

# Inclusion Works

## Kenya Situational Analysis

### June 2020 update

The Institute of Development Studies (IDS) has prepared Situational Analyses (SITANs) for the [Inclusion Works Programme](#) (operating in Bangladesh, Kenya, Nigeria and Uganda), which synthesise the most recent existing literature and evidence (drawing on government and non-government sources available online) about each country generally and on factors relating to persons with disabilities involvement in formal employment. For more information about how the situational analyses were conducted see page 34.

**This situational analysis addresses the question: “what is the current situation in relation to formal sector employment for persons with disabilities in Kenya?”.**

The SITAN can be used throughout the programme, by all those involved in it, to better understand the current context and available evidence, as well as by others working in this area. This will help lead to better informed projects which may be focusing on different actors and aspects of the topic (e.g. persons with disabilities, employers, government, DPOs, partnerships, and policy) and help with situating the different activities within the wider country context. Where possible, the SITANs also flag up gaps in evidence which the Inclusion Works programme may be interested in addressing. As living documents, they will be updated and adapted to include newly published evidence and to reflect any new areas of interest in the programme as it develops. The six Inclusion Works programme outcome areas are flagged in the relevant sections of the SITAN. This SITAN has been briefly updated from the June 2019 SITAN.

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# 1. Summary of key information

## The country context

*Poverty rates:* USD 1.90 PPP poverty rate: 36.1% (2015/16); multidimensional poverty rate: 36% (2014). Poverty is concentrated in northeastern parts of Kenya.

*Disability prevalence:* Estimates range – 2.2% (2019 census); 3.8% (2009 census); 10.3% (2002-2004 World Health Survey).

*Disability and poverty:* People with disabilities are more likely to be living in poverty than people without disabilities.

*Stigma:* People with disabilities experience stigma and discrimination which excludes them from economic and social activities. People with intellectual disabilities, psychosocial disabilities, as well as women and girls, older persons, children and youth with disabilities, are particularly affected.

*COVID-19* is having a negative impact on persons with disabilities lives.

*Employment rate:* The estimated unemployment rate is between 2.62% and 9.3% and the labour force participation rate is 74.7%; 72.13 % for females and 77.35 % for males (2019). In 2016 only 16.8% of the work force was in formal employment.

*Labour force by occupation:* 36.4% in agriculture, 14.3% in industry; 49.3% in services and other activities (2019 estimates).

*Types of jobs available and main/growing sectors of employment:* The majority of people are employed by the informal sector and the formal sector does not create enough jobs to meet demand. Agriculture is still the main employer, although jobs in the services have grown faster. In terms of wage employment, the community, social and personal services sector had the highest share (40%), followed by the agriculture sector (12%), the trade and hotel/restaurant sector (12%), and manufacturing (11%).

*Main businesses:* Most businesses in Kenya are micro or small enterprises, and they accounted for approximately 98% of Kenya's 1.7 million enterprises.

*COVID-19* has resulted in massive job losses, especially amongst casual workers in the informal sector and daily-wage earners in the formal sector.

## Persons with disabilities and inclusive employment

*Disability and livelihoods/work:* There is little data on employment rates of persons with disabilities in Kenya. Available evidence suggests that people with disabilities are more likely to experience disadvantage, exclusion and discrimination in the labour market than persons without disabilities. They tend to work in the informal sector rather than the formal sector. Men with disabilities, and people with disabilities in urban areas, are more likely to find paid work. The extent of access to employment also varies with the type of disability, the severity of disability, and education attainment. People with disabilities who were able to find work were found to experience poor remuneration and discrimination in the workplace. Barriers specifically relating to persons with disabilities include low levels of education and skills, and low levels of

confidence. Additional barriers to employment include lack of support from family and the community, inaccessible public transport, and poverty.

*Disability and education and training:* Children with disabilities are less likely to be in education or complete it, in comparison to children without disabilities (44% completed primary school in comparison to 60%).

## **Employers and inclusive employment**

*Disability and formal employment:* Very few persons with disabilities are in formal employment despite legislation requiring a 5% employment quota for persons with disabilities in the public and private sectors. Barriers to inclusive employment for persons with disabilities specifically related to employers include lack of compliance with legislation; stigmatisation and low expectations of persons with disabilities; concerns over the attitudes of co-workers, customers, and clients; lack of knowledge about how to support persons with disabilities; lack of accessible job advertisements; lack of accessible work places and reasonable accommodation. Employers were more likely to employ persons with disabilities due to their individual skills or if they knew them/were familiar with their impairment. Sympathy or corporate social responsibility was also mentioned as a reason for employing persons with disabilities, as were financial incentives from the government. Once in work persons with disabilities may experience abuse and discrimination, which can result in them leaving employment.

## **Government and national policies relating to inclusive employment**

Kenya ratified the *UNCPRD* in 2008. Disability rights are provided under Kenya's 2010 constitution and the *2003 Persons with Disabilities Act*, amongst others. A National Disability Policy is in the final stages of approval. The *Ministry of Gender, Children and Social Development* has the mandate to promote and protect the rights of persons with disabilities. The National Council for Persons with Disabilities is charged with follow up and enforcement of the law.

The *Employment Act 2007* outlaws discrimination on grounds of disability in employment in both the public and private sectors. Other relevant legislation includes the 2007 Work Injury Benefits Act; the Labour Institutions Act; the 2016 National Employment Authority Act; the 2003 Public Officers' Ethics Act; the 2015 Public Procurement and Disposal Act; and the 2015 Kiambu County Youth Women and Persons with Disabilities Enterprise Development Fund Bill; as well as quotas under the Persons with Disabilities Act and the constitution. Lack of enforcement has meant the impact of these policies on persons with disabilities with regards to access to work and employment opportunities has been minimal.

## **The disability movement and inclusive employment**

United Disabled Persons of Kenya (UDPK); Agency for Disability and Development in Africa (ADDA); Action Network for the Disabled (ANDY); and Humanity & Inclusion (HI) are engaged in a variety of activities to support persons with disabilities to access formal employment including working with persons with disabilities on their skills and with employers to prepare them to include persons with disabilities in their workplace.

## **Partnerships for inclusive employment**

Partnerships already working on inclusive employment in Kenya include the Innovation to Inclusion (i2i) programme; the EmployAble programme; Action for Children with Disabilities; the Professional Fellows Program on Inclusive Disability Employment; Kenya Private Sector Alliance (KEPSA); Federation of Kenyan Employers; Kenya Employers Network for Equality and Inclusion; Kenya Employers Network for Equality and Inclusion; the Private Sector Strategic Partnership in Kenya; Central Organization of Trade Unions (Kenya); and the National Labour Board. There is not much information that seems to be available about the impact of their activities.

# Main report

## 1. Country overview

Kenya is a low middle income, multi-ethnic, multi-cultural and multi-religious country (LO/FTF Council, 2017, p. iii). The majority of the population is young (an estimated 39.2% are between 0-14) and most live in rural areas, with 27.5% living in urban areas in 2019<sup>1</sup>. The proportion of Kenyans living on less than the international poverty line (US\$1.90 per day in 2011 PPP) has declined from 46.8% in 2005/06 to 36.1% in 2015/16 (World Bank, 2018, p. v). Rates of multidimensional poverty were similar and in 2014, 36% of the population were multi-dimensionally poor (experiencing deprivations in education, health and living standards) while an additional 32% lived in near multidimensional poverty (UNDP, 2016, p. 6). Progress in poverty reduction has mainly been due to progress in the agricultural sector, although this makes such progress vulnerable to climate and price shocks (World Bank, 2018, p. v, 27). While poverty incidence is below average for Sub-Saharan Africa, it is relatively high compared to its middle income peers (World Bank, 2018, p. v). Poverty is concentrated in the northeastern parts of the country (World Bank, 2018, p. 27). Kenya has a low medium human development index of 0.579, positioned at 147 of 188 countries and territories<sup>2</sup>. In relation to income inequality, its Gini coefficient is 40.8<sup>3</sup>.

Kenya's GDP is USD 70,526 million, while the GDP per capita is USD 1,455 (measured in 2016)<sup>4</sup>. According to UN statistics, in 2019 agriculture made up 33.4% of gross value added (GVA) of the economy (measured in 2017) and 36.4% were estimated to be employed in the agricultural sector; industry made up 18.5% of GVA of the economy (measured in 2017) and employed an estimated 14.3%; services and other activities made up 48.1% of GVA of the economy and employed an estimated 49.3%<sup>5</sup>.

A key feature of 2020 has been the COVID-19 outbreak which has caused disruption across the world. However, Kenya is 'facing a triple crisis – the coronavirus pandemic, locust infestation and floods' (Owino, 2020, p. 6). The country has been facing the worst locust infestation in 70 years since December 2019 and in mid-May floods hit central and northern Kenya (Owino, 2020, p. 6). Responses to these crises are being compromised by efforts to combat COVID-19 (Owino, 2020, p. 6).

As of the end of June, Kenya had 6,160 confirmed cases of COVID-19 and 144 deaths<sup>6</sup>, higher than its neighbouring countries (Owino, 2020, p. 3). In response the government has limited movement in places with reported cases; closed of public spaces with high human traffic, such as schools and public events; set dusk-to-dawn curfews; and ensured basic hygiene and social

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<sup>1</sup> UN Data Kenya – accessed 30.6.2020

<sup>2</sup> UNDP Kenya Human Development Indicators – accessed 30.6.2020

<sup>3</sup> UNDP Kenya Human Development Indicators – accessed 30.6.2020

<sup>4</sup> UN Data Kenya – accessed 30.6.2020

<sup>5</sup> UN Data Kenya – accessed 30.6.2020

<sup>6</sup> Corona Tracker Kenya overview – accessed 30.6.2020

distancing (Owino, 2020, p. 3). These measures have had negative economic impacts on businesses and workers (Owino, 2020, p. 3). A survey of five informal settlements in Nairobi in May found that 84% of respondents reported losing complete or partial income due to COVID-19 (Population Council, 2020, p. 3). Women were more likely to have completely lost their job/income (47% compared to 36% of men) (Population Council, 2020, p. 3). People risk falling further into poverty and failing to pay their rent (Owino, 2020, p. 7, 9). The crises have also had a negative impact on food security (Owino, 2020, p. 6). The government is providing social protection in the form of cash transfers to the poorest and most vulnerable (Owino, 2020, p. 12).

## **Disability prevalence**

There is a lack of reliable disability data in Kenya (Sightsavers, 2018, p. 4; Owino, 2020b, p. 4). Preliminary analysis of the 2019 census data, which used the Washington Group Questions, suggests that 2.2% (0.9 million people) (aged 5 and above) of Kenyans live with some form of disability (Owino, 2020b, p. 6). This low prevalence rate could be a result of stigma, inaccurate translations of questions, the inclusion of a question of albinism, the inclusion of don't know as a response, and Kenya's young population (Owino, 2020b, p. 11-12).

The 2019 prevalence rate is lower than the 2009 Census, where disability prevalence was 3.8% for those aged 5 and above (Owino, 2020b, p. 6; KNBS, 2012, p. 14). Again, this figure is felt to be too low as a result of inadequate training of enumerators to enable them identify persons with disabilities; issues with the methodology for collecting data; and general lack of awareness of disability (Sightsavers, 2018, p. 4; Leonard Cheshire, 2018, p. 32). The Kenya Integrated Household Budget Survey (KIHBS) 2015/16 found a disability prevalence rate of 2.8%, while the 2007 Kenya National Survey for Persons with Disabilities found a prevalence rate of 4.6% (Kabare, 2018, p. 7). The World Health Survey, 2002-2004, which used the Washington Group Questions, had a higher disability prevalence estimate of 10.3% (Leonard Cheshire, 2018, p. 36).

The 2019 census indicates that 1.9% of men have a disability compared with 2.5% of women (Owino, 2020b, p. 6). The census showed there was a higher prevalence of disability in rural areas (2.6%) than in urban areas (1.4%) (Owino, 2020b, p. 6). The 2009 census reported 3.8% of rural populations and 3.1% of urban populations had a disability (KNBS, 2012, p. 16). According to the 2019 census, the highest prevalence rates of disability were recorded in central, eastern and western parts of Kenya: Embu county (4.4%), Homa Bay (4.3%), Makueni (4.1%), Siaya (4.1%) and Kisumu counties (4%) (Owino, 2020b, p. 7). Counties with the lowest disability prevalence rates are found in the north eastern part of Kenya and Nairobi, with Wajir having the lowest (0.6%) (Owino, 2020b, p. 7).

In the 2009 census, people with visual (24.9%) and physical (25.3%) impairments comprised the highest proportion of persons with disabilities in Kenya, with hearing, speech and functional limitations also affecting 10-14% of people with disabilities (Kabare, 2018, p. 8). The proportion with physical disabilities had risen in the 2019 census to 42% of people with disabilities (Owino, 2020b, p. 7).

## **Disability and poverty**

According to the 2009 Population and Housing census, 67% of people with disabilities lived in a poor household compared to 52% without disabilities (Leonard Cheshire, 2018, p. 50). The Committee on the Rights of Persons with Disabilities noted that levels of poverty in households with persons with disabilities in both rural and urban areas is concerning, particularly among

persons with disabilities in ethnic minority groups (CRPD, 2015, p. 10). Lack of access to employment contributes to the poverty of people with disabilities (Opoku et al, 2016, p. 84).

## **Attitudes towards disability and disability stigma**

People with disabilities in Kenya face stigma and discrimination that lead to enduring and humiliating stereotypes and prejudices against people with disabilities as a curse and a burden on society, as well as undermining the human right principals which are key to inclusion (Sightsavers, 2018, p. 4; KNCHR, 2016, p. 16, 21; Kabare, 2018, p. 10). Aley's (2016, p. 14) study<sup>7</sup> in Kenya (and Uganda) found that respondents felt that attitudes to disability in their community were overwhelmingly negative due to 'harmful traditional beliefs and misconceptions about the causes and nature of disability and about what roles and rights persons with disabilities can have in society'. Many communities believed that disability was a curse resulting from transgressions of former generations in the family (Aley, 2016, p. 14). Wrongdoing of ancestors which results in disability is usually placed on the mother's side of the family rather than the fathers (Aley, 2016, p. 15). Many Kenyans believe that disability is the result of taboo activities such as adultery or incest (Mostert, 2016, p. 16; McConkey et al, 2016, p. 184). Some communities believed that people became disabled because they had caused accidents and not been properly cleansed (Aley, 2016, p. 14). Others believe that disability is a curse from a supernatural or mysterious otherworldly force (Mostert, 2016, p. 16; McConkey et al, 2016, p. 184). Still others believe that disability results from witchcraft spells placed either upon the family or the individual with disabilities (Mostert, 2016, p. 16; McConkey et al, 2016, p. 184). However, not all traditional beliefs are negative (Mostert, 2016, p. 9; Aley, 2016, p. 20).

In many communities, families hide away their disabled family member, especially children, due to societal stigma (Kabare, 2018, p. 10; Rodríguez et al, 2018, p. 5). Bunning et al (2017, p. 13) found that the stigma associated with people with disabilities extended to people who helped them, and it was felt that "the person offering assistance would also ". . .give birth to such a child". Stigma excludes people with disabilities from economic and social activities thus trapping them in a cycle of poverty (Jillo, 2018, p. 3; Bunning et al, 2017, p. 15). People with intellectual disabilities, psychosocial disabilities, albinism, as well as women and girls, older persons, children and youth with disabilities, are particularly affected by stigma and discrimination (Sightsavers, 2018, p. 5; Jillo, 2018, p. 3; CRPD, 2015, p. 3-4; KNCHR, 2016, p. 48, 75).

More affluent social classes have the advantage of being able to pay for support and were found to be 'more likely to support their children with disabilities properly and to promote their education and social inclusion, rather than hiding them away or believing in harmful traditional practices' (Aley, 2016, p. 16).

### **Children with disabilities**

Children with disabilities have been abandoned by their families and negative stereotypes against them exist, especially in rural areas (CRPD, 2015, p. 3; Bunning et al, 2017, p. 13; KNCHR, 2016, p. 75; Rodríguez et al, 2018, p. 4). Children with disabilities are thought to be 'cursed, bewitched, and possessed' and a punishment for the sins of the mother (Rodríguez et al, 2018, p. 4). A recent investigation by Disability Rights International found that parents are

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<sup>7</sup> Qualitative participatory action research in Uganda and Kenya with service providers and key responders. Involved 52 individual interviews and 9 focus groups.

even placed under enormous pressure to kill their children with disabilities (Rodríguez et al, 2018, p. 4). '37% of the women surveyed from Nairobi said they were pressured to kill their children with disabilities while 57% of women from the more rural areas felt pressure to kill their children'<sup>8</sup> (Rodríguez et al, 2018, p. 4). Mothers of children with disabilities are sometimes thought to be cursed too and bring shame to their families and communities as a result of their children (Rodríguez et al, 2018, p. 5). Many women who give birth to children with disabilities are rejected by their husbands and wider families, which means they and their children lead lives of social isolation (Rodríguez et al, 2018, p. 5). If they lack support it is very hard for mothers of children with disabilities to survive, which makes infanticide seem like an option (Rodríguez et al, 2018, p. 5).

### **Women with disabilities**

Women in Kenya 'face a number of challenges including the fact that they have limited access to and control of resources and other socio-economic opportunities; they have lower literacy levels compared to men; fewer of them enrol in mainstream education; they are generally poorer than men; fewer of them are in formal employment compared to men; where they do work then it is under deplorable conditions; they earn lower incomes; they have poor access to quality healthcare and advice on family planning; and are more vulnerable to gender-based violence' (KNCHR, 2016, p. 39). The situation is even worse for women with disabilities due to the marginalisation, stigma, and double discrimination they experience and the negative cultural practices and attitudes towards disability and gender biases (KNCHR, 2016, p. 39, 156). In addition, traditional and conservative views on the position and the role of women in society 'reinforce the misconception about the ability of women and girls with disabilities to adequately perform their roles as other peers' (KNCHR, 2016, p. 39). Women with disabilities experience high levels of gender based violence and sexual abuse in both the public and private sphere (KNCHR, 2016, p. 74, 156).

### **Changing disability stigma**

Existing empowerment programmes targeting these particularly stigmatised groups are insufficient (Sightsavers, 2018, p. 5). However, the government notes that there has been a 'slow but noticeable improvement in public perception towards and treatment of persons with disabilities', including in employment (KNCHR, 2016, p. 21). Respondents in Aley's study (2016, p. 20-21) noted that progressive government policy had helped to gradually change attitudes towards disability. Aley (2016, p. 14, 16) found that respondents reported that attitudes among professionals in Kenya were improving and more progressive ideas about disability are beginning to be accepted, especially amongst educated and economically mobile groups, although they often qualified this observation by stating that it will still take a long time for 'the community' to change their negative attitudes. Teachers, particularly special education teachers, were viewed as being very important in influencing attitudes for the better amongst parents (Aley, 2016, p. 16). Aley (2016, p. 18) found that contact in schools, especially where pupils with disabilities had done well and were positive role models, helped to improve attitudes towards disability.

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<sup>8</sup> Approximately 90 mothers were questioned (Rodríguez et al, 2018, p. 4).

## Covid19's impact on persons with disabilities

Reports indicate that persons with disabilities have been negatively affected by COVID-19 (Kags, 2020; IDA, 2020). They have been left behind in the response and many of the current protection measures, especially around transport, make their usual means of support and independence risky and challenging to access (Kags, 2020; IDA, 2020). Access to information about COVID-19 is often not accessible (Kags, 2020). They face increased stigmatisation as a result of myths around COVID-19 (Kags, 2020; IDA, 2020). The disruption to schooling affects the progress of children with disabilities, and provisions for home schooling have often not been accessible (Kags, 2020). There are increased reports of violence against women and girls with disabilities (Kags, 2020). People with disabilities livelihoods have been disrupted and they face increased food insecurity (IDA, 2020). However, 33,333 poor and vulnerable persons with disabilities will benefit from a short-term cash transfer from June to August 2020 to help cushion them against the negative effects of COVID-19 (NCPWD, 2020, p. 1)

## The employment sector

According to the World Bank, Kenya's Labour Force Participation Rate (those working or actively seeking work amongst the working age population) for 2019 was 74.7%; 72.13% for females and 77.35% for males<sup>9</sup>. In 2016, 16% of those employed were in waged employment (Timmis, 2018, p. 4; LO/FTF Council, 2017, p. 10). The 2019 unemployment rate was estimated to be 2.64%<sup>10</sup>. The employment-to-population rate was estimated at 61% in 2016, 66% for men and 56% for women (LO/FTF Council, 2017, p. 8). The female labour force participation rate has declined more than the male rate, 'suggesting that women are exiting the labour market more rapidly' (Timmis, 2018, p. 8). The rate of female joblessness (inactive or unemployed) in 2017 was 46%, compared to 35% for men (Timmis, 2018, p. 8). Unemployment occurs mostly in the urban areas (20% compared to 8%) while underemployment occurs predominantly in rural areas (LO/FTF Council, 2017, p. 9; Timmins, 2018, p. 2, 5).

Unemployment rates are higher than East Africa averages (9.3% compared to 3.8%), particularly among youth (18%) who often are poorly skilled and who have experienced slow absorption into the labour market (DTDA, 2020, p. 15; LO/FTF Council, 2017, p. iii, 8). Vocational training has been under-prioritised which contributes to low levels of skills amongst the youth (LO/FTF Council, 2017, p. iii, 17).

Kamau et al (2018, p. 6) find that underemployment rather than unemployment is the main challenge in Kenya as a result of the large numbers who work in the informal sector, which does not provide decent work. Informal employment has been on the rise since 2007, with 83% of the labour force in the informal sector, working in 'indecent and vulnerable working conditions without benefitting from the official wage regulations and collective bargaining agreements' (LO/FTF Council, 2017, p. iii; Kamau et al, 2018, p. 3, 17; Ndekei & Jairo, 2017, p. 2). '800,000 youths leave school each year and begin looking for formal sector employment' but few succeed (LO/FTF Council, 2017, p. 15). The job creating potential of the formal sectors is low despite being in high growth and high productivity sectors and in 2016 only 16.8% of the work force was

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<sup>9</sup> The Global Economy website - Kenya Labour force participation; The Global Economy website - Kenya female labour force participation; The Global Economy website - Kenya male labour force participation – accessed 30.6.2020

<sup>10</sup> The Global Economy website - Kenya unemployment rate – accessed 30.6.2020

in formal employment (World Bank, 2016, p. xiv; Ndekei & Jairo, 2017, p. 2). According to the National Employment Authority, of the on average 700,000 new jobs created annually, only 19% are in the formal sector<sup>11</sup>.

## **Women and employment**

In general, in Kenya, women are more likely to be excluded from jobs, particularly better quality wage paying jobs (Timmis, 2018, p. 2, 8-10; LO/FTF Council, 2017, p. iii). They are more likely to be 'trapped in vulnerable employment conditions [68% compared to 39%] and do not receive equal pay for equal work' (DTDA, 2020, p. ii, 20). Only 29% of those earning a formal wage in 2016 were women, leaving a huge percentage of women to work under vulnerable conditions in the informal economy (LO/FTF Council, 2017, p. 14). 75% are in the low productivity agricultural sector, compared to 51% of male workers (Timmis, 2018, p. 9). Overall, women's earnings are on average 58% lower than men's in Kenya (Timmis, 2018, p. 9). While 54% of Kenya's micro, small and medium enterprises are owned by women, they are more likely to be informal (88% compared to 72% of men's), are smaller (approximately 85% do not have any employees apart from the owner), grow less quickly, have lower capital investment and are twice as likely to be operating from home than men's (Timmis, 2018, p. 9).

Women have faced constraints accessing higher quality jobs as a result of their household work duties and the time they take up; their lower educational attainment; lack of access to credit, including due to their limited land ownership; the high costs associated with business registration in Kenya which disproportionately affect female entrepreneurs; and gender discrimination when accessing formal jobs (Timmis, 2018, p. 13-14). In addition, they have experienced sexual harassment in job recruitment, which means some women have said they have given up on looking for a job as a result of their repeated experiences of sexual harassment (Timmis, 2018, p. 15).

## **Types of jobs available and main/growing sectors of employment**

While joblessness is high (approximately two in five Kenyans don't work) Kenya has experienced high rates of job creation, with new jobs increasingly found in the (predominantly urban) industrial and services sectors, although it has been insufficient to cover the demand for jobs (Timmis, 2018, p. 2; LO/FTF Council, 2017, p. 9). However, the majority of the workforce operates in the informal economy (DTDA, 2020, p. ii). During the period 2014 – 2018, the informal sector generated more jobs than the formal sector (on average about 87% compared to 13%) (Gesongo & Baraza, 2019, p. 13). Gesongo & Baraza (2019, p. 15) found that the number of new wage employment jobs created in the private and public sector grew by 3.0% and 1.2%, respectively in 2018. UN data estimates for 2019, show an estimated 49.3% working in services, 36.4% in agriculture, and 14.3% in industry<sup>12</sup>.

In 2018, the private sector accounted for 69.5% of total employment and the public sector, 30.5% (Gesongo & Baraza, 2019, p. 11). In 2018, the community, social and personal services sector has the highest wage employment share (40%) of the total wage employment, followed by the agriculture sector (12%), the trade and hotel/restaurant sector (12%), and manufacturing (11%)

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<sup>11</sup> National Employment Authority website

<sup>12</sup> UN data Kenya – accessed 30.6.2020

(DTDA, 2020, p. 16). A more detailed breakdown about the numbers of people working in the different subsectors between 2012-2016 can be found in KNBS, 2017, p. 62-70. However, women, youth, people with disabilities, and those from low-income households are more likely to be excluded from jobs, particularly better quality wage paying jobs (Timmins, 2018, p. 2, 8-10; LO/FTF Council, 2017, p. iii).

Most of the women who work in the formal sector in Kenya are employed in services, particularly education (Timmins, 2018, p. 9). Other formal sectors that they are strongly represented in include cut flowers (65-75% of workers), textiles (75% of workers) and tourism (33% of workers) (Timmins, 2018, p. 9).

Limited growth in the country's formal sector means that over 80% of workers are in informal jobs, which are typically low pay and low skill (Timmins, 2018, p. 2, 7; LO/FTF Council, 2017, p. 13; Kamau et al, 2018, p. 12-13). The 'low formal job creation in Kenya keeps many workers in poverty' (DTDA, 2020, p. 16). The formal employment opportunities are concentrated in the services sector, particularly commerce, and the public sector (Timmins, 2018, p. 2). LO/FTF Council (2017, p. 9) notes that urban areas have not only been unable to generate sufficient jobs in the formal sector, but many do not offer adequate occupation in the informal economy. The 'rapid urbanisation fosters high youth unemployment (18%) and youth underemployment (80%)' (DTDA, 2020, p. ii). Agriculture dominates rural employment (84%), while four out of five urban jobs are in the services sector (commerce provides 29% of urban jobs) (Timmins, 2018, p. 6). 56% of urban jobs are wage jobs compared to 36% of rural jobs (Timmins, 2018, p. 6). DTDA (2020, p. ii) note that in recent years, 'an increase of casual contracts and outsourcing in the formal sector has prompted massive lay-offs'. The 2009 Population and Housing Census provides a breakdown of the **main employer by county and district**, divided into private sector, local authorities, central government, TSC, state owned enterprise, international NGOs, local NGOs, and faith based organisations.

LO/FTF Council (2017, p. 16) found higher education levels increased the chances of entering wage employment. However, the challenge is that the formal sector is not creating sufficient decent jobs (LO/FTF Council, 2017, p. 16). On the other hand, in 2013, more than a third of services firms were struggling to find qualified workers (World Bank, 2016, p. xv).

Kamau et al (2018, p. 3) found that agriculture and manufacturing have potential for creating employment, although the nature of the jobs in these sectors remains largely casual. Existing policies have 'generally promoted creation of informal employment as opposed to formal employment, discouraged investment and job creation by private investors, led to high interest rates and foreign exchange rate that discourages investments' (Kamau et al, 2018, p. 33).

### **Main businesses/employers**

Kenya has an estimated 35,000 large or medium sized enterprises, constituting 2% of Kenya's 1.7 million enterprises (LO/FTF Council, 2017, p. 2). The Federation of Kenya Employers (FKE) is Kenya's leading employers' organisation, with membership comprising at least 4,000 small and large Kenyan businesses, both direct and indirectly through 15 associations that cut across all sectors of the economy (LO/FTF Council, 2017, p. 2).

There has been rapid growth in formal business start-ups (World Bank, 2016, p. xvii). However, entrant firms are less productive than established firms, possibly as a result of weaknesses in the business environment (for example, costly procedures for starting up, or poor access to finance) or because established firms may be able to draw higher privileges in terms of access to inputs

(such as electricity) or markets (government procurements) (World Bank, 2016, p. xviii). The government has made creating a conducive business environment a priority (World Bank, 2016, p. xiv).

## Impact of COVID-19 on the labour market

Covid-19 has had a major impact on jobs in Kenya (Wafula, 2020). Casual workers in the informal sector and daily-wage earners in the formal sector, both of which employ a high proportion of women, have lost their jobs as a result of the measures imposed to combat COVID-19 (Owino, 2020, p. 6; Wafula, 2020). The labour force participation rate fell to 56.8% in April 2020 from 75% in 2019 (Owino, 2020, p. 7). According a survey conducted by the Kenya National Bureau of Statistics (KNBS) in May 2020, the percentage of the population in active employment, whether informal or formal, has fallen to 65.3% of men and 48.8% of women (Owino, 2020, p. 7). Over one million people have lost their jobs (Wafula, 2020).

The impact of COVID-19 has not been uniform across all sectors as some, such as information, communication and technology (ICT), agriculture, and e-commerce benefited from redirected demand, while tourism, aviation, hospitality, horticulture, transport, education, and the informal sectors were amongst the hardest hit (Mugadia, 2020; Wafula, 2020).

Efforts have been made to response to this situation. The government has provided a 'fiscal stimulus package for Kenyans, particularly those living below the poverty line', including a reduction in both income and corporation taxes (Owino, 2020, p. 12). The 'Ministry of Industrialization, Trade and Enterprise Development (in partnership with UK Aid's Manufacturing Africa program) has set up a Situation Room with the objective of reducing the economic and job-loss impact of COVID-19' (Jayaram et al, 2020). The 'Situation Room convenes companies and private-sector associations regularly to identify issues rapidly, conduct analyses, and propose solutions that can be discussed and approved by the full cabinet or Parliament or implemented directly' (Jayaram et al, 2020).

Mugadia (2020) suggests that some of the changes resulting from COVID-19 could be used to benefit persons with disabilities in employment, such as the move to telework/remote working.

## 2. Persons with disabilities and inclusive employment

**Outcome 2: Women and men with disabilities have enhanced skills to access formal employment (as a result of programme interventions)**

**Outcome 6: Change in knowledge, attitude and behaviours from stakeholders involved in programme interventions that promotes and enables inclusion of women and men with disabilities in formal employment - from perspective of persons with disabilities**

### Disability and livelihoods/work

Despite policies which recognise the right of people with disabilities to work, their impact on persons with disabilities with regards to access to work and employment opportunities in Kenya has been minimal and persons with disabilities continue to experience discrimination in accessing employment opportunities (Kingiri et al, 2017, p. 1; Khaemba et al, 2017b, p. 1; KNCHR, 2014, p. 37). The Kenya National Bureau of Statistics noted that 'persons with

disabilities are more likely to experience disadvantage, exclusion and discrimination in the labour market and elsewhere than persons without disability', which means they are disproportionately affected by unemployment (KNBS, 2012, p. 24). When persons with disabilities work, 'they are often found outside the formal labour market performing uninspiring low-paid and low-skilled jobs, offering little or no opportunities for job promotion or other forms of career progression' (KNBS, 2012, p. 24).

Gesongo & Baraza (2019, p. 25) found that the youth with disabilities preferred to look for work in the public sector because of job security (permanent and pensionable), constant and predictable wages, non-discrimination (the private sector tend to underpay persons with disabilities even when qualified), and less pressure. There is also more flexibility in relation to sick leave for those who need to manage their conditions (Gesongo & Baraza, 2019, p. 25). However, corruption, nepotism, and favouritism in the public sector prevent qualifies persons with disabilities getting jobs in it (Gesongo & Baraza, 2019, p. 26).

There is little data on employment rates for persons with disabilities in Kenya (ADDA & CDSK, 2017, p. 18). Ebuenyi et al (2019, p. 1) estimate that the 'employment rate for persons with disabilities is about 1% compared to 73.8% for the general population'. In the 2015/16 KIHBS, more than half of persons with disabilities reported that they have difficulties engaging in economic activities (Kabare, 2018, p. 10). This difficulty in finding work has been attributed largely to inadequate enforcement mechanisms by the Government and the failure by public and private sectors to consider persons with disabilities on an impartial basis for employment opportunities (Kingiri et al, 2017, p. 1; Khaemba et al, 2017b, p. 1). There is a lack of clear budget allocations to guide work and employment strategies for persons with disabilities (Kingiri et al, 2017, p. 3).

The 2007 National Survey for Persons with Disabilities found that in the week preceding the survey 16% of respondents had worked for pay, 33% had worked in the family business and 3% had not worked but were employed, while 44% of respondents had not worked (including 7% who had never worked) (NCAPD & KNBS, 2008, p. 31; Timmins, 2018, p. 10). A survey of 65 youths with disabilities by ADDA & CDSK (2017, p. 7) found that only 27% of the youth polled were in any form of employment, compared to the national average of 60.1%. The Committee on the Rights of Persons with Disabilities report mentions the even lower rate of employment for people with disabilities of 1% (CRPD, 2015, p. 10). In the 2007 survey, men with disabilities (17.7%) were more than twice as likely as women with disabilities (7.6%) to have worked for pay and less likely to be jobless (42% compared to 60% of women) (Timmins, 2018, p. 10; NCAPD & KNBS, 2008, p. 31).

The 2009 census found that more women with disabilities were engaged in their own agricultural holding than men with disabilities (30.3% compared to 26%) (KNBS, 2012, p. xv, 25-26). 14% of men with disabilities worked for pay, compared to 6.6% of females (KNBS, 2012, p. xv, 25-26). 19.8% of women with disabilities were self-employed in the informal sector and 16.3% engaged in small-scale agriculture, compared to 17% and 13.9% of males with disabilities, respectively (KNBS, 2012, p. xv, 25-26). Further breakdowns of females and males with disability by their main employer and disability domain, according to the 2009 census, can be found in KNBS, 2020, p. 26-27). According to the 2007 National Survey, people with disabilities living in urban areas also had more access to paid work (25% compared to 9% of people with disabilities living in rural areas) and less likely to have worked in their family business (21% vs 32%) or be jobless (43% vs 54%) (Timmis, 2018, p. 10; NCAPD & KNBS, 2008, p. 31; see also Khaemba et al, 2017b, p. 3). However, LCDIDC (2016, p. 7) found that the gap between people with disabilities who were employed in urban areas and their non-disabled peers was greater than in rural areas,

suggesting that people with disabilities risk being left behind in more developed areas within the same country. Poor infrastructure and difficult terrain prevent access to both education and employment for people with disabilities, especially in rural areas (Kingiri et al, 2017, p. 3). Furthermore, the extent of access to employment also 'varies with type of disability, severity of disability, and education attainment' (Kingiri et al, 2017, p. 3; Maina, 2016, p. v). ADDA & CDSK (2017, p. 29) surveyed public and private sector employers in Nairobi country and found that the few who had employed persons with disabilities had only employed persons with physical impairments<sup>13</sup>. Ebuenyi et al (2019, p. 1) found that persons with mental or psychosocial disabilities found it especially hard to find employment, as a result of the stigma and discrimination they faced. Research they carried out with 158 employers from rural and urban employment settings in and around Nairobi found that only 15.4% had ever employed persons with a mental disability, while 29.3% of employers had employed persons with other types of disabilities (Ebuenyi et al, 2019, p. 4).

According to the 2009 census, unemployment rates among youths with disabilities were the same as youths without disabilities (16%) (Leonard Cheshire, 2018, p. 51). The unemployment rate for adults with disabilities was 9.5%, compared to 7% for adults without disabilities, 8.7% for females (6.7% for females without disabilities) and 10% for males with disabilities (7.3% for males without disabilities) (Leonard Cheshire, 2018, p. 52). The unemployment rate in 2016 was greater from women (11%) than men (7.9%) so the situation for women with disabilities is likely to have worsened in comparison to men with disabilities too. Inclusion International (2019, p. 7) also notes that women with intellectual disabilities were less likely to find employment as a result of family concerns over safety in the workplace, lower levels of education, and because the type of jobs that tend to hire persons with intellectual disabilities involve manual labour and these jobs mostly hire men.

People with disabilities who were able to find work, were found to experience poor remuneration and discrimination in the workplace (Kingiri et al, 2017, p. 3). Inclusion International (2019, p. 4, 18) notes, for example, that persons with intellectual disabilities are often expected to work unpaid for a period of time first to prove themselves and it is common for them to earn less than half a full salary.

## **Barriers to employment**

Persons with disabilities face a number of barriers to employment. Mueke (2014, p. 25) suggests that constraints to the employment of persons with disabilities include 'a lack of suitable employment; little or no access or adaptations; limited expectations of families and employers; lack of networks, contacts or social and inter-personal skills'. Gesongo & Baraza (2019, p. 5) found that most employers preferred to address the needs of persons with disabilities through ad hoc corporate social responsibility programmes rather than absorbing them into the workforce, which contributed to pushing them into the informal sector.

Barriers relating more to persons with disabilities than employers are included in this section, while barriers relating to employers are in the section below. Low education, literacy and job skills levels amongst persons with disabilities limits their competition in the job market (Khaemba et al, 2017b, p. 3; KNCHR, 2014, p. 37; Gesongo & Baraza, 2019, p. 6, 19). The set qualifications for certain positions were found to be too high for many persons with disabilities,

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<sup>13</sup> Only 3 employers who responded had employed persons with a disability.

particularly as they faced many challenges in accessing education, especially in transiting to institutions of higher learning (KNCHR, 2014, p. xi-xii). In a study of 30 people with disabilities, almost all cited their inability to attain higher education as a major factor limiting their access to employment (Opoku et al, 2016, p. 83). Some people who were disabled after they had received their education felt that it was this education which enabled them to secure jobs (Opoku et al, 2016, p. 83). However, even people with disabilities with university education or other necessary qualifications have struggled to find employment due to employer attitudes towards disability (KNCHR, 2016, p. 87; KNCHR, 2014, p.39). Information on the levels of education of persons with disabilities can be found below.

Research with people with disabilities found that self-stigma and poor perceptions by persons with disabilities about their abilities and self-worth and ability to compete in the job market with non-disabled workers was a significant barrier to their participation in formal sector employment (Mueke, 2014, p. 39-40; Opoku et al, 2016, p. 82; KNCHR, 2014, p. 37, 40; Gesongo & Baraza, 2019, p. 6, 36). Research in 2016 found that some people with disabilities felt that they could not compete in the job market because their disability limited their ability to compete with non-disabled workers (Opoku et al, 2016, p. 82). Some persons with disabilities and caregivers interviewed by KNCHR (2014, p. 37, 40) 'observed that poor perceptions by persons with disabilities about their abilities and self-worth and difficulty in socialisation as a person with disability remains the greatest hindrance to their development and subsequent realisation of their rights' and these attitudes were identified as a barrier to their employment. A 2017 study also found that 47% of the youths with disabilities said they did not apply for jobs, which was in line with 57% of employers who said that they don't receive applications from persons with disabilities (ADDA & CDSK, 2017, p. 8, 31).

Stigma and lack of support from family and communities is also felt to impact on employment opportunities as it often meant that persons with disabilities were unable to acquire the skills that would make them employable (Opoku et al, 2016, p. 84; Gesongo & Baraza, 2019, p. 6). People with intellectual or psychosocial disabilities report that their families are often very involved in decision making around their work (KNCHR, 2016, p. 111). Inclusion International (2019, p. 12) notes that families are 'often overprotective, and do not trust [persons with intellectual disabilities] to leave the home for employment because they are worried about stigma and safety'. It is easier for people with intellectual disabilities from wealthy families to find employment as they have more connections, better access to education and transport, although stigma remains an issue (Inclusion International, 2019, p. 13-14).

Access to employment is also hindered by difficulties in being able to physically get to work due to the inaccessible physical environment and inaccessible public transport making it hard for people with disabilities to get to work places (Opoku et al, 2016, p. 83; KNCHR, 2016, p. 77). The difficulties and cost of getting to work can often result in people with disabilities giving up formal work (KNCHR, 2016, p. 77). Limited access to assistive devices can also hinder their access to employment and productivity in the workplace (Gesongo & Baraza, 2019, p. 26). Poverty in general can also been an issue for persons with disabilities in accessing employment (KNCHR, 2014, p. 37; Gesongo & Baraza, 2019, p. 36).

Additional barriers which need to be overcome in order for employers to create inclusive workplaces are outlined in the below section of employers and inclusive employment.

## Disability and education and training

A 2017 survey, conducted jointly by the Ministry of Education and the Kenya Institute of Special Education (KISE), estimated that there are 1,901,943 children with disabilities in the school system and 587,289 out of school and needing to be in school (Sightsavers, 2018, p. 8). Leonard Cheshire (2018, p. 37) interpreted the 2009 census and found that 44% of people with disabilities completed primary school, in comparison to 60% of people without disabilities, with females with disabilities more likely to complete primary education in comparison to males with disabilities (50% compared to 39%). They found that 17% of people with disabilities completed secondary school in comparison to 27% of people without disabilities, with female completion rates of 18% and male completion rates of 15% (Leonard Cheshire, 2018, p. 38). On the other hand, the Analytical Report on Disability looking at the 2009 census found that more males with disabilities than females reached secondary or tertiary/college, and more females with disabilities than males had never attended school (KNBS, 2012, p. xv). 17% of children with disabilities aged between six and 17 were found to have never attended school, compared to 10% of children without disabilities (Kabare, 2018, p. 10). The 2007 National Survey also found that more females completed primary education than males (68.4% compared to 63.9%) but that more males completed secondary (22% compared to 19.1%), college (4.6% compared to 4%), and university (1.7% compared to 0.9%) (NCAPD & KNBS, 2008, p. 12). It also found that males were more likely to be attending mainstream schools than females with disabilities (NCAPD & KNBS, 2008, p. 17). Low enrolments and high dropouts mean that fewer students with disabilities graduate from secondary schools, with only 2,118 students with disabilities graduating from secondary school in 2015 according to the MoE (Kiru, 2019, p. 183). Research by LCDIDC (2016, p. 6) also found that 'in urban areas, 30% of children with disabilities were not in school compared to 5% of their non-disabled peers; in rural areas, the figures were 13% and 4% respectively'.

## Further and higher education

There are 12 technical and vocational rehabilitation centres in various parts of the country which offer vocational training to persons with disabilities to enable them to enter formal, informal or self-employment (KNCHR, 2016, p. 36; Baart & Maarse, 2017, p. 29). They have an integration policy whereby 60% of students have disabilities and 40% do not (KNCHR, 2016, p. 36). These institutes have also provided advice and training to mainstream training institutes on how to communicate with, and provide skills training to, visually impaired and deaf or hard of hearing young people (Baart & Maarse, 2017, p. 29). It is felt that there are too few TVET (Technical and Vocational Education and Training) institutions to meet the needs of all young people with disabilities in Kenya (Mueke, 2014, p. 25).

According to the 2009 census, 44% of young people with disabilities (15-24 years old) participated in education/training compared to 46% of youth without disabilities, 41% of females and 47% of males (Leonard Cheshire, 2018, p. 41). 2.6% of adults with disabilities participated in education/training compared to 3.5% of adults without disabilities, 3% of males and 2.3% of females (Leonard Cheshire, 2018, p. 42). Only 1.6% of people with disabilities completed university, compared to 2.4% of people without disabilities, 2.2% of males and 1.1% of females (Leonard Cheshire, 2018, p. 43).

Research by ADDA & CDSK (2017, p. 25) with youth with disabilities (including those identified through the Disabled Students Association of the University of Nairobi) found that 40% of the interviewed youth had some sort of certificate or vocation, with 27.7% having a bachelor's degree

or above. Over 90% of their respondents had secondary school education (ADDA & CDSK, 2017, p. 25).

### 3. Employers and inclusive employment

**Outcome 3: Employers test and adopt innovative UNCRPD compliant practices that enable the inclusion of women and men with disabilities in formal employment.**

**Outcome 6: Change in knowledge, attitude and behaviours from stakeholders involved in programme interventions that promotes and enables inclusion of women and men with disabilities in formal employment - from perspective of persons with disabilities**

#### Formal employment

Very few persons with disabilities are in formal employment for a range of reasons, including 'high formal qualification demands, stigmatisation and assumption by employers on capacity of persons with disabilities' (Sida, 2014, p. 1; KNCHR, 2014, p. xi-xii; Gesongo & Baraza, 2019, p. 5).

Legislation requires public and private institutions to implement a 5% employment quota for persons with disabilities (KNCHR, 2016, p. 87). The government has also tried to incentivise persons with disabilities in formal employment by providing tax exemptions to those earning below KES 150,000 (KNCHR, 2016, p. 36).

However, the 5% quota has not been met. Data provided by Public Service Commission (2019, p. xiv, 22) on employment of persons with disabilities in the public service during the 2018/2019 financial year, indicated that persons with disabilities accounted for 1.18% of those employed in the public service, and 1.5% of interns. A close analysis of similar statistics from 2015 by Kenyan DPOs found that a big segment of this data comprised of persons who had acquired disability while in service, with no readily available statistics on persons with disabilities employed in the open labour market (KNCHR, 2016, p. 182). Very little information exists about the employment of persons with disabilities in the private sector. A small number of studies have been carried out with formal sector employers to look at their perceptions of persons with disabilities and their employment practices. A 2014 study of 60 likely employers in the formal private sector found that only 27% had a member of staff with a disability, while 73% did not have any members of staff with a disability (Mueke, 2014, p. 33). A study in 2017 found that only 20% of 15 employer respondents had employed a person with a disability (ADDA & CDSK, 2017, p. 28). Safaricom, which has been highlighted as a good practice employer of people with disabilities by the government, had 2.1% of employees with disabilities 2019, although they plan to meet the 5% quota by March 2021 (KNCHR, 2016, p. 36; Gesongo & Baraza, 2019, p. 19). It has compromised on the education level it requires of recruits with disabilities; set up internships for students with disabilities; and introduced "unconscious bias" training (Gesongo & Baraza, 2019, p. 20).

The surveyed private sector employers in 2014 were generally found to not include people with disabilities in their organisational mandates; did not know how to include people with disabilities; and most staff members had not thought about the issue (Mueke, 2014, p. 38). Other research however, found examples of employers who were willing to make adjustments so that people with disabilities could work efficiently (KNCHR, 2016, p. 111).

## **Barriers faced by persons with disabilities**

Compliance with the 5% quota system and general employment for people with disabilities has been hampered by factors including stiff competition in the open labour market to the disadvantage of persons with disabilities; people with disabilities' limited education and training; the lack of willingness to employ people with disabilities; and the need for both special measures and reasonable accommodation in the formal and informal sectors (Sightsavers, 2018, p. 10; Kingiri et al, 2017, p. 3; Curvers et al, 2016, p. 51; Opoku et al, 2016, p. 77, 82, 83). In addition, poor monitoring and enforcement structures result in noncompliance with the 5% employment policy (Kingiri et al, 2017, p. 3). Awareness of the existing legislation on inclusive employment and disability in general is low (Ebuenyi et al, 2019, p. 8; ADDA & CDSK, 2017, p. 30; Gesongo & Baraza, p. 6).

Stigmatisation and assumptions by employers on capacity of persons with disabilities to deliver within workplace have been found to be a barrier to formal employment for persons with disabilities (KNCHR, 2014, p. xii, 37; Gesongo & Baraza, 2019, p. 26, 30). A number of 2016 studies found that negative employee perceptions, including in relation to concerns about cost and the capabilities of persons with disabilities, was a key barrier to the inclusive employment of persons with disabilities (Wanjala et al, 2016, p. 2, 8; Opoku et al, 2016, p. 77, 82; Curvers et al, 2016, p. 51; Maina, 2016, p. 87-88, 97; Opini, 2010, p. 279-280). For example, one study found that people with disabilities struggled to find employment as a result of perceptions that people with disabilities are unable to contribute, despite their impairment not impeding their ability to work (Curvers et al, 2016, p. 51; Opoku et al, 2016, p. 82). Participants in another 2016 study reported that they were 'mocked, handed cash, and turned away by employers, because employers had low expectations of them' (Opoku et al, 2016, p. 81-82). This discouraged people with disabilities from continuing to apply for jobs and some turned to begging as their only option to survive (Opoku et al, 2016, p. 82). Another study in 2016 with 38 persons with disabilities found that 87% of them reported being denied employment, most likely because of their disability (Maina, 2016, p. 96). Most had been refused a job during their job interview (Maina, 2016, p. 96). A study in 2018 looking at employer perspectives on opportunities for improved employment of persons with a mental disability found that barriers to employing persons with mental disabilities mainly included concerns that they would be unable to meet employer expectations in terms of productivity and underlying misunderstandings about mental illness leading to fears about potential violent behaviour and how to handle it in the workplace (Ebuenyi et al, 2019, p. 4-5). There were also some worries about the reactions of co-workers, customers and clients (Ebuenyi et al, 2019, p. 5). The private sector employers interviewed in 2014 identified key barriers to employment of graduates with disabilities to also include concerns that people with disabilities may not be able to do the work appropriately or competently; or that other staff may not be comfortable or like working with staff with disabilities (Mueke, 2014, p. 39-40). A focus group discussion in relation to this found that 'employers were reluctant to employ people with disabilities because they saw them as a burden and as people who would need constant attention' and they felt that they would 'not be able to provide the necessary adjustments that would enable employees with disabilities to work comfortably' (Mueke, 2014, p. 40).

The mode of dissemination of information on new job opportunities has been found to be limiting and inaccessible as many advertisements are done in print media, i.e. newspapers and via the internet, which many of the persons with disabilities may not have access to (KNCHR, 2016, p. 160; ADDA & CDSK, 2017, p. 30; KNCHR, 2014, p. xii, 37; Gesongo & Baraza, 2019, p. 19). As a result persons with disabilities fail to apply 'not because they do not qualify but because they lack the necessary information' (KNCHR, 2014, p. 37). Complex application processes can also be off-putting to youth with disabilities (ADDA & CDSK, 2017, p. 30). Private sector employers

were found to not actively source persons with disabilities when recruiting (ADDA & CDSK, 2017, p. 8, 31).

Access to employment is also hindered by physically inaccessible workplaces, as well as lack of accessible communication within the workplace (Kingiri et al, 2017, p. 3; Opoku et al, 2016, p. 77, 81; Mueke, 2014, p. 39-40; Maina, 2016, p. 97; Opini, 2010, p. 281). While parts of the building may be accessible other important places such as the toilets may be inaccessible (Maina, 2016, p. 97). The cost of making workplaces accessible is off-putting for some employers, and employers interviewed in 2014 identified no budget to meet the costs of disability adjustments that might be required as one of the barriers to employment of persons with disabilities (Curvers et al, 2016, p. 51; Gesongo & Baraza, 2019, p. 6). Persons with intellectual disabilities noted that employers were reluctant to employ them due to concerns that they will need expensive accommodations and that they will not bring value to the business (Inclusion International, 2019, p. 3-4).

The private sector employers interviewed in 2014 also identified key barriers to employment of graduates with disabilities to include lack of technical support from disability organisations/experts; that no candidates with disabilities had ever applied for a job; and that the organisation's HR policy did not encourage employment of graduates with disabilities; (Mueke, 2014, p. 39-40).

Opoku et al (2016, p. 85) suggest that these barriers to employment stem 'mainly from the religious, cultural, and medical perceptions of disability, leading to the discrimination and exclusion of persons with disabilities from mainstream activities'.

### **Reasons employers were more inclusive of persons with disabilities**

A study looking at the employment of persons with mental disabilities found that employers were more likely to employ persons with disabilities due to their individual skills or if they knew them/were familiar with their mental illness (Ebuenyi et al, 2019, p. 5-6). Some employers also chose to employ persons with disabilities as a result of sympathy for them or to fulfil the corporate social responsibility (CSR) objectives of their organisation (Ebuenyi et al, 2019, p. 5-6). Some employers also 'suggested that incentives from the government in the form of grants or tax rebates would facilitate their decision to employ persons with mental disabilities' (Ebuenyi et al, 2019, p. 5). Other research with employers also suggests that having the right skills makes persons with disabilities more attractive to employers (ADDA & CDSK, 2017, p. 8).

Ebuenyi et al (2019, p. 6, 8) found that 'employers who have ever employed persons living with other forms of disability had higher odds of employing persons with mental disabilities compared to those who have never employed them', which they suggest may be due to their experiential knowledge. This suggested to them that 'facilitating direct contact with employers who hire persons with mental disabilities could be key in striving for equal employment opportunities' through their sensitisation of other employers without prior experience (Ebuenyi et al, 2019, p. 8). In addition, 'employers who think that persons with mental disabilities should have equal employment opportunities to the general population and indicated that support in the form of subsidies would encourage them to employ persons with mental disabilities had higher odds of employing persons with mental disabilities compared to those who said no' (Ebuenyi et al, 2019, p. 6).

Some employers interviewed in 2014 'appear[ed] willing to sacrifice work performance or work quality in exchange for a dependable employee', although it is not clear to what extent they are

willing to do this in relation to other factors such as economic and labour market conditions or co-worker perceptions (Mueke, 2014, p. 52).

### **Persons with disabilities experiences in work**

Reasonable accommodation has also been lacking at various work places, meaning persons with disabilities are not getting the required basics to enable them to communicate with fellow colleagues and facilitate their working (KNCHR, 2014, p. 37). This can result in persons with disabilities feeling isolated and opting to leave work (KNCHR, 2014, p. 37). Some employers have made efforts and the employers surveyed in 2017 by ADDA & CDSK (2017, p. 28) who had employees with disabilities had accommodated them by providing staff with information on disability; and providing accessible services including braille, screen readers and ramps.

The employers interviewed by Ebuenyi et al (2019, p. 6-7) mentioned that in relation to job tenure, performance on the job (which may involve adjusting their expectations of the performance of people with a mental disability) was a key factor; as was having insurance and guidance to fall back on in case of problems. It was mentioned that work was adjusted for persons with mental disabilities, and employers highlighted that this flexibility and adjustment required disclosure and insights into their employee's capabilities (Ebuenyi et al, 2019, p. 8). However, there was also an acknowledgement that negative employer attitudes could mean that disclosure could backfire (Ebuenyi et al, 2019, p. 8).

Experiences in work can also be challenging for persons with disabilities. Lack of workplace support can be a barrier to employment for persons with disabilities (KNCHR, 2014, p. 37). Abuse and discrimination at work is also an issue. About 91% of persons with disabilities interviewed by Maina (2016, p. 96) cited high levels of negative jokes toward them, '84.8% cited that they are assigned more difficult duties; 83% indicated that they are made to do unpleasant or hazardous jobs while 76.1% cited that there are cases of threats and verbal abuse toward them by their employers, supervisors and fellow employees'. About 72% of respondents responded they are bothered, tormented or troubled to a great extent because of their status at work (Maina, 2016, p. 96). Some of the persons with disabilities interviewed by Maina (2016, p. 96) reported being given a light work load which made them feel bad about themselves. Most of this abuse and harassment goes unreported and unpunished (Maina, 2016, p. 96).

Two of the three employer respondents interviewed by ADDA and CDSK who had an employee with disabilities had received complaints from other staff and supervisors on job performance of persons with disabilities relating to poor performance, skill and job requirement mismatch, poor social skills, lateness to support challenges (ADDA & CDSK, 2017, p. 29). 45% of the persons with disabilities interviewed by Maina (2016, p. 96) reported being fired from previous jobs due to their disabilities.

## **4. Government and national policies relating to inclusive employment**

**Outcome 5: Increased commitment from government and national employer organisations to enable inclusive employment for women and men with disabilities (Government demonstrates commitment to enabling inclusion of women and men with disabilities in formal employment through creation and/or implementation of inclusive legislation/policy; as a result of programme interventions.)**

## UNCRPD and national disability policies and legislation

Kenya has 'adopted a progressive legislative and policy framework suitable to address economic, social, cultural, political and civil rights of persons with disabilities' (Sightsavers, 2018, p. 1; LCDIDC, 2016, p. 6). This involves both disability specific policies and legislation, and disability concerns in some key mainstream legislation (Sightsavers, 2018, p. 2). However, the country has faced challenges implementing many of the provisions in legislation and policies (Sightsavers, 2018, p. 3; KNCHR, 2016, p. 71). This has been attributed to inadequate budgetary allocation for the implementation of these legislations and policies; lack of definitional clarity about what constitutes a disability; the non-prioritisation of disability; lack of robust monitoring and enforcement mechanisms; the lack of involvement of organisations of persons with disabilities and service providers in the planning and implementation; lack of collaboration between government departments providing services and other actors; and low levels of awareness of disability and negative attitudes among some policy makers and implementers (Sightsavers, 2018, p. 3; LCDIDC, 2016, p. 6; Khaemba et al, 2016, p. 21; Gichuhi, 2014, p. 8). Administrative devolution has also resulted in distinct differences in policy and implementation between districts (LCDIDC, 2016, p. 6).

The Ministry of Gender, Children and Social Development is the focal point for disability issues in Kenya. There are Disability Mainstreaming Committees in Government ministries and departments, although Sightsavers (2018, p. 5) point out that there is still a need to evaluate them in terms of attitude change, reasonable accommodation, increased employment, retention and promotion of persons with disabilities at their places of work.

### Constitution

The 2010 Constitution of Kenya 'is seen as a key tool for the inclusion of people with disabilities because it guarantees equality for all citizens' (Kett & Cole, 2018, p. 33). It prohibits direct and indirect discrimination on the grounds of disability (Sightsavers, 2018, p. 2; Kabare, 2018, p. 12). **Article 54** specifically provides people with disabilities with the right to be treated with dignity and respect; to access to educational institutions and facilities integrated into society; to reasonable access to all places, public transport and information; to use of sign language, Braille or other appropriate forms of communication; and to access to materials and devices to overcome disability-related constraints (Sightsavers, 2018, p. 2; Kabare, 2018, p. 11). It also provides for progressive implementation of 5% representation of persons with disabilities in all appointive and elective positions in all aspects of the society's life (Sightsavers, 2018, p. 2; Kabare, 2018, p. 11). The Committee on the Rights of Persons with Disabilities notes that the UNCRPD is an integral part of the constitution (CRPD, 2015, p. 1).

### UN Convention on the Rights of Persons with Disabilities (UNCRPD)

Kenya ratified the UNCRPD in 2008 and had a review of its implementation in 2015 (Sightsavers, 2018, p. 2). This process has influenced thinking in Kenya in terms of persons with disabilities as rights holders (Sightsavers, 2018, p. 2). The government acknowledges that there are many challenges in implementing the UNCRPD, especially providing the necessary funding to ensure the full participation of persons with disabilities in the implementation and monitoring process (Jillo, 2018, p. 5). There is an absence of specific legal and policy frameworks for implementing the UNCRPD at the county and municipal levels (CRPD, 2015, p. 2).

Article 27 relates to work and employment:

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;

c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;

d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;

e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;

g) Employ persons with disabilities in the public sector;

h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;

j) Promote the acquisition by persons with disabilities of work experience in the open labour market;

k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

### **National Disability policy and legislation**

The **Persons with Disabilities Act, 2003** provides for the right to physical access, transport, communication, education, health care, employment and access to justice (Sightsavers, 2018, p. 2). Employment rights include prevention of discrimination and a 5% employment quota in both

the public and private sector (ADDA & CDSK, 2017, p. 14). Section 15(5) 'provides that an employer shall provide such facilities and effect such modifications, whether physical, administrative or otherwise, in the workplace as may reasonably be required to accommodate persons with disabilities', while Section 16(2) provides incentives for private employers to do so (KNCHR, 2016, p. 16). Subsidiary legislation exists, including the **Persons with Disabilities (Access to Employment, Services and Facilities) Regulations, 2009**. The Act is currently being amended to align it with the UNCRPD and the 2010 Kenyan Constitution (Sightsavers, 2018, p. 2; KNCHR, 2016, p. 17; Gesongo & Baraza, 2019, p. 28). The current version is the **Persons with Disabilities (Amendment) Act, 2019**. Challenges with implementation include lack of enforcement of the accessibility requirements for public buildings, transport, and infrastructure and problems meeting the 5% quota for public appointments/elections (which has been hampered by the low skill levels and requisite experience among persons with disability) (Sightsavers, 2018, p. 3). While the National Council for Persons with Disabilities (NCPWD) has the power to fine any institution that does not meet the 5% employment quota for persons with disabilities in public and private institutions, this fine does not apply to government institutions, and it is not clear how these measures are being implemented (Khaemba et al, 2017, p. 3). Incentives to encourage persons with disabilities in formal employment include tax rebates (Gesongo & Baraza, 2019, p. 29).

The **Kenya National Disability Policy (2018)** 'stipulates that the Government is committed to implementing National and International standards on employment, economic empowerment and observance of human rights for persons with disabilities in both public and private sectors' (Gesongo & Baraza, 2019, p. 26).

There is also a draft **Disability Policy and Guidelines for the Public Service** which aims to guide the Public Service in disability mainstreaming to ensure a diverse workforce as provided for in the Constitution of Kenya and Persons with Disabilities Act (the constitutional threshold for number of employees with disabilities in public service is 5% - in 2014 there were only 1%) (PSC, 2018, p. ii, 1). Ministries, Departments, and Agencies will adopt fair practices that embrace affirmative action at recruitment, appointment and in career progression (PSC, 2018, p. 1; CRPD, 2015, p. 1).

**Nairobi City County (2015), Machakos County (2016), Kisumu County (2014), and Kilifi County (2016)** have Persons with Disabilities Acts or Bills, which include sections prohibiting discrimination against people with disabilities in employment and providing incentives for employing people with disabilities.

At the 2018 **Global Disability Summit** the Government of Kenya pledged to: 'to improve the lives of persons with disabilities and to enhance opportunities for the development of their economic potential', a commitment made in collaboration with DPOs, INGOs and civil society. To do this, the action plan involves: 1) institutionalising National Disability Inclusive Budgeting across all government departments both at national and county levels; 2) enforcing the 30% quota allocation of Government Procurement opportunities to persons with disabilities at National and County governments and other institutions; 3) reviewing the targeting criteria for social assistance programme for persons with disabilities, so as to include more vulnerability in the category; 4) actualising accessibility information and to built environments as provided for in the existing legislations to enhance social and economic involvement of persons with disabilities.

## Responsible bodies

The **National Council for Persons with Disabilities (NCPWD)** was established under the Persons with Disabilities Act and is charged with follow up and enforcement of the law and formulating and developing measures and policies designed to achieve equal opportunities for persons with disabilities (Sightsavers, 2018, p. 3; Kabare, 2018, p. 15). It is under the Ministry of Gender, Children and Social Development and is the official arm of the government on disability issues. It has representation in all 47 counties, with country officers working with local government (Kabare, 2018, p. 15). However, it does not have adequate resources to audit the organisations and enforce the provision of the law which promotes accessibility (Sightsavers, 2018, p. 3). With its current capacity, NCPWD is only able to audit between 20 -100 organisations a year out of the over 1,000 agencies that need to be audited (Sightsavers, 2018, p. 3). During the 2016-2017 financial year, the operational budget allocated for the National Council for Persons with Disabilities was KSH 289,500,00013 and KSH 1.2 billion for cash transfers to households with persons with severe disabilities (Al-Ghaib & Wilm, 2017, p. 20). The government generally works through the NCPWD rather than engaging with DPOs or persons with disabilities directly (Al-Ghaib & Wilm, 2017, p. 25).

The **National Gender and Equality Commission (NGEC)** has a Disability and Elderly Programme that promotes mainstreaming of disability and issues of ageing in governance structures at the national and local levels (Kabare, 2018, p. 19). It also monitors human rights violations and discrimination cases, and monitors access and inclusion efforts (Kabare, 2018, p. 19).

Government funding for persons with disabilities is integrated into various government development programmes for inclusive development and affirmative actions for persons with disabilities are supported by public resources such as tax exemptions, social protection or livelihoods programmes (Al-Ghaib & Wilm, 2017, p. 20; CRPD, 2015, p. 1).

## Employment policies

The government of Kenya has created policies which aim to enhance the right to work on an equal basis, through the promotion of open, inclusive and accessible work environments and prohibition of discrimination on the basis of disability (Kingiri et al, 2017, p. 1; Opoku et al, 2016, p. 79; Khaemba et al, 2017, p. 1; Khaemba et al, 2016). However, the impact of these policies and legislation on persons with disabilities with regards to access to work and employment opportunities has been minimal, which is largely attributed to 'inadequate enforcement mechanisms by the government' and the 'failure by public and private sectors to consider persons with disabilities on impartial basis for employment opportunities' (Khaemba et al, 2017b, p. 1). Labour and employment policies and regulations also appear to have left out the budgetary aspects for employment of persons with disabilities (Khaemba et al, 2016, p. 21). Kamau et al's (2018, p. 3) analysis of employment policies also found that '[while] employment creation has been central in all government policies, the focus has largely been on increasing the number as opposed to the quality of employment creation' which means that the 'informal economy has remained the main contributor of employment opportunities'.

The **Persons with Disabilities Act 2003** 'prohibits discrimination by both public and private employers in all areas of employment including advertisement, recruitment, classification or abolition of posts; the determination of allocation of wages, salaries, pension, accommodation, leave or other benefits, the choice of persons for posts, training, advancement, apprenticeships, transfers and promotion or retirement' (KNCHR, 2016, p. 87). The Act also requires that 'public

and private institutions implement a 5% employment quota for persons with disabilities' (KNCHR, 2016, p. 87). The act also offers 'incentives for compliance including tax deductions of up to 25% for employing [persons with disabilities] in the private sector as well as up to 50% for providing modifications for access and to accommodate [persons with disabilities] at work' (Khaemba et al, 2016, p. 23; Opini, 2010, p. 276).

The **Employment Act 2007 (revised edition 2012)** recognises disability and outlaws discrimination on grounds of disability in employment for employees and prospective employees in both the public and private sectors (PSC, 2018, p. 3; KNCHR, 2016, p. 35; Khaemba et al, 2017, p. 1).

The 2007 **Work Injury Benefits Act** provides rights to compensation for employees temporarily or permanently disabled.

The **Labour Institutions Act** (revised 2014) requires the Commissioner for Labour and the Director of Employment to publish an annual report, which includes 'statistics of persons with disabilities in work places and any aids being provided by the employer' (RoK, 2014, p. 16). The **National Employment Authority Act**, 2016 establishes the **National Employment Authority**; to provide for a comprehensive institutional framework for employment management; to enhance employment promotion interventions; and to enhance access to employment for youth, minorities, marginalised groups, and persons with disabilities<sup>14</sup>.

The **Public Officers' Ethics Act 2003** prohibits discrimination of persons with disabilities in employment opportunities (Sightsavers, 2018, p. 9; PSC, 2018, p. 3).

The **Public Procurement and Disposal Act 2015 and Regulations 2006** pledge that 30% of government procurement contracts shall go to youth, women and persons with disability without competition from established firms<sup>15</sup> (PSC, 2018, p. 3). However, Sightsavers (2018, p. 3) note that people with disabilities have struggled to benefit from this policy.

The **PSC Code of Practice for Mainstreaming Disability in the Public Service 2010**, obliges public entities to reasonably accommodate the needs of people with disabilities in public service by retaining, retraining and deploying public servants who acquire disabilities in the course of duty (PSC, 2018, p. 3).

The **Kiambu County Youth Women and Persons with Disabilities Enterprise Development Fund Bill 2014** established a Youth, Women and Persons with Disabilities Enterprise Development Fund, to promote the establishment and development of micro and small businesses and industries by the youth, women and persons with disabilities.

A study with people with disabilities felt that ineffective laws, including the 5% quota, greatly contributed to unemployment among persons with disabilities in Kenya (Opoku et al, 2016, p. 83). Mueke (2014, p. 55) suggests that 'employment policies for people with disabilities need to reach beyond the traditional hiring quotas, reserved employment schemes and rehabilitation strategies of the past, to address the root causes of inequalities in the workplace'.

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<sup>14</sup> ILO database of national labour, social security and related human rights legislation - National Employment Authority Act; National Employment Authority description of functions

<sup>15</sup> Access to Government Procurement Opportunities (AGPO) website

Gichuhi (2014, p. 10) found that there had 'been almost negligible case law on anti-discrimination emanating from specific anti-discrimination law and as such the courts have not established clear standards for the determination of such cases'.

## UNCRPD Article 27 recommendations

In its concluding observations on the initial report of Kenya, the Committee on the Rights of Persons with Disabilities recommended that the State party should:

- (a) Adopt immediate measures to foster compliance with the positive measure of quotas for persons with disabilities in employment, including an effective enforcement mechanism and sanctions for non-compliance, both in the public and the private sectors;
- (b) Design work and employment programmes in the open labour market specifically aimed at persons with disabilities, including information on job opportunities in accessible formats and the development of skills to undergo competitive selection processes to access jobs;
- (c) Support entrepreneurship among persons with disabilities including by providing training on accessing markets;
- (d) Collect periodically statistics and information on persons with disabilities' access to work as a matter of public accountability.

The **National Plan of Action on Implementation of Recommendations made by the Committee on the Rights of Persons with Disabilities** outlines the activities different government actors intend to undertake in order to implement these recommendations (MEAALSP, 2016, p. 27).

## Programmes to support employment

Most government programmes supporting employment are aimed at self-employment rather than formal sector employment.

The NCPWD organises placements for persons with disabilities in Government institutions and private organisations (KNCHR, 2016, p. 36; Gesongo & Baraza, 2019, p. 34). It has a register of persons with disabilities and links them to employment opportunities as they arise (Gesongo & Baraza, 2019, p. 34). However, there are concerns that response levels are too low and persons with disabilities feel that that the 'information on job opportunities does not reach the grassroots' level and where it does, the required qualifications are way above their reach' (Gesongo & Baraza, 2019, p. 34). The NCPWD is also trailing a new initiative, whereby it provides the necessary capital funds to persons with disabilities who secure Government tenders through the procurement order which sets aside 30% of the government tenders for women, youth and persons with disabilities, which it recovers on payment for the procured goods or services (Sightsavers, 2018, p. 9).

The **Employment Services Directorate**, part of the National Employment Authority (NEA), is charged with developing strategies to mainstream issues of gender, youth, the marginalised, and persons with disabilities into employment programmes, amongst other things<sup>16</sup>.

## 5. The disability movement and inclusive employment

**Outcome 4: The disability movement and supporting stakeholders demonstrate strengthened capacity to support women and men with disabilities to realise their rights to work (Article 27)**

This section focuses on publicly available information relating to the disability movement's involvement in supporting the inclusion of persons with disabilities in the formal sector. It is likely that more activities are happening than are listed here but given the time and resources available an exhaustive search was not possible.

### United Disabled Persons of Kenya (UDPK)

UDPK is a federation of organisations for persons with disabilities in Kenya. It has done some work on inclusive formal sector employment and has co-authored a policy paper on promoting right to work and employment for persons with disabilities (Khaemba et al, 2017b). However the focus of its main projects is not on inclusive formal sector employment<sup>17</sup>.

### Agency for Disability and Development in Africa (ADDA)

The Agency for Disability and Development in Africa Kenya (ADDA) is a partner in EmployAble (see below). ADDA has developed an important role as a broker between companies and skilled young people with disabilities in Kenya (Bart & Maarse, 2017, p. 62). Companies say skilled young people with disabilities do not apply if they have a vacancy, which may be because students often lack the confidence and networking skills needed to successfully present themselves when there is a vacancy in line with their skills (Bart & Maarse, 2017, p. 62). ADDA links companies that are motivated to meaningfully hire young people with disabilities, whether it be from a Corporate Social Responsibility perspective or from a business perspective, with skilled young people with disabilities (Bart & Maarse, 2017, p. 62).

Together with Cheshire Disability Services Kenya, ADDA conducted research with public and private sector employers in Nairobi, youth with disabilities, and TVET institutions (ADDA & CDSK, 2017, p. 20-21). They developed two questionnaires, one for youth focused on employment and skills and one for employers focused on perceptions (ADDA & CDSK, 2017, p. 20). They also worked with the Kenya Federation of Employers to introduce employers to the EmployAble project (ADDA & CDSK, 2017, p. 21).

### Action Network for the Disabled (ANDY)

ANDY is a community-based youth disability organisation which has a programme called Riziki Source Project, supporting the preparation and placement of persons with disabilities into job

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<sup>16</sup> National Employment Authority website: Employment Services Directorate

<sup>17</sup> UDPK projects webpage

opportunities and working with employers to be ready to include persons with disabilities in their businesses<sup>18</sup>. It is also involved in the Innovation to Inclusion (i2i) programme<sup>19</sup> - see more below. It has hosted sessions on things like Disability Etiquette in the Workplace<sup>20</sup>.

## Humanity & Inclusion (HI)

HI is piloting the development of an inclusive workplace toolbox in Kenya (and Afghanistan, Bangladesh, and Nepal) as part of the Amplify Challenge to help employers create accessible workplaces for persons with disabilities<sup>21</sup>. The content of the toolbox will allow employers to investigate specific adaptations that have worked in the past, broken down by sample work environments and disability type<sup>22</sup>. Partners will include businesses, microfinance organisations, INGOs and vocational training centres, and persons with disabilities.

## 6. Partnerships for inclusive employment

**Outcome 1: Partnerships between private, public and civil society are developed to influence the inclusion of women and men with disabilities in formal employment**

This section focuses on information about partnerships between private, public and civil society, or variations thereof, that exist to influence the inclusion of women and men with disabilities in formal employment that are not directly related to Inclusion Works. It is likely that there are more partnerships that are working to promote disability inclusive formal employment in Kenya but given the time and resources available, an exhaustive search was not possible. There is not much information that seems to be available about the impact of the activities of these various partnerships.

Mueke (2014, p. 55) suggests that private sector involvement in inclusive employment could be promoted through partnerships with learning institutions, employers, employees and organisations of disabled people, with market driven programmes and individual and employer responsibility.

## Innovation to Inclusion (i2i)

The Innovation to Inclusion (i2i) programme aims to address key challenges persons with disabilities experience in accessing economic opportunities and waged employment in Kenya (and Bangladesh). It involves a consortium of partners, led by Leonard Cheshire, Bangladesh Business and Disability Network; Action for the Disabled Network Kenya; CBM; the Global Disability Innovation Hub; London School of Hygiene and Tropical Medicine; Plan International

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<sup>18</sup> [ANDY website: Our programs – Sustainable livelihoods](#)

<sup>19</sup> [ANDY website: Our programs – Sustainable livelihoods](#)

<sup>20</sup> [ANDY tweet](#)

<sup>21</sup> [IDEO website: Global toolbox for an inclusive workplace](#)

<sup>22</sup> [IDEO website: Global Toolbox for an Inclusive Workplace final review stage](#)

UK; International Labour Organisation (ILO); World Bank; and the European Disability Forum (EDF)<sup>23</sup>.

The 3-year DFID funded programme aims to explore innovative market-based interventions to improve livelihoods and autonomy for women and men with disabilities, through collaboration with traditional and non-traditional partners; generate data and evidence to further understanding of whether persons with disabilities are benefiting from economic opportunities; and promote sustained inclusive economic employment for persons with disabilities, particularly women<sup>24</sup>.

## EmployAble

The **EmployAble programme**, developed by Light for the World, Agency for Disability and Development in Africa (ADDA), Umbrella of Persons with Disabilities in the fight Against HIV/AIDS (UPHLS) and Ethiopian Center for Disability and Development (ECDD), aimed to encourage the inclusion of young people with disabilities in appropriate and relevant skills training provided by mainstream technical and agricultural training institutes through action learning in Kenya, Ethiopia, and Rwanda (Baart & Maarse, 2017, p. 15, 18). Cheshire Disability Services Kenya is also a facilitating partner in EmployAble II (ADDA & CDSK, 2017, p. 9). It began in 2014 and Phase II runs until 2019 and is focused in Nairobi County (ADDA & CDSK, 2017, p. 9-10). The programme has succeeded in supporting people with various different disabilities, including deaf-blindness, into formal sector employment in Kenya (Baart & Maarse, 2017, p. 31, 62).

They have identified a variety of partners willing to be involved in the EmployAble project including Federation of Kenya Employers; the Association for the Physically Disabled of Kenya; St. Kizito Training Institute; Eastlands College of Technology; Machakos Technical Training Institute for the Blind in Machakos; Junior Achievement; Generation Initiative; Faulu Bank; Maria Magdalena Special School (ADDA & CDSK, 2017, p. 33-38).

Baart & Maarse (2017) outline the lessons the programme learnt in relation to encouraging young people with disabilities to enrol, in making the institutes inclusive, supporting a smooth transition to employment, and providing post-employment mentoring and support. Some of the key lessons include the need to:

- define and analyse the labour market skills needs, skills development opportunities and disability structures available;
- provide disability awareness training for vocational training institutes, apprenticeship providers, and potential employers;
- mobilise young people with disabilities, assess their capacities and career interests, and match their ambitions with identified opportunities for skills development and job opportunities;
- mobilise the young people to form youth groups;
- prepare vocational training institutes and apprenticeship providers to reasonably accommodate young people with disabilities;
- support young people and training providers during the actual skills building process; and

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<sup>23</sup> ANDY website: Sustainable Livelihoods

<sup>24</sup> ANDY website: Sustainable Livelihoods

- prepare the young people for successful transition to the labour market (Baart & Maarse, 2017, p. 77-79).

## Action for Children with Disabilities

In November 2018, Action for Children with Disabilities, a coalition of over [thirty civil society and government institutions](#), organised a conference with the theme “Disability Inclusiveness: Demand and Supply Approaches to Employment Opportunities”. The conference aimed to bring together decision makers, parents, HR practitioners, entrepreneurs, trade unions, youth, development partners and civil society organisations to discuss the improvement of employment opportunities for youths with disabilities<sup>25</sup>.

## Professional Fellows Program on Inclusive Disability Employment (PFP-IDE)

The Professional Fellows Program on Inclusive Disability Employment (PFP-IDE) partners 20 mid-career professionals (Fellows) from Kenya, Tanzania, and Uganda, who are committed to advancing inclusive employment for individuals with disabilities, with university-based research and education centres for disabilities in the United States<sup>26</sup>. The programme has been operating since 2018, with two cohorts each year. Details of previous fellows and their planned activities in relation to disability inclusive employment in their countries are available on the [website](#).

## Kenya Private Sector Alliance (KEPSA)

The Kenya Private Sector Alliance (KEPSA) is an umbrella organisation for the private sector in Kenya. In February 2019 it met with DFID Kenya to discuss a partnership that will enable more awareness of the importance of inclusion of the persons with disabilities and the benefits thereof amongst the private sector<sup>27</sup>. It has organised National Gender & Disability Mainstreaming Awards<sup>28</sup>. It attended the launch of the Innovating Pathways for Employment Inclusion Project (IPEI)<sup>29</sup>.

## Federation of Kenyan Employers (FKE)

The Federation of Kenyan Employers is an employer’s umbrella organisation. It has previously mentioned that it will ‘endeavour to work with the National Council for Persons With Disabilities to ensure disability mainstreaming awareness creation among all employers’ (FKE, 2012, p. 18).

## Kenya Employers Network for Equality and Inclusion

Kenya Employers Network for Equality and Inclusion (ENEI) is an employer-led membership organisation advising on all aspects of equality and inclusion in the workplace. Its Annual Awards

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<sup>25</sup> [Inclusive Youth Employment Conference website](#)

<sup>26</sup> [Professional Fellows Program on Inclusive Disability Employment \(PFP-IDE\) website](#)

<sup>27</sup> [KEPSA blog: KEPSA DISCUSSES MATTERS PWD](#)

<sup>28</sup> [KEPSA website – events](#)

<sup>29</sup> [KEPSA news: THE INNOVATION SUMMIT ON DISABILITY EMPLOYMENT INCLUSION WORKSHOP](#)

ceremony has included a Disability Confident Award, sponsored by the Department for Transport<sup>30</sup>.

## Private Sector Strategic Partnership in Kenya

A group of Kenyan and British businesses operating in Kenya, along with the Government of Kenya and DFID, launched a three year partnership to economically empower people with disabilities at the Global Disability Summit. The partnership is intended to offer the 'opportunity for each company to demonstrate its capacity for leadership and innovation, with partners working together to generate collective learning and insight' (DFID, 2018).

## Central Organization of Trade Unions (Kenya)

The Central Organization of Trade Unions has worked on disability issues and the 'Youth Policy, 2019-2023' includes specific mentions of persons with disabilities in their analysis and promoting the employment rights of youth with disabilities in their activities (COTU(K), 2019).

## National Labour Board

The National Labour Board, set up by the Labour Institutions Act, is made up of representatives of the government, trade unions and the federation of employers. One of its duties is to advise the Minister responsible at the time for labour matters on the employment of persons with disabilities (RoK, 2014, p. 8).

## 7. How the SITANS were conducted

A non-systematic but extensive literature review has been conducted for each country within the time and resources available, covering both academic and grey literature, focusing on the situation in the country and persons with disabilities involvement in formal employment. Searches of publicly available English language literature for the intervention areas have been conducted online through academic databases, search engines and websites which host grey literature. No new data has been generated by IDS for this review. Programme partners were invited to provide relevant documents. As disability and development is an under researched area, much of the available literature and evidence is grey literature published by governments and organisations working in the countries, rather than academic literature. Also, the most recent and up to date evidence often comes in the form of journalism or press releases. Some of the evidence presents contradictory findings, especially in relation to disability prevalence. The majority of the report was written in 2019, with this version providing a brief update of recent evidence.

The most recent well-evidenced literature was selected for synthesis in the SITANS to provide those working on the Inclusion Works programme with an overview of the current situation in the country to help with the design of the interventions and to provide a form of baseline of existing secondary knowledge about the areas being targeted by the programme. As a time lag sometimes exists between evidence being gathered and then published, the SITANS are living documents, which will be briefly updated annually to reflect newly available evidence. Having the SITANS as living documents also means they can be adapted to reflect new areas of interest to the programme, or areas to be developed further, throughout its implementation. As people in the

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<sup>30</sup> ENEI website

different countries use and engage with the SITANs in the project planning processes in the countries, they will have the opportunity to feed back on the SITANs based on their current experiences (helping deal with the time lag issue) and provide useful internal evidence which is not available publicly. The SITANs have been reviewed by a gender expert from IDS to ensure that gender/intersectionality are well reflected, where possible.

#### **Inclusion Works SITANs:**

Thompson, S. (2020). *Bangladesh Situational Analysis*. Inclusion Works.

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## **8. Comments received from Inclusion Works Partners**

All partners in the Inclusion Works programme were asked for additional literature and comments to build on the 2019 Kenya SITAN. Comments provided are outlined below:

### **Inclusion International's comments**

Within the disability community in Kenya, people with intellectual disabilities are among the most marginalized, with lower rates of employment than people with disabilities from other impairment groups. Jobseekers with intellectual disabilities face additional barriers to employment – educational, attitudinal, and accessibility barriers. School enrolment rates are lower among people with intellectual disabilities, and when people with intellectual disabilities do have access to education, it is most often in segregated settings that rarely provide a path to a certificate, which further disadvantages them in the job market. Vocational skills training opportunities are rarely delivered in a way that is accessible to people with intellectual disabilities.

Due to strong stigma, Kenyan employers tend to lack understanding of intellectual disability and hold assumptions about people with intellectual disabilities being incapable of working, unproductive, or likely to disrupt their workplaces. Self-advocates indicate that employers in Kenya believe that the cost of paying a person with an intellectual disability to work is less than the value that employee would bring to the business, and that employers are not willing to take a chance on them as a result. Self-advocates in Kenya also note that it is even more challenging for women with intellectual disabilities to be hired due to concerns both from the employer and the person's family about the potential for abuse or exploitation by colleagues in the workplace or while travelling to work.

Employment initiatives enshrined in legislation like quota systems tend not to benefit the most marginalized groups, who are last in line for employment among other people with disabilities, and people with intellectual disabilities who are employed are typically paid a fraction of the wage of their non-disabled colleagues.

Self-advocates emphasize the need to work towards inclusive formal sector employment as their best option for inclusive livelihoods, and indicate the need for a greater understanding of workplace support strategies among employers and broader training for colleagues to ensure workplaces are free of discrimination.

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