

INTERNATIONAL LABOUR ORGANIZATION
BETTER UTILIZATION OF SKILLS FOR YOUTH THROUGH QUALITY
APPRENTICESHIP (BUSY PROJECT)

**An Inception Report for the Assessment of Capacity of County Labour
Inspectorate and Relevant Agencies to Promote safe and Decent Working
Conditions in WBT Programs in Kilifi, Kitui and Busia Counties.**

By
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Submitted to:
ILO BUSY PROJECT.

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November 2019.

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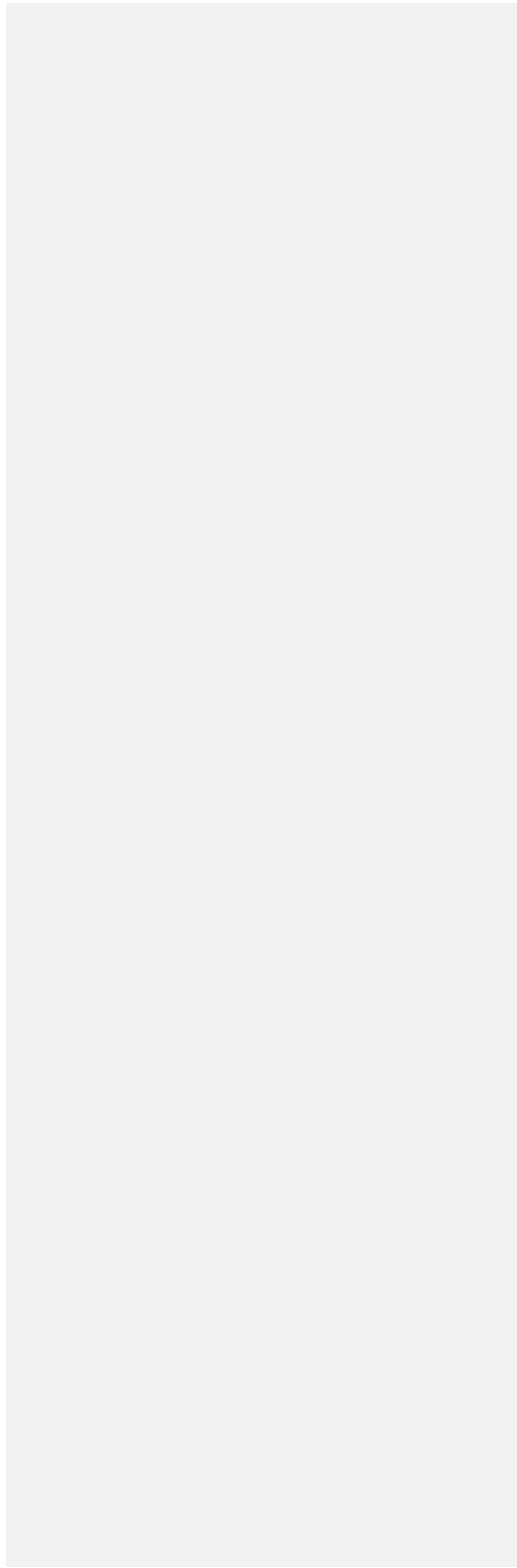
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SECTION 1: INTRODUCTION

1.0 Project overview, Purpose and scope.

Better Utilization of Skills for Youth through quality Apprenticeship is an initiative financed by the U.S. Department of Labour and implemented by the ILO in partnership with the Ministry of Labour and Social Protection, the Federation of Kenya Employers (FKE) and the Central Organization of Trade Unions (COTU-K).

Its overall goal is to increase job opportunities and sustainable employability of young people thereby addressing unemployment, vulnerability and poverty in both urban and rural settings. It has an objective of giving capacity to the tripartite social partners and civil society organizations to establish and expand Workplace-Based Training (WBT) programs focusing on the vulnerable and marginalized youth, especially adolescents at or above the legal working age who are engaged in or at risk of engaging in child labour.

The project focuses on achieving the following three long-term outcomes, namely,

1. Improvement and/or implementation by key stakeholders of laws or policies supporting quality workplace-based training for youth in Kenya including vulnerable and marginalized youth;
2. The implementation of best practices relating to workplace-based training for youth by the social partners and other stakeholders; and,
3. Improvement of the quality of existing public and private programs in Kenya that provide vulnerable and marginalized youth with prerequisite skills to enter workplace-based training programs.

The purpose of this study is to assess the labour inspectorate in the three counties on their capacity to supervise decent working conditions at informal and formal workplaces. The study will aim to assess the capability of county labour inspectors and relevant county stakeholders to perform and administer its expected role of information dissemination to vulnerable and marginalized youth at the workplace and ensuring compliance with the legal Occupational Safety and Health (OSH) provisions. The study will also identify any existing inconsistencies in law and practice. **This will be achieved by interviewing the labour inspectors on the challenges faced during inspections that can be traced to the existing law and practice; this is in line with two key ILO conventions on inspections No. 81 and 129 that recommends labor inspectors to identify any inconsistencies in law and make reports to the relevant authority for correction.**

The exercise will encompass identification of the existing gaps within the labour administration and inspection in informal sector on challenges such as ignorance of the law, lack of information, unfair labour practices, non-compliance and the reasons thereof. The study will recommend mechanisms of bridging such gaps by way of revitalizing, modernizing and conducting regular

Commented [AD-15]: How? This seems like it would involve some sort of legal analysis, but nowhere in this document, or in any other Kenya-related documents that I have read, is there a real in depth overview of the labor laws in Kenya. This study appears to depend on questioning labor inspectors about whether they feel they know the law and whether it is being applied properly. How will the people conducting the study know that the survey comments from inspectors are accurate?

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labour inspections that would help in the growth and development of informal sector enterprises. This will be achieved by conducting a needs gap analysis within the labour inspectorate in the three target counties namely Busia, Kilifi and Kitui.

The assessment will also involve determining the capacity of the labour inspectorate to transform itself into a change agent in facilitating the informal sector economy to realize its full potential without being too much constrained by the law. This is with a view of recommending labour policies and regulations for review of sections that would be specific and facilitative to the growth and development of the informal employment sector.

The overriding purpose therefore, is to assess how the labour inspectorate in target counties can promote safe and decent working conditions in the context of WBT programs. The study will come out with some actionable proposals on how to strengthen the inspectorate capacity and the technical knowledge required to strengthen their respective capacities.

1.1 Context of Labour Inspection in the Informal Sector in Kenya.

1.1.1 The informal sector

The informal sector in Kenya is quite large. In 2018, an estimated 83.6% of the total new jobs created were informal. The sector's contribution to employment has been on a steady growth path recording a 6% upward trend from 13.3 million in 2016 to reach 14.8 million persons in 2018. (KNBS, 2019). Out of these, almost two thirds were found in the rural areas while over 60% of those working in the sector are youth aged between 18-35 years, 50% being women.

There is a close relationship between informal Sector and Micro, Small and Medium Enterprises (MSMEs)¹ in Kenya. For instance, according to the National MSME Survey (2016), the number of persons engaged in MSMEs employment was approximately 14.9 million with unlicensed enterprises contributing about 57.8%. The survey noted that there are about 1.56 million MSMEs licensed by County governments while the unlicensed businesses identified from the households were 5.85 million. The majority of these MSMEs were informal and in the service sector. The report indicated that wholesale, retail trade, repair of motor vehicle and motor cycles followed by accommodation and food service activities were most common accounting for more than half of the licensed (57.1%) and unlicensed (62.2%) businesses. Worth noting, is that in all of the 46 counties, with an exception of Nairobi, the micro-sized establishment (0-9 Employees) constituted more than 90% of all the licensed establishments. Nairobi had the highest proportion of small-sized establishments (10-49 employees) at 14.8%.

Kenya has made a firm commitment towards employment issues that have to do with safety and decency at the workplace, freely chosen productive employment within the context of

¹ MSMEs are categorized into micro – (1-9 employers), Small – (10-49 employees) and medium – (50-100 employees) sized establishments (National MSMEs Survey 2016).

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fundamental rights at work especially with regard to representation and social protection. Towards this, the government adopted Sessional Paper No. 4 of 2013 *Employment Policy and Strategy for Kenya* as a tool to facilitate the creation of decent, productive and sustainable jobs that would in turn translate into economic growth and development (Republic of Kenya, 2007; 2013b).

Given the statistical evidence on the size of the informal economy and challenges therein, the role of labour inspection in the informal economy cannot be over emphasized, especially in those sectors, identified in the Department of Occupational Safety and Health standards (DOSHS) as high-risk sectors namely, mining and quarrying, construction, the chemical industry and agriculture (DOSHS, 2018). The conditions of employment of vulnerable youth in these sectors therefore require special attention. More importantly, the labour inspectors have a particular responsibility in this context, to not only serve as enforcement agents, but also to raise awareness about vulnerable workers' rights under labour law.

1.1.2 Labour Inspection in Kenya

Anchored on Part V of the Labour administration and inspection of the Labour institutions act No.12 of 2007, Rev.2012, Kenya has a robust legal framework for the general labour administration and inspection, which in principle covers supervision of decent working conditions at informal and formal workspaces. Labour inspection is a critical mandate and function of the Ministry of Labour and Social Protection. It draws powers of labour inspections from the Employment Act, 2007, the Occupational Safety and Health Act, 2007 and the Labour institutions act No.12 of 2007. In accordance with these three legal instruments, labour inspections and health/safety inspections are mandatory in both formal and informal enterprises as long as there is an employer - employee relationship.

Further, Kenya is a signatory to the relevant ILO Conventions 81 and 129, which are among the 50 ratified conventions. In this respect, the Ministry of Labour endeavors: 1) to avail information to the employers and workers that would help in complying with the laws and regulations; 2) to ensure the protection of the most vulnerable groups such as women and children against various forms of labour exploitation by ensuring the enforcement of the legal provisions; and 3) to identify any inconsistencies in law and practice with regard to the labour laws and to bring such to the attention of the relevant authorities for action. Kenya has made tremendous efforts to institutionalize these provisions amidst challenges ranging from shortage of labour officers, lack of adequate capacity development of newly recruited labour officers, a ballooning informal economy that does not put an emphasis on decent working conditions for vulnerable youth, and a lack of up-to-date tools and protocols for promotion of decent working conditions at workplaces.

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It is provided in law in Kenya that in the course of labour inspections, the labour official engages with social partners and other relevant stakeholders in creating effectiveness in implementation of national policies and legal frameworks on matters of labour and working conditions; however, this has been observed as a weak area that requires strengthening (BUSY PSA report, 2019). In addition, labour inspections provide a suitable platform for social interaction by the three tripartite partners in labour administration as well as the ever-expanding stakeholders and interest groups, a useful tool of data and information gathering, which would be used to formulate labour market policies.

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1.1.3 Labour Inspectors Statistics

By the time of conducting this assessment, the total national tally of labour inspectors were 87 while the OSH officers were 73 in total. The distribution of these officers largely depend on the size of regional offices. For instance, in the target three Counties, there are eight officers, i.e. 4 OSH officers and 4 labour inspectors. The former draws its mandate from the OSH Act and Work Injury Benefits Act (WIBA), 2007 while the latter is governed by the Employment Act, 2017.

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Given the very rapid expansion of the economy especially in the informal employment sector, the existing number of labour inspectors is way below the satisfactory number capable to cope with an increasing demand for information dissemination and labour standards enforcement. This ultimately compromises the objectives and critical role of labour inspectorate. Currently, inspection conducted in all the counties is averaging at 10,500 annually. This is in contrast for the period 1991/95 where the ILO, Netherlands and Kenya Tripartite Labour Inspection project generated over 20,000 inspections. Admittedly, the inspectorate staff was almost twice as much then and has decreased over time

The table below presents a summary of **Labour Inspectorate and inspection Statistics**

Table 1: Labour inspection Statistics

County	Labour Inspectors	OSH officers	*Annual labour Inspections
Kilifi	2	1	320
Kitui	1	2	155
Busia	1	1	152
3	4	4	627

*The above inspections were done in different industrial enterprises within the three counties, which include Wholesale/Retail, Agriculture, Hotel/Catering, Construction, Health, textile, Manufacturing, Transport, and Security among others.

Deduced from the total inspections conducted annually in Kenya, there is a definite shortage of inspectors in the country to cover both the formal and informal employment sector. Generally, there is general ease in conducting inspections at formal sector enterprises due to the high level of awareness on the essence of labour inspections among formal sector employers and employees as compared to the informal sector (Ministry of Labour, 2018). This derives from a number of factors among them the appreciable high level of organized labour, records keeping,

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exposure to trade unions operations and regular training on labour matters. The labour inspections in the formal sector employment have witnessed substantial high levels of compliance with the legal requirements with regard to basic minimum standards as well as decency and safety at the workplaces (Ministry of Labour, 2018).

Indifference and resistance to labour inspections have been witnessed during attempts to conduct labour inspections in the informal employment sector, rendering information gathering a challenge. In such instances, useful and beneficial information to employers and workers that would go towards improving the workplace environment is not availed (Ministry of Labour, 2018).

The ILO BUSY Project Pre-Situation Analysis, (PSA)² conducted in the three counties, to determine the existing level of awareness, attitudes, interests, practices, capacities and obstacles among the employers and employees (including apprenticeships/learners) in the WBT initiatives recorded pertinent issues. These are **(1)** WBT is actually beneficial to the youth and vulnerable [groups](#) as it avails knowledge/skills for work, enhances income, raises productivity and provides a pool of affordable expertise and working skills needed in the labour market. **(2)** There exists some confusion regarding the legal working age for youth aged 16-17 years to be engaged in employment, including apprenticeship since in the rural areas, the entry to WBT attracts youth at a lower age than in urban due to high incidences of school dropouts. While appreciating the importance of workplace-based training for the youth and other vulnerable groups, allowing them to become productive workers and livelihood earners for their families, they must not be exposed to hazards and other related poor working conditions. It is the traditional role and indeed the constitutional and legal mandate and expectation of the labour inspectorate to manage such conditions through dissemination of relevant information. (FKE PSA, 2019) Labour inspections in the informal sector is critical [in order](#) to achieve some measure of decency and safety including the WBT initiatives.

1.2 Challenges and Gaps Facing Promotion of Safe and Decent Working Conditions in WBT Programs

From the PSA studies conducted in the three counties, the challenges identified by the enterprises that have embraced workplace based training for the youth and vulnerable groups were:

1. Expectations by the trainees to be given a stipend, giving rise to thefts and unwillingness to continue with training;

² Pre-Situational Analysis (PSA) of Employers' Associations and Master Crafts persons' awareness, attitudes, interest, existing best practices and capacity to implement work based training including Apprenticeships in Kilifi, Kitui and Busia Counties of Kenya

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2. Poverty among the trainees and the inability to pay a small fee demanded by the MCPs; This is probably attributed to divergent expectations of apprentices with those of MCPs, leading to difficulties with recruitment of apprentices and quality of apprenticeship training.
3. The seasonal nature of some industries thereby not guaranteeing sustainable training;
4. Lack of certification of the training;
5. Shortage of trained trainers;
6. Gender discrimination;
7. Lack of suitable training tools and equipment; and .
8. Limited physical space with adequate sanitary facilities to train, including inability to pay rent for decent spaces.

In general, capacity assessment of labour inspectors who by extension are required to support the compliance of the law by the Micro Small and Medium Establishments. This should be achieved by giving information to both employers and workers that would help them to comply with the law.

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SECTION 2: CAPACITY ASSESSMENT APPROACH AND METHODOLOGY

2.0 The approach

The approach to the assessment shall be descriptive in nature and specific on supervision of decent working conditions in formal and informal workspaces, with a view for development of a strategic intervention for capacity development of county-specific labour inspectors, OSH inspectors and relevant agencies. The systematic process shall entail identifying and understanding the existing situation in the three counties, identifying the Capacity Development assets and needs and recommending a series of actions to deal with such needs. The result will be a clear picture of the capacity needs on labour inspection and supervision and a plan of future interventions.

The assessment shall adopt a three-pronged approach hinged on active involvement and participation with specific county stakeholders and relevant national government officers responsible for labour inspection in the Counties. The three key dimensions are the enabling environment, organizations and individuals. The enabling environment dimension will analyze the context and the legislative³ and regulatory⁴ environment in which County labour inspectorate and relevant agencies and individuals involved in supervision of decent working conditions at formal and informal workspaces.

The Organizational dimension will cover the institutional (Ministry of Labour & Social Protection) internal functioning and the extent to which county government's functional units support the supervision of decent working conditions. This will include a review and analysis of available equipment, tools and materials to execute labour inspection in formal and informal workspaces.

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The last dimension shall be individual capacity assessment, which shall relate to skills and knowledge of the county labour inspectors and youth officers involved in supervision, promotion and enforcement of decent work protocols as well as laws and policies for quality workplace based training for vulnerable young men and women.

³ This refers to the complete body of legal texts including laws, regulations and standards.

⁴ This refers to the subsidiary legal instruments, normally used by Ministers and not by Parliament that prescribe mandatory requirements and provide supplementary details that are left open in the main legislation.

The figure below presents a summary of the assignment approach

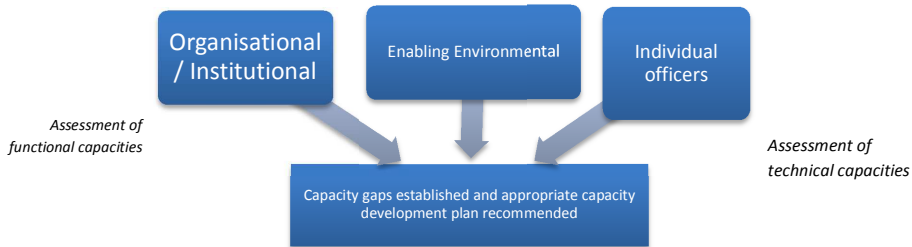


Figure 1: Approach to Capacity assessment of County Labour Inspectors in Kilifi, Kitui and Busia

2.1 Methodology.

Informed by the approach above, the capacity assessment will involve two main processes: firstly, a review of secondary information and secondly, data collection and synthesis of primary information and data.

The secondary data will consist of examining documents, materials and protocols at the Ministry of Labour particularly the State Department of Labour and the Directorate of Occupational Safety and Health. Such would include monthly as well as annual inspection returns. Relevant county government records, reports or related assessments will be reviewed to complement information collected at national level. The assessment will also review some of the BUSY project research documents namely, the Pre-Situational analysis (PSA) studies that covered the analyses of level of awareness of the employers, workers and other stakeholders regarding WBT. The consultant will examine the findings of such studies to see how they could help in the assessment of the labour inspectorate at county level.

The primary data will consist of data collection on capacity gaps, tools and protocols that essentially should be utilized to promote safe working conditions for vulnerable youth.

The following adopted steps is summarized in figure 2 below;

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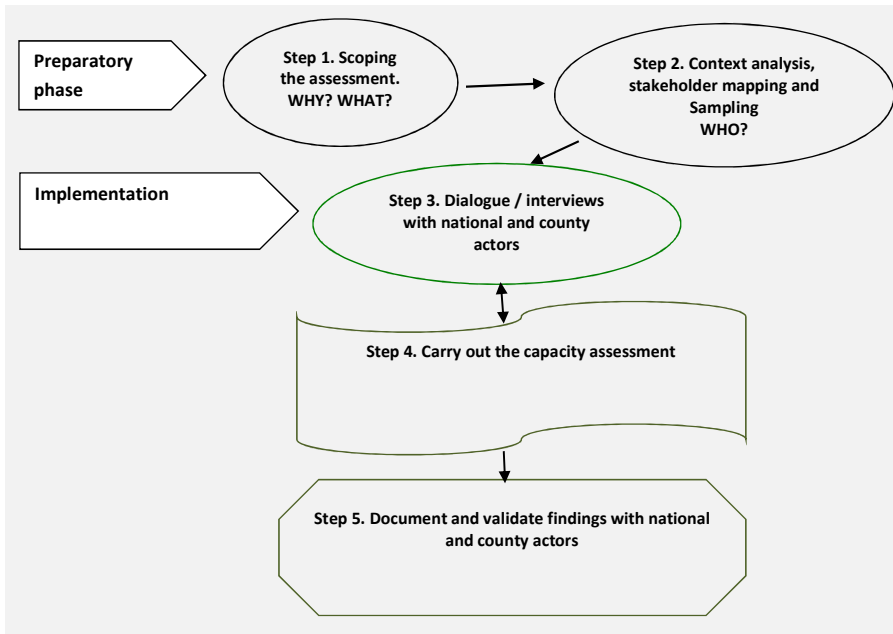


Figure 2: Capacity Assessment Methodology

Preparatory phase:

This phase will entail two main activities,

a) Scoping the assessment

The consultant in consultation with the BUSY Project team will dialogue and develop a consensus on scope of the assessment. From the Terms of reference, the consultant is aware that the assignment must provide insights to the following broad research questions:

1. What is the actual situation of the inspectors available in each of the counties in terms of numbers relative to the size and workplace densities?
2. How well equipped, and indeed how suitable are the working tools, materials, manuals, mobility and other facilitation?
3. Are the inspectors in place exposed to the necessary training in policy, legal, ethical, professional as well as other soft skills to relate with service recipients?
4. Are labour inspectors in these counties well versed with contemporary and cross cutting issues that are becoming part and parcel at the workplaces, such as HIV/AIDS, gender, forms of discrimination, child labour, occupational hazards and diseases, changing work methods, new forms of contracts among others?

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The assessment guided by these questions will aim to enlighten the consultant on possible recommendations on desired actions that will lead to strengthening the capacity of labour inspectors in counties to provide services that would promote the growth and development of the informal sector in general and improve the quality of WBT for the youth and vulnerable groups in particular. Therefore, the following is proposed as key thematic areas of focus.

- i. **Promotion and Supervision** of safe and decent working conditions for the youth and vulnerable in the context of WBT in the informal sector;
- ii. Identification of **training needs/gaps** for the labour inspectors in the three counties in order to empower them to operate effectively;
- iii. Improvement of the **manuals, protocols and other working tools** for the labour inspectors for effectiveness in service delivery in the informal sector;
- iv. A better understanding of the **cross cutting issues** and how labour inspections should address them;
- v. Streamlining any **administrative and legal issues** that need to be addressed to facilitate labour inspections in enterprises operating in the informal sector setting;

This assessment will also help to identify what other partners and stakeholders the labour inspectors would work and collaborate with in reaching out to the youth engaged in WBT in informal settings.

b) Context analysis

To analyze the context, the consultant will adopt the highlighted approach under [Section 2.0](#) to determine the thematic context and how it promotes or rather inhibits supervision of decent working conditions at workspaces. This will entail collection of both secondary and primary data on existing policy and legal frameworks and economic frameworks, e.g. county budget allocations. The context analysis will also explore institutional support mechanisms and operational capacity of labour inspectors to carry out their mandate. The table below provides a guide on how context analysis shall be conducted;

Table 2: Context analysis Framework

Dimensions	Capacity areas	Existing situation	Desired situation	Capacity Development needs
Enabling Environment	Policy and legal frameworks			
	Economic framework and national /county labour inspection budget allocations			
Organizations	Institutional/County Support Mechanisms			
	Operational capacity			

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The context analysis will also include determining the sectors that will participate in the assessment. From preliminary reviews, sectors that attract most informal establishments (i.e., wholesale, retail trade, repair of motor vehicle and motorcycles) will be preferred in the assessment.

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c) Stakeholders

Secondly, Stakeholders to be actively involved in the exercise as already mapped will be as follows:

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- i. WBT providers in formal workspaces;
- ii. WBT providers in informal workspaces;
- iii. County labor inspectors;
- iv. County OSH officers
- v. County youth officers;
- vi. National Government youth officers posted in the respective counties; and
- vii. Head of Labour inspectorate at the Ministry for labour.

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The table below presents a preliminary numbers of stakeholders to be reached.

Table 3: Sample Size

County	County Labour Inspectors	OSH Officers	National Government Youth officers	County Government Youth officers	Informal MSMEs offering WBT**	Formal MSMEs offering WBT**
Kilifi	2	1	1	3	10	5
Kitui	1	2	1	3	10	5
Busia	1	1	1	3	10	5
	4	4	3	9	30	15

**source: BUSY Project FKE PSA report

d) Mixed Sampling and census survey in 3 Counties

A mixed sampling will be preferred: purposive and random sampling. The Informal and formal MSMEs that provide WBT programs and fall within a category of the specified trades/sectors aforementioned will be randomly sampled for purposes of conducting the face-to-face Interviews and focused group discussions. 30 respondents per county drawn from MCPs from each of the 4 most prevalent industrial/sectoral informal sector establishments will participate in a Focused Group Discussion (FGD). The sectors of choice will be guided by the PSA report findings per county. A similar approach will focus on the formal sector workplaces.

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The table below presents a summary how the sampling for purposes of conduction an FGD

Table 4: Focused Group Discussion comprising of MCPS

Sector	Number of MCPS	No. of FGDs per county
1. Whole sale and retail	5	1
2. Garment making and Tailoring	5	1
3. Building and construction (carpenters, masons, painters	5	1
4. Agricultural sector	5	1
5. Automobile	5	1
6. Service sector i.e. Caterers, saloon and barber	5	1

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Key Informant interviews

A Census Survey will be conducted for the county youth officers, OSH officers and labour inspectors.

- All 4 Labour Inspectors – 2 in Kilifi, 1 in Kitui and 1 in Busia – will be interviewed
- All 4 OSH officers – 1 in Kilifi, 2 in Kitui and 1 in Busia – will be interviewed
- All the national government youth officers, seconded to the counties shall be interviewed
- All county-based Youth Officers shall be interviewed.

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To do this, the consultant will prepare general and specific questions to guide the interviews. Besides the prepared questions, the various parties’ respondents will be encouraged to give any relevant and useful data and information that would improve the quality of the envisaged output. See annexes for sample Questionnaire/interview guides.

2.3 Proposed Data Analysis and Presentation

This section will present data and information findings. The impressions as conveyed by the various respondents in this assessment will be compiled and presented. It is anticipated that a true picture of the status of the existing capacity of the Labour Inspectorate to inspect the informal and formal workplaces will emerge.

An analysis of these impressions will lead to findings and indication of the various challenge, gaps and inconsistencies in the Labour Inspectorate in each of the three counties. This will hopefully, facilitate proposing some recommendations to address these challenges for the Labour Inspectorate to play an appreciable role in promoting safe and decent work in the informal sector.

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The analysis will also provide useful information that would help in addressing the gaps already identified in the study. On the basis of the assessment findings, it will be possible to make informed recommendations on the ways and means of addressing the gaps with regard to suitable training, training materials, protocols, and the coordination of relevant agencies' and stakeholders' efforts in issues of interest in informal and formal sector employment, especially safety and decency of working conditions.

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The data tool table 5 below will be used to summarize the findings for each of the five key thematic areas:

Moved up [1]: An analysis of these impressions will lead to findings and indication of the various challenge, gaps and inconsistencies in the Labour Inspectorate in each of the three counties. This will hopefully, facilitate proposing some recommendations to address these challenges for the Labour Inspectorate to play an appreciable role in promoting safe and decent work in the informal sector. ¶

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- i. **Promotion and Supervision** of safe and decent working conditions for the youth and vulnerable in the context of WBT in the informal sector;
- ii. **Training needs/gaps** for the labour inspectors in the three counties in order to empower them to operate effectively;
- iii. **Manuals, protocols and other working tools** for the labour inspectors for effectiveness in service delivery in the informal sector;
- iv. **Cross cutting issues** and how labour inspections should address them; and
- v. **Administrative and legal issues** that need to be addressed to facilitate labour inspections in enterprises operating in the informal sector setting.

Table 5; data analysis and presentation table for each of the five thematic areas

Dimensions	Capacity areas	Existing situation	recommended situation	Capacity development needs	Suggested interventions	Responsible actors
Enabling Environment	Policy and legal frameworks					
Organizations	Institutional/County Support Mechanisms					
	Operational capacity (tools, materials, equipment)					
Individuals	Skills levels					
	Competency development					

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To ensure that all the data is collected against each of the research questions, the consultant will be guided by the following data collection framework

Table 6: Data Collection Framework

Proposed data collection thematic area	Research Questions as per the ToRs	Data collection method
Promotion and Supervision &	What are the capacity issues amongst the labor inspectors, in Kilifi, Kitui and Busia counties, particularly in promoting safe and decent working conditions for the vulnerable and marginalized youth in the informal sector?	Questionnaire, FGD
Training needs/gaps	What are the training needs of the labour inspectors in Kilifi, Kitui and Busia Counties to operate effectively, particularly in promoting safe and decent working conditions for the vulnerable and marginalized youth in the informal sector?	Questionnaire, FGD
	What relevant training is available to labor inspectors?	Questionnaire, FGD
Manuals, protocols and other working tools	How can the manuals, protocols and standards on working conditions e.g. occupational safety and health (OSH) used by labour inspectors be improved to facilitate inspection in enterprises operating in the informal sector where most vulnerable and marginalized youth acquire skills from?	Observation , Key Informant interviews
Cross cutting issues	What are the gender issues related to working conditions?	Questionnaire, FGD
	What are the HIV/AIDS issues related to working conditions?	Questionnaire, FGD
	What are the data collection and reporting tools available?	Observation
Administrative and legal issues	What administrative and legal issues that need to be addressed to facilitate inspection in enterprises operating in the informal sector? and	Desktop review Expert/Key informant Interview
Way forward	What recommendations and action are needed to improve Labour inspectorate and relevant agencies capacity to promote decent work conditions assessment in the informal sector and particularly focusing on the vulnerable and marginalized youth?	All of the above

Commented [AD-I24]: What is a desktop review expert? Will they do an analysis of legal issues?

Commented [n25R24]: The research will conduct a desktop review of policies and laws on labor inspection

2.4 Proposed Work Plan.

Activity	Time	Place	Parties	Focus of Interaction	Expected output
Develop and submit an Inception Report	3 days	Nairobi	Consultant/ILO	Consultant and ILO to agree on the Inception Report as informed by the TOR	An Inception Report as per the TOR
Develop suitable questionnaires/instruments for various respondents/participants in the study	3 days	Nairobi	Consultant and Team	Designing study materials and instruments that will help in getting the expected information from the various respondents and participants in the study.	Suitable participants' friendly questionnaires
Desktop research. To include available information relevant to Labour Inspections; briefs with officers responsible for field labour inspections; sampling and perusing field labour inspection reports at the labour department and DOSH headquarters	3 days	Nairobi	Consultant/Team/ Labour Dept./DOSH	To capture an overview of the content, context and challenges of Labour Inspections	An informed countrywide situation of Labour Inspections
Busia County field study	5 days	Busia	County/ sub county Labour Inspectors; County Youth Officers; Trade union Branch Youth reps. WBT enterprises.	To have interviews, discussions and to gather relevant data and information labour inspections, WBT. The status of labour inspections in the informal sector economy	<ul style="list-style-type: none"> - Data and information regarding Labour Inspections in the county; - the status of the capacity of the labour inspectorate; - numbers of WBT in progress; existing awareness of labour inspections in the informal sector enterprises in general and by enterprises implementing WBT
Kitui County field study	5 days	Kitui	Repeat	Repeat	Repeat

Commented [ST-I26]: Will desktop research also include research on the laws or has this already been done?

Commented [n27R26]: While conducting the analysis – laws will be referred to for reference and shaping recommendation

Kilifi County field study	5 days	Kilifi	Repeat	Repeat	Repeat
Data /Info. Analysis. Compiling First Draft	4 days	Nairobi	Consultant/Team	To systematically sift through the load of data and information. To compile the first draft report.	First draft report
Presentation and sharing first draft report	2 days	Nairobi	Consultant/ILO	To share the first draft	Draft presented and shared
Compile last draft	4 days	Nairobi	Consultant		Last draft Compiled
Present final draft	2 days	Nairobi	Consultant/ILO		Final Draft Presented

REFERENCES;

1. ILO Conventions.
 - a. Convention 81- Industry and Commerce
 - b. Convention 129- Agriculture.
 - c. Convention 142- Human Resources Development.
2. Employment Act, 2007
3. Occupational Safety and Health Act, 2007
4. Labour Department/DOSH Annual and Monthly Reports.
5. County Labour Commissioner Monthly Reports
6. FKE/ILO Pre –Situational Analysis – BUSY Project, May 2019.
7. COTU/ILO Pre- Situational Analysis- BUSY Project, May 2019.
8. National MSME Survey (2016)
9. Work injury Benefit Act, 2007

ANNEXES

Annex 1: Key informants interview guides

Interview with the Labour Inspectors and OSH officers

The researcher will introduce himself, the purpose of the assessment in general and the interview in particular. The researcher will indicate his conviction that for this assessment to be accurate, the Labour Inspector has a better vantage point as the source of the needed information with regard to the status of labour inspections in the informal sector. The respondents views as guided by the questions as well as any relevant information offered would be taken seriously.

Section A: Individual officer's capacities and capability interview.

Region in charge of: _____ Date of Interview: _____

Key thematic area of focus	A) Individual officers capacities and capability	(Tick appropriately)	
		Yes	No
1. Promotion and Supervision of safe and decent working conditions for the youth and vulnerable in the context of WBT in the informal sector;	Are you aware of any informal enterprises, which offer WBT for vulnerable and marginalized youth in your county?		
	If yes, <u>which</u> sectors are the dominant in your county?		
	Are you aware of any occupational health and safety issues facing such WBT providers and beneficiaries in the informal sector?		
	If yes, please list them.		
2. Identification of training needs/gaps for the labour inspectors in the three counties in order to empower them to operate effectively; (assessing knowledge capacity)	Are you sufficiently trained and equipped to conduct labour inspections in the informal sector employment?		
	If No, What are skills and knowledge do you require?		
	Have you attended any training in the last 1 year?		

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Commented [ST-128]: How is this assessing knowledge capacity? You appear to be asking what training they feel they need, not assessing their actual knowledge to determine what is needed.

Commented [n29R28]: This was aimed at self-reflecting and assessment as a practitioner- they might expressly know what they capacity improvement they require

Key thematic area of focus	A) Individual officers capacities and capability	(Tick appropriately)	
		Yes	No
	If yes, Please indicate, what was the training?		
3. Improvement of the manuals, protocols and other working tools for the labour inspectors for effectiveness in service delivery in the informal sector;	Have you in the last 12 months, conducted any labour inspections using a standardized tool to collect information/data?		
	How many labour inspections have you been able to conduct in informal sector industries/enterprises in the last 12 months? Please indicate, show distribution by month if possible Informal _____ Formal _____		
	If yes, do you use the records? Please explain how_		
	In your opinion, do you have adequate knowledge to use the tools in administering labor inspection in the informal and formal sector?		
4. A better understanding of the cross cutting issues and how labour inspections should address them;	What are the most common HIV related issues at the work place did you have to deal with?		
	Are you well equipped to collect data/information on HIV/AIDS and gender related issues at the workplace?		
	If No. What do you require to effectively, collect data/information on HIV/AIDS and gender related issues at the workplace? (Please state.)		
5. Streamlining any administrative and legal issues that need to be addressed to facilitate labour inspections in enterprises operating in the informal sector setting;	Do you have any administrative challenges that you had to deal with while on duty? If yes please give details?		
	Are you adequately staffed to facilitate labour inspections in enterprises operating in the informal sector setting?		
	If No, what is the additional resources required to carry out the inspections? (Please provide the figures)		
	What are some of the challenges you may have experienced by informal sector employers and workers in general and specifically with regard to labour inspection? (Please list)		

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Section B: Environmental analysis

Key thematic area of focus	B) Enabling environment	(Tick appropriately)																				
		Yes	No																			
6. Promotion and Supervision of safe and decent working conditions for the youth and vulnerable in the context of WBT in the informal sector;	Are aware of any legal and legislative framework that give you powers to enforce Promotion and Supervision of safe and decent working conditions in informal sector?																					
	If YES does the legislation enable the successful implementation of promotion and supervision the informal sector?																					
	Provide brief explanation how?																					
	Are central, decentralized labour inspectorate committed to promotion and supervision implementation, and is commitment reflected in accountability mechanisms?																					
	If yes, What are the existing accountability mechanism e.g. mandatory reports say for the last 1-year etc.? (Provide evidence.)																					
	Does the national government provide adequate funding to facilitate your work of promotion and inspection of formal and informal workspaces?																					
	If yes, what is the budget allocated for your county operation?																					
	Is it sufficient? If NO, What is the deficit from your experience? KES_____p/a																					
	Are there external funds for such programmes and initiatives?																					
	If YES, please mention the sources of such external funds.																					
In the overall labour administration policy in Kenya as supervised by the Ministry of Labour and Social Protection, how would you rate the role of labour inspections in the fulfillment of the labour administration policy mandate? (Rate in a scale of 1, less important to 10, most important). Tick appropriately																						
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Key thematic area of focus	B) Enabling environment	(Tick appropriately)		
		Yes	No	
7. Identification of training needs/gaps for the labour inspectors in the three counties in order to empower them to operate effectively; (assessing knowledge capacity)	Do national legislation and regulations enable the adequate access, management and exchange of information and knowledge in labour inspection for both formal and informal sector?			Deleted: ¶ H
	If Yes, how do you access such information and knowledge? Please explain.			
	Is access to research, education and training regulated by legislation or regulations?			
	If Yes, how have you personally accessed such opportunities? Please explain.			Deleted: E
8. A better understanding of the cross cutting issues and how labour inspections should address them;	A12. Does the existing legal framework allow you to collect data/information on HIV/AIDS and gender related issues at the workplace?			Formatted: Font: 10 pt
				Formatted: Font: 10 pt
9. Streamlining any administrative and legal issues that need to be addressed to facilitate labour inspections in enterprises operating in the informal sector setting;	A13. Are you aware of any administrative and legal issues that need to be addressed to facilitate labour inspections in enterprises operating in the informal sector setting?			Formatted: Font: 10 pt
				Formatted: Font: 10 pt
	If Yes, please explain.			Deleted: P Formatted: Font: 10 pt Formatted: Font: 10 pt Formatted: Font: 10 pt

PART C: INSTITUTIONAL / ORGANIZATIONAL MECHANISMS

Key thematic area of focus	C) Institutional / organizational mechanisms	(Tick appropriately)		
		Yes	No	
10. Promotion and Supervision of safe and decent working conditions for the youth and vulnerable in the context of WBT in the informal sector;	Given that labour inspections is by law, the prerogative of the Ministry of Labour and given the contemporary labour dynamics today, do you feel collaborations in labour inspections interventions is needed now more than before?			Formatted: Font: 10 pt
	In your opinion, what role can social partners and other key county stakeholders play in labour inspections with regard to promoting decent work in informal sector? Please list			Formatted: Font: 10 pt
11. Identification of training needs/gaps for the labour inspectors in the three counties in order to empower them to operate effectively; (assessing knowledge capacity)	Are there any institutional learning opportunities for strengthening the capacity of county labour inspectors?			Formatted: Font: 10 pt
	Is there funding allocated for such learning opportunities?			Formatted: Font: 10 pt
12. Improvement of the manuals, protocols and other working tools for the labour inspectors for effectiveness in service delivery in the informal sector;	Are you aware of any manuals, protocols and or any other working tools available for labour inspection?			Formatted: Font: 10 pt
	If yes above, please list them and share samples.			Formatted: Font: 10 pt
	Are the tools appropriate for labour inspection in the informal sector?			Formatted: Font: 10 pt
	If No above, What do they lack / gaps in the manuals and protocol?			Formatted: Font: 10 pt
13. A better understanding of the cross cutting issues and how labour inspections should address them;	Are there existing institutional mechanisms are in place to ensure that data/information on HIV/AIDS and gender related issues at the workplace is collected? Please explain.			Formatted: Font: 10 pt
	What institutional mechanisms are in place to ensure that data/information on HIV/AIDS and gender related issue at the workplace is collected? Please explain.			Formatted: Font: 10 pt
14. Streamlining any administrative and legal issues that need to be addressed to facilitate labour inspections in enterprises operating in the informal sector setting;	Are you aware of any institutional mechanism that can be streamlined in order to effectively operationalize the administrative and legal provisions that facilitate labour inspections in enterprises operating in the informal sector setting?			Deleted: . Formatted: Font: 10 pt
				Formatted: Font: 10 pt
	If yes please explain.			Formatted: Font: 10 pt
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Annex 2: Key Informant’s Interview with County / National government Youth Officers

The researcher will introduce himself and explain the purpose of the interview. The researcher will explain to the Officer the importance of his/her responses to the questions and how the responses will assist in the promotion of safety and decency of work for the Youth and the vulnerable either as workers and/or as trainee in WBT programs.

Region: _____ Date: _____

Interview with County Youth Officers		(Tick appropriately)	
1. Do you have a role as a Youth Officer in promotion and information dissemination to the youth, on matters decent working conditions at workplaces?	Yes	No	
2. In which forums do you mostly interact with the Youth in the County? Please indicate formal and informal Formal _____ Informal _____			
3. During such interactions, what kind of issues, common topics do you discuss with the Youth?			
4. Is employment one of the issues?	Yes	No	
5. If you were to evaluate employment issues during meetings with the Youth, how would you rate them?			
	Not important,	Moderately important	Very important?
6. From such interactions with the Youth at workplaces, what do you consider their daily challenges?			
7. As a Youth Officer, do you have the capacity to effectively address some of the employment related challenges the Youth face?	Yes	No	
8. Are you aware of the existence of Labour Inspectors and their role in employment matters?			
9. In what way can labour inspections address the challenges faced by Youth and the vulnerable working and/or engaged in WBT programs in the county?			
10. In your opinion, would you say Labour Inspectors visit informal sector work places for purposes of inspections?			
11. How would you rate the quality and impact of labour inspections in the informal sector?			
	Poor	Good	Very Good
12. Please suggest some of the ways of improving quality and impact of labour inspections in the informal sector workplaces, which can promote of safe and decent work.			

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Annex 3: FGDs with the MCPs

The researcher will introduce himself and explain the purpose of the interview. Having participated earlier in a PSA in the same project, your response to the questions put before you are important. Accurate responses to the questions may have great bearing on the promotion of safe and decent working conditions for both the employer and workers getting trained under the WBT programs.

The questions.

1. When did a labour inspector last visit you? _____
2. What was the purpose of the visit? _____

3. Are you aware of any Occupational safety and health issues at workplace for you and your trainees? [Yes] [No]
4. Do you think some of your challenges as an MCP can be solved by labour inspections? [Yes] [No]
5. Mention at least three challenges that can be addressed reasonably well by a labour inspection?
 - 1.) _____
 - 2.) _____
 - 3.) _____
6. Give at least four proposals to strengthened labour inspections towards promoting safe and decent work as well as WBT programs.
 - 1.) _____
 - 2.) _____
 - 3.) _____
 - 4.) _____