the cultural prejudice that discriminates against women for doing hard labour tasks. Furthermore, the manufacturing industry was severely affected by the shocks emanating from COVID-19. As factories reduced their workforce, priority would have been offered to male workers who would quickly adjust to movement confinements. Thus, this would adversely affect female labour participation in this industry.

### 2.3.3 Employment by Occupation

This indicator encompasses employment data categorized into primary occupational groups as outlined in the International Standard Classification of Occupations (ISCO) (ILO, 2015). ISCO-08 defines 10 major groups of occupations, including managers, professionals, technicians and associate professionals, clerical support workers, and service and sales workers. Additionally, it includes skilled agricultural, forestry, and fishery workers; craft and related trade workers; plant and machine operators and assemblers; elementary occupations; and armed forces occupations. Table 2.1 provides an overview of the distribution of workers across these occupations, indicating the percentage of workers in each occupational group relative to the total employed population, with a gender breakdown.

Table 2.2: Kenya's Distribution of Employed Population age 15 years plus by Occupation and Sex, 2019 and 2020(%)

Sectors/Gender/Year	2019			2020		
	Male %	Female %	Total	Male %	Female %	Total
A = Agriculture, forestry, and fishing	45.56	54.44	100	48.45	51.55	100
B = Mining and quarrying	83.67	16.33	100	83.50	16.50	100
C = Manufacturing	65.75	34.25	100	69.84	30.16	100
D = Electricity, gas, steam and air conditioning supply	82.29	17.71	100	94.20	5.80	100

E = Water supply; sewerage, waste management, and remediation activities	56.47	43.53	100	82.39	17.61	100
F = Construction	98.05	1.95	100	96.15	3.85	100
G = Wholesale and retail trade; repair of motor vehicles and motorcycles	46.36	53.64	100	44.03	55.97	100
H = Transportation and storage	96.37	3.63	100	98.52	1.48	100
I = Accommodation and food service activities	40.41	59.59	100	31.70	68.30	100
J = Information and communication	85.84	14.16	100	85.80	14.20	100
K = Financial and insurance activities	47.76	52.24	100	46.68	53.32	100
L = Real estate activities	63.35	36.65	100	65.92	34.08	100
M = Professional, scientific, and technical activities	78.83	21.17	100	79.38	20.62	100
N = Administrative and support service activities	83.72	16.28	100	72.41	27.59	100
O = Public administration and defense; compulsory social security	73.56	26.44	100	72.49	27.51	100
P = Education	50.70	49.30	100	51.99	48.01	100
Q = Human health and social work activities	38.88	61.12	100	48.94	51.06	100
R = Arts, entertainment, and recreation	69.09	30.91	100	72.39	27.61	100
S = Other service activities	39.04	60.96	100	43.49	56.51	100
T = Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use	29.59	70.41	100	22.22	77.78	100
U = Activities of extraterritorial organizations and bodies	35.54	64.44	100	55.47	44.54	100
<b>Total</b>	<b>52.45</b>	<b>47.55</b>	<b>100.00</b>	<b>54.23</b>	<b>45.77</b>	<b>100</b>

Source 10: KCHSP 2019 and KCHSP 2020

Table 2.2 shows that women are predominantly found in agricultural and related occupations and service workers such as social work, household services, shop, and market sales agents among others. Women are predominantly occupied in activities that require limited physical energy and relatively low human capital which supports the finding that few women complete their tertiary education. These sectors include agriculture, forestry, the fishing industry, sales agent, hospitality, household activities, and social work. For instance, in the agriculture, forestry, and fishing industry, the number of women engaged in this sector stood at 54.44% and 51.55% in 2019 and 2020 respectively. Similarly, household activities recorded the highest percentage (i.e., 70.41% and 77.78% in 2019 and 2020 respectively) compared to other industries in which women are dominantly occupied. Other sectors predominantly occupied by women include elementary occupations. On the other hand, it can be observed that

men occupy positions that require a lot of physical energy and skilled labour. This includes mining and quarrying, the construction industry, electricity and related activities, transport, ICT, administration, and professional activities among others. For example, mining and quarrying, construction, transport and storage, and administration are among the highest sectors predominantly occupied by the male gender with the construction industry topping the list at 98.05%.

### 2.3.4 Employment in the Informal Economy

The concept of the informal economy has undergone significant evolution since its adoption by the International Conference of Labour Statisticians (ICLS) during its 15th session in Geneva in 1993. Over the past two decades, this concept has broadened to encompass a wider scope, shifting from employment within specific types of production units to a phenomenon extending across entire economies. Recently, there has been a concerted effort to develop and standardize indicators for measuring informality.

In this context, employment in the informal sector includes all positions within unregistered and/or small-scale private unincorporated businesses engaged in

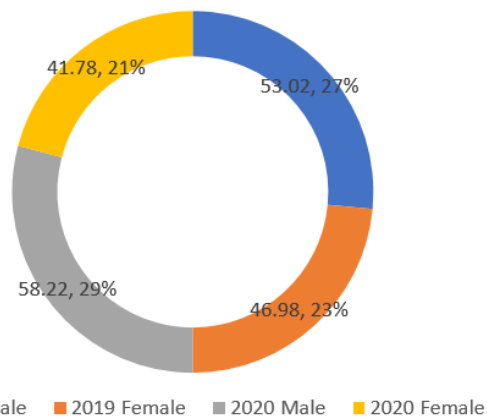


Figure 2.0.1: Kenya's Distribution of Informal Employed Population aged 15 years plus by Sex, 2019 and 2020. (Source 11: KCHSP 2019 and KCHSP 2020)

producing goods and/or services for sale or barter (ILO, 2015b). The informal sector constitutes a significant component of many economies and labor markets, making substantial contributions to job creation, production, and revenue generation. In countries lacking social safety nets, such as unemployment insurance or where salaries and pensions are inadequate, particularly in the public sector, informal work serves as a vital survival strategy (ILO, 2007; Guven et al., 2020).

When agricultural employment is not factored into informal employment, then men predominantly occupy the sector as compared to women. In 2019, the percentage of men in this sector was 53.02% compared to 46.98% for females. This same trend is in 2020, where the percentage of men in the informal sector is 58.22% compared to 41.78% for females.

## 2.4 Underutilization of female labour

### 2.4.1 Unemployment rate

The unemployment rate is a straightforward measure indicating the percentage of the labor force that is unemployed and actively seeking employment (ILO, 2015). Widely recognized as the most comprehensive gauge of labor market conditions, this indicator provides valuable insights into the extent of unused labor supply in countries where labor force data is collected (ILO, 2015). The total unemployment rate for a

country serves as a frequently utilized metric for assessing its available labor pool. Mathematically, the unemployment rate is calculated as the ratio of the total number of unemployed individuals to the overall labor force, which comprises both employed and unemployed persons (ILO, 2015). Figure 2.9 presents gender-disaggregated data on the unemployment rate in Kenya for the years 2019 and 2020.

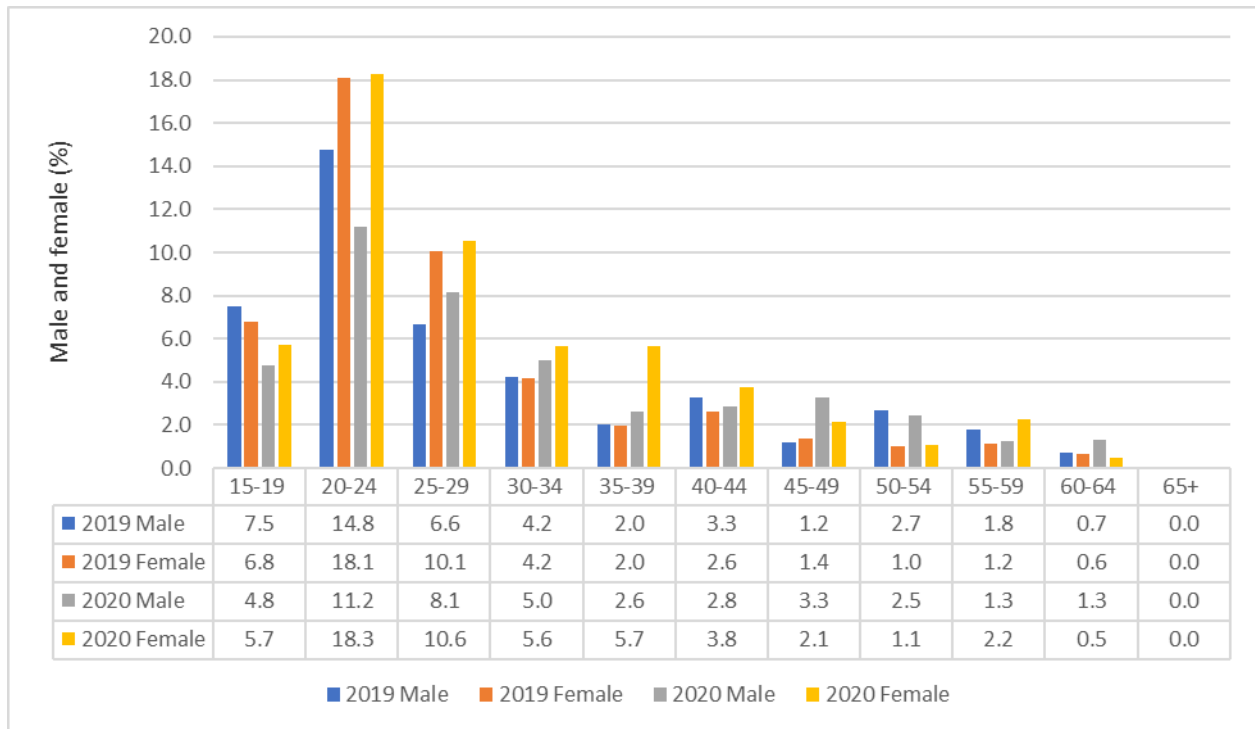


Figure 2.0.1: Kenya's unemployment rate by age and sex – 2019 and 2020. (Source 12: KCHSP 2019 and 2020)

From Figure 2.9, it can be observed that the unemployment rate is more pronounced in the first three age cohorts (i.e., 15-19, 20-24, and 25-29). These age brackets are usually characterized by school or tertiary going individuals and many might not have attained the ideal skills or human capital that is much needed for effective job delivery. It is paramount to note however that in 2020, the unemployment rate for these cohorts reduced because as schools were closed because of COVID-19, the males were actively engaged in paying activities, especially in the media platform. However, we can generally deduce that there was an overall increase in the unemployment rate across all cohorts amid the COVID-19 pandemic as many companies scaled down their operations. Moreover, as we away from the younger age brackets, the unemployment rate decrease. As people advance in age, the urge to seek employment reduces, the physical vigour reduces and they become ineffective. This is why we can observe that at the retirement age (i.e., cohort 60-64) and above 65+ years, the employment rate is the lowest.

#### 2.4.2 Time-related underemployment

The unemployment rate is a key measure indicating the proportion of the labor force that is actively seeking employment but currently unemployed (ILO, 2015). Widely regarded as a comprehensive indicator of labor market conditions, it offers valuable



insights into the extent of unused labor supply in countries where labor force data is collected (ILO, 2015).

The total unemployment rate for a country is commonly used to assess its available labor pool. This rate is calculated as the ratio of the total number of unemployed individuals to the overall labor force, which includes both employed and unemployed persons (ILO, 2015). Figure 2.9 provides gender-disaggregated data on the unemployment rate in Kenya for the years 2019 and 2020.

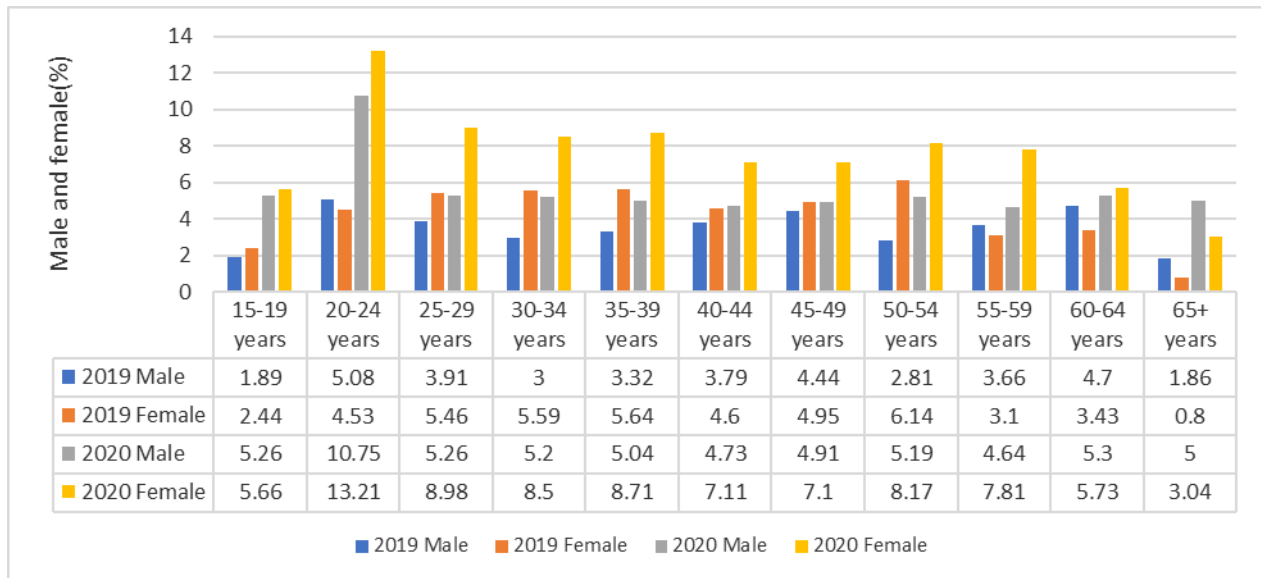


Figure 2.0.1: Distribution of time-related underemployed population age 15 years plus by age and sex, 2019 and 2020. (Source 13: KCHSP 2019 and KCHSP 2020)

From Figure 2.10, the percentage of female underemployment is higher than that of males. In 2020, the highest underemployment rates were experienced between males and females, with the females having the highest level. The age band of 20- 24yrs recorded the highest levels of underemployment with that of females being 13.21% and males slightly lower at 10.75%. From this evidence, we can conclude that females have time-related underemployment and can prefer to work for additional hours compared to males. Moreover, given that the law stipulates that upon the attainment of 60 years, an individual must retire from public service even if the individual still has the vigour to work. So, individuals have no option but to leave the active labour force. This will render them time underemployed since they would be willing to work but the law prohibits them. Therefore, this scenario can be observed in the last age bands which show significant rates of time underemployment. The underemployment rates became more pronounced in the time of COVID-19 when aged individuals and those with lifestyle conditions were asked to stay at home as an austerity measure to combat the life-threatening pandemic that swept across the globe.



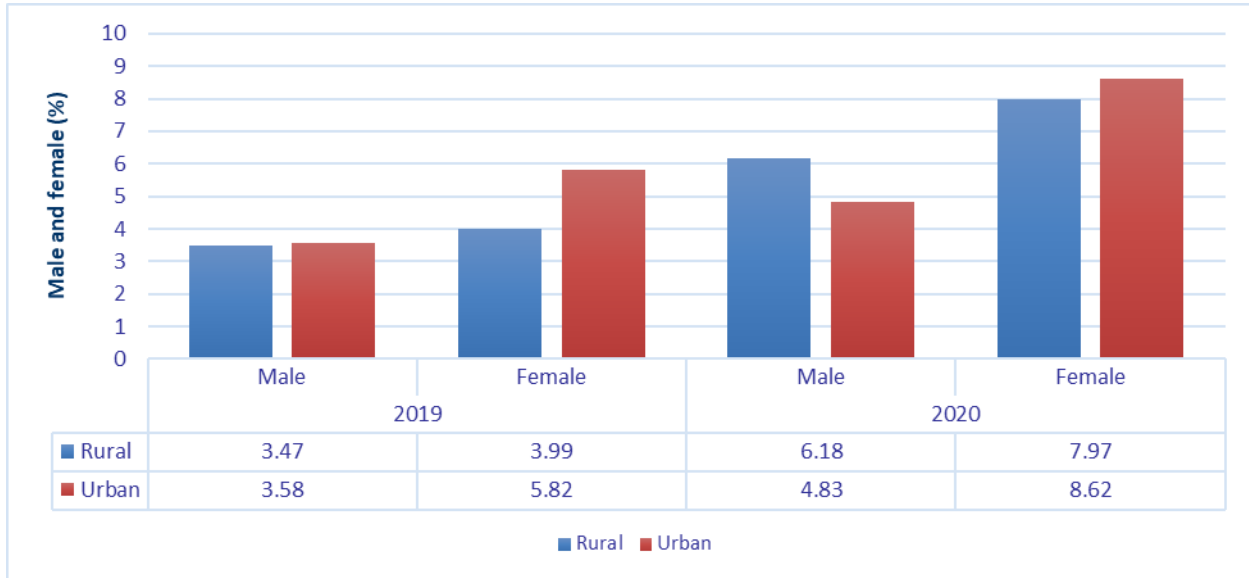


Figure 2.0.2: Distribution of time-related underemployed Population age 15 years plus by residence and Sex in Kenya, 2019 and 2020. (Figure 0.3: KCHSP 2019 and KCHSP 2020)

Following the emergence of the COVID-19 pandemic, more women than men lost their livelihoods. In urban areas, more women engage in the informal sector such as washing clothes (*mama fua*), food vendors (*mama mbogas*), and salons and related enterprises (Suubi, et al., 2022). This sector was adversely affected as the government sought to put up measures that could help combat the severe effects of the virus such as through social distancing and stay-at-home directives. This would explain the high rate of unemployment in the female populace in 2020. Figure 2.11 reveals that within this period, the proportion of unemployed women went up by 5.04% from 2019. Conversely, the number of women unemployed in rural and urban areas was high compared to the males who posted a slightly low level. This trend can be explained by the fact that in rural regions, more women are involved in subsistence activities majorly in the agricultural sector. This is why women posted a low level of unemployment of 3.99% compared to 5.82% in urban areas. Additionally, since most women prefer to engage in unpaid domestic chores such as cooking and looking after children and family businesses, this would explain further why the percentage of the female unemployment rate is quite pronounced in urban than rural areas in 2019.

Moreover, the high levels of unemployment in the rural areas for both males and females in 2020 would be explained by the urban-rural migration trends that were witnessed due to the rise of laying off workers by many companies in the cities. As more people were not able to meet their basic needs due to loss of livelihoods and probably fleeing urban congestion, many people opted to move to the villages (González-Leonardo et al., 2022). Further, the closure of schools due to the cessation of the face-to-face mode of teaching in all learning institutions in March 2020, led to many private schools being unable to pay their teaching and non-teaching staff who were put on unpaid leave. Subsequently, this rendered them jobless and denied them a source of livelihood (Barasa et al., 2022). This explains why unemployment levels remained relatively low in urban than in rural areas in 2020. The mass movements ballooned the number of unemployed individuals in rural areas.

## **2.5 Summary, Conclusions and Recommendations**

### **2.5.1 Summary**

This chapter aimed to assess the status of women in employment within Kenya by analyzing key indicators of the labor market. These indicators included the labor force participation rate, employment status, sectoral employment, hours worked, and employment by occupation. Additionally, the study examined indicators such as the informal economy, unemployment, employment-to-population ratio, and time-related underemployment. Recognizing the unique challenges women face in securing suitable employment, the paper investigated the effectiveness of existing KILM indicators in portraying an accurate depiction of the current female labor market and highlighting differences in labor market dynamics between men and women.

### **2.5.2 Conclusions**

The analysis of the labor force participation rate reveals that in both 2019 and 2020, men had higher participation rates compared to women, with the gender gap widening in 2020. Interestingly, participation rates among older age cohorts of women were higher than those in the younger or prime working-age group. This trend may be attributed to increased educational attainment among women over time, leading to higher participation rates in older age groups.

When examining the employment-to-population ratios, men consistently had higher ratios than women. Notably, women aged 40-44 had the highest employment-to-population ratio, indicating that a significant number of employed women fall within this age group. Furthermore, the employment-to-population ratio for women tends to increase with age.

Analysis of working hours revealed that a larger proportion of women worked fewer hours per week compared to men. As working hours increased, the percentage of women decreased significantly, indicating that men were more likely to work longer hours.

Regarding employment status, a higher percentage of women were paid employees within the household compared to men, while men had higher rates of paid employment outside the household. Additionally, a higher proportion of women were engaged in own-account work compared to men.

In terms of sectoral distribution, women were more prevalent in Agriculture, forestry, and fishing sectors compared to men, whereas men dominated in manufacturing. The mining and quarrying sector had the lowest proportion of women.

Examining occupations, women were primarily found in service worker, shop, and market sales roles. However, when agricultural employment is excluded from informal employment, men tend to dominate this sector compared to women.

### **2.5.3 Recommendations**

Policy changes may not swiftly influence certain factors affecting female labour force participation, such as women's educational attainment, overall labour market

conditions, or prevailing cultural attitudes. However, targeted policies can address other barriers effectively.

Efforts should focus on increasing female labour force participation, especially among younger age groups. Implementing flexible working-time arrangements, which remove barriers to part-time work, can significantly boost female participation. However, caution must be exercised to prevent the creation of a segmented labour market.

Providing support to families with young children through parental leaves (up to 20 weeks) and childcare subsidies has been identified as beneficial for increasing female participation. Conversely, policies offering longer parental leaves and child benefits might have the opposite effect.

Additional policies that can positively impact female participation include avoiding regulations that hinder the growth of service sectors, revising immigration policies to influence childcare costs, and implementing welfare programs delivered through make-work-pay schemes.

Policymakers should prioritize increasing employment-to-population ratios for younger women facing high unemployment rates. Furthermore, efforts should be made to encourage more women to work in untapped and underutilized sectors such as mining and quarrying.

By implementing these targeted policies, policymakers can address various challenges faced by women in the labour force and work towards increasing their participation rates.

## CHAPTER THREE: WOMEN IN ENTREPRENEURSHIP IN KENYA

*Mwanamaka Mabruki and Margaret Maina*

### 3.1 Introduction

This chapter addresses the second objective of the analytical report which is to establish the status of women in entrepreneurship in Kenya. The chapter discusses gender gaps in entrepreneurship using a methodology developed by the World Bank (2022): the Entrepreneurial Ecosystem Framework.

The dynamic Schumpeter's entrepreneurship model, developed by Joseph Alois Schumpeter (1883-1950), remains of contemporary importance as it emphasizes the importance of innovating new products and processes. Innovation is at the heart of the economic development of any developing country which shows the importance of entrepreneurship and its significance to the economy (Mehmood et al., 2019). Schumpeter's life mantra ideology was 'innovate or perish'.

According to Heyward (2022), entrepreneurs are either made or born. Existing literature shows that successful entrepreneurs who are 'born' are highly likely to have high fluid intelligence, come from a well-connected entrepreneurial family, and have good financial support and a high level of education. On the other hand, successful entrepreneurs who are 'made' are skillful, full of experience, exhibit an innovative mindset, are risk-taking and have grit or passion.

There is increasing attention on the influence of entrepreneurial ecosystems on women's economic empowerment and the reduction of poverty among women. Entrepreneurial ecosystems encompass a blend of social, political, economic, and cultural factors within a specific region that foster the advancement and expansion of innovative start-ups. They also encourage budding entrepreneurs and other stakeholders to take the plunge in initiating, financing, and supporting high-risk ventures (Spiegel, 2017, p.50).

The success of an economy hinges on the success of its enterprises (Ndiaye et al., 2018). Female entrepreneurs play a pivotal role in a country's economic advancement, as emphasized in Kenya Vision 2030, which prioritizes SMEs as key drivers for growth and development.

Isenberg (2010) delineates an entrepreneurship ecosystem into six domains: policy, finance, culture, support, human capital, and markets. The World Bank Entrepreneurial Ecosystem framework, as depicted in Figure 3.1, reorganizes these domains into pillars of supply, allocation, and demand (Cruz et al., 2022, p.35). A robust entrepreneurship ecosystem necessitates adequate resources (pillar 1), such as physical, human, and knowledge capital; a conducive set of demand factors (pillar 2), including market access, firm capabilities, and entrepreneurial traits; and an effective allocation mechanism (pillar 3), comprising access to finance, regulatory frameworks, and social

capital to optimize resource allocation to the most productive firms (World Bank, 2022).

In essence, the first pillar entails a sufficient supply of resources, the second involves conducive demand factors, and the third encompasses efficient allocation factors (Figure 3.1) (Cruz et al., 2022, p. 13).

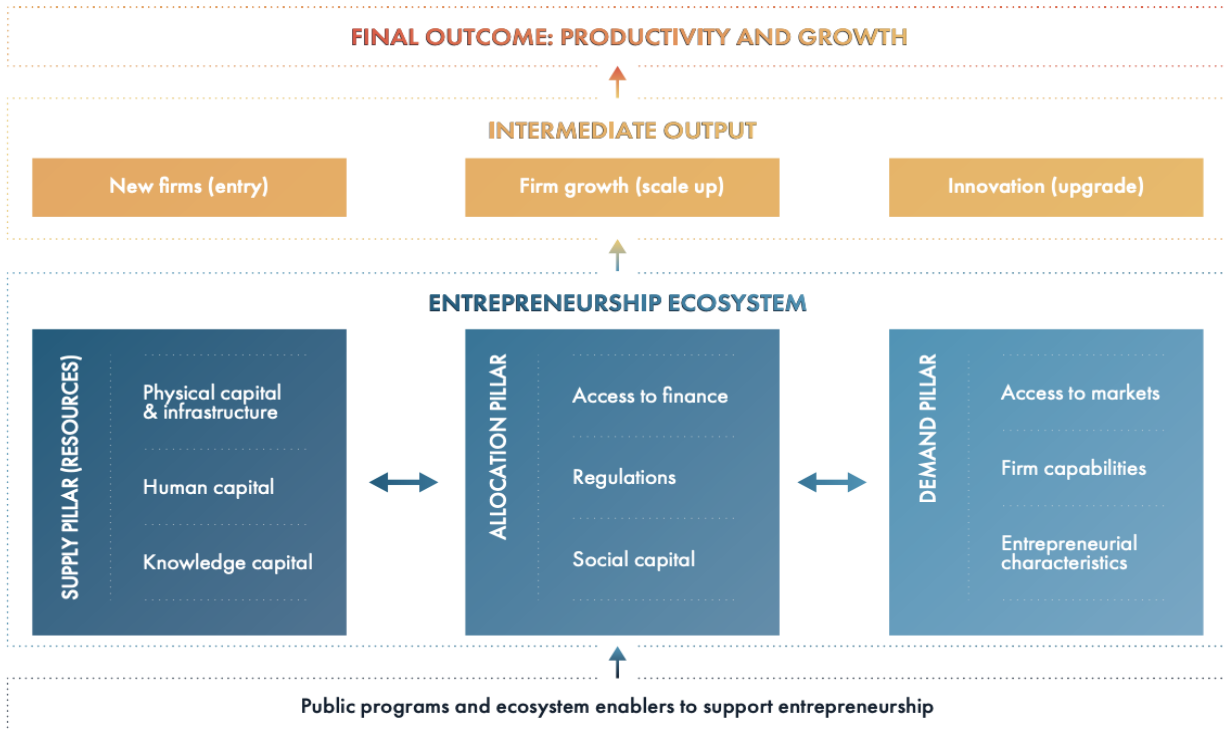


Figure 3.0.1: Entrepreneurship Ecosystem: Conceptual Framework. (Source 14: World Bank 2022.)

### 3.2 Gender differences in Kenya's entrepreneurship ecosystem

There has been no systematic study on gender issues in entrepreneurship in Kenya. This chapter analyzes the performance of female-owned enterprises compared to male-owned enterprises and examines the disparities in their observed performance.

#### 3.2.1 Ownership

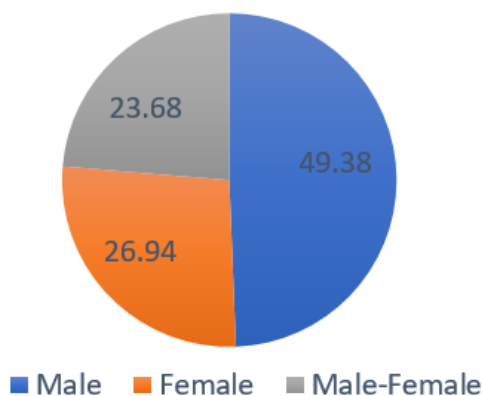


Figure 3.2: Percentage distribution of MSMEs ownership by gender. (Source 15: KNBS 2016)

Women entrepreneurs are characterized as female individuals or collectives who initiate, manage, and run businesses, primarily falling within the micro-, small, and medium-sized enterprise (MSME) spectrum. In Kenya, the entrepreneurial landscape comprises approximately 7.5 million registered SMEs, serving as employers for over 15 million individuals across diverse sectors. These enterprises collectively contribute approximately 44% to the country's Gross Domestic Product (GDP) (Kenya National Bureau of Statistics [KNBS], 2016).

As of 2016, about half (49.4%) of the businesses (MSMEs) in Kenya were owned solely by men. Women's participation in business ownership was 26.9% while mixed-gender owners accounted for 23.7%. This amounted to a 22.44% gender gap in business ownership in Kenya.

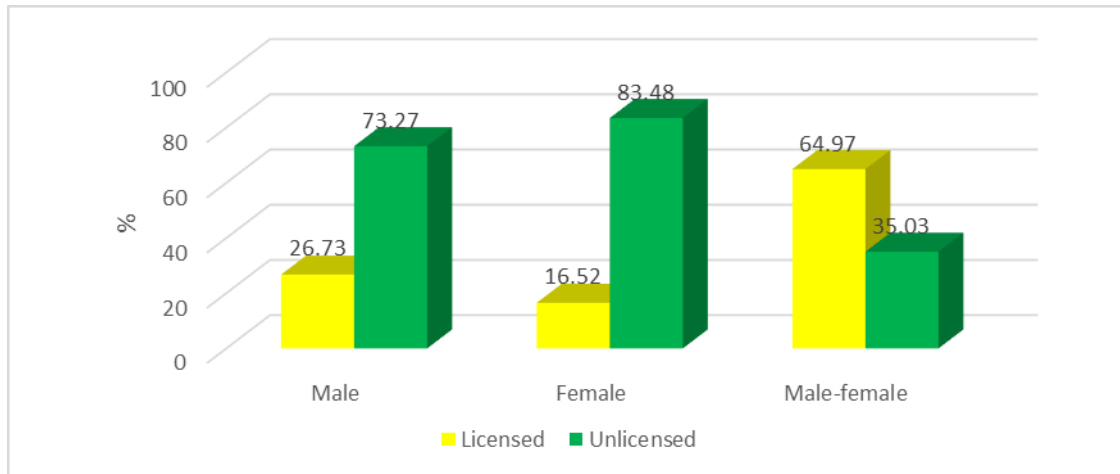


Figure 3.3: Gender differences in the distribution of MSMEs by business registration. (Source 16: KNBS 2016)

Business ownership by gender also varies according to the type of business — for example, registration status (formal and informal), and level of growth/productivity. Figure 3.3 shows the distribution of MSMEs by gender of business owners and their registration status. 27% of male-owned enterprises were licensed. Women-led enterprises were predominantly unlicensed. For business partnerships of mixed gender, businesses were more likely to be registered (35%) compared to where ownership was of one gender or the other. The clear gender divide in registration status for women could be attributed to administrative obstacles such as high registration fees, taxes, and onerous registration processes that deter entry and formalization (Kagume, 2022).

The World Bank Enterprise survey data 2018 provides the most recent data on Kenya's level of female entrepreneurship (Figure 3.4). Men own a slightly greater number of businesses (52%), compared to those led by women (48%). Men comprised 84% of top managers — this represents a 68% gender gap in gender participation in top management. This significant gender imbalance in top management could be attributed to work-interrupted breaks due to heavy family and childcare activities. The participation of women as employees is seen to be low on all fronts. Only 13% of all full-time employees were women, 27% were production workers and a mere 8% were non-production workers.

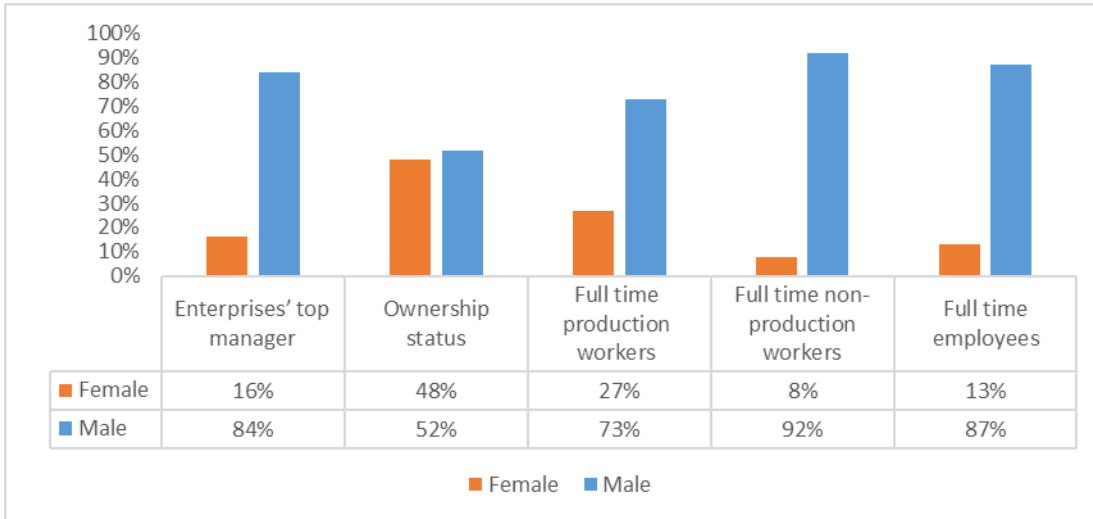
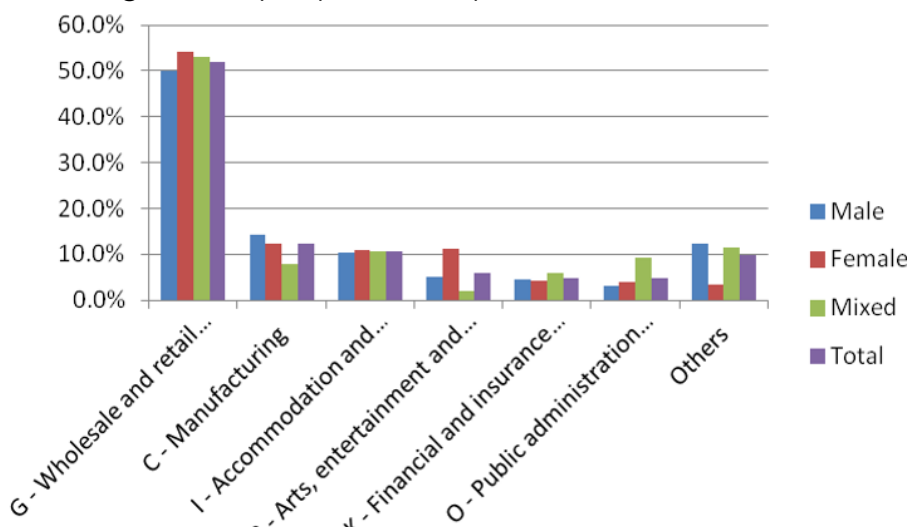


Figure 3.4: Characteristics of Firms, by Gender (2018). (Source 17: World Bank Enterprise Survey 2018)

**a. Types of business**

In Kenya, wholesale and retail trade holds the predominant position in business activity, accounting for approximately 52% of the market share. Other notable sectors include manufacturing (12%), accommodation and food service activities (11%), arts, entertainment, and recreation (6%), financial and insurance activities (5%), and public administration and defense, along with compulsory social security (5%). There's observable gender disparity in the distribution of business types. Female-owned businesses represent a higher proportion (54%) within wholesale and retail compared to their male counterparts (50%). Similarly, in arts, entertainment, and recreation, the percentage of female-owned enterprises is 11%, while male-owned ventures account for 5% of the sector. However, among male businesses, manufacturing takes a higher share at 14% compared to female businesses at 12% (Figure 3.5). Kenyan women are primarily involved in industries aligned with traditional gender roles, although sector choice significantly impacts firm performance. The substantial female presence in low-



value sectors leads to market saturation and limits growth opportunities (Kiraka, Kobia & Katwalo, 2013). To access higher-value markets, women must overcome barriers and explore male-dominated sectors.

Figure 3.5: Distribution of enterprise by type and ownership. (Source 18: KNBS 2016)



### b. Business size

Sessional Paper No. 05 of 2020 on the Kenya Micro and Small Enterprises Policy is designed to facilitate the development of MSEs with the aim of stimulating wealth creation and generating employment opportunities. This policy document outlines the criteria used to classify an enterprise as either a micro or small enterprise. According to the policy, a micro-enterprise is defined as a business employing fewer than 10 individuals with an annual turnover below Ksh.1 million. On the other hand, a small enterprise is described as a business employing between 10 and 50 individuals with an annual turnover ranging from Ksh.1 million to Ksh.5 million (Republic of Kenya, 2020). Furthermore, MSEs are involved in various sectors of the economy, spanning from manufacturing to trade and service sub-sectors.

Table 3.1 shows that most businesses had up to 9 employees (Micro) while less than 1% had more than 99 employees, regardless of the gender of the owner, or where business ownership was a male-female partnership. Overall, 89% of the businesses had fewer than 10 employees (Micro). However, among female-owned businesses, 96% were Micro compared to 90% for males; 4% of female-owned businesses were Small compared to men-owned at 8%, while medium and large were less than 1% each (0.25% and 0.15% respectively) compared to about 2 and less than 1% (0.35%) among men-owned businesses. Female-owned businesses are more likely to be Micro compared to male-owned businesses; more male-owned businesses fell into the category Small, Medium or Large in comparison to female-owned enterprises. These results are in line with Sattar (2011), who found that women operated more Micro businesses than men.

Table 3.1: Distribution of Business ownership by gender and business size %

	Business size (Number of employees) Micro, Small, Medium and Large)				Total
	Micro (1-9 employees)	Small (10- 49)	Medium (50-99 )	Large (100+)	
<b>Male</b>	89.81	8.14	1.70	0.35	100
<b>Female</b>	95.71	3.89	0.25	0.15	100
<b>Mixed</b>	79.14	17.95	1.94	0.98	100
<b>Total</b>	88.87	9.32	1.37	0.45	100

Source 19: KNBS 2016

### c. Non-financial needs and assistance received

Table 3.2 shows that the leading type of non-financial assistance received by businesses in the 4 years up to 2016 was management training (22%), followed by marketing (11%) and material/service assistance (10%). Gender difference is however marginal and in favour of men. About 85% of businesses did not access any form of training in the last four years and there were no observable gender gaps in non-financial assistance access.

Table 3.2: Distribution of Non-financial assistance needed or received by business %

<b>Most important Non-financial assistance received in the last 4 years</b>						
	<b>None</b>	<b>Managem ent training</b>	<b>Technical Training</b>	<b>Marketing assistance</b>	<b>Material/Servi ce assistance</b>	<b>Mentorship and coaching</b>
<b>Male</b>	86.68	3.52	3.07	1.42	1.73	2.56
<b>Female</b>	86.74	3.6	2.53	1.55	1.94	2.78
<b>Mixed</b>	80.55	6.90	3.37	1.87	2.25	3.53
<b>Total</b>	85.2	4.34	3	1.56	1.91	2.85
<b>Most important Kind of non-financial assistance needed</b>						
	<b>None</b>	<b>Managem ent training</b>	<b>Technical Training</b>	<b>Marketing assistance</b>	<b>Material/Servi ce assistance</b>	<b>Mentorship and coaching</b>
<b>Male</b>	44.41	22.27	6.40	10.1	9.5	3.13
<b>Female</b>	42.17	22.61	5.64	11.45	11.06	3.4
<b>Mixed</b>	40.38	20.86	7.13	11.99	9.19	4.11
<b>Total</b>	42.85	22.03	6.37	10.92	9.85	3.43

Source 20: KNBS 2016

### 3.3 Role of government in promoting women's entrepreneurship

Government assistance in the form of cash, grants, training initiatives, and tax breaks can be extremely important to the success of groups that promote women entrepreneurs. It is beneficial for overall economic growth and development to increase women's access to the workforce and level the playing field for men and women. Accordingly, the Kenyan government supports a number of affirmative action programs designed to address issues of access to credit for women, young people, and people with disabilities; among such programs are the National Government Affirmative Action Fund (NGAAF), the Uwezo Fund, the Youth Enterprise Development Fund, and the Women Enterprise Fund (WEF). Women received 22,067 of the 22.4 billion worth of tenders that were given to them under the Access to Government Procurement Opportunities (AGPO) program. In 2021/22, it is anticipated that more than half of all AGPO tenders will be granted to women (Economic Survey, 2022). Since the majority of these goods were created to satisfy the particular needs of various groups, it is challenging for them to receive funding through the established channels due to stringent criteria, like the necessity for collateral to support their loan applications (Mutuku, 2016).

### 3.4 Challenges faced by women entrepreneurs

Women experience the following impediments to entrepreneurship to a greater degree compared to men:

COVID-19 Pandemic: The Covid-19 Gender Assessment report conducted in Kenya shows that the industries in which female entrepreneurs operated, such as hospitality,

were particularly heavily struck and less likely to recover. More than 20% of women, compared to 12% of men, lost their jobs and income (source of livelihood). Moreover, the pandemic disproportionately harmed women-owned enterprises, pushing more women to the edge (UN Women, 2020).

Garwe and Fatoki (2012) demonstrate that female-owned businesses face significant financial challenges that limit their ability to expand. Due to their poor credit history, lack of collateral, and the high-interest rates on loans, women have less access to financial resources, which restricts their ability to grow and participate in the economy. Some women entrepreneurs lack knowledge and information about how to access available and affordable credit.

Women often face barriers to entrepreneurship due to lower levels of education and a lack of essential entrepreneurial skills necessary for business success. These skills include managerial expertise, accounting abilities, and overall business acumen. Disparities in access to educational opportunities based on gender contribute to women's limited access to the diverse educational, vocational, and technical skills, as well as job experience needed to establish and manage highly productive enterprises (Global Entrepreneurship Monitor, 2019; International Center for Research on Women, 2019).

A nation's regulatory structure such as high registration fees, taxes, and complicated registration processes deter women-owned businesses from entering and undergoing formalization. This places women's businesses at a disadvantage as conducting business legally gives access to a bigger market both nationally and internationally (Bharthvajjan, 2014).

Legislation that discriminates against women's property ownership is another challenge. Women's access to assets, which are frequently used as collateral for loans, may be limited by land and inheritance rights (Zororo, 2011).

Another issue that women entrepreneurs face is balancing work and home obligations. Societal pressure that dictates women manage their homes and childcare duties puts a strain on the time and effort dedicated to their businesses (Ihugba & Njoku, 2014).

Wambui and Muathe (2021) show that the majority of female business owners have a small number of networks and contacts. They thus function in isolation and pass up chances to acquire knowledge, gain from informal learning and capacity-building activities, and create new relationships.

### **3.5 The status of Kenya's Entrepreneurial Ecosystem Framework, Pillars, and Factors**

#### **3.5.1 Supply Factors**

Entrepreneurs and firms need physical capital and infrastructure, human capital, and knowledge as inputs for producing goods and providing services. When thinking of establishing a new firm, or whether to expand or innovate, entrepreneurs consider the availability of these components in the ecosystem.

### a. Physical Capital and Infrastructure

The performance of a business is positively impacted by good infrastructure (Danga et al., 2019). ICT infrastructure, for instance, has recently attracted more attention as a result of studies that claim it may have a substantial impact on the creation and uptake of new technologies (Toader et al., 2018). Access to a reliable electricity supply and transport connectivity are two crucial physical infrastructure requirements for any business. Physical infrastructure is crucial because it enables the supply and delivery of commodities across numerous regions, which is especially significant given the increase in e-commerce. Technology development, the adoption of digital platforms, and internet marketing have significantly altered Kenya's business environment. They offer access to fresh information and aid in the advertising and marketing of goods and services.

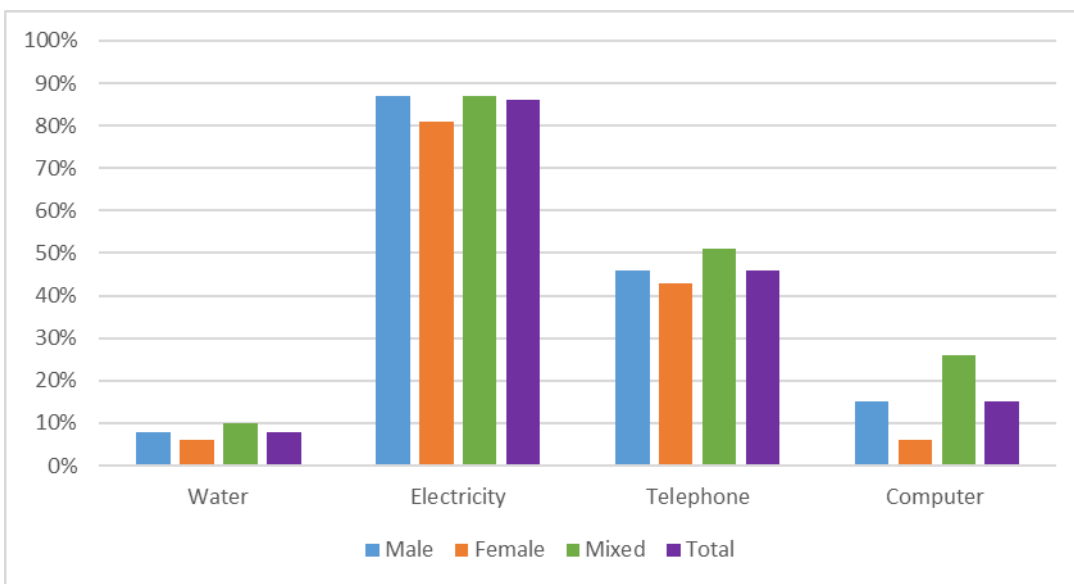


Figure 3.6: Distribution of establishment ownership by access to amenities and sex. (Source 21: KNBS, 2016)

Water, power, telephone, computer, and internet connections are all physical infrastructure services that are crucial for corporate operations. Figure 3.6 (above) shows that a higher proportion of male-owned businesses have access to relevant amenities compared to female-owned ones. About 8% of male-owned businesses had access to water compared to 6% for female-owned businesses; 87% versus 81% for electricity, 46% versus 43% for telephone, while access to computer services was 15% among male-owned businesses and 6% among female-owned businesses. The gender gaps are 2 percentage points for water, 6 for electricity, 3 for telephone, and nine for computer services.

### b. Human Capital

**Education:** Education is a crucial component of human capital and is tied to knowledge, skills, and problem-solving aptitude—all of which are connected to the capacity to overcome obstacles and seize economic opportunities (Welsh et al., 2018).

Table 3.3: Percent Distribution of Highest education level of owner by gender

Level of education	Gender of Business owners			Total
	Male	Female	Mixed	
None	9.4	9.0	7.2	8.7
CPE / KCPE	25.5	32.0	21.5	26.3
KAPE	0.3	0.3	0.2	0.3
KJSE	0.4	0.3	0.3	0.4
EACE / KCE / KCSE	30.5	30.1	29.2	30.1
KACE / EAACE	0.5	0.2	0.5	0.4
Certificate	6.8	10.1	7.5	7.9
Diploma	13.4	12.5	15.9	13.7
Degree	10.4	4.6	13.4	9.5
Postgraduate	2.6	0.9	4.4	2.6
Basic/ Post Literacy Certificate	0.2	0.2	0.1	0.1
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Source 22: KNBS 2016

Table 3.3 (above) shows that male and female entrepreneurs differ by level of education. At lower levels of education, the proportion of male entrepreneurs is less than that for women but at higher levels, the opposite is true. At the CPE/KCPE level of education, the proportion of male entrepreneurs was about 26% compared to 32% among female entrepreneurs. At the Certificate level, it was 10% for women and 7% for men. At the degree level, the figures are reversed and men were at 10% with women at 5%. And at the postgraduate level, men were about 3% compared to about 1% among women. The weak educational background of women involved in business ownership could impede the acquisition of new skills and their overall growth (Muthathai, 2017). Further, businesses managed by owners with more education are more successful than their counterparts (Mozumdar et al., 2020).

**Training:** Specialized skills, including business training, make up human capital. Entrepreneurs who receive relevant business training are better prepared to manage their businesses successfully. Entrepreneurs' actions and performance are affected by their business training regardless of the size or stage of the business (Hundera, 2014).

Table 3.4: Training and skills development of business operators by gender %.

Vocational/Professional training	Gender			Total
	Male owners	Female owners	Male-Female owners	
Other (Specify)	9.22	11.79	9.78	10.06
None	63.72	64.53	61.32	63.38
Artisan grade 1	2.07	1.74	1.16	1.77
Artisan grade 2	1.84	1.77	0.65	1.55
Artisan grade 3	4.36	3.53	2.11	3.6
KATC	0.22	0.19	0.13	0.19
CPA / CPS	1.3	0.77	2.41	1.41
Teaching	2.67	3.16	3.85	3.08
Nursing	0.6	1.44	0.88	0.9
Computer packages	3.71	4.34	4.88	4.16
Diploma	5.53	5.05	6.42	5.6

Vocational/Professional training	Gender			
	Male owners	Female owners	Male-Female owners	Total
Degree	3.46	1.31	4.55	3.12
Post Graduate Diploma	0.21	0.1	0.32	0.2
Post Graduate Degree	1.09	0.29	1.53	0.97
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Source 23: KNBS 2016

Men in business have a higher level of technical expertise compared to women. Table 3.4 above presents business owners with training in taught skills. A majority (63.4%) of owners lack any business-related training; among women owners, with no significant difference between males and females. More men had degrees (3%) compared to women at (1%). More men than women had artisan-grade training — this was true of all three levels. A lack of vocational/professional training may prevent women entrepreneurs from developing personal entrepreneurial skills that can assist them to increase their business success (Gizaw et al., 2019).

### c. Knowledge Capital

Access to information — a key element in encouraging entrepreneurship — exposes business owners to a range of managerial abilities, financial literacy, and creative ideas. Social networks, role models, and mentors—all significant sources of knowledge and resources—make this feasible. Given that information can be utilized to enhance and improve customer connections, promote brand awareness, facilitate market integration, and enable enterprises to compete with one another, it has been shown that businesses that have access to information grow more quickly than their rivals (Kamunge, Njeru, & Tirimba, 2014). Lack of information has been identified as one of the main issues affecting the performance of women entrepreneurs in underdeveloped countries (Nasri & Muhammad, 2018).

#### 3.5.2 Demand Factors

Demand is crucial for the entrepreneurial environment to be healthy and productive in any economy. It is critical to have companies and businesspeople that can transform innovative ideas into lucrative initiatives and increase marketplaces for both new and established businesses. The ecosystem needs access to markets, competent business owners, and capable firms to demand and use these resources in production and service provision.

##### a. Access to markets

The availability of reachable markets is necessary for business growth in a region. A key component of the pillar of accessible markets is the quantity and type of potential customers. Another factor is whether there are domestic or foreign markets for potential customers. These two parts work together to create the fundamental components of accessible marketplaces. Because of this, accessible markets with paying clients are the foundation of all profitable businesses. Businesses and their suppliers of raw materials can establish both forward and backward links to obtain the

materials required for creating goods or services. These connections may be created with customers or other merchants (Meressa, 2020).

The location of the business is crucial for both access to inputs and exposure to potential customers and can also be used to evaluate market accessibility. The choice of a business location is influenced by several factors, including cost, accessibility to markets, and proximity to suppliers (Kamunyu & Theuri, 2017).

*Table 3.5: Percentage distribution of MSMEs by gender and establishment location.*

Enterprise Location	Gender			
	Male owners	Female owners	Male-Female owners	Total
Other	1.29	0.88	2.39	1.44
Commercial premises	69.5	66.55	69.81	68.78
Industrial site	1.56	0.77	1.61	1.36
Market stall	4.58	8.65	4.21	5.59
Exhibition	0.15	0.14	0.09	0.13
Open market	2.39	2.01	1.31	2.03
Kiosk	5.21	6.41	4.96	5.48
Open ground with the stand	1.5	1.32	0.79	1.28
Open ground without stand	1.32	0.49	0.3	0.85
Jua kali sheds	1.15	0.31	0.35	0.73
Mobile/No fixed location	0.44	0.18	0.12	0.29
Building sites and road works	2.04	1.51	1.45	1.75
Residential with a special outfit	7.63	9.28	10.9	8.85
Residential without a special outfit	1.25	1.51	1.71	1.43
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Source 24: KNBS 2016

According to Table 3.5 above, most (69%) businesses are located in commercial premises: this is true for both male-owned and female-owned businesses. A greater number of female-owned businesses (9%) were located in market stalls compared to businesses owned by men (5%)—a 4% gender gap in location. The slight differences in the operating location shown in the rest of the Table suggest that women owners prefer operating from their homes, as it helps them manage their entrepreneurial pursuits with their family obligations, such as taking care of their homes and children. It is evident that for many women owners, location is not dictated by choice but rather by the availability of resources to set up in prime areas that are more accessible to customers and provide legitimacy to the business.

### **b. Firm Capabilities**

The job experience of entrepreneurs is essential for superior business competencies. According to Shakeel et al. (2020) and Muogbo and John-Akamelu (2019), prior experience equips owners and/or managers with the knowledge and abilities needed to identify and seize chances, analyze market trends, and make intuitive judgments about consumer needs as well as competitors' activities. According to Carranza et al.,



(2018), having more prior entrepreneurial experience has a beneficial effect on firm performance.

### c. Entrepreneurial Characteristics

The motivation for becoming self-employed is emphasized as one of the main aspects of the success of businesses. A pulling element is characterized by seizing an opportunity—such as an innovative entrepreneurial concept. The push elements refer to an unfavourable circumstance, such as a lack of employment opportunities, a lack of fulfilment, or a lack of flexibility in a current career. When the first option such as wage employment is not available, the push factors essentially capture the economic necessity, the second-best option (Carranza et al., 2018).

Table 3.6 (below) summarizes the reasons people give for starting businesses. The most-mentioned is the desire for a better income (26%), followed by a desire for self-employment (18%), being skilled in the business activity (16%), there being high demand or a ready market (13%) and having no other alternative at 11%. Gender difference is striking in the case of starting a business to take advantage of high demand and ready market with males more likely to take advantage of the opportunity (12%) compared with women (9%). The difference was the opposite in the case of lacking another alternative (11% for males and 14% for females). These findings are in line with Sharma et al. (2012), whose study showed that women tend to start businesses as a means of survival rather than taking advantage of a business opportunity.

Table 3.6: Distribution of business ownership by gender, and reason for starting business %.

Motivations	Male owners	Female owners	Male-Female owners	Total
Skilled in this activity	17.31	16.92	12.49	16.07
Family has worked in this activity	5.35	3.81	5.66	5.01
Advised by others	1.71	1.58	1.59	1.65
Availability of capital required	5.04	4.99	5.82	5.21
High demand/ready market	12.17	8.86	17.54	12.55
Influenced by advertisements	0.23	0.2	0.26	0.23
No other alternative	10.79	14.1	9.59	11.4
Better income	25.63	25.69	25.11	25.52
Prefer self-employment	18.71	20.22	15.59	18.37
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Source 25: KNBS 2016.

### 3.6 Barriers to Allocation and Accumulation of Resources

It is crucial to have access to capital, adequate regulation, and a supportive environment for business owners with good ideas and prospects to succeed. Finance constraints frequently prevent corporate expansion and they typically discourage fledgling enterprises from exploring innovative ventures. Because of this, it is challenging for firms to boost productivity, finance growth, and meet consumer and market demand. Entrepreneurs benefit from an effective environment, that has clear

regulations, lessens unnecessary bureaucracy, and promotes risk-taking, social capital development, and trust (Cruz et al., 2022).

### 3.6.1 Access to Finance

The entrepreneurial process is dependent on finance and other resources required to start and grow a business. Table 3.7 below, showing data from the 2016 MSMEs survey in Kenya, reveals that 29% of businesses had applied for credit in the last three years. However, mixed-gender partnerships were more likely to apply for credit than women-owned businesses and men-owned businesses, at 35%, 31% and 25% respectively. Three quarters of businesses sourced credit mainly from commercial banks, microfinance institutions and SACCOs in that order of preference, regardless of the gender of the owner(s). However, businesses owned by women had an elevated preference for microfinance institutions at 28% compared to male-owned and mixed-gender-owned businesses at about 17% each. Additionally, a higher proportion of businesses owned by men sought credit from commercial banks — 51.37% compared to 33.18% for businesses owned by women. As a result, men benefit from an 18.19% financial gap. These findings are in line with Poggesi, Mari and De Vita's (2016) study that showed that women hesitate to seek formal financing due to a negative perception of their abilities and lack of collateral and that this exacerbates the external financial constraints they face.

Table 3.7: Distribution of credit by gender, source and main purpose.

	Applied for credit in the last 3 years	Source of credit			Main Purpose of Credit			
		Micro Finance Institutions	Commercial Banks	SACCOs	Purchase Inventory	Working Capital	Refurbishing business	Non-Business Purpose
<b>Male</b>	25.1	17.2	51.4	10.5	17.3	36	26.3	12.5
<b>Female</b>	31	27.6	33.2	11.1	17.3	34.3	24.5	15.9
<b>Mixed</b>	35.2	16.6	52.2	10.5	15.2	40.5	26.9	9.5
<b>Total</b>	<b>29.1</b>	<b>20</b>	<b>46.4</b>	<b>10.7</b>	<b>16.7</b>	<b>36.8</b>	<b>26</b>	<b>12.6</b>

Source 26: KNBS 2016

The majority of reasons for applying for credit are businesses related to working capital (37%), refurbishing business (26%) and purchasing inventory (17%) the main ones. However, businesses owned by women are more likely to apply for credit for a non-business purpose — 16% compared to 13% for businesses owned by men and 10% for businesses with mixed-gender ownership.

### 3.6.2 Regulations

In order to manage the business environment, the government develops and adopts laws, regulations, policies, decrees, and executive orders. The regulatory environment significantly affects whether or not enterprises are successful. According to Tee, Boadi, and Opoku (2016), taxes are essential to the development of any economy as well as the growth of micro and small firms. Both male and female businesses are

discouraged from expanding by the generally inefficient tax structure. Taxes, regulations, and legal restrictions may be important barriers to the success of these business owners' endeavours, according to Hasan and Almubarak (2016), in their analysis of the difficulties faced by female entrepreneurs.

### 3.6.3 Social capital and culture

Business success depends on social capital, such as networks, because entrepreneurs can gain from having enhanced access to resources like loans and information. Social networks and business association involvement can help entrepreneurs overcome obstacles like transaction costs, contract enforcement, and regulations more successfully (Mulugeta, 2014). 764779

Figure 3.7 (below) shows that, on average, 64% of business owners do not belong to any support group – 70% among men-owned businesses and 52% for women. Of those businesses that do belong to a support group, the most popular is Merry-go-round (14%), followed by MSMEs associations (6%) and other business associations (4%). 25 % of female business owners belonged to Merry-go-round, 5% to MSEs associations and 2% to other business associations. For male business owners, this was 9% to Merry-go-round, 7% to MSEs associations and 4% to other business associations.

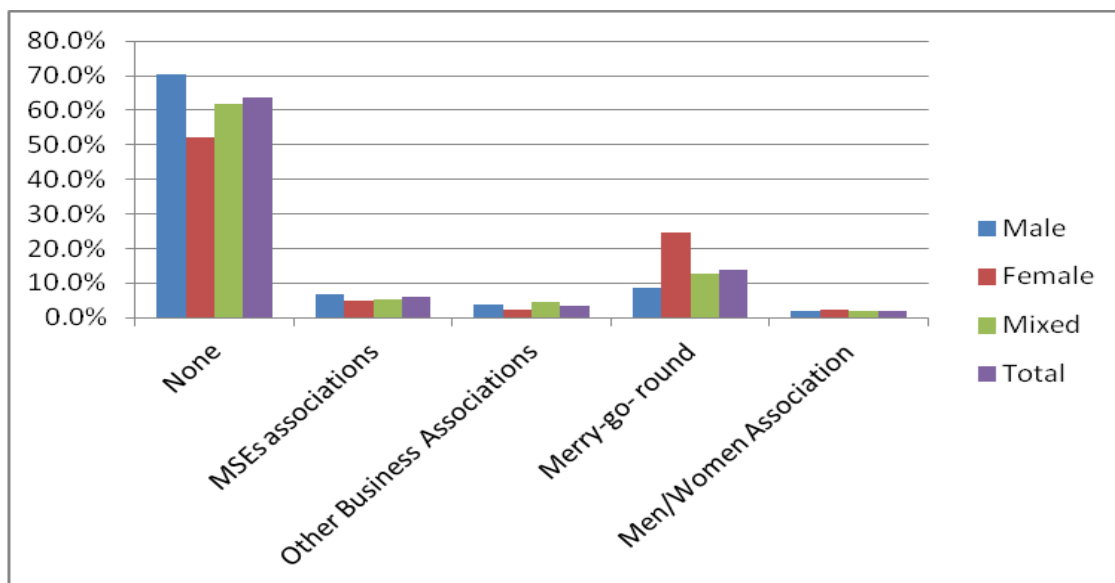


Figure 3.7: Distribution of business ownership by support group(s) that they belong to in relation to the business and sex

The social norms, ideologies, and attitudes that mould a person or a society are referred to as culture. Culture is important for entrepreneurship because evidence suggests that entrepreneurial mindsets are partly influenced by it. Entrepreneurial activity at the national level is strongly correlated with favourable perceptions of entrepreneurship and its potential (Cruz et al., 2022). Men are more likely than women to start their businesses, which reflects differences in culture, customs and, most significantly, self-perceptions about women's involvement in the economy (Menipaz, 2018). The majority of societal cultures mandate that women serve as homemakers, which decreases their desire for entrepreneurship (Kamunge, Njeru & Tirimba, 2014).

### 3.7 Findings – Data gaps

The research found some data gaps. Since the 2016 study, which only contained a small amount of gender-disaggregated data, Kenya has not conducted a recent national survey on all MSME companies. Only informal companies that create gaps between official establishments were covered by the latest Informal Sectors Skills and Occupations Survey (ISSOS) - Basic Report 2020.

For additional research on bids awarded to women, the youth category under Access to Government Procurement Opportunities (AGPO) should be broken down into males and females.

The registrar of companies does not provide a breakdown of ownership by gender for the number of companies that are registered.

Data on important aspects of all MSMEs, such as the age of business owners, their marital status according to gender, the number of jobs created by businesses according to gender, the gender of employees by age cohort in comparison to the gender of the business owner, asset ownership according to gender, and employee skill level according to gender was limited in the 2016 survey.

Kenya lacks a database for online or digital stores that is gender disaggregated.

### 3.8 Policy Implications and Recommendations

The study suggests the implementation of a gender-sensitive legal and regulatory framework aimed at promoting women's economic empowerment. This entails offering incentives, such as tax benefits, facilitating access to export markets, and providing government procurement opportunities specifically tailored to women's enterprises, thereby encouraging their formal operation. Additionally, the study advocates for improved access to financial and non-financial services to further support women entrepreneurs in their business endeavors.

To help bridge the training gap in technical skills, female entrepreneurs would require targeted training and education to equip them with skills that enable them to venture into artisan jobs.

Regulators should mandate banks and MFIs to gather information on loan programs used, loan amounts, interest rates, repayment conditions, and repayment history that is sex-disaggregated. The Central Bank of Kenya (CBK) could regulate the minimum and maximum interest rates that MFIs may charge. Also, CBK could work with banks and MFIs to adjust loan repayment conditions in conjunction with borrowing purposes. The financial sector should intensify the use of mobile banking. All actors should provide women with financial literacy by offering training to present and aspiring female businesses.

Kenya should shape policies and programs that increase access to gender-sensitive business development services for women entrepreneurs to cater for their unique needs.

Actors in the financial sector should create and implement orientation programs for providers of general business development services that focus on the unique needs of women entrepreneurs and how to meet those needs. Policymakers and other actors should help to increase women entrepreneurs' access to markets and technology and implement an export training and counselling program for export-potential women-owned enterprises.

To enable stakeholders to track and assess the effect on women-owned businesses data should be gathered on participation in trade shows and exhibitions by sex, broken down by total export sales. Players can create and implement a series of seminars on public procurement and programs that help women-owned businesses integrate technology into their manufacturing processes. Women and their representatives should invite women entrepreneurs to participate in policy discussions and promote the involvement of female entrepreneurs in business associations and implement education campaigns about the benefits of joining these networks.

### **3.9 Conclusion**

In conclusion, the study found that women in Kenya continue to be a resource that is underutilized for business and GDP contribution. Even though women predominate in the informal sector, very few people enter the formal sector. The issue, as well as gender inequities in policies and program assistance, needs to be brought to the attention of the government and important stakeholders. It is important to highlight that women's entrepreneurship is becoming increasingly significant to the Kenyan economy and that women entrepreneurs are frequently referenced in development plans in Kenya with the overarching objective of raising their participation in the economy.

The research found that there is little information on how women participate in export operations, trade shows, and government procurement. A few supply chain projects are made specifically for women business owners, but women may not be able to take advantage of them because they may not have access to funding or knowledge of the benefits. In a more supportive environment, women entrepreneurs will surely contribute to higher GDP growth rates, more employment opportunities, and increased revenue generation.

Finally, the study found that all areas of Kenyan women's entrepreneurial development require detailed, frequently updated, sex-disaggregated data to improve pundits' and scholars' understanding of the challenges faced by women entrepreneurs and for supplying the required data for the establishment of policies and programs in Kenya.

## CHAPTER FOUR: TRENDS IN WOMEN'S EMPLOYMENT AND ENTREPRENEURSHIP IN KENYA

*Robert Osudi and Duncan Kichamu*

### 4.1 Introduction

This chapter aims to delineate the evolving trends of women in both employment and entrepreneurship within the context of Kenya. Trend analysis entails assessing the overarching direction in which specific indicators have evolved over a designated period. To explore employment trends, this section scrutinizes a subset of employment indicators sourced from the International Labour Organization (ILO), including the Labour Force Participation Rate, Employment by Sector, Formal Economy Employment, Unemployment Rate, Employment-to-Population Ratio, and Status in Employment. Data utilized for analyzing women's employment trends encompass various sources such as the Kenya Integrated Household Survey (KIHBS) from 2005 and 2015, the Kenya Continuous Household Survey Program (KCHSP) spanning 2019 and 2020, Kenya Census data, alongside other official government statistics sourced from entities like the Kenya National Bureau of Statistics (KNBS). Additionally, data from the World Bank and the International Labour Organization (ILO) are incorporated, drawing from estimates formulated by the Kenyan National Bureau of Statistics and established models based on national estimates. In examining entrepreneurship trends, the analysis centers on discerning shifts in male and female ownership of enterprises, alterations in access to formal financial services, accessibility to informal financial services, and access to government procurement opportunities through initiatives such as the Access to Government Procurement Opportunities (AGPO) program.

### 4.2 Labour force participation rate

From 2007 to 2018, there has been a steady but marginal rise in the female labour force participation rate (LFPR) in Kenya suggesting that more women have been joining the workforce and subscribing to financially independent lifestyles.

The trends show that the disparities in the gender gap have persisted over the last 15

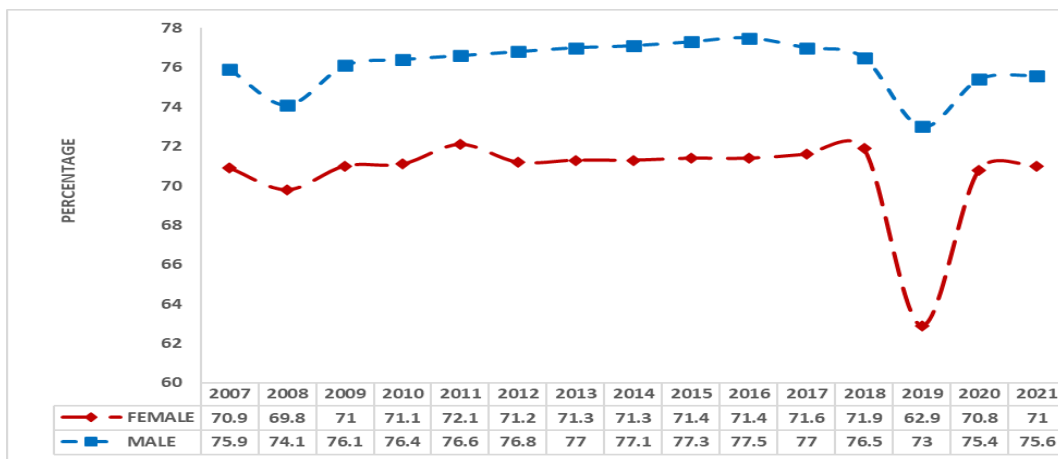


Figure 4.2.1: Labour force participation rate (%) by Year and Sex – 2007 to 2021.  
(Source 27: KIHBS 2015/16, KCHS 2019, KCHS 2020 and ILO Modelled statistics.)

years with women in a disadvantageous position. In 2007, the female LFPR was 70.9% but experienced a marginal decline in 2008 to 69.8%.



Similarly, the male LFPR also experienced a similar marginal decline within the same period falling from 75.9% to 74.1%. The decline in the percentage of LFPR for both males and females could be attributable to the effects of the global financial crises that began in 2007 and the post-election violence after the 2007 General Elections in Kenya. According to Sachs (2022), the global financial crisis had a ripple effect across several economies which led to the loss of jobs and that spillover effect was felt in Kenya, which might have contributed to the decline. Hence, the dip in the labour force participation rate in Kenya in 2008 was a result of the ripple effect of the global financial crisis that had seen the bubble spread across different emerging economies.

The female LFPR then marginally increased over the years to its peak at 71.9% in 2018. Over the same period, the male LFPR was higher at 75.9% and peaked at 77.0% in 2017. In 2019, the female LFPR fell drastically from 71.9% to 62.9%, rose to 70.8% in 2020 and stood at 71.0% in 2021. Most notable is the falling engagement of both men and women in the Kenyan labour space in the year 2019. The sharp decline in 2019 could be attributable to the negative impacts of the poor harvest season in the agriculture sector. Kenya witnessed delayed and poor rainfall in 2019 and it was also a season that saw locust infestation in different parts of the country. The events were partly responsible for the decline in the contribution of the agriculture sector to the gross domestic product and labour markets as it is the sector that employs a majority of Kenyans (Budget Policy Statement (BPS) - State Department for Planning (2020)). In 2018, the average contribution of agriculture to GDP growth was 1.3% while in 2019, it was 0.8% (Budget Policy Statement, 2021). In the same year, the male LFPR was also negatively affected dropping from 76.5% in 2018 to 73% in 2019. However, the country was in a way able to control the locust infestation at the start of 2020. In addition, men and women were able to seek alternative coping mechanisms at the height of the COVID-19 Pandemic in 2020 including working in the fast-emerging digital economy, which slightly led to the rise in labour force participation.

From Figure 4.1, it is evident that the participation of women in the labour force has grown over the years. However, different studies undertaken by the African Women Study Center at the University of Nairobi show that there is a significant chunk of women of working age who are engaged in unpaid care and domestic work in the economy. Given that women still have to play the traditional roles of primary caregivers in the family which often serve as a stumbling block to their effective participation in the labour force, the trend shows progress has been made in forging a path that will ensure there is gender inclusiveness in as far as the labour market in the country is concerned. Further, most women in Kenya contribute to the economy through various undocumented forms which are unaccounted for in official statistics including them working as unpaid domestic and care workers. With the indicated rates, there is a possibility that their contribution is under-reported.

In the ILO data banks, some countries report and compare the proportion of time spent by females and males on unpaid care and domestic work as a best practice, enabling such countries to understand the issue of labour force participation better



(Yamane, 2021). The reporting can help understand time-related unemployment since working as an unpaid domestic and care worker can be viewed as an opportunity cost of a woman being in paid employment. Based on such reporting and comparison, such countries can establish a trend over the years and see whether the contributions of women as primary caregivers are taken into consideration when analyzing the economic output. However, Kenya lacks sufficient data on such a critical area which makes it difficult to recognize and value the input of women in unpaid care and domestic work even as they continue to participate in the labour force.

### 4.3 Employment by sector both formal and informal

The trends in sectoral employment in Kenya over the last fifteen years show that while agriculture continues to dominate as a sector where women are mostly employed, the service industry has over the same period seen increased employment of women. In 2007, 68.13% of employed women were in the agriculture sector, but the percentage has steadily declined to 59.34% in 2019. The service industry has however been on the increase as the percentage of women employed in the sector has increased from 29.93% in 2007 to 39.04% in 2019. The least percentage of women has been employed in the industry sector and it has also experienced a negative trend as women shift to the service industry. The sector employed 1.94% of women in 2007 but the percentage declined to 1.62% in 2019.

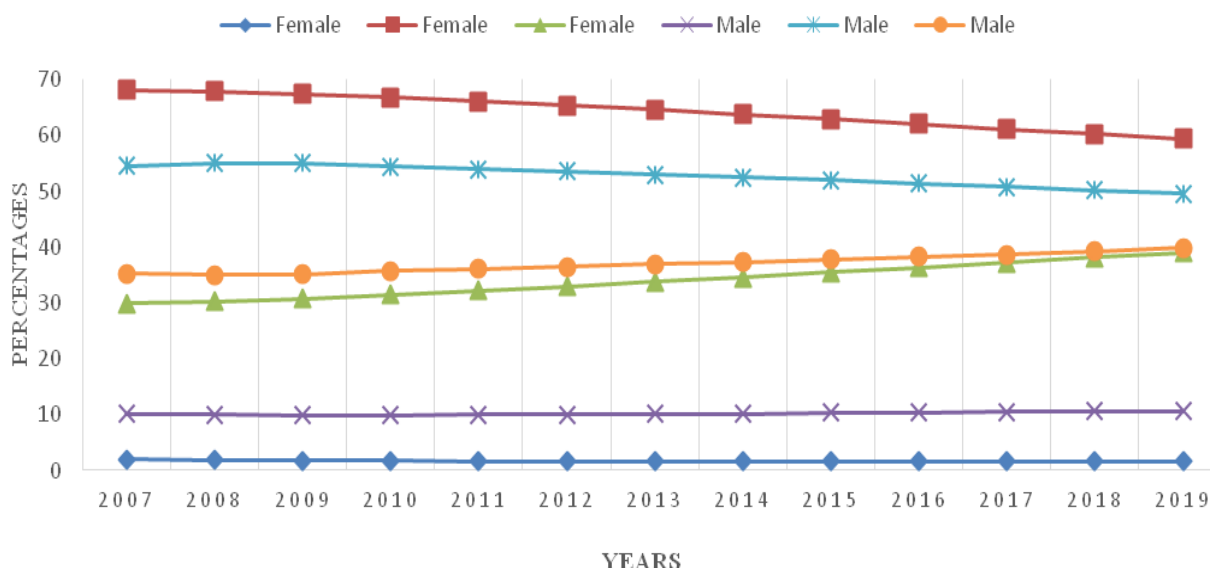


Figure 4.3.1: Male Vs Female Trends in the Employment in Agriculture, Industry and Service Sectors (%) -2007 to 2019. (Source 27: KIHBS 2015/16, KCHS 2019, KCHS 2020 and ILO Modelled statistics.)

Whereas the agriculture sector is also the dominant sector in the employment of men, it employs a relatively smaller proportion of men compared to women. It has experienced a decline in the rates from a high of 55.01% in 2009 to a low of 49.55% in 2019 as men have been moving from the sector to industry and service. A comparison of the men and female employment in the agriculture sector shows a gap of more than 10% over the years that is in favour of women. Compared to women, a relatively

higher percentage of men is employed in the industry sector and the rate has recorded a positive overall trend over the last 15 years.

#### 4.4 Employment in the Agriculture sector

In Kenya, the agricultural sector has continued to dominate as a sector that offers highest employment opportunities to women over the last 15 years. In 2007, the percentage of women employed in the agricultural sector stood at 68.13%. The percentage of women participating in the agricultural sector has been steadily declining to 59.34% in 2019. Gaps exist in the year 2020 and year 2021 (Figure 4.4.1).

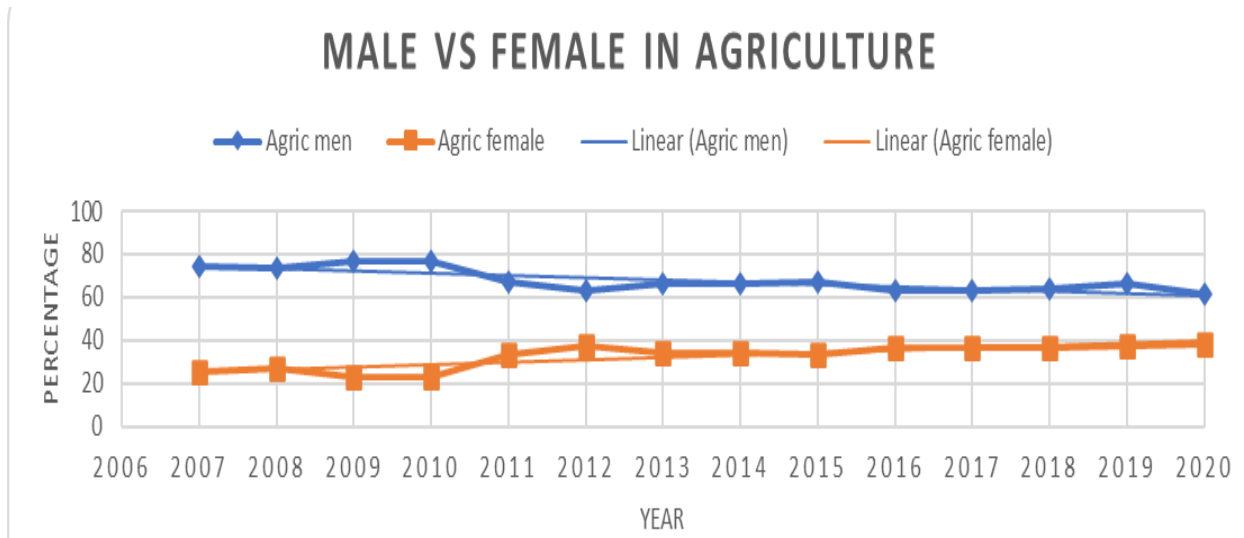


Figure 4.4.1: Male Vs Female Trends in Employment in the agriculture sector (%). (Source 28: KIHBS 2015/16, KCHS 2019, KCHS 2020 and ILO Modelled statistics.)

The service sector in Kenya has a lower rate of female employment but is significantly higher compared to the percentage of women who participate in the industry sector. In addition, women have continually dominated the service sectors in the country in comparison to their male compatriots' even though the rates of female participation in the sector have remained below 40% since the year 1991. The trend shows that the percentage has slightly shifted from 34.33% to 39.04%. Several factors contribute to the service sector being favourable to more women than men in Kenya, the key among them being the structure of the jobs in the service sector and the appeal for women to work in such sectors (Del Carpio & Guadalupe, 2022). For example, the presence of mobile money and ICT has created additional opportunities that favour women who initially worked in the tourism and hotel service sector. Women are now able to work at call centres and mobile money agents among other service sectors that appreciate the value and their ability to provide warm services to the client. Whereas the service sector is more appealing to women, the nature of training and at times education required has served as a stumbling block for many women who remain in the agriculture industry.

#### 4.5 Employment in the Industry sector

The employment of females in the industry sector has not only remained significantly lower since 2007 but has also been on a downward trend according to the estimates

from the modelled ILO estimates for Kenya. The percentage has declined from 1.94% in 2007 to 1.62% in 2019.

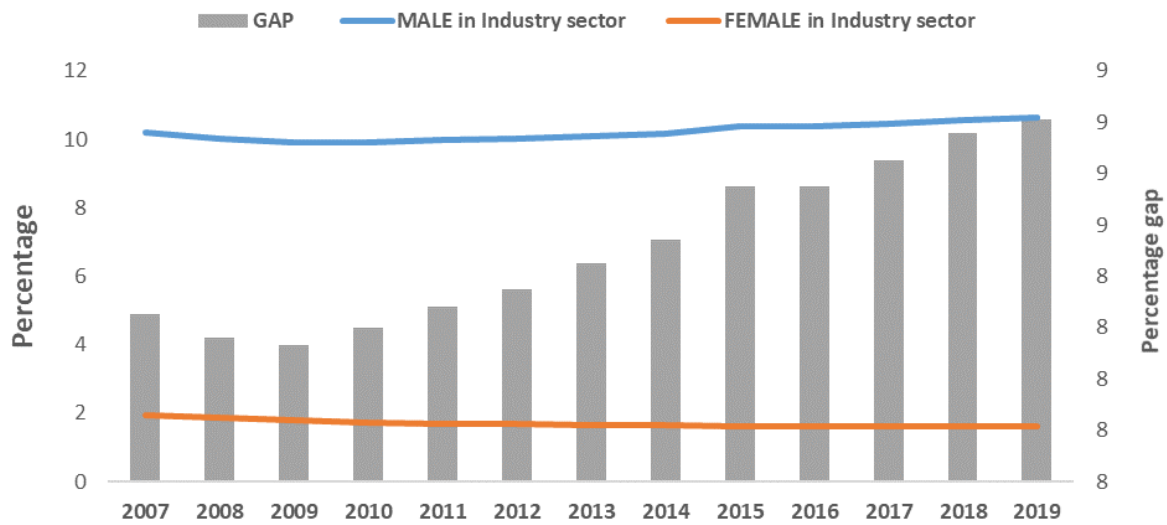


Figure 4.5.1 Male Vs Female Trend in Employment in the industry sector – 2007 to 2019. (Source 29: KIHBS 2015/16, KCHS 2019, KCHS 2020 and ILO Modelled statistics.)

Further analysis is required to establish why there are wider disparities in employment in the industry. However, the general literature suggests that the industry sector is more favourable to men compared to women because of issues such as education and qualification requirements, stereotypes on gender-specific roles and as part of occupational segregation and higher stress and anxiety (Bonnet et al, 2019). Women. The analysis of different stages of economic development of countries reveals that labour flows from sectors such as agriculture and other labour-intensive primary activities to industry, and finally to the service sector over time. This shows that Kenya is still in an evolution stage as many of its jobs are still part of the agriculture sector. As the country continues to experience economic development, the dominance of the agricultural sector will reduce as more people are involved in the industry and finally the service sectors.

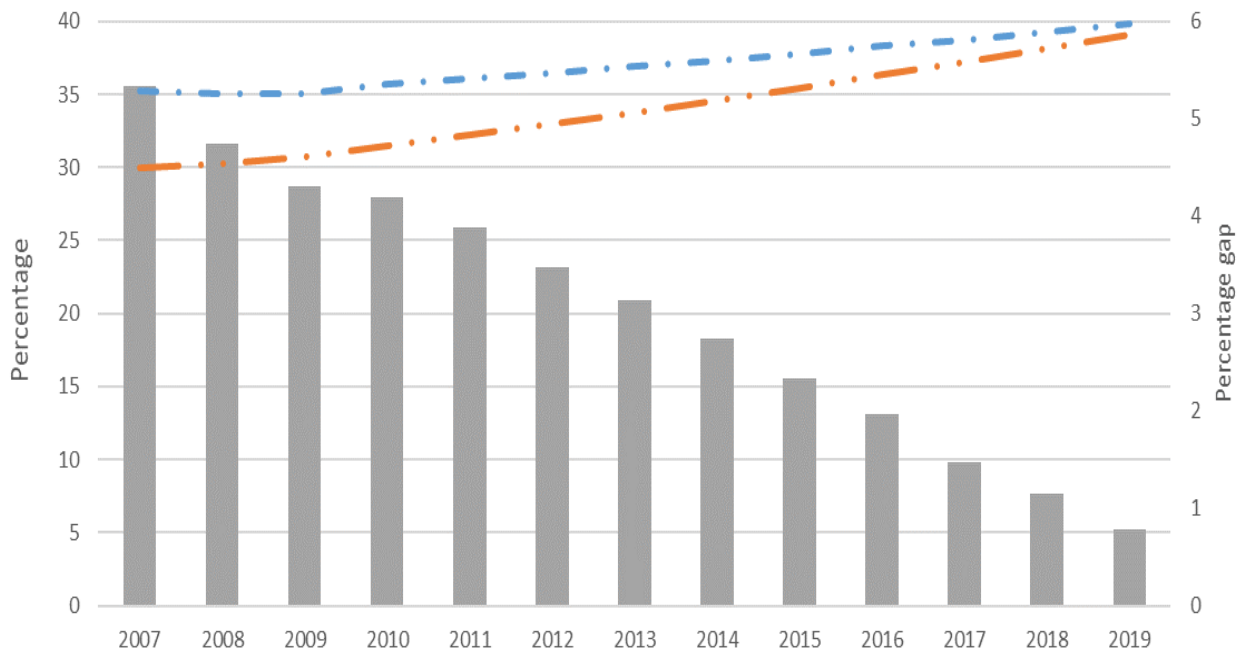


Figure 4.5.2: Employment in the Service sector by year and sex. (Source 30: : KIHBS 2015/16, KCHS 2019, KCHS 2020 and ILO Modelled statistics.)

The process often sees migrations from rural areas where the principal activity is agriculture towards urban centres where services are usually offered. Most economically developed nations have the service industry as the most dominant but also lead in the industry sector including having value addition centres that add value to locally produced raw materials/imported materials and exporting the same from their industries at a premium. While Kenya still has a lower penetration of industries as evidenced by low numbers of established manufacturing plants and factories, it is a sector that does not favour women. Several reasons would account for the low percentage of women in the sector starting from the education that espouses both men and women to the skills and technical capabilities needed by the industries. Results from national examinations over the last 15 years have often shown men generally leading in the STEM subjects that are mostly needed for enrolment in the sector while women will lead in others such as social sciences and languages. Enrolment in university courses that would prepare

#### 4.6 Employment in the Established Sectors of the economy

Employment in the formal/established sectors is a major characteristic of developed economies where people are employed through contractual arrangements between themselves and incorporated companies. In formal employment, individuals are employed in sectors such as manufacturing, tourism, and provision of services among others. With Kenya considered a country with an elaborate education system that offers opportunities for both girls and women, the formal sectors of the economy have been unable to absorb all graduates. Despite many Kenyans qualifying for employment in formal opportunities, the limited number of spaces means that many of them will be left out of the job market. Kenya still has the informal sector as the most

significant component of its economy and labour market. The informal sector contributes significantly to job creation, production, and revenue generation compared to the formal sectors. While the informal sector would have been an appropriate area for studying the trends, there is a huge data gap as there is no disaggregated data on the same from KNBS or other sources collected over the years to form a trend. Disaggregated data on the formal/ established industries is available and has been continuously used by the KNBS in their reporting of the yearly economic surveys.

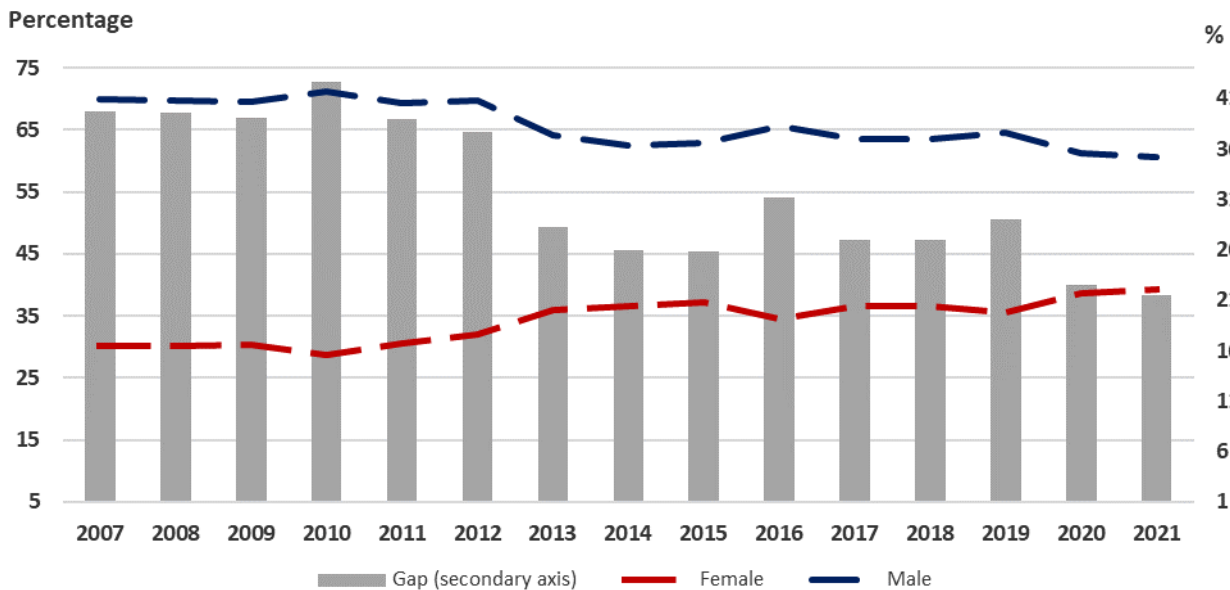


Figure 4.6.1. Employment in the formal sectors by year and sex - 2007 to 2021. (Source 31: Computations from the KNBS yearly Economic Survey Reports.)

The trend suggests a dominating engagement of men in the jobs created in the established industries in Kenya over the last fifteen years. The engagement rates for both men and women within the period have shown marginal fluctuating within the period. Cumulatively, the engagement of women in the established industry has risen from the 30.13% in 2007 to 39.28% in 2021.

The general rising trends in female engagements in the established sectors of the economy could be a result of a raft of measures and opportunities that have encouraged women to seek employment in the formal sectors. Even though the gender gap has reduced, the difference in the percentages is high and speaks to the existing social-cultural barriers that prevent women from accessing such employment opportunities.

A further breakdown of the data suggests an encouraging trend where the percentage of women employed in the formal industries as regular employees has been on the rise while those employed as casuals have been declining. In 2007, women in regular employment in the established industries only accounted for 18.1% of the total jobs created being the summation of the regular and casual jobs. During the same period, the proportion of women employed as casuals in established/formal businesses as a percentage of all jobs created in the sector was 12.0%

### 4.6.1 Trends in Regular Vs Casual Employment in Established (formal) Industries (%)

The trend shows that men have consistently been more than females in both regular and casual jobs that are generated by the formal sectors of the economy. Within the selected time frame, there has been a rising number of females who are in regular jobs from a low of 18.1% in 2007 to a high of 32.4% in 2021. Gradually, the trend has shifted positively resulting in more women being employed in regular jobs even as a proportion of all jobs created in the established sectors are still under male dominance. The increase in female participation in the regular jobs of the established industries has also seen the gender gap reduce from more than 22% in 2007 to less than 18% in 2021.

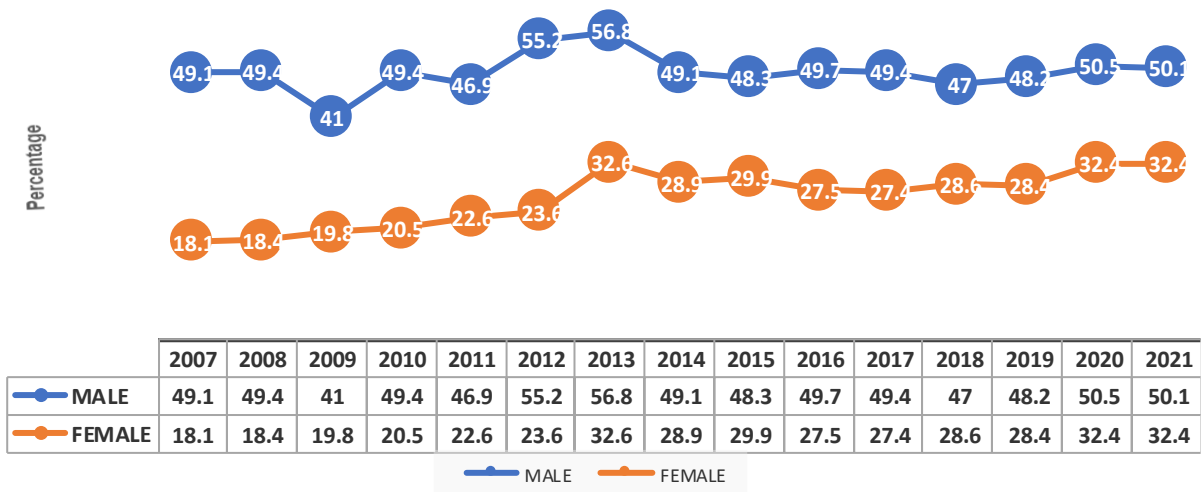


Figure 4.6.2 Trends in Regular employment in the established (formal) Industries (%) by sex - 2007 to 2021. (Source 32: Computations from the KNBS yearly Economic Survey Reports.)

In the casual jobs that are also created in the formal sectors of the economy, the trend shows that men have also dominated. The gap between men and women in casual jobs has slightly increased over the years even though from 2016, there has been a decline in the percentage of both men and women in casual jobs created in the casual jobs of established industries. These would include people employed to offer services such as cleaning, and tea among others in a typical office setup.

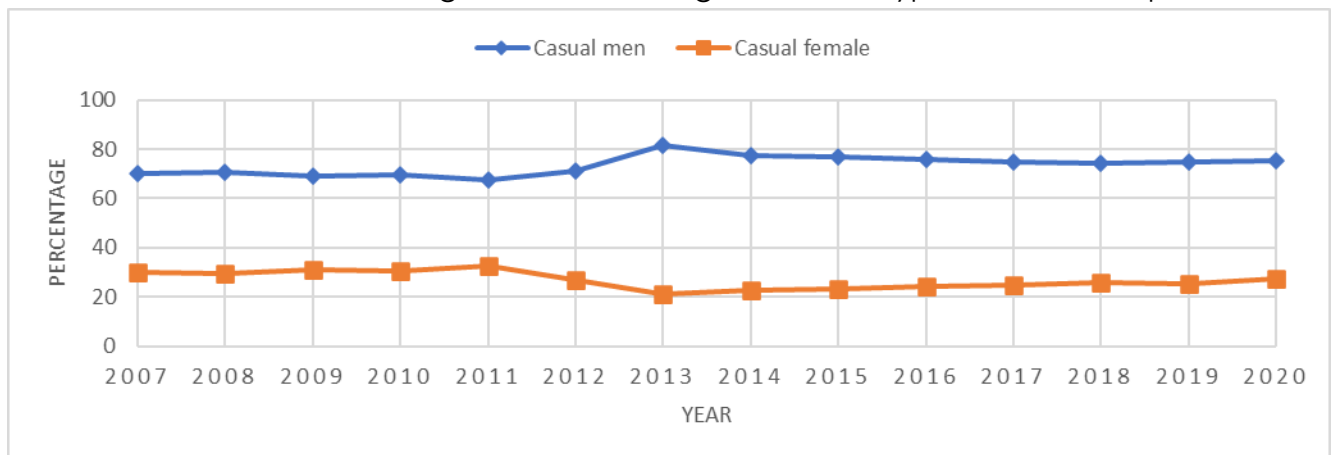


Figure 4.6.2. Trends in casual employment in the established industries – 2007 to 2020. (Source 33: Computations from the KNBS yearly Economic Survey Reports.)

## 4.7 Unemployment

The unemployment rate represents the percentage of the labor force actively seeking employment but currently unemployed (ILO, 2015). This metric serves as a comprehensive gauge of labor market conditions in countries that gather labor force data (ILO, 2015). It provides a widely used measure of a nation's unused labor supply.

Mathematically, the unemployment rate is calculated as the ratio of the total number of unemployed individuals to the labor force, which comprises both employed and unemployed individuals (ILO, 2015).

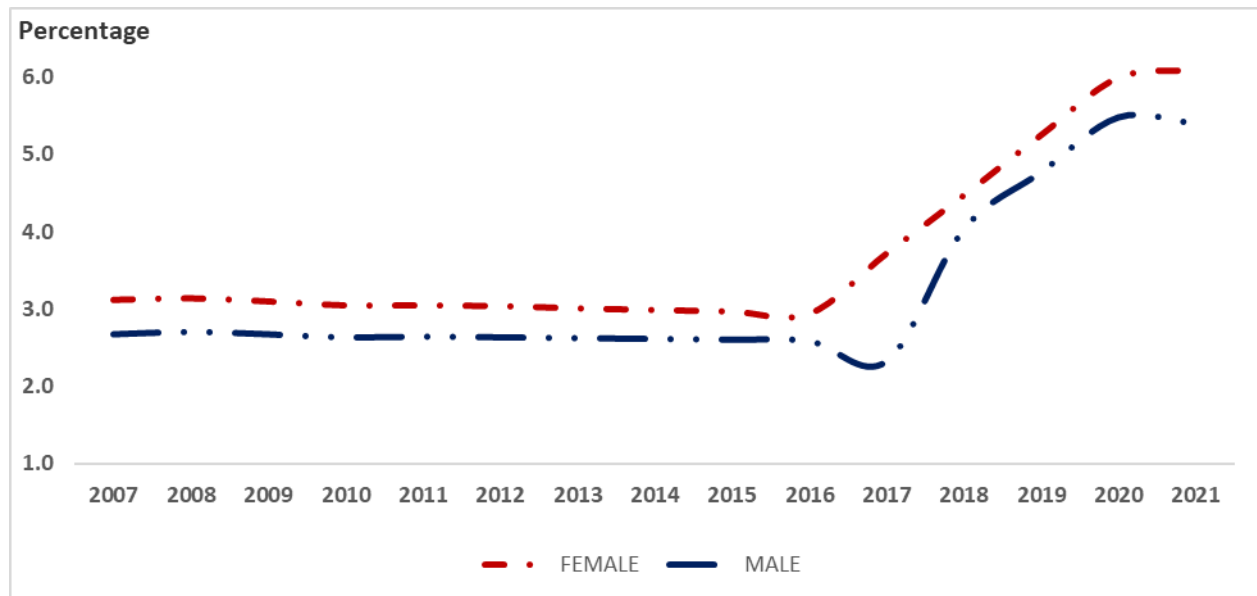


Figure 4.7.1: Trends in unemployment rates (%) by year and sex – 2007 to 2021. (Source 34: KIHBS 2015/16, KCHS 2019, KCHS 2020 and ILO Modelled statistics.)

An analysis of the trends in the unemployment rates shows that women have been the most adversely affected over the last fifteen years. The rate of female unemployment recorded a slow but steady decline from 3.12% in 2007 to 2.94% in 2016. However, since 2007, the rate of unemployment has been increasing.

## 4.8 Employment to population ratio

Over the past fifteen years, the female employment-to-population ratio has consistently lagged behind the male employment-to-population ratio, maintaining an average gap of 5.4%. In 2007, 68.7% of Kenya's female working-age population was engaged in employment, indicating that 31.3% of females within the working-age bracket were not employed. In comparison, 73.9% of Kenya's male working-age population was employed during the same period, signifying that 26.1% of males within the working-age group were not engaged in employment (refer to Figure 4.8.1).



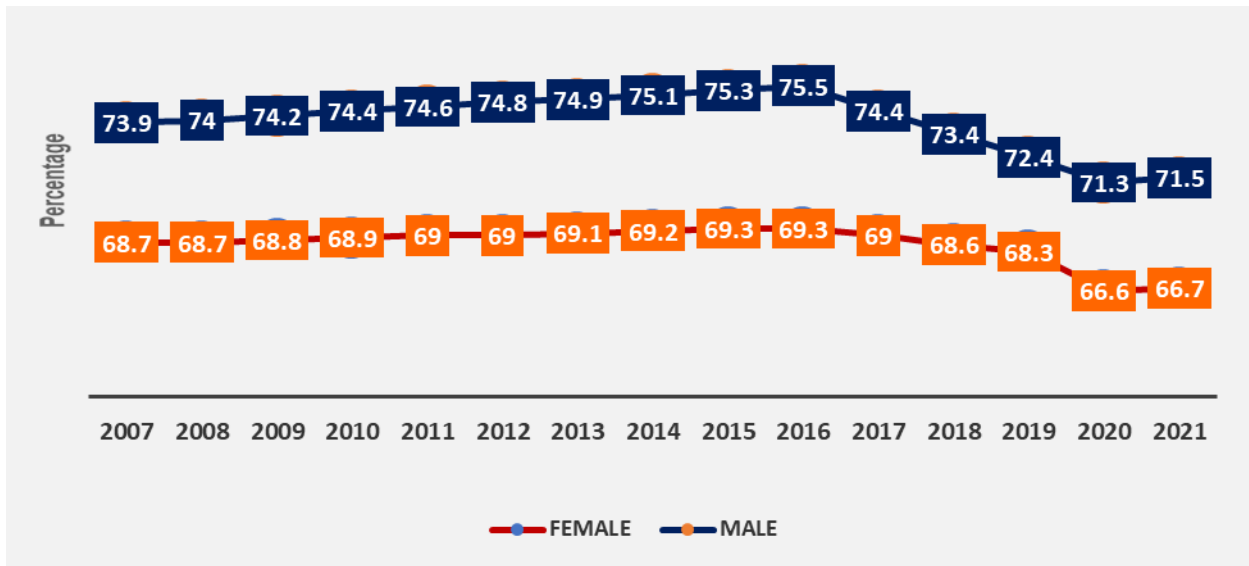


Figure 4.8.1: Trends in the Employment to Population Ratio by year and sex 2007 to 2021. (Source 35: KIHBS 2015/16, KCHS 2019, KCHS 2020 and ILO Modelled statistics.)

The trend reveals a consistent increase in the female employment-to-population ratio from 2007 to 2016, mirroring the trajectory of the male employment-to-population ratio during this period. However, from 2017 to 2021, both ratios experienced a decline. In 2020, the female employment-to-population ratio reached its lowest point at 66.7%, paralleled by the male ratio, which also hit its nadir at 71.3% during the same year. Notably, both ratios exhibited a rebound in 2021.

## 4.9 Status in Employment

The trend in the status of employment over the past fifteen years suggests an improved scenario for both men and women. There has been a consistent increase in the number of wage-employed workers among the total employed population in Kenya, indicating a growing economy capable of accommodating more individuals and enhancing their status in employment.

### 4.9.1 Trends in Wage and Salaried Workers

As shown in figure 4.9.1, in 2007, only 23.5% of women employed were salaried workers whereas during the same period, male salaried workers were 42.6%. The percentage for both males and females has increased over the years steadily which correspondingly resulted in a reduction of both men and women classified within the status of being self-employed. The increase in salaried workers for women has seen their percentages peak at 42.8% in 2019 implying that the Kenyan labour markets has not only expanded but churned out more jobs. Similarly, the percentage of men in salaried employment has increased over the same period and 58.4%. Men are more in salaried employment compared to their female counterparts and the gap between the two has remained consistent over the years at more than 20.0%.

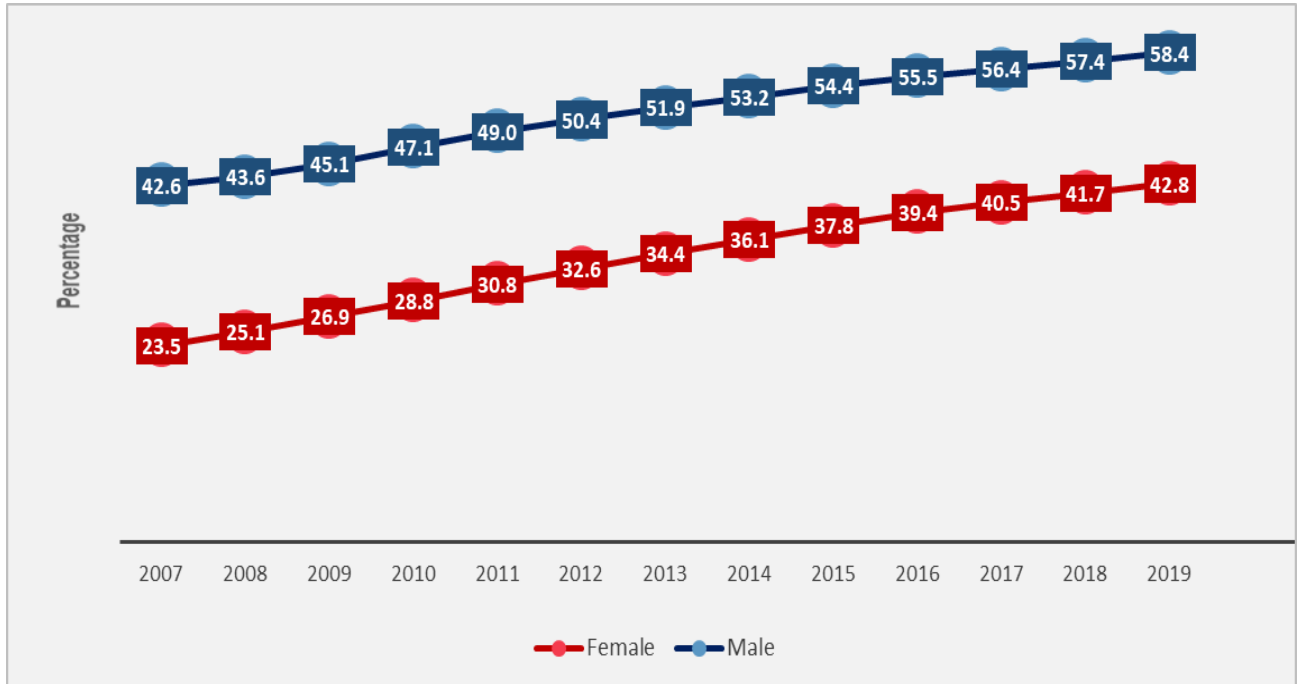


Figure 4.9.1: Trends in salaried workers by year and sex – 2007 to 2019. (Source 36: KIHBS 2015/16, KCHS 2019, KCHS 2020 and ILO Modelled statistics.)

Over the last fifteen years, the trends show that for both men and women, the number of self-employed workers in the country has been decreasing. Self-employed workers refer to persons who earn their living from any independent pursuit of economic activity, as opposed to earning a living working for a company or another individual (an employer). It shows that there are more opportunities for people to work either for companies or for other individuals than was the case in 2007. Again, more women are working as self-employed workers compared to men in the country, with small-scale businesses such as selling groceries explaining the figures.

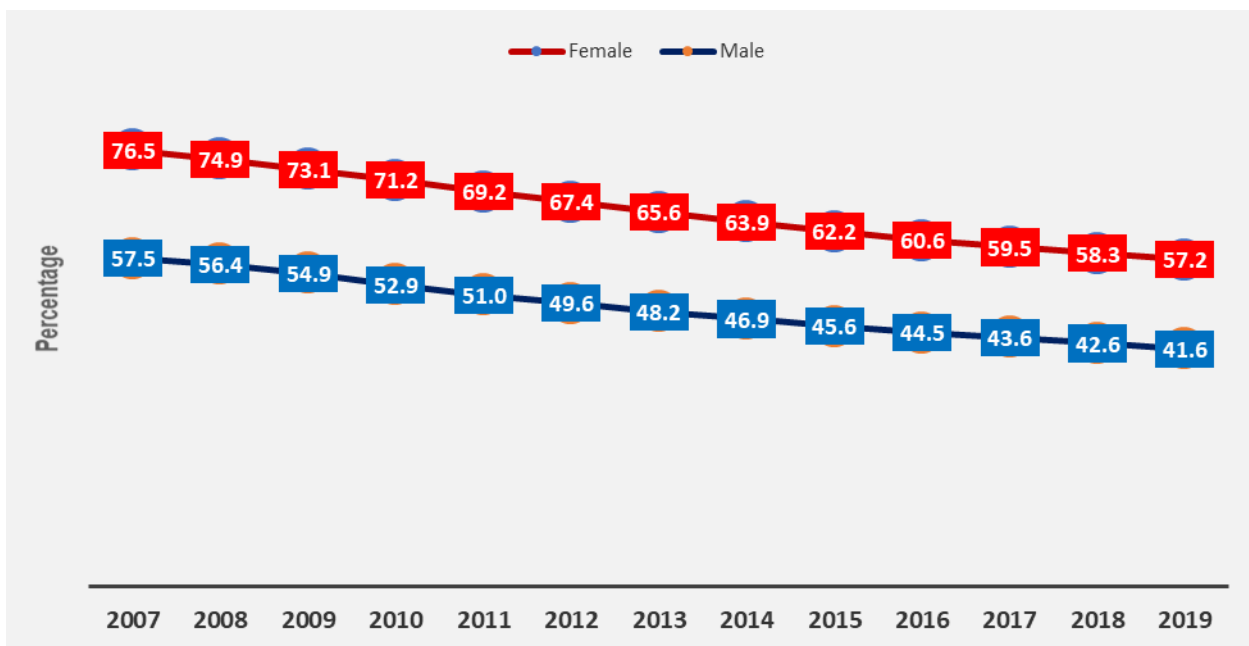


Figure 4.9.2: Trends in self-employed workers by year and sex – 2007 to 2019. (Source 37: KIHBS 2015/16, KCHS 2019, KCHS 2020 and ILO Modelled statistics.)

#### 4.10 Trends in Contributing Family Workers

Over the last fifteen years, the trend shows a narrowing gender gap between male and female contributing family workers from a high of 9.9% in 2007 to 2.5% in 2019. Since 2007, women have been forming the bulk of contributing workers at 33.8% (Figure 4.10.1). The trend shows a steady decrease in the percentages to 7.8% in 2019. Similar trends are also evident for the males who have seen a reduction in the percentage of contributing family members from 23.9% to 5.3%. Overall, the percentage of both men and women categorized as contributing family workers has been on a decline over the last fifteen years and it is currently at its lowest point at 6.5%.

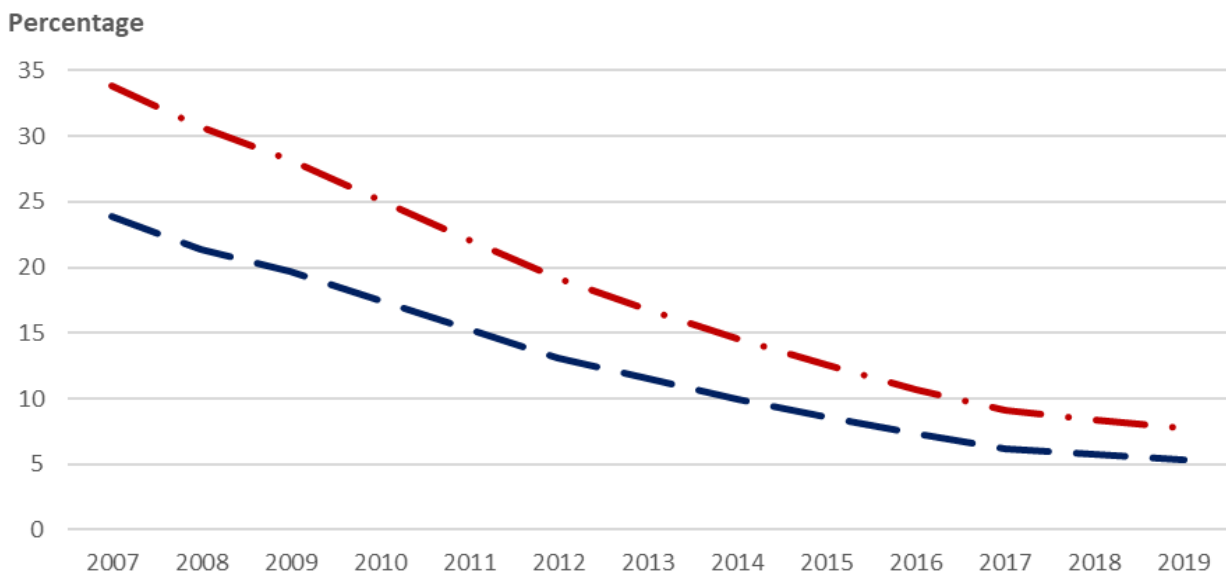


Figure 4.10.1. Trends in contributing family workers by year and sex - 2007 to 2019. (Source 38: KIHBS 2015/16, KCHS 2019, KCHS 2020 and ILO Modelled statistics.)

The reduction in contributing workers shows that individuals' input and contribution to family enterprises or employment opportunities is acknowledged and hence they gain value for their contribution. It could show that individuals are focusing less on family enterprises hence seeking alternatives from other sectors of the economy that could be rewarding them better. Though women still form the bulk of the contributing workers, it is encouraging that the percentages have reduced over the years and are almost equaling that of their male counterparts hence reducing the existing gender gaps.

##### 4.10.1 Sectors that women work (Fashionable Sectors for Women to Work)

As a general trend, the Kenyan economy has over the last few years experienced new changes with the service industry becoming more central. However, there is still much that needs to be done to ensure that the growth in the service industry can accelerate the economic transformation of the economy. Women have increased their participation in the service sector and that alludes to the observation that it is an area where women are now preferring to work. Factors such as ease of access to internet connectivity, flexible working hours and agile operating institutions that are

not solely focused on the office space being defined by the walls (Wangalwa Elayne, 2014). For many women, such an environment allows them to engage fully in the employment sector as it enables them to also perform other roles such as reproductive without being victims of the traditional office space.

According to the Kenyan Economic Update Report by the World Bank 2022, the services sector emerged as the dominant contributor to the gross domestic product (GDP), accounting for over half of all value-added in 2019. Despite this substantial contribution, there are notable variations in labor productivity across sectors. While the industry sector stands out as the most productive, it accounts for a relatively small portion of total employment. Conversely, a significant portion of the workforce is engaged in agriculture or low-productivity service roles, where productivity levels have remained stagnant.

The nature of jobs and employment opportunities offered in the service industry have proven to be friendlier to women given that most of these services provide a conducive environment for women. For instance, the entertainment sector is increasingly becoming an avenue where women can showcase their creativity and skills something which was not possible in the past.

#### 4.11 Trends in the Male and female participation in ownership of enterprises

As shown in Figure 4.11.1, in 2007, 62.9% of enterprises in Kenya were owned by males while females owned 37.1% of enterprises resulting in a gap of 25.8%. In 2013, the ownership gap in terms of gender was significantly reduced to 2.6% as the percentage of female-owned enterprises increased to 48.7% while that of men decreased to 51.3%. In 2018, the gap in percentage ownership between men and women was at 5.0%.

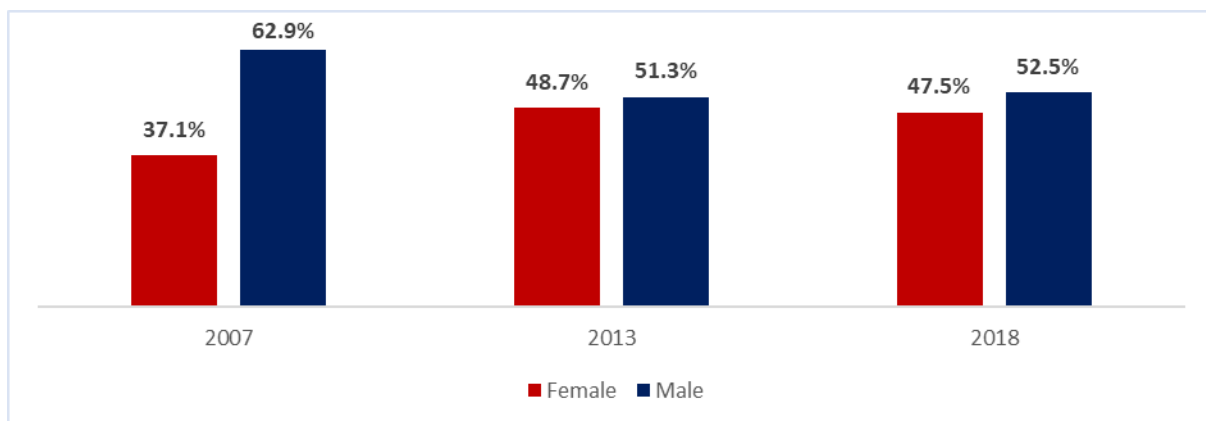


Figure 4.11.1: Trends in ownership of enterprises by year and sex - 2007 to 2018 (Source 39: Enterprise Survey Datasets, 2007, 2013 and 2018)

The high percentage of male ownership of enterprises compared to females could be attributed to the fact that men have more control over the factors that enable entrepreneurship including capital. The increased ownership of enterprises by females

#### 4.12 Access to Formal financial services

The general trend in access to formal financial inclusion has been a steady increase over the last 15 years, and the gender gap in general access to formal financial inclusion has reduced even though it is still in favour of men. In 2006 access to financial services was 20.5% for women and 33.2% for men but has since risen steadily to a high of 81.7% for women and 85.9% for men (Figure 4.12.1). In 2006 access to financial services was 20.5% for women and 33.2% for men but has since risen steadily to a high of 81.7% for women and 85.9% for men (Figure 4.12.1). In 2006, the gender disparity between men and women stood at 12.7%, reaching its peak in 2009 at 14.4% before gradually decreasing in subsequent years. The slower rate of growth in formal financial inclusion between 2021 and 2019, compared to the period between 2019 and 2016, indicates a notably low increase during 2019–2021. Despite the sluggish pace of formal financial inclusion, the gender gap improved to 4.2% in 2021 from 6.0% in 2019, indicating a narrowing divide between males and females in accessing formal financial services (FinAccess Household Survey, 2021). Several factors could have contributed to the reduction in the gender gap and steady rise in the access to formal financial resources including the penetration of mobile banking services across the country and the increased investments in banking agents that bring the banking services closer to the households.

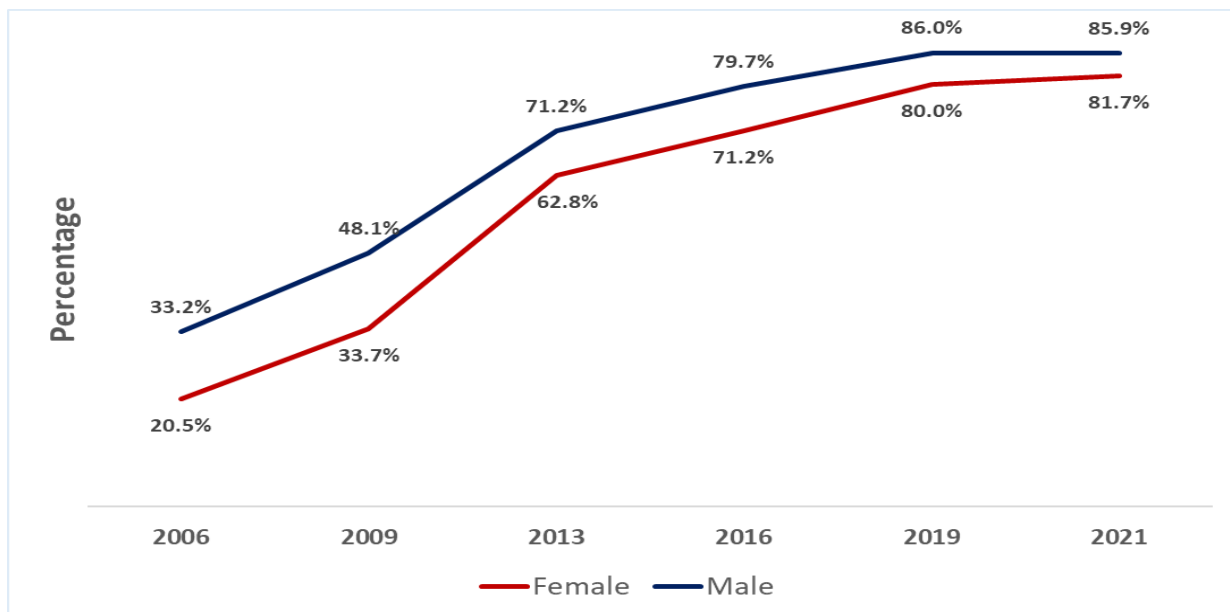


Figure 4.12.1: Trends in access to formal financial services by year and sex – 2006 to 2021 (Source 40: FinAccess Household Survey, 2021)

Access to the financial system often determines individuals' ability to participate in the more formalized markets prevalent in the modern sector of an economy. Women are disadvantaged in many ways hampering their ability to access financial services. According to the Financial Sector Deepening (FSD) report, women are on average less educated than men, own fewer assets compared to men and generally earn less compared to men making them less likely to be considered and targeted by financial institutions as they design financial solutions. In addition, financial service provision

decisions have over the years been undertaken by largely men who are in most of the leadership positions at financial institutions (Gars et al, 2021). These men might unconsciously propagate gender biases when designing financial institutions. Over the years, social gender norms that favor men in accessing formal financial services while excluding women have been increasingly challenged. This shift has contributed to the reduction in the gender gap in financial inclusion. However, the limited access of women to financial resources in the formal sector exacerbates their exclusion and often leads them to seek funds from informal financial sectors.

#### 4.13 Exclusion in the Access to formal financial services

The trend in the exclusion from access to formal financial services also shows that women are more disadvantaged compared to men with a gap of between 1.0% and 1.6% from 2006 to 2021. Though the gender gap in the exclusion narrowed between 2006 and 2009, it rose between 2013 and 2016 to peak at 2.4%. In 2019, the gap was lowest at 0.5% before it increased in 2021 to 1.60%. Exclusion from finance can result in exclusion from opportunities to participate productively in value chains in the entrepreneurship sector as access to finance is a critical requirement for establishing and running enterprises whether micro, small or medium. Exclusion from formal financial services.

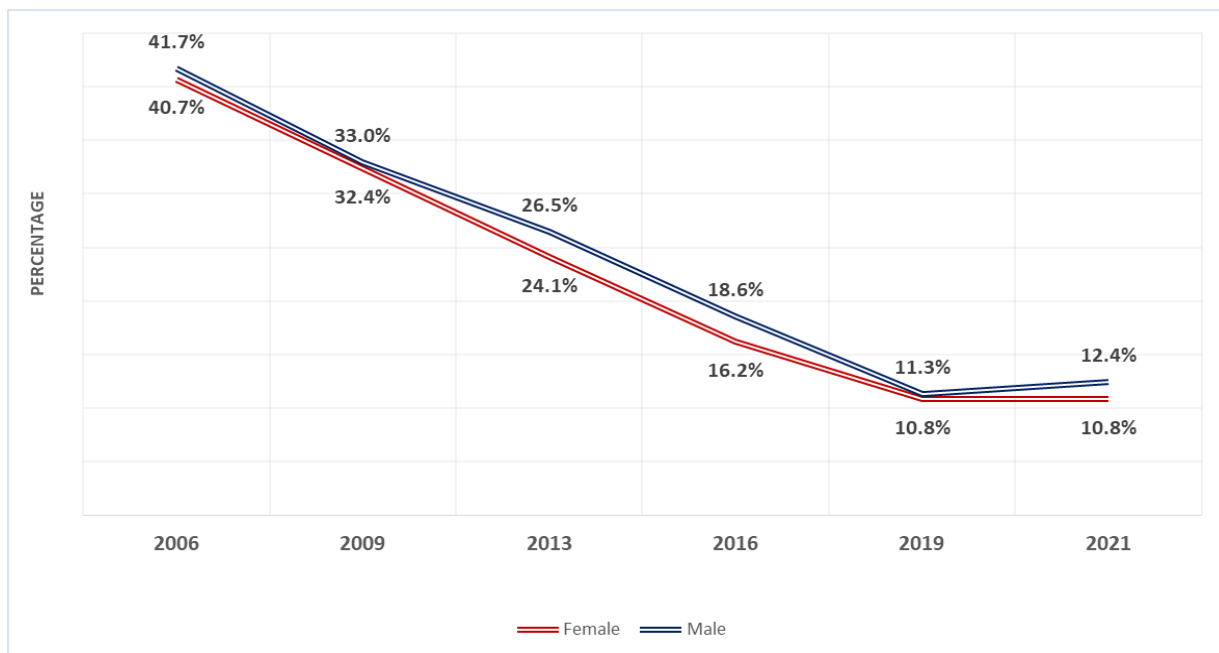


Figure 4.13.1. Exclusion in the Access to formal financial services by year and sex – 2006 to 2021 (Source 41: FinAccess Household Survey, 2021)

The exclusion of women from formal access to finance could be attributed to their low ownership of assets, jointly owned assets in a society that gives men more premium family-owned assets, and the unavailability of financial products that are designed for women. With the trend that has women most affected by the exclusion from formal financial services, they are most likely to derive direct benefits when they venture into entrepreneurship and that results in long-term impact whereby women are not capable of engaging in economic transformation.

#### 4.14 Access to finance through informal Channels Only

The trend in access to finance through informal channels only has generally been on a steady decline over the last 15 years as more and more people are roped into formal access. However, women are more likely to access funds through the informal sector compared to men and the trend has remained the same over the period. However, the proportion of females accessing financial services and products through informal channels has declined more rapidly than that of males over the years, resulting in females consistently recording a higher percentage than males. The gender gaps in access through informal channels have been narrowing over time, with the difference between females and males decreasing. Specifically, in 2021, the gender gap was 2.8 percentage points, compared to 4.7 percentage points in 2019, 6.1 percentage points in 2016, 6 percentage points in 2013, 13.8 percentage points in 2009, and 11.7 percentage points in 2006. Apart from 2009, where the gap widened, the trend indicates a general closing of the gap over different periods.

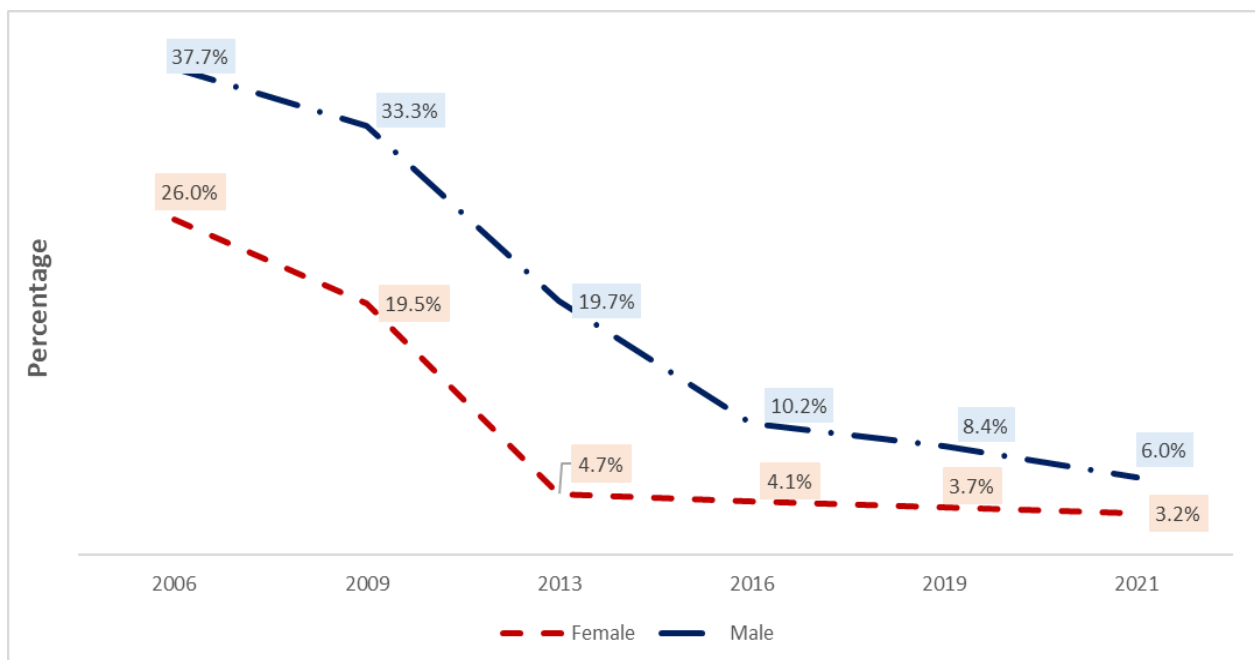


Figure 4.14.1. Trends in access to financial services through informal channels by year and sex (Source 42: FinAccess Household Survey, 2021)

While such access to financial services does not necessarily imply the obtained finances will be channelled towards starting and running enterprises, the ease of access is a reflection of the challenges and hindrances that entrepreneurs in an economy also face. The declining access to informal finance compared to a comparative increase in formal financing is laudable and could be due to factors such as regulation that ensure there is the standardization of charges in the formal sectors, elimination of exploitative and punitive interests and lending based on the credit rating of the borrowers (Mburu et al, 2020). On the contrary, the informal channels where women are dominant might be subject to exploitation and exorbitant rates which will further hinder the progress of women's enterprises. The desirable outcome for women in the entrepreneurial space would be to have access to both



affordable and tailor-made financial products that complement their needs to start and grow their businesses.

#### 4.15 Trends in the Access to Government Procurement Opportunities

The Access to Government Procurement Opportunities (AGPO) Program is essentially a Government of Kenya intervention that was launched in 2013 as a strategy for including women, youth and persons with disability (PWDs) in the access to government procurement opportunities to catalyse or enhance their economic empowerment. This was based on the realization that government procurement bids were largely won by men thus locking out women, the youth and PWDs, being Kenya's identifiable marginalised groups, from the benefit of doing business with the Government and by extension the financial gains arising. The elevation in the economic empowerment of women, youth and PWDs was designed to be achieved through their special access to government procurement opportunities, whereby a preference or reservation of 30% of the total value of government procurement opportunities was set aside for the exclusive bidding by women, youth and PWDs. However, from available reports that will be reviewed in this Proposal, it is clear that the full achievement of the 30% reserved procurement quota by the identified marginalised groups has yet to ever be achieved to date. Studying AGPO and its trends is critical as this is seen as a means of enhancing the economic participation and entrepreneurship ability of the targeted group if fully implemented. The reality is that its intended full implementation has not been achieved as seen by the trends in the data.

<b>AGPO Performance for disadvantage groups in '000' from FY 2015-16 to FY 2021-22**</b>							
	<b>2015/2016</b>	<b>2016/2017</b>	<b>2017/2018</b>	<b>2018/2019</b>	<b>2019/2020</b>	<b>2020/2021</b>	<b>2021/2022**</b>
Amount Reserved (30%)	31,322.60	51,067.50	63,612.90	59,624.80	61,661.10	65,263.00	81,599.50
Total Value from the Procuring Entities (100%)	104,408.67	170,225.00	212,043.00	198,749.33	205,537.00	217,543.33	271,998.33
Vulnerable Groups							
Women	7,492.30	12,009.10	13,623.60	15,547.20	10,906.10	19,178.50	24,444.10
Percentage	11.50%	8.00%	6.42%	7.82%	5.31%	8.82%	8.99%
Youth	7,594.40	11,798.40	11,787.70	12,918.70	9,908.30	15,163.40	16,834.40
Percentage	7.27%	6.93%	5.56%	6.50%	4.82%	6.97%	6.19%
Persons with Disabilities	588.30	800.80	1,383.30	1,673.80	2,003.10	2,563.70	3,352.40
Percentage	0.56%	0.47%	0.65%	0.84%	0.97%	1.18%	1.23%
AGPO Utilization for the Vulnerable Groups	15.01%	14.46%	12.64%	15.16%	11.10%	16.96%	16.41%

Source 39: PPRA annual reports at <https://ppra.go.ke/annual-reports/>

As a percentage of the total value awarded to vulnerable groups including women, youth and persons with disability, the utilization rate has been trending way below the 30% that should be reserved for them. Despite the reserved 30%, women, youth and persons with disability were awarded cumulatively 15.01% in 2015/2016, 14.46.0% in 2016/2017, 12.64 in 2017/2018, 15.16% in 2018/2019, 11.10% in 2019/2020, 16.96% in 2021/2021 and are projected to receive 16.41% in financial year 2021/2022. As a group, women only were awarded 11.50% of all the value of all tenders from public procuring entities in 2015/2016, 8.0% in 2016/2017, 6.42% in 2017/2018, 7.82% in 2018/2019, 5.31% in 2019/2020, 8.82% in 2021/2021 and are projected to receive 8.89% in the financial year 2021/2022. As a group, youth only were awarded 7.27% of the value of all tenders from public procuring entities in 2015/2016, 6.93% in 2016/2017, 5.56% in 2017/2018, 6.50% in 2018/2019, 4.82% in 2019/2020, 6.97% in 2021/2021 and are projected to receive 6.19% in the financial year 2021/2022. As a group, persons with a disability only were awarded 0.56% of the value of all tenders from public procuring entities in 2015/2016, 0.47% in 2016/2017, 0.65% in 2017/2018, 0.84% in 2018/2019, 0.97% in 2019/2020, 1.18% in 2021/2021 and are projected to receive 1.23% in the financial year 2021/2022.

While the idea behind the reservations of 30% of all tenders from public procurement entities was well-intended as an affirmative action that will help vulnerable groups achieve equality, its implementation over the years has been marred with several challenges (Kiriti-Ngang'a, T. (2017). The intended benefits are therefore unable to attain full benefits because of the operational and structural issues that need to be sorted. For instance, women have often expressed myriad challenges while applying for the opportunities and they also face delays in payments once they meet their end of the bargain. Further, the awarding of the tenders often sees women given those with less value and that interferes with their ability to generate wealth.

#### **4.16 Conclusion**

Unlike the employment segment where data on various indicators is available enabling detailed trend analysis, the entrepreneurship sector has huge data gaps that prevent a more comparative trend analysis to understand the status of women. Apart from the 2016 MSME survey by the KNBS and the 2020 ISOS study focused on informal businesses only, the area of entrepreneurship in Kenya has not been studied properly resulting in few data sets and gaps that hinder the ability to generate disaggregated data. Entrepreneurship should be given prioritization by preceding studies since it has a huge number of Kenyans who are unable to be absorbed in the formal and informal job markets.

The trends show a narrowing gap in many of the labour indicators between men and women. Some of the gaps have been reduced to a near-insignificant level showcasing the great progress that women have made over the years. However, there is still a concern in the sectors where many women are involved in the labour force and the fact that they are required to perform unpaid and domestic care work.

## CHAPTER FIVE: WOMEN IN EMPLOYMENT IN KENYA:

### AN ANALYSIS OF THE ENABLING POLICIES, LAWS AND ADMINISTRATIVE FRAMEWORK

#### 5.1 Introduction

This part principally seeks to specify the policies, laws and administrative framework in place to propel women towards equal access to employment, as well as support women during the course of their employment. Any gaps arising between the stated policies and laws as against their implementation are identified. The issues that are relevant to women during the pre-access period; post-access participation; and upward mobility and rise of women towards leadership positions in employment are categorized into various thematic areas to aid this examination.

The preceding chapter on employment explored the status of women in the workforce using various parameters, including the labour force participation rate, employment-to-population ratio, status in employment, employment by sector and occupation, hours worked, employment in the informal economy, unemployment, time-related underemployment, educational attainment, and literacy. However, due to a lack of authoritative local data, certain crucial parameters integral to a comprehensive analysis of women in the employment arena could not be investigated. These parameters include part-time workers, youth unemployment, long-term unemployment, persons outside the labour force, wages and compensation costs, labour productivity, and aspects related to poverty, income distribution, employment by economic class, and working poverty. The subsequent analysis endeavors to consider the available parameters to the fullest extent possible while acknowledging and identifying gaps in the data.

##### **5.1.1 Policies, Laws, and the Administrative Frameworks Governing the Pre-Access Period of Women for Employment in Kenya.**

This section examines the policies, laws, and administrative framework in place to ensure that the preparatory steps and processes required of women so that they can be in a position to take up employment are undertaken by the respective duty bearers. In common parlance, employment in Kenya is classified as formal (white-collar) or informal (blue-collar) with the available data indicating that the majority of women are employed in the latter. Notably, the formal employment sector is characterized by a robust regime of policies and laws replete with an implementing administrative framework. In the main, the employers are government ministries, departments and agencies as well as relatively well-performing private national and international agencies. Quite the opposite is true of the informal sector where precision is lacking in the substance of policies and laws given the fluid and uncertain nature of the small and medium enterprises that employ most women in this sector. The following table outlines the constitutional and statutory entitlements available for citizens insofar as the acquisition of knowledge and skills that are relevant for employment are concerned. As is evident from the Table, the requirement for such

knowledge and skills as a pre-requisite for employment varies between the formal and informal employment sectors.

*Table 5.1: Factors Relevant to the Preparation of Women for Employment in the Formal and Informal Sectors of Kenya*

<b>Constitutional and Statutory Imperatives</b>	<b>Formal Employment Sector</b>	<b>Informal Employment Sector</b>
<b>Right/entitlement to work</b>	All Kenyans with the requisite qualifications for a specific job/role have a right to apply for any position so advertised	All Kenyans desirous of working in the informal sector have a right to do so provided they possess the aptitude to carry out the specific task/job.
<b>Gender and physical ability</b>	Irrelevant unless specified by the law	Although irrelevant from a legal perspective, technically this is often dictated by the task at hand among other factors
<b>Primary and secondary school education</b>	Mandatory	desirable but not required
<b>Post-Secondary School qualification e.g., University or Tertiary Educational Institution</b>	Mandatory	not required
<b>Post-graduate education</b>	Depending on the nature of the work and the level of knowledge or skills required, this may be mandatory or an added advantage	not required
<b>Vocational Training</b>	Mandatory where the nature of the work so requires.	desirable but not required
<b>Equal Access to and Awareness of Employment Opportunities</b>	Job opportunities in the public service are expected to be availed to all Kenyans and be published officially in public forums of wide circulation. Any exceptions to this must be in accordance with the law, policies or guidelines of the institution.	The employer is at liberty to choose their employee and the jobs are made known principally by word of mouth or physical search by the employee
<b>Application process for employment</b>	written	mainly oral

The policies, laws, and administrative framework supporting the pre-access elements outlined in Table 5.1 are reflected in national, regional, and international regulatory frameworks. It's crucial to note that Articles 2(5) and (6) of the Constitution of Kenya permit the application of general rules of international law and treaties and conventions ratified by Kenya as part of its national law.

Relevant international instruments encompass various documents, such as Article 2 of the Universal Declaration of Human Rights (UDHR) from 1948, Article 2 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) from 1966, and Articles 3, 10, and 11 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) from 1979. Moreover, Target 4.5 of Sustainable Development Goal 4 emphasizes inclusive and equitable quality education and the promotion of lifelong learning opportunities for all, while

Sustainable Development Goal 5 targets ending all forms of discrimination against women, girls, and men. Additionally, Article 2 of the International Labour Organization (ILO) Convention on Discrimination (Employment and Occupation) Convention No. 111 from 1958, along with the UN Women and UN Global Compact Women Empowerment Principles established in 2010, are integral to addressing discrimination and promoting gender equality at the international level.

At the regional level, instruments like Article XII of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (MAPUTO Protocol) from 2005, and Article XIII focusing on the Economic and Social Welfare Rights of women, contribute significantly. Aspiration 6 Goal 17 of the African Union Agenda 2063, as well as Pillar 1 of the African Union Strategy for Gender Equality and Women's Empowerment (GEWE) 2018-2028, also play key roles in advancing gender equality and ending discrimination in Africa.

These international and regional instruments prescribe key enablers for the preparatory pre-access phase of women in employment. State parties are urged to eliminate sex-based discrimination, ensure the full development and advancement of women, and guarantee equal rights in education, scholarships, careers, and vocational training. Additionally, measures to eliminate stereotypes, reduce female drop-out rates, and promote free choice of profession and employment are emphasized. The instruments also stress the importance of equality in access to employment, remuneration, the freedom to choose occupation, and protection from exploitation.

The development of sound policies, laws and an implementation framework that is sensitive to gender differences, hurdles and barriers at all levels is key to the overall goal of achieving gender equality in all spheres. This requires the deliberate advancement of women starting from their infancy. Indeed, it is during the childhood and teenage years of girls and boys that the foundational knowledge and skills required to access various jobs are acquired. The regional and international frameworks reviewed above clearly provide a strong basis for state parties to create an enabling environment for girls to receive the necessary exposure required for them to qualify for various jobs in the formal and informal employment arenas. The regional and international entities responsible have mechanisms for monitoring the implementation of the protocols and instruments signed and ratified by state parties. This often includes a reporting mechanism where states are required to provide information in advance, based on parameters that comprise the reporting mechanism already shared with states, that then form the basis of subsequent reviews and recommendations.

In Table 5.2, the policies, laws and administrative framework that underpin the elements identified in the first column of Table 1 above as factors that are relevant towards the preparation of women for employment in the formal and informal arenas are reviewed and analyzed.

Table 5.2: Policies, Laws, and Administrative Framework for the Employment of Women in Kenya

Element	Policy/Law	Administrative Framework	Analysis
<b>Right/Entitlement to Work</b>			
<b>Constitution of Kenya Provisions</b>	<ul style="list-style-type: none"> <li>i. Article 27 protects women from discrimination in employment among other areas and requires that they are treated equally with men with respect to any opportunities thereof. It further allows for the use of affirmative action measures where necessary to correct past discrimination. More particularly, it lays down the principle that not more than two-thirds of either gender shall dominate elective and appointive positions.</li> <li>ii. Article 30 of the Constitution prohibits the performance of labour under conditions of slavery, servitude or forced labour;</li> <li>iii. Article 41 of the Constitution gives every Kenyan the right to fair labour practices including remuneration, working conditions, and except where expressly excluded to joining and participating in the activities of trade unions, and to go on strike.</li> <li>iv. Article 162(2)(a) creates the employment and labour relations court to adjudicate employment-related disputes;</li> <li>v. The Fourth Schedule of the Constitution identifies the setting of labour standards as a function of the national government.</li> </ul>	<p>The implementation of the Constitution is the primary responsibility of the national and county governments of Kenya through their various ministries, departments and agencies.</p> <p>In adherence to Article 10 concerning National Values and principles of governance, all State organs, State officers, public officers, and individuals are obligated to uphold the national values and principles whenever any of them engages in applying, interpreting, enacting, making, or implementing public policies or decisions based on the Constitution or any other law.</p>	<ul style="list-style-type: none"> <li>▪ Clearly, the constitution of Kenya provides women with the highest enablement to access the key drivers for access to employment in the preparatory stages. This includes the right to work that is supported by legislation that forbids gender inequality firstly as a matter of principle. This necessarily means that where present, gender inequality must be eliminated in all its forms and with reference to women in employment - in the access to education, training opportunities at all levels of education as well as opportunities available for employment.</li> <li>▪ It must be said that the implementation and monitoring of elimination of gender inequality in the access to employment in the formal employment arena is easier to identify and hence monitor owing to the strict generation and keeping of records as part of compliance requirements than in the informal employment arena.</li> </ul>



<b>Employment Act, 2007</b>	Section 5 mandates employers to promote equal opportunity in employment and to actively work towards eradicating discrimination in any aspect of employment policy or practice. It explicitly prohibits employers from discriminating against employees or potential employees based on their sex. The section also permits the implementation of affirmative action measures aimed at fostering equality in the workplace	Employers bear the responsibility of implementing, while enforcement is entrusted to the Cabinet Secretary in charge of labour matters, labour officers, and the Employment and Labour Relations Court.	Evidently, there is no hindrance for women to join any field of employment and therefore women can prepare themselves through relevant training to apply for employment in any sector.
<b>Gender and Physical Ability</b>			
<b>Constitution of Kenya</b>	<ul style="list-style-type: none"> <li>i. Article 27, reviewed above, prohibits the discrimination of persons by the state based on sex or disability among others.</li> <li>ii. The Persons with Disabilities Act makes various provisions aimed at protecting persons with disability (PWDs) in Kenya from discrimination and requires the use of affirmative action measures to accommodate PWDs in Kenya to the fullest extent possible including with reference to education and employment, including self-employment, sheltered employment as well as apprenticeship opportunities. The Act also makes prescriptions about enabling PWDs to access the assistive devices and aids required for them to fully access education and employment opportunities;</li> <li>iii. The Ministry of Labour and Social Protection developed the National</li> </ul>	<ul style="list-style-type: none"> <li>▪ The national and county governments through their relevant ministries, departments and agencies concerned with the protection and empowerment of PWDs;</li> <li>▪ National Council for Persons with Disabilities;</li> <li>▪ The National Gender and Equality Commission (NGEC) was established by the National Gender and Equality Commission Act 2011;</li> <li>▪ The Kenya National Commission on Human Rights was established by</li> </ul>	<ul style="list-style-type: none"> <li>▪ In principle, girls with disability have as much right to access education and employment with no restrictions except those imposed by the nature of their disability.</li> <li>▪ Despite the strides that have been made with regard to integrating persons with disability into the mainstream in Kenya, the evidence from a study conducted by NGEC reveals that there is still much more that needs to be done. NGEC found that the implementation of the available policy, legal and administrative framework on matters of disability has been hampered by the lack of a coherent framework for implementation and the lack of synergy between the national and county governments. Failure to</li> </ul>



	<p>Disability Mainstreaming Strategy 2018 – 2022 with the aim of guiding the implementation of disability policies, legislations, and programs in both the public and private sectors in Kenya. This strategy serves as a framework for the effective implementation of the disability agenda, aligning with provisions in the Constitution, the Disability Act of 2003, the National Disability Policy, the United Nations Convention on the Rights of Persons with Disabilities, and other relevant legislations pertaining to the education and employment of Persons with Disabilities (PWDs).</p> <p>iv. Free Primary Education, 2003, makes provision for additional funding to ensure the full accommodation and integration of children with disabilities in schools as well as fund special needs schools.</p>	<p>the Kenya National Commission through the Kenya National Commission on Human Rights Act No. 14 of 2011.</p>	<p>address challenges faced by PWDs exposes women living with disabilities to an additional layer of discrimination in addition to gender.</p>
<b>Primary and Secondary School Education</b>			
<p><b>The Basic Education Act 2013</b></p>	<p>The Act establishes the right of all children, including those with disabilities, to receive free and compulsory primary and secondary school education that is relevant and of high quality. Additionally, the Act explicitly prohibits the discrimination of any child within or by an education department or institution on any grounds whatsoever.</p>	<p>Notably, the Fourth Schedule to the Constitution which allocates responsibilities between the national and county governments outlines their roles as follows: <b>National Government</b> - “Education policy, standards, curricula, examinations and the granting of university charters</p>	<p>By law, all girls are required to attend primary and secondary schools to receive an education. This means that whether a child proceeds with post-secondary school education or not, they would all possess basic education that would enable them to find employment in the informal sector at the very least. It also means that girls can further their education</p>

<p><b>Kenya's Vision 2030</b></p>	<p>Kenya's Vision 2030 - Vision 2030 provides for a voucher system, to enhance equity in access to education, for vulnerable populations including children rescued from early marriages.</p>	<p>as well as Universities, tertiary educational institutions and other institutions of research and higher learning and primary schools, special education, secondary schools and special education institutions; <b>County Governments</b> – “Pre-primary education, village polytechnics, home craft centres and childcare facilities.”</p>	<p>subsequently and transition from the informal to the formal sector of employment.</p>
<p><b>University and Post-graduate Education</b></p>			
<p><b>Universities Act, 2012</b></p>	<p><b>The Universities Act No. 42 of 2012</b> establishes the Kenya Universities and Colleges Central Placement Service which is managed by a Board which is responsible for ensuring the delivery of quality and relevant education at this level. While recognizing the right of universities to carry out independent recruitment and admission of students based on their admission criteria, the Placement Board is required to promote equity and access to university and college education through the development and application of affirmative action measures to ensure the inclusion of the marginalized, minorities and persons with disabilities. In addition, the Board is required to establish criteria to enable students to take courses for which</p>	<ul style="list-style-type: none"> <li>▪ Cabinet Secretary for the time being responsible for matters related to university education;</li> <li>▪ Kenya Universities and Colleges Central Placement Board'</li> <li>▪ Commission for University Education.</li> </ul>	<p>Girls who wish to pursue university and post-graduate education are free to do so and in addition, can benefit from affirmative action programs aimed at inclusion. For instance, the qualification requirements for placement in universities are slightly lower for girls.</p>

	they have applied based on their qualifications.		
<b>Vocational Training</b>			
<b>Technical and Vocational Education and Training Act, 2013</b>	The Technical and Vocational Education and Training Act, 2013 – Section 3 (a&b) states, “3. (1) In the discharge of its functions and exercise of their powers under this Act, the implementing authorities shall be guided by following principles - training shall be availed to all qualified Kenyans without discrimination ...there shall be instituted appropriate mechanisms to promote access, equity, quality and relevance in training to ensure adequate human capital for economic, social and political development; The Kenya National Education Sector Strategic Plan 2018-2022 - One of the objectives is to address gender Parity in Technical and Vocational Training Institutions.	<ul style="list-style-type: none"> <li>▪ Cabinet Secretary for the time being responsible for matters related to technical and vocation education and training;</li> <li>▪ Technical and Vocational Educational and Training Authority.</li> </ul>	Girls are also able to access vocational training that is relevant to the same extent as boys.
<b>Kenya National Education Sector Strategic Plan 2018-2022</b>	Within the Science, Technology, and Innovation Sub-Sector, Kenya is intent on promoting the participation of women with a specific programme that seeks to further the participation of women in STEM by identifying women excelling in the areas and creating mentorship programs to encourage girls to join the sector.		
<b>Equal Access and Awareness of Employment Opportunities</b>			
<b>Constitution of Kenya</b>	Article 232 (1 & 2) concerning the values and principles of the public service require		The constitutional requirement for the inclusion of both sexes with regard to

<p><b>Employment Act, 2007</b></p>	<p>representation of the diverse communities of Kenya as well as affording of adequate and equal opportunities to all Kenyans with regard to appointment, training and advancement at all levels of public service. This applies to men, women, members of all ethnic groups and PWDs. Implementation of the foregoing values is required of all state organs at both levels of government and all state corporations.</p> <p>Section 5(3)(b) of the Act prohibits employers from discriminating against employees and prospective employees whether directly or indirectly with regard to recruitment.</p> <p>Section 15 (1) prohibits discrimination of PWDs with respect to the advertisement for employment and recruitment insofar as the nature of disability is not a factor with regard to the performance of the job at hand.</p>		<p>employment opportunities necessarily makes it mandatory for the concerned ministries, departments and agencies at both national and county governments to make all Kenyans aware of employment opportunities through formal and specified government channels. The national and county governments use electronic and print media to publicize available job opportunities and it must be said that unless one is able to afford to buy newspapers regularly or surf the internet, they may miss to see the opportunities. Notably, the job opportunities available at national and county governments do require qualifications for which one must be certified. Casual jobs are also available but highly competitive because they are much sought after.</p>
<p><b>Persons with Disabilities Act, 2003</b></p>	<p>The Strategy set out the path for the digitization of government services and operations towards enhancing communication with citizens. The priorities were to increase the use of websites to publish information on the public sector. Similarly, with respect to employment government was enjoined to provide platforms where citizens can search for jobs with the government and apply online, find out about the latest policies</p>	<p>Same as outlined above</p>	<p>There is no obligation for the private sector to advertise job opportunities, although when they do, they are duty-bound to ensure that applicants are not discriminated against based on sex or disability and such discrimination may be the subject of a claim in the employment and labour court, as the constitutional principles on non-discrimination in both the public and private sectors</p>
<p><b>The Kenya e-Government</b></p>	<p>The Strategy set out the path for the digitization of government services and operations towards enhancing communication with citizens. The priorities were to increase the use of websites to publish information on the public sector. Similarly, with respect to employment government was enjoined to provide platforms where citizens can search for jobs with the government and apply online, find out about the latest policies</p>	<p>Same as above</p>	<p>There is no obligation for the private sector to advertise job opportunities, although when they do, they are duty-bound to ensure that applicants are not discriminated against based on sex or disability and such discrimination may be the subject of a claim in the employment and labour court, as the constitutional principles on non-discrimination in both the public and private sectors</p>

<b>Strategy, 2004</b>	and schemes of service and employment laws.	Ministry of ICT, All government agencies, and public institutions	Jobs in the informal employment sector are not advertised in any formal spaces that are regulated by law but are mainly discovered through word of mouth or if one comes across a notice in the course of their physical movement.
<b>Application Process for Employment</b>			
<b>Public Service (Values and Principles) Act No. 1A of 2015</b>	Section 10(3) of the Act speaks to fair competition and merit as the basis of appointments and promotions and provides that: <i>“Each public institution or each authorised officer shall develop a system for the provision of relevant information that promotes fairness and merit in appointments and promotions.”</i> In addition, Section 9(2)(a) regarding accountability for administrative acts requires, <i>“the public service, a public institution or an authorised officer shall ensure the accountability of a public officer by—(a) keeping an accurate record of administrative acts of public servants in each public institution;”</i> The foregoing means that appointments in the public service can only be based on written applications.	<ul style="list-style-type: none"> <li>▪ Public Service Commission;</li> <li>▪ County Public Service Board; and</li> <li>▪ County Assembly Service Board.</li> </ul>	<p>The formality of written applications as a basis for employment exists mainly within the formal employment arena where record keeping is required not only with respect to the employment of an individual but also in compliance with several other statutory entities including tax and social security authorities as well as public and private health and insurance schemes taken out by employers. The formality of the application process acts as a safeguard for employees in the event of the need for the termination of their employment whether on a voluntary or involuntary basis.</p> <p>On the other hand, employees in the informal sector are left exposed by the informal nature of the employment process that requires no formality or record keeping of any sort. Employers in the informal sector thrive on the</p>

			<p>casualness of the employment process and obligations because it enables them to avoid the responsibility and obligations required of employers by statutory authorities. Employees do pay the price for the casualness at the point of termination of their employment where the employer avoids any or most obligations arising. Thus women, who are the majority employees in the informal sector continue to perform jobs with little or no safeguards including health insurance and pension.</p>
--	--	--	--

### **5.1.2 Conclusions Regarding the Pre-Access Preparatory Period of Women in Employment**

From the above analysis it is clear that in their formative stages, girls in Kenya are provided with equal opportunities as boys with respect to the nurturing, development and advancement of the knowledge and skills required for them to be ready to join the labour force. The law is supportive of the education of girls, including those with a disability, given the implementation of compulsory free education at primary and secondary school levels. There is also an emphasis on ensuring women also participate in Science, Technology, and Innovation Sectors thereby not limiting them to certain stereotypical career paths. Ultimately there exist progressive policies, laws, and administrative frameworks to support the pre-access period of women in their preparatory journey toward being ready to be employed. However, despite the existence of these laws as seen in Chapter 2 in the analysis of educational attainment and illiteracy as an indicator, women still lag behind with most of them only attaining education up to the primary level with percentages of women in education institutions decreasing from the secondary level through to tertiary institutions. Further, 63.2% of females never attended school compared to 36.8% of men in 2019 and 55.5% of female compared to 44.5% of males in 2020. If not checked, this trend is clearly deleterious to the ability of women to get employed in the formal sector.

### **5.2 Policies, Laws, and the Administrative Frameworks Governing the Post-Access Participation of Women in Employment in Kenya.**

This Section focuses on the regulatory framework applicable once women gain or acquire employment whether in the formal or informal sectors. Among others, the key elements that are relevant during the employment period for women, based on constitutional and statutory imperatives, are types and terms of employment; mode of payment of wages or salaries; off days and leave days; maternity and return to work; breastfeeding at work facilities; employment benefits; discrimination in the workplace; dispute resolution; under-employment; sexual harassment; and the formal recognition of gender inequalities and inequities by the state in matters employment.

The regional and international instruments that provide a basis for the standardization of local laws are first reviewed based on various thematic issues arising from the issues identified. The specific policies, laws and frameworks applicable to Kenya are then examined thereafter in relation to the standards set in the various regional and international regulatory frameworks.

#### **5.2.1 Thematic Review of Regional and International Frameworks Applicable to the Post-Participation Period for Women in Employment**

##### **Equal Pay**

Article 11(1)(d) of CEDAW asserts the right of both men and women to receive equal remuneration, including benefits, and to be treated equally for work of equal value, without discrimination in the evaluation of the quality of work. Similarly, Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) mandates



State Parties to recognize everyone's right to fair and favorable conditions of work, ensuring fair wages and equal remuneration for work of equal value without any form of discrimination, with particular attention to guaranteeing women conditions of work not inferior to those enjoyed by men, encompassing equal pay for equal work.

Target 8.5 of Sustainable Development Goal (SDG) 8 on Decent Work and Economic Growth aims to achieve full and productive employment, ensuring decent work for all individuals, including women, men, young people, and persons with disabilities, while promoting equal pay for work of equal value. Target 10.4 of SDG 10 on Reduced Inequalities urges states to adopt forward-looking policies, particularly in fiscal, wage, and social protection domains, to progressively achieve greater equality. Additionally, Article 1(b) of the International Labour Organization (ILO) Equal Remuneration Convention No. 100 of 1951, ratified by Kenya in May 2001, defines equal remuneration for men and women workers for work of equal value as rates of remuneration devoid of discrimination based on sex. Member states are required to implement measures to ensure this principle is applied to all workers without distinction.

### **Maternity Leave**

The preamble of CEDAW acknowledges the vital role women play in both family welfare and societal progress. It emphasizes that factors like motherhood and women's involvement in reproduction should not serve as grounds for discrimination. Additionally, it highlights the joint responsibility of both men and women in raising children. Article 11(2) of CEDAW requires states to implement measures to prevent discrimination against women based on marriage or maternity, ensuring their right to work. These measures include prohibiting termination of employment due to pregnancy, maternity leave, or marital status.

In accordance with Article 4(1) of the ILO Convention No.183 on Maternity Protection (2000), a minimum maternity leave duration of 14 weeks is mandated, with 6 weeks of compulsory leave post-childbirth to safeguard the health of both mother and child. While Kenya has yet to ratify the ILO Maternity Protection Recommendation 2000 (No. 191), it suggests that member states aim for a minimum maternity leave period of 18 weeks. Article 5 of the Recommendation acknowledges the necessity for additional leave in case of illness or complications, as well as provisions for extending leave in cases of multiple births. At the regional level, Article III (i) of the Maputo Protocol (2005) reaffirms the obligation of states to ensure adequate and paid pre- and post-natal maternity leave across both public and private sectors.

### **Safeguarding benefits during Maternity Leave**

Article 11(2)(b) of CEDAW encourages state parties to institute maternity leave with pay or equivalent social benefits while ensuring that individuals do not lose their previous employment, seniority, or social allowances. This mirrors the principles outlined in the ILO Convention No.183 on Maternity Protection (2000) and the ILO Maternity Protection Recommendation 2000 (No. 191), which advocate for monetary benefits provided in accordance with national laws and regulations. These benefits should be

calculated to ensure that a woman's earnings during maternity leave are not less than two-thirds of her previous earnings, with funding derived from a social insurance mechanism or public funds.

### **Parental leave and Adoption Leave**

The ILO Maternity Protection Recommendation 2000 (No. 191 and No.165) recognize the concept of parental leave for either parent after the expiry of maternity leave without relinquishing of employment. Regarding adoption, the ILO Convention provides for the application of the safeguards in Convention 183 for women who have given birth naturally to apply in the same way to adoptive parents where adoption is provided for in national laws.

### **Employment Protection during both Pregnancy and Maternity Leave**

Article 8(1) of the ILO Convention 183 on Maternity Protection (2000) stipulates that it is unlawful to terminate the employment of a woman during her pregnancy, maternity leave, or upon her return to work following maternity leave. Employers must demonstrate that any dismissal is unrelated to pregnancy, childbirth, or their consequences. Furthermore, Article 8(2) mandates that a woman be reinstated to her previous position or a comparable one with equivalent pay at the conclusion of her maternity leave. Convention No. 183, which addresses the Revision of Maternity Protection in 2000, underscores that pregnancy should not serve as a basis for discrimination, even in matters concerning access to employment. Additionally, the ILO Maternity Protection Recommendation No. 191 (2000) prohibits the requirement for a pregnancy test during recruitment, except in cases where specific tasks cannot be performed by a pregnant or nursing woman, or where there exists a health or safety risk for the woman or her child.

### **Working Conditions for Pregnant Women**

Article 11(2)(d) of CEDAW requires state parties to put in place measures to provide special protection to women during pregnancy in types of work that proved to be harmful to them. Paragraph 6(4) of the ILO Maternity Protection Recommendation 2000 (No. 191) entreats state parties to allow a pregnant or nursing woman to be exempt from night work where it is not possible in her circumstances. In addition, it is essential to undertake a risk assessment of the nature of work to determine its suitability for pregnant women and if unsafe necessary interventions including alternative work should be availed. Similarly, the same Convention stipulates that a woman should be allowed time off for prenatal visits and examinations.

### **Breastfeeding Nursing Breaks and Childcare Facilities**

The ILO Convention 183 - Convention Concerning the Revision of the Maternity Protection 2000, ILO Maternity Protection Recommendation 2000 (No. 191), the ILO Workers with Family Responsibilities Recommendation 1981 (No. 165), and CEDAW prescribe various measures, including: allowing nursing/breastfeeding women nursing breaks or a reduction in working hours, which should still be considered as payable working hours; establishing nursing facilities at the workplace or in close proximity to

the workplace; considering the needs and preferences of workers with family responsibilities when establishing child care facilities; and encouraging the provision of necessary supporting social services to enable parents to balance their family obligations, work responsibilities, and public life by promoting the establishment and development of a network of child-care facilities.

### **Sexual Harassment at the Workplace**

Article 1 of the ILO Violence and Harassment Convention, 2019 (No. 190) defines violence and harassment as unacceptable behaviors, practices, or threats that may result in physical, psychological, sexual, or economic harm, encompassing gender-based violence and harassment. Member States are obligated to adopt measures to implement a gender-responsive approach aimed at preventing and eradicating violence and harassment in the workplace. These measures include legally prohibiting such actions, devising a comprehensive strategy, and establishing or reinforcing monitoring mechanisms.

This approach is echoed in Article XIII(c) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) 2005, which calls on state parties to ensure transparency in the recruitment, promotion, and dismissal of women and to actively combat and penalize instances of sexual harassment.

#### **5.2.2 Policies, Laws, and the Administrative Framework that Apply to the Post-Participation Period for Women in Employment in Kenya**

From the above review of the regional and international frameworks concerning the post-participation period for women, it is evident that much attention was paid at the international level to addressing various factors that impede the advancement of women in the workplace. This includes the enacting of enabling or progressive policies and laws to address the particular issues that women face in the workplace. Below in Table 3 is an outline of the policies, laws, and administrative framework in Kenya that addresses the circumstances of women in the workplace. Notably, the Employment Act, of 2007 is the key legislation that addresses employment-related issues.

Table 5.3: Specifics of the Policy, Laws, and Administrative Frameworks that Apply to the Post-Participation Period

ISSUE	POLICY/LAW	SPECIFIC PROVISIONS	ADMINISTRATIVE FRAMEWORK
<b>Gender-based Discrimination in the workplace</b>	Employment Act, 2007	Section 5 prohibits discrimination in employment including on grounds of sex or pregnancy	<ul style="list-style-type: none"> <li>▪ The Ministry of Labour;</li> <li>▪ Employers' internal policies;</li> <li>▪ The Employment and Labour Relations Court</li> </ul>
<b>Equal Pay</b>	Employment Act, 2007	Section 5 obliges employers to pay employees equal remuneration for work of equal value.	
<b>Sexual Harassment</b>	Employment Act, 2007	<ul style="list-style-type: none"> <li>▪ Section 6 prohibits sexual harassment, which is defined as direct or indirect requests for sexual intercourse that has an implied or express promise of preferential treatment/ threat of detrimental treatment or threat about the current or future employment status of the employee.</li> <li>▪ Other forms of sexual harassment proscribed by the Act include the use of language of sexual nature or visual material or physical behaviour which is unwelcome or offensive and has a detrimental effect on the employee.</li> <li>▪ An employer with more than twenty employees is obligated to have a policy statement on sexual harassment (Employment Act, 2007)</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Employment and Labour Relations Court</li> <li>▪ Investigative agencies such as the police.</li> <li>▪ Office of the Director of Public Prosecutions</li> </ul>
	The Sexual Offences Act, 2006	Section 23 of the Act criminalizes Sexual harassment and imposes a penalty of imprisonment of 3 years or a fine of not less than Kshs. 100,000 or both where one is found guilty.	<ul style="list-style-type: none"> <li>▪ Investigative agencies such as the police.</li> <li>▪ Office of the Director of Public Prosecutions.</li> <li>▪ The Courts</li> </ul>
	Sessional Paper No.3 of 2021-National Action Plan on	In the Action Plan of this Sessional Paper, the Government has also undertaken to:	The National Action Plan Steering Committee is overseen by the

	Business and Human Rights	<ul style="list-style-type: none"> <li>i. Introduce a requirement for the conduct of human rights due diligence including impacts on gender before the approval of license/ permits for businesses.</li> <li>ii. Strengthen the labour inspectorate department to enable it effectively to carry out its mandate.</li> <li>iii. Sensitize the public and especially women and other marginalised groups on several issues including labour laws.</li> </ul>	Department of Justice and the Kenya National Commission on Human Rights (KNCHR).
<b>Duration of Maternity Leave</b>	Employment Act, 2007	Section 29, female employees are entitled to three months of maternity leave (12 weeks). Women should not be forced to forfeit their annual leave entitlement on account of having taken maternity leave.	<ul style="list-style-type: none"> <li>▪ Ministry of Labour</li> <li>▪ Employment and Labour Relations Court</li> </ul>
<b>Benefits during maternity leave</b>		Section 29 requires that the employees on maternity leave receive full pay.	
<b>Adoption Leave</b>		Amendments to Section 29 of the Act in 2021 introduced Section 29A, which introduces one-month pre-adoptive leave, with full pay when a child is placed with the prospective parent.	
<b>Employment Protection during pregnancy and maternity leave</b>		<ul style="list-style-type: none"> <li>▪ Under Section 46, an employee should not be dismissed or penalised based on their pregnancy or any reasons connected thereto.</li> <li>▪ Upon the conclusion of their maternity leave, a woman is entitled, as per Section 29(2), to resume her previous position or be offered a reasonably suitable job with terms and conditions that are no less favorable.</li> </ul>	
<b>Breastfeeding nursing breaks and childcare facilities</b>	The Health Act, 2017	<ul style="list-style-type: none"> <li>▪ Section 71 mandates employers to establish lactation stations in the workplace equipped with necessary facilities, including refrigerators or suitable cooling facilities, electrical outlets for breast pumps, and comfortable seating.</li> </ul>	<ul style="list-style-type: none"> <li>▪ State Department of Gender;</li> <li>▪ Ministry of Health;</li> <li>▪ Ministry of Labour</li> </ul>

		<ul style="list-style-type: none"> <li>▪ The Act expressly prohibits the placement of such rooms in restrooms and the advertisement of formula or breast substitutes within the stations.</li> <li>▪ Section 72(1) obligates an employer to provide nursing breaks in addition to the time allowed off for meals, as part of compensable hours, but the breaks are limited to not more than one hour for every eight-hour working period.</li> </ul>	
	Guidelines for Securing a Breastfeeding-Friendly Environment at the Workplace, 2018	The guidelines provide additional guidance to employers on the implementation of Section 71 and 72 of the Health Act, providing for the specifics of creating a breastfeeding-friendly environment at the workplace including specific guidelines on the lactation space.	
<b>Mainstreaming and promoting gender equality</b>	Sessional Paper No. 4 of 2013 on Employment Policy and Strategy for Kenya;	The Paper provides for gender mainstreaming by implementing the Constitution, empowering women for socio-economic change, undertaking empowerment programs, addressing GBV and retrogressive cultural practices and also collecting, analysing and disseminating gender-disaggregated data.	Ministry of Devolution and Planning
	Ministry of Labour and Social Protection Plan Strategic Plan 2018-2022	Also provides for gender mainstreaming in the Ministry's policies, programmes, legislation and budgets.	Ministry of Labour and Social Protection.
	National Policy on Gender and Development  Sessional Paper No.02 of 2019	<ul style="list-style-type: none"> <li>▪ Prioritizes labour and economic concerns as fundamental policy objectives, with the goal of eliminating employment discrimination in access, promotion, and training. This aims to ensure equal pay to bolster income security for both genders.</li> <li>▪ Proposed measures involve integrating women into</li> </ul>	State Department on Gender

		<p>non-traditional fields like construction and mining, improving adherence to the two-thirds gender principle in recruitment, appointments, and promotions across all sectors, and implementing labour policies that support minimum wage standards and regulate working hours, among other strategies.</p>	
	<p>The Private Sector Gender Mainstreaming Policy, 2022</p>	<p>KEPSA launched the Policy in March 2022 as a guide to gender mainstreaming within the private sector. The Policy is anchored in seven principles:</p> <ul style="list-style-type: none"> <li>a) Gender mainstreaming as part of organisational strategy at the company's board and executive level;</li> <li>b) Support women and other marginalized groups in the workforce, business, business associations and leadership;</li> <li>c) Adopt and implement gender-responsive policies at the workplace;</li> <li>d) Prevent gender-based violence and harassment;</li> <li>e) Promote gender awareness;</li> <li>f) Set clear targets, measure, report, and communicate;</li> <li>g) Implement gender-responsive budgeting and resource mobilisation.</li> </ul>	<p>Kenya Private Sector Alliance (KEPSA)</p>



### **5.2.3 Conclusions Regarding the Post-Access Participation Period of Women in Employment in Kenya**

From the analysis in the table above, there is in place a legal and policy framework for the elimination of discrimination of women at the workplace and provision for specific measures for the welfare of women particularly in ensuring that their reproductive role is not a hindrance to their pursuits in employment. Although some of these provisions date as far back as 1979 in CEDAW, there is a lot to be done in translating the policies into practice in all organizations and institutions.

In the analysis of the labour participation rate for women in Chapter 2, the data reveals that the gender gap in the labour participation rate is the widest in the cohorts between 25-39 years. While men's participation rate is on a steady rise (reaching 93.1% at 30-34 years and rising to 94.2% at 45-49 years), women-only reach their highest rate (84.3% at 45-49 years). These statistics affirm that in their younger years (25-39 years), women's reproductive role plays a part in their ability to fully participate in the labour sector. In this regard, there is a need to strengthen monitoring mechanisms to ensure that policymaking is informed by evidence and an evaluation of the effectiveness of the initiatives in place. Effective monitoring mechanisms are also needed to identify the reasons why challenges persist and evaluate the level of compliance by employers across all sectors. According to KEPSA data on gender mainstreaming gender diversity currently stands at 36% compared to 21% in 2017 against a global average of 23.2% (KEPSA, 2022). This is indicative of positive progress on inclusion. However, employers must also take the initiative to streamline and develop policies around issues that largely remain unaddressed such as the provision of lactation rooms, childcare facilities, sexual harassment, all forms of gender discrimination, and current conversations such as affording women menstrual leave or allowing flexible working hours to accommodate women.

To strengthen implementation there is also a need to continue empowering women on their rights to ensure they advocate for change in their spaces and enforce their own rights. Access to remedies is also another important aspect noting that the Employment and Labour Relations Court has significantly contributed to the enforcement of rights and acts as a deterrence mechanism for employers against non-compliance with the laws. Overall, it is evident that the Kenyan policy and legal framework mirrors that at the regional and international level favourably with the government has undertaken several reforms to laws and developed policies to improve the experience of women all around in the workplace and to allow them to compete favourably with their male counterparts.

It must be said however that the majority of the initiatives listed in Table ..... pertain to women working in the formal employment sector with the same lacking for the majority who work in informal employment where the employment relationship as indicated previously is characterized by a lot of casualness, which may limit enforcement

### **5.3 Policies, Laws, and the Administrative Frameworks Governing Upward Mobility and Rise of Women towards Leadership in Employment in Kenya**

Once women are in employment and participating at all levels as required without let or hindrance, it is important to examine the regulatory framework pertaining to their rise through the ranks to the highest possible station linked to their job whether through promotions or added qualifications, as well as their selection or election for appointment to leadership positions. The elements that are relevant in this section include promotion; addition of qualifications and skills whether through on-job training or personal initiative; selection or appointment process for appointment to leadership positions; leadership training and support; end of the tenure of leadership responsibility.

At the local level, Article 27 of the Constitution, which addresses equality and freedom from discrimination, plays a crucial role in setting the groundwork for the progression of women, especially within public service. Article 27(8) specifically introduces the two-thirds gender principle for both elective and appointive positions. Consequently, it is imperative for every public organization to prioritize adherence to this principle in all appointive positions, including boards and other executive roles. It's worth noting that many organizations in the private sector have also taken steps to comply with this provision.

The two-thirds gender rule has really been a game-changer for Kenya in most spaces where there are leadership elections or appointments. Consequently, although laws such as the Employment Act, of 2007 do not specifically provide for leadership positions for women employees, the Constitutional provision means that failure to meet the principle can be enforced. In addition, non-discrimination principles also extend to considerations for promotion and therefore if one is aggrieved, they can institute proceedings to demonstrate discrimination based on gender. Similarly, initiatives by private and public institutions/ companies, as highlighted above, are imperative as they demonstrate ownership of the gaps and a commitment to address them through additional measures including peer-to-peer accountability.

At an international level the UN Women and UN Global Compact Women Empowerment Principles, 2010 establishes the following among other principles in relation to the upward mobility of women and rise to leadership: establishing top-tier corporate leadership to advance gender equality; ensuring equitable treatment of all employees, regardless of gender, with respect for human rights and a commitment to non-discrimination; and fostering opportunities for education, training, and professional growth for women. Establishing top-tier corporate leadership to advance gender equality; ensuring equitable treatment of all employees, regardless of gender, with respect for human rights and a commitment to non-discrimination; and fostering opportunities for education, training, and professional growth for women. In response, the Employment Act of Kenya largely establishes a framework for women to thrive in the workplace given that it articulates severally the need for training and upskilling of employees without discrimination. It also prohibits the practice of discrimination in

promotions and when read together with the constitutional values of public service that require the careful keeping of records for accountability, it is clear that there does exist the chance for women to rise up through the ranks in promotions. It would however be useful to carry out a study to determine the rate at which women get promoted in their workplaces compared to men in order to determine whether the clauses in the Employment Act are adequate in providing a framework for the rise of women through the ranks and onwards to leadership. In addition to enhancing knowledge and skills in the course of the women's employment journey, there is a further need for mentorship and handholding to be utilised as strategies to encourage women to strive to rise in the ranks.

One notable initiative in Kenya that is aimed at enhancing and boosting the leadership of women in the employment arena, especially in the private sector is the 30% Club Initiative. This is a global initiative toward increasing gender diversity on boards and executive committees in Companies. The Nairobi Securities Exchange joined the initiative in February 2021 with the objective of championing at least 30% representation of women on the Boards and the top leadership of listed companies.

Regrettably, employment in the informal sector does not offer much scope for women to rise to any meaningful position except at the pleasure of the employer who remains the overall superintendent as the business owner. Indeed, it is not a wonder to find employees who have worked in the same position for several years with little increment in salary or advancement in position or responsibilities because of the lack of proper monitoring of employment in the informal arena.

#### **5.4 Review of Relevant Case Law Establishing Various Principles that are Relevant to Women in Employment in Kenya.**

In this section, we highlight the application of all the laws highlighted from a practical perspective through cases that have been litigated. We start with a discussion on the Court that has jurisdiction over disputes that arise in the context of employment before providing summaries of eight cases touching on some of the issues discussed in the analysis above including various types of discrimination and sexual harassment.

The Employment and Labour Relations Court, established under Article 162(2)(a) of the Constitution and governed by the Employment and Labour Relations Act, serves as a specialized judicial body for the resolution of labour disputes. Its jurisdiction, as outlined in Section 12 of the Act, encompasses a wide range of disputes, including those arising between employers and employees, between employers and trade unions, between trade unions, and various other matters such as disputes related to the registration and enforcement of collective agreements, as well as disputes involving the registration and election of trade union officials.

Appeals from the Court lie in the Court of Appeal. The Court currently sits in Nairobi, Mombasa, Kisumu, Nakuru, Kericho, Nyeri, and Eldoret with sub-registries located in Malindi, Machakos, Bungoma, Garissa, Meru, Kisii, Voi, and Kitale (Kenya Judiciary, 2022). Of note, the employment court's approach has been one that is conscious of

the power dynamic between an employer and employee, and therefore in most cases, the standard of proof favors the employee, so that there is a greater burden of disproving the allegations on the employer.

**(i) *P O v Board of Trustees, A F & 2 others [2014]* eKLR available here:**

<http://kenyalaw.org/caselaw/cases/view/95084/>

***In the matter, the Claimant filed a claim after being dismissed from work after she declined sexual advances from the employer while on a work trip in South Africa.*** The Court noted the gravity of such conduct and its impact on the claimant, including the loss of her job, the fact that she missed the opportunity to attend an important conference when she had to come back to Kenya to avoid the employer's behaviour. In the end, the Court awarded the claimant Kshs. 3,000,000 as damages for sexual harassment, unfair and wrongful termination (in addition to her dues). The Court did not impose any criminal sanctions, observing that the burden of proof would be higher and possibly deny the claimant redress, but observed that the Law offers alternatives to cover the broad range of what constitutes sexual harassment.

**(ii) *VMK vs CUEA (2013)* eKLR available here:**

<http://kenyalaw.org/caselaw/cases/view/92535/>

***This case exemplified several layers of discrimination that the claimant had been subjected to based on various factors including her HIV/AIDs status, sex and pregnancy.***

The claimant had been employed as a telephone operator in the same position as two male colleagues, one a telephone operator/receptionist and the other a switchboard operator in the reception department where she also worked. While the male counterparts were given letters of appointment confirming their employment permanently and earned some allowances, she was a casual employee. Subsequently, there was an internal advertisement for the position of Switchboard operator/ receptionist, for which the claimant was interviewed and recommended for appointment. She was however required to undergo a medical examination at the institution clinic where her HIV Status was revealed even though she was not informed that the test was conducted nor was she taken through the proper steps before the revelation of her status as is the standard practice.

She also never heard about the job again and she continued in employment under casual terms. By this time, her male counterpart who had been employed only one year before her was already earning up to 4.2 times what she was earning and was entitled to statutory contributions and the benefit of a medical cover. After serving for almost five years on casual terms, she inquired from the employer why she had not been given a permanent contract and the employer responded by giving her a one-year contract, with better terms. Her salary was reviewed from Kshs. 7,000 to Kshs. 26,171 but with no other benefits. Within that year, she proceeded on maternity leave during the term of the contract, but she was not paid.

The Court's findings: Even though the Respondent tried to distinguish the applicant's position as a relief, the court was able to infer that she was doing equal work with her male counterparts and therefore paid less for equal work for seven years. The Court also found that *'the Respondent grossly breached her right to employment and equal treatment by subjecting her continuously to casual employment and inferior remuneration purely based on her HIV status, that the Respondent unlawfully withheld the Claimant's salary when she was on maternity leave contrary to Section 29 of the Employment Act. The Court awarded the claimant the damages for unfair termination (12 months gross pay as stipulated by Section 49 of the Employment Act), exemplary damages of Kshs. 5,000,000, for the repeated discrimination and unfair treatment, the difference in what her male colleagues earned through the four years as well as her salary for the three months of maternity leave.*

**(iii) *GMV versus Bank of Africa Kenya Limited [2013] eKLR available here:***

<http://kenyalaw.org/caselaw/cases/view/90648/>

***It is one of the landmark cases on discrimination in the workplace based on pregnancy, which is cited repeatedly in subsequent cases.***

The Claimant in this case had taken maternity leave between January and May 2009. In August/September 2010, the Respondent discovered the Claimant's second pregnancy. After experiencing pregnancy-related sickness and proceeding on sick leave between 22 February 2011 and 1 March 2011, the Claimant returned to work on 2 March 2011. At that point, the Managing Director informed her that her employment was deemed expensive due to her second pregnancy. Consequently, she was required to proceed on maternity leave, and her services were terminated as a replacement had been found for her position.

The Claimant received advice to promptly address her mortgage obligation with the Respondent, as her terminal benefits would otherwise be utilized to fulfill this obligation. Subsequently, the Claimant filed her claim in response to this situation. On the reasons given for her termination, the Respondent had indicated that she had not met her work targets. However, it emerged that the Claimant had been transferred to her position at termination, at the beginning of 2010 while the branch was still being set up and it took time for it to be fully operational. She had been appraised in 2010 as if the branch had been fully operational the full year despite the delays occasioned by the construction at the new branch and subsequent teething challenges for most of 2010.

The Court determined that the responsibility to demonstrate whether the termination was due to pregnancy-related discrimination lies with the employer, not the employee. In such cases, the Court outlined four essential elements that the Claimant needs to establish: membership in a protected class, qualification for the job lost, experiencing adverse employment action directly due to her pregnancy, and demonstrating that other explanations by the employer are pretextual, establishing a connection between the adverse employment decision and her pregnancy.

Following this, the burden shifts to the employer to present a legitimate explanation for the termination.

The Court found that her termination did not adhere to the due procedure; no warning was issued nor was she granted any disciplinary hearing even though, the Respondent's own Human Resource Staff Handbook prescribed the procedure that needed to be followed. Justice Rika noted that discrimination based on pregnancy constitutes a violation of various fundamental rights, encompassing equal opportunities in the economic and social realm, denial of fair labour practices, infringement of inherent dignity, and the right to a family. As a remedy, the Court granted the Claimant consolidated damages of Kshs. 3,000,000 for discrimination and Kshs. 1,437,006 for statutory dues, covering salary in lieu of notice, gratuity pay, outstanding leave, and the days worked in the month of her dismissal.

**(iv) Mokaya v Kithure Kindiki t/a Kithure Kindiki & Associates (Petition 62 of 2019) [2021] KEELRC 1 (KLR) (Employment and Labour) available here: <http://kenyalaw.org/caselaw/cases/view/219287/>**

***The Claimant alleged that her employment was terminated due to pregnancy and not financial constraints as the employer had indicated in their reasons for termination.***

The Claimant was employed on a contractual basis and had signed a contract in December 2017, for the period between 1<sup>st</sup> January 2018 to 31<sup>st</sup> December 2018. Towards the end of January, she informed the employer that she was pregnant and would be proceeding on Maternity leave at the beginning of March. Her request was approved but later withdrawn. She was allegedly informed that her leave would only be granted if she agreed to forfeit all her benefits during the period of her maternity leave. She declined and was then served with her letter of termination on 1<sup>st</sup> March, four days before the date when she was to proceed on maternity leave.

The Court found that the Petitioner had indeed proved her termination was due to her pregnancy, and not due to financial constraints as alleged by her employer, which in any case would have required that the Respondent follow the redundancy procedure stipulated in Law. She was awarded damages for the unfair termination and 1.5. Million shillings as exemplary damages for the violation of her rights.

**(v) Ooko & another v SRM & 3 others (Civil Appeal 195 & 197 of 2019 (Consolidated)) [2022] KECA 44 (KLR) (Civ) (4 February 2022) (Judgment): available at: <http://kenyalaw.org/caselaw/cases/view/227955/>**

This Appeal arose from the case brought by the respondent, regarding the circumstances leading up to the termination of her employment by the Appellants. The employee had raised sexual harassment complaints against the Human Resources Director of the Appellant. After her second complaint, she alleged that the employer proceeded to fabricate claims of misconduct to terminate her employment, instead of investigating and addressing the sexual harassment complaints. The appellants claimed that the lower Courts' findings were not based on sufficient evidence and that the damages awarded were excessive. The Court of Appeal held that in proving



sexual harassment all that is needed is that the victim reasonably perceived that they had been treated less favorably. Further, the Court also held that 'unwanted conduct' was from the victim's perspective (not a Court or Tribunal); it is what the individual victim indicated to be unacceptable. In addition, the Court observed that there is a positive obligation for an employer to investigate and address sexual harassment complaints. The Court agreed with the Employment Court's findings that the complaints against the employee were only raised in response to her sexual harassment complaints and therefore agreed on the findings of unlawful termination. The Court upheld the findings of the Employment Court but reviewed the damages awarded on the basis that they were not in line with the standards set in past decisions on the calculation of damages in such cases.

**(vi) *SWM v Hardware Trading Store Limited & another [2021] eKLR available here: <http://kenyalaw.org/caselaw/cases/view/214955>***

The Claimant's case was that she had been subjected to sexual harassment at the hands of the managing director of her employer in the form of sexual advances as well as physical assault. Things got worse when she became pregnant. She was demoted from her role as a receptionist and moved to the storeroom. When it was time for her to proceed on maternity leave the employer indicated that the Company did not allow anyone to take maternity leave and instead the employer required her to sign a resignation letter.

The Court observed that it is the employer's obligation to demonstrate that there were measures taken to address any sexual harassment claims by its employees. The Court found that the claim of sexual harassment had been proved but only awarded Kshs. 50,000 in damages. The Court also found that discrimination on the basis of pregnancy had not been proved. The Court found that since the claimant had not submitted proof that she in fact duly notified her employer of her intention to proceed on maternity leave nor presented any proof of birth, she was absent from work without due cause which would have justified a dismissal.

From, the above jurisprudence, it is evident that courts have proactively enforced the laws against discrimination. However, the extent of damages is at the Court's discretion and therefore the outcomes vary in different cases.

### **5.5 Best Practice regarding Policies, Laws, and Administrative Frameworks for Emulation by Kenya towards Promotion of the Cause of Women in Employment in Kenya**

Table 5.4 below contains examples of best practices from around the world that if emulated can greatly promote and enhance the experience of women in employment in Kenya. Certainly, the examples highlighted below are not exhaustive but rather have been curated to correspond with the issues that this section has emphasized.



Table 5.3: Best Practice regarding Policies, Laws, and Administrative Frameworks for Emulation by Kenya towards Promotion of the Cause of Women in Employment in Kenya

ISSUE	COUNTRY	DETAILS OF BEST PRACTICES TO EMULATE
<b>Post-Access Participation Period for Women in Employment</b>		
<b>Dedicated Ministry and Legislation for ensuring Women's Equality</b>	<b>South Africa</b>	<p>Gender discrimination remains a significant challenge in South Africa at various levels including social and economic and particularly in the workplace, family, and educational institutions. The marginalization and exclusion of women stretch to local politics and decision-making processes as well as development planning processes. Thus, to promote gender equality, South Africa has established a Ministry solely dedicated to ensuring equality for women.</p> <p>In addition, through the National Development Plan, Local Government is encouraged to include more women in representative positions as well as in shaping priorities in budget-making processes. The Plan also pushes for South Africa to undertake sustained campaigns against racism; for gender equity and a stop to gender violence. More particularly the National Development Plan advocates for a specific focus on women in public employment (Department of Statistics, Republic of South Africa, 2022)</p>
<b>Maternity</b>	<b>India</b>	In 2017, an amendment was effected to the 1961 Maternity Benefit Act of 1961 to promote the participation of women in the workforce through the provision of beneficial entitlements to women employees where maternity leave was increased from 12 to 26 weeks. In addition, every establishment with over 50 employees are required to have crèche services (Ratho A, 2020).
<b>Lost experience following childbearing</b>	<b>Sweden</b>	To address the issue of lost experience following childbearing, the Parental Leave Act gives both parents leave. This egalitarian measure is expected to lead to egalitarian wages given that both parents experience the phenomenon of lost experience.
<b>Social security for workers in the informal sector</b>	<b>India</b>	The majority of workers in the informal sector are women. In an effort to safeguard the interests of informal sector workers, the government has implemented the Pradhan Mantri Shram Yogi Maan-dhan (PM-SYM) Scheme. This initiative aims to offer social security by providing a pension plan specifically designed for workers in the informal sector.
<b>Flexible working arrangements</b>	<b>Singapore</b>	In Singapore, the female labour force participation rate increased from 60.2% in 2018 to 61.2% in 2020. This rise can be attributed, in part, to the implementation of flexible

<p><b>(FWA) as a means for retaining women at work, enabling work-life balance and fitting in women's role as primary caregivers</b></p>		<p>working arrangements (FWA). FWA allows employees to better manage their work responsibilities, fostering a work-life balance, which is particularly beneficial for women juggling career aspirations and family commitments. The proportion of firms offering at least one formal FWA saw a significant increase from 53.1% in 2018 to 78% in 2020, with nearly 6 out of 10 firms providing multiple formal FWA options by 2020. This variety of schemes gives women the flexibility to choose an arrangement that suits their needs, allowing them to maintain work experience effectively (Ministry of Manpower Singapore, 2021).</p>
<p><b>Care-giving role of Women</b></p>	<p><b>Singapore</b></p>	<p>The Government of Singapore provides support for caregivers and families with caregiving needs in various ways including:</p> <ul style="list-style-type: none"> <li>▪ Subsidized care services and grants;</li> <li>▪ Direct support of caregiving needs;</li> <li>▪ Enabling working caregivers to manage both work and their caregiving responsibilities better through flexible work arrangements, easing their re-entry to the workplace through employment facilitation and training support as well as strengthening of their retirement adequacy (Channel News Asia, 2022).</li> </ul>
<p><b>Increase in Pension Age</b></p>	<p><b>United Kingdom</b></p>	<p>In recent years, the United Kingdom has seen a rise in the state pension age, which is the age individuals become eligible for claiming their state pension. Specifically, between December 2018 and October 2020, the age increased from 65 to 66 for both men and women, influencing employment decisions. A subsequent analysis of this change revealed a significant uptick in the employment rate among 65-year-olds, with a 7.4% increase for men and an 8.5% rise for women. This resulted in an additional 25,000 employed 65-year-old men and 30,000 employed 65-year-old women in 2021. These considerable employment increases are noteworthy, particularly given the UK's system allowing individuals to combine paid work with receiving a state pension without penalties at the state pension age (Institute for Fiscal Studies, 2022).</p>
<p><b>Safety nets during the COVID Pandemic</b></p>	<p><b>United Kingdom</b></p>	<p>During the COVID pandemic, the female labour force participation rate fell slightly in the United Kingdom between January – March and April – June 2020 from 59.8% to 59.2%. Through the protection of industries with an overrepresentation of women coupled with supporting childcare, the UK Government was able to keep women employed. In addition, crisis-affected businesses received cash grants from the government which reduced their value-added tax (VAT) rate</p>

		temporarily. Further, a property tax exemption was extended to childcare centres while parents on reduced working hours could offset childcare costs using tax credits (Djankov, Simeon and Zhang, Eva, 2020).
<b>Upward Mobility and Rise of Women Towards Leadership In Employment</b>		
<b>Establishment of a Board by a Ministry to encourage women to take on higher managerial positions</b>	<b>Singapore</b>	In 2019, the Ministry of Social and Family Development formed the Council for Board Diversity aiming to promote enhanced representation of women in senior managerial roles. The objective was to foster a notable and steady rise in the number of women serving on the boards of both private enterprises and public entities. The results of this initiative have been positive, with the proportion of women on the boards of the top 100 listed companies rising from 15.2% in 2018 to 17.6% in 2020 (Ministry of Manpower, 2021).

## CHAPTER SIX

### WOMEN IN ENTREPRENEURSHIP IN KENYA: AN ANALYSIS OF THE POLICIES, LAWS, AND THE ADMINISTRATIVE FRAMEWORK

#### 6.1 Introduction

This part principally seeks to specify the policies, laws, and implementing administrative framework available to support women seeking to be entrepreneurs, as well as identify any gaps arising. The issues that are relevant to women during the pre-access period; post-access participation; and upward mobility and rise of women towards leadership positions in entrepreneurship.

The preceding chapter on entrepreneurship canvassed women in the entrepreneurship arena based on the following parameters: types of businesses, the reason for starting a business, business size, access to credit, non-financial needs and assistance received, support groups and business associations, supply factors such as physical capital and infrastructure, human capital, knowledge capital, and the demand factors including access to markets, firm capabilities, entrepreneurial characteristics, financial access barriers, regulations, and social capital and culture.

As highlighted, in the preceding Chapter, the decision to become an entrepreneur for women is influenced by different factors according to KNBS data, top among them being influence by advertisements, lack of other alternatives, better income, a preference for self-employment, high demand and availability of capital required (Figure 2, in Chapter III). In this section, we seek to identify legal provisions that may contribute to or influence this choice alongside those that may increase the likelihood of success and growth of women in the sector.

#### 6.2 Policies, Laws, and the Administrative Frameworks Governing Pre-Access Preparation of Women for Entrepreneurship in Kenya

The regulatory framework articulated in this section concerns the policies, laws, and administrative framework available to enable and empower women to gain access to the entrepreneurship space both at a small and large scale. The laws and policies highlighted in the employment section above relating to prohibitions against gender-based discrimination, and obligations on States to act towards addressing discriminative practices including affirmative action are still applicable herein (Table 2 above). Similarly, the provisions highlighted in this chapter that relate to ensuring equal opportunities for women, in education and training in their formative years, as highlighted in the employment section (Table 2 above) are still applicable here and are therefore not repeated. However, this section will highlight any provisions on specific training for women in entrepreneurship.

Table 6.5 below provides an overview of relevant provisions at the national level that align with the parameters discussed in the preceding chapter on women in entrepreneurship.

Table 6.4: Policies, Laws, and the Administrative Frameworks Governing Pre-Access Preparation of Women for Entrepreneurship in Kenya

Policy/ Law	Provision	Administrative Framework	Analysis
<b>Access to Land and Capital</b>			
<b>The Constitution of Kenya, 2010</b>	In accordance with Article 45, individuals entering into a marriage are entitled to equal rights not only at the time of the marriage but also throughout its duration and upon its dissolution.	The Courts.	Equal access to land for women is a major issue within the Kenyan historical context where women have been persistently denied access to land through inheritance and within marriage due to various factors, particularly long-standing cultural practices.
<b>The Matrimonial Property Act, 2013</b>	In accordance with Section 4, both spouses possess equal rights within a marriage, encompassing the rights to acquire, administer, hold, control, use, and dispose of property, whether movable or immovable. They also reserve the right to enter into contracts and be individually liable in legal matters. Under Section 7, ownership of matrimonial property is determined based on each spouse's contribution to its acquisition.		There are still some gaps in the laws and challenges in their implementation and translation into practice everywhere. For instance, under the Law of Succession Act, Section 35 the life interest of a widow in the estate of their deceased spouse (where there is no will) lapses when they remarry, but such is not the case for widowers. However, at the very least these laws protect women from being unfairly denied access to land as a means of production and as important collateral in access to credit facilities from financial institutions.
<b>Law of Succession Act, 1981</b>	The Act grants equal rights of inheritance for both female and male children.		
<b>Movable Property Security Rights Act,</b>	<ul style="list-style-type: none"> <li>▪ The Act governs the use of the different movable properties as security for</li> </ul>	The Business and Registration Service.	The Act expands the scope of what is acceptable as collateral to

<p><b>2017</b></p> <p><b>Movable Security Rights (General) Regulations, 2017</b></p>	<p>credit and established a framework for a registry of notices on security rights. Although there were different laws in existence with different provisions on the issue, they were scattered, and outdated (Business and Registration Service, 2020).</p> <ul style="list-style-type: none"> <li>▪ The Act covers both tangible and intangible assets including, motor vehicles, crops, machinery, business inventory, livestock, electronics, furniture, account receivables, account savings and deposits, unpaid invoices, electronic securities, shares and intellectual property etcetera.</li> </ul>		<p>facilitate further access to credit facilities for women who may not have access to immovable property but have other valuable assets that can provide collateral.</p>
<p><b>Sessional Paper No. 4 of 2013 on Employment Policy and Strategy for Kenya;</b></p>	<ul style="list-style-type: none"> <li>▪ Recognizes the Social and Solidarity Economy (SSE) – to increase access to credit for disadvantaged groups including women. The SSE in Kenya is characterized by cooperatives, <i>chamas</i>, and Societies, which are important tools for women in organizing their finances and small businesses.</li> <li>▪ The Strategy recognizes that the full potential of the SSE has not been fully exploited and thus proposes various interventions including; training, provision of technical advice and assistance for the establishment, incubation, and consolidation of enterprises within the SSE and partnership between stakeholders</li> </ul>	<p>Ministry of Labour and Social Services</p>	<p>SSE provides women with not only a vehicle for financial empowerment but also a grievance, advocacy, and bargaining mechanism.</p> <p>The Session Paper sets a foundation for subsequent interventions including affirmative action funds by government agencies to catalyse the SSE economy.</p>

	(including banks and microfinance institutions) to facilitate access to credit and finances.		
<p><b>Vision 2030, Third Medium-Term Plan (2018-2022)</b></p> <p><b>The Government Financial Management (Uwezo Fund) Regulations, 2014</b></p>	<ul style="list-style-type: none"> <li>▪ The Women Enterprise Fund (WEF) was established as a mechanism to facilitate access to affordable credit for women entrepreneurs. The Fund offers various products including a) the Constituency Women Enterprise Scheme (Tuiuke Loan)-which is given to registered women groups for expansion of their businesses or starting new ones, the loan is interest-free with a grace period of 1 month but there is a 5% administrative fee. b) Local Purchase Order Financing - given to women-owned enterprises to increase their capacity to respond to tenders and meet the requirements and c) Bid Bond Financing; loan product that assists women to meet tender requirements but is offered to women within Nairobi (KENPRO, 2019).</li> <li>▪ Under the Third Medium Term Plan (2018-2022), the goal is to increase funds disbursed from Ksh.10.4 billion to Ksh.25.7 billion targeting 2,157,653 beneficiaries by 2022. There was also established Uwezo Fund, which was to be scaled up to 2.5 billion in 2022 (Government of Kenya, 2019).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Public Service, Youth and Gender Affairs</li> <li>▪ The National Treasury</li> </ul>	<p>Affirmative action funds offer a cheaper, more flexible, low risk and more accessible option for women. It is therefore an important intervention by the government that should be sustained and constantly improved to address emerging needs.</p> <p>There is also a need for continuous monitoring and evaluation of the effectiveness and reach of the various Funds. Transparency is also key to ensuring fair opportunities for all.</p>
<b>The PFM Act (National Government)</b>	The Regulations establish the National Government Action Development Fund-	<ul style="list-style-type: none"> <li>▪ Ministry of Public Service, Youth and</li> </ul>	



<p><b>Affirmative Action Development Fund Regulation, 2016</b></p>	<p>which grants funds for the socio-economic empowerment of affirmative action groups including women, youth, persons with disability, and needy children at the Counties. Some of the objects and purpose of the Fund is to enhance access to financial facilities for women through a revolving fund in various forms such as table banking, savings, and credit cooperative organizations-no more than 20% of the Fund, Support value addition initiatives, access to services for victims of GBV among others. (PFM Act (National Government Affirmative Action Development Fund Regulation, 2016).</p>	<p>Gender Affairs-State Department of Gender</p> <ul style="list-style-type: none"> <li>▪ National Government Affirmative Action Board</li> <li>▪ National Government Affirmative Action Fund Committee-for every County</li> </ul>	
<p><b>Public Finance Management (Amendment) (NO. 2) Act of 2020 and The Credit Guarantee Scheme Regulations (2020)</b></p>	<ul style="list-style-type: none"> <li>▪ The scheme was established in December 2020 with the objective of enhancing access to quality and affordable credit for growth and operations by MSMEs who would otherwise not access credit due to lack of collateral or the prevailing business environment.</li> <li>▪ As of March 2022, seven commercial banks were part of the scheme (The Banks include, Absa Bank PLC, Credit Bank PLC, Diamond Trust Bank Kenya Ltd, KCB Bank, NCBA Bank PLC, Stanbic Bank Kenya Ltd, and the Cooperative Bank of Kenya Ltd), credit facilities of up to 2.11 billion had been issued, with 23% of the beneficiaries being marginalised groups</li> </ul>	<ul style="list-style-type: none"> <li>▪ National Treasury</li> <li>▪ The Commercial Banks that are part of the scheme.</li> </ul>	<p>The Scheme is available for all businesses; however, it would be imperative to have gender-disaggregated data to assist in assessing and monitoring the number of women-owned enterprises that benefit from the Scheme.</p>

	including women, youth and persons living with disability (National Treasury, 2022).		
<b>Training of Women in Entrepreneurship Skills</b>			
<b>Women Economic Empowerment Strategy, 2020-2025</b>	<ul style="list-style-type: none"> <li>▪ One of the strategic issues identified therein is insufficient information on financial inclusion and economic development and thus proposes interventions to facilitate women's access to capital for investment and strengthen linkages with financing institutions to repackage their products specifically for women.</li> <li>▪ The Strategy proposes interventions towards developing technical skills for women that are linked to business opportunities such as in Agri-business.</li> </ul>	Ministry of Public Service and Gender- State Department for Gender	Beyond availing financing resources, it is equally important to build the skills of the women entrepreneurs for sustainability by availing information that is beneficial for the effective management and/or expansion of their businesses.
<b>Vision 2030</b>	Again, under the Third Medium Term Plan (2018-2022), through the WEF, there is a goal to increase the number of women trained from 956,493 to 1,632,806.	Ministry of Public Service, Youth and Gender Affairs	
<b>The National Policy on Gender and Development, Sessional Paper No. 02 of 2019</b>	Under the Labour and Economy as a Policy Priority policy action, provides for the building of women's entrepreneurship skills and links up to start-up capital	Ministry responsible for Gender Affairs, County Governments, National Gender, and Equality Commission, Public Service Commission of Kenya (PSCK), Teachers Service Commission (TSC), Judicial Service Commission (JSC), County Public Service	

		Boards (CPSBs), and County Assemblies Service Boards, Parliament and County Assemblies	
<b>Ease of Registration of Businesses</b>			
<b>The Companies Act, 2015</b>	Section 123 of the Companies Act, allows a private company to have one director, making the incorporation of a company easier.	Director General of the Business Registration Service	The different business vehicles offer alternatives for potential entrepreneurs. However, it is important to note that more than 85% of women-owned businesses are in the informal sector suggesting that most women-owned businesses are not formally registered. This may, in turn, limit their access to opportunities e.g. government tenders, signifying a need for more efforts to encourage women to formalize their businesses.
<b>The Limited Liability Partnerships Act, 2012</b>	Provides for limited liability partnerships which have pros as a business vehicle, as it is not a company (hence not subject to corporate taxes but also allows for separation of the affairs of the partner as an individual and the partnership in the event of bankruptcy.		
<b>The Business Registration System</b>	<p>The introduction of an online system for company registration, that allows reservation of a business name and registration to KRA, NHIF, and NSSF, has eased business registration for everyone including women.</p> <p>The applicable costs for the registration of a company are:</p> <ul style="list-style-type: none"> <li>a) Name reservation: Kshs. 100 + Kshs. 50 (e citizen convenience fee)</li> <li>b) A registration fee of KES 10,000, in addition to KES 600 for the CR2 or</li> </ul>	Director General of the Business Registration Service	

	<p>company search fee, and a convenience fee of KES 50.</p> <p>c) For companies with 20 or more employees, registration with the Director of Occupational Safety and Health Services costs Kshs. 5000.)</p>		
<b>Gender Mainstreaming in the Micro and Small Enterprises Sector</b>			
<b>Micro and Small Enterprises Act,2012</b>	Under Section 31 of the Act, one of the functions of the Micro and Small Enterprises Authority is to encourage the integration of youth, gender, and persons with disabilities into all activities and programs related to micro and small enterprises.;	Micro and Small Enterprises Authority	Most businesses run by women fall within the Micro and Small Enterprises framework and therefore mainstreaming of issues therein with a gender lens would be beneficial to women entrepreneurs in the sector.

### **6.2.1 Conclusions regarding the Pre-Access Preparation of Women for Entrepreneurship in Kenya**

As discussed above, Kenya has taken steps toward addressing the most common barriers for women in access to capital, including patriarchal practices around land ownership are addressed. Important to note is that changing deep-rooted cultural practices takes time but having the laws in place is a positive step toward allowing women to enforce their rights.

Similarly, government-sponsored affirmative action funds, with more favourable terms are a necessary intervention because they avail resources for women to start or grow their businesses without the added pressure of payment at commercial credit rates considering that start-ups do not always turn into successful businesses. Partnerships between the government and the private sector through initiatives such as the Credit Guarantee Scheme are also welcome steps in expanding legitimate options to enhance access to credit facilities for entrepreneurs.

As noted above, formalizing business vehicles allows more access to business opportunities. However, noting that women-owned businesses dominate the informal sector, there is a need for more efforts to create more awareness amongst women entrepreneurs on the benefits of formalizing their businesses.

### **6.3 Policies, Laws, and the Administrative Frameworks Governing Post-Access Participation of Women in Entrepreneurship in Kenya**

In this section, the focus is on the regulatory framework-governing women who are already entrepreneurs. Following the discussion above, it is important to note that the issues discussed therein are still applicable in the post-access phase. For instance, training to ensure continuous tooling and retooling of knowledge and skills is a key factor in pushing women-led businesses to grow. Access to further loans and credit facilities to promote the growth and expansion of businesses through affirmative action funds or government and private sector partnerships such as the credit guarantee scheme is beneficial for both start-ups and businesses seeking to expand.

Noting that most women-owned businesses are in the informal economy, one must also consider access to important support infrastructure and necessary amenities such as clean toilets with sanitary facilities, running water, safe spaces to carry out business, waste disposal, security, lighting, road infrastructure provided by the national and/or county governments. There are also other relevant gender-specific needs such as maternity leave and child care facilities, facilities for breastfeeding at work; sexual harassment which as discussed above are well provided for those in formal employment.

Table 6.3: Policies, Laws, and the Administrative Frameworks Governing Post-Access Participation of Women in Entrepreneurship in Kenya

POLICY/LAW	PROVISION	ADMINISTRATIVE FRAMEWORK	ANALYSIS
<b>Access to Markets</b>			
<b>Women Economic Empowerment Economic Strategy, 2020-2025</b>	<p>Provides for strategic intervention towards promoting market access for women-led enterprises, and promoting supply chain between the large and small enterprises</p> <p>The Strategy also proposes intervention toward facilitating cross-border trade for women, through increased participation for women in regional and international markets.</p>	Ministry of Public Service and Gender- State Department for Gender	<p>After setting up their business outfits, the sustainability of the businesses is dependent on access to opportunities and therefore, conscious action towards ensuring women that are at all negotiating tables/opportunities at different levels</p>
<b>The Kenya Industrial Estates Limited</b>	<p>A Government business enterprise registered as a company established for the purpose of assisting micro and small enterprises to grow into medium and large enterprises; by providing development financing, facilitating rural industrial development, and incubating MSMEs.</p>	<ul style="list-style-type: none"> <li>▪ The Kenya Industrial Estates Limited</li> <li>▪ The National Treasury</li> </ul>	<p>The need for consistent support for MSMEs cannot be emphasized to guarantee their long-term survival. The KIE also supports MSMEs in value addition to raw materials which facilitates access to new markets for the MSMEs.</p>
<b>Access to Business Opportunities</b>			
<b>The Public Procurement and Disposal (Preference and Reservations) Regulations 2011</b>	<p>The Regulations are applicable to procurements conducted by public entities when seeking tenders from specific target groups, including (a) small enterprises; (b) micro-enterprises; (c) marginalized communities; (d) contractors who are citizens; (e) domestic contractors; or (f) citizen contractors involved in collaborative projects or subcontracting with international suppliers.</p> <p>Additionally, the AGPO Program was officially inaugurated by the President in October 2013. This initiative mandates that 30% of all government procurement</p>	<ul style="list-style-type: none"> <li>▪ The National Treasury</li> <li>▪ The Public Procurement Regulatory Authority</li> <li>▪ All public agencies at the national and county level.</li> </ul>	<p>Access to these opportunities is limited by the requirement for a formally registered company, and therefore women must be empowered to take that step.</p> <p>There is also a need to monitor the implementation of such initiatives to ensure that the intended beneficiaries access these opportunities.</p> <p>Consequently, the publication of procurement information by public agencies as required by public finance procurement laws must be implemented to allow for an assessment of the</p>

	<p>opportunities are reserved for enterprises owned by women, youth, and persons with disabilities.</p> <p>To be eligible, the requirements are also straightforward; a national ID/Passport, Business Registration Certificate or Certificate of Incorporation, A CR12 for Limited Companies (a form that sets out details of the company's directors that is system generated), a Partnership Deed for partnership, Tax Compliance Certificate and National Construction Authority Letter (for construction category).</p>		<p>beneficiaries of the initiatives.</p> <p>Closely related to the issue is the publication of beneficial ownership information that enhances transparency on company ownership information which has been a cause of concern in procurement-related corruption in the form of underhand deals where certain powerful individuals incorporate companies in partnership with women so that they get the reserved tenders and therefore, in the end, the target beneficiaries of such initiatives are not genuine women entrepreneurs.</p>
<p><b>Sessional Paper No.3 of 2021, National Action Plan on Business and Human Rights</b></p>	<p>As part of the government's commitments, there is a dedication to enhancing the use of public procurement as a means to promote human rights. This involves a comprehensive review of current public procurement policies, laws, and standards, taking into account their impacts. The evaluation is conducted with due regard to the state's human rights obligations, including the rights of women, which will be considered as a crucial criterion in the process.</p>	<p>The NAP Steering Committee operates under the supervision of the Department of Justice and the Kenya National Commission on Human Rights (KNHCR). The Implementing Committee comprises representatives from diverse institutions, including various ministries, the Office of the Attorney General and Department of Justice, Kenya National Commission on Human Rights, three civil society organizations, representatives of persons with disabilities, women, and indigenous persons, key private sector actors, the Law Society</p>	<p>Such commitments provide another avenue for state accountability in addressing pre-existing gaps in gender streamlining across government operations which is a positive step.</p>



		of Kenya, National Council on Administration of Justice, National Council for Children Services, National Gender and Equality Commission, Federation of Kenyan Employers, NEMA, and Central Organization of Trade Unions (COTU).	
<b>Access to Information on Procurement Opportunities</b>			
<b>The Kenya e-Government Strategy, 2004</b>	The Strategy set the path for the digitization of government services and operations. In enhancing communications with businesses, the government undertook to establish an e-procurement platform. Some of such platforms include MyGov under the Ministry of ICT, Innovation and Youth Affairs-Directorate of Public Communication where government opportunities are published	Ministry of ICT, All government agencies (National and County)	In a digital world, it is important to ensure that information on government opportunities is availed through various media mechanisms beyond the traditional methods of newspapers, mainstream media, and notice boards-whose reach is very limited. Wide publication of the information is also important in enhancing government transparency.
<b>Executive Order No.2 of 2018</b>	In 2018, the President, while acknowledging the need to enhance equality, non-discrimination, and access to public procurement opportunities for special interest groups including women-directed that all public procuring entities should publicize information relating to tenders through their websites, e-citizen, public notice boards, the Public Procurement Regulatory Authority platforms and/or official government publications.	Public Procurement Regulatory Authority  Public entities	

### Access To Important Amenities, Lighting, Workspaces, Water and Sanitation Facilities

<p><b>Constitution of Kenya, 2010</b></p>	<p>Under the Fourth Schedule, the County governments are responsible for key amenities including street lighting, trade development, and regulation which include markets, water and sanitation services.</p>	<p>County governments</p>	<p>Noting that most women entrepreneurs are in the informal economy, publicly accessible amenities are important in providing the needed support as they go about their work. Market spaces with all these facilities should be a mandatory obligation of all counties. The Counties would also thus be responsible for guaranteeing health and safety in these spaces.</p>
<h3>Maternity Leave /Parental Leave and Child Care Facilities</h3>			
		<p>Labour Department</p>	<p>The provisions of the Employment Act apply to employers. Under Kenyan law, maternity leave benefits are paid by employers and there is no public fund or social protection fund set aside for this particular purpose.</p> <p>As a result, a woman entrepreneur cannot afford to be absent for a substantial amount of time because it would mean a loss of income and most likely set them back in growing their business. Since there are no social protection mechanisms to ensure the women can still have steady income if they proceeded on maternity leave, the individual is put in a position where they must choose between their business and the need to care for their child or find a mechanism to balance both.</p> <p>Consequently, a system of child care facilities that serve women entrepreneurs would be greatly beneficial.</p>

### Breastfeeding Facilities

		Ministry Of Health	The Health Act, of 2017 and the subsequent Guidelines for Securing a Breastfeeding Friendly Environment at the Workplace, 2018 are focused on employment in formal spaces. There is thus a need for compulsory requirements on the government (national and county) to ensure that the facilities are available in public places. For a start, these facilities should be in place in markets and other business areas where there are many women entrepreneurs.
--	--	--------------------	--

### Sexual Harassment

<b>Sexual Offences Act, 2006</b>	The definition of sexual harassment under Section 23 of the Sexual Offences Act, covers all forms of sexual harassment as long they are the actions of a person in authority.	Police  Courts	The existence of this offence in law provides a remedy for women in different situations where there is offensive behaviour in their interactions with other people.
----------------------------------	---	----------------------	--

### **6.3.1 Conclusions Post-Access Participation of Women in Entrepreneurship in Kenya**

From the above analysis, efforts to expand opportunities for women are commendable. However, the protection of the welfare of women in entrepreneurship is not as elaborate as in employment. Women in entrepreneurship face significant challenges in balancing their economic pursuits and family obligations. For instance, it is difficult for a woman entrepreneur to go on maternity leave unless their business is big and profitable enough to allow them to have other employees take over when she is away. Consequently, initiatives such as a system of childcare facilities that serve women entrepreneurs would be greatly beneficial.

Efforts by the government to set aside government contracts for women through the Access to Government Procurement Opportunities (AGPO) Program are commendable. However, the same must be implemented openly and transparently to curb corrupt practices and ensure that women are the actual beneficiaries and that the reserved tenders are valuable and not just tokenistic. For example, reserving only low-value tenders for AGPO is problematic. According to the most recent Economic Survey by KNBS (2022), the percentage of the tenders awarded by public procurement entities to women in terms of value has over the last five financial years remained below 9%. The AGPO utilization rate for the vulnerable groups which combines the percentage of tenders awarded to the three groups (women, youth, PWDs) only amounted to 16.96% and is further expected to drop to 16.41% in the 2021/2022 year based on the projections in the economic survey. In addition, despite the 30% reservation on all government contracts, the uptake by women, youth, and persons with disabilities (PWDs) has never exceeded 17% since the establishment of the program. Consequently, the future of interventions and the impact of programs such as AGPO should be evaluated against the evidence and adjustments made with the input of stakeholders including the intended beneficiaries.

### **6.4 Policies, Laws, and the Administrative Frameworks Governing Upward Mobility and Rise of Women in Kenya towards Leadership in Entrepreneurship**

The elements that are relevant in this section include consistent growth and expansion of business leading to the elevated status, profile, recognition, and awards of a woman entrepreneur in her respective sector and sphere of operation; enhanced innovation and creativity in the execution of her business leading to recognition and award; selection or appointment process for appointment to leadership positions in the respective local, county and national business organizations; leadership training and support.

As highlighted above the two-thirds gender rule as enunciated under Article 27 of the Constitution of Kenya, has set the tone for practices in both the public and the private sector. Thus, even in entrepreneurship, most business organizations aspire to these standards and they are reflected in initiatives such as the Private Sector Gender Mainstreaming Policy by KEPSA and the 30% Club Initiative.

The interventions discussed above (under post access stage), aimed at supporting more women to succeed in their entrepreneurship journey should lead to more women leaders in entrepreneurship. However, there is also a need to ensure adequate representation of women in decision-making platforms to ensure that they can advocate for issues affecting them. Mentorship and networking programs should also be put in place as part of government initiatives and/or on a sectoral basis to facilitate peer-to-peer learning.

### 6.5 Best Practice Regarding Policies, Laws and Administrative Frameworks for Emulation by Kenya towards Promotion of the Cause of Women in Entrepreneurship in Kenya

The Table below contains examples of best practices from around the world which if emulated can greatly promote and enhance the experience of women in entrepreneurship in Kenya. Certainly, the examples highlighted below are not exhaustive but rather have been curated to correspond with the issues that this section has emphasized.

*Table 6.5: Best Practice Regarding Policies, Laws and Administrative Frameworks for Emulation by Kenya towards Promotion of the Cause of Women in Entrepreneurship in Kenya*

Issue	Country	Details of Best Practice
<b>Pre-access preparation of women for entrepreneurship</b>		
<b>Funding initiatives to get women onto the platform of entrepreneurship</b>	<b>Australia</b>	<p>In recognition of the important role played by women entrepreneurs in the economy of the Country, through the generation of revenue and plenty of employment opportunities, the Australian Government provides deliberate encouragement to business women to facilitate their entrepreneurial objectives.</p> <p>In this regard, women can take advantage of several funding incentives initiated by the federal and state governments either to set up or to expand their businesses.</p> <p>For instance, the Boosting Female Founders Initiative provides funding incentives to female start-up owners to enable them to break into newer markets around the country as well as international markets. Under this scheme, women are able to surmount the major hurdle of obtaining the finance required for the growth and expansion of their start-ups. Female-owned start-ups are able to receive grants of \$25,000 - \$480,000 to take their business to national or international markets (Grants Assist, 2022).</p>
	<b>India</b>	<p>The Government of India and actors within the non-state arena have the following facilities to get women onto the entrepreneurship ladder:</p> <ol style="list-style-type: none"> <li>i. Bharathiya Mahila Bank Business Loan which is meant to assist women who lack resources to start businesses. In particular, women who want to set up manufacturing businesses can borrow loans of up to</li> </ol>

		<p>INR 20 Crores. However, if the loan one is seeking is less than one Crore the borrower need not provide collateral.</p> <ul style="list-style-type: none"> <li>ii. Mudra Yojana Scheme, although not for women exclusively, is availed to women who wish to start or expand small businesses of their own. One can get a loan of between INR 50000 to INR 10 lakh. It has proved beneficial to businesses such as beauty salons, small shops and home-based businesses. More importantly one does not need any collateral or a guarantor to access this loan which is popular for its ease of access and is administered by any leading banks.</li> <li>iii. Dena Shakti Scheme – this is a scheme that provides women entrepreneurs in certain sectors with loans including Agricultural businesses; Education; Micro-credit organizations; Retail stores; Housing and Manufacturing sector. The amount of money one can apply for depends on the sector one intends to get involved in although the maximum loan limit is RS. 20 Lakhs with an interest rate of 0.25% below that of the base rate.</li> <li>iv. Udyogini Scheme – this scheme specifically targets women from economically struggling backgrounds who come from indigent families that have an income of below Rs. 1.5 Lakhs per annum. Women in this category whether widowed, destitute or disabled can access a loan of up to Rs. 3 Lakhs per annum at a low-interest rate to start small businesses (K, Nivetha, 2021).</li> </ul>
<b>Participation post- access to entrepreneurship</b>		
<p><b>Government Boosting Women's Businesses;</b></p>	<p><b>Malaysia</b></p>	<p>The Malaysian government, through the People and Economic Strategic Empowerment Programme (Pemerksa) stimulus package, is actively supporting women entrepreneurs, including single mothers, by providing opportunities for retraining and skill development. The Pemerksa-Nita Micro-Credit Scheme, managed by Bank Simpanan Nasional, allocates a seed fund of RM50 million to encourage female entrepreneurs to enter the business world.</p> <p>The program offers favorable terms, including an annual interest rate of 3%, a repayment period of five and a half years, and a six-month moratorium. Additionally, the Social Security Organisation (SOCSO) self-employment scheme, supported by a seed fund of RM10 million, provides a 70% matching grant for female entrepreneurs and self-employed women. This initiative is particularly beneficial for women engaged in caregiving services.</p> <p>Furthermore, the SME e-commerce campaign and Shop</p>

		Malaysia Online, backed by a seed fund of RM30 million, aim to collaborate with e-commerce platforms to empower female entrepreneurs and facilitate their transition to online marketplaces (Chen, Grace, and Chan, Jade, 2021).
<b>Upward mobility and rise of women towards leadership in entrepreneurship.</b>		
<b>Handholding and mentorship of Women towards success and leadership</b>	<b>India</b>	Women Entrepreneurship Platform (WEP) is a government initiative started through NITI Aayog that brings women entrepreneurs together under the Women Entrepreneurship Platform (WEP) alongside sponsors who are willing to support them. Through WEP women entrepreneurs are able to access services such as incubation and acceleration programs for start-ups; skills training, mentorship on entrepreneurship and leadership, help in marketing; funding and financial assistance; and support with regard to ensuring compliance with laws and regulations (K, Nivetha, 2021).

## 6.6 Overall Conclusions

### **6.6.1 Utility of the Framework of Policies and Law in advancing the Cause of Women in Employment and Entrepreneurship in Kenya;**

From the foregoing review, issues pertaining to women in employment and entrepreneurship are buttressed by a rich legal and Policy framework. The Constitution of Kenya stands out for its clear highlighting of women and anchoring affirmative action measures and interventions. It provides direction regarding the nature of the legal and policy framework that must be established in Kenya. Article 10 of the Constitution outlines our National Values and Principles of Governance, mandating all State organs, State officers, and public officers to consider its provisions whenever they apply, interpret, or enact the Constitution, any law, or implement public policy decisions. Additionally, Article 27, focusing on Equality and non-discrimination, serves as a crucial foundation for fostering changes in practice and mindset, particularly through affirmative action obligations placed on both the State and all individuals to ensure gender equality and the realization of the two-thirds gender rule.

For this reason, the legal and policy framework after the promulgation of the Constitution, 2010 has been quite responsive to providing enablement to the issues of women including those about employment and entrepreneurship. However, when looked at against most of the data in Chapters 3 and 4, the laws and policies have not been sufficiently implemented.

### **6.6.2 The Robustness of the Institutional and Administrative Framework for advancing and supporting the cause of Women in Employment and Entrepreneurship;**

From the analysis above, there are quite comprehensive legal and policy frameworks that are specifically aimed at addressing gender gaps in employment and entrepreneurship. There also exists well-developed and active government machinery available to implement government policy, programs, and state laws regarding



women in employment and entrepreneurship. However, the data available from Chapters 2 and 3 mean there are still significant gaps in implementation. There are also many gaps in fully addressing the welfare of women in the entrepreneurship space.

### ***6.6.3 The Role of the Judiciary as a Vanguard in the Protection and Empowerment of Women in Employment and Entrepreneurship.***

Evidently, the jurisprudence emerging from the judiciary has been quite progressive in enhancing the rights and protections of women, especially in matters of employment at the three levels of pre-entry, post-participation, and during their quest for upward mobility toward leadership. There have hardly been any cases touching specifically on the issues of women in entrepreneurship.

### ***6.6.4 Barriers to the Utility of Policies and Laws in advancing the Cause of Women in Employment and Entrepreneurship;***

As observed, while Kenya has clearly adopted comprehensive legal frameworks that provide a good basis for the inclusion and participation of women in the employment and entrepreneurship space, it is clear that factors such as negative cultural gender norms and attitudes that have historically preferred the advancement of men over women continue to prevail in Kenyan society and prevent the full actualisation by women of the advantages offered by the prevailing government and county government policies and laws. There are also issues around the natural roles of women particularly those connected to their reproductive and family roles that have clearly emerged as barriers to their advancement. There is thus a need to enhance the interventions aimed at supporting and empowering women in balancing their social and economic roles.

### ***6.6.5 Lessons from a Comparative Analysis of Kenya and Other Jurisdictions.***

Kenya, like other countries, has done much to promote women at entry, post-entry, and upward mobility towards leadership levels in both the employment and entrepreneurship arenas. However, other countries appear to have a more realistic assessment of where women are concerning their needs in entrepreneurship and hence there is a need to roll out more strategic products that are calibrated appropriately to cater for women.

## **6.7 Overall Recommendations**

- (i) Undertake a comprehensive impact assessment of the extent of the enablement of policies and laws in the advancement of the cause of women in Employment and Entrepreneurship and create action points based on the findings; the study should also evaluate the extent to which women have utilized the courts to enforce the laws and policies through a closer evaluation of the cases filed.
- (ii) Strengthen the institutional and administrative organs that work towards delivering gains for women in employment and entrepreneurship, including

through increased partnership with the private sector to monitor and ensure compliance on their part.

- (iii) Develop tailor-made information, education, and communication materials for use by women in employment and entrepreneurship that will enhance the ability of women to take advantage of the enablement in relevant policies and laws.
- (iv) Develop precise programs and strategies that address and target the barriers existent in the entry, participation, and upward mobility towards leadership phases of women in employment and entrepreneurship in Kenya.
- (v) Implement the benefits arising from the lessons learned from other jurisdictions to the maximum extent possible.

## CHAPTER SEVEN: SUMMARY, CONCLUSION AND RECOMMENDATIONS

*Dr. Samwel Wakibi*

### 7.1 Introduction

This chapter provides a summary and conclusion of the study regarding women's participation in the labor force. It also offers programmatic and policy recommendations aimed at enhancing the status of women in the labor force in Kenya.

### 7.2 Women in employment in Kenya

#### 7.2.1 Summary and conclusion

The study found gender gaps in labour force participation rate, status in employment, employment by sector; hours worked, and employment by occupation in favour of men. Variations were also found in participation in the informal economy, unemployment, and time-related underemployment.

The disparity in labour force participation rates widened in 2020 compared to 2019, largely due to the impact of the COVID-19 pandemic. Studies, including one by KNBS (2020), have highlighted similar trends, indicating that market disruptions disproportionately affect women compared to men. This effect on women can be attributed to their higher likelihood of (i) taking on caregiver or unpaid work roles, and (ii) being overrepresented in industries hit hardest by the pandemic, such as retail, travel, leisure, and hospitality.

Regarding the age groups, the participation rate of women in the older age cohorts was higher than in the younger/ prime working-age cohort. Over time, women are also able to obtain higher levels of education and qualifications. This may increase their participation rates hence the older cohorts have a higher participation rate than the younger age cohorts.

As relates to underemployment, it's higher among women than among men. A large proportion of women than men worked in the bands of less than 15hrs, 15 to 24hrs, 25 to 29hrs, 30 to 34hrs, and 35 to 39 hrs per week both in 2019 and 2020. As the number of working hours increased, the percentage of women in these bands significantly decreased and hence men were predominantly working longer hours than women.

With regards to sectors, a higher proportion of women work in agriculture, forestry and fishing compared to men. A higher proportion of men work in the manufacturing, mining and quarrying sector compared to women.

Regarding occupation, the majority of women are typically employed in service occupations, as well as roles in retail, such as shop and market sales workers.. When agricultural employment is not factored into informal employment, then men predominantly occupy the sector as compared to women.

### **7.2.2 Recommendations**

- (i) Implement fully existing legal and policy frameworks to address gender gaps and empower women on their rights to ensure they advocate for change in their spaces and enforce their own rights.
- (ii) Implement measures such as lactation rooms and daycare for women to balance family and work. It will encourage women to work even in the untapped and underutilized sectors such as mining and quarrying.
- (iii) Formulate policies to make young women more employable by making training institutions more gender-aware and positively concerned with women's issues thus increasing opportunities for them.
- (iv) Promote greater participation of women in industries such as mining and quarrying, which are currently untapped and underutilized.

## **7.3 Women in entrepreneurship**

### **7.3.1 Summary and conclusion**

Women's participation in entrepreneurship in Kenya is about 50%. However, their business ownership is about a quarter compared to half for men. The other quarter of businesses is owned by mixed gender.

Women self-select into traditionally female sectors such as the hospitality industry. They operate on a smaller scale and have lesser growth potential and are prone to industry shocks. The COVID-19 pandemic for example affected women-owned enterprises more compared to men-owned to the extent that some were less likely to recover.

Female-owned businesses are more likely to experience the following challenges: low registration and visibility, low uptake of credit schemes, and low uptake of training (entrepreneurship development programs) compared to male-owned businesses. Some datasets on entrepreneurship also lack gender variables for the purpose of disaggregated data.

Female-owned businesses also face significant financial challenges that limit their ability to expand. They have less access to financial resources, which restricts their ability to grow and participate fully in the economy. Female owners also have low levels of education and lack entrepreneurial skills including managerial, accounting, and business expertise, all of which are crucial for a company's success.

The majority of female business owners are found to have a small number of networks and contacts compared to males. They thus function in isolation and pass up chances to acquire knowledge, gain from informal learning and capacity-building activities, and create new relationships.

### **7.3.2 Recommendation**

Women entrepreneurs are disadvantaged on many fronts because of 'women issues' most of which are not amenable – most women cannot therefore compete at the

same levels with men if business rules remain the same. New business rules which are pro-women or gender-neutral need to be negotiated for fair competition to happen.

Institutions that promote women's entrepreneurship in Kenya should come up with new rules for the entrepreneurship ecosystem which factor women's issues; create entrepreneurs who are women by negotiating new boundaries in terms of women's roles, expectations from them, the way they can access credit, link with markets and business networks.

## **7.4 Policy, Legal, Administrative framework and Imperatives regarding Women in Employment and Entrepreneurship in Kenya**

### **7.4.1 Summary and conclusion**

There are comprehensive legal and policy frameworks in the Kenya labour market to address gender gaps in employment and entrepreneurship. However, the gaps in employment persist meaning that the interventions are inadequate or not well implemented. There are also gaps in addressing fully the welfare of women in the entrepreneurship space.

### **7.4.2 Recommendations**

- (i) Strengthen implementation of the legal and policy frameworks to address gender gaps and empower women on their rights to ensure they advocate for change in their spaces and enforce their own rights.
- (ii) Implement measures such as daycare for women to balance family and work. This will encourage more women to work even in the untapped and underutilized sectors such as mining and quarrying.
- (iii) Mentorship, networking programs, peer-to-peer learning, and business incubation interventions to provide necessary business skills/training, regulatory requirements and knowledge to women in order to navigate the difficult terrain of business growth and competitiveness.
- (iv) Additional regulations for the entrepreneurship ecosystem factor in women's issues; create entrepreneurs who are women by negotiating new boundaries in terms of women's roles, expectations from them, the way they can access credit, and link with markets and business networks.
- (v) The government provides amenities such as clean toilets with sanitary facilities, running water, waste disposal, security, lighting, road infrastructure and safe spaces to carry out business.
- (vi) It is also recommended that future studies should collect gender as basic/demographic data to allow cross-tabulation (analysis) of any phenomenon by gender.
- (vii) Despite existing interventions, the gender gap in the workforce has persisted. Further research is therefore recommended to determine the adequacy of

these interventions in addressing the root cause of the gender gaps in the labour force.

## **7.5 Data Gaps**

This study assessed available data sources for completeness and adequacy in providing gender statistics in the labour force.

### **7.5.1 Findings**

- (i) The Kenya Continuous Household Survey Program (KCHSP) is the national survey that collects data on employment but it is not exhaustive.
- (ii) KCHSP does not collect data on occupation, assets ownership, and non-economic activities such as childcare which are relevant in assessing women's participation in employment and family role compatibility.
- (iii) National data on Micro, Small and Medium Enterprises (MSMEs) is limited. The only MSMEs survey was conducted in 2016 and did not include the informal economy where most women work.
- (iv) The small-scale studies on entrepreneurship found did not include gender variables for the purpose of disaggregating data by sex. For example to analyse participation in export operations, trade shows and government procurement by gender.

### **7.5.2 Recommendations**

- (i) The KNBS; the government agency responsible for collecting national data should conduct Micro, Small and Medium Enterprises (MSMEs) surveys regularly, and include the informal sector.
- (ii) Future studies should collect gender as basic/demographic data to allow cross-tabulation (analysis) of any phenomenon by gender.
- (iii) Kenya Continuous Household Survey Program (KCHSP) survey by KNBS should collect data on assets ownership, occupation, and non-economic activities such as childcare that impact negatively women's participation in the labour force.

## REFERENCES

- Adoho, F., Chakravarty, T., Mattias, K., Tasneem, L. (2014). *The Impact of an Adolescent Girls Employment Program*, available at <https://documents1.worldbank.org/curated/en/610391468299085610/pdf/WPS6832.pdf> accessed 14th June 2022.
- AFDB. (2022). *African Women in Business Initiative*, available at <https://www.afdb.org/en/topics-and-sectors/initiatives-partnerships/african-women-in-business-initiative> accessed on 10th June 2022.
- Ahl, H. (2006). Why Research on Women Entrepreneurs Needs New Directions, *SAGE Journal*, Vol 30(5).
- Amsden (1980). *The Economics of Women and Work*. New York: Penguin Books.
- Atieno, R. (2006). *Female Participation in the Labour Market: The Case of the Informal Sector in Kenya*. Unpublished MBA Thesis, University of Nairobi.
- Backhaus, Andreas & Loichinger. (2022). Female Labour Force Participation in Sub-Saharan Africa: A Cohort Analysis. *Population and Development Review*. 10.1111/padr.12492.
- Bayanpourtehran and Sylwester, (2013). Female labour force participation and religion: A cross-country analysis, *Bulletin of Economic Research*, 65 (2) (2013), pp. 107-132.
- Bonnet, F., Vanek, J., & Chen, M. (2019, January 01). Women and Men in the Informal Employment. *Women in Informal Employment: Globalizing and Organizing*.
- Boserup, E. (1970). *Women's role in Economic Development*, UK: Earthscan.
- Bustelo, M., Flabbi, L., Viollaz, M. (2019). *The Gender Labour Market Gap in the Digital Economy*. Available at [https://www.researchgate.net/publication/336473915\\_The\\_Gender\\_Labour\\_Market\\_Gap\\_in\\_the\\_Digital\\_Economy](https://www.researchgate.net/publication/336473915_The_Gender_Labour_Market_Gap_in_the_Digital_Economy) accessed on 12th June 2022.
- Campos, Francisco Moraes Leitao; Coleman, Rachel Dawn; Conconi, Adriana; Donald, Aletheia Amalia; Gassier, Marine; Goldstein, Markus P.; Chavez, Zenaida L.; Mikulski, Joanna; Milazzo, Annamaria; Paryavi, Maliheh; Pierotti, Rachael Susan; O'Sullivan, Michael B.; Vaillant, Julia. *Profiting from Parity: Unlocking the Potential of Women's Businesses in Africa: Main Report (English)*. Washington, D.C.: World Bank Group. <http://documents.worldbank.org/curated/en/501971553025918098/Main-Report>
- Chen, G. Suqin, H (2018). Social norms and female labour force participation in urban China. *Journal of Comparative Economics*, 46 (4) (2018), pp. 966-987.
- Chiu, B (2019). *Stronger Together: How Female Entrepreneurs Thrive in Kenyan Slums*, Forbes, available at <https://www.forbes.com/sites/bonniechiu/2019/03/06/>



stronger-together-how-female-entrepreneurs-thrive-in-kenyan-slums/?sh=358dc0ff3d5d accessed on 10<sup>th</sup> June 2022.

- Coduras, A., Autio, E. (2013). Comparing subjective and objective indicators to describe the national entrepreneurial context: The Global Entrepreneurship Monitor and the Global Competitiveness Index contributions. *Investigaciones Regionales*. 47-74.
- Dildar, Y. (2015). Patriarchal norms, religion, and female labour supply: Evidence from Turkey. *World Development*, 76, pp. 40-61.
- Delavelle, F. (2021). *Female Entrepreneurship, key ingredient for Africa's Growth* available at <https://ideas4development.org/en/ffemale-entrepreneurship-key-ingredient-africa-growth/#:~:text=In%20fact%2C%20women%20in%20Africa,34%20%25%20less%20on%20average>) accessed on 10<sup>th</sup> June 2022.
- Dooley D, Prause J: *The Social Costs of Underemployment*. 2004, United Kingdom, Cambridge University Press.
- Erten, B., Metzger, M. (2019). The real exchange rate, structural change, and female labour force participation, *World Development*, 117, pp. 296-312.
- European Parliament, (2020). *Recent trends in female employment* available at [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/659307/EPRS\\_BRI\(2020\)659307\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/659307/EPRS_BRI(2020)659307_EN.pdf) accessed 13<sup>th</sup> June 2022.
- Evandrou & Glaser, 2. (2003). Combining work and Family life. *Aging & Society*, 583-601.
- European Trade Union Institute, (2008). [https://www.etui.org/topics/labour-market-employment-social-policy/job-quality-index-jqi#:~:text=The%20job%20quality%20index%20\(JQI,different%20aspects%20of%20job%20quality](https://www.etui.org/topics/labour-market-employment-social-policy/job-quality-index-jqi#:~:text=The%20job%20quality%20index%20(JQI,different%20aspects%20of%20job%20quality).
- Fabrizio, S., Malta, V., Tavares, M. (2020). *COVID-19: A backward step for gender equality* available at [gvclear.org/site/wp-content/uploads/covid-19\\_a-backward-step-for-gender-equality--vox-cepr-policy-portal.pdf](https://gvclear.org/site/wp-content/uploads/covid-19_a-backward-step-for-gender-equality--vox-cepr-policy-portal.pdf) accessed on 12<sup>th</sup> June 2022.
- Feinleib, D. (2012). *Why Startups Fail: And How Yours Can Succeed*. New York: Apress.
- Gail Braybon, 1989. *Women Workers in the First World War*. [https://www.striking-women.org/module/women-and-work/world-war-i-1914-1918#:~:text=Women's%20employment%20rates%20increased%20during,1918%20\(Braybon%201989%2C%20p](https://www.striking-women.org/module/women-and-work/world-war-i-1914-1918#:~:text=Women's%20employment%20rates%20increased%20during,1918%20(Braybon%201989%2C%20p). Accessed on 9-May-2022.
- Gilad, B., & Levine, P. (1986). A behavioral model of entrepreneurial supply. *Journal of Small Business Management*, 4, 45–53
- Gawel, A (2010). "The Relationship between Entrepreneurship and Unemployment in the Business Cycle", *Journal of International Studies*, Vol. 3, No 1, 2010, pp. 59-69.

- Göksel, I. (2013). *Female labour force participation in Turkey: The role of conservatism*. *Women's Studies International Forum*, 41, pp. 45-54.
- Gulati, N., Farzana A Oriana B. (2019). *Making the workplace work for women*. International Growth Centre.
- Guzman, G., Kacperczyk, A. (2019). Gender gap in entrepreneurship, *Research Policy*, Volume 48 (7) pp1666-1680.
- He, C., Zhu, S. (2016). *Industrial Linkage*, New, York: John Wiley and Sons.
- Hessels, J., van Gelderen, M., & Thurik, R. (2008). Entrepreneurial motivations, aspirations and their drivers. *Small Business Economics*, 31 (3), 323–339
- ILO, (2022). <https://www.weforum.org/reports/global-gender-gap-report-2022/digest>
- ILO. (2013). International standards; 19th ICLS, 2013
- ILO. (2013a). *Empowering women Working in the Informal Economy*.
- ILO (2015). Key Indicators of the Labour Market (KILM) 2015 Ninth edition
- ILO. (2016). *Women at Work Trends*. Geneva: International Labour Organisation.
- ILO. (2016). *Women at work, Trends*.
- ILO, (2017). The ILO- Gallup Report. Towards a better future for women and work: Voices of women and men
- International Labour Office. (1995). *GLOBALIZATION AND INFORMAL JOBS IN DEVELOPING COUNTRIES*. Switzerland: ILO.
- ILO, (2017). *Addressing Informal Women Entrepreneurs in East Africa: Approaches to Greater Formality*.
- ILO, (2016). Addressing Gender Gaps in Africa's Labour Market, available at [https://www.ilo.org/africa/media-centre/pr/WCMS\\_458102/lang--en/index.htm](https://www.ilo.org/africa/media-centre/pr/WCMS_458102/lang--en/index.htm) accessed on 10th June 2022.
- ILO (2015). *Enhancing women's entrepreneurship in Kenya: Initial qualitative assessment of the ILO's GET Ahead business training programme*, ILO, Employment Working Paper No. 188.
- ILO, (2002). Resolution and conclusions concerning decent work and the informal economy
- ILO, (2004). *Global Employment Trends for Women 2004*, available at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_elm/---trends/documents/publication/wcms\\_114289.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_elm/---trends/documents/publication/wcms_114289.pdf) accessed on 12th June 2022.
- Islam, N., & Ahmed, R. (2016). *Factors Influencing the Development of Women Entrepreneurship in Bangladesh*. Bangladesh.

- IZA World of Labour (2018). *Female labour force participation and development*, available at <https://www.econstor.eu/bitstream/10419/193419/1/iza-wol-087v2.pdf> accessed on 12<sup>th</sup> June 2022.
- Jackson, T. (2017). *African female entrepreneurship rates highest in world*, available at <https://disrupt-africa.com/2017/09/08/african-female-entrepreneurship-rates-highest-in-world/> accessed on 12<sup>th</sup> June 2022.
- Khan, Zahid and Akhtar (2014). *Understanding Employment Situation of Women: A District Level Analysis*, *International Journal of Gender and Women's Studies*, Vol. 2, No. 2, pp. 167-175. Kenya National Bureau of Statistics (2019). Kenya National Economic Survey report of 2019.
- Kenya National Bureau of Statistics (KNBS, 2020): Survey Report on Socio Economic Impact of COVID-19 on Households
- Klasen, S., Janneke, P., & Silva, M. S. (2017). What Explains Uneven Female Labour Force Participation Levels and Trends in Developing Countries? *Economic Policy Report*, 417-442.
- Klasen, S. (2019). What Explains Uneven Female Labour Force Participation Levels and Trends in Developing Countries? *The World Bank Research Observer*, Vol 34(2), pp161-197.
- Koellinger, Minniti, Maria & Schade, Christian. (2011). *Gender Differences in Entrepreneurial Propensity*. *Oxford Bulletin of Economics and Statistics - OXFORD BULL ECON STAT*. 75. 1-39. 10.1111/j.1468-0084.2011.00689.
- Lavy, V., Zablotsky, A. (2015). Women's schooling and fertility under low female labour force participation: Evidence from mobility restrictions in Israel, *Journal of Public Economics*, 124 (2015), pp. 105-121.
- Leach, L.S., Butterworth, P., Strazdins, L. et al. The limitations of employment as a tool for social inclusion. *BMC Public Health* **10**, 621 (2010). <https://doi.org/10.1186/1471-2458-10-621>.
- Lim, L.L (2001). *Female Labour Force Participation*, available at <http://citeseerx.ist.psu.edu/viewdoc/summary?doi=10.1.1.414.1457> accessed on 10<sup>th</sup> June 2022.
- Maria, C.G., Hernández-Sánchez, R., Sánchez-García, J.C. (2020). Women Entrepreneurship: A Systematic Review to Outline the Boundaries of Scientific Literature, *Frontiers in Psychology*, Vol 11.
- Melissa Moyser (2019). Measuring and Analyzing the Gender Pay Gap: A Conceptual and Methodological Overview. <https://www150.statcan.gc.ca/n1/pub/45-20-0002/452000022019001-eng.htm>.
- Mercer (2020). Let's get real about equality: When Women Thrive 2020 global report.

- Mincer, J. (1958). Investment In Human Capital and the Personal Income Distribution, *Journal of Political Economy*, 66:281-302.
- Mincer, J. (1974). *Schooling, Experience, and Earnings*, New York: Columbia University Press for the National Bureau of Economic Research).
- Mincer, J. (1970). The Distribution of Labour Incomes: A Survey, *Journal of Economic Literature*, 8(1): 1-26.
- Ministry of Public service and gender, 2019. <https://gender.go.ke/wp-content/uploads/2021/04/Women-Economic-Empowerment-Strategy-2020-2025-REVISED-10th-march.pdf>.
- Moghadam, (1998) *Feminism and Development*, Wiley online Library, Vol 10(3) pp590-597.
- Mulugeta, G., & Tajani, F. (2021). The role and determinants of women labour force participation for household poverty reduction. *Cogent Economics & Finance*.
- Ntuli, M. (2004). *Determinants of South African Women's Labour Force Participation*, 1995-2004. Discussion Paper No. 3119. Cape Town: University of Cape Town Press and IZA.
- OECD (2021). *The Missing Entrepreneurs 2021: Policies for Inclusive Entrepreneurship and Self-Employment*, Available at <https://www.oecd-ilibrary.org/sites/07d6d841-en/index.html?itemId=/content/component/07d6d841-en> accessed on 10th June 2022.
- OECD, (2001). *Employment Outlook - The Characteristics and Quality of Service Sector Jobs*).
- Pimkina, S., De la Flor, L.(2020). *Promoting Female Labour Force Participation*. Jobs Working Paper; No. 56. World Bank, Washington, DC.
- Priyanka, S. (2020). Do female politicians matter for female labour market outcomes? Evidence from state legislative elections in India *Labour Economics*, 64.
- Republic of Kenya (1965): Sessional Paper No. 10 of 1965 on African Socialism and its Application to Planning in Kenya.
- Robert Malit, 7 public sources of funding for Kenyan entrepreneurs, (Feb 2016) <http://www.herbusiness.co.ke/public-sources-of-funding-for-kenyan-entrepreneurs/>
- Setterfield, M. (2021) *Whatever Happened to the 'Goodwin Pattern'? Profit Squeeze Dynamics in the Modern American Labour Market*, *Review of Political Economy*, 10.1080/09538259.2021.1921357.
- Sohnesen , T. P., & Fox, L. (2012). *Household Enterprises in Sub-Saharan Africa*. Africa Region: The World Bank.

- Sorsa, P., Mares, J., Didier, M., Guimaraes, C., Rabate, M., Tang, G., & Tuske, A. (2015). DETERMINANTS OF THE LOW FEMALE LABOUR FORCE PARTICIPATION IN INDIA. *ECONOMICS DEPARTMENT WORKING PAPERS No. 1207*.
- Statista (2022). *Labour force participation rate in Sub-Saharan Africa as of 2021, by gender* available at <https://www.statista.com/statistics/1286366/labour-participation-rate-in-sub-saharan-africa-by-gender/> accessed on 10<sup>th</sup> June 2022.
- Stephan. K., Pieters, J. (2015). \_What Explains the Stagnation of Female Labour Force Participation in Urban India? *The World Bank Economic Review*, Vol 29(3) pp 449-478.
- Stichter, Sharon B. (1977) *Women and the labour force in Kenya, 1895-1964*. Discussion Paper 258, Nairobi: Institute for Development Studies, University of Nairobi.
- Suda, C. (2002). Gender Disparities in the Kenyan Labour Market: Implications for Poverty Reduction, *Nordic Journal of African Studies* 11(3): 301-321.
- Svetlana, Pimkina; De La flor; , Luciana;. (2020). *Promoting Female Labour Force Participation*. Wasington DC.: World Bank.
- Thaddeus, K.J., Bih, D., Nebong, N.M., Ngong, C.A., Mongo, E.A., Akume, A.D. and Onwumere, J.U.J. (2022). Female labour force participation rate and economic growth in sub-Saharan Africa: a liability or an asset, *Journal of Business and Socio-economic Development*, Vol. 2 No. 1, pp. 34-48.
- Thurik, A. R., Carree, M. A., Van Stel, A. J., & Audretsch, D. B. (2008). Does self-employment reduce unemployment? *Journal of Business Venturing*, 23, 673–686.
- Tzvetkova, S., & Ortiz, E. (2017). Our World by Data. *Working women: What determines female labour force participation?*
- UN Women. (2017). *Gender analysis of labour market outcomes in sub-Saharan Africa: Recent evidence from Cameroon and Mali*, available at <https://www.unwomen.org/en/digital-library/publications/2017/8/gender-analysis-of-labour-market-outcomes-in-sub-saharan-africa> accessed on 12<sup>th</sup> June 2022.
- UN Women. (2015-2016). *Progress of the world's women: Transforming economies, realizing rights*.
- UNECE, U. N. (2019). *Work-Life Balance, Gender Statistics*.
- United Nations Development Fund. (2005). Causes of Women Poverty. In Bellany, & Rake, *Causes of Women*.
- United Nations Economic Commision for Africa. (2017). *Women and Agriculture*. Senegal: United Nations.
- United Nations Women. (2015b). *Facts and Figures: Economic Empowerment*.

- UN women, 2020: An Assessment of the Gendered Effects of the Covid-19 Pandemic on Households. Accessed from: [https://kenya.unfpa.org/sites/default/files/pub-pdf/covid-19\\_gender\\_assessment\\_kenya\\_full\\_report.pdf](https://kenya.unfpa.org/sites/default/files/pub-pdf/covid-19_gender_assessment_kenya_full_report.pdf).
- UN (2000), *The World's Women 2000: Trends and Statistics*, UN Statistical Division, New York.
- UN DESA (2015). *Transforming our world: the 2030 Agenda for Sustainable Development A/RES/70/1*.
- Urbano, Pulido et al. (2014). Female entrepreneurial activity in Latin-America: A literature review within perspective of Institutional Theory. *Academia & Negocios*, Vol 5(2), pp. 9-28.
- US Bureau of Labour Statistics (2020). *Monthly Labour review*. Washington DC: United States Department of Labour. Available at <https://www.bls.gov/opub/mlr/2020/> accessed on 12<sup>th</sup> June 2022.
- Wangalwa Elayne, 2014: Kenya leads Africa's internet access and connectivity, (Sep 2014) <http://www.cnbc africa.com/news/east-africa/2014/09/09/kenya-leads-internet/>.
- WDI (2020). *Employment to Population Ratio- Kenya*. Available at <https://data.worldbank.org/indicator/SL.EMP.TOTL.SP.ZS?locations=KE> accessed on 20<sup>th</sup> May 2022.
- World Bank, (2020). *Gender Data Portal*. Available at <https://genderdata.worldbank.org/data-stories/flfp-data-story/> Accessed on 12<sup>th</sup> June 2022.
- World Bank. (2020). *Labour force participation rate, female (% of female population ages 15+) (modeled ILO estimate), world [Data set]*. The World Bank Databank.
- World Bank. (2007). *Monitoring report*. Washington: World Bank.
- World Bank. (2020). *Unemployed, Total Labour force*. World Bank Group.
- World Bank (2022). *Female labour force participation*. <https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS>. Accessed June 6, 2022
- World Economic Forum (2021). *Global Gender Gap Report 2021 Insight Report March 2021*. [https://www3.weforum.org/docs/WEF\\_GGGR\\_2021.pdf](https://www3.weforum.org/docs/WEF_GGGR_2021.pdf)
- Yeboah, T., Kumi, E., Ibrahim, M. (2022) *Female Labour Force Participation, Infrastructure, and Sectoral Value Additions in Sub-Saharan Africa.*, in The Palgrave Handbook of Africa's Economic Sectors, 2022, pp 867-894.
- Yellen J, (2017). *So We All Can Succeed: 125 Years of Women's Participation in the Economy*. At "125 Years of Women at Brown Conference," sponsored by Brown University, Providence, Rhode Island. <https://www.federalreserve.gov/newsevents/speech/yellen20170505a.htm>



- Zhike, L., Yang, R. (2018). Does women's participation in politics increase female labour participation? Evidence from panel data analysis, *Economics Letters*, 170, pp. 35-38.
- Bannai, A., & Tamakoshi, A. (2014). The Association between Long Working Hours and Health: A Systematic Review of Epidemiological Evidence. *Scandinavian Journal of Work, Environment, & Health*, 40, 5-18. doi:10.5271/sjweh.3388
- Barasa, P., Maloba, B., Mukuna, T. E., & Tesfaye, A. (2022). The Social-Economic Impact of COVID-19 on Young People in Kenya. Nairobi: OSSREA, Kenya.
- Becker, G. S. (1994). *Human Capital: A Theoretical and Empirical Analysis with Special Reference to Education* (Third ed.). Chicago: The University of Chicago Press.
- Ferrant, G., Pesando, L. M., & Nowacka, K. (2014). *Unpaid Care Work: The Missing Link in the Analysis of Gender Gaps in Labour Outcomes*. Paris: OECD Development Centre.
- González-Leonardo, M., López-Gay, A., Newsham, N., Recaño, V., & Rowe, F. (2022). Understanding Patterns of Internal Migration During the COVID-19 Pandemic in Spain. *Population, Space and Place*, 1-13. doi:10.1002/psp.2578
- Bonnet, F., Vanek, J., & Chen, M. (2019). *Women and men in the informal economy: A statistical brief*. International Labour Office, Geneva, 20.
- Budget Policy Statement (BPS) - state department for planning (2020) The National Treasury and Planning. Available at: <https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-Budget-Policy-Statement.pdf> (Accessed: January 12, 2023).
- Del Carpio, L., & Guadalupe, M. (2022). More women in tech? Evidence from a field experiment addressing social identity. *Management Science*, 68(5), 3196-3218.
- Economic Survey (2021) Economic survey 2021, Kenya National Bureau of Statistics. Available at: <https://www.knbs.or.ke/economic-survey-2022/> [Accessed: October 22, 2022]
- Garz, S., Giné, X., Karlan, D., Mazer, R., Sanford, C., & Zinman, J. (2021). Consumer protection for financial inclusion in low-and middle-income countries: Bridging regulator and academic perspectives. *Annual Review of Financial Economics*, 13, 219-246.
- ILO. (2007). *Tripartite Interregional Symposium on the Informal Economy: Enabling Transition to Formalization*. Geneva: International Labour Office.
- ILO. (2008). *Report II-Measurement of working time-18th International Conference of Labour Statisticians*, Geneva, 24 November to 5 December 2008. Geneva: International Labour Organization.



- ILO. (2015b). Employment in the Informal Economy. Geneva: International Labour Organization. Retrieved from [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms\\_422437.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms_422437.pdf)
- Kiriti-Ngang'a, T. (2017). Kenya Assessment of Access to Government Public Procurement Opportunities for Women, Youth and Persons with Disabilities.pdf. UN Women.
- Mburu, I. M., Mwangi, L. W., & Muathe, S. M. (2020). Credit Management Practices and Loan Performance: Empirical Evidence from Commercial Banks in Kenya. *International Journal of Current Aspects in Finance, Banking and Accounting*, 2(1), 51-63.
- Sachs, J. (2022). Alternative approaches to financial crises in emerging markets. *Brazilian Journal of Political Economy*, 16, 202-216.
- Yamane, S. (2021). Gender equality, paid and unpaid care and domestic work: Disadvantages of state-supported marketization of care and domestic work. *The Japanese Political Economy*, 47(1), 44-63.
- KNBS, (2016). Micro, Small and Medium Establishments (MSME survey Report). Nairobi: Government Printer
- Makhbul, Z. M. (2011). Entrepreneurial success: An exploratory study among entrepreneurs. *International Journal of Business and Management*, 6(1), 116–125
- Rosenbaum, G. O. (2017). Female entrepreneurial networks and foreign market entry. *Journal of Small Business and Enterprise Development*, 24(1), 119–135.
- Wangalwa Elayne, 2014: Kenya leads Africa's internet access and connectivity, (Sep 2014)  
<http://www.cnbcfrica.com/news/east-africa/2014/09/09/kenya-leads-internet/>.
- Suubi, K., Yegon, E., Ajema, C., Wandera, N., Afifu, C., & Mugenyi, C. (2022). Impact of COVID-19 on Women Workers in the Urban Informal Economy in Uganda and Kenya. *International Center for Research on Women*, 1-35.
- Graham, B., & Paul, C. (2010). Does higher education really lead to higher employability and wages in the RMI? US Census Bureau Report, 1-3. Retrieved: <http://www.pacificweb.org/DOCS/rmi/pdf/Education%20and%20wages.pdf>
- Guyen, M., Jain, H., Arulpragasam, J., & Sharif, I. (2020). Social Insurance for the Informal Sector Can be a Lifeline for Millions in Africa. *World Bank Blogs*. Retrieved from <https://blogs.worldbank.org/africacan/social-insurance-informal-sector-can-be-lifeline-millions-africa>
- Hijzen, A., & Martin, S. (2013). The Role of Short-Time Work Schemes during the Global Financial Crisis and Early Recovery: A Cross-Country Analysis. *IZA Journal of Labour Policy*, 1-35.
- ILO. (1993). Resolution Concerning the International Classification of Status in Employment. The Fifteenth International Conference of Labour Statisticians (pp.

- 1-7). Geneva: International Labour Office. Retrieved from <http://www.ilo.org/public/english/bureau/stat/download/res/icse.pdf>
- ILO. (1999). *Decent Work: Report of the Director-General, International Labour Conference, 87th Session*. Geneva: International Labour Organization.
- ILO. (2007). *Tripartite Interregional Symposium on the Informal Economy: Enabling Transition to Formalization*. Geneva: International Labour Office.
- ILO. (2008). *Report II-Measurement of working time-18th International Conference of Labour Statisticians, Geneva, 24 November to 5 December 2008*. Geneva: International Labour Organization.
- ILO. (2015b). *Employment in the Informal Economy*. Geneva: International Labour Organization. Retrieved from [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms\\_422437.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms_422437.pdf)
- Kamer, L. (2022a). *Kenya's Population by Highest Level of Education Completed 2019*. Nairobi: Statista. Retrieved from <https://www.statista.com/statistics/1237796/distribution-of-population-in-kenya-by-highest-level-of-education-completed/>
- Kamer, L. (2022b). *Primary School Enrollment in Kenya 2015-2020, by Gender*. Nairobi: Statista.
- Kamer, L. (2022c). *Secondary School Enrollment in Kenya 2015-2020, by Gender*. Nairobi: Statista. Retrieved from <https://www.statista.com/statistics/1136107/secondary-school-enrollment-in-kenya-by-gender/>
- Kamer, L. (2022d). *University Enrollment in Kenya 2016-2021, by Gender*. Nairobi: Statista. Retrieved from <https://www.statista.com/statistics/1135820/university-enrollment-in-kenya-by-gender/>
- Kee, R. C., Othman, W. N., Zainudin, Z. N., & Yusop, Y. M. (2020). Factors Affecting Women's Participation in Career: A Systematic Review. *International Journal of Academic Research in Business and Social Sciences*, 10, 509-521. <https://doi.org/10.6007/IJARBS/v10-i9/7829>
- KNBS. (2021b). *Statistical Abstract 2021*. Nairobi: Kenya National Bureau of Statistics.
- Lee, S., McCann, D., & Messenger, J. C. (2007). *Working Time around the World: Trends in Working Hours, Laws, and Policies in a Global Comparative Perspective*. Geneva: International Labour Office.
- Messenger, J. C. (2004). *Working Time and Workers' Preferences in Industrialized Countries: Finding the Balance* (1 ed.). London: Routledge. <https://doi.org/10.4324/9780203342473>
- OECD. (2013). *Does Upper Secondary Vocational Education and Training Improve the Prospects of Young Adults? Education Indicators in Focus*. Paris: OECD Publishing. doi:10.1787/5jzbb2st885l-en

- OECD. (2015). *Education at a Glance Interim Report: Update of Employment and Educational Attainment Indicators*. Paris: OECD Publishing.
- Ogawa, R., Seo, E., Maeno, T., Ito, M., Sanuki, M., & Maeno, T. (2018). The Relationship Between Long Working Hours and Depression Among First-Year Residents in Japan. *BMC Medical Education*, 18. <https://doi.org/10.1186/s12909-018-1171-9>
- Spurgeon, A. (2003). *Working Time: Its Impact on Safety and Health*. Geneva: ILO.
- Suubi, K., Yegon, E., Ajema, C., Wandera, N., Afifu, C., & Mugenyi, C. (2022). Impact of COVID-19 on Women Workers in the Urban Informal Economy in Uganda and Kenya. *International Center for Research on Women*, 1-35.
- United Nations. (1997). *Handbook for Producing National Statistical Reports on Women and Men: Social Statistics and Indicator Series K, No. 14, 217*. New York: United Nations Publication.
- Uwakwe, M. O. (2004). Factors Affecting Women's Participation In The Labour Force In Nigeria. *Journal of Agriculture and Social Research (JASR)*, 4, 43-53. doi:10.4314/jasr.v4i2.2815
- Vallo, N., & Mashau, P. (2020). The Impact of Working Hours on Employee Productivity Case Study of Sabertek Ltd, South Africa. *Academy of Entrepreneurship Journal*, 26.
- Bharthvajan, R. (2014), "Women entrepreneurs and problems of women entrepreneurs", *International Journal of Innovative Research in Science, Engineering and Technology*, Vol. 3 No. 9, pp. 16105-16110
- Carranza, E., Dhakal, C., & Love, I. (2018). *Female entrepreneurs: How and why are they different?* 1818 H Street NW, Washington, DC 20433, USA.
- Cruz, M., Kapil, N., Estevez, P.A.A., Haley, C., Lu, Z.C., & Arslan, C., (2022). *Starting Up Romania: Entrepreneurship Ecosystem Diagnostic*. Washington, D.C. The World Bank.
- Danga, M., Chongela, J., & Kaudunde, I., (2019). Factors affecting the performance of rural small and medium enterprises (SMEs) a case study of Tanzania. *International Journal of Academic Accounting, Finance & Management Research*, 3(5), 35–47.
- Garwe, D., & Fatoki, O., (2012). The Impact of Gender on SME Characteristics and Access to Debt Finance in South Africa. *Development Southern Africa* 29(3): 448-461.
- Gizaw, Y., Tsega, S., & Hailegiorgis, K., (2019). Assessment of the challenges and opportunities of women entrepreneurs in Sodo Town, Wolaita Zone, SNNPR. *Asian Journal of Economics, Business and Accounting*, 10(1), 1–8. <https://doi.org/10.9734/AJEB/2019/v10i130097>.

- Global Entrepreneurship Monitor (2019), Global Entrepreneurship Monitor: 2018-2019 Global Report, available at: <https://gemconsortium.org/report/50213> (accessed 4 March 2020).
- Hasan, F.S.M.A., & Almubarak, M.M.S., (2016). Factors influencing women entrepreneurs' performance in SMEs. *World Journal of Entrepreneurship, Management and Sustainable Development*, 12(2), 82–101.
- Heyward, C. (2022, February 2). Are Successful Entrepreneurs Born Or Made? *Forbes*. <https://www.forbes.com/sites/forbesbusinesscouncil/2022/02/02/are-successful-entrepreneurs-born-or-made/?sh=73bfe0374b4>
- Hundera, M.B., (2014). Micro and small scale enterprises (MSEs) development services in women's entrepreneurial start-ups in Ethiopia: A study conducted in three cities: Dire Dawa, Harar and Jijjiga. *Journal of Behavioral Economics, Finance, Entrepreneurship, Accounting and Transport*, 2(4), 77–88. <https://doi.org/10.12691/jbe-2-4-1>
- Ihugba, O.A. and Njoku, A.C. (2014), "Theoretical analysis of entrepreneurship challenges and prospects in Nigeria", *International Letters of Social and Humanistic Sciences*, Vol. 16, pp. 21-34
- International Center for Research on Women (2019), "Women entrepreneurs need more than capital what do women's businesses really need to grow and thrive?", available at: [www.icrw.org](http://www.icrw.org) (accessed 11 March 2020).
- Isenberg, D., (2010). The Big Idea – How to start an entrepreneurial revolution. *Harvard Business Review*, 88(6), 40-50.
- Kagume, J., (2022). Gender Parity in the Entrepreneurship Cycle in Kenya. ORF Observer Research Foundation.
- Kamunge, M.S., Njeru, A., & Tirimba, O.I., (2014). Factors affecting the performance of small and micro enterprises in Limuru Town Market of Kiambu County, Kenya. *International Journal of Scientific and Research Publications*, 4(12)
- Kamunyu, C. W., & Theuri, F. S. (2017). Factors Affecting Growth of Women Owned Small and Medium Enterprises in Kenya: A Survey of Women-Led SMEs in South Coast Ukunda. *International Journal of Social and Development Concerns*, 19 (3), 60-66.
- Kiraka, R.N., Kobia, M., & Katwalo, A.M., (2013). Micro, small and medium enterprise growth and innovation in Kenya: A case of the women enterprise fund. ICBE-RF Research Report No. 47/13, Dakar.
- Mehmood, T., Alzoubi, H. M., & Ahmed, G. (2019). Schumpeterian entrepreneurship theory: Evolution and relevance. *Academy of Entrepreneurship Journal*, 25(4).
- Meressa, H.A., (2020). Growth of micro and small scale enterprises and its driving factors: Empirical evidence from entrepreneurs in emerging region of Ethiopia. *Journal of Innovation and Entrepreneurship*, 9(11), 1–22.

- Muogbo, U., & John-Akamelu, C. R. (2019). Factors affecting the performance of women entrepreneurs in micro and small enterprises: (A study of selected women in Awka, Anambra State Nigeria). *EPRA International Journal of Research & Development*, 4(2), 215–225
- Mulugeta, H., (2014). Assessing the factors affecting the performance of micro and small scale enterprises: The case of Yeka Sub-City, Addis Ababa.
- Muthathai, P. (2017). Factors Influencing the Growth of Women Owned Businesses in Kenya. Unpublished Masters Theses, Chandaria School of Business USIU.
- Mutuku, M. (2016). Characteristics of Kenyan MSMEs relevant to the proposed Kenya Credit Guarantee Scheme. Kenya Institute for Public Policy Research and Analysis. <https://kippra.or.ke/index.php/resource-centre/blogs/25-characteristics-of-kenyan-msmesrelevant-to-the-proposed-kenya-credit-guarantee-scheme>
- Mozumdar, L., Van Der Velde, G., & Omta, S. W. F. (2020). Determinants of the business performance of women entrepreneurs in the developing world context. *MDPI, J Multidisciplinary Scientific Journal*, 3, 215–235.
- Ndiaye, N., Razak, L.A., Nagayev, R., & Ng, A. (2018). Demystifying small and medium enterprises' (SMEs) performance in emerging and developing economies. *Borsa Istanbul Review*, 18(4), 269-281.
- Nasri, N., & Muhammad, S. (2018). Factors affecting female entrepreneurial intentions in Kabul, Afghanistan. *Journal of Economics and Management Sciences*, 1(1).
- Poggesi, S., Mari, M. and De Vita, L., (2016). "What's New in Female Entrepreneurship Research? Answers from the Literature." *International Entrepreneurship and Management Journal* 12(3): 735-764.
- Republic of Kenya. (2020). Sessional paper no. 5 of 2020 on Kenya Micro and Small Enterprises Policy for Promoting Micro and Small Enterprises (MSEs) for Wealth and Employment Creation. Nairobi: Kenya Gazette
- Sattar, S., (2011). Opportunities for men and women: Emerging Europe and Central Asia.
- Shakeel, M., Yaokuang, L., & Gohar, A. (2020). Identifying the entrepreneurial success factors and the performance of womenowned businesses in Pakistan: The moderating role of national culture. *SAGE Open Journal*, 1(1), 1–17. <https://doi.org/10.1177/2158244020919520>
- Spigel, B., (2017). The relational organization of entrepreneurial ecosystems. *Entrepreneurship Theory and Practice*, 41(1), 49-72.
- Toader, E., Firtescu, B.N., Roman, A., & Anton, S.G., (2018). Impact of information and communication technology infrastructure on economic growth: An empirical assessment for the EU countries. *Sustainability*, 10(10), 3750.

- Wambui, R., & Muathe, S. (2021). From Attention to Action: Entrepreneurial Networks and Performance of Women-Owned Enterprises: A Theoretical Review. *International Journal of Business and Management*, 16(2).
- Welsh, D.H.B., Kaciak, E., Memili, E., & Minialai, C., (2018). Business-family interface and the performance of women entrepreneurs: The moderating effect of economic development. *International Journal of Emerging Markets*, 13(2), 330– 349. <https://doi.org/10.1108/IJoEM-03-2017-0095>.
- Zororo, M. (2011), "Characteristics and motivation in female entrepreneurship. Case of Botswana", *University of Botswana Journal*, Vol. 26 No. 3, pp. 91-100.
- Aditi, R. (2020). Promoting Female Participation in Urban India's Labour Force. *Observer Research Foundation* (348), 1-14.
- Al Jazeera. (2020, September 30). Kenya's Women Entrepreneurs Lack Access to Capital, Study Finds. Retrieved from <https://www.aljazeera.com/economy/2020/9/30/kenyas-women-entrepreneurs-industry-struggle-to-access-credi>
- Asia, C. N. (2022, January 12). Employment Rate for Singapore Women Rose in Past Decade, Share Among Professionals, Manager, Executives and Technicians. Retrieved from <https://www.channelnewsasia.com/singapore/employment-rate-singapore-women-rose-past-decade-share-among-pmet-ministry-manpower-2430196>
- International Labour Organization. (2008). *Women Entrepreneurs in Kenya; Factors affecting Women Entrepreneurs in Micro and Small Enterprises in Kenya*. International Labour Organization.
- International Labour Organization. (2014). *Maternity and Paternity at Work; Law and Practice across the World*. ILO.
- Grace Chen, J. C. (2021, April 18). Boost for Women Entrepreneurs. Retrieved from *The Star*: <https://www.thestar.com.my/news/nation/2021/04/18/boost-for-women-entrepreneurs>
- KENPRO. (2019, June 09). An Overview of Women Enterprise Fund in Kenya. Retrieved from <http://www.kenpro.org/an-overview-of-women-enterprise-fund-in-kenya/>
- Kenya Association of Manufacturers and the International Center for Research on Women. (2020). *Women in Manufacturing: Mainstream Gender and Inclusion*. Nairobi.
- KEPSA. (2022, February 16). Media Sensitization on the Private Sector Gender Mainstreaming Policy. Retrieved from <https://kepsa.or.ke/media-sensitization-on-the-private-sector-gender-mainstreaming-policy/>
- Labour Market Effects of the Increase in the State Pension Age from 65 to 66. (n.d.). Retrieved from Institute for Fiscal Studies: <https://ifs.org.uk/publications/15917>



- Ministry of Manpower. (2021, October 12). A Gender Inclusive Workforce. Retrieved from <https://stats.mom.gov.sg/Pages/a-gender-inclusive-workforce.aspx>
- Organization, I. L. (2008). Women Entrepreneurs in Kenya; Factors Affecting Women Entrepreneurs in Micro and Small Enterprises in Kenya. ILO.
- Republic of South Africa, Department of Statistics. (2022). South Africa Labour Market is More Favourable to Men than Women. Retrieved from <https://www.statssa.gov.za/?p=14606> BIBLIOGRAPHY \I 2057
- Simeon Djankov, E. Z. (2020, December 15). Female Labour Force Participation has been More Resilient during the Pandemic in the UK than in the US. Retrieved from Pererson Institute for International Economics: <https://www.piie.com/research/piie-charts/female-labour-force-participation-has-been-more-resilient-during-pandemic-uk-us>
- The White House, Office of the First Lady. (2014, July 30). Remarks by the First Lady at the Summit of the Mandela Washington Fellowship for Young African Leaders. Washington. Retrieved from <https://obamawhitehouse.archives.gov/the-press-office/2014/07/30/remarks-first-lady-summit-mandela-washington-fellowship-young-african-le>
- White Case LLP. (2017, November 20). Kenya: Closing the Credit Gap for Women Entrepreneurs. Retrieved from <https://www.whitecase.com/publications/article/kenya-closing-credit-gap-women-entrepreneurs>
- World Bank. (2021). Kenya's Index: Women, Business and Law. Retrieved from <https://wbl.worldbank.org/content/dam/documents/wbl/2021/snapshots/Kenya.pdf>



### **Treaties and Conventions:**

The International Covenant on Economic, Social, and Cultural Rights (ICESCR), 1966

Convention on the Elimination of All Forms of Discrimination against Women, 1979

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (MAPUTO Protocol), 2005

ILO Violence and Harassment Convention, 2019 (No. 190)

ILO The Workers with Family Responsibilities Recommendation, 1981 (No. 165)

ILO Maternity Protection Recommendation 2000 (No. 191)

ILO Convention Concerning the Revision of the Maternity Protection 2000(No.183)

ILO Convention on Discrimination (Employment and Occupation) Convention, 111 of 1958

ILO The Equal Remuneration Convention No 100 of 1951

Legislation and Regulations:

The Law of Succession Act, 1980

The Sexual Offences Act, 2006

Employment Act, 2007

Micro and Small Enterprises Act, 2012

The Limited Liability Partnerships Act, 2012

Basic Education Act, 2013

The Companies Act, 2015

The Health Act, 2017

Movable Property Security Rights Act, 2017

Persons with Disabilities Act, 2013

Public Finance Management (Amendment) (NO. 2) Act of 2020

Public Service (Values and Principles) Act No. 1A of 2015

Movable Security Rights (General) Regulations, 2017

Public Procurement and Disposal (Preference and Reservations) Regulations 2011

PFM Act (National Government Affirmative Action Development Fund) Regulation, 2016

The Government Financial Management (Women Enterprise Fund) Regulations, 2007

The Government Financial Management (Uwezo Fund) Regulations, 2014

The Credit Guarantee Scheme Regulations (2020)

Universities Act No. 42 of 2012

**Policies:**

African Union Agenda 2063

Sustainable Development Goals, 2030

The UN Women and UN Global Compact Women Empowerment Principles, 2010

AU Strategy for Gender Equality and Women's Empowerment (GEWE) 2018-2028

Vision 2030 Third Medium Term Plan (2018-2022)

The National Education Sector Strategic Plan for the Period 2018-2022

Sessional Paper No.3 of 2021, National Action Plan on Business and Human Rights

Sessional Paper No. 4 of 2013 on Employment Policy and Strategy for Kenya;

Guidelines for Securing a Breastfeeding Friendly Environment at the Workplace, 2018

The National Policy on Gender and Development, Sessional Paper No.02 of 2019

Ministry of Labour and Social Protection Plan Strategic Plan 2018-2022

Kenya E-Government Strategy, 2004

The Kenya National Education Sector Strategic Plan 2018-2022

Executive Order No. 2 of 2018

The Private Sector Gender Mainstreaming Policy, 2022

Women Economic Empowerment Strategy, 2020-2025

**Cases:**

P O v Board of Trustees, A F & 2 others [2014] eKLR

VMK vs CUEA (2013) eKLR

GMV versus Bank of Africa Kenya Limited [2013] eKLR

Mokaya v Kithure Kindiki t/a Kithure Kindiki & Associates (Petition 62 of 2019) [2021] KEELRC 1 (KLR) (Employment and Labour)

Ooko & another v SRM & 3 others (Civil Appeal 195 & 197 of 2019 (Consolidated)) [2022] KECA 44 (KLR) (Civ) (4 February 2022) (Judgment)

SWM v Hardware Trading Store Limited & another [2021] eKLR



University of Nairobi  
African Women Studies Centre  
Women's Economic Empowerment Hub

Email: [weehub@uonbi.ac.ke](mailto:weehub@uonbi.ac.ke) / Website: [weehub.uonbi.ac.ke](http://weehub.uonbi.ac.ke) / Tel: +254 705 541 746