

Chapter 1

Tracing the Rights of Domestic and International Kenyan House Helps: Profiles, Policy, and Consequences

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ABSTRACT

This chapter traces a history of domestic workers both within, and to a lesser degree without, Kenya. Reading from international policy platforms—including the United Nations and various international non-governmental organizations—as well as academic research, Kenyan government policy documents, and online sources like blogs and periodicals that reveal this history and frame content addressing domestic workers, the authors develop an image of the situation of domestic work in Kenya. We identified missing protections of rights and made other policy recommendations in light of that situation. Using intersectionality to disclose how the different identities of gender, class, socioeconomic status, and ethnic identification (socially imposed or individually emphasized) of domestic workers in Kenya simultaneously clash and collude, workers nonetheless remain embedded within layers of marginalization that make the very circumstance of their work more challenging for upholding the human rights of these employees. By calling attention to the destiny of migrant domestic workers in comparison to local Kenyan domestics and linking to the present international push to protect migrant domestic workers, then, not only discloses but also hints at how the needs and interests of domestic Kenyan workers may be better met, respected, and protected. It suggests future work as well aimed at prompting an acknowledgment of, and policy changes with respect to, the basic human rights of other subaltern populations.

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INTRODUCTION

Domestic work, defined as “work performed in a household(s) as employment” (ILO, 2011), originate in multiple factors, some of which these days include being a product of globalization via colonialism, differences in regional geopolitical economic development trends, and various local/social trends that create the “push” and “pull” of demand for domestic workers. Present-day local domestic work, which morphed from the earlier, historically male-dominated, lower-classform from colonial times, has since become a predominantly female-dominated domain. According to the ILO (2011), the prominence of domestic work worldwide estimates that between 1995 and 2010 the global number of domestic workers rose from approximately 33.2 million to 52.6 million, with 83% of those workers being female. Domestic work is highly dominated by women who account for 83% of domestic workers worldwide (ILO, 2013).

In the chapter we trace the feminization of domestic work in Kenya and examine the role of the human rights approach, both internationally and nationally, around policy, research, and practice that addresses this trend. We explore the role of major entities involved in domestic work through the lens of the United Nations, international agencies, the Kenya government, receiving and destination countries for migrant domestic workers, recruiting bureaus, employers, and employees. Here, intersectionality (Crenshaw, 1991) helps to frame and account for how domestic workers’ multiple forms of identity, including gender, race, religion, migration status, class, ethnic affiliation and so on, clash and collude in the shaping of their social worlds, especially in light of the discrimination, oppression, and domination directed at such workers.

The term *domestic worker* partly obscures how such workers are increasingly becoming a core labor force both inside *and* outside of countries; ironically, the domestic has become international. This begins to become evident in how Kenya, as an example, has only limited data on this important group of citizens who contribute to the economy not only by promoting family well-being at home but also through remittances from abroad.

To begin to see this population more fully, this chapter first compiles an image of the Kenyan house help both locally and internationally, particularly in the Middle East, while also identifying and analyzing the policies, or lack of them, that protect this population. As a matter of human rights, witnessing to and analyzing the economic, social, and psychological consequences of house help employment thus opens out on a panorama of recommendations for further research, policy determination, and practice that may offset the negative factors of these consequences and enhance the quality of life for domestic workers.

BACKGROUND

To begin most broadly, the International Labor Organization (ILO) through its member states has identified the key players, along with their roles and shortcomings, with respect to domestic workers, while also advancing policies to protect those workers. This approach, rooted a human rights framework, calls for fair treatment of domestic workers that also upholds their human dignity in every circumstance. More narrowly, the frameworks that Arthur (2009) and Fleury (2016) have explored around the rationales and impacts of migration specifically on women serve to illuminate migrant domestic workers as well. To be sure, while socioeconomic trends have feminized domestic work post-colonially, and while the identities of these workers have equally played a key a role in shaping the experiences of domestic workers, to

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