

Pay the Family its Dues

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At a recent public lecture, Judy Thongori, family law mogul, claimed that the economy rests on the back of the family. From her experience, she narrated instances where executives, entrepreneurs, and bureaucrats failed to perform at critical moments because of ongoing family problems. Linking productivity to one’s family’s wellbeing is hardly news, but the linkage of that wellness to our macroeconomics gives me pause. It reconstitutes the family into a factor of production.

Family-to-industry subsidies in Africa are commonplace. Direct subsidies include using family resources such as labor, housing and vehicles for the family business, without compensation. Indirectly, families surrogate employers, by providing medical insurance, and treatment for work-related injuries. Further, they provide psychological support for workers. Recognizing this latter role, the Assessment and Qualifications Alliance of England, for example, grants candidates extra points for exams taken under stressful circumstances such as the death of family members or pets. My refusal to mark my students up if poor Boots expires does not invalidate the logic.

These subsidies distort the market rendering the family a free factor of production. An egalitarian approach to economic development must compensate the family for its input. Rationalizing family law against a coherent economic agenda would be a good starting point, and I suggest three approaches:

Firstly, address the informal sector. Per World Bank statistics, 90% of businesses in Kenya are (informal) SMEs, which employ 80% of Kenya’s workforce, but only contribute to 20% of our GDP. Clearly, the bulk of family-to-industry subsidies occur here. These families must be supported while balancing the benefits of formalism with the attractive fluidity of informality. Through legislation, informal

workers' unions such as trade cooperatives, should provide benefits like medical insurance, paid annual leave and pension and factor them into commodity prices.

Secondly, respect care-work. The Matrimonial Property Act recognizes childcare as non-monetary contribution affecting a spouse's proprietary entitlement in divorce. That recognition must extend beyond matrimony. All new parents make one harrowing decision: will one parent stay home, or will they hire a nanny? An educated mother who chooses diaper duty over the boardroom will be chastised by society; some feminists will castigate her for repudiating the gains of the Movement, and the boardroom will be unforgiving when she returns. Shouldn't we, instead, reward her abilities to multitask, mediate squabbles and negotiate with two-foot tall terrorists- all transferable skills? Gender-neutral paid parental leave in Sweden runs up to 18 months- 15 months longer than ours. This begs a paradigm shift: family is not a liability; it is a critical input to industry and must be supported. A "generous" parental leave may be supported through a blend of salaries, allowances, government subsidies, tax breaks, and incentives to the employer.

Finally, systemically foreground and create spaces for family at work. Consider, for example, the working breastfeeding mother who intends to exclusively breastfeed her child for six months as per WHO recommendations. While "*ya mama yabamba*" it becomes untenable to express breast milk, in an unsanitary washroom or janitors closet! Supporting breastfeeding is an extremely impactful intervention that employers can easily make. 'Nursing rooms' with a refrigerator where breast milk can be expressed and stored, flexi-hours for parents with young babies, telecommuting options, and crèches are some ideas already being implemented by progressive organizations, including government departments. A multi-faceted approach involving amendments to the Employment Act, incentives and subsidies to employers would secure this.

The initiatives I propose are not welfare, they reflect the real cost of business. That cost must be accurately located and compensated. The family must also be legally reconstituted to reflect its status as a factor of production. Unfortunately,

the new family law regime legitimizes the narrow view that family law is limited to matrimony and guardianship. We must reconfigure it to envisage labor and commercial law, social security and beyond.

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