

Introduction

Historically, the consideration of women in the labour process in Kenya has been a picture of inequalities and inequities. At the time of independence, women's participation in the paid labour market was relatively low due to various structural, social, cultural and historical factors. This does not mean that women did not work. But the kind of work that they engaged in domestically was not given an economic value. The patriarchal ideologies about labour led to the marginalization and non – recognition of women's labour in the household (which was and still is non – waged) as opposed to the notion that men should be in the public and waged labour sphere. These ideologies in turn led to structural inequalities fueled by lack of opportunities for education, employment and political and social participation by women. Even when women were able to access the waged labour sector, there were (and still are, in certain sectors) ingrained prejudices by employers against women leading to discriminatory practices. This historical perspective is important in understanding the implications of the concept that not all work is employment related. There are many people/women working who are not employed but whose work has value which should be recognized.

These foregoing inequalities and inequities facing women in the labour sector have led to the dichotomization of women in formal and informal work.

Statistics show that more than 60% of the world's population is in the informal sector. Women, due to their weaker bargaining power, form a larger proportion of these statistics. In many settings, particularly in Low Income countries, women can only take lower quality and lower

paying jobs. As a result they have fewer chances to access financial services (e.g. loans, and other credit facilities), education and skills development, collective bargaining forums, decent incomes, property and social protection.

Spheres of Concern for Women in the Formal and Informal Labour Sectors

The discussions in this report on the adequacy of the legal and policy framework regulating the labour sector in Kenya will dwell mainly around the following themes:

1. Inclusive Hiring and Promotion Policies and Practices
2. Working Conditions and Environment
3. Sexual harassment and violence in the workplace
4. Occupational safety and health and compensation for workplace injuries
5. Equal pay for equal work or work of equal value/protection of wages
6. Social protection for women in the formal and informal sectors
7. Equality/collective bargaining and social dialogue
8. Relevant Education and Training
9. Gender responsive budgeting and policy formulation, engagement and suitable interventions
10. Private investment into the labour sector
11. The protection of vulnerable and marginalized women and youth
12. New forms of work arrangements e.g. platformisation of work/gig economy
13. Empowerment and legal protection for women in the informal sector
14. Enforcement of labour regulations
15. Women in the Care Economy

The Domestic Regulatory Framework

A. The Constitutional Provisions

The Constitution is the supreme law of the land. All legislative and policy interventions therefore have to be adherent to the provisions of the Constitution.

The provisions in the Constitution that are particularly relevant to anchor the conversations about labour protection especially for women are as follows:

- i. Article 41 provides for the right to:
 - Fair labour practices
 - Fair remuneration
 - Reasonable working conditions
 - Join, form and participate in the activities and programmes of a trade union
 - Strike
 - Engage in collective bargaining

- ii. Article 27 provides for equality and freedom from discrimination. It particularly provides for the right to equal treatment and opportunities for women and men in political, economic, cultural and social practices. Neither the state nor any person is permitted to discriminate against anyone on any of the grounds that are set out in that provision, including parameters that largely are used to discriminate against women e.g. sex, pregnancy, marital status, disability, etc. This article also permits the use of affirmative action programmes and policies that would give redress to disadvantages that are suffered by individuals or groups because of past discrimination. This would

have an impact on policies that ensure that women have opportunities to access certain labour sectors.

- iii. Article 43 speaks of the right to:
 - The highest attainable standard of health which includes the right to healthcare services including reproductive health care – this would also include the right to occupational safety and health as part of the right to health.
 - The right to social security
 - The right to education
- iv. Article 36 provides for the right to freedom of association which includes the right to form, join and participate in the activities of an association of any kind – This includes trade unions and women’s organizations which can be used as vehicles for bargaining for better conditions of work for women both in the formal and informal sectors.
- v. Article 37 which is a corollary of article 36 provides for the right to have peaceable and unarmed assemblies, demonstrations, picketing and to present petitions to public authorities.
- vi. Article 28 provides for the inherent dignity of everyone.
- vii. Article 54 applies to persons with disabilities. They are entitled to be treated with dignity and respect, to access educational institutions and facilities that are integrated into society to the extent compatible with their interests.

- viii. Article 55 applies to young people (which include young women). They have a right to relevant education and training and the right to access employment
- ix. Article 56 protects the rights of minorities and marginalized groups and ensures that the State puts in place affirmative action programmes to ensure their participation, representation in governance and other spheres of life as well as special opportunities to access employment.

It should be noted that by virtue of Article 2(5) and (6) of the Constitution, any treaty or convention that is ratified by Kenya forms part of domestic law. There are a number of these conventions that affect the labour protection of women which shall be seen later within this report.

B. Domestic Legislative and Policy Provisions

The main labour laws in Kenya consist of what can be referred to as the 2007 “quintet” of laws that were enacted specifically for the labour sector. There are other relevant laws as shall be seen in the discussion below.

The “quintet” consists of the following statutes:

- a. The Employment Act
- b. The Labour Relations Act
- c. The Occupational Safety and health Act
- d. The Work Injury Benefits Act
- e. The Labour Institutions Act

Other relevant laws include:

- a. The Employment and Labour Relations Court Act
- b. The NSSF Act
- c. The NHIF Act
- d. The Social Assistance Act
- e. The Health Act 2017

1. The Employment Act 2007

From the title of this law, there is already an indication that the kind of matters that it will regulate is those that take place within the employment sector. It will thus only regulate those that are in the formal labour sector and not the informal sector.

The preamble to the Act states that this is an Act to “declare and define fundamental rights of employees; to provide basic conditions of employment of employees...”

It therefore seems that informal workers, despite being the majority of workers in Kenya, are not covered by the Employment Act. The Kenya Economic Survey Report of 2020 showed that 90.7% of new job opportunities created in that year were in the informal sector.¹

How responsive then is the Employment Act to the issues raised?

- a. Inclusivity and Gender Parity

How would you define these terms?

¹ Kenya National Bureau of Statistics, ‘Economic Survey 2020’

According to the World Economic Forum, sub Saharan Africa has been bleakly forecasted to achieve gender parity in 95 years' time. Kenya has been ranked 109 out of 153 nations on the Global Gender Gap Index of 2020. The McKinsey Report of 2020 also ranked Kenya number 20 in terms of gender parity in Sub – Saharan Africa.

With regard to access to employment opportunities, section 5 of the Employment Act provides for the promotion of equal opportunity in employment. The duty is placed on the employer to strive to eliminate discrimination in any employment policy or practice (section 5(2)). The Cabinet Secretary in charge of labour, the Employment and Labour Relations Court as well as labour officers are also mandated to promote equality in employment and to promote and guarantee equality of opportunity for a person who is a migrant worker or a member of the family of the migrant worker who is lawfully within Kenya (section 5(1)). Discrimination is prohibited on stated grounds in section 5(3) (a) such as race, color, sex, pregnancy, disability, mental or HIV status, etc. It is also prohibited in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment.² These are good and progressive provisions which are in line with international labour standards and human rights conventions.

However, these provisions do not necessarily reflect and take into account the structural barriers that contribute to the inequalities that women face when it comes to access to employment opportunities.

In Kenya there is a prevalence of women in low paid, flexible precarious work. This is the kind of work that they have access to as a result of home responsibilities. The work done at home

² Section 5(3)(b)

results in unpaid care work. They have to take care of their children, husbands and male partners, elderly and ailing parents, etc.

Discrimination thus takes more subtle and unnoticeable forms as a result of the decreased or compromised negotiating power that women have at the workplace. They may not be able to equally negotiate for equal terms of employment or work with male counterparts.

Section 5(3) of the Employment does prohibit direct and indirect discrimination. Direct discrimination which is based on the equal treatment principle may still be unfair and discriminatory to women. Using the same criteria and applying them equally to men and women may render it significantly more difficulty for women to access the job concerned. It would be a case of equal treatment leading to unequal results. Equal treatment will be held to be discriminatory if it has a disproportionate effect on women (and men) unless it can be justified as an inherent requirement of the job. This kind of discrimination is known as indirect or disparate or impact discrimination.

The Employment Act provides that it is not discrimination to take affirmative action consistent with the promotion of equality of the elimination of discrimination in the work place OR distinguish, exclude or prefer any person on the basis of an inherent requirement of a job OR to employ a citizen in accordance with the national employment policy OR restrict access to limited categories of employment where it is necessary in the interests of State security

It is interesting to note that legislation in Kenya was formulated on the issue of discrimination based on ethnicity³ but none has specifically been formulated on the important issue of gender discrimination.

With respect to gender pay gaps, the Employment Act does provide for equal pay for the same work or work of equal value.⁴ However, the gender pay gap in Kenya increased in 2021. Females are 30% less likely to have the same opportunities as men in Kenya. The various measurement dimensions of gender pay gaps are: economic participation and opportunity, educational attainment, health and political empowerment.⁵

Gender based violence can take many forms for women in the informal and formal sectors of work. For women in the formal sector, the most common form of gender based violence is sexual harassment. The ILO, on the 21st June 2019, in its commitment to end work related violence and harassment adopted the Violence and Harassment Convention, 2019.⁶ This was during the ILO Conference which also adopted the Centenary Declaration on the Future of Work.

The Employment Act provides that if an employer, their representative or a co – worker makes unwelcome sexual advances or requests (quid pro quo) or shows physical behavior of a sexual nature that directly or indirectly subjects the employee to behavior that is unwelcome or offensive to that employee (hostile environment). The test is a subjective test and not an objective test (the aspect of unwelcomeness)

³ See the National Cohesion and Integration Act 2008

⁴ Employment Act section 5(5)

⁵ Global Gender Pay Gap Index

⁶ ILO C190 Violence and Harassment Convention 2019 (No 190) and R026 Violence and Harassment Recommendation 2019 (No. 206)

Interestingly, although the EA 2007 takes a quasi – penal approach to other provisions relating to discrimination, etc. – it does not have any punishments for sexual harassment. (This is left to the Sexual Offences Act – section 23(1)). There are also weaknesses in the reporting system for sexual harassment. A look at section 6(2) of the Act shows that an employer who has twenty or more employees, shall after consulting with the employees or their representatives if any, issue a policy statement on sexual harassment.

The weaknesses of the system involve the following issues:

Firstly, the mandate of receiving the complaint, investigating and providing the remedy is given to the employer, who may be the perpetrator. This diminishes confidence in the independence and impartiality of this system set out in the law. There is also the risk of potentially unsatisfactory remedies, especially where senior members of the organization are concerned. These weaknesses have the potential of exacerbating sexual and gender based violence in the workplace. The limitation of the requirement of a sexual harassment policy to an employer of twenty employees and above is also problematic. The rationale for the figure of twenty employees is not clear. The assumption made is that where there are less than twenty employees there is no sexual harassment taking place and a policy is therefore not needed.

The sexual harassment provisions in the Employment Act are only available to those in the formal sector. They do not apply to those in the informal sector. Sexual and gender based violence among women working in the informal sector e.g. agriculture, street vending, market selling, etc, has not been well documented. There is also inadequate sensitization about sexual harassment and other forms of gender based violence in the informal sector. This is despite the vice being more predominant in the informal sector (47%) where females are more affected

(58%) than males (35%). The various coping strategies by women (silence, acceptance, denial, tolerance) and detachment (job hopping, withdrawal and distancing) contributes to the normalization of the vice and cases are hardly reported. For women in the informal sector, reporting mechanisms are not spelled out and they may not know where to report and what remedies to expect.

The proposed interventions in order to enhance the protections for women against sexual and gender based violence in the formal and informal sector are:

- a. Deculturatisation of sexual abuse and harassment particularly in informal spaces through sensitization programmes. There should also be investment in surveillance equipment and infrastructure
- b. Dissemination of information by circulating a popular and easily understandable version of the sexual offences act and any other relevant laws
- c. The formulation of county anti-sexual harassment compliance conditions on issuance of licenses
- d. The formation of a directorate for dealing with sexual harassment
- e. Data collection and monthly or quarterly reporting on cases of sexual harassment in order to generate evidence and data that will enable better enforcement of the law
- f. A complaints redress system at the community level and an effective feedback mechanism for victims of sexual harassment

The Employment Act also provides for maternity and paternity leave. Section 29 provides that a female employee is entitled to 3 months maternity leave with full pay. The Employment (Amendment) Act 2021 now allows for 1 month pre-adoptive leave with full pay from the date

of the placement of the child. Unfortunately the proposal for mothers getting children through surrogacy was not approved and thus they are not covered for maternity leave under the law. It has also been argued that the 1 month pre-adoptive leave is not sufficient time for the mother to be able to bond with the child she has adopted and that the time should be increased or at least be at the same level with a mother who has delivered a pregnancy (3 months).

The Employment Act and the Occupational Safety and Health Act are however silent on the safety precautions and the conducive working environment that pregnant women should be provided for. This may lead to inequity in the work place for pregnant women, who may not be able to perform certain assignments simply because they are pregnant. Despite the anti-discrimination provisions, the enforcement and implementation of gender equity and equality for pregnant workers is not very well done.

The Act does provide for some form of job security and protection for women who have taken maternity leave. They are entitled to return to the job which they held immediately prior to the maternity leave or to a reasonably suitable job on terms and conditions which are not less favorable than those which would have applied had she not been on maternity leave.⁷ The Health Act also provides for lactation stations in the workplace which shall be adequately provided with the necessary equipment and facilities. The Act also provides that employers shall grant all nursing employees break intervals to breastfeed or express milk and this shall be in addition to the regular break intervals that they are entitled to.⁸

Women in the informal sector however, do not get to enjoy these legislative benefits. They have to resume work very soon after delivery, or stay out of work for prolonged periods of time as

⁷ Section 29(2) Employment Act 2007

⁸ Health Act 2017, sections 71 and 72

they are the primary carers of their children and do not have resources to employ domestic assistance.

One of the weaknesses of the Employment Act is that it presupposes that the employment relationship can only be based on the contract of employment. This contract based perspective of the employment relationship⁹ is quite limiting and does not reflect the emerging work patterns and working arrangements. According to the Africa Digital 2021 report by the Ministry of Information Communication and Technology, around 1.2 million Kenyans are employed on digital platforms. The types of work include – digital marketing, virtual assistants, sports betting, writing articles, ride hailing services, goods delivery, etc. many young women are using these arrangements to earn a livelihood, particularly on the onset of the COVID – 19 Pandemic. (See ILO Study on decent work for young refugees in digital work). The main concerns of these new working arrangements are that: firstly, it is not clear what the employment status is of these workers. The Uber case in the United Kingdom is a case in point where this point was canvassed. The Supreme Court in the United Kingdom upheld the view that uber drivers were actually employees. This matter has not come up in Kenyan courts, but should it emerge, then the uber case of the United Kingdom is instructive.

There is also the concern of unfair treatment of women in platformised work. There are unfair assumptions that women will not be able to perform the job e.g. taxi hailing or delivery services. There are also low earnings, lack of social protection, lack of voice and representation and safety concerns when there is intimidation, violence, verbal and physical abuse and sexual harassment.

⁹ Based on section 7 of the Employment Act 2007

Labour laws in Kenya thus need to respond appropriately to the technology driven market and economy which has increased in the last 10 years. The pandemic has created a renewed push to reexamine the relevance of the Labour laws in Kenya.

2. The Labour Relations Act 2007

The rationale and purpose of the Labour Relations Act is contained in the preamble to the Act, which provides that it is to consolidate the law relating to trade unions and trade disputes, and to provide for the registration, regulation, management and democratization of trade unions and employer organizations, and the encouragement of effective collective bargaining and promotion of freedom of association and effective collective bargaining processes.

There have been limitations to women's voice and representation in the labour sector in Kenya. This is brought on by the unequal bargaining power between women and men in labour markets. Labour union representation is largely perceived as a male dominated arena. It is seen as burdensome and incompatible with female roles and responsibilities in the home due to the long hours the activities may take. Another weakness of the collective bargaining process is that many of the Collective Bargaining Agreements are not negotiated with women's specific issues in mind.

Just like the Employment Act, the Labour Relations Act only covers those who are employed in the formal labour sector. Those in the informal sector are not covered, and yet these workers are the lowest paid and the most vulnerable working under precarious conditions. There is therefore need to increase the voice, agency and representation of women in both the formal and informal sectors. Social dialogue mechanisms can be used for this.

Social dialogue has been described as all types of negotiations, consultations and exchange of information between or among representatives of governments, employees and employers and their respective organizations. For formal workers, the points of negotiation are normally centered around working conditions, retirement ages and benefits and pay. However, for informal workers, the negotiation platform and issues are not as straightforward. The challenges include identification of whom to negotiate with and for what, the sustainability of any agreed upon solutions and gains. This is because many of the officials in government who they would negotiate with may be there for a short time (an election cycle) and then a change of officials would occur. There is difficulty in gaining access to the decision makers and policy makers, as well as negative attitudes by leaders towards informal workers and particularly women. These negative attitudes often lead to harassment of informal workers especially women. There is difficulty in sustaining organizational membership (should there be any organization or groups of women) due to the difficulty in holding strategic meetings as well as lack of the appropriate information as to their rights and entitlements and the protection that the law offers them.

Interventions are thus needed to strengthen organizations and to capacitate them in order to bargain and negotiate with decision and policy makers.

3. Occupational Safety and Health

The occupational safety and health regime is underpinned by the National Occupational Safety and Health Policy 2012. The main aim of the Act from its preamble is to provide for the safety, health and welfare of workers and all persons who are lawfully at the workplace.

There is an increased push globally to consider the gender issues within workplace safety and health laws and policies. This kind of analysis has not been effectively done in many countries in

sub – Saharan Africa, including Kenya. The Policy and the Occupational Safety and Health Act 2007, do not specifically address the safety and health risks that face women in the workplace.

Yet there are quite unique occupational safety and health risks and hazards that are gender specific and need gender specific responses. This gender – neutrality of the laws may exacerbate gender inequalities when it comes to workplace safety and health.

For women in the informal sector, there are higher risks to their safety and health, and they are bound to suffer more injuries for which the labour regulatory regime does not provide any specific protections.

The Work Injury Benefits Act 2007 aims at providing for compensation for employees for work related injuries and diseases that are contracted in the course of employment. The language of the preamble shows that the Act only focuses on workers who are formally employed. Informal sector workers are excluded from this regime.

It is worth noting that in the schedule of injuries or of dangerous occurrences that are contained in the Schedules of both statutes, there is no mention of gender based injuries and psychosocial injuries, particularly those that are caused by gender based violence in the workplace. The provisions of both statutes are gender neutral and the work inspection and audit frameworks do not taken into account gender equality as a parameter. Occupational inspections and workplace audits need to take into account three parameters: Hazard identification, Risk assessment and Actions and Procedures in order to minimize the risk.¹⁰ Hazard identification needs to be gender

¹⁰ Eugino Sorrentino and Rosa Vona, 'Gender issues on occupational safety and health' (2016) 52(2) Ann Ist Super Sanita 190

sensitive to take into account issues such as sex susceptibility to certain bio and chemical hazards, or even certain stressors which expose women to higher levels of work related stress.

4. Social Security and Protection

Social security is part of the larger concept of social protection. The African Union Social Policy Framework has defined social protection in this way: *“social protection includes social security measures and furthering income security; and also the pursuit of integrated policy approach that has a strong developmental focus such as job satisfaction.”*

Kenya in its National Social Protection Policy has defined social protection as:

“The policies and actions, including legislative measures, that enhance the capacity and opportunities for the poor and vulnerable to improve and sustain their lives, livelihoods and welfare, that enable income earners and their dependants to maintain a reasonable level of income through decent work, and that ensure access to affordable healthcare, social security and social assistance.”

Social protection is thus very much a part of the Decent Work Agenda of the ILO.

Social protection is important to enable people to rise above the poverty line or even to eradicate poverty altogether. It is also about offering security in the face of vulnerabilities and contingencies and having access to healthcare as well as working in safety and dignity.

Social security has been defined by the ILO as “the protection that a society provides to individuals and households to ensure access to healthcare and to guarantee income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or

loss of a breadwinner.”¹¹ In Sub-Saharan Africa, the social protection offered to those in both the formal and informal sectors is very low. There is particularly lack of social security for those in the informal sector which is a larger source of income and work for more women than men.¹² This is despite the fact that social protection can be an effective way of promoting women’s empowerment and gender equality. The design of social protection policy can be done in a way that recognizes the unique social and structural challenges that women face in the labour sector.

The legal regime for social protection and security in Kenya is contained in various sources.

- a. The Constitution of Kenya 2010 in article 43 provides for the right of everyone to social security
- b. There is the National Social Protection Policy
- c. The Social Assistance Act 2013
- d. The National Social Security Fund Act 2013
- e. The National Health Insurance Fund Act
- f. The National Health Insurance (Amendment) Act 2021
- g. The Retirement Benefits Act

These pieces of legislation are gender – neutral in their provisions. One significant aspect of social protection for workers is access to healthcare services. For women, access to healthcare is part of the Sustainable Development Goals and the 2019 Political Declaration on Universal Health Coverage. The 1995 Beijing Declaration also provided that women should be able to access equitable, affordable and quality healthcare services. In Kenya, one of the main Agendas

¹¹ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_067588.pdf accessed 24 December 2021

¹² *ibid*

of the incumbent government is the Universal Health Coverage (UHC) Agenda which they aim to attain by 2022.

There are various impediments to access to universal health coverage by women in the labour market. According to Vijayasingham et al, “women’s higher unpaid care work, lower income and often limited decision – making power over household resources and their own healthcare, converge to create significant barriers to healthcare.”¹³ Indeed as an example, in low to middle income countries, 45 million (37%) pregnant women have either no or inadequate access to antenatal care.

In Kenya, the current regulatory framework for financing for healthcare for workers is heavily reliant on employment based financing. This is where contributions are mandated from the employee’s salary. Deductions are made mandatory for all employees. Under the NHIF (Amendment) Act 2021, the law now requires all adults over the age of 18 years, and who are not already registered as dependents under the scheme, to make contributions to the Insurance scheme. This is already problematic in and of itself in a country where almost half of the population is living in abject poverty and most of those are women who are exposed to indigence.

When access to healthcare financing is pegged onto employment status, then it may further reinforce the realities of gender inequalities in employment participation by women. For instance, unpaid care work, which is performed by more than 80% of women globally, is not considered and valued as work that should be paid work. Employment based health financing

¹³ Lavanya Vijayasingham, Veloshe Govender, et al ‘Employment based health financing does not support gender equity in universal health coverage’ (2020) BMJ 371

suggests that healthcare is an employment benefit rather than as the human right that it is. This makes it difficult to enforce from a rights based perspective.

Employment based health financing fails to take into account the women working in the informal sector. In Africa and South Asia, women represent 90% of those who work in the informal sector. Therefore a significant proportion of women are not getting health related social protection. As mentioned earlier in this report, socio-economic and cultural barriers are an impediment to implementing UHC.

The laws therefore need to be more responsive to the gender realities and sensitivities.

New forms and arrangements of work have taken place over the past several years. They have become even more pronounced due to the COVID – 19 Pandemic. These non – standard forms of employment such as platformised work or remote work have been taken up by women – especially young women and migrant workers. Many women prefer flexible work arrangements where they can balance their work and their family responsibilities. However this is at the risk of lower income and higher poverty levels.

The social security laws as they are do not take these risks into account.

Proposals for Possible Intervention Pathways

1. Law Reform that takes into account the specific gender needs and issues that have been flagged out in the challenges that have been flagged out. The Labour Regulatory regime needs to recognize the gap in the protection of women in the informal sector. There is overemphasis on employees, and yet not everyone who works and needs legal protection, is an employee

2. There needs to be gender responsive budgeting processes. This is a strategic method of assessing the role of budgets in promoting gender equality. It involves integrating gender issues into macro – economic policies and budgets and ensuring that they contribute to the Decent Work and Future of Work Agendas. The government in its policy and budgeting processes needs to map out the various sectors that have the greatest gender issues e.g. the health, education, water, social security, food security. Public participation of the women in both the informal and formal sectors, as well as those in public and private sectors needs to be ensured. The national and county governments also need to synchronize their programmes and budgetary priorities so that funding and policies can be properly formulated to respond to the gender issues arising

The government should be able to assess how public expenditure has benefited women in the labour sector (e.g. gender specific expenditure targeting women and girls, equal opportunity expenditure e.g. evaluation of job advertisements and descriptions to ensure equitable hiring policies). There should also be sensitization and awareness creation among policy makers on the gender impacts of budgets and holding the government accountable for any commitments that it makes.

3. There is need for innovations in social protection and social security mechanisms which take into account the irregularity of incomes from those in the informal sector. The schemes should be attractive and the benefits should be easily understandable and accessible. There should be long term and short term accounts (especially for emergencies). There should be flexibility in the withdrawals and the levels of

contribution. The government should also invest in digital platforms to bridge the coverage gap. There should be social registries, ease of payment systems and identification systems that would be efficient and effective to prevent and avoid fraud. These digital systems would be useful in tracking savings accounts, assessments for any fiscal subsidies, managing withdrawals and assessing eligibility for financial incentives. Schemes should particularly cover those in the informal sector.

4. Interventions are needed for the protection of female workers in the care economy (for both paid and unpaid care work) in order to promote gender equality and decent work. Unpaid care work remains largely unrecognized and invisible and unprotected. Policy and budgetary interventions are required in order for the state to support childcare programmes and elderly care services so that women can be free to pursue more economic activities.
5. There is investment needed to support skills creation, employment and work for adolescents and young women. The pathway from education to employment is unfortunately not linear. Therefore gender smart investment approaches are needed in recognition of the complex network of factors influencing transition from education to work for young women.
6. Investments can be made in promoting and enhancing Gender Responsive Due Diligence (GRDD) in companies and organizations. Gender equality and empowerment are

essential to building businesses and increasing the participation of women in global supply chains.

7. Measures need to be taken to enhance the bargaining power of women in negotiating for better working conditions, particularly in the informal sector. There needs to be the promotion of agency, freedom and choice of women. In the formal sector, the collective bargaining process needs to include more gender specific issues; women need to be encouraged to join leadership positions in order to represent the needs of women employees. For women in the informal sector, the legal framework needs to facilitate them to collectivize into various groups which are not necessarily trade unions. The environment in terms of the resources that are needed for collectivization needs to be facilitative for women (e.g. non – restrictive fees and licenses, etc.).
8. Advocacy can also take place around intersecting issues such as formal and informal work for women and issues such as sexual and reproductive health rights, mental health, etc.

