



August 2024

## POLICY BRIEF

### Legislation for advancing women's leadership in the health sector in Kenya: Identifying ways to strengthen legal environments for gender equality

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#### Key messages:

- There is a need to design robust laws addressing work-life balance and caregiving responsibilities.
- Leaders are encouraged to align workplace policies with legal mandates, promoting inclusivity and equitable career opportunities for women.

#### Background

There is evidence that legal measures can have a positive impact on women's economic opportunities and financial security. While equality of opportunity in the workplace is contingent upon a range of factors, the law plays a critical role upon which the systems and structures for equality within (and outside) the workplace rest. The 2023 World Bank's Women, Business and Law (WBL) review found that, on average, globally, a woman has three-quarters of the legal rights of men in the domains it assesses, that is, mobility, workplace, pay, marriage, parenthood, entrepreneurship, assets and pensions. Such legal discrimination inhibits equal labour force participation of women and deprives women of leadership opportunities at the workplace, including in the health sector.

#### Methods

The World Bank's Women, Business and Law framework of legal domains relevant to gender equality in the workplace was adopted and a 'law cube' approach applied to analyse the comprehensiveness, accountability and equity and human rights considerations of 11 relevant statutes in Kenya that apply to people in formal employment within the health sector. These laws were assessed against 30 research-validated good practice measures across five legal domains: (1) pay; (2) workplace protections; (3) pensions; (4) care, family life and work-life balance; and (5) reproductive rights.

#### Results

Several legal domains are not fully or are inadequately addressed, including pay, reproductive rights and the care, family life and the work-life balance. Additionally, we found that among the Kenyan laws reviewed, few specify accountability mechanisms, and equity and human rights measures are mainly absent. Our findings highlight inadequacies in the legal environments and may contribute to women's under-representation in leadership in the health sector. The absence of specified accountability mechanisms may impact the effective implementation of legislation, undermining their potential to promote equal opportunities.

#### New Insights

The study underscores the critical role of law in promoting gender equality in the workplace, particularly in the health sectors of India and Kenya. It reveals significant gaps in legal protections against gender based discrimination, advocating for comprehensive legal reforms to support women's career progression. For researchers, this study offers a foundational analysis for further exploration of gender equitable legal frameworks. Policymakers can use these insights to design robust laws addressing work-life balance and caregiving responsibilities. Practitioners and leaders are encouraged to align workplace policies with legal mandates, promoting inclusivity and equitable career opportunities for women.

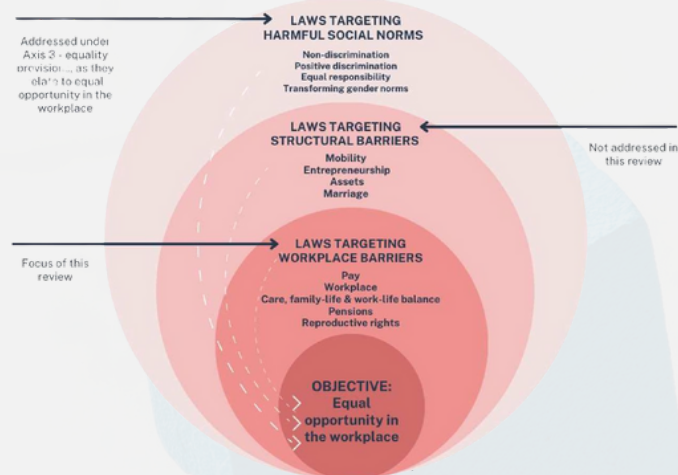


Figure 1: Conceptual framework: legal environments influencing equal opportunity in the workplace.

## Conclusion

Government action is needed to ensure that legislation addresses best practice provisions, equity and human rights considerations, and provides for independent review mechanisms to ensure accountability for implementation of existing and future laws. This would contribute to ensuring that legal environments uphold the equality of opportunity necessary for realising gender justice in the workplace for the health workforce.

## Implications and Recommendations

- Need to establish laws addressing care, family life and work-life balance for women to have a fair chance in their careers. Addressing these gaps will strengthen the legal foundations for enabling gender equality in the health sector workplace.
- Progressive legal consideration should be given towards wider and additional accountability mechanisms—to encourage legislators to act, to encourage the right provisions in legal frameworks and to ensure implementation of the law and legal redress where required.
- Legislators should be tasked to give due recognition to the role of discriminatory gender norms (eg, norms around caretaking and household work) in determining and perpetuating inequities in the health sector workplace. This will require positive measures, not only anti-discrimination provisions, to be embedded into laws.

## Call to action

To address the systemic barriers that hinder women's career advancement in Kenya's health workforce, stakeholders must implement and enforce gender equality policies that actively combat discrimination and promote equal opportunities for leadership roles. Additionally, fostering a supportive workplace culture with flexible working arrangements, comprehensive maternity benefits, and robust mentorship and capacity-building programs is essential. Encouraging family support systems that alleviate the burden of unpaid care work and challenging harmful gender norms that prioritize men's careers are critical steps toward creating a more inclusive and equitable work environment for women.

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The Gender Pathways Project is a partnership of Global Health 50/50, the International Center for Research on Women and the African Population and Health Research Center.