

KENYA REINSURANCE CORPORATION LIMITED

Gender Mainstreaming Policy

AUGUST 2010

TABLE OF CONTENTS

TABLE OF CONTENTS	2
GLOSSARY OF GENDER TERMINOLOGIES	3
1.0 GUIDING PRINCIPLES	5
1.1 Overview.....	5
1.2 Scope of the Gender Policy	5
1.3 Guiding Principles	5
2.0 POLICY PROVISIONS	8
2.1 Introduction.....	8
2.2 Management of Human Resource	9
2.2.1 Recruitment and Promotion	9
2.2.2 Working Hours	10
2.2.3 Sick Leave	10
2.2.4 Termination of Employment	10
2.2.5 Medical Privileges.....	10
2.2.6 Deployment, Transfers, Assignments.....	10
2.2.7 Housing and Accommodation.....	10
2.3 Training and Capacity Building	11
2.4 Sexual Harassment, Abuse and Exploitation	11
2.5 Gender Responsiveness.....	11
2.6 Retirement.....	11
2.7 Terminal Benefits	12
2.8 Discrimination	12
2.9 Grievances and Concerns	12
3.1 Employee Responsibility.....	13
4.0 REVIEW	13
5.0 RECOMMENDATION	13
APPENDICES	14
1. BACKGROUND TOWARDS ATTAINMENT OF GENDER EQUALITY	14
2. JUSTIFICATION OF THE GENDER POLICY IN INDUSTRIALIZATION GOAL.....	15
3. LEGAL AND REGULATORY FRAMEWORK.....	17

GLOSSARY OF GENDER TERMINOLOGIES

Gender refers to the social roles, responsibilities, behaviors, attitudes and identities deemed particular to men and women, and boys and girls, as a consequence of social, cultural and historical factors, as opposed to biological differences which are termed sex. Gender within a development context provides the tools to analyze the situation of men and women (often comparatively), their socio-economic status, needs, and constraints. It allows planners and policy-makers to identify approaches necessary to promote the equitable development of men and women, and boys and girls.

Development: a process by which the members of society increase their personal and institutional capacities to mobilize and manage resources to produce sustainable improvements in their quality of life. It should be borne in mind that, as a process, development can take many paths and that the path(s) to development is often determined by past legacies, the vision of the society, the availability of resources, and the perceived approach for their use.

Empowerment: achieving control over one's life through expanded choices. Empowerment encompasses self sufficiency and self-confidence and is inherently linked to knowledge and voice. Empowerment is a function of individual initiative, which is facilitated by institutional change.

Gender Analysis: refers to the systematic assessment of policy and practice on women and men respectively and on the social and economic relationships between the two. Gender analysis refers to the application of a gender perspective to the development issue which is being addressed. It requires an analysis of the gender division of labour, the identification of the needs and priorities of women and men, the identification of existing opportunities and constraints to the achievement of development objectives, and the choice of an intervention strategy to address these.

Gender Aware: refers to recognition of the differences in the interests, needs and roles of women and men in society and how this results in differences in power, status and privilege. Gender awareness also signifies the ability to identify problems arising from gender inequity and discrimination.

Gender Aware Policies seek to transform existing gender relations, where necessary, to build a more equitable society. These policies may be redistributive and/or transformative, and involve altering the balance of power between men and women, and addressing both their practical gender needs and strategic gender interests.

Gender Blindness Or Neutrality: the inability to perceive that there are different gender based expectations and responsibilities and, consequently, the failure to realize that policies, programmes and projects may have different impact on women and men. **Gender Concerns/Issues** arise where an instance

of gender inequality is recognized as unjust. The fact that women are paid less than men for similar jobs is a gender concern and would need to be taken into account in labour legislation and practice. Other examples of gender-specific issues are violence against women, and discrimination against men in family planning services.

Gender Equality means that women and men enjoy the same status. Gender equality means that women and men have equal conditions for realizing their full human rights and potential to contribute to political, economic, social and cultural development, locally, nationally and internationally, and to benefit from the results. Sameness of treatment and opportunity does not necessarily ensure equality in outcomes. Thus gender equality must be accompanied by equity (fairness).

Gender Mainstreaming may be conceptualized in two different ways: (a) on the one hand it is a strategy for integrating gender issues into the existing development policies, programmes and activities of government. (b) On the other hand, mainstreaming also means agenda setting that implies transformation of the existing development agenda using a gendered perspective. These two concepts are not exclusive and actually work best in combination to ensure equity and equality of outcomes.

Sex Disaggregated Data: the collection, collation and analysis of information on the basis of sex, e.g. data on the status and socio-economic roles of different groups of men and women, including employment status, job classification, income and sectors, and educational attainment of boys and girls.

Gender Sensitivity refers to an awareness of, openness and responsiveness to the issues relating to the (social) relations between women and men, within specific societies and contexts. It also reflects an ability to apply gender analysis to areas of work and life where it is applicable.

Practical Gender Interests/Needs relate to those emanating from the actual condition women and men experience due to differential gender roles and responsibilities ascribed to them by society. Often women's practical gender needs are related to roles as mothers, homemakers, wives, and community managers. The relative position of women to men and in society is not necessarily changed when practical gender needs are met, such as providing more adequate child care opportunities for single female heads of households.

Strategic Gender Needs/Interests consider the measures required to overcome gender inequality in society. Such needs vary according to the economic, political, social and cultural context. The right to vote and to be recognized in public life raised the position of women in the society, relative to men, the right to equal pay for work of equal value will also have similar results.

CHAPTER ONE

1.0 GUIDING PRINCIPLES

1.1 *Overview*

Gender refers to the social roles, responsibilities, behaviours, attitudes and identities deemed particular to men and women, and boys and girls, as a consequence of social, cultural and historical factors as opposed to biological differences which are termed sex. Gender within a development context provides the tools to analyse the situation of men and women (often comparatively), their socio-economic status, needs and constraints. It allows planners and policy-makers to identify approaches necessary to promote the equitable development of men and women, and boys and girls.

Sex on the other hand is defined as the biological characteristics of males and females. The characteristics are congenital and their differences are limited to physiological reproductive functions.

1.2 *Scope of the Gender Policy*

This policy applies to all Kenya Reinsurance staff and all the stakeholders.

1.3 *Guiding Principles*

Gender mainstreaming is the consistent integration of Gender concerns into the designs, implementations, monitoring and evaluation of policies, plans, programmes, activities and projects at all levels.

In mainstreaming gender issues in our policies, the following principles will be observed:

1. Equality and Equity

- Ensure that both genders have equal rights in the day to day programmes, projects, collaborations, operations and activities in the Corporation.

- Ensure rightful share of resources to both genders in the programmes, projects, collaborations, operations and activities of the Corporation.

2. Gender Balance

- Ensure that no gender is less than 30% of the total establishment in the employment of the Corporation.

This may require deliberate affirmative action where there is gender imbalance.

- Ensure fair/equitable and balanced distribution of both genders in all cadres of employment and at policy making levels within the Corporation.

3. Fairness

- Fairness in recruitment, deployment, performance evaluation/appraisal, promotion and in disciplinary procedures to both genders within the Corporation.
- Transparency and accountability in offering equal training opportunities evenly spread throughout the Corporation.

4. Empowerment of both Genders

Ensure that any of the disadvantages Gender or Sectors within our mandate is capacitated to attain parity of treatment in the industrialization programmes, projects, collaborations, operations and activities of the Corporation.

5. Professionalism in the Delivery of Services

Enhance professionalism of both genders so that each can authoritatively deliver efficient and effective services irrespective of type of Gender within the Corporation.

6. Equality before the Law

In the day to day programmes, projects, collaborations, partnerships, operations and activities of the Corporation both genders will be equally attended to as provided for in the Kenyan constitution and obligations of the Kenyan state in international law.

7. Equal Participation

Ensure equal opportunities for Men and Women participation in all the Corporation activities.

8. Gender Responsiveness Budget

Ensure that Gender Responsive Budget (GRB) is prepared and implemented to address gender inequality such that issues/activities that require specific gender oriented budgetary allocation are appropriately captured.

9. Healthy & Safe Work Environment

Ensure adequate provision of appropriate healthy and safe working environment suitable to both genders.

10. Non Gender Violence

Ensure implementation of policies that stop gender violence in the day to day industrialization programmes, projects, collaborations, operations and activities of the Corporation.

11. Non Sexual Harassment

Ensure implementation of policies that stop gender violence/sexual harassment in the day to day industrialization programmes, projects, collaborations, operation, and activities of the Corporation.

12. Respect for Social Cultural Innovation Practices

Ensure positive gender based practices in the day to day programmes, projects, collaborations, operations and activities of the Corporation.

2.2.2 Working Hours

Working hours will continue to apply for all employees. However, a more flexible and humane approach may be applied for terminally ill and breast feeding employees.

2.2.3 Sick Leave

Sick leave will be provided for as stipulated in the relevant service regulations and the same shall be shared with the stakeholders for harmonization of the same.

2.2.4 Termination of Employment

The policies and procedures pertaining to termination of services will be gender sensitive and in line with Employment Act 2007.

2.2.5 Medical Privileges

The provisions of medical benefits will continue to apply without any gender bias.

2.2.6 Deployment, Transfers, Assignments

Deployment, transfers and assignments will be gender sensitive.

2.2.7 Housing and Accommodation

The prevailing Corporation policy on housing will be continually reviewed to ensure appropriate housing and without gender bias.

2.3 Training and Capacity Building

The Corporation is faced with the challenge of ensuring employees contribute positively to the economy.

The Corporation will:

- Continuously educate and train all employees, and all stakeholders on gender related issues.
- Monitor and evaluate human resource so that there is adequate supply of appropriately gender skilled manpower to meet its needs for service delivery.
- Mainstream gender in all the Corporation programmes, policies, procedures manuals and undertake regular updates to respond to the dynamics of gender.
- Ensure career path and development is gender responsive and that at least 30% are women.

2.4 Sexual Harassment, Abuse and Exploitation

There shall be zero tolerance to sexual harassment, abuse and exploitation in the workplace. Involvement in these vices shall be treated as gross misconduct and where proven, shall lead to disciplinary action.

2.5 Gender Responsiveness

Gender issues affect and impact on women and men differently due to their biological, social, cultural and economic circumstances. The Corporation will ensure they are gender responsive to the different needs.

2.6 Retirement

The Corporation's policy on retirement shall apply to all employees regardless of their gender and as per the Employment Act 2007.

2.7 Terminal Benefits

The Corporation's policy on terminal benefits shall apply as per the Employment Act 2007.

2.8 Discrimination

Discrimination violates principles of equality of rights and respect to human dignity. The Corporation will ensure that:

- All employees have the same rights and obligations as stipulated in the terms and conditions of service,
- No employee or job applicant shall be discriminated against in access to or continued employment, training, promotion and employees' benefits on the basis of their gender,
- Employees shall not refuse to work or interact with fellow colleagues on the grounds that the latter are male or female. Such refusal shall constitute misconduct.

2.9 Grievances and Concerns

The CEO shall establish and maintain communication channels for employees to raise concerns and grievances and access support relating to gender.

3.0 Management Responsibility

The CEO and Heads of Departments have obligations and responsibilities to:

- Show leadership as part of the campaign to address gender issues;
- Be educated and informed about gender development in respect to social, economic and political dimensions;
- Implement this policy, as well as continuously disseminate relevant information about gender to all employees and
- Include gender workplace issues in the Strategic Plan.

3.1 Employee Responsibility

- It is the responsibility of an employee to take appropriate action on being informed about gender and to play a role in the mainstreaming process.
- It is the responsibility of all employees to stand for their gender rights.

4.0 REVIEW

This policy will be reviewed on a regular basis by the Gender Committee in consultation with Management and staff of Kenya Reinsurance Corporation to take account of the progression of gender matters.

5.0 RECOMMENDATION

The above policy is presented to the HR Committee of Board for deliberation and discussion and if appropriate recommendation to the Board for approval.

Prepared by

**S. KANGETHE
HUMAN RESOURCE MANAGER**

Approved by

**AG. MANAGING DIRECTOR
AUGUST 2010**

APPENDICES

1. BACKGROUND TOWARDS ATTAINMENT OF GENDER EQUALITY

The commitment of the Government of Kenya to attain gender equality is underlined in various national and international legal and policy documents. Both the Constitution of Kenya and the Sessional Paper No. 1 on African Socialism and its application to the planning in Kenya of (1965 outlaw discrimination on the basis of gender and emphasizes social justice and equal opportunities. (Relevant with Moi). Other policy documents seek to mainstream gender in all sectors, pledge to enforce a policy of equal opportunities.

The Government is also a signatory to international protocols relating to human rights of women and girls, including the Universal Declaration on Human Rights (1948), Convention on Elimination of all Discrimination Against Women (CEDAW) (1979), Convention on the Rights of the Child (CRC) (1989), Beijing Declaration and Platform for Action (1995), Jomtien World Conference (1990), Dkar Framework of Action on EFA (2000), Millenium Development Goals (MDGs), Vision 2030, as well as Goals of the African Union.

All these documents reiterate the need to eliminate all forms of discrimination, enhance the right to industrial development, promote gender equality particularly in education, and gender inclusion and empowerment. The documents also set goals and targets for achievement. Through this policy, the Government reaffirms its commitment and determination to address legal and policy issues in order to facilitate attainment of equality in industrialization development for youth, women and men.

The status of Gender Disparities in Industrialization

- The manufacturing sector in Kenya is men dominated and concentrated in few peri-urban areas while over 80% of women population is based in the rural areas resulting in disparity in regional industrial development.
- Women still do not have access to economic resources, such as control, access and ownership to land, etc.

- Girls and women still shy away from technological courses hence very few are in the industrial sector.
- Few girls and women taking up science subjects that lead to high-tech innovation and industrial research and development.
- The cultural orientation still hinders most women from accessing markets for their products and services.
- ICT is still being dominated by boys and men.
- Cultural barriers hinder women from information sharing and networking.
- Lack of role models – most of the women are in petty trading sectors and thus very few female models in the industrial sector.
- The industrial sector in Kenya cuts across several Ministries and we do not have an harmonized regulatory mechanisms to streamline industrial operations.
- Most Women Entrepreneurs (Wes) are in the micro category and unless deliberate efforts are made to enhance the growth and graduation to MSMEs, the WEs are in danger of extinction.

On-going initiatives to address gender disparities

- Kenya is in the process of coming up with a National Industrialization Policy, once this is finalized, we will have an harmonized national industrialization policy which is gender responsive.

2. JUSTIFICATION OF THE GENDER POLICY IN INDUSTRIALIZATION GOAL

To enable men and women to have equal access to economic and employment opportunities.

Specific objectives

- a. Facilitate review of laws that hinder women's access to and control over economic resources. Undertake gender sensitization geared towards changing customs and traditions that perpetuate the same hindrances;
- b. Enhance measures that guarantee equity and fairness in access to employment opportunities, in both formal and informal sectors.
- c. Develop and improve vocational and technical skills of the disadvantaged groups, notable the unemployed youth, the disabled women, poor urban and rural women and street dwellers, for improved access to employment opportunities.
- d. Re-orientate extension services to emphasize gender sensitization and participatory planning to enhance their responsiveness to the needs of women;
- e. Intensify existing programmes aimed at developing and introducing appropriate technologies targeted at the role of women in agriculture, food production, storage, processing and preparation;
- f. Promote gender responsive industrial research and dissemination of industrial research findings;
- g. Develop indicators to monitor participation of women in economic development;

Guiding Principles (Mandate)

- Gender policy in industrialization has the mandate to address gender inequalities whether these exist in favour of boys or girls, men or women.
- The policy affirms the right to equitable access to economic resources for industrial development for all: girls and boys, women and men.
- The policy shall pay special attention to the needs of girls and women
- Affirmative action will be used as a corrective measure for gender imbalances
- All industrial stakeholders will use gender mainstreaming to enhance attainment of gender equity and equality.
- Equal participation of girls and boys, women and men, especially in governance and management, will be ensured.
- Empowerment of girls and boys, women and men will be used as the main strategy for the achievement of gender equity and equality in industrialization.
- Transparency, accountability and good governance will be upheld.
- Partnership and collaboration in the realization of gender equity and equality will be maintained and reinforced.
- Gender equity and equality will be enforced as a cross cutting theme in all programmes and activities.

3. LEGAL AND REGULATORY FRAMEWORK

The Constitution of the Republic of Kenya is supreme and lays the foundation for all other laws. The inalienable right to equality and non discrimination are enshrined in the Kenyan Constitution. Discriminative practice by any persons in hiring, appointment to position, training, remuneration, promotion and transfer are prohibited by the Constitution. Qualifications, skills, experience or any other relevant attribute should inform the reason for any action but not any characteristics which may be discriminatory.

Chapter 5 of the Constitution (Section 70-86) stipulates the fundamental rights and freedoms of every individual Kenyan. These include: the right to life, liberty, security of person and property, fair trial, freedom of conscience, freedom of movement, freedom of association and assembly, freedom from inhuman treatment, freedom from slavery and freedom from being treated in any discriminatory manner.

Section 70 of the Constitution outlaws any discrimination against the enjoyment of the above rights and freedoms on grounds of race, tribe, and place of origin or residence or other local connection, political opinions, colour, creed or sex. Under Section 82(4) (5), discriminatory laws cannot be passed with respect to matters affecting areas of fundamental interest to women.

Legal and Regulatory Framework

The commitment of the Government of Kenya to attain gender equality is underlined in various national and international legal and policy documents.

Both the Constitution of Kenya and the Sessional Paper No. 1 of 1965 on African Socialism and its application to the planning in Kenya outlaws discrimination on the basis of gender and emphasizes social justice and equal opportunity with regards to industrialization.

Sessional Paper No. 2 of 1997 on Industrial Transformation to the year 2020 , Chapter 3 clause 3.4.9. on Foundations for Industrialization states that *“women make up 51% of Kenya’s population, with over one-third of rural household being headed by females and a significant proportion of urban based households. However, although there is no evidence that women in Kenya face gross discrimination, they face particular constraints that handicap their productive potential, notably the multiple demands on their time and their access to productive resources. Moreover, the multiple demands on their time and heavy workloads coupled with high levels of illiteracy and inadequate education represent further constraints on their potential.*

The Government is aware of the dangers of trying to tackle the needs of specific groups, even a majority group such as women in isolation from the mainstream of development. Past experience has shown that such an approach is neither cost effective nor sustainable. Thus, the thrust of Government policy aims at achieving the successful integration of women while allowing specially targeted development programmes to tackle specific problems and constraints. However, where required Government will take action or provide inducement to the private sector to encourage the full participation of women in the economic development of Kenya”.

The Government through the NARC Manifesto (2002), put a minimum of 33% representation of women in all public sector and particularly in decision making positions. It is envisaged that full equality will eventually be achieved as stipulated in international goals, protocols and conventions.

Other government documents that address gender issues in industrialization are the Poverty Reduction Strategy Paper (2001, NARC Manifesto (2002), Economic Recovery Strategy (2003 – 2007), National Development Plan (2002-2008), Sessional Paper No. 1 of 2005 and KESSP (2005).

The Government is a signatory to international protocols relating to human rights of women and girls, including the Universal Declaration on Human Rights (1948) and has ratified several conventions that impact on Gender. The most notable are Convention on Elimination of all Discrimination Against Women (CEDAW) 1984, Beijing Declaration (1995) and the Millennium Development Goals (MDGs) as well as other Goals of the African Union.

All these documents reiterate the need to eliminate all forms of discrimination, enhance/promote gender equality particularly gender inclusion and empowerment. The documents also set goals and targets for achievement. According to international practice, it is the duty of states to promote human rights at the national level. In its 85th Plenary meeting held on 20th December 1993, the General Assembly of the United Nations passed the Declaration of the Elimination of Violence against Women. This Declaration encourages governments to take steps to ensure that women are protected from all forms of violence be it physical, sexual offences, battering, marital rape, FGM, dowry related violence etc.

Kenya has a legal framework that purports to comply with the above declaration and other related instruments. Unfortunately, it has failed to go the full mile and criminalize all the offences envisioned in the Declaration on the Elimination of Violence against women. Kenya’s legal system does not criminalize domestic violence and marital rape. In the

Sexual Offences Act it has been observed that cases of rape, assault and defilement are on the increase with the age of victim getting lower and lower over the years without accompanying harsher sentences to the act as deterrence. Most acts of violence against women take place in the home, which makes it difficult for the law enforcement personnel to intervene. Progress has been made towards domestication of these conventions but gaps still remain and need to be addressed.

For example, in the Kenyan context, the following statutes recognize five forms of marriage that is:-

- Christian Marriage
- Civil Marriage
- Hindu Marriage
- Islamic Marriage and
- African Marriage

The legal consequences of these marriages depend on the form of marriage contracted on as the diversity of marriage laws create a number of practical problems such as:-

- Legal limitations in addressing inter-racial and inter-religious marriages:

The Citizenship Act allows Kenyan men to automatically bequeath citizenship upon marriage, the right that is not enjoyed by women. Given that Kenya does not allow dual citizenship, and that some countries today do not recognize citizenship by birth, there is an increasing danger that children born outside of Kenya to Kenyan mothers may be rendered stateless if their fathers die before attaining citizenship.

- Difficulties in ascertaining the existence of marriages due to the diversity of marriage ceremonies:

The complexities associated with marriage laws often have a negative impact on the marriage rights of Kenyan Women. For example African Customary law, recognizes initiation and puberty as acceptable requirements for marriage. It does not require issuance of a certificate. Such loopholes in law subject many girls to early or forced marriages, yet they are underage which denies them the opportunity to advance in their education and the most basic human right of choice and self determination.

- Complexity in processing matrimonial disputes and in ascertaining the law applicable in specific cases.

The Succession Act, 1981 stipulates that women may inherit property as dependants of the deceased. Socio-cultural norms in some communities prohibit this, especially where such property is land. The simultaneous existence and application of customary, religious and statutory law leads to confusion as regards family custody and maintenance of children.

- The Vagrancy Act has been used to harass unaccompanied women after certain hours. The presumption is that they are loitering for purposes of prostitution. This is a serious form of violence against women, which can take many forms, namely psychological and physical, verbal and economic.