

TERMS OF REFERENCE FOR EXPERTS

Terms of reference for on-site activities and missions

Action code and partner country: SOCIEUX 2022-24 KENYA

Action title: Reform of the WC system in Kenya based on social insurance models

Partner institution: Directorate of Occupational safety and Health Services (Ministry of Labour)

Activity number and title: Activity 1 – To present a comparative analysis of international, mainly EU, case studies of existing WC frameworks

Date of implementation of activity/ies:

Preparation 7-25 November

Implementation 28 November- 9 December

Reporting up to 30th December 2022

Expert positions and responsibilities (by activity):

Activity 1 : Expert 1 (principal) – Employment Accident Benefits (Legislation & Regulation making and development)

Activity 1 : Expert 2 – Occupational Safety and Health (Policy & Strategy making and development)

Workload:

Activity 1 - Expert 1 : 21 days

Activity 1 - Expert 2 : 19 days

Call for experts' reference: 22-24/KEN/1

Version - #: 1 ☐ Draft

☒ Final

Date: September 26, 2022

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1 BACKGROUND INFORMATION

1.1 Country overview

Kenya, officially the Republic of Kenya (Swahili: Jamhuri ya Kenya), is a country in Eastern Africa. With an area of 580,000 km², Kenya has a population of 46 million people (2015). The largest and most populous city and the national capital of Kenya is Nairobi, while the second largest city and the country's chief port is Mombasa.

Kenya has made significant political and economic reforms that have contributed to sustained economic growth, social development, and political stability gains over the past decade. However, its key development challenges still include poverty, inequality, transparency and accountability, climate change, continued weak private sector investment and the vulnerability of the economy to internal and external shocks. Kenya's Human Development Index (HDI) value for 2021 was 0,575—which put the country in the Medium human development category—positioning it at 152 out of 191 countries and territories. Between 1990 and 2021, Kenya's HDI value changed from 0,474 to 0,575, a change of 21.3 percent. In 2021, life expectancy at birth in Kenya was 61.4 years and the average number of years of schooling was 6.7.

Kenya ushered in a new political and economic governance system with the entry into force of a new constitution in 2010 that introduced a bicameral legislative house, devolved county government, and a constitutionally tenured judiciary and electoral body. The first election under this new system was held in 2013. A presidential election was held in August 2022.

From 2015 to 2019, Kenya's economy achieved broad-based growth averaging 4.7% per year, significantly reducing poverty (which fell to an estimated 34.4% at the \$1.9/day line in 2019). In 2020, the COVID-19 shock hit the economy hard, disrupting international trade and transport, tourism, and urban services activity, in particular. Fortunately, the agricultural sector, a cornerstone of the economy, remained resilient, helping to limit the contraction in GDP to only 0.3%. In 2021, the economy staged a strong recovery, although some sectors, such as tourism, remained under pressure. GDP growth is projected at 5.0% in 2022 and the poverty rate has resumed its trend decline after rising earlier in the pandemic. Although the economic outlook is broadly positive, it is subject to elevated uncertainty, including through Kenya's exposure (as a net fuel, wheat, and fertilizer importer) to the global price impacts of the Russian invasion of Ukraine.

In 2017, Kenya adopted the country's new development blueprint covering the period 2008 to 2030: **Kenya Vision 2030**¹. It aims to transform Kenya into a newly industrialising, "middle-income country providing a high-quality life to all its citizens by the year 2030". Kenya Vision 2030 is based on three pillars: the economic, the social and the political.

1.2 Sector situation

Kenya has been developing its tax-financed social protection system for the past 10 years, but the level of investment still remains below a level at which it can make a significant difference. Since 2011, the social protection sector has undergone significant improvements, with the gradual expansion of regular, predictable transfers under the Inua Jamii Programme. In 2018, the Government implemented a universal social pension for all older person aged 70 years and above, representing Kenya's first entitlement programme. Kenya is now one of the leading countries in Africa in terms of investing in social protection.

The national social protection sector comprises three pillars:

- Social assistance, which offers 'direct cash transfers to poor and vulnerable people over their life-cycle' and, in Kenya, is financed either from general government revenues or by donors.
- Social security, which is financed by contributions from individuals and employers and aims to offer 'retirement schemes to informal sector workers and to increase the range and adequacy of NSSF benefits.'

¹ Kenya Vision 2030: <http://www.vision2030.go.ke/wp-content/uploads/2018/05/Vision-2030-Popular-Version.pdf>

- Health insurance, which is also financed by contributions from individuals, employers or government and aims to offer all citizens access to health services

The Constitution of Kenya (2010) Bill of Rights provides that every citizen has a right to fair labour practices, reasonable working conditions and clean and healthy environment. Kenya has ratified and adopted 49 ILO Conventions out of which ten are Occupational safety and health (OSH) -related. The country compiled its first national profile on OSH in 2004, while the most recent one was compiled in 2013 (ILO, 2013). The profile provides labour market insights necessary for creating a safe and healthy workplace ecosystem in the country.

In 2007, the Factories and Other Places of Work Act was repealed and replaced by the Occupational Safety and Health Act (2007), commonly known as OSHA 2007. In the same year, the Work Injury Benefits Act (WIBA) was enacted. The Occupational Safety and Health Act promotes safety at workplace, preventing work-related injuries and sickness, while protecting third party individuals from being predisposed to higher risk of injury and sickness associated with activities of people at places of work. The WIBA was enacted to ensure that workers who sustain work-related injuries and contract diseases that are work-related get compensated. Inspection and enforcement systems exist with a bearing to occupational safety, health, and labour inspections. Inspections related to environment at work, such as safety of workplaces, general health and basic welfare of workers are executed by the Directorate of Occupational Health and Safety Services – DOSHS – to ensure compliance with OSHA (2007).

Further, there are other laws and regulations touching on OSH and are issued and enforced by other ministries and state departments. Such laws and regulations include: the Mining Act, Cap. 306, No. 2, 2009; the Biosafety Act, the Food, Drugs and Chemical Substances Act, Cap. 254; the Environmental Management and Coordination Act, No. 8, 1999; the Public Health Act, Cap. 242; the Employment Act, No. 11, 2007; the Energy Act, No. 12, 2006; the Radiation and Protection Act, Cap. 243 and the Standards Act, Cap. 496; the Pest Control and Product Act, Cap. 346; the Petroleum (Exploration and Production) Act, Cap. 308. In addition, the National Occupation Safety and Health Policy (2012) established national occupation safety and health systems and programmes designed to improve workplace environment.

1.3 Role of partner institution in the sector

The State Department for Labour is one of the two State Departments under the Ministry of Labour and Social Protection and contributes to the country's development through promotion of harmonious industrial relations; safety and health at workplace; employment promotion; industrial training; productivity management; planning for human resource development and utilization; provision of social security and registration and regulation of trade unions.

Executive Order No. 1 of 2018 (Revised) on Organization of the Government of Kenya placed the DOSHS under the State Department. The DOSHS enforces the Occupational Safety and Health Act, 2007 (OSHA, 2007) with its subsidiary legislation, which aim to prevent accidents and diseases at work, as well as the administration of the Work Injury Benefits act, 2007 (WIBA, 2007), which provides for compensation of workers who have been injured or have suffered a disease out of and in the course of employment.

Specifically, the core roles of DOSHS include: inspection of workplaces to foster compliance with safety and health law; measurement of workplace pollutants for purposes of their control; investigation of occupational accidents and diseases and aiming to prevent recurrence; examination and testing of steam boilers, steam and air receivers, lifts, gas cylinders, cranes chains among other lifting equipment; training on OSH, first aid and fire safety; approving of architectural plans of buildings intended to serve as workplaces; medical examinations of workers; and dissemination of information on OSH to employers, workers, other key stakeholders and the general public.

The occupational diseases that an employee may seek compensation for are clearly indicated under the Workmen's Compensation Act, Cap 236 and the Factories and Other Places of Work Act, Cap 514. In case of occupational injuries, the Act outlines on compensation to workers or their dependents depending on whether the injury is fatal or non-fatal. WIBA applies to all employees including those employed by the government but excluding members of the armed forces.

At the enterprise level, OSHA 2007 facilitates a bipartite approach made possible by the Safety and Health Committees Rules (the Factories and Workplace (Safety and Health Committees) Rules, L.N. No. 31/2004) provisioned under the Act.

Nonetheless, there exist some gaps and challenges in implementing occupational safety and health. Currently the employment injury scheme in Kenya is employer liability based, where the employer is charged and entrusted to compensate any worker who is injured or contracts a disease during the course of his duty. However, no insurance company in Kenya accepts to insure employers against liability that may arise due to work related diseases. This is the gap that the proposed reform is meant to take care of, and it will cushion both employees, who may suffer a work-related disease long after retirement, and employers after winding up of businesses. This kind of undertaking cannot be achieved through an employer liability-based employment injury scheme. The reform seeks to shift from the current employer liability-based compensation system to a social insurance-based compensation system.

DOSHS has identified challenges of the current employer liability-based injury scheme in the following areas:

- Right to Compensation
- Form of Payment and Limited Packages
- Rehabilitation of injured employees with Serious Disablement
- Occupational Diseases with Long Latency Periods
- Direct Compensation by Employers,
- Weak Enforcement
- Disputes between employers and employees; payment delay or no payment
- Employers financial risk

With the support from Joint SDG Fund on Social Protection (KEN19/52/UND) and other resources, ILO supported the DOSHS to convene a high level dialogue forum in September 2020 on the establishment of an occupational diseases and illness compensation system through social insurance, the subsequent tripartite committee meetings (October 2020 to June 2021) to develop the action plan and technical memorandum on the establishment of the compensation fund and provided technical inputs and guidance during this consensus building processes.

2 ACTION DESCRIPTION

2.1 Overall objective

Institutional capacities of employment, labour and social protection institutions are strengthened and reinforced.

2.2 Specific objective (s) (purpose)

To transform the current first-generation WC into a social insurance-based WC system.

2.3 Expected results

A reform proposal of the current WC framework based on the social insurance model is adopted in Kenya.

2.4 Final deliverables

D. 1: Comparative analysis and the PPT presentations of international, mainly EU, case studies on existing models of worker's compensation frameworks based on social insurance, discussing suitable options applying to the national context.

D. 2: Assessment of the current WC legal framework in Kenya compared to international standards based on social insurance considering social partners views and recommendations

D. 3: Policy paper setting the stage for a reform of the workers compensation system and the introduction of an insurance scheme proposal based on the previous comparative analysis and assessment, including its main components and the strategic steps to be undertaken

D. 4: Specific amendments to the legal framework of worker's compensation in view to uphold the reform proposal agreed upon in the preceding activity, to be finalised by PI

3 METHODOLOGY

3.1 General methodology (of the action)

Kenya is interested in replacing its first-generation workers' compensation scheme, under which the employer is responsible for compensating the injured worker, with a system based on social insurance, which effectively extends the no-fault principle to share the costs of work-related injuries across society with a single public workers' compensation body that provides a strong economic benefit to employers due to lower administrative costs. The creation of the compensation fund is intended to decrease the number of non-compliant employers and speed up the processing of claims. Consequently, a single institution that in charge of prevention, compensation, and rehabilitation is required.

Complementary to the ILO cooperation mentioned in section 1.3, this SOCIEUX+ action focuses on providing inputs to the DOSHS to adopt a reform proposal of their current first-generation Workers' Compensation (WC) framework into a social insurance-based WC system (Result 1).

At the end of the Action:

- The comparative analysis of WC systems based on social insurance from countries with different legal traditions, drawn from EU and non-EU legislation, and the critical discussion on their transferability will have enriched and broadened the partner' perspective, and can be taken as inspirational models for the assessment and drafting of the country's framework reform proposal (activity 1);
- the assessment of the current WC-related legal framework will have helped to identify gaps in the legislation, legal entitlements, and eventual inconsistencies with international standards; such an assessment will have set the scene on the reform of legal norms in view of establishing a social insurance framework for accidents at work and occupational diseases (activity 2);
- the joint elaboration of a policy paper setting the stage for a reform proposal, including the insurance scheme's main components, as well as the strategic and operational steps to be undertaken; the elaboration of a such a strategic roadmap for reform will have contributed to move forward in the consensus building and political decision-making processes (activity 3); the joint drafting of specific parts of the new regulatory framework on the basis of the blueprint for reform proposal approved by decision-makers in activity 3, which will need to be further upheld and finalised by the Ministry, will have contributed to initiate the necessary legislative reform process (activity 4).

3.2 Planned activities (work plan of the action)

The following activities are currently planned for the action:

- A. 1: To present a comparative analysis of international, mainly EU, case studies of existing WC frameworks
- A. 2: To conduct an assessment of the existing WC legal framework in Kenya
- A. 3: To co-draft a policy paper setting the stage for a reform of the WC framework in Kenya
- A. 4: To co-draft specific regulatory amendments of the WC framework, to be finalised by PI

The present terms of reference cover the services expected for activities of the above work plan:

- Activity [1](#).

3.3 Inclusion of cross-cutting issues

SOCIEUX+ recognises the importance to include cross-cutting issues in social protection, labour and employment policies and systems. The following cross-cutting issues are duly taken into account:

- Gender equality;
- Good governance;
- Environmental sustainability;
- Human rights (including rights of children, people living with disabilities, vulnerable groups and minorities); and,
- Social and economic inclusion of vulnerable groups.

4 ACTIVITIES DESCRIPTION

4.1 Tasks

The first on-site activity consists in organising a series of workshops with the aim to present and critically discuss among relevant stakeholders a comparative analysis of existing models of workers' compensation national frameworks. It is important that all relevant stakeholders are involved in the upcoming reform and make clear their views, concerns and expectations (e.g., government stakeholders, social partners - trade unions and employers' associations -, insurance companies and organisations with experience in rehabilitation planning, among others). The PI shall provide a list of participants prior to the on-site mission.

The comparative analysis will showcase the existing national WC frameworks in place in EU Member States, Kenya, and other relevant international cases (e.g., the German statutory scheme, the Spanish and French social accident scheme), and will focus on a number of areas of interest (components of worker's compensation systems), such as the definition of social risks, legal entitlements (insured persons and their rights and benefits) and adequacy of coverage, scheme's administration, financing, providers and services (such as: prevention, rehabilitation) included in the scheme, and procedures for guaranteeing (geographical, timely, economic, procedural and informational) access to benefits. With this in mind, the specific components of a worker's compensation system to be comparatively analysed will be defined between the experts and the PI in the methodological note, in preparation of the experts' on-site mission.

SOCIEUX+ may ask partner institutions from other countries in the region with which it has carried out technical cooperation actions to present their WC reform processes remotely (especially Tanzania and Botswana). The Partner institution and invited stakeholders shall contribute to the presentations by presenting the current WC framework in place in Kenya. This will allow to undertake a comparative analysis between EU/international models and the actual Kenyan system, which in turn will allow to appraise the suitability of the current Kenyan systems with regards to a number of components and in view of the needs and perspective of the Kenyan economy and workforce.

A critical discussion with the partner institution and relevant stakeholders would follow on the strengths and challenges of the models, modalities of adoption and implementation, and possible transferability to the context of Kenya. The final technical deliverable will consist in a technical report of the comparative analysis and the PPT presentations of the case studies, including the discussion on suitable options that best apply to the national context.

The principal expert will lead the on-site mission. He/she will be responsible for the delivery of all deliverables of the activity (see below Section **Error! No se encuentra el origen de la referencia.**). He/she will be responsible for the preparation, coordination, implementation and reporting of the overall activity towards SOCIEUX+.

Minimum tasks expected from the experts shall include:

Preparation:

- Get substantial knowledge of the local context; review relevant policy and institutional framework documents.

- Co-develop the mission's methodology and agenda (intermediate deliverables), in collaboration with the Partner Institution.
- Agree with the Partner on logistical arrangements for the implementation of on-site activities.
- Transmit the intermediate deliverables to the SOCIEUX+ team for approval.
- Take part to the pre-mission briefing with SOCIEUX+ team (around 1 week before the start of the action).
- Contact the EU Delegation to Kenya to organise a briefing and/or debriefing upon arrival (SOCIEUX+ will introduce the experts to the focal point within the EU Delegation).

Implementation:

- During the mission, conduct consultations with the Partner's key staff and other stakeholders deemed necessary to meet for the purpose of this activity as per methodology and agenda. The partner institution shall facilitate and arrange the meetings.
- To present the outcomes of the mission to the partner in order to discuss and take into account comments on the contents of the deliverables before their finalisation.
- Participate in the briefing/debriefing with the Delegation of the European Union in the country.
- At the end of the exchanges, ask the workshop participants to complete a short feedback questionnaire (link provided by SOCIEUX+).
- Channel to SOCIEUX+ Communication officer any materials that can be useful to inform the public about the activity (pictures, interviews, brief notes or articles), in respect of SOCIEUX+ visibility policy

Reporting:

- At the end of the mission, timely submit to SOCIEUX+ the final deliverables (10 working days after the mission). Use the templates and evaluation forms provided by SOCIEUX+.
- Go through a round of comments and adjustments in interaction with SOCIEUX+ and the Partner.

4.2 Deliverables

4.2.1 Pre-mission deliverables

- P1: A methodological note, detailing the working approach, tools and methods to employ, a risks analysis, etc. The Methodological Note shall not exceed 3 pages (excluding cover page and annexes).
- P2: A activity/mission agenda, detailing the meetings and working sessions to be held, persons to meet, etc. The Activity/mission Agenda shall not exceed 2 pages.

4.2.2 Final deliverables

- An individual Expert Mission Report (ExMR) in SOCIEUX+ format (template provided). This report is a confidential product intended solely for and use by SOCIEUX+. The expert team may also submit a single-joint ExMR report if they prefer to do so (see instructions on the template).
- An individual completed Expert Feedback Form (ExF) completed online (see instructions and link on the ExMR template).
- A collective Activity Report (AcR) in SOCIEUX+ format (template provided). This AcR is to be produced jointly by the mission team. It is intended for the Partner Institution, and will be shared, most probably, with key stakeholders of the action. The report will reflect the tasks conducted in during the activity. It shall provide a meaningful contribution towards the final deliverables of the action.
- Technical deliverable (D1): A technical report (comparative analysis) and the PPT presentations of international, mainly EU, case studies on existing models of worker's compensation frameworks based on social insurance, discussing suitable options applying to the national context.

5 REPORTING AND SUBMISSION OF DELIVERABLES

5.1 Formats

All deliverables and products of the activity (notes, reports, presentations, etc) shall comply with the formats and templates provided by the SOCIEUX+ Team.

All deliverables are to be submitted in electronic in electronic editable versions [Microsoft Word 97-2003 [doc], PowerPoint 97-2003 [ppt] and Excel 97-2003 [xls]; or in equivalent OpenDocument format). Non-editable electronic document such as in Portable Document Format (PDF) shall not be accepted.

Templates for electronic presentations during the activity/mission are provided by the SOCIEUX+ Team. These templates are in Microsoft PowerPoint format and comply with the SOCIEUX+ Corporate Image standards. These templates are to be used as a sole format by all members of the expert mission team. They are to be used for all presentations by the experts during and for the activity/mission. The use by the experts of their own, or their organisation(s), templates or formats are not allowed unless otherwise instructed in written [by email] to the experts by the SOCIEUX+ Team.

All versions of deliverables or other products used or produced during activity/mission by the experts shall include the following disclaimer:

"Disclaimer:

The responsibility of this publication sole lies with its authors. The European Union, the European Commission, the implementation partners of SOCIEUX+ and the SOCIEUX+ Staff are not responsible for any use that may be made of the information contained therein."

Please refer to the expert information package for further guidance on communication and templates.

All deliverables are to be provided in English.

5.2 Submission and approval

All deliverables' versions (drafts, final or other) shall be submitted directly and only to SOCIEUX+ Team, unless otherwise instructed in written [by email] to the experts by the SOCIEUX+ Team.

5.2.1 Pre-mission deliverables

- Pre-mission deliverables shall be submitted no later than 5 working days before the start of activity or departure of the mission of the experts, whichever is the earliest.
- Pre-mission deliverables will be shared and reviewed by the SOCIEUX+ and the Partner Institution. Feedback on the deliverables should be provided to the Principal Expert at latest 2 days before the start of activity or departure of the mission of the experts, whichever is the earliest. Comments and recommendation of this feedback shall be taken into account for the implementation of the activity/mission by the experts. Only the mission agenda shall be resubmitted with revision if requested by the SOCIEUX+ Team.

5.2.2 Final deliverables

- The first draft versions of the final deliverables are to be submitted no later than 10 working days upon completion of the activity or return of the experts.
- Feedback to the first draft version of the report should be provided 10 working days after its submission.
- Inclusion of the feedback on drafts versions is expected 5 working days upon reception of the comments by the principal expert. (In general, no more than one round of feedback and revision is required, unless the quality of the deliverables is considered unsatisfactory by the SOCIEUX+ Team or/and the Partner Institution.)
- Final versions of the deliverables should be approved or rejected no later than 10 working days upon their submission to the SOCIEUX+ Team.

- Final payments and reimbursement of travel costs to experts can only be authorised upon approval of the final version of the deliverables by SOCIEUX+.

6 REQUIRED EXPERTISE

6.1 Expertise profile

Principal expert (Expert 1):

Area(s) of expertise: Employment Accident Benefits

Specific skill(s) of expertise: Legislation & Regulation making and development

Requirements (essential/required):

- *Education: university level (Masters or PhD relating to the subject are considered a plus)*
- *At least 15 years of professional experience on social insurance, employment injury and compensation schemes within an EU public administration;*
- *Relevant experience in contributing to policy formulation and legislation reforms of social insurance, employment injury and compensation-related issues;*
- *Substantial knowledge and a previous experience in conducting assessments of workers' compensation systems;*
- *Acute sense of diplomacy and institutional relations.*

Additional assets (advantageous in selection):

- *Fluent in English, written and oral;*

Expert 2:

Area(s) of expertise: Occupational Safety and Health

Specific skill(s) of expertise: Policy & Strategy making and development

Requirements (essential/required):

- *Education: university level (Masters or PhD relating to the subject are considered a plus);*
- *At least 10 years of professional experience on social insurance, employment injury and compensation schemes within an EU public administration;*
- *Relevant experience in managing, accompanying, advising decision-makers on change and policy reforms in the public sector (particularly on workers' compensations issues);*
- *Acute sense of diplomacy and institutional relations.*

Additional assets (advantageous in selection):

- *Fluent in English, written and oral*

6.2 Estimated workload

	Preparation	On-site work	Travel	Reporting & deliverables	Total Working days

Principal expert (#1)	5	10	2	4	21
Expert (#2)	4	10	2	3	19
Total	9	20	4	7	40

7 APPLICATIONS

7.1 Call for experts

All calls for experts for SOCIEUX+ activities are published online on the SOCIEUX+ website. Interested experts should submit their application on the SOCIEUX+ on-line expert database: <https://pmt.socieux.eu> (currently only available in English). The application process is:

1. If they have not already, experts create their SOCIEUX+ account by clicking on "Create an account" using an email address.
2. Login details for their account will be sent to experts by email, experts should create and submit their profile for review by²:
 - a. Providing contact details
 - b. Providing information on the competences, skills and working history of the expert. Experts are required to provide only limited information through fields marked with an asterisk. However, *experts are encouraged to complete in most detail de sections on skills and competences as the SOCIEUX+ Team also regularly reviews profiles in the roster to identify and contact potential experts for future missions.*
 - c. Uploading of a curriculum vitae, preferably in Europass format³.
3. Once their profile is approved by the SOCIEUX+ Team, they can apply to any available calls for experts accessible under the tab "Call for experts" and click on "Apply."

If more information is needed, please contact SOCIEUX+ by email at experts@socieux.eu with the reference number of the application.

Collaborative or interested institutions wishing to make expertise available for a specific call for application may directly contact the team of SOCIEUX+ at experts@socieux.eu.

7.2 Selection of experts

In principle, SOCIEUX+ mobilises experts from the public administrations and mandated bodies of EU member states, and practitioners working for social partners, including:

- Practitioners, civil servants and employees from publicly mandated bodies;
- Collaborators and employees of social partner institutions, such as trade unions and employer associations; and,
- Academic and research institutions.

Active public experts from collaborative institutions are given priority in the selection. Private consultants may also apply. Their application will be considered in case an appropriate public expert cannot be identified.

Only short-listed applicants may be contacted. The selection process may include interviews by phone or other communication means.

Interested candidates may download the **Guide for Experts and Collaborative Institutions** with detailed information on contracting with SOCIEUX+ at www.socieux.eu

² SOCIEUX+ expert database and other management tools comply with the General Data Protection Regulation (GDPR) -Regulation (EU) 2016/679.

³ Europass templates for CVs are available here: <http://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions>

7.3 Contracting of public experts

Public experts can be in active duty or retired. Retired employees from international specialised agencies or cooperation agencies can also be mobilised, without regard to their former employer's collaborating with SOCIEUX+ on a specific action. Retired experts are considered as public experts for all purposes, benefits, and financial compensation provided by SOCIEUX+.

Short-listed candidates may be required to provide the contact of employer or proof of their ability to be directly contracted under their status as civil servant or public employee.

7.4 Financial compensations

Contract officials or active-duty or retired employees are entitled to standard fixed allowances of 350 euros per working day worked. The fees of private consultants are negotiated according to their number of years of relevant expertise and the standard scale of SOCIEUX+.

Retired experts are assimilated to public employees for all intents and purposes, benefits and financial compensation provided by SOCIEUX+.

National regulations on remuneration and compensation of public employees and civil servants applies and may limit the payment of allowances by SOCIEUX+. The responsibility for compliance and verification lies with individual experts and their institutions of origin. The payment of income or other taxes is the sole responsibility of the mobilised experts and/or their organisations.

7.5 Travel costs

All travel expenses for the mobilised experts (public, private or international institutions) are covered by SOCIEUX in accordance with the **Guide for Experts and Collaborative institutions** with detailed information on contracting with SOCIEUX+ (version as on date of signature of the contract).

8 COMMUNICATION & VISIBILITY

SOCIEUX + can use its communication channels, such as the web, newsletter and other media, to share information about the implementation and results of the activities. For this, contributions of the experts mobilised are expected. The experts may be requested to provide such contributions in the field of communication as photographs, provide short texts, and interviews.

Short briefings, before and after the mission, with the Communication Officer of SOCIEUX+. These briefings will provide the opportunity to identify communication opportunities and strategies.

For specific activities, visibility products, such as brochures, USB sticks, notebooks and pens, can be made available to experts for on-site distribution.

9 CODE OF CONDUCT

The experts mobilised by SOCIEUX+ will provide technical assistance from the preparatory stages of each activity to the delivery of products. The SOCIEUX+ Team will assist experts to fulfil their assignments by supporting and advising on the preparation of background materials before meetings. The SOCIEUX+ team will collect feedback from partner institutions and relevant stakeholders to ensure that mission reports and recommendations are delivered to national authorities, the EU Delegations in the partner countries and EuropeAid.

The experts mobilised are not representing SOCIEUX+ or the EU. Technical opinions and recommendations expressed are their own. They shall not express negative opinions on the implementation of actions supported by SOCIEUX+ to third parties. Nevertheless, they shall be aware of SOCIEUX+'s objectives and functioning and promote its services at the best of their knowledge, whenever possible and feasible.

The experts shall perform their duties in the Partner Country in a way that is fully compliant with and respectful of the local institutions, policies and cultural behaviours. They shall particularly adopt a culturally sensitive behaviour in their way to deal with the local counterparts.

10 OTHER CONSIDERATIONS

Arrival and departure from Kenya

- **Visa**

A visa is requested to enter Kenya. The passport must be valid for at least six months from the date of entry.

From January 1st, 2021, it will be compulsory to obtain, prior to arrival in Kenya, an electronic visa, issued online at <http://evisa.go.ke/evisa.html>. This visa must be presented for the boarding, and it will no longer be possible to obtain a visa on arrival at international airports.

- **COVID-19**

For travellers over 5 years of age arriving by air in Kenya:

- Travellers with a vaccination certificate showing a complete vaccination schedule against COVID-19 - i.e., 2 injections for 2-dose vaccines or 1 injection for single-dose vaccines - are exempt from the requirement to perform a Covid-19 PCR test. These travellers should upload their vaccination certificate to the Global Haven website prior to boarding. It is necessary to print the QR code generated by the [Global Haven website](#), which can be checked upon arrival in Kenya.
- Travellers who have not completed a full vaccination schedule must present a negative Covid-19 PCR test certificate within 72 hours of boarding the flight to Kenya. The negative Covid-19 PCR test certificate must be downloaded from the [Global Haven website](#) prior to boarding. It is also necessary to print the QR code generated by the Global Haven website which can be checked upon arrival in Kenya. Unvaccinated travellers may also be subject to a rapid antigen test on arrival (particularly if they are symptomatic). Anyone who tests positive for the rapid antigenic test may be subjected to a PCR test, potentially at their own expense (USD 50), and may be required to self-isolate.
- Travellers who are exempt from possession of a full vaccination schedule in Kenya are subject to the same conditions as unvaccinated travellers mentioned in the previous point (negative Covid-19 PCRT test less than 72 hours old, Global Haven QR code, potential additional checks on arrival). The following categories of travellers are considered exempt from the requirement for full vaccination against SARS-COV-2 by Kenya:
 - o travellers whose health condition does not permit vaccination. These persons should provide a medical certificate detailing the medical reason for not being vaccinated, which may be requested in-country.
 - o Travellers who have recovered from active infection with COVID-19. These persons should provide a medical certificate in English (in paper format) certifying effective recovery from SARS-COV-2 infection within the previous 90 days, which may be requested in the country.

All travellers, regardless of their point of entry into Kenya, and even if they are only in transit through the country, must complete the [Kenyan Ministry of Health's Covid-19 Travellers Health Surveillance Form](#) prior to departure. After completing the form, travellers are given a QR code which must be printed and presented on arrival in Kenya.

Masks must still be worn in all administrations and means of transport (air and land).

- **Yellow fever**

Yellow fever is endemic in central and western Kenya. Vaccination is strongly recommended.

11 ANNEXES

N/A

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ABOUT SOCIEUX+

The European Union (EU) promotes and maintains dialogue on social protection and inclusive employment policies with an increasing number of partner countries. This effort has been confirmed by the European Commission (EC) Communication COM (2016) 740 final - "Proposal for a new European Consensus on Development, entitled *Our world, our dignity, our future*. A significant number of cooperation initiatives in these fields are funded by geographic or thematic instruments of the EU in different countries. Those initiatives are highly structured and address the medium- to long-term needs of partner countries. However, short-term measures and peer-to-peer cooperation to promote the development of social protection systems are needed to complement the EU's cooperation with third countries. SOCIEUX+ - EU Expert Facility on Employment, Labour and Social Protection responds to this need.

The SOCIEUX+ facility was setup by the EU through co-funding from France, Spain and Belgium and the resources managed by the European Commission's Directorate for Development and Cooperation (EuropeAid). The facility is implemented by a partnership composed of development cooperation agencies from Member States: Expertise France (the partnership lead), Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas (FIIAPP) from Spain, Belgian International Cooperation on Social Protection (BELINCOSOC), and the Belgian Development Agency (Enabel).

The general objective of the Facility is to expand and improve access to better employment opportunities and inclusive social protection systems in partner countries. Its specific objective is to enhance the capacities of partner countries to better design, manage and monitor inclusive, effective, and sustainable employment strategies and social protection systems through short-term, peer-to-peer technical assistance and knowledge development.

SOCIEUX+ recognises the impact of social protection and employment in reducing poverty and vulnerability. It supports the efforts of partner governments in promoting inclusive and sustainable social protection and employment systems. SOCIEUX+ also complements the efforts made through other European Union initiatives.

The Facility is an expansion of SOCIEUX Social Protection EU Expertise in Development Cooperation, established in 2013.



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