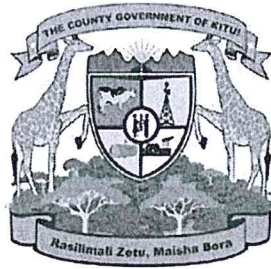


REPUBLIC OF KENYA



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

SECOND ASSEMBLY- FIFTH SESSION (2021)

COMMITTEE ON LABOUR AND SOCIAL WELFARE

**REPORT ON THE ASSESSMENT OF ENGAGEMENT
AND WELFARE OF WORKERS IN THE KITUI
COUNTY PUBLIC SERVICE**

**The Clerk's Chamber,
County Assembly of Kitui,
Assembly Buildings,
Kitui, Kenya**

MAY, 2021

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ABBREVIATIONS

CGA	County Government Act
CPSB	County Public Service Board
CECM	County Executive Committee Member
DANIDA	Danish International Development Agency
HRAC	Human Resource Advisory Committee
HR(M)	Human Resource Management
KSG	Kenya School of Government
SRC	Salaries and Remuneration Commission

ANNEXES

Annex 1	Signed list of Members adopting the Report
Annex 2	Response from the Ministry of Education

1.0 PREFACE

Mr. Speaker,

It is my pleasure to present the Report by the Committee on Labour and Social Welfare on the Assessment of Engagement and Welfare of Workers in the Kitui County Public Service.

1.0.1 Legal Basis and Background information

Mr. Speaker,

Article 41 of the Constitution provides that every worker has the right to fair labour practices including the right to reasonable working conditions and fair remuneration.

On 10th and 11th May 2021, the Committee on Labour and Social Welfare, in exercise of the County Assembly's oversight role visited the Ministries of Health and Sanitation; Gender Youth and Culture; and Lands and Physical Planning to assess the engagement of workers, their general welfare and establish challenges they face in execution of their duties which might play a role in negatively affecting performance towards effective service delivery and attainment of the objects of devolution.

1.0.2 Mandate the Committee

Mr. Speaker,

Sectoral Committees mandate, functions and roles are as stipulated in the County Assembly Standing Orders No. 190(5) and as contained in the second schedule of that outlines the subject areas for consideration by sectoral committees. The limitation of the committee mandate is as outlined in Standing Order No. 192 (1).

Standing Order No. 190(5) outlines the functions of the Sectoral Committee as:

- i) To make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.
- ii) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- iii) To investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- iv) To study and review all county legislation referred to it;

- v) To study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives.

1.0.3 Membership of the Committee

Mr. Speaker,

The Committee comprises of the following members:

- | | |
|--------------------------------|------------------|
| 1. Hon. Munyoki Mwinzi | Chairperson |
| 2. Hon. Charles Maema | Vice Chairperson |
| 3. Hon. Elizabeth Ndunge Peter | Member |
| 4. Hon. Anne M. Mumo | Member |
| 5. Hon. David Thuvi | Member |
| 6. Hon. Deiyis Mukala | Member |
| 7. Hon. David Masaku | Member |
| 8. Hon. Nicholus Mwalali | Member |
| 9. Hon. Josephine Mutie | Member |
| 10. Hon. Boniface Kasina | Member |
| 11. Hon. Fredrick Nthuri | Member |

1.0.4 Terms of Reference

Mr. Speaker,

The Committee's terms of reference were to:

1. Assess the number of workers engaged in the Ministries visited;
2. Assess the challenges faced by workers in execution of their duties and subsequently hindering effective service delivery and attainment of the objects of devolution;
3. Ascertain the general welfare of workers in protection of the right to reasonable working conditions as enshrined in Article 41(2)(b) of the Constitution;
4. Ascertain staff expectations from the County Public Service Board (CPSB) and the County Government;
5. Compile a report with recommendations for tabling and consideration by the Assembly.

1.0.5 Methodology

Mr. Speaker,

In executing her mandate, the Committee adopted the following methodology:

1. Site visits to engage workers and gather information;
2. Request for information.

1.0.6 Committee proceedings

Mr. Speaker,


The Committee met some Chief Officers and authorized representatives on 6th and 7th May, 2021 to gather information on the matter under consideration and thereafter proceeded to English Point Marina- Mombasa as from 10th to 15th May, 2021 to compile this Report. The outcome of the Committee proceedings is as outlined in this Report.

1.0.7 Acknowledgement

Mr. Speaker,

On behalf of the Committee on Labour and Social Welfare, I extend my gratitude to the Speaker of the County Assembly, Members of the Committee, Office of the Clerk and the staff attached to the Committee for their continuous support, assistance, and commitment in executing their duties.

It is therefore my pleasant duty, on behalf of the Committee Labour and Social Welfare to present this Report and recommend it for consideration and adoption by the House.

SIGNATURE:  DATE: 25/05/2021

**HON. MUNYOKI MWINZI- M.C.A.,
CHAIRPERSON,
COMMITTEE ON LABOUR AND SOCIAL WELFARE,
COUNTY ASSEMBLY OF KITUL.**

2.0 ASSESSMENT EXERCISE

2.1 Introduction

On 10th and 11th May, 2021, the Committee visited the following Ministries:

1. Ministry of Health and Sanitation;
2. Ministry of Gender, Culture and Sports;
3. Ministry of Lands and Physical Planning.

During the exercise the Committee met Chief Officers and their authorized representatives and gathered information on, *inter alia*:

1. Total number of staff engaged in the Ministries visited;
2. Trainings and capacity building exercises;
3. Challenges faced by staff in execution of their duties;
4. Staff expectations from the County Public Service Board and the County Government;
5. Any other relevant matter.

The Ministry of Education, ICT and Youth Development also availed a written response on the matter (Annex 2).

2.2 OUTCOME OF THE EXERCISE

2.2.1 Ministry of Health and Sanitation

The Acting Chief Officer, Dr. Allan Owino and other authorized representatives informed the Committee that:-

1. As at 6th May 2021, the Ministry had 1,760 employees distributed as follows:

i) Nurses	747
ii) Clinical Officers	182
iii) Lab technicians	136
iv) Medical Doctors	102
v) Others (public health officers, accountants, etc)	<u>593</u>
Total	1,760

The current wage bill is approximately Kshs. 172 Million per month.

2. The Ministry has approximately 1,000 casuals working in various hospitals, health centres and dispensaries but the number fluctuates constantly as these casuals are engaged on three months' contracts.

3. The Ministry has no ghost workers as it counter checks the payroll with the staff returns while the National Government maintains an Integrated Human Resource Management System.
4. Concerning trainings, currently there are 92 officers on study leave for their Masters or Higher Diplomas. The County Government does not pay their fees it but pays them salaries during the study leave period.
This is also a challenge in that while the County needs medical specialists, the trainings are long term, citizens do not access their services during the leave and they are still paid their dues.
For short term trainings, the County has various partners who sponsor trainings.
5. Promotions, redesignations and confirmations of staff have been major issues in the Ministry due to lack of a CPSB. Through the Human Resource Advisory Committee (HRAC), the Ministry has already prepared the list of officers to be promoted, confirmed or redesignated and forwarded it to the CPSB.
566 officers are to be confirmed, 235 to be promoted and 14 to be redesignated.
6. Over the last three years, the Ministry has lost 113 workers either through retirement, death, resignation, etc and it is expected that the CPSB will replace them.
7. Some of the challenges faced by staff include:
 - i) Under staffing, noting that the Ministry is labour intensive which leads to officers overworking and affects leave. Dispensaries and health centres are particularly affected as most are run by one officer. To mitigate this, the Ministry has budgeted for funds to engage workers in the facilities on Locum basis in the next financial year.
 - ii) Late payment of salaries and allowances.
Salaries often delay for prolonged periods without being paid which affects staff morale.
Casuals and watchmen engaged in dispensaries are always paid late noting that their wages are funded by the National Government in conjugation with the Danish International Development Agency (DANIDA) and the funds are usually released late and only two times a year.
In every financial year, the Ministry has been proposing budgetary allocations to mitigate this but the funds are never allocated. So as to mitigate this in the next financial year, the Ministry has proposed a budgetary allocation of Kshs. 8 Million for health centres and dispensaries.

- iii) Strikes/ industrial action
There is continuous agitation for increased pay which leads to loss of resources particularly time and funds.
 - iv) Lack of political goodwill and low staffing levels which has affected the opening of dispensaries.
 - v) Lack of budgetary allocations for Outreach (mobile clinics) as there are no funds to pay staff and run the clinics. To mitigate this, the Ministry has proposed a budgetary allocation in the next financial year.
8. Officers expect the CPSB to ensure that the long overdue promotions, redesignations and confirmations are expedited and this will be key in ensuring staff motivation for improved service delivery. As stated earlier, the Ministry has already forwarded the necessary documents to the CPSB for implementation.
 9. As far as general staff welfare is concerned, the Ministry has a Work Council composed of officers from different departments to address workers issues expeditiously.

2.2.2 Ministry of Gender, Culture and Sports

The Chief Officer, Fredrick Kimanga and other authorized representatives informed the Committee that:-

1. Currently, the Ministry has thirty seven (37) members of staff and no casuals but projects to engage eight (8) casuals in the next financial year.
2. Staff trainings have been a challenge due to limited budgetary allocations and as a result, the Ministry was only able to train 3 officers last year. Further, there are several senior officers who have not undergone senior management training at the Kenya School of Government (KSG). Every year, training needs assessment is done but never implemented due to inadequate budgetary allocations.
Lack of requisite training whether by KGS or otherwise affects service delivery, motivation and career advancement in terms of promotions.
3. Some of the challenges faced by staff in execution of their duties include:
 - i) Lack of trainings as discussed above.
 - ii) Lack of facilitation while undertaking their official duties within the County in terms of mandatory allowances and transportation.
Initially, the Ministry had six vehicles but currently, only two are available for use by the senior executives. As a result, the officers have to borrow a vehicle from other Ministries or use their own vehicles with no reimbursement and their allowances are rarely paid.

Claims are processed on time but never acted upon by the Finance Department and this has negatively affected service delivery and staff motivation.

- iii) Communication channels and disharmony within the County Departments.

There is disharmony within the County departments and often, Officers are not informed about County programmes and projects only to learn about them from the public or on social media.

- iv) Lack of office space.

This has been a major issue affecting officers at the Sub County level as they are squatters in the Sub County offices which is demotivating.

- v) Lack of comprehensive medical cover and NHIF

The Assembly appropriated Kshs. 196,685,793 in the supplementary budget estimates for the FY 2020/ 2021 for provision of health cover but workers often have to cater for medical bills out of pocket as this has not been operationalized. Further, NHIF statutory deductions are rarely remitted on time despite deductions being done every month. Officers seeking treatment are often informed that the County Government has not updated its payments and cannot access services. In such cases, they have to cater for hospital expenses and bills from their own funds which is unfair to them, noting that they make monthly contributions.

4. Members of staff expect the following from the CPSB:

- i) Promotions and career progression.

Most officers have stagnated in the same Job Group for a long period of time, partly because there was no CPSB. Now that the Board has been operationalized, they expect their promotions to be fast tracked.

- ii) The previous CPSB focused more on recruitment as opposed to its other function outlined in section 59(1) CGA and going forward, it will be important for the Board to balance on implementation of its roles.

Section 59(1) of the CGA states that the functions of the CPSB shall be, on behalf of the county government, to *inter alia*:

(a) establish and abolish offices in the county public service;

(b) appoint persons to hold or act in offices of the county public service;

(g) facilitate the development of coherent, integrated human resource planning and budgeting for personnel emoluments in counties;

(h) advise the county government on human resource management and development;

(i) advise county government on implementation and monitoring of the national performance management system in counties;

(j) make recommendations to the Salaries and Remuneration Commission, on behalf of the county government, on the remuneration, pensions and gratuities for county public service employees.

iii) Creation of offices

Section 60 of the CGA mandates the CPSB to establish public offices. Therefore, it is expected that the CPSB will implement this legal provision for the benefit of staff thus leading to career advancement, better remuneration and increased motivation.

iv) Placement of officers based on their competencies as wrong placement negatively affects service delivery.

5. The County Government should:

i) Prioritize staff motivation as it is important for service delivery. This should be done through trainings, promotions, benchmarking exercises, etc.

ii) Depoliticize work, follow proper channels of communication and ensure that there is harmony within the County Departments.

iii) Provide a comprehensive Medical cover for improved staff morale.

2.2.3 Ministry of Lands and Physical Planning

Dorothy Mumangi, the Director Administration and other authorized officers informed the Committee that:-

1. Currently, the Ministry has thirty nine (39) members of staff and three (3) casuals.
2. As far as trainings are concerned, the officers feel there is need for trainings, noting the new land laws, policies and emerging technologies as far as lands and physical planning is concerned. The Ministry has collected training needs for implementation.
3. Some of the challenges faced by staff in execution of their duties include:
 - i) Lack of trainings as outlined above;

Provision of transport

Section 7.7 of the HR Manual provides for provision of transport, reimbursement of fare paid, pool transport or imprests to facilitate use of public transport.

Workers are expected to traverse their areas of jurisdiction to conduct public participation, site visits, supervise projects, collect information and data, amongst other duties. However, lack of transportation is a major challenge facing workers and negatively affecting effective service delivery in the County.

Despite the Ministries being provided with official vehicles during the 1st County Government, most of these vehicles have broken down and are no longer in use.

Trainings, capacity building exercises, workshops and benchmarking exercises

Section 11 of the HR Manual recognizes the need for training to ensure continuous upgrading of public officers' competencies, knowledge, skills and attitudes. It also recognizes that public officers at all levels are eligible for at least five (5) days of training in a fiscal year.

Due to inadequate budgetary allocations, trainings have not been prioritized/undertaken and this has negatively affected service delivery and staff motivation.

Mortgage and car loan schemes and general staff welfare

Sections 7.3 and 7.7.1 of the HR Manual recognize and provide for Mortgage and Car loan schemes for County public officers. SRC circulars Nos. SRC/ADM/CIR/1/13/Vol III (128) and (130) also provide for Car loan and mortgage scheme for public officers, and this has only been operationalized for some senior officers in the County Executive and the County Assembly.

Medical insurance cover and NHIF deductions remittance

Kitui County supplementary budget I for the financial year 2020/2021 provided for Kshs. 196,685,793 for medical insurance for all County Ministries. While this is the case, it emerged that officers have been facing challenges as far as provision of health insurance cover is concerned which has negatively affected their right to access healthcare services.

Further, despite NHIF deductions being done every month, these are rarely remitted on time. Officers seeking treatment are often informed that the County Government has not updated its payments and cannot access services. In such cases, they have to cater for hospital expenses and bills from their own funds.

Delays in payment of salaries

Unpredictable dates for the payment of salaries was cited as a challenge facing staff as payments fluctuate from month to month, with delays being experienced often and sometimes no notice or explanation given when there is an anticipated delay.

Functions of the CPSB

The Committee noted that workers were concerned that the previous CPSB focused majorly on conducting employment and exercising disciplinary control at the expense of its other roles as provided under for under Section 59(1) of the CGA. These roles include:

- i) Establishing and abolishing offices in the county public service;
- ii) facilitating the development of coherent, integrated human resource planning and budgeting for personnel emoluments in counties;
- iii) advising the county government on human resource management and development;
- iv) advising county government on implementation and monitoring of the national performance management system in counties;
- v) making recommendations to the SRC, on behalf of the county government, on the remuneration, pensions and gratuities for county public service employees.

As a result of this lopsided implementation of its functions, the wage bill is currently at 38% contrary to regulation 25(1)(a) of the Public Finance Management (County Government) Regulations which require that expenditure on wages shall not exceed 35% of the county government's total revenue.

Employment of ECDE Teachers

The 2020/2021 budget estimates provided for employment of three (3) ECDE teachers per Ward. The Committee notes that there was no CPSB therefore this could not be implemented and hopes that this will be implemented expeditiously.

Ministry of Health and Sanitation payroll

While this Ministry informed the Committee that it has 1,760 employees, members noted that there is a possibility of overemployment, ghost workers and poor distribution of work in the said Ministry and was not convinced on the need for additional members of staff before proper verification of workers is conducted.

4.0 RECOMMENDATIONS

Based on the above findings and observations, the Committee makes the following recommendations:

1. Noting the budgetary allocation of Kshs. 196,685,793 in the supplementary budget estimates I for the FY 2020/2021 for provision of health cover, the County Executive should immediately put in place a comprehensive health insurance cover and ensure timely remittance of NHIF deductions. The Committee should also conduct thorough oversight and inquiry into this matter. In view of this, the Committee will hold a meeting with the County Executive Committee Member (CECM)- County Treasury, The County Secretary, and the Human Resource Manager to deliberate on the matter. This will ensure protection of the right to health care services as provided under Article 43(1)(a) of the Constitution.
2. The CPSB should immediately:
 - i) Implement overdue promotions, redesignations and confirmations and fast track any pending disciplinary cases.
 - ii) Employ three (3) ECDE teachers per Ward on permanent and pensionable basis as provided for in the 2020/2021 budget estimates before the end of the current financial year, develop and implement schemes of service for ECDE teachers.
3. Besides conducting recruitments and exercising disciplinary control the CPSB should also focus on its other roles as provided under Section 59(1) of the CGA, which roles have largely been neglected, particularly the following:
 - i) establishing and abolishing offices in the county public service;
 - ii) facilitating the development of coherent, integrated human resource planning and budgeting for personnel emoluments;
 - iii) advising the county government on human resource management and development;
 - iv) advising county government on implementation and monitoring of the national performance management system in counties;
 - v) making recommendations to the SRC, on behalf of the county government, on the remuneration, pensions and gratuities for county public service employees.
4. The Committee on Budget and Appropriations to consider making sufficient budgetary allocations to each County Ministry for training and

capacity building of staff which will lead to improved and effective service delivery towards attainment of the objects of devolution.

5. The County Executive should implement SRC circulars on provision of car loan and mortgage scheme for the public officers.
6. Going forward, staff allowances should be credited to their bank accounts as opposed to cash payments. This will be instrumental in ensuring accountability and reduce the frequent allegations of non-payment of allowances.
7. The Committee should conduct an inquiry into the alleged 1,760 employees engaged in the Ministry of Health and Sanitation in a bid to determine their distribution, possibility of ghost workers, and verify the need for additional staffing.

The CPSB should also verify the exact number of staff in the health ministry's payroll.

5.0 CONCLUSION

In conclusion, addressing the challenges faced by workers in execution of their duties will lead to improved and effective service delivery in the entire County towards attainment of the objects of devolution. In light of this, the Committee has since invited the CPSB, CECM County Treasury and other relevant officers to deliberate on the matters raised in this Report to ensure that the rights of workers are upheld.



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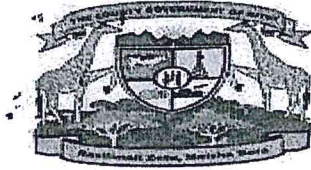
Annex 1

We Members of the Committee on Labour and Social Welfare have adopted this Report and hereby affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity:-

<u>NAME</u>	<u>DESIGNATION</u>	<u>SIGNATURE</u>
1. Hon. Munyoki Mwinzi	Chairperson	
2. Hon. Charles Maema	Vice Chairperson	
3. Hon. David Munyau	Member
4. Hon Elizabeth Ndunge	Member	
5. Hon. Nicholas Mwalali	Member	
6. Hon. Boniface Kasina	Member	
7. Hon. Fredrick Nthuri	Member	
8. Hon. David Thuvi	Member	
9. Hon. Josephine Mutie	Member	
10. Hon. Anne M. Mumo	Member
11. Hon Deiys M. Mukala	Member	

COUNTY GOVERNMENT OF KITUI

Cell Phone:
0702615888/0702615444
0731717100
Email: Kituicounty@kenya.go.ke



Tanathi Water Services Board
Building, Ground Floor
P.O BOX 33 – 90200
KITUI

MINISTRY OF EDUCATION, ICT & YOUTH DEVELOPMENT

Ref: CGKTI/MEIYD/ADM/12/6

Date: 5th May, 2021

THE CLERK
COUNTY ASSEMBLY OF KITUI
KITUI



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Committee.
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Dear Sir,

RE: RESPONSE TO THE STAFF WELFARE OVERSIGHT EXERCISE QUERIES.

Your letter ref. CAK/9/10/Vol.V(32) dated 30th April, 2021 refers. We respond as follows:

(i) Total number of staff in the ministry.

The total number of staff in the ministry is 139 members of staff plus 2162 ECDE Teachers employed on casual basis.

(ii) Staff Trainings.

The staff has occasionally been undergoing capacity building trainings in different places especially at Kenya school of Government institutions to improve their skills and efficiency. However, due to shortage of resources these trainings have not been as frequent as the ministry and the staff may wish.

(iii) Challenges faced by staff in execution of their duties and how to mitigate them.

The challenges faced by staff are:

- (a) Delayed staff promotions.
- (b) Health insurance cover challenges which have recently been addressed with the staff Britam insurance cover put in place.

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05/05/2021

- (c) Late remittance of statutory deductions leading to interests on loans and loss of interest on the pension funds.
- (d) Inadequate training opportunities for staff capacity building.
- (e) Lack of schemes of service leading to stagnation of promotions.
- (f) Occasional delay in payment of salaries
- (g) Delayed employment of the casual ECDE Teachers to permanent and pensionable terms.
- (h) Delayed retirement of the ECDE Teacher who have attained the age of 60 years
- (i) Delay or none payment of allowance claims after work.
- (j) Inadequate office space/accommodation.
- (k) Inadequate means of transport while on official duty.

The mitigation measures to the above challenges include the following:

- (a) The County Public Service Board which is now in place should address the issues of staff promotions, scheme of service, ECDE Teachers employment and retirement.
- (b) The department of finance should address the issues of delay in salaries and remittance of statutory deductions.
- (c) The Government should increase budgetary resources allocation to enable us to address issues of payment of allowance claims, Staff training, Office tea and Newspapers facilitation, office accommodation and transport on official movements.

(iv) Staff expectations from the County Government and the County Public Service Board once operationalized include:

- (a) Actualize staff promotions which are long overdue.
- (b) Develop and actualize staff scheme of services.
- (c) Employ ECDE Teachers on permanent and pensionable terms.
- (d) Retire all the ECDE Teacher who have attained 60 years and facilitate them with the necessary retirement packages.
- (e) Increase resources for staff welfare matters e.g staff tea, Newspapers etc.
- (f) Avail adequate resources to facilitate staff allowances e.g lunches, per diems etc.

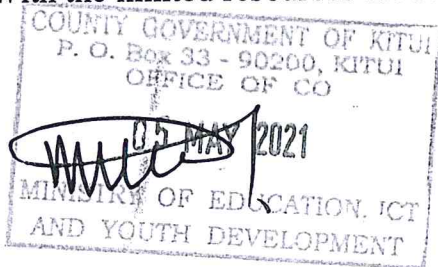
(v) General staff welfare

(a) There has been frequent staff meetings to address staff issues which arise from time to time.

(b) Measures have been put in place to mitigate against the covid-19 pandemic which include among others a duty rota put in place to allow staff to work from home on rotational basis.

(c) The staff is usually offered different forms leaves and off duty days on demand.

(d) With the limited resources the staff is facilitated with Staff Tea, Newspapers etc.



AGNETTA PETER

CHIEF OFFICER - EDUCATION, ICT AND YOUTH DEVELOPMENT

