



**MINISTRY OF LABOUR AND SOCIAL
PROTECTION
OFFICE OF THE CABINET SECRETARY**

REMARKS BY

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**CABINET SECRETARY
LABOUR AND SOCIAL PROTECTION**

**DURING THE CONSULTATIVE MEETING ON
LABOUR**

**MIGRATION WITH AMBASSANDORS
FROM THE GCC COUNTRIES**

ON 16TH NOVEMBER 2020

His Excellences the Ambassadors

Members of Diplomatic Missions

Principal Secretary, State Department for Labour

Regional Director for East and Horn of Africa (IOM)

Director Country Office (ILO)

Chief of Mission (IOM)

Representative of PS MFA

Chief Technical Advisor (ILO)

Distinguished Guest

Ladies and Gentlemen

Allow me to take this early opportunity to welcome you all to this virtual consultative meeting as we deliberate on issues of labour migration, a topic very dear to us all, because it address problems of unemployment and economic development.

Labour migration has immense socio-economic benefits to both countries of origin and destination. It is a source of employment and livelihoods for migrant workers, addresses skills gaps in destination countries and brings in the much-needed remittances to migrants' countries of origin. It is also one of the main avenues of technology and skills-transfer between countries.

Migration, can be a positive force for development when supported by the right set of policies. Through bilateral labour migration agreements (BLMAs) between countries of origin and countries of destination, labour mobility arrangements are effected, which makes better management of migration critical to the development of sending and receiving countries.

Recent research shows that there are substantive alignment gaps between existing BLAs and international standards, especially with respect to the adequacy of social protection available to migrant workers. To address this, a model Bilateral Labour Agreement guidelines has been developed with support from the ILO.

Kenyans are increasingly seeking employment opportunities beyond the borders where their skills are in high demand. It is estimated that there are over 4 million Kenyans in the Diaspora. A significant number being in the Gulf Cooperation Council (GCC) Member States. This is mainly influenced by the geographical proximity of these regions and existing demand for workers in the region.

In order to encourage orderly labour migration, Kenya has signed three (3) Bilateral Labour Agreements with a few members of GCC such as State of Qatar, Kingdom of Saudi Arabia and United Arab Emirates. The Government has also initiated the development of Bilateral Labour Agreements with Kingdom of Jordan, State of Kuwait, Sultanate of Oman and Kingdom of Bahrain.

Kenya also posted labour attachés to Saudi Arabia, the UAE and Qatar to support services for migrant workers, enhance migrant workers' welfare as well as to support the implementation of bilateral labour agreements.

Your excellences, Ladies and Gentlemen

The COVID-19 pandemic has affected the dynamics of the labour market. Migrant workers, just like other categories of workers have not been not spared. I wish to take this opportunity to thank the Governments of the GCC for the measures put in place to cushion workers from the impact of the COVID-19 pandemic. It is gratifying to note that following the easing of restrictions occasioned by the COVID pandemic, the GCC has now opened its doors to our migrant workers, subject to meeting the health, travel and workplace protocols.

In February, 2020 I had an opportunity to meet with the Ambassador of Qatar in Kenya whereby we discussed a number of issues concerning labour migration. I am happy to note that as part of efforts to address the concerns of migrants, the State of Qatar is establishing Labour Office in Kenya. We look forward to the establishment of this office and all the necessary support will be given. With the establishment of this office, it will reduce some of the challenges faced, such as contract substitution, activities of unregistered agencies/brokers and cost of

recruitment. We also agreed to jointly increase the number of skilled Kenyan workers going to Qatar especially in the medical field.

In recognition of the critical role GCC plays as a destination market for Kenya migrant workers, we have developed a training programme for skilling Homecare workers with a special focus on the needs of GCC. This is meant to equip migrant workers with the necessary skills including cultural environment in the GCC. We look forward to strengthening collaboration in this area as well as expanding the training curriculum to meet the needs of all the countries.

Your excellences, Ladies and Gentlemen

The Global Compact for Migration (GCM) sets goals on strengthening international cooperation and global partnerships for safe, orderly and regular migration as well as facilitation of fair and ethical recruitment and safeguarding conditions that ensure decent work. These goals are supplemented by the Migration Governance Framework.

The right to free movement of people is recognized as a fundamental part of integration. Indeed, the African Union Constitutive Act of 2000 recognizes worker mobility as a right. This right is further enshrined in the Free Movement Protocol developed by the Inter-Governmental Authority on Development (IGAD) and the East African community (EAC) Free Movement Protocol.

In light of this, earlier this year in January, a Regional Ministerial Forum on Harmonization of Labour Migration Policies in the East and Horn of Africa was held here in Nairobi, bringing together heads of Ministries in-charge of Labour and Social Protection from Kenya, Burundi, Djibouti, Ethiopia, Eritrea, Rwanda, South Sudan, Somalia, Sudan, Tanzania and Uganda. At the end of this forum, Kenya was

given the opportunity to Chair what is now referred as the “Nairobi Process”

A Communiqué was signed and a Call of Action (2020-2023) defining proposed areas of engagement on the way forward. During the forum, Member States took cognizance of the fact that a significant number of migrants from the East and Horn of Africa, look toward the Gulf Cooperation Council (GCC) Member States for employment. There is therefore critical need for dialogue between the governments in the region and the GCC with the aim of improving labour migration.

The Forum deliberated on harmonisation of labour migration policies across the East and Horn of Africa region for enhanced protection of migrant workers; collection and analysis and sharing of labour market information and labour migration data, and mechanisms for preparing migrant workers to ensure that their fundamental human, labour, and social rights are upheld in all stages of the migration process.

Your excellences, Ladies and Gentlemen,

Allow me to reiterate that well-managed labour mobility has the potential to yield significant benefits to origin and destination countries. We therefore need to work together to make sure that we eliminate the challenges associated with poor labour migration these challenges include;

- Unethical recruitment practices;
- smuggling and trafficking in persons;
- cases of contract substitution by some unscrupulous employers/agencies; confiscation of travel documents by some employers;
- migrant workers without proper travel documents;

- cases of mistreatment and abuse by employers;
- adequacy of social protection to migrant workers and;
- Failure by employers to observe agreed terms and conditions of employment such releasing of salaries to the workers.

Your excellences, Ladies and Gentlemen

Allow me now to state that this meeting is very significant to our Government and people of Kenya. It aims at;

- providing an opportunity to analyse the current state of affairs regarding labour migration from Kenya to the Gulf Corporation Council (GCC) member States;
- sharing experiences, lessons learnt and best practices on labour mobility;
- identifying opportunities and challenges in labour migration;
- identifying possible areas of partnerships and intervention;
- deliberating on ways of strengthening partnership;
- exploring prospects of funding from GCC Member States on labour migration initiatives in Kenya and;
- Charting the way forward in enhancing labour migration management from Kenya to the GCC region.

It is my hope that this consultative Forum will provide us with the opportunity to openly discuss issues, collectively identify strategies and mutually agree on a unified approach for harnessing opportunities and managing challenges to promote safe and orderly labour migration.

Your Excellences, Ladies and Gentlemen

While it is appreciated that the GCC is Kenya's top Labour destination market and that Member States have kept the employment visa quota for Kenyans open, allow me to mention a few areas that require this meeting to discuss and provide solutions for the benefit of GCC member states and the people of Kenya.

- We recognize that majority of Kenya migrant workers in GCC are currently engaged in non-skilled or Semi-Skilled occupations such as; security, cleaning, hospitality workers, domestic, taxi/transport and construction,
- Only a small proportion is engaged in skilled and professional cadre such as: Hospitality, Aviation, Engineering and technicians, Sales and marketing.
- We need to find a solution to the issue of accessing visas for the professional cadres.
- There is need to ensure that Kenya Migrant Workers access Social Protection and security.
- Enhancing medical insurance for migrant workers

In conclusion, I wish to call upon you all of us to openly engage in exchange of views and ideas on the best way to strength partnership and enhance labour migration management between GCC and Kenya. It is also my belief that you will come up with recommendations on facilitating safe and orderly labour migration.

Thank You.