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By Hon David Ware, MP
Chair, Labour Committee
on Wed 2/12/15
[Signature]

ELEVENTH PARLIAMENT- THIRD SESSION- 2015

THE DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE

REPORT ON

STUDY VISIT TO SAUDI ARABIA ON ADMINISTRATION OF FOREIGN EMPLOYMENT AND MANAGEMENT OF LABOUR MIGRATION



November, 2015

Directorate of Committee Services
Clerk's Chambers
Parliament Buildings
Nairobi

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1.0 Preface

On behalf of the Departmental Committee on Labour and Social Welfare and pursuant to the provisions of Standing Order No. 199, it is my pleasant privilege and honour to present to this House the report of the Committee on the study visit to Saudi Arabia on administration of foreign employment and management of labour migration.

1.1 Mandate of the Committee

The Committee is established pursuant to the provisions of Standing Order No. 216, with the following terms of reference:-

- I. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- II. Study the programme and policy objectives of ministries and departments and the effectiveness of the implementation.*
- III. Study and review all legislation referred to it.*
- IV. Investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary and as may be referred to them by the House.*
- V. Vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); and*
- VI. Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

1.2 The Committee Membership

The Departmental Committee on Labour and Social Welfare was constituted on Thursday 16th May, 2013 and comprise the following members:-

1. Hon. David Were, MP - **Chairperson**
2. Hon. Tiyah Galgalo, MP - **Vice Chairperson**
3. Hon. Janet Teyiaa, MP
4. Hon. Peris Tobiko, MP
5. Hon. John Ndirangu Kariuki, MP
6. Hon. Winnie Karimi Njuguna, MP
7. Hon. Janet Nangabo, MP
8. Hon. John Serut, MP

9. Hon. Samuel Gichigi, MP
10. Hon. Elijah Lagat, MP
11. Hon. Cornelly Serem, MP
12. Hon. Abdi Noor Ali, MP
13. Hon. Daniel Wanyama, MP
14. Hon. Regina Nyeris, MP
15. Hon. Wesley Korir, MP
16. Hon. Kinoti Gatobu, MP
17. Hon. Elijah Mosomi Moindi, MP
18. Hon. James Onyango K'Oyoo, MP
19. Hon. Omondi John Ogutu, MP
20. Hon. Aisha Jumwa Karisa, MP
21. Hon. Patrick Wangamati, MP
22. Hon. Rose Museo Mumo, MP
23. Hon. Silvance Onyango Osele, MP
24. Hon. Mustafa Idd, MP
25. Hon. Nyasuna Gladys Wanga, MP
26. Hon. John Owuor Onyango Kobado, MP
27. Hon. Mwanyoha Hassan Mohammed, MP
28. Hon. Mlolwa Jones Mwagogo, MP
29. Hon. Ferdinand Waititu, MP

1.3 Meetings and Visits to Saudi Arabia.

The study visit was undertaken from 31st May to 4th June, 2015. The Departmental Committee on Labour and Social Welfare of the National Assembly together with the members of the Task Force on Administration of Foreign Employment and Management of Labour Migration undertook the benchmarking visit to the Kingdom of Saudi Arabia which is one of the receiving countries of Kenyan labour migrants. The main objective of the said benchmarking visit was to learn, consider and review the existing framework for administration of foreign employment and management of labour migration of the said country.

In the said visit, the Committee and the Taskforce held discussions/meetings with the ambassador & officials of Kenyan Embassy in Riyadh, the Kenyan Diaspora, the Ministry of Labour and the Maharah Human Resource Company.

The Delegation also had an opportunity to visit a call center in Riyadh.

The delegation comprised the following:-

A). Members of the Departmental Committee on Labour and Social Welfare

1. Hon. John B. Serut, MP - Leader of the Delegation
2. Hon. Mwanyoha Hassan Mohamed, MP
3. Hon. Daniel Sitati Wanyama, MP
4. Hon. Elijah Kiptarbei Lagat, MP
5. Hon. Abdinoor Mohamed Ali, MP
6. Mr. Abdirahman Gele Hassan- Delegation Secretary

B). Members of the Task Force

1. Mr. Washington Oloo - Director Diaspora, Ministry of Foreign Affairs and International Trade
2. Mrs. Edith Okoki - Ag Director, Employment Department, Ministry of Labour, Social Security and Services
3. Mrs. Millicent Mull - Assistant Labour Commissioner
4. Mrs. Scola Mbilo - Senior State Counsel
5. Mr. Mohamud Ahmed - Member ,Task Force
6. Mrs. Khadija Asman - Member, Task Force

1.4 Committee Observations and Recommendations

Having held meetings with the different organizations and considered the submissions presented, the Committee made the following observations and recommendations:-

1.4.1 Committee Observations

The Committee observed that:-

1. Saudi Arabia presents employment opportunities for both skilled and unskilled labourers in the country. Kenyans possess the requisite skills and were generally known to be hard working save for the few who engage in criminal activities. There is need to exploit the opportunity in order to deal with the unemployment situation in the country.
2. The Kenya government and the Kingdom of Saudi Arabia have no formal forum for engagement in matters of labour and employment as no Labour agreement has been signed by the two states.
3. It was also noted that recruitment of workers to the Kingdom is haphazard; this gives opportunity for unscrupulous agents who recruit workers and abandon them

once they are paid their commission. Saudi brief case agents are also engaged in the trade as they come to the country with ready Visas.

4. The Kingdom of Saudi Arabia has put mechanism to protect migrant domestic workers through their legislation, signing of bi-lateral agreements, call centers as well as registration of recruitment companies as a means to do away with unscrupulous labour agents, among others.
5. The Kenyan labour migrants are unaware of their rights and obligations. The workers especially unskilled labour are ignorant of the culture, sharia laws that govern the Kingdom, environment and terms and conditions of employment thereby leading to distress cases.
6. The Kenyan Mission in Riyadh is overwhelmed with labour and migration cases at the expense of its core mandate of enhancing foreign relations.
7. There is no clear linkage and synergy between the various government agencies dealing with migration issues in the country. There is therefore need for the Ministries of Labour, Social Security and Services and Foreign Affairs and International Trade and the Department of Migration to develop clear linkages.
8. The negative press publicity in Kenya migrant workers in Saudi Arabia need to be investigated and countered as they are normally unsubstantiated and hurt relations between the two countries as they are normally one sided.
9. It was noted that there is lack of data on Kenyan migrant workers in Saudi Arabia and the embassy learns of their presence through cases of distress.
10. It was also noted that the Kingdom of Saudi Arabia is quite expansive and Kenyans are spread over distant regions. The embassy on the other hand is handicapped without a functional vehicle as at the time of the visit. The mission has over the years been grossly underfunded to execute the huge mandate to serve Kenyans who require numerous consular services.
11. Kenya does not have a consular general office in Jeddah to cater for Kenyans in the second biggest city in the Kingdom of Saudi Arabia.
12. There is no safe-haven house to facilitate Kenyan migrant workers who are ill-treated by their Saudi sponsors.
13. There are no emergency toll free lines and help desks at the Kenya embassy in Saudi Arabia to respond to the Kenyans in distress.
14. The Country banned recruitment of Kenyan workers in the Middle East yet the same has not been communicated to the Kenyan embassy in the Kingdom of Saudi Arabia. Currently, many illegal Kenyan migrants still travel to Saudi Arabia.

15. Riyadh, the administrative capital, is very far from the western region that hosts a significant number of Kenyans for commercial and religious (hajj) visits to Mecca and Medina.
16. There are no Labour Officers in the embassy set up to look into the issues facing Kenyans on labour related matters in the Kingdom.

1.4.2 Committee Recommendations

The Committee recommends that:-

1. The Ministry of Labour, Social Security and Services should fast track the signing of the draft labour agreement with the Kingdom of Saudi Arabia.
2. The Ministry of Labour, Social Security and Services in conjunction with the Ministry of Foreign Affairs and International Trade should fast track deployment of Labour Attaches to deal with labour matters to the Kingdom of Saudi Arabia and other deserving foreign missions.
3. The Ministry of Labour, Social Security and Services should embark on curriculum geared towards pre- departure training for domestic workers to ensure proper orientation and familiarization with their roles, responsibilities, challenges and employment rights while abroad.
4. The Ministry of Labour, Social Security and Services should vet recruiting agents and blacklist those that violate foreign employment regulations. The Ministry of Foreign Affairs and International Trade should engage the Government of Saudi Arabia with a view to ensuring rigorous vetting of employment/recruitment agents and blacklisting of all those who do not meet the threshold.
5. The Ministry of Foreign Affairs and International Trade and the National Treasury should provide a special fund to the missions in the Middle East especially the Kingdom of Saudi Arabia to enable them deal with the numerous migrant labour challenges, including setting up a safe house.
6. The Ministry of Foreign Affairs and International Trade should consider setting up Consulates in Jeddah and Dammam and facilitate the deployment of Labour Attaches to compliment the staff at Riyadh.
7. The Ministry of Labour, Social Security and Services should develop an integrated data system of all Kenyans in diaspora.
8. The Ministry of Foreign Affairs and International Trade should introduce emergency toll free lines and help desks at the Kenya embassy in Saudi Arabia to respond to the Kenyans in distress.

1.5 Acknowledgement

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate.

I take this opportunity to thank all the Members for their patience, sacrifice, endurance and hard work which enabled us to complete the task within the stipulated period.

The Committee wishes to record its appreciation for services rendered by the staff of the National Assembly attached to the Committee, whose efforts made the work of the Committee and the production of this Report possible.

Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Labour and Social Welfare, to present the report on the study visit to Saudi Arabia on administration of foreign employment and management of labour migration to the House pursuant to the provisions of Standing Order 199.

Signed  Date. 17/11/2015

Hon. John Serut, MP (Leader of the Delegation)
Departmental Committee on Labour and Social Welfare

2.0 Introduction

Foreign employment promotion is an important component of our national employment policy and strategies. The number of Kenyans in the Diaspora is currently estimated at three million. These workers possess immense resources which have greatly contributed to the transformation of our Country as envisioned in the Kenya Vision 2030.

Private employment agencies emerged in the 1990s as a private sector initiative to address local and foreign employment promotion. Their role in promoting foreign employment has significantly increased. The agencies have particularly proven effective in quickly sensing skills shortages in the labour market, finding labour to fill the void and providing flexible and appropriate responses. Notably, the number of private employment agencies has significantly increased from five in 1998 to over 700 in 2013. This rapid increase has created challenges in regulation of the agencies' activities, hence the need for their close supervision and regulation.

The challenges faced by Kenyan workers in the Gulf region are acute as the workers are subjected to deplorable working conditions, human rights violations, exploitation and abuse in the workplace. This sorry state was further compounded by the fact that migrant workers in the gulf region are often afraid of seeking redress from authorities. This is particularly so if their entry or stay in the country is irregular. Besides, information on some migrant workers is hardly accessible. This makes it difficult to regulate their working conditions. The existence of 2000 Kenyans with irregular status in Saudi Arabia in 2013 is a worrying indicator of a problem in dire need of an urgent solution.

The Middle East and the Gulf region remain the key labour destination regions for our unskilled migrant workers. However, numerous cases of Kenyan migrant workers being mistreated and exploited in the region, in some cases resulting to death, are also on the rise. This situation is further worsened by the fact that almost all the countries in the Middle East have no laws to govern employment of domestic workers. Therefore, the temporary suspension on export of our labour to this region was occasioned by the above mentioned challenges facing our migrant workers as the country seeks lasting solutions. In this regard, proper management of labour migration will require short-term, medium term and long term measures. While the immediate objective is to address the plight of migrant workers facing challenges, the long term measures will require legal, institutional and policy interventions.

2.1. Terms of Reference

The Delegation was to:-

1. Consider the existing framework for the management and regulation of recruitment agencies and assess its effectiveness in protecting Kenyans recruited to work outside the country.
2. Analyze the possible reasons and underlying factors for the increase in migration of Kenyan workers to the Middle East and the Gulf Region and the causes and extent of the increasing number of reported cases of mistreatment of Kenyan workers and unfair labour practices in the Middle East and the Gulf Region.
3. Assess labour needs and mobility in the Diaspora.
4. Learn good practices in foreign employment administration and labour migration management.
5. Understand the challenges faced by the Kenyan migrant workers.
6. Recommend considerations to be taken into account in vetting and accreditation of recruitment agencies.
7. Recommend measures for effective co-ordination and regulation of recruitment agencies.
8. Review the existing framework and recommend how it can be strengthened to ensure effective protection of Kenyans working outside the country.

3.0 Meeting with the Embassy of Kenya in Riyadh, Saudi Arabia

The Delegation held a meeting with Ambassador Hon. Mohamed Abdi Mohamud, head of the Kenyan Mission in Riyadh, Saudi Arabia.

The Ambassador informed the delegation that:-

1. Saudi Arabia is a major destination for immigrant labour from Asian and African nations and currently is estimated to host over 10 million foreign workers across the diverse economic sectors.
2. In the Kingdom of Saudi Arabia, as in the other Gulf States, immigrant labour is managed through the Kafala (sponsorship) system; immigrants must have a confirmed job before entering the country, and must work for their sponsor for the duration of their stay. Sponsorship (and a job) is a requirement for a residence permit (Iqama).
3. The Kingdom of Saudi Arabia hosts a large number of Kenyan Diaspora/immigrant workers estimated at 100,000 — 130,000 spread across the vast Kingdom.
4. Kenyans are highly regarded owing to their skills and hardworking nature; many employers appreciate them across the sectors. However, the main sectors that employ significant Kenyan workers include:-
 - i. Skilled/professional-This category has relatively few workers and presents many opportunities that the country can take advantage of to vigorously market. They include engineers, doctors, paramedics, finance and banking cadre (accountants & auditors).
 - ii. Semi-skilled - This category includes drivers, artisans, salesmen, chefs (hospitality industry) and mechanics.
 - iii. Non-skilled -This includes domestic workers (house-helps), farm and construction labourers.

The major challenge is with the non-skilled category that also forms the bulk of the Kenyan migrant workers. The challenges for Kenyan workers include:-

- I. Run-aways who violate the residency status (horoob). Most of those who violate residency status end up working illegally for higher pay.
- II. Kenyans who engage in illegal activities - alcoholism, pimping, drug trafficking, human trafficking, theft, forgery and prostitution that tarnishes the reputation of the country with severe consequences for future migrants.
- III. Cultural shock — language and cultural barriers

Violations by employers as a result of the Sponsorship (Kafala) system

The Ambassador informed the delegation that some of the challenges/maltreatment the migrants go through as a result of Kafala system includes:-

- I. The employers (Kafeels) keeping workers' passports until they are about to go out on exit/re-entry visa. In this case, the Kafeel will exchange the passport with the residence permit (Iqama) card. This is an illegal measure that the employers used to prevent the workers from traveling or escaping.
- II. The employers keep the employees passport and very often loses/misplaces them. Kenyans face difficulty in getting police abstracts and affidavits and when they do, they are usually charged exorbitant fees.
- III. Kafeels making workers do jobs other than the ones they were originally recruited to carry out.
- IV. Physical and verbal violence by some Kafeels against their workers in addition to maltreatment.
- V. The expatriates are asked to pay monthly or annual fees to the Kafeels without any justification.
- VI. Workers are denied exercising some of their civil rights such as marriage or visiting relatives or friends without the approval of the Kafeels.
- VII. The spread of the phenomenon of work visa traders. Some Saudis recruit foreign manpower only to trade in them and make more money because they have no jobs for them.
- VIII. Non-payment or delay in payment of salaries, which is a gross violation of labour laws.
- IX. Non-disclosure of work contracts for them to appreciate that they know their rights and duties. This is also against labour laws.
- X. The system gives the Kafeels expanded rights and privileges that they may abuse.
- XI. Delay at the Labour offices in dealing with labour complaints.
- XII. Some Kafeels go around the system by releasing their workers to work for other employers.

The team was further informed of the general challenges faced by migrant workers and includes:-

- I. Lack of a labour agreement between Kenya and the Kingdom - This has led to the migrant being subjected to the Sharia Laws of Saudi Arabia as the two countries have no formal structured engagement.
- II. Delays in documentation processes like identification cards and passports for Kenyans.

- III. Kenya has had very uncoordinated and unregulated recruitment system causing confusion and exploitation of the migrant labour.
- IV. Unscrupulous and corrupt recruitment agencies - once the employees leave the country, the agencies abdicate their responsibilities. Many of them also recruit through brokers who disappear immediately they recruit the workers and whose interest is the agency fees only.
- V. The deception of the countries that the workers would go to work and the type of work they would perform.

3.1 Meeting with Kenyan Diaspora

The team met Kenyan Diasporas during dinner to celebrate the 52nd Madaraka day celebrations. A formal meeting was later held between the team and representatives of Diaspora through KSSA (Kenya Society in Saudi Arabia). KSSA is a welfare association group formed in October, 2011 by Kenyan Diaspora and the former 2nd Secretary at the Republic of Kenya embassy, Mr. Mohamud Ali Salah to address the many issues and sufferings faced by workers in Saudi Arabia. The Association is located in Riyadh, Kingdom of Saudi Arabia. Its aims are to:-

- I. Promote awareness to the Kenyan Society in the Kingdom.
- II. Promote awareness of the consequences faced by female domestic helpers when they run away from their Kafuels (sponsors).
- III. Promote the values of being united as Kenyans in the Diaspora without discrimination.
- IV. Work together in finding ways of assisting the mistreated/abused sisters who want to return home.
- V. Unite Kenyans living in the Kingdom by creating something new and of value to helping each other while in the Diaspora.

The following issues were presented for consideration by the government:-

- Opening of a consulate general office in Jeddah to cater for Kenyans in the second biggest city in the Kingdom of Saudi Arabia.
- Posting of Labour Attaches to deal with the many Labour issues.
- The need to have Mobile Embassy Officials (two or three) to attend to the many problems facing Kenyan Diasporas within Saudi Arabia.
- Consider engaging Kenyans in Saudi as local staff and issue Diaspora volunteers with identification cards/letters as they intervene in distress cases.

- Share information on Visas sent to Kenya from the Kingdom.
- All visas processed at the Royal Kingdom of Saudi Arabia Embassy in Nairobi, should be sent to the Kenyan Mission in Riyadh with full details of individuals/companies names, physical address, mobile/landline numbers, the Kenyan local agent, the Saudi agent and the Saudi sponsor for scrutiny.
- Domestic Helpers visas are issued to established Saudi recruiting agencies for accountability and follow-up.
- Undertake pre departure training on Saudi Arabia's culture, religion and Saudi governing sharia law.
- Provide safe-houses for distressed Kenyan Diaspora in main Saudi Arabian cities and towns.
- Increase communication channels including landline numbers and introduce help desks at the Kenya Embassy.
- Facilitate transport for the distressed Kenyans by increasing the numbers of vehicles at the Kenya Embassy.
- Ease/fast track issuance of new, renewal or lost passport.
- Provide for issuance of Kenyan National ID's at the Kenya embassy.
- Appointment of Kenyan Diaspora Kadhi/Priest to conduct marriages and issue certificates authenticated by the Diplomatic Mission.
- The need to have Kenya Embassy international Schools (Primary & Secondary) in the main major Kingdom cities of Riyadh, Jeddah and Dammam.
- Ensure Kenyan Diaspora exercise their democratic rights by fully participating in the coming 2017 general elections by choosing their representatives.
- Appointment of permanent staff at the embassy in Riyadh to look into the issues of Kenyans in the police custody, deportation centers, hospitals, prisons and agent offices in the different cities and towns of the kingdom.
- Saudi bound Kenyan domestic helpers or even professionals should be sensitized on the Saudi Arabia's culture, religion and Saudi Governing Sheria laws before departing from Kenya.
- For domestic helpers, training centers should be established in Nairobi and Mombasa so that they are properly oriented with their roles, responsibilities, challenges and employment rights. Some of the issues emphasized are the need for application of a residence permit within the first three months.

- Kenyan domestic workers who are in distress need to find safe-haven housing facilitated by the Kenyan mission in the main Saudi Arabian cities and towns.
- Introduction of emergency toll free lines and help desks at the Kenya embassy in Saudi Arabia to respond to Kenyans in distress.

3.2 Meeting with the Ministry of Labour in the Kingdom of Saudi Arabia

The Kingdom of Saudi Arabia through its Ministry of Labour has legislated legislation and regulations, with a view to ensuring justice and the protection of the rights of guest workers.

The Ministry has formed an advisory committee to study the status of contracts for the guest labour flowing into the Kingdom which comprises 176 nationalities. The committee has defined an array of challenges that face the labour force and made significant recommendations which have led to development of strategies, programs and initiatives that facilitate work and provide suitable habitat for the guest labour in the kingdom. The team visited the Ministry of Labour and met officials who took them through the Saudi Arabia Labour Laws, including initiatives they have undertaken to specifically protect the migrant workers. They include:-

- Nitaqat system that provides freedom for mobility to transfer services from one employer to another without the consent of the former employer in case of maltreatment.
- Setting up of labour recruitment companies; this enhances professionalism as the companies have financial, organizational and technical abilities. A total of 21 companies have so far been licensed.
- Provision for insurance for domestic labour by the employer.
- Legislation that regulate labour relations between an employer and domestic labourer and clarifies rights and obligations of both parties.
- There is a *musaned* programme (domestic Labour Program) that addresses challenges that may face domestic labor.
- The unified call centers that provides direct channels that enable the guest labor to make inquiries to the Ministry of Labour as well as lodge complaints in case of a labor dispute.
- Signing bilateral agreements with domestic labour sending countries.

Initiatives linked to protection of the rights of labour

1. Wage Protection System (WPS) program.

It monitors operations of releasing wages paid to all employees in the private companies (Saudis and expatriates) with the aim of creating a database that contains updated

information on payments made to employees in the private sector. Private companies are expected to pay wages in a timely manner and in the amounts agreed upon. Companies are penalized for releasing salaries late.

The benefits of the program:

- i. Ensure wage payments are made to an employee in a timely manner and in the amounts agreed upon, which leaves no room for delay or manipulation.
- ii. Avoid discrepancies between data provided by an employer in regard to what is agreed upon and truly released as wage payments.
- iii. Guarantees mechanisms of social protection to all employees in the private sector after retirement as well as in case of injuries through conforming wage data provided by the General Organization of Social Insurance (GOSI) to the actual wage paid by the employers.
- iv. Reduces risks and theft cases due to releasing wage in cash.
- v. Contributes to high productivity of an employee in the private sector that stems from protection of rights.
- vi. Provides actual information and data that reflects the status of the private sector and identifies future needs.

2. Insurance project for the domestic labour

The project aims at providing for the domestic labour and observing their rights. Such approach comes after exploring challenges encountered by them therefore inviting insurance companies to extend protection schemes for the guest labour on arrival to the Kingdom.

3. Endorsing domestic labour regulations

These regulations endeavor to regulate labour relations between an employer and a domestic labourer through clarifying rights and obligations of both parties. The regulations in text and spirit states that employers are binding by law not to delegate labourers with tasks not mentioned in the contract, put them in jeopardy or hurt their dignity. Furthermore, labourers are not allowed to work for employers other than their lawful employers. Moreover, regulations include punitive actions that are enforced on violators of both parties.

4. Musaned (Domestic Labour Program)

It addresses challenges that may face the domestic labour and also regulates, informs and monitors the implementation process.

Main program objectives:-

- i. Facilitate grant of domestic labour visas with ultimate transparency.
- ii. Increase channels of services provided by the Ministry of Labour and manpower supply offices.
- iii. Raise awareness and education on the contractual relations.

- iv. Offer and develop mechanisms and contact channels for complaints and appeals.

3.3 Meeting with the Chief Executive Officer, Maharah Human Resource Company

The Delegation held a meeting with Dr. Abdullah S. Al-Amro, the Chief Executive Officer of Maharah Human Resource Company which is one of the registered recruitment Agencies.

The Committee was informed that the Agency guarantees the whole process from recruitment, insurance and payment of salary for the migrant worker. The domestic workers are not charged anything but male professionals pay for their tickets. The company has houses and training centers to cater for the needs of the migrant workers.

The company currently has 120 vacancies for all cadres, skilled and unskilled but had filled only 40. They were however apprehensive on recruiting from Kenya citing lack of clarity on foreign employment legislation. The company was however willing to engage the stakeholders.

3.4. Visit to a Call Center

The delegation visited a Call Center which is one of the initiatives by the Ministry of Labour to assist migrant workers lodge complaints and make inquiries. The Center is manned by operators who speak eight languages and an appeal was made to have a Kiswahili speaking operator to cater for workers from the East African Region. The Center is operational 24 hours and Labour Officers are able to make follow ups when necessary.

4.0 Committee Observations

The Committee observed that:-

1. Saudi Arabia presents employment opportunities for both skilled and unskilled labourers in the country. Kenyans possess the requisite skills and were generally known to be hard working save for the few who engage in criminal activities. There is need to exploit the opportunity in order to deal with the unemployment situation in the country.
2. The Kenya government and the Kingdom of Saudi Arabia have no formal forum for engagement in matters of labour and employment as no Labour agreement has been signed by the two states.
3. It was also noted that recruitment of workers to the Kingdom is haphazard; this gives opportunity for unscrupulous agents who recruit workers and abandon them once they are paid their commission. Saudi brief case agents are also engaged in the trade as they come to the country with ready visas.



4. The Kingdom of Saudi Arabia has put mechanism to protect migrant domestic workers through their legislation, signing of bi-lateral agreements, call centers as well as registration of recruitment companies as a means to do away with unscrupulous labour agents.
5. The Kenyan labour migrants are unaware of their rights and obligations. The workers especially unskilled labour are ignorant of the culture, sharia laws that govern the Kingdom, environment and terms and conditions of employment thereby leading to distress cases.
6. The Kenyan Mission in Riyadh is overwhelmed with labour and migration cases at the expense of its core mandate of enhancing foreign relations.
7. There is no clear linkage and synergy between the various government agencies dealing with migration issues in the country. There is therefore need for the Ministries of Labour, Migration and Foreign Affairs to develop clear linkages.
8. The negative press publicity in Kenya migrant workers in Saudi Arabia need to be investigated and countered as they are normally unsubstantiated and hurt relations between the two countries as they are normally one sided.
9. It was noted that there is lack of data on Kenyan migrant workers in Saudi Arabia and the embassy learns of their presence through cases of distress.
10. It was also noted that the Kingdom of Saudi Arabia is quite expansive and Kenyans are spread over distant regions. The embassy on the other hand is handicapped without a functional vehicle as at the time of the visit. The mission has over the years been grossly underfunded to execute the huge mandate to serve Kenyans who require numerous consular services.
11. Kenya does not have a consular general office in Jeddah to cater for Kenyans in the second biggest city in the Kingdom of Saudi Arabia.
12. There is no safe-haven house to facilitate Kenyan migrant workers who are ill-treated by their Saudi sponsors.
13. There are no emergency toll free lines and help desks at the Kenya embassy in Saudi Arabia to respond to the Kenyans in distress.
14. The Country banned recruitment of Kenyan workers in the Middle East yet the same has not been communicated to the Kenyan embassy in the Kingdom of Saudi Arabia. Currently, many illegal Kenyan migrants still travel to Saudi Arabia.



15. Riyadh, the administrative capital, is very far from the western region that hosts a significant number of Kenyans for commercial and religious (hajj) visits to Mecca and Medina.
16. There are no Labour Officers in the embassy set up to look into the issues facing Kenyans on labour related matters in the Kingdom.

5.0 Committee Recommendations

The Committee recommends that:-

1. The Ministry of Labour, Social Security and Services should fast track the signing of the draft labour agreement with the Kingdom of Saudi Arabia.
2. The Ministry of Labour, Social Security and Services in conjunction with the Ministry of Foreign Affairs and International Trade should fast track deployment of Labour Attaches to deal with labour matters to the Kingdom of Saudi Arabia and other deserving foreign missions.
3. The Ministry of Labour, Social Security and Services should embark on curriculum geared towards pre- departure training for domestic workers to ensure proper orientation and familiarization with their roles, responsibilities, challenges and employment rights while abroad.
4. The Ministry of Labour, Social Security and Services should vet recruiting agents and blacklist those that violate foreign employment regulations. The Ministry of Foreign Affairs and International Trade should engage the Government of Saudi Arabia with a view to ensuring rigorous vetting of employment/recruitment agents and blacklisting of all those who do not meet the threshold.
5. The Ministry of Foreign Affairs and International Trade and the National Treasury should provide a special fund to the missions in the Middle East especially the Kingdom of Saudi Arabia to enable them deal with the numerous migrant labour challenges, including setting up a safe house.
6. The Ministry of Foreign Affairs and International Trade should consider setting up Consulates in Jeddah and Dammam and facilitate the deployment of Labour Attaches to compliment the staff at Riyadh.
7. The Ministry of Labour, Social Security and Services should develop an integrated data system of all Kenyans in diaspora.
8. The Ministry of Foreign Affairs and International Trade should introduce emergency toll free lines and help desks at the Kenya embassy in Saudi Arabia to respond to the Kenyans in distress.



ANNEX 1 – MINUTES

Minutes of the 46th Sitting of the Departmental Committee on Labour and Social Welfare held on Thursday 29th October, 2015 in Harambee Sacco Plaza, 9th Floor Boardroom at 10.30 a.m.

Present

1. Hon. David Were, MP- Chairperson
2. Hon. Tiyah Galgalo Ali, M.P. - Vice Chairperson
3. Hon. John Serut, MP
4. Hon. Samuel Gichigi, MP
5. Hon. Patrick Wangamati, MP
6. Hon. Elijah Mosomi Moindi, MP
7. Hon. James Onyango K'oyoo, MP
8. Hon. John Ndirangu Kariuki, MP
9. Hon. Kinoti Gatobu, MP
10. Hon. Winnie Karimi Njuguna, MP
11. Hon. Aisha Jumwa Karissa, MP
12. Hon. Janet Teyiaa, MP
13. Hon. Cornelly Serem, MP
14. Hon. Elijah Lagat, MP
15. Hon. Wesley Korir, MP
16. Hon. Mustafa Idd, MP
17. Hon. Janet Nangabo, MP
18. Hon. Mwanyoha Hassan Mohamed, MP
19. Hon. Jones Mlolwa, MP
20. Hon. Peris Tobiko, MP
21. Hon. Gladys Wanga, MP
22. Hon. Rose Museo Mumo, MP
23. Hon. John O. Kobado, MP
24. Hon. Abdinoor Mohamed Ali, MP

Absent

1. Hon. John Omondi Ogutu, MP
2. Hon. Dan Wanyama, MP
3. Hon. Regina Nyeris, MP
4. Hon. Silvanice Onyango Osele, MP
5. Hon. Ferdinand Waititu, MP

In Attendance

National Assembly Secretariat

- | | |
|-------------------------------|------------------------------------|
| 1. Mr. Erick Nyambati | Third Clerk Assistant (Lead Clerk) |
| 2. Ms. Ella Kendi Mwenda | Third Clerk Assistant |
| 3. Mr. Abdirahman Gele Hassan | Third Clerk Assistant |
| 4. Mr. Donald Manyala | Research Officer |

Minute No.247/2015 Preliminaries

The meeting was called to order at 10.39 a.m. followed by a word of prayer from the Chairperson.

Minute No.248/2015 Confirmation of the minutes of the previous sitting

Confirmation of the minutes of the previous sittings was deferred to the next sitting.

Minute No.249/2015 Consideration and adoption of reports on foreign trips

The Committee Members considered and unanimously adopted the following reports;

1. The Report on the study visit to Saudi Arabia on administration of foreign employment and management of labour migration.
2. The Report on the study visit to India on administration of foreign employment and management of labour migration.

Due to absence of the respective leaders of the delegation, the reports on the 15th World Athletics Championships held in Beijing, China and the development of inclusion and equity policies, held in Norway were deferred to the next meeting.


Minute No.250/2015 Any Other Business

The Committee resolved to invite;

- I. The Management of the National Social Security Fund to discuss the implementation of the NSSF Act No. 45 of 2013 on additional contributions to the pension.
- II. The Ministry of Devolution and Planning to apprise the members on implementation status of the specific items per programme on the 2014/2015 Financial Year and 2015/2016 First Quarter budget.
- III. The Ministry of Labour, Social Security and Services to apprise the members on the status of the Task Force Report on labour migration.

Minute No.251/2015 Adjournment

There being no other business to transact, the meeting was adjourned at 12.50 p.m.

Signature..........Date.....20-11-2015.....

Hon. David Were, MP – Chairperson

Departmental Committee on Labour and Social Welfare

ANNEX 2-ADOPTION LIST


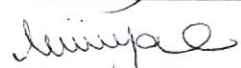
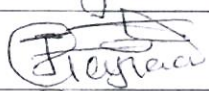
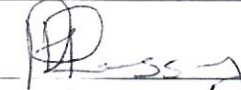




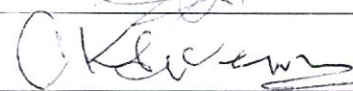

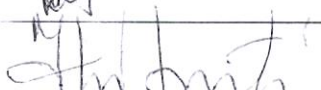

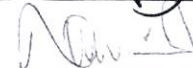

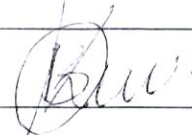



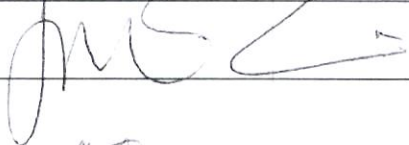
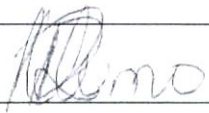
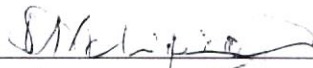


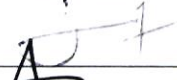

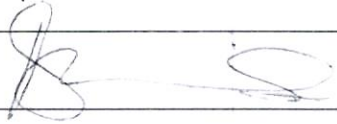
DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE

Agenda: Consideration and adoption of Reports on foreign trip

Venue: Small Boardroom, 9th Floor, Harambee Sacco Plaza

Date: 29th October, 2015

NO.	NAME	SIGNATURE
1.	Hon David Were, MP-Chairperson	
2.	Hon. Tiyah Galgalo, MP-Vice Chairperson	
3.	Hon. Janet Teyiaa, MP	
4.	Hon. Peris Tobiko, MP	
5.	Hon. John Ndirangu Kariuki, MP	
6.	Hon. John Serut, MP	
7.	Hon. Winnie Karimi Njuguna, MP	
8.	Hon. Samuel Gichigi, Mp	
9.	Hon. Cornelly Serem, MP	
10.	Hon. Dan Wanyama, MP	
11.	Hon .Elijah Lagat, MP	
12.	Hon. Patrick Wangamati, MP	
13.	Hon. Nyasuna Gladys Wanga, MP	
14.	Hon. Abdinoor Mohamed Ali, MP	
15.	Hon. Regina Nyeris, MP	
16.	Hon. Wesley Korir ,MP	
17.	Hon. Kinoti Gatobu, MP	

18.	Hon. Elijah Mosomi Mwindi,		
19.	Hon. James Onyango Ojiambo, MP		
20.	Hon. Omondi John Ogotu, MP		
21.	Hon. Rose Museo Mumbo, MP		
22.	Hon. Mustaffa Idd, MP		
23.	Hon. John Owuor O. Obado, MP		
24.	Hon. Janet Nangabo, MP		
25.	Hon. Mwanyoha Hassan Mohammed, MP		
26.	Hon. Mlolwa Jones Mwangangi, MP		
27.	Hon. Silvance Onyango Osele, MP		
28.	Hon. Aisha Jumwa Karissa, MP		
29.	Hon. Ferdinand Waititu, MP		

Erick Nyambati

For: Clerk of the National Assembly