

REPUBLIC OF KENYA



RESPONSES TO THE QUESTIONS ON

**SOCIAL PROTECTION AND SOCIAL SECURITY AND
EDUCATION, TRAINING, LIFE-LONG LEARNING AND CAPACITY BUILDING**

SUBMITTED ON 1ST FEBRUARY 2019

RESPONSES TO THE QUESTIONS ON SOCIAL PROTECTION AND SOCIAL SECURITY AND EDUCATION, TRAINING, LIFE-LONG LEARNING AND CAPACITY BUILDING

SOCIAL PROTECTION AND SOCIAL SECURITY (INCLUDING SOCIAL PROTECTION FLOOR)

- 1. What are the legal provisions in your country that recognizes the right to social security and protection, including non-contributory and contributory old -age benefits? Do they have a constitutional, legislative or executive foundation?***

Legal Provisions that recognize the Rights to Social security

The Constitution of Kenya Article 43(1)(e) provides Rights to social Security. Social Security in Kenya is governed under the National Social Security Fund (NSSF) Act, 2013 in coordination with other provisions such as; National Hospital Insurance Fund (NHIF) Act No. 9 of 1998, National Social Security Fund (NSSF) Act No.24 of 2013, Social Assistance Act No.24 of 2013, Persons with Disabilities Act of 2003, Public Service Superannuation Scheme of 2012, and Retirement Benefits Act of 1997. The Fund is contribution-based and mostly covers workers in the formal sector.

Social Security in Kenya is provided under three categories; Public Schemes such as the civil servants pension fund; the occupational schemes for employers for their employees and are underwritten by private insurance companies and individual schemes underwritten by insurance companies, premiums paid based on anticipated benefits after risk calculations.

The contributory Social security

The fund provides benefits for the workers and their dependents. Benefits include retirement pension, invalidity pension, survivors benefit, funeral grant and emigration benefit.

It is however worth noting that the greater percentage of workers is in the informal sector and efforts are underway to incorporate them in the contributory schemes.

