

KENYA 肯尼亚

CURRENT TEXT OF GUIDANCE 现有指南

Translated from the relevant text from the 'Chinese outward investment country guidance': *Duration of maternity leave in national legislation is three months. Amount of maternity leave cash benefits is 100% of previous earnings. Children under 16 years old cannot work more than six hours a day.*

根据《对外投资合作国别指南》，女性员工享有三个月的全薪产假。16 岁以下儿童每天工作时间不超过 6 小时

PROPOSED INDICATORS 建议指标

DECENT WORK FOR PARENTS AND YOUNG WORKERS 为父母和青年工作者提供体面的工作

Relevant to companies in the manufacturing and construction/infrastructure sectors

Child labour

- **Minimum age:** The minimum age of full-time employment is 16.
- **Hazardous work:** Children under 18 years of age may not be employed in hazardous work under dangerous or unhealthy conditions, with risk of injury.
- **Light work:** Children aged 13-16 may be hired for light work for less than six hours per day, as long as work is not harmful to health or development and does not compromise attendance at school.

与制造业、建筑业和基础设施的企业相关

童工

- **最低工作年龄：**全职工作的最低年龄为 16 岁。
- **危险工作：**未满 18 岁的儿童不得在危险或不健康的条件下从事有受伤危险的工作。
- **轻量工作：**只要工作不损害健康或发展，也不影响上学，13—16 岁的儿童可受雇从事每天不到 6 小时的轻量工作。

Relevant to companies in all industries

Maternity and paternity protections

- **Parental leave:** Women are entitled to 90 days (3 months) of maternity leave. Men are entitled to two weeks of paternity leave.
- **Pay and benefits:** Maternity and paternity leave is granted with full pay (100% of previous earnings) for the entire period, financed by employers.
- **Job protection:** The law prohibits dismissal of a female worker due to pregnancy or for reasons connected with pregnancy. Female workers also have the right to return to the same or similar position on the same terms and conditions after returning from maternity leave.

同所有行业的企业相关

产假和陪产假

- **育儿假：**女性享有 90 天（3 个月）产假。男性享有两周陪产假。
- **工资和福利：**产假和陪产假期间，雇主需提供全额工资（之前收入的 100%）。
- **工作保护：**法律禁止因怀孕或与之相关理由解雇女性员工。女性员工产假结束返工后，也有权按同等条款和条件重返相同或类似的职位。

Decent work for parents and young workers:

- **Health and safety:** Employers have a duty to ensure the health and safety of all workers, but there are no special health and safety requirements for pregnant or nursing workers.
- **Working hours:** Normal working hours are 45 per week. Employees aged 14-16 years of age cannot work for more than 36 hours a week.
- **Breastfeeding:** National laws require employers to give paid breastfeeding breaks in addition to the regular times off for meals. Employers are also required to establish lactation stations in the workplace.

父母和青年工作者体面的工作

- **健康和安全:** 雇主有责任确保所有工作者的健康和安全，但对怀孕或哺乳期工作者没有特殊的健康和安全要求。
- **工作时间:** 正常工作时间为每周 45 小时。14—16 岁员工每周工作时间不得超过 36 小时。
- **母乳喂养:** 国家法律要求雇主除了正常的用餐时间外，还提供带薪母乳喂养休息时间。雇主还必须在工作场所设立母婴室。

MARKETPLACE 市场

Relevant to companies in the ICT sector

Child online safety

- **Child sexual abuse material (CSAM):** National laws prohibit CSAM, but internet service providers (ISPs) are not required to report instances to law enforcement.
- **Access to pornography:** National laws do not restrict access to pornography, nor do they require ISPs to restrict access to children or adults.
- **Grooming:** National cybercrime legislation prohibits adults from communicating with children in a sexual manner using technology.

同信息和通信技术领域的企业相关

儿童网络安全

- **儿童性虐待材料:** 国家法律禁止儿童性虐待材料，但不要求互联网服务提供商向执法部门举报。
- **获取色情内容:** 国家法律不限制获取色情内容，也不要求互联网服务供应商限制儿童或成人获取。
- **网络欺凌:** 国家网络犯罪立法禁止成年人使用技术手段与儿童进行性交流。

COMMUNITY AND ENVIRONMENT 社区和环境

Relevant to companies in the construction/infrastructure sectors

Environment

- **Impact assessment:** To ensure that projects minimise harmful impacts on the environment, national laws require environmental impact assessments.
- **Climate change:** In its submission to the UNFCCC, Kenya has committed to reduce greenhouse gases by 30% by 2030.

同建筑业和基础设施的企业相关

环境

- **影响评估:** 为确保项目尽量减少对环境的有害影响，国家法律要求进行环境影响评估。
- **气候变化:** 肯尼亚向联合国气候变化框架公约提交了国家自主减排贡献，承诺到 2030 年将温室气体排放量减少 30%。

Land rights

- **Land tenure:** The National Land Policy recognises indigenous and community land tenure, and approximately 60% of the country's land area is made up of indigenous and community lands.
- **Free, prior and informed consent (FPIC):** National laws protect the right of indigenous and other vulnerable groups to participate in decision-making over land and land resources; however, national laws do not require consent prior to land acquisition.

土地权

- **土地所有制:** 国家土地政策承认土著和社区土地所有权，肯尼亚约 60%的土地面积由土著和社区土地构成。
- **自由、事先和知情同意:** 国家法律保护土著和其他弱势群体参与土地和土地资源决策的权利；但是，国家法律不要求征地之前征得同意。

Child rights

- **Education:** Primary education is free and compulsory in Kenya. Secondary education is also free, but not compulsory.
- **Healthcare:** The Constitution recognises the right to health, and the country has universal health care coverage in the areas of maternal, neonatal and child health services.

儿童权利

- **教育:** 肯尼亚的初等教育是免费的义务教育。中等教育也是免费的，但不是义务教育。
- **医疗保健:** 宪法承认健康权，国家在产妇、新生儿和儿童保健服务领域实行全民医疗保健。