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REPUBLIC OF KENYA



TWELFTH PARLIAMENT - FOURTH SESSION - 2020

THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE
REPORT ON THE CARE AND PROTECTION OF OLDER MEMBERS OF THE
SOCIETY SENATE BILL NO.17 OF 2018

 THE NATIONAL ASSEMBLY PAPERS LAID			
DATE:	05 MAR 2020	DAY:	THURSDAY
TABLED BY:	HON. JOYCE KIRIA (VICE CHAIRPERSON)		
CLERK AT THE TABLE:	HIZO MWALE		

Directorate of Committee Services,
Clerk's Chambers
Parliament Buildings,
NAIROBI

MARCH, 2020

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LIST OF ABBREVIATIONS AND ACRONYMS

Hon	Honourable
MP	Member of Parliament
NA	National Assembly

LIST OF ANNEXURES

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CHAIRPERSON'S FOREWORD

The Care and Protection of Older Members of The Society Senate Bill No.17 Of 2018 underwent First Reading on 26th June, 2019. Thereafter, the Bill was committed to the Departmental Committee on Labour and Social Welfare to review and report to the House pursuant to the provisions of Standing Order 216(5) (c).

Consequently, the Committee, pursuant to Article 118 of the Constitution and Standing Order 127 (3), invited submissions from members of the public on the above Bill via advertisements in national dailies on 28th August, 2019. The Committee didn't receive any written or verbal Memoranda from the stakeholders and the public. The Committee held two Sittings to consider the Bill; on 1st November, 2019 and 14th February, 2020 and deliberated on the provisions in the Bill.

May I take this opportunity to commend the Committee members for their devotion and commitment to duty in the consideration of the Bill and express gratitude to the Offices of Speaker and Clerk of the National Assembly for providing technical and logistical support.

On behalf of the Departmental Committee on Labour and Social Welfare and pursuant to the provisions of Standing Order 199 (6), it is my pleasant privilege and duty to present to the House a report of the Committee on the Care and Protection of Older Members of The Society Senate Bill No.17 Of 2018

HON. ALI WARIO, M.P. CBS - CHAIRPERSON

CHAPTER ONE

1.1 Mandate of the Committee

The Departmental Committee on Labour and Social Welfare is established in accordance with the provisions of Standing Order 216 of the National Assembly. Its mandate as provided for in S.O. 216(5) is to *inter-alia*:-

- i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation.*
- iii. ***To study and review all legislation referred to it;***
- iv. *To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
- v. *To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary and as may be referred to them by the House;*
- vi. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); and*
- vii. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

The Committee is mandated to consider the following subjects: -

- i. Labour,
- ii. Labour relations,
- iii. Manpower or Human Resource Planning,
- iv. Gender,
- v. Youth,
- vi. Social Welfare and Security,
- vii. Children`s Welfare,
- viii. Persons Living with Disabilities.

1.2 Oversight

In executing its mandate, the Committee oversees the following government Ministries, departments and or agencies, namely:

- i. The State Department for Labour
- ii. The State Department for Social Protection
- iii. The State Department for Gender
- iv. The State Department for Youth
- v. The State Department for Arid and Semi-Arid Lands
- vi. National Gender and Equality Commission.

1.3 Committee Membership

The Committee comprises of the following members -

The Hon. Ali Wario, MP (**Chairperson**)
M.P for Bura Constituency
Jubilee Party

The Hon. Joyce Korir, MP (**Vice Chairperson**)
M.P for Bomet County
Jubilee Party

The Hon. Gladys Wanga, MP
M.P for Homa Bay County
Orange Democratic Movement (ODM)

The Hon. Janet Marania Teyiaa, MP
M.P for Kajaido County
Jubilee Party

The Hon. Janet Nangabo Wanyama, MP
M.P for Trans Nzoia County
Jubilee Party

The Hon. Ronald Kiprotich Tunoi, MP
M.P for Bomet Central
Jubilee Party

The Hon. James Onyango Koyoo, MP
M.P for Muhoroni Constituency
Orange Democratic Movement (ODM)

The Hon. Alfred Kiptoo Keter, M.P
M.P for Nandi Hills
Jubilee Party

The Hon. Rose Museo, MP
M.P for Makueni County
Wiper Democratic Movement (WDM)

The Hon. Catherine Wambilyanga, MP
M.P for Bungoma County
Ford Kenya Party

The Hon. Omboko Milemba, MP
M.P for Emuhaya Constituency
Amani National Congress Party (ANC)

The Hon. Charles Kanyi Njagua, MP
M.P for Starehe Constituency
Jubilee Party

The Hon. Fabian Kyule Muli, MP
M.P for Kngundo Constituency
Muungano Party

The Hon. Abdi Mude Ibrahim, MP
M.P for Lafey Constituency
Economic Freedom Party (EFP)

The Hon. Michael Mwangi Muchira, MP
M.P for Ol-Jorok Constituency
Jubilee Party

The Hon. Safia Sheikh Adan, MP
M.P for Marsabit County
Jubilee Party

The Hon. Tom Odege, MP
M.P for Nyatike Constituency

The Hon. Wilson Sossion, MP
Nominated M.P

Orange Democratic Movement (ODM)

The Hon. Ole Sankok David, MP
Nominated M.P
Jubilee Party

Orange Democratic Movement (ODM)

1.4 Committee Secretariat

Mr. Adan Gindicha
Clerk Assistant I/Lead Clerk

Mr. John Mugoma
Clerk Assistant II

Ms. Fiona Masili
Research Officer

Ms. Doreen Karani
Legal Counsel

Abdinasir Moge
Fiscal Analyst

CHAPTER TWO:

PART A: OVERVIEW OF THE THE CARE AND PROTECTION OF OLDER MEMBERS OF THE SOCIETY SENATE BILL NO.17 OF 2018

1. The Care and Protection of Older Members of The Society Senate Bill No.17 of 2018 was referred to the Departmental Committee on Labour and Social Welfare for public participation and consideration.
2. The Bill seeks to give effect to Article 57 of the Constitution (on older members of society), to provide a framework for the care of older members of society, to establish a framework for the empowerment and protection of the elderly and the maintenance of their well-being, safety and security.
3. The Bill will ensure that the National Government formulates and adopts a comprehensive national strategy and plan of action and policies promoting the realization of the rights of older members of society.
4. Counties will be expected to establish homes and implement programmes for the care of older members of society. County governments, through the respective county executive committee members, will be responsible for the registration of homes for older members of society and will have to ensure, through continuous monitoring, that such homes meet the minimum safety standards.

PART B:PUBLIC PARTICIPATION

5. Through an advertisement on 28th August 2019 (annexure 3), the Committee invited the public to present submissions on the Care Protection of Older Members of The Society Senate Bill No.17 of 2018 to be received by the Committee on or before 3rd September, 2019
6. The Committee did not receive any written submissions on the Bill within the specified time frame but considered the views of stakeholders that were received by the Senate Committee and included in the report.
7. However it is noted that the Senate conducted public participation on the Bill and the comment from the public were duly considered and some of the comments from the public were incorporated in the Bill (*see Senate report annexed*).

PART C: SUMMARY OF CLAUSES

Part I (clauses 1-4) deals with the Preliminary issues.

- 1) Clause 1 provides for the short title.
- 2) Clause 2 contains the interpretation of terms as used in the context of the Bill.
- 3) Clause 3 outlines the objects and purposes of the Act-
 - a. To provide a framework that promotes the rights of older members of society as enshrined under the Constitution;
 - b. To promote and protect the status, dignity, well-being, safety and security of older members of society;
 - c. To provide a framework for the registration, establishment and management of service and the establishment and management of residential facilities for older member of society; and
 - d. To combat the abuse of older members of society.
- 4) Clause 4 outlines the principles that will guide persons performing any of the functions under the Act.

Part II (clauses 5-17) contains provisions on the Rights and entitlements of older members of society

- 5) Clause 5 outlines the rights of older members of society-i.e. to participate in community life, intergenerational programmes, establish and participate in associations, participate in income generating activities, manage their property, live in dignity and respect free from abuse, receive care and assistance from their family and the State among other rights
- 6) Clause 6 deals with the right of older members of society to legal capacity. Legal capacity is the ability to hold rights and duties (legal standing) and to exercise these rights and duties (legal agency). It is the key to accessing meaningful participation in society.

Clause 6(2) proposes that an express or implied disqualification on the grounds of age prescribed in a law, custom or practice shall not deprive an older member of society the right to legal capacity.
- 7) Clause 7 provides the right to equality and non-discrimination that is equal protection and equal benefit of the law. It stipulates that any affirmative action measures to achieve equality for older persons shall not be termed discrimination.
- 8) Clause 8 provides for the right of older persons to be issued with documents of registration or identification, including a birth certificate, passport, national identity card, certificate of birth etc.
- 9) Clause 9 provides for the right to protection and safety including specialized protection in a situation of risk (including a situation of armed conflict, natural disaster, emergency etc). The provision requires institutions to maintain an inventory of older members and

submit the inventory on quarterly basis to the national and county governments and other agencies responsible for disaster management.

The provision does not define what an institution is, and does not designate the responsible authority/person within the county government and national government to receive the reports on older persons. Sub clause (3) is unclear.

- 10) Clause 10 relates to the right of older persons to access educational, cultural, spiritual and recreational resources. It proposes the ministry responsible for education to develop programmes and structures for education and training of older members of society. Note- the duty should fall on a person (maybe the Cabinet Secretary) not the entire institution.
- 11) Clause 11 provides the right to health for older members of society who are not covered in any existing medical scheme. It mandates the national and county governments to provide adequate and quality medical care to such persons. Further, medical assessment reports for older persons shall be free of charge in public health institutions. Subclause 3 protects older persons from being compelled to undergo tests as a precondition for health cover.
- 12) Clause 12 provides for the right to access public and private premises and public transport. Subsection (2) takes away the right of a proprietor to grant access to his/her property on the basis of old age.
- 13) Clause 13 provides for the right to participate in sports, recreation, leisure and cultural activities. Subclause 3 proposes that older persons are entitled to the use, free of charge of recreational or sport facilities owned by the government. It further mandates national and county governments to provide older members of society with a suitable environment for sports, recreation including training support and medical personnel.
- 14) Clause 14 deals with access to justice and mandates law enforcement agencies to consider the age of older persons on arrest, detention or confinement. Further, suits where they are involved should be disposed of expeditiously.
- 15) Clause 15 outlines obligations of the national government with respect to the rights of older members of society. Functions of the national government under the Bill are largely conferred on the National Social Assistance Authority (the Authority) as established under section 3 of the Social Assistance Act, 2013.
- 16) Clause 16 outlines obligations of the county governments.
- 17) Clause 17 stipulated principles to guide the government in providing services concerning older persons including promotion of participation of older persons, preventing the exploitation and abuse of older persons, ensuring that older persons receive priority in basic services etc.

Part III of the Bill provides for the care of older members of society.

- 18) Under clause 19 and 20 it provides for the establishment and implementation of community and home based care programmes for older members of society by county

governments. The community based programmes include, economic empowerment, delivery of spiritual, cultural, medical, civic and social services, promotion of the health of older members of society through the provision of nutritious food and basic health services and promotion of their skills and capacity. Home based care programmes include physical care, rehabilitation programmes and provision of assisted devices, health care services, sensitization and counselling of families/ caregivers on conditions associated with aging persons.

19) Clause 21 provides for the establishment and delivery of home based care programmes, providing that home based care programmes established by a county government shall be implemented with respect to older members of society who suffer from any form of physical or mental infirmity; are unable to care for themselves; are in need of skilled services, case management, and assistance with activities of daily living or instrumental activities of daily living; are isolated and have no family member or care giver who can care for them.

20) Clause 22 further prohibits the abuse of older members of society and defines the acts that constitute abuse. It also sets out the procedure for reporting the cases of abuse and details the action to be taken thereafter clauses

Part IV of the Bill outlines the process for the establishment of homes for older members of society.

21) Clauses 25-30 set out the procedure for the making of an application for registration, the conditions required to be met prior to registration as well as the circumstances that may lead to cancellation of registration of a home may.

22) It is noted that clause 27 enables each county government to enact county specific legislation on the criteria for registration and licensing of a home.

23) Clause 34 makes provisions for protection of older persons residing in a home that is closed or that seeks closure.

24) Clause 35 imposes an obligation on the manager of a home to submit reports on matters relating to the management of the home to the county executive committee member responsible for health and the Authority.

Part V (clauses 36-39) sets out the role of managers of a home and the services required to be rendered with respect to an older member of society admitted in the home. These services include twenty-four hour care and support for those in need, rehabilitation, counselling, outreach and recreational activities.

25) In particular, clause 38 of the Bill compels homes established by a county government to admit any older member of society who qualifies for admission though the older person may not be admitted without consent.

26) Clause 39 sets out the rights of an older member of society admitted in a home with respect to the services delivered. These include the right to appoint a representative,

- Clause 29: Refusal to register a home - Agreed to
- Clause 30: Grounds for cancellation of registration - Agreed to
- Clause 31: Notice of non-compliance - Agreed to
- Clause 32: Cancellation of registration - Agreed to
- Clause 33: Application for review - Agreed to
- Clause 34: Closure of a home - Agreed to
- Clause 35: Submission of reports on the management of a home - Agreed to

V. Care for Older members of Society in Homes

- Clause 36: Role of management of homes - Agreed to
- Clause 37: Service rendered within a home - Agreed to
- Clause 38: Admission of older member of society into a home - Agreed to
- Clause 39: Rights of an older member of society in a home - Agreed to

VI. Monitoring, Evaluation and Safety in Homes for Older Members of Society

- Clause 40: Monitoring and evaluation by the Authority - Agreed to
- Clause 41: Impact assessments - Agreed to
- Clause 42: Appointment of inspectors - Agreed to
- Clause 43: Inspection of homes for older members of society - Agreed to
- Clause 44: Powers of an inspection officer - Agreed to
- Clause 45: Safety standards in a home - Agreed to

VII. Miscellaneous Provisions

- Clause 46: Determination of a matter concerning older member of society - Agreed to
- Clause 47: General penalty – Agreed to
- Clause 48: Regulations – Agreed to

VIII. Transitional provisions

- Clause 49: Existing homes – Agreed to

CHAPTER THREE:

COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

3.1 COMMITTEE'S OBSERVATIONS

As relating to the Bill, the Committee observed that-

1. The Bill seeks to provide a framework for the care of older members of society, to establish a framework for the empowerment and protection of the elderly and the maintenance of their well-being, safety and security. It will ensure that the national government formulates and adopts a comprehensive national strategy and plan of action and policies promoting the realization of the rights of older members of society;
2. The Bill specifically provides for the establishment and implementation of community and home based care programmes for older members of society by county governments. The community based programmes include, economic empowerment, delivery of spiritual, cultural, medical, civic and social services, promotion of the health of older members of society through the provision of nutritious food and basic health services and promotion of their skills and capacity. These provisions are an enhancement on the Social Assistance Act, 2013 which mandates the National Social Assistance Authority to provide social assistance to persons in need who include poor elderly persons, without providing a clear guidelines on specific assistance or care to be given to older members of society.
3. The Social Assistance Act, 2013 makes provision for social assistance to only poor elderly persons; however the proposed Bill has no such distinction and generally seeks to provide care to all older members of society. Indeed for a long time, older members of society have often been neglected and are unable to carry on living decent lives and the proposed Bill seeks to fill the legislative gaps so as to ensure the rights of older members of society are adequately addressed.
4. The proposed Bill seeks to further prohibit the abuse of older members of society and defines the acts that constitute abuse. It also sets out the procedure for reporting the cases of abuse and details the action to be taken thereafter. This provision will help to reduce the rampant cases of abuse against older members of society;
5. The Bill outlines obligations of the national government with respect to the rights of older members of society. Functions of the national government under the Bill are largely conferred on the National Social Assistance Authority (the Authority) as established under section 3 of the Social Assistance Act, 2013. The Authority is further mandated to carry out monitoring and evaluation, assess the impact of programmes implemented by county governments, assess viability of programmes relating to older persons and put in place mechanisms for accountability and transparency;
6. The Committee finally notes that the Bill is obligating an Authority whose sources of funds currently don't include such moneys that maybe appropriated by Parliament. It is

therefore imperative that an amendment to the Social Assistance Act, 2013 be expedited to enable Parliament to provide funds to the Authority to ensure that the Authority is able to implement its obligations as enumerated in the proposed Bill;

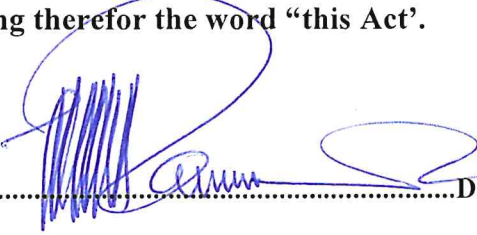
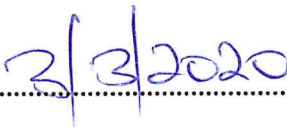
7. There needs to be provide a criteria for a person to benefit once he or she attains the age of sixty years; and
8. The Bill has no Schedule as referred to in Clause 30 (5).

3.2 COMMITTEE'S RECOMMENDATION

The Committee, having considered the Bill clause by clause proposes that the Care and Protection of Older Members of the Society Senate Bill No.17 of 2018 be agreed to subject to the following amendments-

CLAUSE 30

THAT, clause 30 (5) of the Bill be amended by deleting the word "the Schedule" and substituting therefor the word "this Act".

SIGNED..........DATE..........

**HON. ALI WARIO, M.P. - CHAIRPERSON
DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE.**

ANNEXURE 1:

**MINUTES OF COMMITTEE SITTINGS
ON THE CONSIDERATION OF THE BILL**

**MINUTES OF THE 9TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
LABOUR AND SOCIAL WELFARE HELD ON TUESDAY 3RD MARCH, 2020 AT 9.40
AM AT THE CPA ROOM, MAIN PARLIAMENT BUILDING**

PRESENT

1. **The Hon. Ali Wario, MP** - Chairperson
2. The Hon. Janet Nangabo, MP
3. The Hon. Ronald Tonui, MP
4. The Hon. James Onyango K'Oyoo, M.P
5. The Hon. Abdi Ibrahim Mude, M.P
6. The Hon. Michael Mwangi Muchira, MP
7. The Hon. Tom Odege, MP
8. The Hon. Safia Sheikh Adan, MP
9. The Hon. Catherine Wambilianga, MP
10. The Hon. Omboko Milemba, MP
11. The Hon. David Ole Sankok, MP
12. The Hon. Wilson Sossion, MP

APOLOGY

1. **The Hon Joyce Korir, MP** - Vice- Chairperson
2. The Hon. Alfred K. Keter
3. The Hon. Rose Museo Mumo, MP
4. The Hon. Gladys Wanga, MP
5. The Hon. Janet Marania Teyiaa, MP
6. The Hon. Fabian Muli, MP
7. The Hon. Charles Kanyi Njagua, MP

IN ATTENDANCE

The National Assembly Secretariat

1. Mr. John Mugoma -Clerk Assistant II
2. Ms. Lynette Otieno - Legal Counsel

AGENDA

1. Prayers
2. Preliminaries
 - i. Introductions
 - ii. Communication from the Chairperson/ Opening remarks
 - iii. Confirmation of Minutes of previous Sittings
 - iv. Matters Arising
3. **Adoption of Reports on the following Bills:-**
 - i. **Care and Protection of Older Members of Society Senate Bill No. 17 of 2018**
 - ii. **Labour Relations (Amendment) Bill, 2019**
4. Any Other Business
5. Adjournment/Date of the next Sitting

MIN.NO. DC/LSW/047/2020:- PRELIMINARIES

The meeting was called to order at 9.40 am followed by a word of prayer.

The Chairperson thanked Hon. Members for participating in the fact finding visit in Busia and Vihiga Counties regarding the Cash Transfer (Inua Jamii) Program.

Further, the Chairperson informed Members that the main agenda was to adopt the two reports on Bills which members deliberated on in previous Committee meetings.

MIN.NO. DC/LSW/048/2020: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Minutes of the 1st , 2nd , 3rd and 4th sittings were read and confirmed as true record of the proceedings as shown below: -

- I. Minutes of the 1st sitting held on Friday 24th February, 2020 in the morning were confirmed as a true record of deliberations having been proposed by Hon. David Ole Sankok, MP and seconded by Hon. Tom Odege, MP.
- II. Minutes of the 2nd sitting held on Friday 24th February, 2020 in the afternoon were confirmed as a true record of deliberations having been proposed by Hon. Catherine Wambilianga, MP and seconded by Hon. David Ole Sankok, MP.
- III. Minutes of the 3rd sitting held on Saturday 25th February, 2020 in the morning were confirmed as a true record of deliberations having been proposed by Hon. Michael Muchira, MP and seconded by Hon. Janet Nangabo, MP.

- IV. Minutes of the 4th sitting held on Saturday 25th February, 2020 in the afternoon were confirmed as a true record of deliberations having been proposed by Hon. James K'Oyoo, MP and seconded by Hon. Safia Sheikh Adan, MP.

MIN.NO. DC/LSW/049/2020: MATTER ARISING

No Matters Arose

MIN.NO. DC/LSW/050/2020: ADOPTION OF THE REPORT ON THE CARE AND PROTECTION OF THE OLDER MEMBERS OF SOCIETY BILL, SENATE BILL NO. 17 OF 2018

The Committee adopted the report on the Care and Protection of Older Members of Society Bill with the following observations and recommendations having been proposed and seconded by the Hon. Tom Odege, M.P and the Hon. Safia Sheikh Adan, M.P respectively.

Committee Observations

1. The Bill seeks to provide a framework for the care of older members of society, to establish a framework for the empowerment and protection of the elderly and the maintenance of their well-being, safety and security. It will ensure that the national government formulates and adopts a comprehensive national strategy and plan of action and policies promoting the realization of the rights of older members of society;
2. The Bill specifically provides for the establishment and implementation of community and home based care programmes for older members of society by county governments. The community based programmes include, economic empowerment, delivery of spiritual, cultural, medical, civic and social services, promotion of the health of older members of society through the provision of nutritious food and basic health services and promotion of their skills and capacity. These provisions are an enhancement on the Social Assistance Act, 2013 which mandates the National Social Assistance Authority to provide social assistance to persons in need who include poor elderly persons, without providing a clear guidelines on specific assistance or care to be given to older members of society.
3. The Social Assistance Act, 2013 makes provision for social assistance to only poor elderly persons; however the proposed Bill has no such distinction and generally seeks to provide care to all older members of society. Indeed for a long time, older members of society have often been neglected and are unable to carry on living decent lives and the proposed Bill seeks to fill the legislative gaps so as to ensure the rights of older members of society are adequately addressed.

4. The proposed Bill seeks to further prohibit the abuse of older members of society and defines the acts that constitute abuse. It also sets out the procedure for reporting the cases of abuse and details the action to be taken thereafter. This provision will help to reduce the rampant cases of abuse against older members of society;
5. The Bill outlines obligations of the national government with respect to the rights of older members of society. Functions of the national government under the Bill are largely conferred on the National Social Assistance Authority (the Authority) as established under section 3 of the Social Assistance Act, 2013. The Authority is further mandated to carry out monitoring and evaluation, assess the impact of programmes implemented by county governments, assess viability of programmes relating to older persons and put in place mechanisms for accountability and transparency;
6. The Committee finally notes that the Bill is obligating an Authority whose sources of funds currently don't include such moneys that maybe appropriated by Parliament. It is therefore imperative that an amendment to the Social Assistance Act, 2013 be expedited to enable Parliament to provide funds to the Authority to ensure that the Authority is able to implement its obligations as enumerated in the proposed Bill;
7. There needs to be provide a criteria for a person to benefit once he or she attains the age of sixty years; and
8. The Bill has no Schedule as referred to in Clause 30 (5).

Committee Recommendations

The Committee, having considered the Bill clause by clause proposes that the Care and Protection of Older Members of the Society Senate Bill No.17 of 2018 be agreed to subject to the following amendments-

CLAUSE 30

THAT, clause 30 (5) of the Bill be amended by deleting the word "the Schedule" and substituting therefor the word "this Act".

MIN.NO. DC/LSW/051/2020: ADOPTION OF THE REPORT ON LABOUR RELATIONS (AMENDMENT) BILL, 2019

The Committee adopted the report on the Labour Relations Amendment Bill with the following observations and recommendations having been proposed and seconded by the Hon. Catherine Wambilianga, M.P and the Hon. Tom Odege, M.P respectively.

- (a) From an analysis of comparable jurisdictions, essential services bear numerous definitions but are mainly those services which if interrupted would endanger the property or life of a person or health of the population. In many jurisdictions such as those in Asia-Pacific region, strikes or lockouts by employees in essential services are prohibited. In the United Kingdom, certain categories of employees working in enterprises considered essential services are denied the right to strike, e.g., the police and the army. In other countries like Canada such industrial actions can only be undertaken on condition that provision of essential services will not be affected in the event of a strike or lock-out; in such jurisdictions dispute resolution mechanisms are more preferred.
- (b) In Kenya, the right to strike is enshrined in the Bill of rights under Article 41(2) (d) of the Constitution. The right to strike does not fall under the rights that may not be limited as set out under Article 25 of the Constitution. Accordingly, it is a right that may be limited by legislation in the manner set out under Article 24 of the Constitution; In particular, Article 24(2) (c) states that a provision in legislation limiting a right or fundamental freedom shall not limit the right or fundamental freedom so far as to derogate from its core or essential content;
- (c) The Court has on two occasions in the matters of *Federation of Women Lawyers (FIDA) Kenya v Kenya National Union of Nurses & 4 others [2018] eKLR (Petition 67 of 2017)* and *Okiya Omtatah Okiiti v. the Hon. Attorney General and Others (Petition No. 70 of 2014)* ruled that the complete ban on strikes by workers in the essential services sector as set out under section 78 (1) (f) and 81(3) of the Labour Relations Act derogates from the core or essential content of the right to strike contrary to Article 24(2)(c) of the Constitution. The court has both times advised the legislature to review the provisions of sections 78 (1) (f) and 81(3) which are in apparent conflict with Article 41(2)((d) of the Constitution;
- (d) Sections 78(1)(f) and 81(3) of the Labour Relations Act place an absolute ban on a strike or lock-out by an employee or employees engaged in an essential service. The proposal to delete and amend 78(1)(f) and 81(3) respectively is aimed at removing the apparent conflict between the Labour Relations Act and Constitution. The intention of the amendment is to create an exception to section 76 of the Labour Relations Act with respect to the procedure to be followed in order to call for a strike or lock-out by an employee or employees engaged in essential services sector. The proposed amendment to section 81(3) seeks to allow for strikes in essential services for five days. However the basis and workability of the five day time period that is when time begins to run and end is unclear, including safeguards to ensure against disruption of essential services.
- (e) The Committee also observed that public interest would be jeopardized in the event that strikes are allowed in the essential services sector such as aviation, fire services and even

hospital services. Moreover global practice relating to industrial action in essential services generally prohibits such action in order to limit deleterious or harmful effect of such strikes, in jurisdiction where such strikes are allowed there are safeguards to ensure delivery of key services such a minimum survive agreements. The Committee is of the view that the changes proposed in the Bill are simplistic and would not be a panacea to the challenges facing the labour sector in the country. As the same does not create a balance between the rights of the employer, employees vis-à-vis the rights of citizenry to access essential service in the five days it proposes to permit strikes.

- (f) The new clauses seek to limit the right of workers in essential services contained in the Fourth Schedule to go on strike. The limitation of this right is necessary to avoid interruption of essential services which would endanger the health, life and safety of the population or any part of the population
- (g) The amendment under the proposed new section 81B(2) seeks to require that a strike be approved by not less than half of the members of a trade union entitled to vote. The Committee was of the view that the proposal is cumbersome and impractical in terms of implementation especially in instances where a union has large membership and spread widely across the country.
- (h) The Bill makes reference to the “industrial court” which is an obsolete term to reference the court responsible for resolution of trade disputes.
- (i) The penalty proposed to apply to offences committed by an employee or trade union official is a fine of not less than five million shillings or a jail term of not less than five years or to both. The Committee is of the view that the proposed penalty is too harsh and unfair in a country where the minimum wage is on average about Kshs. 10,000.
- (j) The Committee observed that labour relations are essentially tripartite in nature and that any changes to the laws governing the sector would require a tripartite approach and concurrence. In this instance all the tripartite partners including the Government through the Ministry of Labour, the employers representatives, through the Federation of Kenya Employers (FKE), and the workers through the Central Organization of Trade Unions (COTU) are opposed to the amendment.
- (k) The Committee further observed that all the laws governing the labour sector were enacted prior to the enactment of the Constitution of Kenya, 2010 and hence are not in conformity with the current constitution. Consequently, the Committee is of the view that a more comprehensive review of the laws is required as opposed to piece- meal review of the laws.

Committee Recommendations

The Committee, having considered the Labour Relations (Amendment) Bill clause by clause and taking into consideration views and recommendation of the public pursuant to Standing Order 127(3A), **rejected the Bill in totality.**

MIN.NO. DC/LSW/052/2020: ANY OTHER BUSINESS

Consideration of Sessional Papers before the Committee

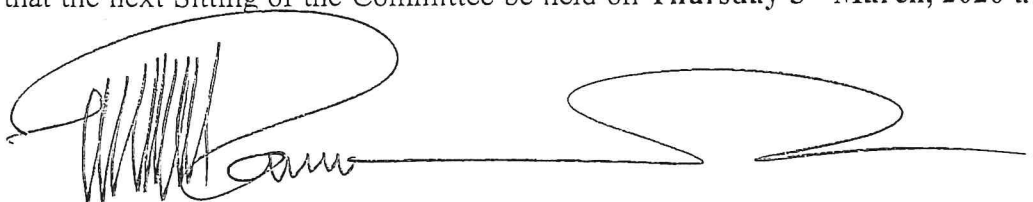
It was resolved that Sessional Paper No.2 of 2019 on National Policy on Gender and Development and Sessional Paper No. 3 of 2019 on National Policy for eradication of FGM be considered in a retreat to be held in Mombasa on 13th and 14th March, 2020

MIN.NO. DC/LSW/053/2020: ADJOURNMENT

There being no other business, the meeting was adjourned at 11.00am.

MIN.NO. DC/LSW/054/2020: DATE FOR THE NEXT SITTING

It was resolved that the next Sitting of the Committee be held on **Thursday 5th March, 2020 at 9.30 am**



SIGNED:

The Hon. Ali Wario, M.P

(Chairperson)

3/3/2020

DATE:

**MINUTES OF THE 3RD SITTING OF THE DEPARTMENTAL COMMITTEE ON
LABOUR AND SOCIAL WELFARE HELD ON SATURDAY 15TH FEBRUARY, 2020 AT
10.00 AM AT SALAMA BEACH HOTEL, KIKAMBALA, KILIFI COUNTY**

PRESENT

1. **The Hon. Ali Wario, MP** - Chairperson
2. **The Hon Joyce Korir, MP** - Vice- Chairperson
3. The Hon. Janet Nangabo, MP
4. The Hon. Ronald Tonui, MP
5. The Hon. Gladys Wanga, MP
6. The Hon. Michael Mwangi Muchira, MP
7. The Hon. Tom Odege, MP
8. The Hon. Safia Sheikh Adan, MP
9. The Hon. Catherine Wambilianga, MP
10. The Hon. Fabian Muli, MP
11. The Hon. Omboko Milemba, MP
12. The Hon. David Ole Sankok, MP
13. The Hon. Wilson Sossion, MP

APOLOGY

1. The Hon. Alfred K. Keter
2. The Hon. Rose Museo Mumo, MP
3. The Hon. Janet Marania Teyiaa, MP
4. The Hon. James Onyango K'Oyoo, M.P
5. The Hon. Abdi Ibrahim Mude, M.P
6. The Hon. Charles Kanyi Njagua, MP

IN ATTENDANCE

The National Assembly Secretariat

1. Mrs. Florence Abonyo - Director, Committees
2. Mr. Adan Sora Gindicha -Senior Clerk Assistant
3. Mr. John Mugoma -Clerk Assistant II
4. Ms. Lynette Otieno - Legal Counsel
5. Mr. Nickson Kibet -Audio Officer

AGENDA

1. Prayers
2. Preliminaries
 - i. Introductions
 - ii. Communication from the Chairperson/ Opening remarks
 - iii. Confirmation of Minutes of previous Sittings
 - iv. Matters Arising
3. **Consideration of the Report on the Care and Protection of Older Members of Society Bill, Senate Bill No. 17 of 2018**
4. Any Other Business
5. Adjournment/Date of the next Sitting

MIN.NO. DC/LSW/011/2020:- PRELIMINARIES

The meeting was called to order at 10.40 am followed by a word of prayer.

MIN.NO. DC/LSW/012/2020: CONSIDERATION OF THE REPORT ON THE CARE AND PROTECTION OF THE OLDER MEMBERS OF SOCIETY BILL, SENATE BILL NO. 17 OF 2018

The Committee considered the Bill and made the following observations:

- (a) Through an advertisement on 28th August 2019, the Clerk of the National Assembly invited the public to present submissions on the Care and Protection of Older Members of the Society Senate Bill No.17 of 2018 to be received by the Committee on or before 3rd September, 2019. However as at that the close of business on 3rd September, 2019, the Committee had not received any written submissions on the Bill.
- (b) The Senate conducted public participation and included some of the comments from the public in the Bill in the report.
- (c) The Bill is progressive as it caters for the welfare of the elderly who become vulnerable and often neglected. Western countries have set good precedence in providing for such persons.
- (d) Need to provide criteria for a person to benefit once he or she attains the age of sixty years.
- (e) The Bill has no Schedule as referred to in Clause 30 (5).

MIN.NO. DC/LSW/013/2020: ANY OTHER BUSINESS

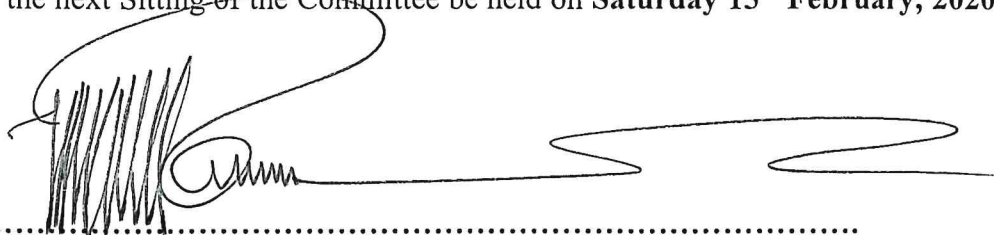
No other Business arose

MIN.NO. DC/LSW/014/2020: ADJOURNMENT

There being no other business, the meeting was adjourned at Ten Minutes Past One o'clock

MIN. NO. DC/LSW/015/2020: DATE FOR THE NEXT SITTING

It was resolved that the next Sitting of the Committee be held on **Saturday 15th February, 2020** at **2.30 PM**



SIGNED:

The Hon. Ali Wario, M.P

(Chairperson)

2/13/2020

DATE:

MINUTES OF THE 59TH SITTING OF THE DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON FRIDAY 1ST NOVEMBER, 2019 AT 2.30PM AT THE CONFERENCE ROOM, ENGLISH POINT HOTEL - MOMBASA

PRESENT

1. **The Hon. Ali Wario, MP** - **Chairperson**
2. **The Hon. Joyce Korir, MP** - **Vice Chairperson**
3. The Hon. Ronald Kiprotich Tonui, MP
4. The Hon. Gladys Atieno Wanga, MP
5. The Hon. Michael Mwangi Muchira, M.P
6. The Hon. Safia Sheikh Adan, MP
7. The Hon. Fabian Kyule Muli, MP
8. The Hon. Tom Mboya Odege, MP
9. The Hon. Abdi Mude Ibrahim, MP
10. The Hon. Omboko Milemba, MP
11. The Hon. Charles Kanyi Njagua, MP
12. The Hon. David Ole Sankok, M.P

APOLOGY

1. The Hon. James Onyango K'Oyoo, MP
2. The Hon. Janet Nangabo, MP
3. The Hon. Alfred K. Keter, MP
4. The Hon. Rose Museo Mumo, MP
5. The Hon. Janet Marania Teyiaa, MP
6. The Hon. Catherine Wambilianga, MP
7. The Hon. Wilson Sossion, M.P

IN ATTENDANCE

The National Assembly Secretariat

1. Mr. Adan Gindicha -Clerk Assistant I
2. Mr. John Mugoma -Clerk Assistant II
3. Mr. Ronald Walala -Legal Counsel
4. Mr. Osman Said -Research officer
5. Ms. Jane Serem -Audio Officer
6. Mr. Said Mohamed -Sergeant-At-Arms

AGENDA

1. Prayers
2. Preliminaries
 - i. Introductions
 - ii. Communication from the Chairperson
 - iii. Confirmation of Minutes of previous Sittings
 - iv. Matters Arising
3. **Consideration of Care and Protection of Older Members of Society Bill, 2018 (Senate Bill)**
4. Any Other Business
5. Adjournment/Date of the next Sitting

MIN.NO. DC/LSW/305/2019:- PRELIMINARIES

The Chairperson called the meeting to order at 2.40pm and thereafter a prayer was said.

The Chairperson then welcomed the Hon. Members to the afternoon session of the meeting. The main agenda of the meeting was for the Members to deliberate on the Care and Protection of Older Members of Society Bill, 2018 – Senate Bill

MIN.NO. DC/LSW/306/2019: CONFIRMATION OF THE MINUTES FROM THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO. DC/LSW/307/2019: THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL, 2018 – SENATE BILL

Brief by the Legal Counsel

The Legal Counsel briefed the Hon. Members as follows:-

1. The Bill seeks to give effect to Article 57 of the Constitution (on older members of society), to provide a framework for the care of older members of society, to establish a framework for the empowerment and protection of the elderly and the maintenance of their well-being, safety and security.
2. It will ensure that the National Government formulates and adopts a comprehensive national strategy and plan of action and policies promoting the realization of the rights of older members of society.
3. Counties will be expected to establish homes and implement programmes for the care of older members of society. County governments, through the respective county executive committee members, will be responsible for the registration of homes for older members of society and will have to ensure, through continuous monitoring, that such homes meet the minimum safety standards.

4. Clause 3 outlines the objects and purposes of the Act which is-
 - i. To provide a framework that promotes the rights of older members of society as enshrined under the Constitution;
 - ii. To promote and protect the status, dignity, well-being, safety and security of older members of society;
 - iii. To provide a framework for the registration, establishment and management of service and the establishment and management of residential facilities for older member of society; and
 - iv. To combat the abuse of older members of society.
5. Clause 4 outlines the principles that will guide persons performing any of the functions under the Act.
6. Clause 5 outlines the rights of older members of society
7. Clause 6 deals with the right of older members of society to legal capacity.
8. Clause 7 provides the right to equality and non-discrimination that is equal protection and equal benefit of the law.
9. Clause 8 provides for the right of older persons to be issued with documents of registration or identification, including a birth certificate, passport, national identity card, certificate of birth etc.
10. Clause 9 provides for the right to protection and safety including specialized protection in a situation of risk (including a situation of armed conflict, natural disaster, emergency etc).
11. Clause 10 relates to the right of older persons to access educational, cultural, spiritual and recreational resources.
12. Clause 11 provides the right to health for older members of society who are not covered in any existing medical scheme. It mandates the national and county governments to provide adequate and quality medical care to such persons.
13. Clause 12 provides for the right to access public and private premises and public transport. Subsection (2) takes away the right of a proprietor to grant access to his/her property on the basis of old age.
14. Clause 13 provides for the right to participate in sports, recreation, leisure and cultural activities. Subclause 3 proposes that older persons are entitled to the use, free of charge of recreational or sport facilities owned by the government.
15. Clause 14 deals with access to justice and mandates law enforcement agencies to consider the age of older persons on arrest, detention or confinement. Further, suits where they are involved should be disposed of expeditiously.
16. Clause 15 outlines obligations of the national government with respect to the rights of older members of society.
17. Clause 16 outlines obligations of the county governments.

18. Clause 17 stipulated principles to guide the government in providing services concerning older persons including promotion of participation of older persons, preventing the exploitation and abuse of older persons, ensuring that older persons receive priority in basic services etc.
19. Under clause 19 and 20 it provides for the establishment and implementation of community and home based care programmes for older members of society by county governments.
20. Clause 21 provides for the establishment and delivery of home based care programmes, providing that home based care programmes established by a county government shall be implemented with respect to older members of society who suffer from any form of physical or mental infirmity; are unable to care for themselves; are in need of skilled services, case management, and assistance with activities of daily living or instrumental activities of daily living; are isolated and have no family member or care giver who can care for them.
21. Clause 22 further prohibits the abuse of older members of society and defines the acts that constitute abuse.
22. Clauses 25-30 set out the procedure for the making of an application for registration, the conditions required to be met prior to registration as well as the circumstances that may lead to cancellation of registration of a home may.
23. It is noted that clause 27 enables each county government to enact county specific legislation on the criteria for registration and licensing of a home.
24. Clause 34 makes provisions for protection of older persons residing in a home that is closed or that seeks closure.
25. Clause 35 imposes an obligation on the manager of a home to submit reports on matters relating to the management of the home to the county executive committee member responsible for health and the Authority.
26. Clauses 36-39 sets out the role of managers of a home and the services required to be rendered with respect to an older member of society admitted in the home. These services include twenty-four hour care and support for those in need, rehabilitation, counselling, outreach and recreational activities.
27. In particular, clause 38 of the Bill compels homes established by a county government to admit any older member of society who qualifies for admission though the older person may not be admitted without consent.
28. Clause 39 sets out the rights of an older member of society admitted in a home with respect to the services delivered. These include the right to appoint a representative, liberty to participate in social, religious and community activities and access to assistance and visitation, basic care and services.
29. Further clauses 36-39 of the Bill provides for the monitoring, evaluation and safety in homes for older members of the society.

30. The Authority is mandated to carry out monitoring and evaluation, assess the impact of programmes implemented by county governments, assess viability of programmes relating to older persons and put in place mechanisms for accountability and transparency.
31. Clause 41 proposes that impact assessments be carried out to identify, predict and mitigate economical social and other effects of programmes and projects that may affect older members of society.
32. In order to carry out effective monitoring, the Bill proposes the appointment of inspectors by the county public service boards with powers to carry out inspection of homes for the elderly in the manner prescribed under clause 43. This will guarantee that the persons responsible for management of homes for older persons maintain the prescribed standards in the Act.
33. Clause 45 sets out the safety standards required to be maintained in homes for the elderly thereby guaranteeing the safety of the members residing in the homes.
34. Clause 47 provides for the general penalty of offences under the Bill (not more than one million shillings (Kshs. 1,000,000), 2 years imprisonment or both) while clause 48 delegates legislative powers to the Cabinet Secretary to make Regulations for the better carrying out of the provisions of the Bill once enacted.

Committee Deliberations

Members agreed with all Clauses of the Bill but noted that:-

- I. An advert inviting for memoranda from the public was placed on the Standard and Star Newspapers on Wednesday 28th August, 2019 but the Committee didn't receive any submission on memorandum from the public.
- II. The Senate conducted public participation and included some of the comments from the public in the Bill in the report.
- III. Under Clause 2, the 'Authority' as defined in the Bill was not operational or in existence.
- IV. Need to provide criteria for a person to benefit once he or she attains the age of sixty years.
- V. Clause 9(2) be amended by inserting the following words 'in their institution' after the word 'society.'
- VI. Clause 28(1) amend by inserting 'and public health officers' immediately after 'community health workers.'
- VII. The Bill has no Schedule as referred to in Clause 30 (5).
- VIII. The Bill is obligating an Authority that isn't funded and isn't operational. In case the ministry anchors the Fund to PFM Act, the Authority won't be effective.

MIN.NO. DC/LSW/308/2019: ANY OTHER BUSINESS

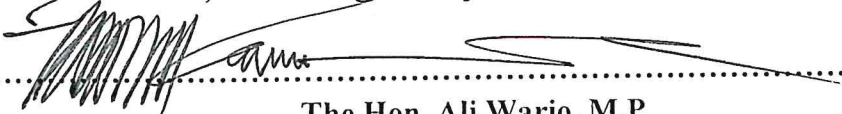
Meeting with National Employment Authority (NEA).

The Committee resolved to hold a meeting with NEA to deliberate on the following:-

- a) Employment issues both in and outside the Country.
- b) Recruitment of Agents and Agencies.
- c) Financing of Labour offices abroad.
- d) Status of money deposited by recruitment agents and agencies and how the money is helping Kenyans working abroad through Labour offices.

MIN.NO. DC/LSW/309/2019: ADJOURNMENT

There being no other business, the meeting was adjourned 4.30pm

SIGNED:


The Hon. Ali Wario, M.P
(Chairperson)

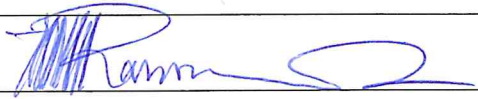
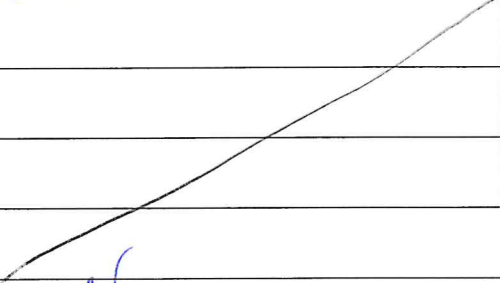
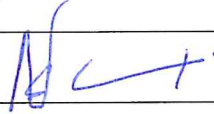
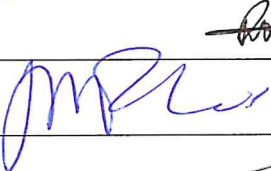
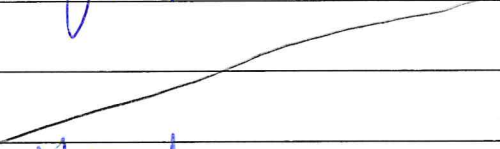




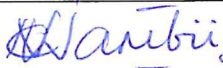
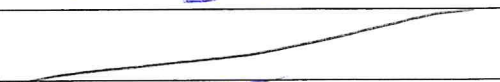

DATE:
- 2 / 11 / 2019

ANNEXURE 2:
ADOPTION SCHEDULE

**KENYA NATIONAL ASSEMBLY – 12TH PARLIAMENT
DEPARTMENTAL COMMITTEE ON LABOUR & SOCIAL WELFARE
REPORT ADOPTION SCHEDULE**

**REPORT ON CARE AND PROTECTION OF OLDER MEMBERS OF THE SOCIETY
SENATE BILL NO. 17 OF 2018**

DATE: 3RD MARCH, 2020.

No.	NAME	SIGNATURE
1.	The Hon. Ali Wario, MP – Chairperson	
2.	The Hon. Joyce Korir Chepkoech, MP – Vice Chairperson	
3.	The Hon. Gladys Wanga, MP	
4.	The Hon. Janet Marania Teyiaa, MP	
5.	The Hon. Alfred Kiptoo Keter, MP	
6.	The Hon. Janet Nangabo Wanyama, MP	
7.	The Hon. Ronald Kiprotich Tonui, MP	
8.	The Hon. James Onyango K'Oyoo, MP	
9.	The Hon. Rose Museo, MP	
10.	The Hon. Fabian Kyule Muli, MP	
11.	The Hon. Ole Sankok David, MP	
12.	The Hon. Abdi Mude Ibrahim, MP	
13.	The Hon. Michael Mwangi Muchira, MP	
14.	The Hon. Safia Sheikh Adan, MP	
15.	The Hon. Tom Mboya Odege, MP	
16.	The Hon. Catherine Wambilianga, MP	
17.	The Hon. Charles Kanyi Njagua, MP	
18.	The Hon. Omboko Milemba, MP	
19.	The Hon. Wilson Sossion, MP	

ANNEXURE 3:

NEWSPAPER ADVERT

Wednesday, August 28, 2019

NEWS GENERAL

MOMBASA POLITICS FLUID

Wiper considers Mbogo as chairman and next governor

Kalonzo's first choice was Shahbal who had turned it down last year

BRIAN OTIENO
@TheStarKenya



The Wiper Party is considering Kisumu MP Ali Mbogo as its chairman and candidate for Mombasa governor in 2022.

It has considered at least three other non-Wiper party politicians, notably businessman-politician Suleiman Shahbal who turned it down last year. Kalonzo wants Shahbal back in the fold after he ran unsuccessfully for Mombasa governor on the Jubilee ticket. No decision has been made by the party.

A source told the Star that Mbogo officially informed Kalonzo of his intention to succeed Governor Hassan Joho on Monday during a meeting at the Tamarind Hotel in Mombasa. Although he had declared interest in the seat much earlier, it is not clear why Mbogo waited until Monday to inform the party leader of his inten-

tions. Kalonzo is said to have been impressed by Mbogo's development record despite the short time he has been in Parliament.

Before Monday, Kalonzo had held talks with Shahbal over the Wiper ticket for governor. "It is true the two [Kalonzo and Shahbal] have held talks over the same before. The party leader wanted him back in Wiper," a source close to Shahbal said.

This was confirmed by another source at Monday's meeting.

Attending the meeting with Kalonzo at the Tamarind were Mbogo, Kipevu MCA Faith Mwendu, Wiper national secretary for religious affairs Sheikh Twaha Omar, Kalonzo's son and EALA MP Kennedy Musyoka, among others.

"He told us Shahbal was seriously being considered by the Wiper Party," the source said.

The Star has learnt that the party wanted to make Shahbal the chairman of the party after the feud with Makeni Governor Kivutha Kibwana.



Mombasa Governor Hassan Joho and Kisumu MP Ali Mbogo on November 16, 2017
/JOHN CHESOLI

WIPER HAS CONSIDERED AT LEAST THREE OTHER NON-WIPER POLITICIANS

WAY FORWARD

Linking of criminal justice system to boost war on graft

GEORGE MURAGE/ The fight against corruption will be boosted after the whole criminal justice system is linked.

The Intention, says Director of Public Prosecutions Noordin Haji, is to strengthen the existing infrastructure such that the investigation, prosecution and the correctional service will work as a team. Haji was addressing the second day of Leadership, Workshop and Strategic Planning conference at the Great Rift Valley Lodge in Nalvasha.

He said a Prosecution Training Institute had been established to train and equip staff at the directorate with requisite skills to address complex crimes. "We have also established an Inspectorate unit to ensure quality assurance, best practices and to monitor and evaluate the quality of prosecution services offered," the DPP said.

Another new team is Internal Compliance Unit which will subject the directorate staff to highest integrity standards. "We have also developed a policy and prosecution mechanism that includes the decision to charge, plea bargain, traffic rules and guidelines," he said.

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - THIRD SESSION

In the matters of consideration by the National Assembly:-

1. The Kenya Institute of Curriculum Development (Amendment) Bill, 2019 (National Assembly Bill No. 33)
2. The Constitution of Kenya (Amendment) Bill, 2019 (National Assembly Bill No. 40)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Further, the National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The Kenya Institute of Curriculum Development (Amendment) Bill, 2019 (National Assembly Bill No. 33) seeks amend the Kenya Institute of Curriculum Development Act, 2013 with a view to ensuring that:

- (a) Incorporating personal safety skills, self-defence, demonstrations on security drills, first aid, detection and response to weapons and evacuation procedures in the curriculum; and
- (b) Incorporating psychosocial skills and services to students in the curriculum.

The Constitution of Kenya (Amendment) Bill, 2019 (National Assembly Bill No. 40) seeks to amend Article 97 (1) (c) of the Constitution to expressly include Kenyans in the diaspora as a special interest group to be catered for in the party lists from which twelve (12) Members are nominated to the National Assembly.

The above mentioned Bills have undergone First Reading pursuant to Standing Order 127(3) and stands committed to the Departmental Committee on Education & Research and Departmental Committee on Justice & Legal Affairs respectively, for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the respective Committees invite members of the Public to submit representations they may have on the said Bills. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Tuesday, 3rd September, 2019 at 5.00 pm.

Copies of the Bills may be downloaded from Parliamentary website: <http://www.parliament.go.ke/the-national-assembly/house-business/bills>

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - THIRD SESSION

In the matters of consideration by the National Assembly:-

1. The Care and Protection of Older Members of Society Bill, 2018 (Senate Bill No. 17)
2. The Tea Bill, 2018 (Senate Bill No. 36)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Further, the National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The Care and Protection of Older Members of Society Bill, 2018 (Senate Bill No. 17) seeks to provide a framework for the care of older members of society; establish a framework for the empowerment and protection of the elderly and the maintenance of their well-being, safety and security

The Tea Bill, 2018 (Senate Bill No. 36) seeks to provide for the regulation, development and promotion of the tea industry in the country.

The above mentioned Bills have undergone First Reading pursuant to Standing Order 127(3) and stands committed to the Departmental Committee on Labour & Social Welfare and Departmental Committee on Agriculture and Livestock respectively, for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3) the respective Committees invite members of the Public to submit representations they may have on the said Bills. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Tuesday, 3rd September, 2019 at 5.00 pm.

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MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

