

# The GLOCEPS

## Weekly Influential Brief

Research and Analysis in Governance and Ethics Pillar

### Addressing gaps in employment of people with disabilities in the formal sector in Kenya

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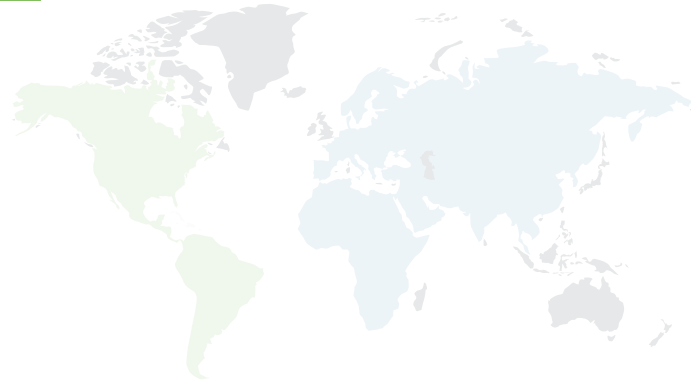
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#### Executive Summary

Marginalization of persons with disabilities (PWDs) within the formal employment sector in Kenya remains highly prevalent hence the need for intervention. Key contributing factors include employer attitudes, challenges in accessing quality education, and enforcement of the

Persons with Disabilities Act, 2003 (PWDs Act, 2003). The brief recommends increased sensitization amongst employers on reforms and legislation governing PWDs; enhanced provision of special needs education; and intensified law enforcement and monitoring.





## Context

PWDs in Kenya constitute approximately 2.2% of the population (Census, 2019). This segment of the population can significantly contribute to the country's Gross Domestic Product (GDP) if accorded the right opportunities. However, they face higher unemployment rates, and the few who are hired are often in lower cadre jobs. Their situation is exacerbated by the challenges in accessing quality education, which is crucial to obtaining formal qualifications prerequisite to the labour market. There is also inadequate

involvement of employers in interventions addressing their plight. Lack of accurate and current data on persons with disabilities at the institutional level prevents adequate targeting of PWDs with regard to formal employment. These impediments are a significant drawback against the backdrop of key inclusion reforms provided in the PWDs Act, 2003, and the National Disability Mainstreaming Strategy (2018-2022). There is, therefore, a need to address concerns that continue to worsen the dire situation.



## Key Issues

The key gaps under consideration in this discussion are employer attitudes; access to quality education; and enforcement of the PWDs Act, 2003.

### Employer attitudes

Disability stereotypes have continued to hinder PWDs from accessing sustainable and gainful formal employment, making them opt for lesser-paying jobs or remain unemployed for long. Most employers continue to perceive persons with disabilities as liabilities rather than assets. They are presumed to have minimal

contribution to company goals due to the need for overwhelming emotional and physical support, hence affecting their employability.

There is still a negative perception by employers toward the cost of accommodating PWDs. Notably, costs associated with physical





infrastructure and assistive technology remain significant barriers. The Constitution of Kenya, 2010, and the PWDs Act, 2003, require private and public organizations to make reasonable modifications in their workplace to support PWDs. However, most profit-centred private institutions remain reluctant to make such investments. They continue to take advantage of the statutes that do not clearly cover the

requirement of reasonable accommodation and do not effectively define failure to make such adjustments as a form of discrimination. Consequently, companies avoid recruiting PWDs to escape the perceived stress of hiring and accommodating them. Additionally, employers tend to underpay and bypass persons with disabilities for promotions, impeding their career development and progression chances.



Photo Credit: Educationlinks

## Access to quality education

The right to access quality education for many PWDs is yet to be realized due to inherent structural, financial, and institutional barriers. As a result, they lack the formal qualifications needed in the labour market. Key contributing factors include inadequate special education facilities and adoption of an integrated education system. Many schools are yet to adopt fully inclusive education structures despite government's efforts toward disability inclusion. The few institutions offering these forms of learning lack adequate technical capacity with special needs expertise in teaching PWDs. Such

schools face inadequate resources for students with disabilities inhibiting effective learning. Mainstream schools with special units also lack accessible infrastructure, restricting movement of persons with disabilities to classrooms and other facilities. Without sufficient learning materials and infrastructural adjustments to aid children with disabilities, they end up disadvantaged.

Additionally, even though the government has contributed to providing free primary education, there are still extra expenses incurred by guardians and parents of learners with





disabilities regarding school necessities. Students with special needs require assistive devices and technologies which are expensive and not easily accessible. They also need medication, uniforms, books, transport, shoes, meal programs, and diapers for those with extreme conditions. In most cases, these expenses are beyond the financial capabilities of most parents.

Further, transitioning from special schools to regular tertiary institutions can be hard on learners with disabilities. In special education schools, students with disabilities primarily interact amongst themselves; hence they are not used to interacting with the general population. This hinders learners with special needs from acquiring soft skills, which are vital in the job market.



Photo Credit: Forbes

### **Enforcement of the PWDs Act, 2003**

There is inadequate monitoring and enforcement of the PWDs Act, 2003, which mandates all institutions to reserve 5% of all employment opportunities for persons with disabilities. This leads to discriminative recruitment practices and non-compliance. Private sector employers fear the costs associated with hiring PWDs, and most are unaware of the incentives put in place by the government. Most public institutions are also yet to realize even 1% of the required reservation. Since the law does not oblige employers to report the number of PWDs employed and the

accommodations provided, they take advantage of this loophole. Therefore, they end up discriminating against their participation.

The PWDs Act, 2003, is currently under review to be repealed with the Persons with Disabilities Bill, 2021. The new bill seeks to enhance monitoring and enforcement of the 5% inclusion of PWDs in private and public institutions by holding employers accountable. Organizations will be required to submit an annual report to the National Council of Persons with Disabilities (NCPWD) on the status of people





with disabilities in their workplace. This requirement is likely to include information on the percentage of employed PWDs and the mechanisms to reasonably accommodate them. Additionally, the bill seeks to restructure and

empower NCPWD to appoint inspectors to investigate and recommend prosecution against employers who infringe the law. The continued delay in enacting the bill is leaving room for increased non-compliance.

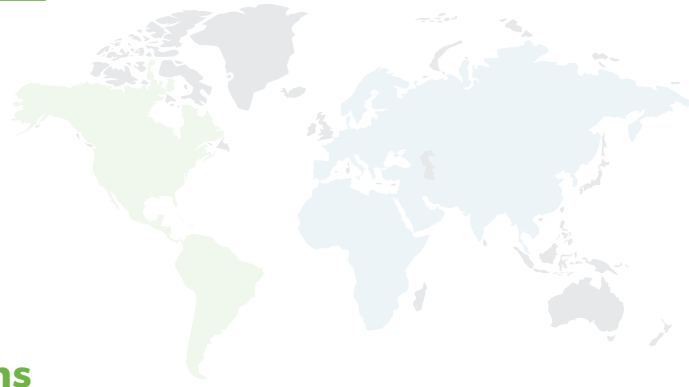


Photo credit: Bhekisisa.org

## Conclusion

While the government has undertaken significant efforts to enhance the employability of PWDs, their inclusion remains low due to workplace inequality, discrimination, and prejudice. The following intervention measures are vital in addressing these challenges.

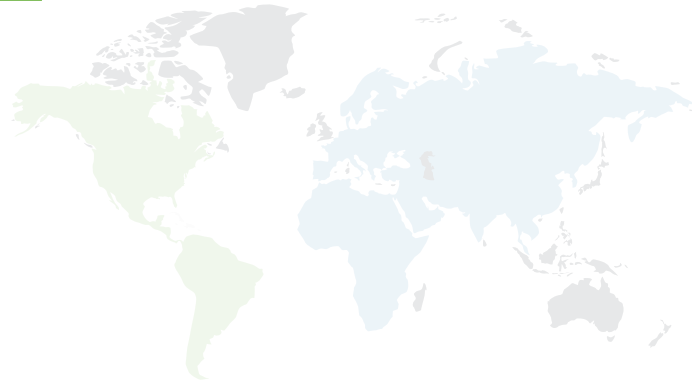




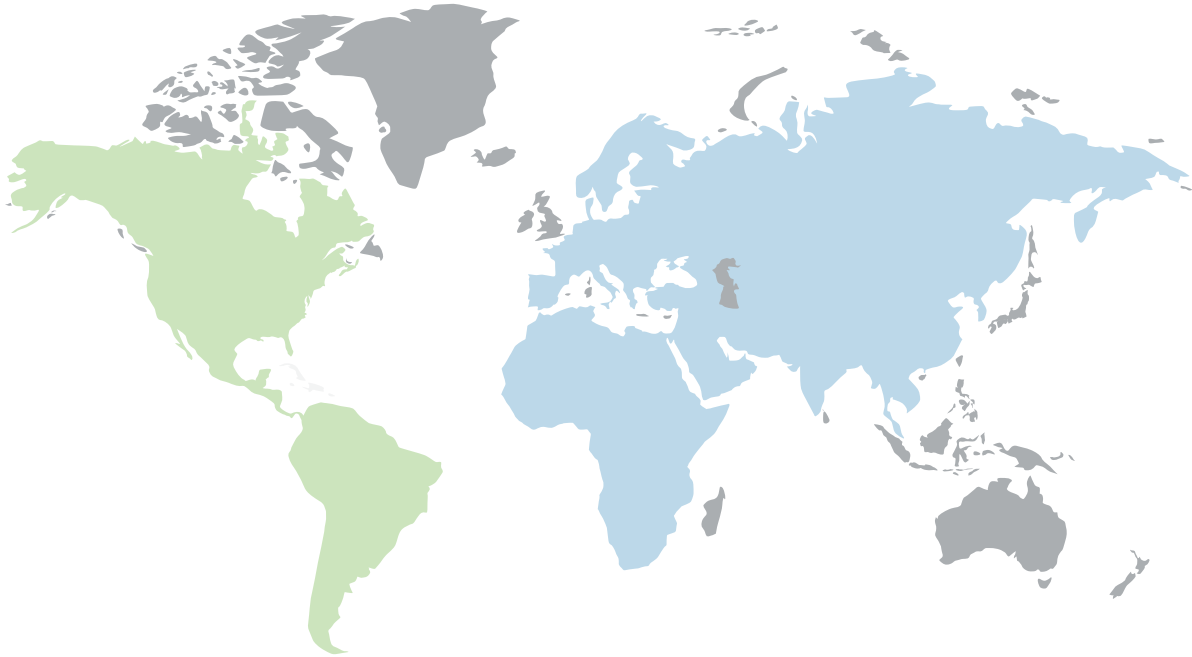
## Recommendations

1. The National Council for Persons with Disabilities (NCPWD) should collaborate with:
  - a) the Ministry of Labour and Social Protection and relevant stakeholders to sensitize employers and human resource managers on inclusion laws and reforms, incentives, benefits, and accommodation of PWDs to mitigate negative employer attitudes.
  - b) the Kenya National Bureau of Statistics (KNBS) and other relevant stakeholders to enhance collection of comprehensive data on institutional disability mainstreaming across all counties.
  - c) the Kenya institute of Special Education (KISE) under the Ministry of Education and relevant stakeholders to:
    - i) train inclusive education managers who will work with teachers and lecturers to create appropriate and effective learning strategies for learners with disabilities.
    - ii) promote and increase awareness of parental empowerment and engagement to encourage parents of children with disabilities to invest in their education from early childhood to higher learning.
    - iii) equip all teachers and lecturers with the necessary special needs resources and skills to accommodate all learners with special needs.
    - iv) develop an infrastructure audit to integrate children with a specific disability in regular schools to help mitigate capacity challenges.
    - v) increase capitation on integrated schools to help children with disabilities from poor backgrounds.
2. The Departmental Committee on Labour and Social Welfare in Parliament should lobby the National Assembly of Kenya to fast-track the enactment of the proposed Persons with Disabilities (Amendment) Bill, 2021 to enhance enforcement and monitoring efforts targeting the 5% inclusion of PWDs in formal employment sector.





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