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TWELFTH PARLIAMENT – SIXTH SESSION

STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

REPORT ON THE PETITIONS CONCERNING THE RECRUITMENT AND
REMUNERATION OF EARLY CHILDHOOD DEVELOPMENT
EDUCATION (ECDE) TEACHERS IN NYAMIRA & UASIN GISHU
COUNTIES

Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI

PAPERS LAID	
DATE	14/6/2022
TABLED BY	Sen. Shiyonga
COMMITTEE	Labour
CLERK AT THE TABLE	M. Agikodut

May, 2022

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TABLE OF CONTENTS

TABLE OF CONTENTS	2
APPENDIX	3
LIST OF ABBREVIATIONS	4
PREFACE.....	5
MEMBERSHIP OF THE COMMITTEE.....	5
CHAPTER ONE INTRODUCTION	9
1.1 SALIENT ISSUES IN THE NYAMIRA PETITION	9
1.2 SALIENT ISSUES IN THE UASIN GISHU PETITION	9
CHAPTER TWO: UNDERTAKINGS OF THE COMMITTEE	11
2.1 MEETINGS ON THE NYAMIRA COUNTY PETITION.....	11
2.1.1 RESPONSE BY THE NYAMIRA COUNTY GOVERNMENT AND THE NYAMIRA COUNTY PUBLIC SERVICE BOARD	11
2.1.2 MEMBERS' INTERVENTIONS	12
2.2 MEETING ON THE UASIN GISHU COUNTY PETITION.....	13
2.2.1 RESPONSE BY THE UASIN COUNTY GOVERNMENT AND THE UASIN GISHU COUNTY PUBLIC SERVICE BOARD	13
2.2.2 MEMBERS' INTERVENTIONS AND WAY FORWARD.....	13
2.3 COMMITTEE ANALYSIS.....	14
2.3.1 POLICY AND LEGAL FRAMEWORK	14
CHAPTER THREE: COMMITTEE OBSERVATIONS AND RECOMMENDATIONS.....	17
3.1 COMMITTEE OBSERVATIONS.....	17
3.2 COMMITTEE RECOMMENDATIONS	17
APPENDIX A: MINUTES OF THE SITTINGS ON NYAMIRA PETITION	19
APPENDIX B: MINUTES OF THE SITTINGS ON UASIN GISHU PETITION.....	29

Appendix

Appendix A: Copy of the Minutes on the Petition concerning the recruitment and remuneration of ECDE Teachers in Nyamira County

Appendix B: Copy of the Minutes on the Petition concerning the recruitment and remuneration of ECDE Teachers in Uasin Gishu County

Appendix C: Copy of the petition concerning the recruitment and remuneration of ECDE Teachers in Nyamira County

Appendix D: Copy of the petition concerning the recruitment and remuneration of ECDE Teachers in Uasin Gishu County

Appendix E: Submission by the County Government of Nyamira

Appendix F: Submission by the County Government of Uasin Gishu

LIST OF ABBREVIATIONS

- 1) Council of Governors (COG)
- 2) County Pension Fund (*CPF*)
- 3) County Public Service Board (CPSB)
- 4) Early Childhood Development Education (ECDE)
- 5) Local Authority Pension Fund (Lapfund)
- 6) Local Authority Pension Trust (Laptrust)
- 7) Salaries and Remuneration Commission (SRC)
- 8) Teachers Service Commission (TSC)

PREFACE

Mr. Speaker, Sir

The Standing Committee on Labour and Social Welfare is established under Standing Orders 187 and 218 (3) of the Senate Standing Orders.

The Committee is mandated to consider all matters related to *manpower and human resources planning, pension, gender, culture and social welfare, youth, National Youth Service, children's welfare; national heritage, betting, lotteries and sports, public entertainment, public amenities and recreation.*

In executing its mandate, the Committee oversees the Ministry of Labour; the Ministry of Public Service, Gender, Senior Citizens Affairs and Special Programmes; and the Ministry of Sports, Culture and Heritage.

Membership of the Committee

- | | |
|---|---------------------------|
| 1) Sen. Sakaja Johnson Arthur, CBS, MP | - Chairperson |
| 2) Sen. Mwaruma Johnes Mwashushe, MP | - Vice Chairperson |
| 3) Sen. Madzayo Stewart Mwachiru, CBS, MP | - Member |
| 4) Sen. Mwangi Paul Githiomi, MP | - Member |
| 5) Sen. Kihika Susan Wakarura, MP | - Member |
| 6) Sen. Makori Beatrice Kwamboka, CBS, MP | - Member |
| 7) Sen. (Dr.) Mwaura Isaac, CBS, MP | - Member |
| 8) Sen. (Dr.) Milgo Alice Chepkorir, MP | - Member |
| 9) Sen. Masitsa Naomi Shiyonga, MP | - Member |

EXECUTIVE SUMMARY

Mr. Speaker Sir,

The Petition concerning recruitment and remuneration of Early Childhood Development Education (ECDE) teachers in Nyamira County was reported to the Senate on Wednesday, 2nd March, 2022 by the Deputy Speaker of the Senate, together with the Petition concerning the plight of ECDE Teachers in Uasin Gishu County.

The summary of the salient issues raised in the Petitions were -

1. That there have been cases of unfair labour practices by both Nyamira County Government and Uasin Gishu County Governments against ECDE teachers. They cited discrimination and non-confirmation to permanent and pensionable terms;
2. That the ECDE teachers were poorly remunerated, for example, in Uasin Gishu, the teachers were initially paid a flat rate of Kshs. 10,000 which was later increased to Kshs.13,000;
3. That there has been non-implementation of the ECDE Schemes of Service; and
4. Delay in salary payments.

Mr. Speaker Sir,

The Petitioners therefore prayed that the Senate intervenes in the matter by investigating and inquiring into this matter with a view to recommending that-

1. The Counties implement the ratified Scheme of Service;
2. The ECDE teachers whose services were unlawfully terminated or are on contract basis, are employed on permanent and pensionable terms by the two Counties in accordance with the Salary and Remuneration Commission (SRC) guidelines;
3. The ECDE teachers whose contracts were illegally terminated to be fully compensated by the Nyamira County Government;
4. ECDE teachers welfare and adherence to the law are improved; and
5. ECDE policy guidelines are adhered to.

Mr. Speaker Sir,

Pursuant to Standing Order 232(1) and the Second Schedule to the Standing Orders of the Senate, the two Petitions were committed to the Standing Committee on Labour and Social Welfare.

Pursuant to Article 37 and 119(1) of the Constitution, section 5(2) of the Petition to Parliament (Procedure) Act and Standing Order 232 of the Senate Standing Orders, the Committee is mandated to consider the Petitions and respond to the Petitioners within the prescribed period.

To enable judicious disposal of the Petitions, the Committee resolved to conduct inquiries on the issues raised in the Petitions concurrently, and produce a single Report on the matter since the issues were similar.

In this regard, the Committee invited the Petitioners, the Governor, Nyamira County and the Nyamira County Public Service Board (CPSB) to a meeting on 17th March, 2022 and 24th March, 2022, respectively to elaborate further on the issues raised in the Petition and to provide supporting evidence on the same and requested for written responses on the said matter.

Similarly, the Committee also invited the Petitioners, the Governor, Uasin Gishu County and the Uasin Gishu County Public Service Board on Thursday, 12th May, 2022 to respond to the issues raised in the Petition.

Mr. Speaker Sir,

The Governors of the two Counties attended the Committee's meetings in person. Both Governors reported that they had made budgetary provisions for the implementation of the Schemes of Service in the budget of the financial year 2022/2023. The Committee found out -

1. That there was a Scheme of Service for ECDE Teachers that had been adopted by the Council of Governors (CoG) for Counties to implement, and that the Senate needed to follow up on the implementation;
2. This Scheme of Service provided for the pay structures of the ECDE Teachers at different levels and the framework upon which they should be engaged; and
3. That both counties had put the ECDE teachers on contractual terms with Uasin Gishu paying them very low salaries of Kshs.10,000 which was later increased to Kshs.13,000. The teachers had no other benefits.

The Committee therefore observed -

1. That Nyamira and Uasin Gishu Counties are among the 23 counties that have made little effort in implementing the proposed ECDE reforms and this would significantly affect the quality of education in the counties in future;
2. That Early Childhood Education forms the foundation of a child, and as counties strive to improve ECDE infrastructure, other components needed to make ECDE a success, like child nutrition and the welfare of teachers should not be ignored; and
3. That ten years into devolution, the plight of ECDE Teachers still remains unaddressed.

Mr. Speaker Sir,

The Committee therefore recommends -

1. That the Council of Governors should submit, to the Committee, within 7 days after tabling of this report, a copy of the approved ECDE Teachers Scheme of Service that was shared among counties for implementation, together with the accompanying Resolutions of the Council of Governors (COG) dated 5th July, 2022, *vide* Communication Ref. COG/6/39 Vol 13(94);
2. That the Senate, within 7 days of receiving the ECDE Teachers Scheme of Service, should adopt the document;
3. That the Council of Governors should submit an implementation status report on the ECDE Scheme of Service of each county within 30 days after tabling of this report;
4. The COG should subsequently be submitting quarterly, an implementation status Report of the ECDE Scheme of Service of all counties to the Senate Standing Committee of Labour and Social Welfare;
5. That both Nyamira and Uasin Gishu Counties should, within 30 days, submit a comprehensive report on the progress of implementation of the Scheme of Service, which should include documentary evidence of budgetary provisions and recruitment processes, among other things.; and
6. That county governments should fully implement the ECDE Act No. 3 of 2021.

Mr. Speaker Sir,

The Committee wishes to acknowledge the time and considerable effort made by all parties who submitted information. I also wish to express my gratitude to my colleagues for their thoughtful input and engaged contributions to the matter.

Further, the Committee is indebted to the Office of the Speaker and the Clerk of the Senate for facilitating all the actions that led to the production of this report.

Mr. Speaker Sir,

It is now my pleasant duty, pursuant to Standing Order 232, to table the report of the Standing Committee of Labour and Social Welfare in relation to the Petitions concerning the Recruitment and Remuneration of Early Childhood Development Education (ECDE) Teachers in Nyamira & Uasin Gishu Counties.



SIGNATURE.....

**SEN. NAOMI SHIYONGA, MP.
FOR (CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

DATE: FRIDAY, 13TH MAY, 2022

CHAPTER ONE INTRODUCTION

1.1 Salient Issues in the Nyamira Petition

The salient issues in the Petition by residents of Nyamira County and Nyamira County ECDE Teachers' Association concerning recruitment and remuneration of Early Childhood Development Education (ECDE) teachers in Nyamira County are that -

1. There have been cases of unfair labour practices by the Nyamira County Government against ECDE teachers. A case in point is where the ECDE teachers employed in the year 2014 were unlawfully terminated from service after serving for six years;
2. There has been arbitrary stoppage of stipend and emoluments entitled to ECDE teachers. This has led to discriminatory practices on remuneration of the teachers, which in turn has resulted to poor performance and resignation of teachers;
3. There have been disparities in payment of pension from Lapfund and no gratuity has been paid to teachers whose services were terminated by the county government;
4. None of the ECDE teachers have been confirmed on permanent and pensionable terms by the Nyamira County Government since the inception of the Scheme of Service for ECDE teachers and ECDE Act of 2018; and
5. The Petitioners have made efforts to have their concerns addressed by the Nyamira County Assembly without success.

The Petitioners humbly prayed that the Senate intervenes in the matter by investigating and inquiring into this matter with a view to recommend that-

1. The ECDE teachers whose services were unlawfully terminated, are employed on permanent and pensionable terms by the Nyamira County in accordance with the Salary and Remuneration Commission (SRC) guidelines; and
2. The ECDE teachers whose contracts were illegally terminated be fully compensated by the Nyamira County Government.

1.2 Salient Issues in the Uasin Gishu Petition

The salient issues in the Petition by residents of Uasin Gishu County and Members of Uasin Gishu County ECDE Teachers' Association concerning recruitment and remuneration of Early Childhood Development Education (ECDE) teachers in Uasin Gishu County are –

1. Unfair labour practices;
 - a) That, there is unlawful and discriminatory deployments, recruitment and remuneration;
 - b) That, there has been inhumane transfer of teachers contravening Article 41 (1) of the Constitution of Kenya; and

- c) That, there has been non-implementation of ECDE stakeholders' agreement requiring the county government to allocate 25% of its budget to Education sector.
2. Non-confirmation of the ECDE Teachers;
 - a) That, there has been no confirmation in service of ECDE Teachers since 2014;
 - b) That, the teachers have been working on contract basis since the year 2014 (Appendix 2);
3. Poor remuneration;
 - a) That, the county government has been paying the teachers a flat rate salary of Kshs.10,000 per month regardless of their education level and this has greatly affected productivity leading to non-performance, resignations and brain drain;
 - b) That, there has been un-procedural stoppage of payment of stipend to the ECDE teachers' stipend;
 - c) That, there has been delay in salary payment for up to two to three months;
 - d) That, we have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response; and
 - e) That, none of these issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.

The Petitioners then prayed that the Senate -

- i) Initiates an Investigation on matters concerning ECDE teachers' welfare by interrogating the county secretary, county public service board and other relevant parties;
- ii) Recommends confirmation of employment of ECDE teachers below 50 years of age who meet criteria of employment on permanent and pensionable terms as per the public service board;
- iii) Recommends confirmation of ECDE teachers above 50 years on fixed contract terms until their mandatory retirement Age;
- iv) Recommends the implementation of the scheme of service;
- v) Recommends improvement of ECDE teachers welfare and adherence to the law; and,
- vi) Recommends adherence to ECDE policy guidelines.

Pursuant to Standing Order 232(1) and the Second Schedule to the Standing Orders of the Senate, the Petitions were committed to the Standing Committee on Labour and Social Welfare.

CHAPTER TWO: UNDERTAKINGS OF THE COMMITTEE

This section contains highlights of the deliberations of the Committee, petitioners and the County Governments of both Nyamira and Uasin Gishu Counties. Deliberations were informed by the relevant laws that guide the relationships between an employer and employee, as articulated in the Constitution of Kenya and other supporting legislations.

2.1 Meetings on the Nyamira County Petition

The Committee held Sittings on the Petition on Thursday, 17th March, 2022 and Thursday, 24th March, 2022. The Governor of Nyamira County, Hon. Amos Kimwomi Nyaribo, led the team from the County.

During the Meeting held on Thursday, 17th March, 2022, the Committee met with the Petitioners who presented their Petition.

2.1.1 Response by the Nyamira County Government and the Nyamira County Public Service Board

The Governor of Nyamira, Hon. Nyaribo presented as follows;

i) On the Claim of unlawful termination

1. He stated that a total of 408 ECDE teachers were employed on a three-year contract on 1st May, 2014 which had been clearly stated on their letters of offer.
2. He added that the first contract expired on 31st April, 2017 and subsequently, 398 teachers got a renewal of another three-year contract which took effect from 1st July, 2017.
3. The second contracts expired on 30th June, 2020 and as required by law, they were duly notified about the expiry of their contracts. The petitioners' claim of unlawful termination of the ECDE teachers is therefore not true.

ii) On the Claim of discriminatory remuneration of ECDE teachers

1. He stated that during the first 3 years of service, the ECDE teachers were paid a cumulative monthly stipend according to their qualifications as follows;
 - Certificate holders- Kshs.11,500
 - Diploma holders- Kshs.13,500
2. He added that upon expiry of the first 3-year contract, a contract renewal was done and their pay was revised up by 40% as follows;
 - Certificate holders- Ksh.14,950
 - Diploma holders- Kshs.17,550
3. He mentioned that the rate was arrived at by the county executive in consultation with the County Public Service Board and as advised by the Salaries and Remuneration Commission (SRC).

iii) On the Claim of disparities in payment of pension by LAPFUND and payment of gratuity

1. He stated that the County government of Nyamira had three gratuity/pension service providers namely LAPFUND and LAPTRUST or County Pensions Fund. The service providers have different investment modules. The disparities in the service gratuity/pension pay-outs received from the service providers upon lapsing of the teachers' contracts comes down to differences among the fund managers' investment modules and interest accumulation disparities among the individual pension fund managers; and
2. He noted that all the employees were encouraged to identify a fund manager of their choice among the existing service providers. The disparities arose when the two fund managers made pay-outs that differed hence complaints from those paid lesser amounts. Further, this matter goes to negate the claim of non-payment of gratuity/pension.

iv) On Taking teachers on permanent and pensionable terms

1. He stated that the county government of Nyamira received communication on the resolutions of the Council of Governors (COG) dated 5th July, 2022 *vide* communication Ref. COG/6/39 Vol. 13(94) which shared and owned the approved ECDE teachers scheme of service to be adopted by all the counties and asked that counties provide additional resources in the 2022/2023 financial year for its implementation;
2. He noted that in the first supplementary budget of 2021/2022, funds had been appropriated to recruit the first 600 ECDE teachers on permanent and pensionable terms. He added that the County Cabinet advised on the same and the County Public Service Board had commenced the recruitment process. A budget request has been included in the financial year 2022/2023 towards recruitment of more teachers on permanent and pensionable terms; and
3. On the demand that the phase one teachers be on-boarded on permanent and pensionable terms unconditionally, it negates the Constitutional requirements of free and fair competitive recruitment process.

2.1.2 Members' interventions

1. The Committee noted that Nyamira County is among the 23 counties that have made little effort in implementing the proposed ECDE reforms and this will significantly affect the quality of education in the county in the future;
2. The Committee requested that phase one ECDE Teachers be given fair and equal opportunity during the upcoming recruitment for permanent and pensionable terms by the County Public Service Board; and
3. The Committee also directed that all salary arrears be paid.

2.2 Meeting on the Uasin Gishu County Petition

The Committee held Sitzings on the Petition on Thursday, 12th May, 2022. The Governor of Uasin Gishu County, Hon. Jackson Mandago, led the team from the County. The Petitioners, who were present during the meeting presented their Petition with amendments on the third prayer, where they removed the age limit for the confirmation of the ECDE Teachers.

2.2.1 Response by the Uasin County Government and the Uasin Gishu County Public Service Board

The Governor of Uasin Gishu, Hon. Mandago presented as follows -

1. The County government has not received any formal complaint from ECDE teachers but he is aware of remuneration issues affecting the ECDE teachers;
2. The County has been experiencing budgetary constraints since 2013 and it has not been able to allocate adequate resources for payment of ECDE teachers;
3. Uasin Gishu County has received a scheme of service ratified by the Council of Governors (CoG), Salaries and Remuneration Commission (SRC) and the Teachers' Service Commission and it will begin its implementation in the 2022/2023 financial year; and
4. The County is currently putting in place a framework to employ ECDE teachers on Permanent and pensionable terms and ensuring they are correctly placed according to the new scheme of service;
5. The County Public Service Board is currently reviewing documents of the ECDE teachers who are employed on contract terms to ensure they meet the criteria as outlined by the Teachers' Service Commission Act before changing their terms to permanent and pensionable terms;
6. The County has allocated money in the financial year 2022/2023 to facilitate absorption of ECDE teachers on permanent and pensionable terms; and
7. Delay of salaries happens at the close of every financial year and it affects all public service staff across all counties.

2.2.2 Members' Interventions and Way Forward

1. The Committee noted that Uasin Gishu County is among the 23 counties that have made little effort in implementing the proposed ECDE reforms and this will significantly affect the quality of education in the county in the future;
2. The Committee recommended that the Uasin Gishu County should implement the ECDE teachers' Scheme of Service that was rolled out by the Council of Governors; and
3. The Committee requested that phase one ECDE teachers be given fair and equal opportunity during the upcoming recruitment on permanent and pensionable terms by the County Public Service Board.

2.3 Committee Analysis

2.3.1 Policy and Legal Framework

Deliberations were informed by the relevant laws that guide the relationships between employer and employee as articulated in the Constitution of Kenya and other supporting legislations like the Employment Act, 2007, the Early Childhood Education Act, 2021 and the Teachers Service Commission Act, 2012. The Committee relied on the following provisions among others -

a) The Constitution

i) Article 41 of the Constitution provides the constitutional basis of the labour law in Kenya as follows-

(1) Every person has the right to fair labour practices.

(2) Every worker has the right—

(a) to fair remuneration;

(b) to reasonable working conditions;

(c) to form, join or participate in the activities and programmes of a trade union; and

(d) to go on strike...

ii) Article 237(1) of the Constitution establishes the Teachers Service Commission while Article 237(2) provides for its functions as follows-

(a) to register trained teachers;

(b) to recruit and employ registered teachers;

(c) to assign teachers employed by the Commission for service in any public school or institution;

(d) to promote and transfer teachers;

(e) to exercise disciplinary control over teachers; and

(f) to terminate the employment of teachers.

iii) Article 237 (3) of the Constitution empowers the Teachers Service Commission to-

(a) review the standards of education and training of persons entering the teaching service;

(b) review the demand for and the supply of teachers; and

(c) advise the national government on matters relating to the teaching profession.

From the foregoing, it is evident that the Teachers Service Commission is responsible for the registration, recruitment and employment of registered teachers in the country.

b) The Teachers Service Commission Act, 2012.

Part III of the Act provides for the registration and discipline of teachers by the Commission. It provides for, among others—

- i) registration of teachers;
- ii) qualifications for registration as a teacher;
- iii) grounds for refusal to register a teacher;
- iv) discipline of registered teachers; and
- v) compliance with teaching standards.

As such, the Teachers Service Commission is mandated under the Constitution and Teachers Service Commission Act, 2012 to deal with all matters related to registered teachers.

c) The Early Childhood Education Act, 2021

i) Part V of the Act provides for the administration of the Early Childhood Education System.

Section 37 of the Act provides for the management of early childhood education within a county as follows—

- (1) Each county government shall be responsible for the overall governance and management of early childhood education centres within the respective county.*
- (2) The county executive committee member in each county shall, in consultation with the County Education Board, determine the early childhood education resource and infrastructure requirements within the County.*

ii) Registration and Recruitment of Early Childhood Education Teachers

Pre-primary education is a function of the county governments under paragraph 9 of Part 2 of the Fourth Schedule to the Constitution. Consequently, the county governments are responsible for developing and maintaining the infrastructure and providing learning materials for pre-primary education.

d) The Early Childhood Education Act, 2021

Section 38 on the recruitment of early childhood teachers provides as follows—

- (1) The county government shall be responsible for the—*
 - b. recruitment and professional development of early childhood education teachers in public education centres within the county; and*
 - c. maintenance of a register of early childhood education teachers recruited by it under paragraph (a).*
- (2) The county government shall pay to early childhood education teachers employed in public education centres within the county, such remuneration as it shall, in consultation with the Salaries and Remuneration Commission, determine.*

The county governments have the power to recruit Early Childhood Education teachers but must only recruit early childhood education teachers registered with the Teachers Service Commission within its constitutional mandate as held by the court in *Kenya National Union of Teachers v Attorney General & 4 others [2016] eKLR*.

e) The Employment Act

Section 5 (2) and (3) of the Employment Act on discrimination in employment, provides as follows—

(2) An employer shall promote equal opportunity in employment and strive to eliminate discrimination in any employment policy or practice.

(3) No employer shall discriminate directly or indirectly, against an employee or prospective employee or harass an employee or prospective employee—

(a) on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, marital status or HIV status;

(b) in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment.

Under section 35 of the Act, where the contract is to pay wages or salary periodically at intervals of or exceeding one month, a contract terminable by either party at the end of the period of twenty-eight days next following the giving of notice in writing.

Under section 36 on the termination in lieu of notice, either of the parties to a contract of service, may terminate the contract without notice upon payment to the other party of the remuneration which would have been earned by that other party, or paid by him as the case may be in respect of the period of notice required to be given.

Section 45 on unfair termination provides—

(a) an employer shall not terminate the employment of an employee unfairly;

(b) termination of employment by an employer is unfair if the employer fails to prove—

(i) that the reason for the termination is valid;

(ii) that the reason for the termination is a fair reason—

- i. related to the employee's conduct, capacity or compatibility; or
- ii. based on the operational requirements of the employer; and

(c) that the employment was terminated in accordance with fair procedure.

CHAPTER THREE: COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

3.1 Committee Observations

Following the Committee's engagement with the Petitioners, the Governors of both Nyamira and Uasin Gishu Counties and their County Public Service Boards regarding the Petitions and subsequent deliberations, the Committee made the following observations -

1. That there was a Schemes of Service for ECDE Teachers that had been approved by the Council of Governors for counties to implement, and that the Senate needed to follow up on the implementation;
2. The Scheme of Service provided for the pay structures of the ECDE Teachers at different levels and the framework upon which they should be engaged;
3. That Nyamira and Uasin Gishu Counties are among the 23 counties that have made little effort in implementing the proposed ECDE reforms and this will significantly affect the quality of education in the county in the future;
4. That both Counties had put the ECDE teachers on contractual terms with Uasin Gishu paying them very low monthly salary of Kshs.10,000. This was later increased to Kshs.13,000. The teachers had no other benefits;
5. That ECE forms the foundation of a child, and as counties strive to improve ECDE infrastructure, other components needed to make ECDE a success, like child nutrition and the welfare of teachers should not be ignored;
6. That ten years into Devolution, the plight of ECDE Teachers still remains unaddressed.

3.2 Committee Recommendations

The Committee therefore recommends that -

1. The Council of Governors should submit, to the Committee, within 7 days after tabling of this report, a copy of the approved ECDE teachers Scheme of Service that was forwarded to Counties for implementation, together with the accompanying Resolutions of the Council of Governors (COG) dated 5th July, 2022, *vide* communication Ref. COG/6/39 Vol. 13(94);
2. The Senate, within 7 days of receiving the ECDE teachers Schemes of Service, should adopt the document;
3. The COG should submit an implementation status report on the ECDE Schemes of Service of each county within 30 days after the tabling of this report;
4. The COG should subsequently be submitting quarterly, an implementation status Report on the ECDE Schemes of Service of all counties to the Senate Standing Committee of Labour and Social Welfare;

5. Both Nyamira and Uasin Gishu Counties, should within 30 days, submit a comprehensive report on the progress of implementation of the Schemes of Service, which should include documentary evidence of budgetary provisions, recruitment processes, among other things; and,
6. The County governments should fully implement the ECDE No. 3 of 2021 Act.

APPENDIX A: MINUTES OF THE SITTINGS ON NYAMIRA PETITION

MINUTES OF THE 21ST MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON FRIDAY, 13TH MAY 2022 AT 12.00 NOON IN BONI CONFERENCE ROOM, PRIDE INN HOTEL, MOMBASA COUNTY.

MEMBERS PRESENT

1. **Sen. Naomi Masitsa Shiyonga** - **Member (Ag. Chair)**
2. **Sen. Johnes Mwaruma** - **V. Chairperson**
3. **Sen. (Dr.) Milgo Alice** - **Member**
4. **Sen. Makori Beatrice Kwamboka, CBS** - **Member**
5. **Sen. Paul Mwangi Githiomi** - **Member**

ABSENT WITH APOLOGIES

1. **Sen. Johnson Sakaja, CBS** - **Chairperson**
2. **Sen. Madzayo Stewart Mwachiru, CBS** - **Member**
3. **Sen. Susan Kihika** - **Member**
4. **Sen. (Dr.) Isaac Mwaura, CBS** - **Member**

SENATE SECRETARIAT

1. **Ms. Mwanate Shaban** - **Senior Clerk Assistant**
2. **Ms. Marale Sande** - **Principal Research Officer**
3. **Mr. Ruben Kimosop** - **Principal Serjeant-At-Arms**
4. **Mr. Jonathan Lemurt** - **Fiscal Analyst**
5. **Mr. Kevin Kibet** - **Clerk Assistant/HO**
6. **Mr. Jeremy Chabari** - **Legal Counsel**
7. **Mr. Humphrey Ringera** - **Research Officer**
8. **Mr. Frank Mutulu** - **Media Relations Officer**
9. **Ms. Roselyne Omanyanya** - **Secretary, Deputy Clerk's Office**
10. **Ms. Anne Mumbi** - **Committee's Accountant**
11. **Ms. Rita Chudi** - **Office Assistant**
12. **Ms. Fatuma Abdi** - **Audio Officer**

MINUTE SEN/SCLSW/91/2022: PRELIMINARIES

The Ag. Chairperson called the meeting to order at 12.00 pm. followed by a word of prayer.

MINUTE SEN/SCLSW/92/2022: ADOPTION OF THE AGENDA

The agenda of the Meeting was adopted after it was proposed by Sen. Beatrice Makori Kwamboka, MP and seconded by Sen. Paul Mwangi Githiomi, MP as follows-

AGENDA

1. Preliminaries (Prayers);
2. Adoption of the Agenda;
3. **Consideration and Adoption of the Report on the Petitions concerning the plight of ECDE Teachers in Nyamira and Uasin Gishu Counties;** and,
4. Any Other Business & Adjournment.

MINUTE SEN/SCLSW/93/2022: CONSIDERATION OF THE REPORT ON THE PETITION CONCERNING THE PLIGHT OF ECDE TEACHERS IN NYAMIRA AND UASIN GISHU COUNTIES

1. Members observed that Nyamira and Uasin Gishu Counties are among the 23 counties that have made little effort in implementing the proposed ECDE reforms and this will significantly affect the quality of education in the county in the future.
2. Members also noted that there had been a Schemes of Service that had been rolled out by the Council of Governors for all counties to start implementing, and therefore deliberated on ways to ensure that that document is properly received and adopted by the Senate so that Senate may follow up on the implementation with the County Governments;
3. The Committee therefore recommended as follows -
 - (i) That the Council of Governors (CoG) should submit a copy of ECDE Teachers' schemes of service within 7 days after tabling of the report;
 - (ii) That the Senate within 7 days of receiving the ECDE Teachers Schemes of Service should adopt the document and communicate to the COG to then be submitting a quarterly implementation status Report of all counties;
 - (iii) That the CoG should submit an ECDE implementation status report of each county within 30 days after tabling of this report;
 - (iv) That Nyamira and Uasin Gishu County Governments, apart from ensuring that their recruitment processes for ECDE Teachers to permanent and Pensionable terms are competitive, free and fair, they should also submit to the Committee a comprehensive progress report on their ECDE Teachers Schemes of Service implementation status within 30 days; and
 - (v) That County governments fully implement the ECDE No. 3 of 2021 Act.

The Report on the Petition concerning the plight of ECDE Teachers in Nyamira and Uasin Gishu Counties was adopted after being proposed by Sen. (Dr.) Alice Chepkorir Milgo, MP and seconded by Sen. Beatrice Makori Kwamboka, CBS, MP.

**MINUTE SEN/SCLSW/94/2022: ANY OTHER BUSINESS AND
ADJOURNMENT**

There being no other business, the meeting was adjourned at 1.20 p.m.



SIGNATURE:

**SEN. NAOMI SHIYONGA, MP
FOR: (CHAIRPERSON: SEN. JOHNSON SAKAJA, MP, CBS)**

DATE: 14TH MAY, 2022

MINUTES OF THE 17TH (ZOOM ONLINE) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON THURSDAY, 24TH MARCH, 2022 AT 10.00 AM.

MEMBERS PRESENT

1. **Sen. Johnes Mwaruma** - **V. Chairperson (Ag. Chair)**
2. **Sen. Makori Beatrice Kwamboka, CBS** - Member
3. **Sen. Naomi Masitsa Shiyonga** - Member
4. **Sen. (Dr.) Milgo Alice Chepkorir** - Member

ABSENT WITH APOLOGIES

1. **Sen. Johnson Sakaja, CBS** - **Chairperson**
2. **Sen. Madzayo Stewart Mwachiru, CBS** - Member
3. **Sen. Susan Kihika** - Member
4. **Sen. Paul Mwangi Githiomi** - Member
5. **Sen. (Dr.) Isaac Mwaura, CBS** - Member

IN ATTENDANCE

1. **Sen. Okongo Omogeni** - Senator, Nyamira County
2. **Hon. Amos Nyaribo** - Governor, Nyamira County
3. **Ms. Anne Mwasi** - CEO/Secretary, Nyamira County Public Service Board (CPSB)
4. **Mr. Peter Kereri** - Chairman, Nyamira County Public Service Board
5. **Ms. Mellen Onchwari** - Chairperson, Nyamira ECDE Teachers Association
6. **Ms. Linet Momanyi** - Secretary-General, Nyamira ECDE Teachers Association
7. **Ms. Jackline Barongo** - Petitioner
8. **Mr. Enock Omwando** - Petitioner
9. **Ms. Beatrice Chepkoech** - Petitioner
10. **Mr. Edward Onyancha** - KBC Minto FM

SENATE SECRETARIAT

1. **Ms. Mary Chesire** - Deputy Director Committee Services
2. **Ms. Mwanate Shaban** - Clerk Assistant
3. **Mr. Kevin Kibet** - Clerk Assistant/HO
4. **Ms. Marale Sande** - Senior Research Officer
5. **Mr. Jeremy Chabari** - Legal Counsel
6. **Ms. Fatuma Abdi** - Audio Officer
7. **Mr. Ruben Kimosop** - Serjeant-At-Arms
8. **Ms. Lilian Onyari** - Fiscal Analyst

MINUTE SEN/SCLSW/74/2022: PRELIMINARIES

The Vice-Chairperson called the meeting to order at 10.25 am. followed by a word of prayer. This was followed by introductions by all present.

MINUTE SEN/SCLSW/75/2022: ADOPTION OF THE AGENDA

The agenda of the Meeting was adopted after it was proposed by Sen. Beartrice Makori Kwamboka, MP and seconded by Sen. (Dr.) Alice Milgo, MP as follows-

1. Preliminaries (Prayers & Introductions);
2. Adoption of the Agenda;
3. **Meeting the County Government of Nyamira and County Public Service Board of Nyamira to consider Petition regarding the plight of ECDE Teachers in Nyamira; and,**
4. Any Other Business & Adjournment.

MINUTE SEN/SCLSW/76/2022: MEETING THE COUNTY GOVERNMENT OF NYAMIRA AND COUNTY PUBLIC SERVICE BOARD OF NYAMIRA TO CONSIDER PETITION REGARDING THE PLIGHT OF ECDE TEACHERS IN NYAMIRA

a) Presentation by the Governor of the the County Government of Nyamira

The Governor of Nyamira, Hon. Nyaribo presented as follows;

i) On the Claim of unlawful termination

1. He stated that a total pf 408 ECDE teachers were employed on a three-year contract on 1st May, 2014 which had been clearly stated on their letters of offer.
2. He added that the first contract expired on 31st April, 2017 and subsequently, 398 teachers got a renewal of another 3- year contract which took effect from 1st July 2017.
3. The second contracts expired on 30th June 2020 and as required by law, they were duly notified about the expiry of their contracts. The petitioners' claim of unlawful termination of the ECDE teachers is therefore not true.

ii) On the Claim of discriminatory remuneration of ECDE teachers

1. He stated that during the first 3 years of service, the ECDE teachers were paid a cumulative monthly stipend according to their qualifications as follows;
 - Certificate holders- Kshs.11,500
 - Diploma holders- Kshs.13,500
2. He added that upon expiry of the first 3 year contract, a contract renewal was done and their pay was revised up by 40% as follows;
 - Certificate holders- Ksh.14,950
 - Diploma holders- Kshs.17,550

3. He mentioned that the rate was arrived at by the county executive in consultation with the County Public Service Board and as advised by the Salaries and Remuneration Commission (SRC).

iii) On the Claim of terming teachers as ghost workers

He stated that this was a false claim since no teachers have been termed as ghost workers leading to termination and removal from the payroll. The county had no records of any teachers that have died due to depression.

iv) On the Claim of disparities in payment of pension by LAPFUND and payment of gratuity

1. He stated that the County government of Nyamira had three gratuity/pension service providers namely LAPFUND and LAPTRUST or CPF. The service providers have different investment modules. The disparities in the service gratuity/pension pay-outs received from the service providers upon lapsing of the teachers' contracts comes down to differences among the fund managers' investment modules and interest accumulation disparities among the individual pension fund managers.
2. He noted that all the employees were encouraged to identify a fund manager of their choice among the existing service providers. The disparities arose when the two fund managers made pay-outs that differed with those paid lesser amounts complaining. Further, this matter goes to negate the claim of non-payment of gratuity/pension.

V) On Taking teachers on permanent and pensionable terms

1. He stated that the county government of Nyamira received communication on the resolutions of the Council of Governors (COG) dated 5th July, 2022 vide communication Ref. COG/6/39 vol 13(94) which shared and owned the approved ECDE Teachers scheme of service to be adopted by all the counties and asked that counties provide additional resources in the 2022/2023 financial year for its implementation.
2. He noted that in the first supplementary budget of 2021/2022, funds had been appropriated to recruit the first 600 ECDE teachers on permanent and Pensionable terms. The cabinet has advised on the same and the County Public Service Board has commenced the recruitment process. A budget request has been included in the financial year 2022/2023 towards recruitment of more teachers on permanent and pensionable terms.
3. On the demand that the phase 1 teachers be on-boarded on permanent and pensionable terms unconditionally, negates the Constitutional requirements of free and fair competitive recruitment process.

b) Members' Interventions.

1. Members requested that the ECDE teachers recruited during phase 1 be given priority during the upcoming recruitment of ECDE teachers on permanent and pensionable terms.
2. Members sought to be informed if the phase 1 ECDE teachers had been paid their salary arrears and gratuity for the period they had served before expiry of their contracts.
3. Members sought to know when the county government of going to start implementing the ECDE Teachers scheme of service.
4. Members sought to know why the contracts of the phase 1 ECDE teachers were not renewed.
5. Members sought to know if the phase 1 ECDE teachers were registered by the Teachers Service Commission.
6. Members noted that Nyamira County is among the 23 counties that have made little effort in implementing the proposed ECDE reforms and this will significantly affect the quality of education in the county in the future.

c) Responses by the Nyamira County Government

1. The Governor stated that the phase 1 ECDE Teachers shall be given fair and equal opportunity during the upcoming recruitment for permanent and pensionable terms.
2. The county government was in the process of clearing all the salary arrears; the county paid Kshs.38 Million in May 2022, Kshs.35 million to be paid in March 2022 and a balance on Kshs.25 million will be paid in the next financial year.
3. The County government stated that gratuity is paid by fund managers such as LAPFUND and LAPTRUST and they have no records on the payment
4. The Governor stated that the county has started implementing the scheme of service as outlined by the Council of Governors and Salaries and Remuneration Commission guidelines.
5. The contracts of the phase 1 ECDE teachers were not renewed since they lapsed during the COVID-19 outbreak and schools were closed.
6. The County Government of Nyamira only employed ECDE teachers who are registered by the TSC.

MINUTE SEN/SCLSW/77/2022: ANY OTHER BUSINESS AND ADJOURNMENT

There being no other business, the meeting was adjourned at 11.58 a.m.



SIGNATURE:.....

**SEN. MWARUMA JOHNES, MP,
FOR: (CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

DATE: WEDNESDAY, 30TH MARCH, 2022

MINUTES OF THE 16TH MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON THURSDAY, 17TH MARCH 2022 AT 10.00 AM IN CONFERENCE ROOM PENTHOUSE 2B, ENGLISHPOINT MARINA HOTEL, MOMBASA COUNTY.

MEMBERS PRESENT

- | | |
|---------------------------------------|-------------------------|
| 1. Sen. Johnson Sakaja, CBS | - Chairperson (Virtual) |
| 2. Sen. Johnes Mwaruma | - V. Chairperson |
| 3. Sen. Madzayo Stewart Mwachiru, CBS | - Member |
| 4. Sen. Makori Beatrice Kwamboka, CBS | - Member |
| 5. Sen. Naomi Masitsa Shiyonga | - Member |
| 6. Sen. (Dr.) Milgo Alice Chepkorir | - Member |
| 7. Sen. Susan Kihika | - Member (Virtual) |

ABSENT WITH APOLOGIES

- | | |
|---------------------------------|----------|
| 1. Sen. Paul Mwangi Githiomi | - Member |
| 2. Sen. (Dr.) Isaac Mwaura, CBS | - Member |

IN ATTENDANCE

1. Ms. Mellen Onchwari - Chairperson, Nyamira ECDE Teachers Association
2. Ms. Linet Momanyi - Secretary-General, Nyamira ECDE Teachers Association
3. Mr. Enock Omwando - Member
4. Ms. Beatrice Chepkoech- Member

SENATE SECRETARIAT

- | | |
|-----------------------|------------------------------|
| 1. Ms. Mwanate Shaban | - Clerk Assistant |
| 2. Mr. Kevin Kibet | - Clerk Assistant/HO |
| 3. Ms. Marale Sande | - Principal Research Officer |
| 4. Mr. Jeremy Chabari | - Legal Counsel |
| 5. Mr. Frank Mutulu | - Media Relations Officer |
| 6. Ms. Sakina Halako | - Secretary, DCOM's Office |
| 7. Ms. Rose Omboke | - Office Assistant |
| 8. Ms. Fatuma Abdi | - Audio Officer |
| 9. Mr. John Pere | - Serjeant-At-Arms |
| 10. Ms. Lilian Onyari | - Fiscal Analyst |

MINUTE SEN/SCLSW/70/2022: PRELIMINARIES

1. The Chairperson called the meeting to order at 10.18 am. followed by a word of prayer. This was followed by introductions from all present.
2. The Committee was informed that invitation letters had been sent out to the Nyamira County Governor and the County Public Service Board but no communication had been received.

MINUTE SEN/SCLSW/71/2022: ADOPTION OF THE AGENDA

The agenda of the Meeting was adopted after it was proposed by Sen. Beartrice Makori Kwamboka, MP and seconded by Sen. Johnes Mwaruma, MP as follows-

AGENDA

1. Preliminaries (Prayers & Introductions);
2. Adoption of the Agenda;
3. **Meeting petitioners, County Government of Nyamira and County Public Service Board of Nyamira to consider Petition regarding the plight of ECDE Teachers in Nyamira;** and,
4. Any Other Business & Adjournment.

MINUTE SEN/SCLSW/72/2022: MEETING PETITIONERS, COUNTY GOVERNMENT OF NYAMIRA AND COUNTY PUBLIC SERVICE BOARD OF NYAMIRA TO CONSIDER PETITION REGARDING THE PLIGHT OF ECDE TEACHERS IN NYAMIRA

a) Presentation by the Petitioners

The Petitioners presented as follows;

1. That there have been cases of unfair labour practices by the Nyamira County Government against ECDE teachers. A case in point is where the ECDE teachers employed in the year 2014 were unlawfully terminated after serving for six years;
2. That there has been arbitrary stoppage of stipend and emoluments entitled to ECDE teachers. This has led to discriminatory practices on remuneration of the teachers, which in turn has resulted to poor performance and resignation of teachers;
3. That there have been disparities in payment of pension from Lapfund and no gratuity has been paid to teachers terminated by the county government.
4. That none of the ECDE teachers have been confirmed on permanent and pensionable terms by the Nyamira County Government since the inception of the Scheme of Service for ECDE teachers and ECDE Act of 2018.
5. That the Petitioners have made efforts to have their concerns addressed by the Nyamira County Assembly without success.
6. None of the issues raised in this petition is pending in any court of law

The Petitioners therefore pray that the Senate intervenes in the matter with a view to: -

- 1) Recommending that the ECDE teachers who were unlawfully terminated, are employed on permanent and pensionable terms by the Nyamira County in accordance with the Salary and Remuneration Commission (SRC) guidelines.
- 2) Recommending that the ECDE teachers whose contracts were illegally terminated to be fully compensated by the Nyamira County Assembly.
- 3) The county government to explain the reasons behind termination of over 400 ECDE teachers who were terminated on 30th June, 2020.

b) Members' Interventions.

1. Members asked the Petitioners to share their letters of appointment as well as termination letters with the Committee.
2. Members sought to know the petitioners' terms of employment.
3. Members sought to know if there are any pending payments, such as gratuity or salaries.
4. Members decried the state of ECDE training in Nyamira County since a large number of ECDE teachers had been laid off by the county government.
5. Members inquired if the ECDE teachers/petitioners are trained, qualified and registered by the Teachers Service Commission (TSC).

c) Responses by the Petitioners.

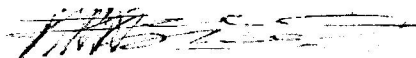
1. The Petitioners stated that they were on a 3-year renewable contract that was only renewed once.
2. The Petitioners informed the meeting that they had not been paid their gratuity.
3. The petitioners presented that all the members of the Nyamira ECDE Association are well trained and registered by the TSC.

d) Way Forward

The Committee resolved to invite the County Government of Nyamira including the County Public Service Board to a meeting the following week.

**MINUTE SEN/SCLSW/73/2022: ANY OTHER BUSINESS AND
ADJOURNMENT**

There being no other business, the meeting was adjourned at 11.03 a.m.



SIGNATURE:

**SEN. MWARUMA JOHNES, MP,
FOR: (CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

DATE: WEDNESDAY, 30TH MARCH, 2022

APPENDIX B: MINUTES OF THE SITTINGS ON UASIN GISHU PETITION

MINUTES OF THE 19TH (ZOOM ONLINE) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON THURSDAY, 12TH MAY, 2022 AT 10.00 AM.

MEMBERS PRESENT

1. **Sen. Johnes Mwaruma** - **V. Chairperson (Ag. Ch.)**
2. **Sen. (Dr.) Milgo Alice** - **Member**
3. **Sen. Makori Beatrice Kwamboka** - **Member**
4. **Sen. Naomi Masitsa Shiyonga** - **Member**

ABSENT WITH APOLOGIES

1. **Sen. Johnson Sakaja, CBS** - **Chairperson**
2. **Sen. Madzayo Stewart Mwachiru, CBS** - **Member**
3. **Sen. Paul Mwangi Githiomi** - **Member**
4. **Sen. Susan Kihika** - **Member**
5. **Sen. (Dr.) Isaac Mwaura, CBS** - **Member**

IN ATTENDANCE

1. **Hon. Jackson Mandago** - **Governor, Uasin Gishu County**
2. **Ms. Francisca Bowen** - **Chairperson, County Public Service Board (CPSB)**
3. **CPA William Koech** - **Secretary, CPSB**
4. **Ms. Jane Njuguna** - **Chief Officer Education, Culture & Social services**
5. **Mr. Paul Lagat** - **Vice-Chairperson, CPSB**
6. **Ms. Emmy Morogo** - **Chairperson, Uasin Gishu ECDE Teachers Association**
7. **Ms. Betty Koech** - **Secretary-General, Uasin Gishu ECDE Teachers Association**
8. **Ms. Christine Chelagat** - **Petitioner**

SENATE SECRETARIAT

1. **Ms. Mwanate Shaban** - **Senior Clerk Assistant**
2. **Mr. Kevin Kibet** - **Clerk Assistant**
3. **Ms. Marale Sande** - **Senior Research Officer**
4. **Ms. Fatuma Abdi** - **Audio Officer**
5. **Mr. Frank Mutulu** - **Media Relations Officer**
6. **Mr. Lemurt Jonathan** - **Fiscal Analyst**
7. **Ms. Lilian Onyari** - **Fiscal Analyst**
8. **Mr. Ruben Kimosop** - **Serjeant-At-Arms**

MINUTE SEN/SCLSW/83/2022: PRELIMINARIES

The Vice-Chairperson called the meeting to order at 10.23 am. followed by a word of prayer.

MINUTE SEN/SCLSW/84/2022: ADOPTION OF THE AGENDA

The agenda of the Meeting was adopted after it was proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Masitsa Naomi Shiyonga, MP as follows-

AGENDA

1. Preliminaries (Prayers & Introductions);
2. Adoption of the Agenda;
3. Meeting petitioners, County Government of Uasin Gishu and County Public Service Board of Uasin Gishu to consider Petition regarding the plight of ECDE Teachers in Uasin Gishu; and,
4. Any Other Business & Adjournment.

MINUTE SEN/SCLSW/85/2022: MEETING PETITIONERS, COUNTY GOVERNMENT OF UASIN GISHU AND COUNTY PUBLIC SERVICE BOARD OF UASIN GISHU TO CONSIDER PETITION REGARDING THE PLIGHT OF ECDE TEACHERS IN UASIN GISHU

a) Presentation by the Petitioners

The Petitioners presented as follows;

i.) Unfair Labour Practices and non-confirmation of ECDE teachers

They stated that they had been discriminated since their time of employment from 2014 to 2019. They informed the meeting that they had been on contract since 2014 yet their counterpart employees in the departments of enforcement, revenue and environment have been confirmed on permanent and pensionable terms.

ii.) Non-implementation of ECDE stakeholder agreement requiring county government to allocate 25% of its budget to ECDE

They informed the meeting that the Council of Governors, on 10th August, 2021, agreed to ensure that 25% of the budget was to be allocated to ECDE in a bid to improve the terms of ECDE teachers. However, Uasin Gishu County has not implemented this.

iii.) Poor Remuneration

They presented that since time of employment to 1st January, 2022, they have been receiving Kshs.10,000 regardless of their qualifications. The county was compelled to increase the wages to Kshs.13,000 after the ECDE teachers filed a Petition in the Senate.

They added that the poor pay has negatively affected their productivity and has resulted in non-performance, resignation and brain drain.

iv.) Failure to be paid Allowances

They stated that they have not been receiving any allowances such as house allowance and commuter allowance.

v.) Delay of Salaries

1. They informed the Committee that the county government delays salaries for two to three months, especially in the months of June to August without any explanation for the delay.
2. They stated that they have explored all avenues to resolve the disputes with no success.
3. They added that the issues in the petition have not been filed or pending any determination in any court of law.

The Petitioners therefore prayed that the Senate intervenes in the matter with a view to:

1. Initiate an investigation on matters concerning ECDE teacher's welfare by interrogating the county secretary, county public service board and other relevant stakeholders;
2. Recommend confirmation of employment of ECDE teachers who meet criteria of employment on permanent and pensionable terms;
3. Recommend the implementation of the ratified scheme of service;
4. Recommend improvement of ECDE teachers welfare and adherence to the law; and
5. Recommend adherence to ECDE policy guidelines.

b) Presentation by the County Government of Uasin Gishu

1. The County government has not received any formal complaint from ECDE teachers but he is aware of remuneration issues affecting the ECDE teachers;
2. The County has been experiencing budgetary constraints since 2013 and it has not been able to allocate adequate resources for payment of ECDE teachers;
3. The County is currently putting in place a framework to employ ECDE teachers on Permanent and pensionable terms and ensuring they are correctly placed according to the new scheme of service;
4. The County has allocated money in the financial year 2022/2023 to facilitate absorption of ECDE teachers on permanent and pensionable terms; and
5. Delay of salaries happens at the close of every financial year and it affects all public service staff across all counties.

c) Members' Interventions

1. Members sought to be apprised on why and when the Uasin Gishu County Government has not implemented the Scheme of Service developed by the Council of Governors (CoG), Salaries and Remuneration Commission (SRC) and the Teachers' Service Commission.
2. As Members praised the Uasin Gishu County Government for investing on ECDE infrastructure, they however raised concerns that those efforts will be counterproductive if there is no improvement on ECDE human resource.
3. Members stated that ECDE is a critical formative stage in the education system and thus, counties should be firm by prioritising efforts to improve quality of ECDE through proper remuneration of teachers.
4. Members urged Uasin Gishu County government to advertise the ECDE teachers' jobs to give equal opportunity to interested candidates and to help in avoiding audit queries, but should prioritise those currently on contract.

d) Responses by the Governor and the County Public Service Board

1. The County Government stated that they intend to employ ECDE teachers on permanent and Pensionable terms beginning the 2022/2023 financial year since the cost has been factored in the budget;
2. The county public service board is currently reviewing documents of the ECDE teachers currently employed on contract terms to ensure they meet the criteria as outlined by the Teachers' Service Commission Act before changing their terms to permanent and pensionable terms;
3. Uasin Gishu County has received a scheme of service ratified by the Council of Governors (CoG), Salaries and Remuneration Commission (SRC) and the Teachers' Service Commission and it will begin its implementation in the 2022/2023 financial year; and
4. The Governor suggested that ECDE teacher recruitment and remuneration should be returned to the Teachers' Service Commission since the function was given to the counties but money for that function was not devolved.

MINUTE SEN/SCLSW/86/2022: ANY OTHER BUSINESS AND ADJOURNMENT

There being no other business, the meeting was adjourned at 11.35 a.m.

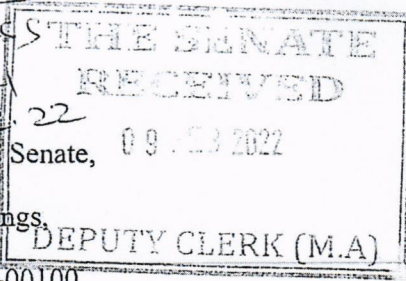


SIGNATURE:

**SEN. NAOMI SHIYONGA, MP
FOR: (CHAIRPERSON: SEN. JOHNSON SAKAJA, MP, CBS)**

DATE: 13TH MAY, 2022

② Mr. Charis
please process



The Clerk Of The Senate, 09.02.22

09 FEB 2022

Parliament Buildings,

P.O. BOX 41842-00100,

NAIROBI.

EMAIL:cSenate@parliament.go.ke

① DLPS
Please deal.
9/2/22

REF: PETITION TO THE SENATE PURSUANT TO A RTICLE 119 OF THE ORDERS CONCERNING THE RECRUITMENT, RENUMERATION , TERMINATION OF EARLY CHILDHOOD DEVELOPMENT TEACHERS IN NYAMIRA COUNTY AND RELATED ISSUES.

We, the undersigned citizens of the Republic of Kenya and residents of Nyamira and members of Nyamira Early Childhood Development (ECD) Teachers Association of Nyamira County in Nyanza region;

Draw the attention of the Senate the following;

1. THAT, we are the residents of Nyamira County.
2. THAT, We a aforementioned belong to the ECD teachers Association of Nyamira County and reside Nyamira County.
3. THAT, we have had issues of unfair Labour practice by the Nyamira County Government ranging from unlawful Termination and remuneration by the following contentious issues;
 - 3.1 ECDE teachers who were first employed in 2014 as phase one Lot were terminated unlawfully after serving for six(6) years contravening Article 41 of the Labour and Relation Act.
 - 3.2 Discriminatory remuneration of teachers that has really affected service delivery to respective centres.
 - 3.3 Teachers who were termed as ghost workers were terminated and deleted from the payroll, this leads to psychological torture amongst many teachers who were graduated in various colleges but in return become demoralized and demotivated and others have died due to depression.
 - 3.4 Disparities in payments of Pension from Lapfund and no gratuity has been paid since terminated by the County Government of Nyamira.
 - 3.5 Since then, there is no any teacher who has been confirmed on P& P by Nyamira County since the inception of scheme of service and the ECDE Bill, 2020.
4. THAT, we have made every effort to address the above issues through the County Assembly by writing a petition dated 23th 09 2021 to Nyamira, County Assembly, County Department of Education&VTC and but all in vain.

③ Mr. Abdurahman.
Kindly review and facilitate the Petition.
D. Charis
10/02/2022

N.E.T.A
P.O. BOX 18 NYAMIRA.
DATE: 7/2/22

09 FEB 2022

5. THAT, none of the issues raised in this petition is pending in any Court of Law, constitutional or any Legal body.

WHEREFORE, Your humble petitioners pray that the Senate;

1. Investigate, conduct and inquest deeply into the matter and other matters touching on ECD teachers welfare by interrogating the relevant organs tasks to addressed therein.
2. Recommendations
 - (a). Reinstatement and deployment of the Phase I ECDE Teachers who were unlawfully terminated, confirm them on permanent basis according as per SRC guidelines, by Nyamira County Government.
 - (b). Nyamira County to compensate all the staffs who were illegally terminated and those who are responsible be held culpable.
 - (c). The county government of Nyamira to explain the reasons behind termination of over 400 ECDE teachers who were terminated way back in the year 30th June 2020 after serving the county
3. ECDE personnel to be ECDE graduates who are ECD and technical compliant and not high school teachers who are not skilled in the sector
4. Employment of ECDE teachers should be done under strict adherence to existing Labour and relation Laws.

Dated this 4th Day of February, 2022.

	NAME	ADDRESS	ID NO.	SIGN
1.	MELLEN ONCHWARI	BOX 166-40500	10908485- Chair	<i>Mellen</i>
2.	LINET MOMANYI	BOX 18-40500	20940860-Sec	<i>Linnet</i>
3.	LINET NYAKUNDI	BOX 179-40500	21950277-Tr	<i>Linnet</i>
4.	IRENE MAINYE	BOX 32 -40500	24380810	<i>Irene</i>
5.	JELIAH GEKE	BOX 473-40500	11037577	<i>Jeliah</i>
6.	BEATRICE MAGARA	BOX 259 -40500	1014074	<i>Beatrice</i>
7.	GRACE ARISA	BOX 166-40500	0713950046	<i>Grace</i>
8.	ANN KEBASO	BOX 195-40500	0712106543	<i>Ann</i>
9.	SAMUEL NYAMBATI	BOX 246 -40500	0729583342	<i>Sammy</i>
10.	ALBERT ONSONGO	BOX 169-40500	0703146831	<i>Albert</i>

N.E.T.A
P.O. BOX 18, NYAMIRA.
DATE 7/2/22

[Handwritten Signature]

The Clerk of the Senate
Parliament Buildings
P.O. Box 41842 – 00100
NAIROBI
Email: cSenate@parliament.go.ke

**RE: PETITION TO THE SENATE CONCERNING THE RECRUITMENT AND
RENUMERATION OF EARLY CHILDHOOD DEVELOPMENT (ECD) TEACHERS IN
UASIN GISHU COUNTY**

We, the undersigned,

Citizens of the Republic of Kenya, and residents of Uasin Gishu County and members of Early Childhood Development (ECD) Teachers Association

DRAW the attention of the Senate to the following:

1. *Unfair labour practices.*

- 1.1 **THAT**, there is unlawful and discriminatory deployments ,recruitment and remuneration;
- 1.2 **THAT**, there has been inhumane transfer of teachers contravening article 41 (1) of the constitution of Kenya , 2010;
- 1.3 **THAT**, there has been non implementation of ECD stakeholders agreement requiring the county government to allocate 25% of its budget to Education sector; (Appendix1);

2. *Non Confirmation of the ECD Teachers.*

- 2.1 **THAT**, there has being no confirmation of ECD teachers since 2014;
- 2.2 **THAT**, the teachers have being working on contract basis since the year 2014 (Appendix 2);

3. *Poor remuneration.*

- 3.1 **THAT**, the county government have been paying the teachers a flat rate salary of Kshs 10,000 per month regardless of their education level and this has greatly affected productivity leading to non- performance, resignations and brain drain ;
- 3.2 **THAT**, there has been unprocedural stoppage of the ECD teachers stipends;

Petition to the Senate by [] concerning []

- 3.3 **THAT**, there has been delay in salary payment up to two to three months;
4. **THAT**, we have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.
5. **THAT**, none of these issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.

WHEREFORE, your humble petitioners pray that the Senate:

1. Initiate an Investigation on matters concerning ECD teachers' welfare by interrogating the county secretary, county public service board and other relevant parties;
2. Recommends confirmation of employment of ECD teachers below 50 years of age who meet criteria of employment on permanent and pensionable terms as per the public service board.
3. Recommends confirmation of ECD Teachers above 50 years on fixed contract terms until their mandatory retirement Age
4. Recommends the implementation of the scheme of service.
5. Recommends improvement of ECD Teachers welfare and adherence to the law;
6. Recommends adherence to ECD policy guidelines;

Dated this 18th day of November 2021.

No	NAME	ADDRESS	I.D. No.	SIGNATURE
	EMMY MOROGO	2689 KLD	24097593	[Signature]
	BETTY CHEBET	8099 ED	2533263	[Signature]
	CHRISTINE CHELAGAT	469 KLD	1320885	[Signature]
	ROSE OJUMBI	3916 ED	11201443	[Signature]
	REBECCA CHELIMO	7070 EL	21426457	[Signature]
	EUNICE BIRECH	1097 KLD	12637047	[Signature]
	IRENE KOGO	0728992979	20004805	[Signature]

2

Petition to the Senate by [

] concerning [

]

If presented by a Senator.

Counter signed by Senator xxxxxxxxxxxxxxxxxxxx, Senator for xxxxxxxxxxxxxxxx County.

Sen. xxxxxxxxxxxx
xxxxxxxxxxx,
Senator for xxxxxxxxx County

All ECDE Teachers To Serve Under Schemes Of Service

By Elmupedia author - August 19, 2021



All ECDE Teachers To Serve Under Schemes Of Service

The Ministry of Education and County governments have agreed to allocate 25% of the education budget to

The Agreement was reached by stakeholders who attended a validation workshop to discuss the Inquiry Report on the status of ECDE in the country.

Among those who attended were Nyeri Governor Mutahi Kahiga, who is the Council of Governors Education Committee chairman and the Chief Administrative Secretary (CAS) in the Ministry, Sarah Ruto.

Mutahi said ECDE was underfunded and called for support from the national government for more budgetary allocation to cater for different programmes including feeding.

Old contributory pension scheme (PS-PS) versus The new contributory pension scheme (PS-SS)

Old contributory pension scheme (PS-PS) Salary Grades with Striping % PS Deductions

New contributory pension scheme (PS-SS) Salary Grades with Striping % PS Deductions

Old contributory pension scheme (PS-PS) Salary Grades with Striping % PS Deductions

New contributory pension scheme (PS-SS) Salary Grades with Striping % PS Deductions

Old contributory pension scheme (PS-PS) Salary Grades with Striping % PS Deductions

Salaries of ECDE teachers start from ksh. 7,000, with the highest paying county paying ksh. 40,000. Most counties employ ECDE teacher on contract terms as opposed to permanent and pensionable terms. In some of the counties, teachers are entitled to house allowance, responsibility allowance and commuter allowances.

Counties That pay ECD Teachers Salaries Less Than ksh. 10,000

Baringo, Narok, Bomet, Kakamega, Vihiga, Uasin Gishu, Kilifi, Migori, Laikipia, Busia, Kiambu, Busia and Kericho.

In these counties, ECD certificate holders earn ksh. 7,500 while their Diploma counterparts earn ksh. 8,500.

Counties That pay ECD Teachers Salaries Between ksh. 10,000- ksh. 20,000

Makueni, Machakos, Isiolo, Marsabit, Murang'a, Nyeri, Makueni, Meru, Isiolo, Trans Nzola, Elgeyo Marakwet, Kisumu, Kwale, Kirinyaga, Mombasa, Transnzola, Nandi, Kisii and Nyamira, Siaya, Nairobi.

In these counties, certificate holders earn ksh. 10,000, diploma holders earn ksh. 12,200 while degree holders earn ksh. 15,000. siaya County also offers paid NHIF to its ECD Teachers.

An assistant ECDE teacher in Nairobi County earns a salary of between Ksh 15,620.00 to Ksh 19,160.00.

Counties That pay ECD Teachers Salaries More Than ksh. 20,000

Taita Taveta, Wajir, Bungoma, turkana, kajiado, mandera and Embu counties.

Mandera county ECD Teachers' Salaries

Certificate holders-ksh. 28,000

Diploma holders- ksh. 30,000

Untrained ECD teachers- ksh. 20,000

Kajiado county ECD Teachers' Salaries

Certificate holders- ksh. 24,000

Diploma- ksh. 27,000

degree holders- ksh. 35,000

Turkana County county ECD Teachers' Salaries

Diploma holders : ksh. 43,000

Certificate holders ksh. 37,000.

Job description of ECD Teachers

- Class teaching
- Organizing and facilitating play/learning activities for the learners;
- Caring and nurturing spiritual, moral, social, mental, physical, aesthetic and emotional growth of the learners (holistic development)
- Managing ECDE classes and keeping professional and administrative records (Schemes of work, lesson plans, daily programme of activities, attendance registers etc.) and ensuring learners' safety and security;
- Preparing and developing play/learning materials.

Qualifications to be an ECD Teacher

Kenyadmission

2021/2022 Kenya Admissions & Recruitment Portal

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Home » Teachers Service Commission TSC www.tsc.go.ke » TSC Employment Requirements 2021/2022

TSC Employment Requirements 2021/2022

By |

Teachers Service Commission TSC Employment Requirements 2021

TSC Employment Requirements 2021 – Teacher recruitment is done in accordance with the recruitment guideline issued by the Commission from time to time. The commission advertises the available vacancies and interested candidates submit the application forms to the County/Institutions where they would wish to be considered for employment.

To be employed by the Commission one must meet the following requirements;

1 Must be a Kenyan citizen

Must be 45 years of age and below

Must be registered as a teacher as stipulated in Section 23 of the Teachers Service Commission Act 2012.

B: Those registered but do not possess Certificates of Registration must attach a copy of online printout of TSC Number and original bank pay-in slip for teacher registration.

Original Professional and Academic Certificates which may include;

CPE/KCPE Certificate

KCE/KCSE Certificate

PTE Certificate

Diploma Certificate

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REPUBLIC OF KENYA
COUNTY GOVERNMENT OF UASIN GISHU
COUNTY PUBLIC SERVICE BOARD

Tel. NOs: 0774888866
Fax: +254-053-2062884
Website: www.uasingishu.go.ke
Email: cpsb@uasingishucounty.or



When Replying, Please Address to:
Secretary CP&B Uasin-Gishu County
P.O. Box 1175 - 30100
Eldoret, Kenya.

REF: UGC/PSB/ADM/VOL.I/114

Date: 31st December 2014

Rebecca Chelimo Kimutai
KIBULGENY ZONE

Dear Rebecca,

RE: EMPLOYMENT CONTRACT

We are pleased to offer you an appointment with Uasin Gishu County Government under the following Terms and Conditions of service.

Position Description

You will be engaged as an Early Childhood Development Education Teacher.

Date of Engagement and Duration of Contract

Your Employment will commence on 5th January 2015 for a period of Three years.

Place of Employment

You will be based at St. Patricks Primary School or in any other station the County Government may decide from time to time.

Remuneration

You will be paid a consolidated salary of Kshs. 10,000.00 per Month.

Other Terms

This contract will be governed by the Terms and Conditions of service as set by the County Government of Uasin Gishu from time to time.

Confidentiality

You undertake that at all times you will not divulge to any other parties any information whatsoever which you may acquire in the course of your employment.

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF UASIN GISHU
COUNTY PUBLIC SERVICE BOARD

Tel. NOs: 0774888866
Fax: +254-053-2062884
Website: www.uasingishu.go.ke
Email: cpsb@uasingishucounty.or



When Replying, Please Address to:
Secretary CPSB Uasin-Gishu Coun
P.O. Box 1175 - 30100
Eldoret, Kenya.

REF: UGC/CPSB/ADM/VOL.II/402


Date: 13th March, 2018

Rebecca Chelimo kimutai
ID. NO 21426454

EXTENSION OF EMPLOYMENT CONTRACT

This is to inform you that the County Public Service Board has extended your Contract Employment as an **ECDE Teacher** for a period of one (1) year with effect from 5th January, 2018

Other Terms and Conditions of Service remain the same.


Anne J. Koech (Mrs)
Ag. SECRETARY
COUNTY PUBLIC SERVICE BOARD.

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF UASIN GISHU
COUNTY PUBLIC SERVICE BOARD

Tel. NOs: 0774888866
Fax: +254-053-2062884
Website: www.uasingishu.go.ke
Email: cpsb@uasingishucounty.or



When Replying, Please Address to:
Secretary CPSB Uasin-Gishu Count
P.O. Box 1175 – 30100
Eldoret, Kenya.

REF: UGC/CPSB/ADM/VOL.II/601

Date: 10th April, 2019

Rebecca Chelimo Kimutai
ID. NO 21426454

EXTENSION OF EMPLOYMENT CONTRACT

This is to inform you that the County Public Service Board has extended your Contract Employment as an ECDE Teacher for a period of three (3) years with effect from 7th March, 2019

Other Terms and Conditions of Service remain the same.

Joywin S. Koech (Mrs)
Ag. SECRETARY
COUNTY PUBLIC SERVICE BOARD.

cc:

Chief Officer – Education, Culture and Social Services
Chief Officer-PSM

REPUBLIC OF KENYA
UASIN GISHU COUNTY
COUNTY PUBLIC SERVICE BOARD

Email: cpsb@uasingishucounty.go.ke

Tel. NOs: 0774888866

Fax: +254 053 2062884

Website: www.uasingishucounty.go.ke



When Replying, Please Address

to: Secretary CPSB
Uasin-Gishu County
P.O. Box 1175 - 30100
Eldoret, Kenya.

REF NO: UGC/CPSB/ADM/VOL.II/49

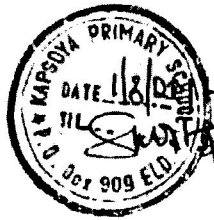
Date: 25TH FEBRUARY 2014

Emmy Chebungei,

Box 7327,

ELDORET

Dear Emmy,



RE: EMPLOYMENT CONTRACT

We are pleased to offer you an appointment with Uasin Gishu County Government under the following Terms and Conditions of service.

Position Description

You will be engaged as an Early Childhood Development Education Teacher.

Date of Engagement and Duration of Contract

Your Employment will commence on 1st March, 2014 for a period of Three years.

Place of Employment

You will be based at Kapsoya Primary School or in any other station the County Government may decide from time to time.

Remuneration

You will be paid a consolidated salary of Kshs. 10,000.00 per Month.

Other Terms

This contract will be governed by the Terms and Conditions of service as set by the County Government of Uasin Gishu from time to time.

Confidentiality

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REPUBLIC OF KENYA
COUNTY GOVERNMENT OF UASIN GISHU
COUNTY PUBLIC SERVICE BOARD

Tel. NOs: 0774888866
Fax: +254-053-2062884
Website: www.uasingishu.go.ke
Email: cpsb@uasingishucounty.or



When Replying, Please Address to:
Secretary CPSB Uasin-Gishu County
P.O. Box 1175 - 30100
Eldoret, Kenya.

REF: UGC/CPSB/ADM/VOL.II/391

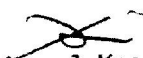
Date: 18th April, 2017

Emmy Chebungei
ID No. 24097593

EXTENSION OF EMPLOYMENT CONTRACT

This is to inform you that the County Public Service Board has extended your Contract Employment as **ECDE Teacher** for another period of one (1) year with effect from 1st March, 2017.

Other Terms and Conditions of Service remain the same.


Anne J. Koech (Mrs)
Ag. SECRETARY
COUNTY PUBLIC SERVICE BOARD.

cc: Chief Officer – Education, Culture, Youth, Social Services & Sports
Chief Officer – PSM
County Human Resource Manager

[The main body of the document contains several paragraphs of text that are extremely faint and illegible due to low contrast and heavy noise. The text appears to be a formal document or report.]

SECRETARY
GENERAL
OFFICE

REPUBLIC OF KENYA

COUNTY GOVERNMENT OF NYAMIRA

OFFICE OF THE GOVERNOR



Ref: NCG/GVN/EDU/SEN/VOL.1/1

Date: 21st March, 2022

STATEMENT BY:

Governor,

County Government of Nyamira

TO:

The Clerk of the Senate

Parliament Buildings

P.O BOX 41842-00100

NAIROBI

**RE: THE PLIGHT OF EARLY CHILDHOOD DEVELOPMENT EDUCATION (ECDE)
TEACHERS IN NYAMIRA COUNTY**

Reference is made to your communication dated 17th March 2022 vide letter REF: SEN/SCLSW/2022/29.

The County Government of Nyamira wishes to respond to the allegations made in the petition to the Senate on Recruitment, Remuneration, Termination of ECDE Teachers and other related issues as follows: -

3.1: CLAIM OF UNLAWFUL TERMINATION

Petition: *ECDE teachers who were first employed in 2014 as Phase 1 Lot were terminated unlawfully after serving for Six (6) years contravening Article 41 of the Labour and Relations Act*

Response:

A total of 408 ECDE teachers were employed on a three-year (3) contract on 1st May 2014 which was clearly stated on their letters of offer. The first contract expired on 31st April 2017 and subsequently 398 teachers got a renewal of another three-year contract which took effect from 1st July 2017. The same expired on 30st June 2020 and as required by law, they were duly notified about the expiry of their contracts. **The petitioners claim of unlawful termination of the ECDE Teachers is therefore not true.**

3.2: CLAIM OF DISCRIMINATORY RENUMERATION OF ECDE TEACHERS

Petition: *Discriminatory Remuneration of teachers that has really affected service delivery to respective centres.*

Response:

During the first 3 years of service, the ECDE Teachers were paid a cumulative monthly stipend according to their qualifications as follows;

- Certificate holders - Ksh. 11,500
- Diploma holders - Ksh. 13,500

Upon expiry of the first three-year contract, a contract renewal was done and their pay was revised up by 40% as follows;

- Certificate holders - Ksh. 14,950.
- Diploma holders - Ksh. 17,550.

This rate was arrived at by the County Executive in consultation with the County Public Service Board and as advised by SRC to decide on an amount as the scheme of service for Early Childhood Development Education Teachers, that could give direction on the terms of engagement, had not yet been developed at the time of the recruitment of this cadre. **Therefore, there has been NO discrimination in remuneration of the ECDE teachers.**

3.3: CLAIM OF TERMING TEACHERS AS GHOST WORKERS

Petition: *Teachers who were termed as ghost workers were terminated and deleted from the payroll, this leads to psychological torture amongst many teachers who were graduated in various colleges but in return become demoralized and demotivated and others have died due to depression.*

This is a false claim since no teachers have been termed as ghost workers leading to termination and removal from the payroll. The County has no records of any teachers that have died due to depression. **There is no known case of an ECDE teacher declared a 'Ghost worker'**

3.4: CLAIM OF DISPARITIES IN PAYMENT OF PENSION BY LAPFUND & PAYMENT OF GRATUITY

Petition: *Disparities in payment of pension from Lapfund and no gratuity has been paid since being terminated by the County Government of Nyamira.*

The County Government of Nyamira has had three gratuity/pension service providers namely LAP-Fund and LAP-Trust or CPF. The service providers have different investment modules. The disparities in the service gratuity/pension payouts received from the service providers upon lapsing of the teachers' contracts, comes down to differences among fund managers' investment modules and interest accumulation disparities among the individual pension fund managers. It must be noted that all the employees were encouraged to identify a fund manager of their choice among the existing service providers. The disparities arose when the two fund managers made pay-outs that differed with those paid lesser amounts complaining of the lesser amount, further this matter goes to negate the claim of non-payment of gratuity/pension.

3.5: TAKING TEACHERS ON PERMANENT AND PENSIONABLE TERMS


Petition: *Since then, there is no any other teacher who has been confirmed on P & P by Nyamira County since the inception of the Scheme of Service and the ECDE Bill in 2020.*

Response:

The County Government of Nyamira received communication on the resolutions of the Council of Governors dated 5th January 2022 Vide communication Ref. COG/6/39 Vol 13(94) which shared and owned the approved ECDE Teachers Scheme of service to be adopted by all counties and asked that Counties provide additional resources in the Financial Year 2022/2023 for the implementation of the scheme of service requirements.

Already in the first supplementary budget of Financial Year 2021-22 funds have been appropriated to recruit the first 600 ECDE Teachers on permanent and pensionable terms. The Cabinet has advised on the same and the County Public Service board has commenced the recruitment process. A budget request has been included in Financial year 2022/2023 towards recruitment of more teachers on P & P terms.

On the demand that the Phase 1 teachers be on-boarded on permanent and pensionable terms unconditionally, negates the constitutional requirements of free and fair competitive recruitment process.



H.E. AMOS K. NYARIBO
GOVERNOR
NYAMIRA COUNTY

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF UASIN GISHU

Tel. NOs:direct line:053-2016215
053-2016000
053-2016125

Fax: +254-053-2062884
Website:www.uasingishu.go.ke
Email:info@uasingishu.go.ke



When Replying, Please Address
to:

County Secretary
Uasin-Gishu County
P.O. Box 40 - 30100
Eldoret, Kenya.

REF: UGC/ADM.1/31/SENATE/2021/VOL.I/(18) DATE: 11 May, 2022

The Clerk of Senate,
Parliament Buildings,
P.O. Box 41842-00100,
NAIROBI.

Dear

**PETITION CONCERNING THE RECRUITMENT AND
REMUNERATION OF EARLY CHILDHOOD DEVELOPMENT
EDUCATION (ECDE) TEACHERS IN UASIN GISHU COUNTY**

Your letter No.SEN/SCLSW/2022/34 of 28 April, 2022 on the above subject
is in reference.

In response to your above referenced letter, the County Public Service Board
prepared a comprehensive report on the matters raised in the petition. Copy
is hereby attached for your action.

Thank you for your continued support.

Yours

Edwin Bett
**COUNTY SECRETARY/
HEAD OF COUNTY PUBLIC SERVICE**

Copy: H.E. Governor,

**COMPREHENSIVE RESPONSE TO THE PETITION CONCERNING THE
RECRUITMENT AND REMUNERATION OF EARLY CHILDHOOD
DEVELOPMENT EDUCATION TEACHERS IN UASIN GISHU COUNTY**

1. Unfair labour practices

1.1 That there has been unlawful and discriminatory deployment, recruitment and remuneration:

- Deployment of employees is the mandate of the County Government and a normal practice in public service to deploy staff to areas where their services are required,
- Uasin Gishu County is an equal opportunity employer and there has not been any reported case/cases of unlawful and discriminatory recruitment,
- The Government of Uasin Gishu is not aware of any unlawful and discriminatory remuneration. All ECDE teachers were employed on contract terms with a consolidated salary of Ksh 10,000 per month since 2014 and has currently been improved to Ksh. 13,000 per month.

1.2 There have been inhumane transfers contravening article 41(1) of the constitution of Kenya

- County Government like any other employer has the mandate to transfer her employees. The same is clearly stated in the employment contract, however deserving cases are considered. Annex 1.

1.3 Non implementation of ECDE stake holder's agreement

- The County Government of Uasin Gishu is not aware of any ECDE stakeholder's agreement.

2.0 Non confirmation of ECDE teachers

2.1 –

-ECDE Teachers were not confirmed because they were employed on contract terms

2.2 – That the teachers have been working on contract basis since the year 2014

- Applicable laws and policies used for recruitment in Uasing Gishu County define three types of engagement as; Casual, Contract and Permanent and Pensionable. All ECDE teachers were engaged on a renewable contract of 3 years with consolidated salary of Ksh 10,000 which has since been revised to Ksh 13,000.

3.0 – Poor remuneration

3.1 That the County Government has been paying the teachers a flat rate salary of Ksh. 10,000 a month regardless of their education level

-The County Government has employed 1,470 ECDE teachers with a wage bill of Ksh 176,000,000 per annum hence the county Government took into account affordability and sustainability. The ECDE teachers were therefore engaged on contract terms with a consolidated salary of Ksh. 10,000 per month.

3.2 -Unprocedural stoppage of stipends

- The County Government of Uasin Gishu does not pay stipends to teachers.

3.3 – That there has been delayed of salary payment up to two-three months

-The County Government of Uasin Gishu is not aware of any delay in teacher's salaries as claimed. Occasional delay of salaries occurs during approval of budget and affects all employees.

4.0 That we have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.

- The County Government of Uasin Gishu is not aware of any formal complaint from Uasin Gishu members of Early Childhood Development Teachers Association.