

**INDEPENDENT EXTERNAL ASSESSMENT REPORT**  
*Ethical Fashions Africa Limited*

**Report by**  
**Leonard Nawiri (on behalf of Fair Labor Association)**



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## I. Introduction

Ethical Fashions Africa Limited (EFAL), located in Godown Art Centre, Nairobi Industrial Area, is a manufacturing enterprise with a social mission. It is a non-dividend distribution company that provides a business infrastructure where microproducers conduct manufacturing work for international markets. The aim of this enterprise is to reach a sustainable profit in order to continue a self-sustaining operation. EFAL is responsible for the organization of production in community groups, along with business and trade operations, such as administration, financial management, quality control, packing, and shipping.

This report provides the results from an Independent External Assessment (IEM) of the labor conditions and internal management systems at EFAL and 4 affiliate community groups. The assessment was benchmarked against the Fair Labor Association's (FLA) Code of Conduct (COC) and applicable Kenyan labor laws. This was a fully announced assessment that was conducted from November 30 – December 6, 2013.

The assessment team was made up of 2 people (1 male and 1 female assessor). The team followed FLA's IEM methodology, starting with external information gathering on November 30. This was followed by data collection through opening meetings, facility walkthrough, interviews, document review, and closing meetings at individual sites. Focus group discussions with 4 – 6 workers were carried out, along with a number of individual interviews. Information gathered during the facility walkthrough and worker interviews was cross checked through record and documentation review at EFAL and through a triangulation process in community groups. This process aimed to: 1) verify implementation of policies and procedures; 2) identify and validate noncompliances; and 3) understand the root causes of risks identified during site assessments at EFAL and the community group level.

A total of 47 interviews were conducted. Interviewees were randomly sampled from tailoring; preparation; cutting; beading; printing; painting; and packing and shipment departments. Table 1 provides related details.

Date	Group	# of Individual Interviews
November 30	External information gathering	12 (community members)
December 3	EFAL Hub	22 (employees, management)
December 4	Korogocho Mini Hub (Baba Dogo Tailors Group)	6 (group members), 1 EFAL supervisor
December 5	Kibera Art Center (formerly Kibera Brass)	4 (group members)
December 5	Ambassadors of Hope Self Help Group (Waithaka)	6 (group members)
December 6	Sanata Women's Self Help Group (Gilgil)	8 (group members)

**Table 1:** Groups Visits During FLA Independent External Assessment

EFAL management and the 4 community groups were open and supportive of the assessment process. Full access to work areas, documents, and workers was provided. The records and documents provided for review included: time records, payroll registers, employee personnel files, and planning/production records. Others were purchase orders, delivery notes, payment vouchers, and agreements for obtained orders. These records and documents contained the necessary details to aid the assessment team in determining levels of compliance. EFAL and community group leadership described the process as an opportunity to both learn and act on identified issues.

## **II. Findings**

### **A. External Information Gathering**

From internal and external information gathering, it was noted that all community centers were either scenes of violent post-election clashes in 2007 – 2008 and that some group members were victims of post-election skirmishes. The Nairobi-based groups (Korogocho, Kibera, and Waithaka) are located in informal settlements, areas prone to security issues mainly associated with unemployment, poverty, and drug abuse.

Through its work with these community groups, EFAL not only focuses on creating business opportunities, which enable community members to earn a decent living, it also gives workers' skills they can use to make additional money beyond what they earn from direct EFAL orders. Generally, communities living in these informal settlements are poor (living on less than \$2 USD day) and have high rates of both unemployment and illiteracy, especially among women. Additionally, in the garrison town of Gilgil, early pregnancy and prostitution are common among the local women and young girls, who use prostitution as means to earn a living. Subsequently, Gilgil has seen a rise in reproductive health problems and street children, those born from mothers who are prostitutes. Making matters worse, access to education is a challenge for most families. Although there are primary schools not far away and primary education for Kenyans in public school is free, parents still have to provide uniforms and, at times, purchase books. Secondary education is not paid for and, hence, is too expensive for many parents. Both public and private hospitals and clinics, which provide prescriptions exist in these communities; however, buying medicine remains a challenge.

### **B. General Observations**

The following section presents the assessment team's findings from a labor risk assessment with a focus on internal management systems':<sup>1</sup>

- Policies (content, visibility, ownership);

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<sup>1</sup> In order for the employer to ensure that rights at work are respected, and that: 1) national and international labor and 2) social security laws and regulations are complied with, clear policies and procedures must be in place and staff should be trained on how to apply them. The application of these policies and procedures should be documented and periodically reviewed to ensure that they achieve their objectives. Finally, all employees should be aware of their rights and duties. Without such policies, procedures, training, documentation, and communication, the risk of violating rights and of not complying with laws and regulations increases.

- Implementation (processes, communication, training, control mechanisms, reporting);
- Noncompliances.

The report begins with a general observation section that provides a company overview and a group set-up. This is followed by findings on working conditions, which are benchmarks under FLA COC and Kenyan labor law. Some of these findings directly concern EFAL, as they refer to activities undertaken and coordinated at the Godown Hub; other findings refer to the individual community groups, which were in the scope of the assessment.

Both FLA and the assessment team recognize the complexities surrounding labor-related issue implementation in the context of the informal sector. However, this assessment should provide an overview of: 1) the issues needed to be corrected and 2) the efforts currently being done in the framework of continuous improvement and what is in the workers' best interest.

### **Ethical Fashion Africa Limited (EFAL)**

EFAL is a business registered and operating in Nairobi, Kenya as a limited company. Its inclusive business model allows micro-entrepreneurs in Kenya to be involved in both domestic and international trade. From within the value chain of ethical fashion, working with EFAL allows: 1) individuals to create income and wealth through their own work and 2) marginalized informal entrepreneurs to become involved in the formal economy.

EFAL produces fashion accessories (bags, belts, purses), jewelry, and footwear for both local and international markets. Its current customers include Vivienne Westwood; Stella McCartney; Carmina Campus; Chan Luu; sass & bide; United Arrows; and Mifuko. EFAL has 118 employees in total, including: 5 senior managers, 17 supervisors, and 96 workers. Departments at EFAL include: accounts, administration, stores, beading, cutting, embroidery, preparation, production, screen printing, cleaning, quality control, and shipment.

### **Babadogo Tailors Group (Korogocho Slums)**

EFAL established this group of tailors in October 2013; they currently work as individual entrepreneurs at the Baba Dogo mini hub in the Korogocho slums. This group is in the process of securing registration from the Ministry of Gender, Children and Social Development. The group has 19 members, 13 female and 6 male. At the time of the assessment, the group was working on a 170-piece order for EFAL for Vivienne Westwood's collection of Weekender bags.

### **Kibera Art Center (formerly Kibera Brass)**

Formerly known as Kibera Brass, Kibera Art Center is a Self Help Group; it was registered in April 2013 with the Ministry of Gender, Children and Social Development. The group is comprised of 32 members, of which 18 are active. Of the 18 active members, 12 are male and 6 are female. Owing to the demand from the fashion world, a growing number of young men in the Kibera slums are involved in this initiative. The work involves stripping down old vehicles dumped in the slums, salvaging the brass within, smelting it, and then reshaping it into fashion insignias to decorate and brand accessories. Through their industry, metal is reused and recycled. At the time of this assessment, the group was ran order of rings for their US-based client, Soko.

### **Ambassadors of Hope Self Help Women's Group (Waithaka)**

Ambassadors of Hope Self Help Women's Group was established in 2009 and registered in 2011 with the Ministry of Gender, Children and Social Development. The group is comprised of mainly single women, i.e., widows and single mothers from the Waithaka slums in the outskirts of Nairobi. Some of the women are refugees from Rwanda, Congo, and Burundi, and hosted by the American Medical and Research Foundation (AMREF). Some members are individuals with disabilities. The group is comprised of 25 members, of which 20 are active. Members have skills in crochet, tailoring, beading, ironing, and attaching. At the time of the assessment, the group was working on EFAL orders for Karen Walker and Vivienne Westwood's collection of Weekender bags; they had completed an order for Chan Luu.

### **Sanata Women's Self Help Group**

Located in Gilgil off Nairobi-Nakuru highway, Sanata Women's Self Help Group members have skills in screen printing, tailoring, beading, and crocheting. The group is comprised of 60 members, the majority of whom are women living in the garrison town of Gilgil about 110 km from Nairobi. The group was started by internally displaced persons (IDPs) who fled the violence following the disputed Kenyan elections in 2007. Group members are from the Kikuyu, Luo, Luhya, and Maasai ethnic communities who came together with the first order from EFAL in October 2009.

The group initially gathered under Sanchat Charitable Trust; however, with continued orders from EFAL, it is now a registered self help group with the Ministry of Gender, Children and Social Development. Although it mainly receives orders from EFAL, it also has other orders from the domestic market, such as from supermarkets and schools. When the group started, none of the 60 members had marketable skills; however, through their participation in the Ethical Fashion program, they have developed skills, including heavy stitching and beadwork, among others. Women use their related earnings to feed their families. Additionally, they donate one-third of their total income to an orphanage that houses 100 boys and girls.

## **C. Labor Compliance Assessment**

The following assessment results highlight the gaps and associated risks with respect to FLA's Workplace Code of Conduct and Kenyan labor law. In some cases, there are actual benchmark violations; in other cases, there is a risk of noncompliance due to the absence or weakness of management systems (policies, procedures, training, documentation, communication, and awareness).

### **i. Employment Relationship**

**FLA Code Element:** *Employers shall adopt and adhere to rules and conditions of employment that respect workers and, at a minimum, safeguard their rights under national and international labor and social security laws and regulations.*

## **Policy**

At the EFAL Hub, FLA's standards (COC) are translated into written policies and procedures; they are also used as a framework for implementing workplace standards. EFAL has an HR manual and a draft Employee Handbook that elaborates on its policies and Standard Operating Procedures (SOPs). The policies and procedures cover social and ethical principles; labor standards; environmental protection; workplace organization and safety; pay and compensation; freedom of association; discrimination; grievance handling; disciplinary procedure; and termination. The management team interviewed demonstrated both knowledge and understanding of the principles that govern the workplace.

Both EFAL's and FLA's COCs are posted on the walls of all 4 community centers. Workers have been informed of them and were found to be aware of EFAL and FLA requirements. Besides the EFAL and FLA standards, each group has its constitution, which guides its operations. Copies of the respective constitutions were used as part of the paperwork required by the government to register the groups as legal entities. EFAL has a policy on skills training for workers both at the main hub and in the community centers.

## **Implementation (Processes)**

Policies and procedures are made accessible to workers at either the time of hire or when they sign their labor contract with EFAL. At the time of recruitment, the HR manager goes through key policy documents together with new workers, i.e., employment contract and the position's job description. Then, section heads take the new workers through the SOPs. Apart from the induction at the time of hire, the majority of these policies and procedures are kept on file and not posted in the workplace for continuous review by the workforce.

## **Training**

Before taking on any new orders, workers at both the main Hub and the community centers are trained on the product's various components and production. There are 8 quality control staff members that are assigned to train workers and group members on skills and ensure quality control of the products. From interviews with the HR manager, the assessment team noted that no structured and documented training program is in place at the main Hub or at the community centers although workplace standards are communicated at the start of employment. Not all delivered trainings are documented. However, the assessment team did note that 1 team building activity, conducted in October 2013 by an external facilitator with EFAL staff, was documented. At the group level, an independent consultant runs several training programs at the community centers, all of which are documented.

## **Control Mechanism and Reporting**

Regarding labor-related issues, EFAL uses an internal impact assessment system to analyze and then take action. EFAL considers the impact assessment that accompanies each order a valuable tool for communicating: 1) the work being done in product production and 2) the impact the respective income has on the livelihood of those involved.

## **Risk / Code Compliance Analysis**

At the **EFAL Hub**, the following **noncompliances** were noted under this code element:

1. Less than 50% of the general workers are on fixed-term employment contracts, despite the fact that they have worked with EFAL for more than 2 years. Management explained that this situation is due to the lack of regular orders that EFAL receives from their customers.
2. Term-contact workers have signed labor contracts, but copies of these contracts have not been provided to them. Workers are concerned about this, as they wish to know the exact details of their relationship with EFAL.
3. As term-contract workers do not receive a copy of their contracts and are not provided copies of their pay slips, they do not understand the basis for payments of overtime and holidays worked.

At the **community group level**, the following **noncompliance** was noted under this code element:

1. None of the piece-rate workers at the Korogocho mini hub and 50% of workers in the Sanata Group decorating bag handles were aware of the final rate per piece. These workers were also not made aware of when their payments would be settled, when they started working on the order. Workers were provided a rate of KShs 15, then KShs 20 per piece; these rates are lower than the KShs 25 per piece rate documented on the final contract agreement signed between EFAL and the groups.

## ii. **Forced Labor**

**FLA Code Element:** *There shall be no use of forced labor, including prison labor, indentured labor, bonded labor or other forms of forced labor.*

### **Policy**

EFAL has a policy on forced labor, which prohibits engaging in or tolerating the use of forced labor; retaining any part of its staff's salaries, except legal portions required for payment of government tax; and no employment linked to the fulfillment of any debt.

At the community group level, a member joins a group out of their own preference. No group member's payment is retained for whatever reason. Members are free to leave the group on provision of a 1-month notice, as provided for in the group constitution.

### **Implementation (Processes)**

EFAL workers are employed at their own free will and are free to leave employment within the guidelines stipulated in the employment contract. During recruitment, workers are not required to pay any fees or deposit any of their original certificates. Workers are allowed free movement in the facility to access drinking water and toilet facilities. EFAL and the groups have documented recruitment and joining policies and procedures, which are communicated to workers.



## **Risk / Code Compliance Analysis**

There were no noncompliances related to the forced labor code element.

### **iii. Child Labor**

**FLA Code Element:** *No person shall be employed under the age of 15 or under the age for completion of compulsory education, whichever is higher.*

#### **Policy**

EFAL has a policy on child labor and the protection of young workers. This policy provides that EFAL will not engage in or support the use of child labor and that only persons who are 18 years of age and above are eligible to be employed. EFAL requires all groups to ensure that production activities are done at the community centers; they are not to be taken home. This requirement has been reinforced in the group constitution.

All 4 groups require potential members to be 18 years and above. The group's respective constitutions prohibit members from coming to the workplace with their underage children. Copies of workers' original Kenyan Identification Cards are required as a pre-condition for membership.

#### **Implementation (Processes)**

The child labor policy is communicated to workers/group members when they join the group. This policy was posted at the main entrance of EFAL premises and on walls in the production areas. All EFAL employees are adults (18+ years); the youngest employee is 21 years old. Workers are hired after they provide their original national ID card, which is used to verify their age; copies of the same are maintained in their files.

At the community level, the child labor policy was posted at the main entrance of group premises and in production areas. Through the introduction of the Group Constitution, the policy is communicated to new workers at the time they join the group. Members' compensations is paid to bank accounts and, in Kenya, bank account holders must be in possession of a national ID card. All ID holders in Kenya are above 18 years of age. EFAL has provided the community groups with FLA's COC, which prohibits the use of child labor. This code has been translated into Swahili and all members were aware of it. As an SOP for production at the community centers, no work is taken home. Children are not allowed within the community centers. During the assessment, no children were observed at the centers. Of the 4 groups, the youngest worker/member was 20 years old.

## **Risk / Code Compliance Analysis**

There were no noncompliances related to the child labor code element.

#### iv. Harassment and Abuse

**FLA Code Element:** *Every employee shall be treated with respect and dignity. No employee shall be subject to any physical, sexual, psychological or verbal harassment or abuse.*

##### Policy

EFAL has no distinct policy on harassment or abuse, contrary to local legal requirements. There also is no policy in the community groups, as it is not mentioned in any of the group constitutions.

##### Implementation (Processes)

From the worker interviews at both EFAL and the community centers, there were no issues regarding the harassment and abuse of workers by either supervisors or line managers. Both EFAL and the groups' leadership have adopted an open door policy. They also have a disciplinary procedure, with which workers with any concerns are encouraged to report to the HR manager, any line manager or the groups' chairperson. However, although there is a grievance mechanism in the EFAL HR manual and in community group constitutions, this mechanism does not describe the process that the worker/group member should follow if they are harassed or abused by the person they would ordinarily report to (alternate reporting mechanism).

##### Risk / Code Compliance Analysis

The following **noncompliances** were noted under this code element:

1. There is no policy at the Hub or the community level regarding harassment and abuse.
2. There is no grievance system in place that workers can use to raise labor and welfare issues without fear of retaliation. As most workers fear approaching their line managers or supervisors on disputed or disciplinary matters, especially if such matters concern line manager themselves, workers and group members feel that the open door policy does not cater for them adequately.
3. A suggestion box system that was previously at the Hub had been discontinued. Workers are of the opinion that a more structured system for handling disciplinary issues relating to this clause should be adopted, rather than it being under the open door policy.
4. There is no retaliation policy at either the Hub or the communities. The lack of guidelines related to: 1) reporting cases of harassment and abuse in the workplace and 2) the protection offered to those aggrieved discourages affected workers from reporting their issues.

#### v. Discrimination

**FLA Code Element:** *No person shall be subject to any discrimination in employment, including hiring, compensation, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, social group or ethnic origin.*

## Policy

EFAL has a policy on equal treatment and opportunities. The policy provides that equal treatment is offered to all workers and staff. It further states that there is no discrimination in regards to hiring, compensation, access to training, promotion, termination, benefits or retirement based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, HIV/AIDS, union membership or political affiliation. According to the policy, those with different skills in different disciplines are subject to the same guidance and policies that EFAL has in terms of working conditions, recruitment, etc.

At the community group level, membership is open to all persons, as long as they are above 18 years. This is enshrined in the group constitutions. The groups do not discriminate against potential members on the basis of tribe, gender, physical ability, religion, political affiliation or color.

## Implementation (Processes)

The processes of recruitment, promotion, evaluation, compensation, and access to training at EFAL are based on merit. New workers and group members are made aware about this policy at the time of recruitment. Both EFAL and community centers have documented procedures that guide recruitment, selection, promotion, and training opportunities. All interviewees exhibited knowledge and understanding of the policy prohibiting discrimination.

## Risk / Code Compliance Analysis

There were no noncompliances related to the discrimination code element.

### vi. Health, Safety, Environment

**FLA Code Element:** *Employers shall provide a safe and healthy workplace setting to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work or as a result of the operation of employers' facilities. Employers shall adopt responsible measures to mitigate negative impacts that the workplace has on the environment.*

## Policy

EFAL has a health and safety policy, which covers all aspects of health, safety and environment in the workplace. The policy provides for workers' protection through issuance of personal protective equipment (PPE); training on occupational hazards and accidents, fire safety, and emergency preparedness; and access to social amenities while at the workplace. Besides the safety policy, there is an SOP for processes related to the use of machinery and equipment. These processes are communicated to workers as part of their induction.

At the group level, all issues related to health and safety (H&S) and, in particular, those related to the products expected to be made in the community are communicated by EFAL. Community groups are encouraged to take steps to ensure both adherence and awareness to potential H&S issues related to the work they perform. Additionally, when orders are being processed, EFAL supervisors pay regular visits to the communities as part of their ongoing supervision.

## Implementation (Processes)

Both senior and middle level managers interviewed at EFAL were sensitive to H&S issues in the workplace and were keen to ensure that systems are in place to address any related gaps. However, this is contrary to how some workers expose themselves to risk of injury by either removing the protective guards placed on machines (needle guards) and fail to consistently use the protective gear provided to them by their employer.

## Risk / Code Compliance Analysis

During the review of the implementation processes, a number of **noncompliances** were noted as listed below at the **EFAL Hub**:

1. The facility within which EFAL operates has not been registered as a workplace with the Ministry of Labour as required under the Occupational Health and Safety Act, 2007.
2. High voltage power sources and switches in the production department were obstructed and hence could not be easily accessed in case of a fire emergency.
3. Over 80% of single needle sewing machines in the production and design departments do not have pulley guards and none of the machines have finger guards, which is a legal requirement related to machine safety. This exposes workers using the machines to a risk of injury. According to management, workers who claim that the guards slow them down removed the installed finger guards. According to the accident records maintained at the Hub, workers suffer from needle pricks.
4. There are no marked walk/gangways in the production and design departments. As a consequence, these areas are not well organized and appear crowded. This situation makes it difficult for anyone to easily evacuate the workplace, should there be an emergency.
5. The facility does not have a fire alarm system to be used to alert workers to evacuate the premises in case of fire.
6. There is no designated separate storage area for chemicals and paint as required by law. Some of the paints and chemicals are stored in a small room near the kitchen, together with raw materials in the raw materials store.
7. There is no adequate space for the storage of finished products in the storage room. Products, accessories, and other raw materials are piled so high, they pose a risk of injuring workers in the store in case they fall or otherwise touch the electric wires.
8. 60% of employees working in the screen printing section use paints, turpentine, etc. They either use dusk masks (that are not sufficient to safeguard against chemical vapours) or do not use any protection at all while working. Some workers were observed not using the masks provided to them at all while work was occurring.
9. There is no eye wash equipment in areas where hazardous substances/chemicals are used for cases of emergency. Given the unreliability of the municipal water supply, some arrangement for eye washing needs to be in place.
10. Waste generated on the premises (organic and inorganic) is not separated as per local legal requirements for facilities employing more than 20 persons. The waste was seen being burned as a means of disposal.
11. There is no occupational H&S Committee established in the workplace. EFAL workers do not appreciate the importance of taking safety precautions, including using the

protective gear provided to them. This is further exacerbated by the lack of enforcement and training and the absence of a H&S Committee to champion workplace safety matters.

12. The training certificate for the person who provides first aid expired in 2011 and has not since been renewed.
13. There is inadequate ventilation in the production/tailoring department; workers have complained to management about excessive heat in the past.
14. Fire extinguisher points in the workplace are neither marked nor numbered for easy identification and placement after refilling/service.

At the **community group level**, the following **noncompliances** were identified:

#### **Baba Dogo Tailoring group**

1. There no first aid box or trained first aid personnel to administer first aid to workers in case they are injured while at work. Due to the lack of trained first aid personnel with valid licenses, a number of injuries that occur during the course of work go unreported.
2. Two tables provided as working space for the handle-decorating team were inadequate. One table, which measured 3m x 6m, was being shared by 10 workers; therefore making this workstation crowded. Limited workspace and crowding at workstations not only poses a risk of people stumbling and falling on each other in case of an emergency, but also inhibits production, especially for piece rate workers.
3. The piece rate employees decorating bag handles were working out in the open; there was no shade provided. These arrangements exposed workers to both hot and cold weather conditions, which could impact their health.
4. Even though the height of the working tables is low, employees stand at the tables to work, causing a situation that impacts them ergonomically. Workers felt that if they were provided with chairs or benches to sit on, this would help alleviate the problem.
5. There were inadequate working tools ("tido" and scissors) for piece rate workers. At the time of the assessment, 23 workers had access to only 3 tidos and 2 pairs of scissors, a factor that impacted their productivity. The piece rate workers decorating bag handles complained that the limited amount of working tools has had a negative effect on their production, as they have to wait for one worker to finish, then hand over the tool to the next one.

#### **Kibera Art Center**

1. Due to lack of space in the workShop, the polishing machines were too close to each other. Therefore, there is a risk of someone getting easily injured when they have to stand and leave the workplace.
2. The furnace is made of old machine pieces built together and linked to a basic gas conduit. As the furnace is located in a confined space and due to the system's insecurity, any accidents with this machine could be fatal not only to the person using it, but also anyone who is in that area.

### **Ambassadors of Hope Self Help Women's Group**

1. There is no first aid box or trained first aid personnel to administer first aid to workers should they get injured while at work. Due to the lack of trained first aid personnel with valid licenses, a number of injuries that occur during the course of work go unreported.
2. The work space for the bag handle decorating team was inadequate. Twelve workers share 1 table measuring 3m x 6m, making the workstation crowded. Limited workspace and crowding at workstations not only poses a risk of people stumbling and falling on each other in case of an emergency, but also inhibits production, especially for piece rate workers.
3. The piece rate employee decorating bag handles were working out in the open; there was no shade provided. These arrangements exposed workers to hot and cold weather conditions, which could impact their health.
4. Even though the height of the working tables is low; employees stand at the tables to work, causing a situation that impacts them ergonomically. Workers felt that if they were provided with chairs or benches to seat on, this would help alleviate the problem.

### **Sanata Women Self Help Group**

1. There is no first aid box or trained first aid personnel to administer first aid to workers should members get injured while at work. Due to the lack of trained first aid personnel with valid licenses, a number of injuries that occur during the course of work go unreported.

## **vii. Freedom of Association and Collective Bargaining**

**FLA Code Element:** *Employers shall recognize and respect the right of employees to freedom of association and collective bargaining.*

### **Policy**

EFAL has a policy on Freedom of Association (FOA) and the Right to Collective Bargaining, which respects employees' right to form and join trade unions and allows them the right to bargain collectively, whilst not being subject to discrimination. Besides the FOA policy, EFAL has a grievance policy, which describes the process of how grievances in the workplace are to be handled.

At the community level, all groups have a constitution that allows members to be free to interact and associate with each other, while they are both inside and outside the workplace, regarding matters relating to their individual and group development. All group members are aware of this of this provision.

### **Implementation (Processes)**

EFAL workers are not unionized. Workers have no form of representation or committees within the workplace to use to channel their labor and welfare issues. In the absence of a trade union

or Workers' Committee, management has adopted an open door policy for labor, welfare, and disciplinary matters. A suggestion box process, which used to complement the open door policy, has been stopped, with no related explanation provided.

At the community level, due to the nature of the groups' set up, operations, and number of members, members comfortably use the related constitution provision to address any matters that relate to how members associate and relate with each other.

### **Risk / Code Compliance Analysis**

The following **noncompliance** was noted under this code element:

1. More than 60% of interviewed EFAL workers expressed their dissatisfaction with the open door policy that is currently in place for reporting workplace issues. They indicated that this type of structure causes fear both amongst workers and between workers and management. Workers are not free to express their views and problems to management due to possible victimization and retaliation, especially if the matter concerns management staff members. Therefore, workers shared their willingness to be represented either in a trade union or through a Worker Committee structure.

#### **viii. Hours of Work**

**FLA Code Element:** *Employers shall not require workers to work more than the regular and overtime hours allowed by the law of the country where the workers are employed. The regular workweek shall not exceed 48 hours. Employers shall allow workers at least 24 consecutive hours of rest in every 7-day period. All overtime work shall be consensual. Employers shall not request overtime on a regular basis and shall compensate all overtime work at a premium rate. Other than in exceptional circumstances, the sum of regular and overtime hours in a week shall not exceed 60 hours.*

#### **Policy**

EFAL's hours of work policy provides for normal work hours from 9:00am – 5:00pm, Monday – Saturday, totaling to 48 hours per week. Overtime was mentioned to be 12 hours per week. Additionally, 1 day off is provided, usually on a Sunday. Any hours worked outside these norms, which are workers are contractually required to work to fulfill orders during peak periods as part of the salaried work, will be requested and compensated for. The policy also provides for documentation of all working hours, work breaks, along with both annual and maternity leave. There is no provision for paternity leave, which is required per the Employment Act, 2007. Overtime is not obligatory; however, if an employee accumulates more than 5 hours of overtime in 1 day, this may be compensated with either a paid day off or cash compensation at the rate of the regular hourly wage, instead of the premium rate provided in the local law.

At the community level, although there is no policy framework on work hours, the group constitutions allow members to work 6 days a week (Monday – Saturday afternoon), with the provision of Sunday or any other day off for members to rest. This is in recognition of the fact that some group members go to church on Saturday; therefore, Saturday, not Sunday, is a rest day for these members.

## Implementation (Processes)

Neither EFAL nor the community groups have a robust system for recording actual hours worked. However, EFAL has introduced an electronic time recording system, but it is currently only a pilot for permanent workers. Additionally, this system has not been synchronized with the payroll and therefore is not being used as a source of data to process workers' payments. Workers on contract and those working on a casual basis use manual attendance sheets.

At the community centers, EFAL introduced attendance books in October 2013, in which members are expected to record their attendance both when they get to and leave work. However, members do not consistently sign these books.

## Risk / Code Compliance Analysis

At the **EFAL Hub**, the following **noncompliances** were identified related to this code element:

1. EFAL's hours of work policy does not provide workers with paternity leave as required by local law.
2. Casual employees who work 6 consecutive days in 1 week or on public holidays are not entitled to, and therefore not paid for, rest days as provided for in local law.
3. Most contract and casual workers at EFAL do not understand their payment calculations when they work during holidays.
4. Due to the use of a separate time recording system and inefficiency in recording the actual hours worked both at EFAL and the community centers, assessors could not ascertain from the payment system that the concerned workers are paid double the daily rate when they worked on public holidays.
5. Due to the lack of a robust time recording system at EFAL and ineffective communication to workers about hours worked and how the same is used to compute payments, workers feel that not all worked hours are compensated.
6. One rest day in every 7 days is not guaranteed for employees working in the production and product development departments. This was noted in September, October, and November 2013, which, according to management, are peak production months; workers worked in excess of 60 hours per week (up to 72 hours per week).
7. 40% of interviewed workers expressed concern that overtime is not always voluntary, even though most of them like to work overtime to earn more money. 15% of workers feel that they should be asked for consent or be able to decline overtime work due to family responsibilities. Workers are asked to continue working at EFAL and at the Baba Dogo, Ambassador, and Sanata community centers to meet production and shipment deadlines.
8. Management does not provide pay slips to workers, which could avoid misunderstandings regarding overtime payments for the total number of days worked, including holidays.
9. Holiday work is not paid at double the regular pay, instead it is added to the total number of days worked in a week/month and paid at the normal rate; this is not in compliance with labor law, as work on the holidays should be compensated at double the normal rate.

At the **community centers**, the following **noncompliances** were identified:



1. During the peak season and whenever urgent orders need to be processed, workers having 1 rest day off in every 7 is not guaranteed at Baba Dogo Tailoring, Ambassadors of Hope, and Sanata groups. Examples of this were noted during October, November, and early December 2013.
2. Time-in and time-out records are not consistently signed by Baba Dogo Tailoring Group workers each workday. As a result, monitors could not determine the actual hours workers worked in a day/week/month.

#### **ix. Compensation**

**FLA Code Element:** *Every worker has a right to compensation for a regular workweek that is sufficient to meet the workers' basic needs and provide some discretionary income. Employers shall pay at least the minimum wage or the appropriate prevailing wage, whichever is higher, comply with all legal requirements on wages, and provide any fringe benefits required by law or contract. Where compensation does not meet workers' basic needs and provide some discretionary income, each employer shall work with the FLA to take appropriate actions that seek to progressively realize a level of compensation that does.*

#### **Policy**

EFAL has a policy on wages that says that the organization ensures that: 1) its employees receive a remuneration which meets at least legal or industry minimum standards on the basis of relevant legislation and 2) no deductions of employees' salaries/wages are made for any time required in meetings, training, or other unproductive time due to conditions beyond employees' control. The policy further states that an employee may be required to pay for any loss, or damages caused on EFAL property as a result of negligence and/or proven being in complicity to its loss. This is clearly communicated to the employee.

At the group level, workers are paid on a piece rate system, which is discussed with and agreed upon by EFAL and the concerned group.

#### **Implementation (Processes)**

EFAL's current salary scales exceed the minimum wage requirement.

#### **Risk / Code Compliance Analysis**

At the **EFAL Hub**, the following **noncompliances** were identified related to this code element:

1. There have been salary payment delays up until the 10th – 15th of the new month for workers working at EFAL. This happened in June, July, and September 2013. Management explained that this was due to the late remittance of payments by EFAL customers, which was explained to workers. Delays in payment of workers' salaries at the EFAL Hub subjected them to resorting to borrowing from loansharks (individuals who lend out money) at high rates to meet their basic needs, including house rental payments.

2. Overtime payments at EFAL are not properly calculated. They are not based on the actual hours worked, but instead, hours are rounded up to the day's regular hourly wage and paid at the normal day's rates.
3. There is a lack of understanding of how overtime work is compensated due a lack of communication on how overtime work and related payment is calculated. Casual workers and contract employees who are paid monthly are not provided pay slips that detail the particulars of their wages each pay period. This has occurred since September 2013.
4. According to worker interviews and payroll review, casual workers are paid for the days they have worked, excluding rest days. The law provides for casual workers to be paid for 7 days when they work 6 consecutive days in 1 week.
5. Whereas EFAL pays their workers above the minimum wage, workers complain that the wages paid are not adequate enough to meet their basic needs (food, rent, travel, childrens' school fees, clothing). EFAL's overtime compensation model generates a feeling among workers that not all worked hours are being compensated.

At the **community centers**, the following **noncompliances** were identified:

1. At the Baba Dogo, Ambassadors of Hope, and Sanata groups, work done past regular work hours, on rest days, and on public holidays (by preparers who are paid at a daily rate) is not compensated at a premium rate. These workers are paid KSh 420 per day, irrespective of the number of hours worked.
2. Assessors noted that on the ongoing order for the task of decorating bag handles, conflicting payment rates were provided to workers at Baba Dogo (KSh 15 per piece); Ambassadors (KSh 25 per piece), and Sanata (KSh 20 per piece), according to interviewed workers. Even though the contract reviewed at Ambassador had KShs 25 as the per piece rate, the group's leadership was in the process of ascertaining the actual rate at the time of this assessment. At the Baba Dogo, Ambassador, and Sanata groups, even though overtime is rare, whenever it does happen, workers are compensated for work at a normal rate, not a premium one.
3. At the Baba Dogo and Sanata groups, it was noted that communication of the agreed-upon rates is not always communicated to workers before they start production. Compensation of overtime at day rate/piece was also found inconsistent with the rates provided in the local law.

### **III. Conclusion**

This was a fully announced assessment for Ethical Fashions Africa Limited (EFAL) and 4 community groups; Kibera Art Centre in Kibera, Baba Dogo Tailors Group in the Korogocho slums, Ambassadors of Hope Self Help Group in Waitthaka, and Sanata Women Self Help Group in Gilgil. At each of the visited facilities, assessors started with a brief opening and ended with a closing meeting. EFAL Management, workers, the group's leadership, and members were cooperative and supportive during the assessment. All requested documents were provided in a timely manner.

During the assessment, monitors noted a number of positive aspects, such as: 1) EFAL has well-documented policies and procedures on H&S; child labor; discrimination; forced labor; and wages and benefits, 2) no forms of discrimination were noted during the assessment, 3) all workers carrying out similar work are paid equal wages; 4) EFAL management and group leaders do not retain any original documents for workers, only copies are maintained on file; 5) the level of awareness on FLA's COC at both EFAL and the community group level was found to be high; and 6) the assessment team observed 2 versions of the code, in English and Swahili, which were posted in the assessed facilities.

One of the key conclusions that can be made from the assessment results is the lack of ongoing and proper communication between EFAL management and workers. This was highlighted by the fact that workers do not feel comfortable directly approaching management in the case of workplace concerns. Workers also fear retaliation and would like to be represented by a Worker Committee. The lack of communication was also noticed regarding hours of work and compensation, as workers feel that they cannot say no to a request to work on a holiday and are not sure how compensation is calculated. Given the informal nature of the community groups, a lot of progress has been made with respect to the introduction of systems. Even though group members form the groups themselves, a similar lack of communication between group supervisors and workers was noticed.

Based on the assessment results, further progress needs to be made in the areas of employment relations; H&S; hours of work; and compensation. Gaps in policy and implementation have been noted in these areas, resulting in noncompliances as recorded in the respective sections of the report.

## **Annex 1: Baba Dogo Tailors Group (Korogocho Slums) Findings**

1. There is no first aid box or trained first aid personnel to administer first aid services to workers injured while at work.
2. The work space on the 2 tables provided for the bag handle decorating team was inadequate. One table, which measured 3m x 6m, was being used by 10 workers on average, thus making the workstation crowded. The height of the tables was low and standing employees had to bend for work, which was sometimes for long hours.
3. The piece rate employees decorating bag handles work out in the open, with no shade provided. Such conditions exposed them to hot and cold weather, which could impact their health and also affect their productivity.
4. Time-in and time-out records are not consistently signed by workers each working day. As a result, monitors could not determine the actual hours workers worked in a day/week/month.
5. The piece rate employees that decorate bag handles were not fully aware of their payment rate or when their due payment would fall at the time of starting this order. According to interviewed workers, they had been provided with 3 varying figures (i.e., they were told KSh 10 per piece, then KShs 15 per piece, and then KShs 20 per piece).
6. There are inadequate working tools ("dugilia" and scissors). During the assessment, there were 3 "dugilia" and 2 scissors shared by 21 workers, which effected efficiency and productivity.
7. Work done past regular hours, on rest days and public holidays (by preparers who are helpers to machinists) is not compensated at a premium rate. These daily rated workers are paid a standard daily rate of KSh 420, irrespective of the number of hours worked.
8. During the peak season and whenever urgent orders need to be processed, workers are not guaranteed 1 rest day in every 7 days. This was noted during October, November, and early December 2013.

**Annex 2: Kibera Art Center (formerly Kibera Brass) Findings**

1. Due to a lack of space in the workShop, the polishing machines were too close to each other; therefore, there is a risk of someone getting easily injured when they have to stand and leave the workplace.
2. The furnace is made of old machine pieces built together and linked to a basic gas conduit. As the furnace is located in a confined space and due to the system's insecurity, any accident with this machine could be fatal not only to the person using it, but also to anyone who is in that area. Management's response to the last 2 issues was that the group does not have the resources to address them.

**Annex 3: Ambassadors of Hope Self Help Group (Waithaka) Findings**

1. There is no first aid box or trained first aid personnel to administer first aid to workers injured while at work.
2. The work space (a table measuring 3m x 6m) for the bag handle decorating team is inadequate. The table was being used by 10 workers, making the workstation crowded.
3. The piece rate employees decorating bag handles work out in the open, without shade provided. These conditions exposed them to both hot and cold weather.
4. The heights of the worktable were low; however, employees using this table work while standing. This situation makes them bend while working, which impacts their ergonomics.
5. Work done past regular hours, on rest days and on public holidays (by preparers who are helpers to machinists and paid a daily rate) is not compensated at a premium rate. These workers are paid a standard day rate of KSh 420, irrespective of the number of hours worked.
6. During the peak season and whenever there are urgent orders to be processed, members working on those orders are not provided 1 rest day in 7 days.

#### **Annex 4: Sanata Women's Self Help Group Findings**

1. During peak times (whenever there are urgent orders), members working with tailoring and beadwork are not guaranteed 1 rest day in every 7 days. This also happens whenever orders are delayed, i.e., at the time of the assessment, they were servicing an order for the government (making branding materials for the stadium in Kasarani), which was required before December's Hero's Day holiday.
2. There is no first aid box or trained first aid personnel to administer first aid services to members injured while at work.
3. Half of the piece rate members that decorate bag handles were not aware of their payment rate; they were also not aware of when they would be compensated. They had been provided with a rate of KShs 20 per piece; however, the figure documented on the contract (reviewed later by assessors) signed between EFAL and Sanata was KShs 25 per piece.
4. Work done past regular work hours, on rest days, and on public holidays (by preparers who are paid at a daily rate) is not compensated at a premium rate. These workers are paid KShs 420 per day, irrespective of the number of hours worked.

## **Annex 5: Reference to Kenyan Labor Law**

### **Employment Relationship**

Section 4:2 of the Regulation of Wages and Conditions of Employment Act, 229 provides that; a casual employee shall be confirmed to regular monthly terms of employment after working cursively or intimately for ninety day in any one year calendar.

Section 10 (1) of The Employment Act, 2007 states that; a written contract of service specified in, section 9 shall state particulars of employment which may, subject to subsection (3) be given in installments and shall be given not later than two months after the beginning of the employment.

Section 20 (1) of The Employment Act, 2007 provides that; an employer shall give, a written statement to an employee at or before the time at which any payment of wages or salary is made to the employee.

Section 10: 2 (h & i) of The Employment Act, 2007 states that; a written contract of service shall state— (h) the remuneration, scale or rate of remuneration, the method of calculating that remuneration and details of any other benefits; (i) the intervals at which remuneration is paid.

Section 18:2 of The Employment Act, 2007 provides that; Subject to subsection 18 (1) of the Employment Act; wages or salaries shall be deemed to be due (a) in the case of a casual employee, at the end of the day; (b) in the case of an employee employed for a period of more than a day but not exceeding one month, at the end of that period; (c) in the case of an employee employed for a period exceeding one month, at the end of each month or part thereof; (d) in the case of an employee employed for an indefinite period or on a journey, at the expiration of each month or of such period, whichever date is earlier, and on the completion of the journey, respectively.

Section 5 (3) of the National Social Security Fund Act, 1989 provides that; This regulations shall provide for the registration of employees who are to be registered as members of the fund and for the registration of employers specified as contributing employees, and such contributing employers, take such steps to secure such registration as may be prescribed.

### **Forced Labor**

Section 30. (1 & 2) of the Constitution of Kenya 2010 states that; a person shall not be held in slavery or servitude. (2) A person shall not be required to perform forced labor.

Section 4. (1) of the Employment Act 2007,) states that; no person shall use or assist any other person in recruiting, trafficking or using forced labor.

Section 41. (1 & 2) of the Constitution of Kenya 2010 states that; every person has a right to fair labor practices. Every worker has the right to reasonable working conditions.

### **Harassment or Abuse**

Section 6 (2) of the Employment Act, 2007 provided that; An employer who employs twenty or more employees shall, after consulting with the employees or their representatives if any, issue a policy statement on sexual harassment.

Section 6 (4) of the Employment Act, 2007 provided that; An employer shall bring to the attention of each person under the employer's direction the policy statement on sexual harassment required under subsection (2).

### **Health, Safety, Environment**

Section 81 (4) of Occupational Safety and Health Act, 2007 provides that; The contents of any room in which persons are employed shall be so arranged that there is a free passageway for all persons working in the room to a means of escape in case of fire.



Section 95: of the Occupational Health and Safety Act, 2007 states that; every occupier shall provide and maintain so as to be readily accessible, a first-aid box or cupboard of the prescribed standard.

Section 5 (1) of the Factories First Aid Rules 1977 provides that; In every factory where there are more than ten but less than fifty employees, there shall be at least to persons trained in first aid and at least one such person shall always be available in the factory at all times during all working hours.

Section 7 of the of the Factories First Aid Rules 1977 provides that; No person shall be placed in charge of a first aid box or cupboard unless he or she has received adequate training in the application of first-aid to the injured persons and holds a certificate of competence issued by – (i) The St. John Ambulance of the St. John Council of Kenya, or (ii) The Kenya Red Cross Society, or (iii) Such other body or society as may be approved from time to time, by the Labor Commissioner: Provided that any certificate of competence issued in accordance with this paragraph shall be valid for one year only and must be renewed annually.

Section 29. (2) of the Factories and Other Places of Work (Fire Risk Reduction) Rules, 2007, States that, every occupier shall ensure that the position of the means in subsection (1) shall be distinctively and conspicuously marked.

Section 28 (3) of the Factories and Other Places of Work (Fire Risk Reduction) Rules, 2007 provides that; every occupier shall ensure that– (a) fire detection appliances are connected to audible and visual flashing devices to provide a warning to the workers for emergency response.

Section 23. (1) Of the Factories and Other Places of Work (Fire Risk Reduction) Rules, 2007 states that; every occupier shall ensure that fire drills are conducted at least once in every period of twelve months and a record of such drills kept available for inspection.

Section 101 (1) of the Occupational Safety and Health Act, (2007) States that; Every employer shall provide and maintain for the use of employees in any workplace where employees are employed in any process involving exposure to wet or to any injurious or offensive substance, adequate, effective and suitable protective clothing and appliances, including, where necessary, suitable gloves, footwear, goggles and head coverings.

Section 58 (1) of the Occupational Safety and Health Act, 2007 states that; Every dangerous part of any machinery, other than prime movers and transmission machinery shall be securely fenced. Provided that, in so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of this subsection shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with the part.

Section 17.(5) of the Factories and Other Places of Work (Fire Risk Reduction ) Rules, 2007; Every occupier shall ensure that every emergency exit route is clearly marked in writing or by signs indicating the direction of exit and that a drawing or map showing evacuation routes shall be posted in prominent positions in the workplace.

Section 49.(1) of the Occupational Safety and Health Act,2007 states that ; An occupier shall ensure that effective and suitable provision is made for securing and maintaining, by the circulation of fresh air in each workroom, the adequate ventilation of the room.

Section 48 (1) of the Occupational Safety and Health Act,2007 states that ;An occupier shall ensure that his workplace shall not, while work is carried on, be so overcrowded as to cause risk of injury to the health of the persons employed therein.

Section 13 (1 a) of the Occupational Safety and Health Act,2007 states that; Every employee shall, while at the workplace; all times wear or use any protective equipment or clothing provided by the employer for the purpose of preventing risks to his safety and Health.

Section 87 (a, b) of the Occupational Health and Safety Act 2007 states that; Where corrosive substances are used and there is danger of an employee being splashed thereby, the employer shall provide for use by an employee in case of an emergency—(a) adequate and readily accessible means for drenching with water or any other appropriate substance; and (b) sufficient and suitable means of flushing the

eyes, whole body or any other exposed part of the body, conveniently situated and marked, the location of which is made known to all employees.

Section 6 (2) of Occupational Safety and Health Act, 2007 states that; Without prejudice to the generality of an occupier's duty under subsection (1), the duty of the occupier includes—(b) arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances.

Section 52. (1) of the Occupational Health and Safety Act, 2007 states that ; Sufficient and suitable sanitary conveniences for the persons employed in the workplace shall be provided, maintained and kept clean, and effective provision shall be made for lighting the conveniences; and, where persons of both sexes are or are intended to be employed (except in the case of workplaces where the only persons employed are members of the same family dwelling there), such conveniences shall afford proper separate accommodation for persons of each sex.

Section 74 (1) of the Occupational Safety and Health Act, 2007 states that; All goods, articles and substances stored in a workplace shall be stored or stacked a) in such manner as will ensure their stability and prevent any fall or collapse of the stack;(b) in such manner as not to interfere with the adequate distribution of natural or artificial light, the natural ventilation systems, the proper operation of machines or other equipment, the unobstructed use of passageways, gangways or traffic lanes, and the efficient functioning of sprinkler systems, the unobstructed access to other fire extinguishing equipment within the workplace.

Section 5 (1) of the Environmental Management and Co-ordination (Waste Management) Regulations of 2006 states that; Any person whose activities generate waste, shall segregate such waste by separating hazardous waste from non-hazardous waste and shall dispose of such wastes in from such facility as is provided for by the relevant Local Authority.

Section 9. (1) of Occupational Safety and Health Act, 2007 provides that; Every occupier shall establish a safety and health committee at the workplace in accordance with regulations prescribed by the Minister if— (a) there are twenty or more persons employed at the workplace; or (b) the Director directs the establishment of such a committee at any other workplace.

Section 11. (1) of Occupational Safety and Health Act, 2007 provides that; The occupier of a workplace shall cause a thorough safety and health audit of his workplace to be carried out at least once in every period of twelve months by a safety and health advisor, who shall issue a report of such an audit containing the prescribed particulars to the occupier on payment of a prescribed fee and shall send a copy of the report to the Director.

Section 44. (1) of Occupational Safety and Health Act, 2007 provides that; Before any person occupies or uses any premises as a workplace, he shall apply for the registration of the premises by sending to the Director a written notice containing the particulars set out in the Fourth Schedule.

Section 76. (2) Of Occupational Safety and Health Act, 2007 provides that; every employer shall take necessary steps to ensure that workstations, equipment and work tasks are adapted to fit the employee and the employee's ability including protection against mental strain.

Section 94. Of Occupational Safety and Health Act, 2007 provides that; every occupier shall provide and maintain, for the use of a person employed whose work is done standing, suitable facilities for sitting, sufficient to enable the person employed to take advantage of any opportunities for resting which may occur in the course of his employment.

Section 6. (1) Of Occupational Safety and Health Act, 2007 provides that; every occupier shall ensure the safety, health and welfare at work of all persons working in his workplace.

### **Freedom of Association and Collective Bargaining**

Section 4 (1 a & 2,a) of the Labor Relations Act, 2007 states that; Every employee has the right to :(a) to participate in forming a trade union or federation of trade unions.(2)Every member of trade union has the right subject to the constitution of the trade union to-(a) participate in its lawful union activities.

## **Hours of Work**

Section 27. (1) Of the Employment Act, 2007 provides that; an employer shall regulate the working hours of each employee in accordance with the provisions of this Act and any other written law.

Section 27. (2) Of the Employment Act, 2007 provides that; notwithstanding subsection (1), an employee shall be entitled to at least one rest day in every period of seven days.

Section 6: 3(a, b) of the Regulation of Wages and Conditions of Employment Act (General Order) of 1989 states that; Overtime plus time worked in normal hours per week shall not exceed the following number of hours in any period of two consecutive weeks-(a) One hundred and forty four hours for employees engaged in night work; (b) One hundred and sixteen hours for all other adult employees.

Section 29. (8) Of the Employment Act, 2007 provided that; a male employer shall be entitled to two weeks paternity leave with full pay.

## **Compensation**

Section 20. (1) Of the Employment Act 2007, states that; an employer shall give, a written statement to an employee at or before the time at which any payment of wages or salary is made to the employee.

Section 5 (3) of the National Social Security Fund Act, 1989 states that; Regulations shall provide for the registration of employees who are to be registered as members of the fund and for the registration of employers specified as contributing employees, and such contributing employers, take such steps to secure such registration as may be prescribed.

The Regulation of Wages and Conditions of Employment General Order, 229 Sub Section (3) states that; Overtime shall be payable at the following rates- (a) for time worked in excess of the normal number of hours per week at one and one half times the normal hourly rate; (b) for time worked on the employee's normal rest day or public holiday at twice the normal hourly rate.

Section 18:2 of the Employment Act,2007 provides that; Subject to subsection (1) of the Employment Act; wages or salaries shall be deemed to be due— (a) in the case of a casual employee, at the end of the day; (b) in the case of an employee employed for a period of more than a day but not exceeding one month, at the end of that period; (c) in the case of an employee employed for a period exceeding one month, at the end of each month or part thereof; (d) in the case of an employee employed for an indefinite period or on a journey, at the expiration of each month or of such period, whichever date is the earlier, and on the completion of the journey, respectively.

Section IV of the of the Employment Act, provides that; In calculating wages and continuous working days, a casual employee shall be deemed to be entitled to one paid rest day after a continuous six days working period and such rest day or any public holiday which falls during the period under consideration shall be counted as part of continuous working days.