

# **Culture Clash:**

## **Domestic Workers and Their Employers in Kenya**

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## **DEFINITION**

A significant culture clash is evident within Kenyan society between domestic workers and their employers. The culture views domestic workers as unskilled and uneducated which translates into their mistreatment in the forms of exploitation and abuse. There is an apparent disconnect between the demands the employer places upon the worker and the feasibility of the worker to meet those demands. The domestic worker, at large, is not valued or viewed as a person with needs, feelings or desires. The clash could be a result of employers not looking at their house helps as individuals with lives that exist outside the realm of their home but rather as servants whose only purpose in life is to cater to their every whim.

Domestic workers are at the absolute bottom rung of the social hierarchy in Kenyan society. Most are poor young women who come from the rural areas, with little skills and education to help them in their daily plight to earn a living. Most come from disadvantaged backgrounds and have had to endure hardships such as early pregnancy and marriage, being orphaned and living with HIV/AIDS. These obstacles they are struggling to overcome sometimes act as additional stumbling blocks on the path to self sufficiency because employers recognize how vulnerable they are and take advantage of their unfortunate circumstances to acquire cheap labor. The culture clash between house helps and their employers is evident in their mistreatment, insultingly low wages, excessively long hours, abuse and the stigma associated with domestic labor.

## **HISTORY**

There are 1.15 million households in Nairobi that employ domestic workers and the total number of house helps equals over 1 million, most of which are recognized to be “young, mostly landless and often skillless, putting them among the most vulnerable urban population in relation

to poverty”.<sup>1</sup> The most apparent aspect of the culture clash between domestic workers and those that employ them is the societal stigma. Kenyatta University Social Science Research Consultant Dr. Wainaina explains that the stigma of domestic labor is because “internalized in the mind of the average Kenyan is the fact that the [house] girl is already a failure in life and has resigned herself to her inescapable fate” and “her naivety, lack of exposure, and marketable skills and her human shortcomings caused by her lack of education and opportunities are seen as a confirmation of her own worthlessness”.<sup>2</sup>

This stigma is very unusual because it is widely recognized as being perpetrated by the women of Kenyan society. Oyunga Pala comments on the curious nature of the exploitation and abuse of Kenyan women by Kenyan women,

“The housemaid is a very recent phenomenon. It’s one of the stubborn traces of colonialism and a curious phenomenon because it is the quintessence of the irony of female liberation. Housemaids arose as a result of the emancipation of the housewife. When the housewife gained economic empowerment and moved to the office, the maid took her place in the home. With the empowerment of one group of women came the oppression of the other. What makes it a classical example of the oppressed becoming the oppressor is that the housemaid’s biggest obstacle to progress is the female employer”.<sup>3</sup>

The presence of a house help in “virtually every working class home” has made the unfair working conditions, unrealistic expectations, low wages disproportionate to the amount of work being done, and general mistreatment, exploitation and abuse into a culturally accepted norm.<sup>4</sup>

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<sup>1</sup> Republic of Kenya. *Kenyan Women in Socio-Economic Development*. Nairobi: Government Printers, 1990.

<sup>2</sup> Dr. Michael Wainaina, PhD, “Training and Empowerment Programs for Female Domestic Laborers in Nairobi, Kenya: Implications for Alleviation of Female Poverty”, 2002: 10.

<sup>3</sup> Oyunga Pala. Man Talk. “It’s a dog’s life”.

<sup>4</sup>Rachel O’Hara, [Sunday Nation](#), January 28, 2001. cited in Wainaina 2002

## **THE PLAYERS**

Within the culture clash between domestic workers and their employers in Kenya, there are several influential actors. First, there are the domestic workers themselves. These individuals are subject to abuse, neglect, and mistreatment by the second important player, the employers. Those who employ house servants are single-handedly responsible for the treatment of their employees. Families also have a strong role in the plight of the domestic worker. Many orphaned or abandoned children are taken in by their relatives to “help” only to be subjected to virtual enslavement, never being allowed to attend school and working long hours. Another significant actor within this conflict is society. Kenyan society has developed an extremely negative attitude towards domestic workers, which has increased the stigma associated with domestic labor. This stigma has only served to magnify the mistreatment, exploitation and abuse domestic workers are subjected to.

Yet another important player in this clash is the Kenyan Government. Their neglect and inadequate policies regarding domestic servitude and protection of workers has only served to contribute to the society’s idea that domestic laborers are not valued enough as human beings to warrant the same rights and working conditions granted to other Kenyans. Finally, there are international and national organizations and unions, who fail miserably to advocate for domestic workers in Kenya. None have made domestic worker’s rights a priority or have seen it as a worthy enough cause to advocate for protective legislation and social awareness campaigns. These various players all influence this culture clash by contributing to the social stigma placed upon domestic labor.

## **THE ISSUES FACED BY DOMESTIC WORKERS IN KENYA**

### ***Mistreatment***

All too often in Kenya it would seem that the stigma surrounding domestic work manifests itself in the mistreatment of domestic workers by their employers. This mistreatment comes in many forms including emotional, physical and sexual abuse and is played out with differing levels of severity all across the country. Without question, however, employer mistreatment of their domestic workers is alarmingly common. An estimated 70 percent of employers, for example, are underpaying and overworking their staff.<sup>5</sup> Other forms of psychological abuse include verbal insults, threats, the denial of time off and the treatment of domestic workers as sub-human beings. Some reported cases of mistreatment describe employers forcing their staff to eat only spoiled food while others mention workers being forced to live in appalling conditions and denied access to bathroom facilities.<sup>6</sup>

A large number of domestic workers, however, encounter even more brutal physical forms of mistreatment. Horrifying accounts of abuse frequently appear in Kenya's newspapers and report grisly acts of torture. In one case, a sixteen year-old girl was found imprisoned in a home where she had been denied education and forced to work sixteen hours a day. Her numerous scars indicated the severity and frequency of her beatings and three fingers had recently been chopped off by her angry employer. An all too common occurrence, the girl had been brought to Nairobi from Kisumu by her grandmother and essentially sold into domestic servitude.<sup>7</sup> A similar account describes a twelve year-old girl enslaved as a domestic worker by her own aunt. Police found the girl with severe and festering scald wounds after the aunt became

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<sup>5</sup> Muru wa Kuru. "Everything You Need to Know About ...Keeping a Maid" *Now Magazine*, 27 October 1991: 17

<sup>6</sup> Nthenya Nzoka. "The Thorny Issue of Domestic Workers," *The Nation*, [date unknown]

<sup>7</sup> Standard Correspondent. "Tortured Housegirl Rescued by Police," *The Standard* [date unknown].

enraged at the girl's cooking and threw a pot of boiling water on her.<sup>8</sup> These stories reveal that the clash between domestic workers and their employers is not always a straightforward employer-employee issue. Instead, family members are frequently involved in the mistreatment either by passively condoning or ignoring the situation or by actively administering abuse.

In still other cases, physical violence is accompanied by sexual abuse. Reports abound of women workers raped or sexually assaulted by male employers and then physically punished when they inform the wife. In one particularly severe case, a male employer raped his domestic worker so severely that surgery was required to repair the damage. When the girl described her abuse, she was severely beaten by her female employer, the man's wife, and thrown out of the house.<sup>9</sup> The same series of events played out elsewhere in the country but resulted in the torture and death of the sexually abused domestic worker.<sup>10</sup>

### ***Gender***

Gender then becomes a highly important issue in the clash between domestic workers and their employers. Four out of every five house helps in Nairobi are female.<sup>11</sup> As a predominantly female profession, not only are domestic workers exposed to sexual abuse from male members of their employer's family, they also face particularly harsh treatment from their female employers. In fact, it is almost always female employers who act as immediate supervisors to their domestic staff and who are frequently responsible for their mistreatment. Perhaps this gender-based tension comes from a desire to confirm the employer's superior position over her domestic staff.<sup>12</sup> Mistreatment also frequently results from a distrust of husbands. In effect,

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<sup>8</sup> Evelyn Kwamboka. "Woman Scalds Girl, 12, for 'Bad Cooking,'" *The Standard*, 26 January 2005.

<sup>9</sup> Nation Correspondent. "Man Arrested After Rape of His Domestic Worker," *The Saturday Nation*, 8 April 2006.

<sup>10</sup> Nation Correspondent. "Police Probe Love Triangle Link in Househelp's Death," *The Nation* [date unknown].

<sup>11</sup> MA Otieno, "Social Investment in Human Capital Among Housemaids and Its Implications for Public Education Policy: Greenfield, Nairobi Province." M.E.D Thesis, Kenyatta University, 1998.

<sup>12</sup> Karu 1991

domestic workers suffer at the hands of their female employers largely because husbands cannot be trusted. Whatever the reason, there is little question that female domestic workers receive far worse treatment than their male counterparts.

### ***Retaliation***

Not surprisingly, domestic workers bear only so much abuse and mistreatment before they retaliate, sometimes violently, against their employers. More benign cases of retaliation include domestic workers stealing from their employers. They frequently justify this behavior as compensation for being overworked and underpaid. Indeed, there are many instances of employers withholding pay altogether only to find that their domestic workers have been helping themselves to family possessions. Reports also exist that document domestic employees working in collaboration with gangs to exact revenge on their employers.<sup>13</sup> With easy access to valuables, domestic workers have little trouble engaging in theft.

In more extreme cases, however, angry and frustrated domestic employees have even resorted to violent retaliatory measures. In several instances, workers have responded to unfair treatment by murdering their employers. One domestic worker attempted to poison an entire family while another houseboy killed his boss with a hoe upon learning that he had been fired without pay.<sup>14</sup> In still other cases, angry domestic workers target the children of their abusive employers. Often too young to defend themselves, children become the victims of neglect or abuse by their mistreated and vengeful caretakers. In one case, one woman went so far as to strangle the two toddlers under her care after an argument with her employer.<sup>15</sup>

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<sup>13</sup> Cyrus Ombati. "Houseboy Kills Employer in Horror Attack," *The Standard*, 23 October 2005.

<sup>14</sup> *Ibid.*

<sup>15</sup> Harold Ayodo. "Househelp Strangles Two Toddlers After Quarrel with Her Employer," *The Standard*, 11 April 2005.

### *Neglect of Cause by the Kenyan Government*

While policies do exist regarding minimum wage and maximum working hours for domestic workers, the Government has done little to enforce these laws. In 2004, the Kenyan Government raised the minimum wage to KSH 3,908 per month in the largest urban areas, including Nairobi.<sup>16</sup> They also raised the minimum wage in rural areas to KSH 3,252 per month.<sup>17</sup> This increase however reflected little on the costs of living. Most workers, if they are lucky enough to receive the minimum wage, still must work a second job to support their families.

Domestic workers however do not receive the luxury of the minimum wage. Employers are able to threaten workers into not reporting, for fear they might lose their jobs. This is of course if workers are paid at all. Many children are forced into labor to pay off family debts, reminiscent of serfdom in the Middle Ages. The Government does nothing to enforce these minimum wage laws, especially in rural areas.

Another form of neglect by the Kenyan Government is with regards to the maximum work hours per week. “The law limits the normal workweek to 52 hours, although nighttime employees may be employed for up to 60 hours per week. An employee in the nonagricultural sector is entitled to 1 rest day per week, and there are provisions for 21 days of annual leave and sick leave. The law also provides that the total hours worked (regular time plus overtime) in any 2-week period not exceed 120 hours (144 hours for night workers).”<sup>18</sup> While these laws exist on paper, there are no guidelines to hold employers accountable or opportunities for legal redress.

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<sup>16</sup> Country Reports on Human Rights Practices. *U.S. Department of Labor*, 2004. Available at <http://www.state.gov/g/drl/rls/hrrpt/2004/41609.htm>

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*



If a worker reports mistreatment, authorities require confirmation of the incident by either the employer or another witness. This testimony is often too difficult to find, instigating questions that result in further abuse of the domestic worker. Another difficulty is getting the report past the police officers in the first place. Many instances have been documented where abusers have bribed police officers, neighbors, and even health officials. In one case, a woman bribed officials in all three sectors to cover up the murder of her young housemaid.<sup>19</sup> When women and children are raped, scalded with boiling water, or have their fingers chopped off, they have no outlet to which to turn, forcing most to endure the abuse.

Children are most susceptible to the failings of government intervention. They have no voice in reporting their abuse and those who do report it are often ignored. Another frightening fact is that, under Kenyan law, rape of anyone under the age of 14 is actually classified as “defilement” not “rape.”<sup>20</sup> While the maximum penalty for rape is life in prison, the maximum for defilement of a minor is only 5 years.<sup>21</sup> Putting rape aside, general abuse and neglect have far more psychological effects on children, leaving them more vulnerable to further abuse, depression, malnutrition, and lack of education.

While government policies exist for protecting domestic workers in Kenya, the lack of enforcement of these laws leaves little incentive for reporting the crimes. Unless the government reforms its policies to enforce these laws, domestic workers will continue to suffer abuse at the hands of their employers.

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<sup>19</sup> Nation Correspondent. “Police Probe Love Triangle Link in Househelp’s Death,” *The Nation* [date unknown].

<sup>20</sup> Child Labor in Kenya. *Department of Labor*, 2004. Available at <http://www.dol.gov/ilab/media/reports/iclp/Advancing1/html/kenya.htm>

<sup>21</sup> *Ibid.*

### *Lack of Opportunities*

There are literally no other employment or educational opportunities for those who enter domestic servitude. It is not as if young people dream of one day being a housemaid.<sup>22</sup> Most of the domestic work force has dropped out of school, some before even finishing their primary education. Overall there are approximately 200,000 child domestic servants in Kenya and most of these children have never even attended school.<sup>23</sup> “Girls that should be in kindergarten are working 16 to 18 hours a day, seven days a week.”<sup>24</sup> Without prospects for completing their education, child domestic servants are at risk of never leaving this job, along with suffering the developmental consequences of being overworked.

Many workers are forced into domestic labor because they can find no other form of employment. Even with a completed secondary education in Kenya, one finds it difficult to obtain any job, let alone one that pays well. Domestic servants are looked at as uneducated, ill-mannered people who neither desire education nor deserve it. With such attitudes directed towards domestic workers, they themselves begin to think they have no other options. Low self-esteem and depression are pervasive, especially among young females who have been abused by their female employers. It is natural to assume that a woman would understand the plight of another woman, but in Kenyan households, the opposite occurs: the newly liberated housewives oppress the housemaids. After such betrayal and utter humiliation, it is no wonder female domestic workers start to believe that they are as worthless as society believes them to be.

There are hundreds of advocacy groups for women’s and children’s rights in Kenya, but only one organization that focuses solely on the rights and education of domestic workers. With

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<sup>22</sup> Oyunga Pala. Man Talk. “It’s a dog’s life”.

<sup>23</sup> Efforts against child labor often overlook domestic workers. *UNICEF*, 2004. Available at [http://www.unicef.org/media/media\\_21576.html](http://www.unicef.org/media/media_21576.html)

<sup>24</sup> Ibid.

such little national and international focus, domestic workers have little access to protection. Along with the lack of governmental support, the insufficient advocacy for, and training of domestic workers has left hundreds of thousands of men, women, and children unable to break free of the abuse, neglect, and cycle of poverty associated with working as domestic servants.

The Kenya Union of Domestic Hotels, Educational Institutions, Hospitals and Allied Workers (KUDHEIHA) is the only available union for domestic workers to join. While they have had great success in the past with advocating for workers within hotels, hospitals and other organized settings, they have done little for those who work in peoples' homes. The union, like any other, is paid for by member dues. While a mere KSH 10 annually may not seem like a lot, for those who cannot afford food or rent, paying KSH 10 seems impossible. Another important observation is the degree to which employers discourage their workers from joining the union. Some offer to employ friends or relatives, while others threaten termination. When KUDHEIHA has been uncommitted to the plight of the house helps, joining the union does not seem worth the sacrifice for the majority of domestic workers.

## **THE FUTURE OF DOMESTIC WORKERS IN KENYA**

Currently, the only organization within Kenya campaigning exclusively for the rights of house helps is the Centre for Domestic Training and Development in Nairobi. The Center's approach to the issue is to empower women in their current situation and teach them marketable skills for domestic labor so that they may have a bargaining chip to negotiate for high salaries and fair working terms and conditions. Although the CDTD has to date, trained and found decently compensated employment for over 800 women in the last five years, the real change will have to come from within society and from within the government in the form of protective legislation and advocacy on behalf of the right's of domestic workers.

The culture clash between domestic workers and their employers is bound to continue in its vicious cycle of abuse and retaliation until society identifies the mistreatment as a social problem, recognizes domestic workers as integral and valued members of their homes and Kenyans unite to halt the abuse on personal and policy levels. According to Wainaina, “unless [the house girl’s] opportunities are expanded and she is empowered socially and economically, she is doomed to occupy a pariah cultural position in the country’s socio-cultural mix”.<sup>25</sup> This desired change within society to acknowledge domestic workers as “home managers” who work with the heads of house rather than under them must begin on a grassroots level, beginning in individual homes and working its way upward into the upper echelons of policy makers who can make legislative contributions to the protection of domestic workers.

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<sup>25</sup> Dr. Wainaina, Michael, PhD, “Training and Empowerment Programs for Female Domestic Laborers in Nairobi, Kenya: Implications for Alleviation of Female Poverty”, 2002, 10.