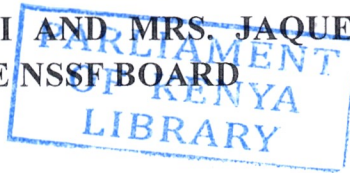


PARLIAMENTARY STATEMENT REGARDING THE REVOCATION OF MR. FRANCIS ATWOLI AND MRS. JAQUELINE MUGO'S APPOINTMENT AS MEMBERS OF THE NSSF BOARD



Pursuant to Standing Order 44 (2) (C) Hon. Chris Wamalwa, Member of Parliament for Kiminini Constituency, requested for a statement from the Chairperson of the Departmental committee on labour and social welfare regarding the retirement of the National Social Security Fund (NSSF) Board the COTU representative Mr. Francis Atwoli and Federation of Kenya Employers representative, Mrs. Jaqueline Mugo.

The Hon. Member stated that the removal of Mr. Atwoli and Mrs. Mugo from the NSSF Board of Trustees was unprocedural and requested the Departmental committee on labour and social welfare to inquire into and report on the following:

1. The section of the Act or any other related law that the Cabinet Secretary is using to justify the decision;
2. Whether the reasons for the unprocedural retirement have anything/relationship to alleged corruption within the NSSF Board; and
3. Plans if any to reinstate/reverse the retirement of COTU and FKE representatives to the Board

RESPONSE

Mr. Chairperson Sir, I beg to reply as follows:

Background and information:

FKE and COTU are part of the membership of the NSSF Board of Trustees under section 6 (d) (i) and (ii) of the NSSF Act, respectively.

Mrs. Mugo and Mr. Atwoli served on the Board of Trustees under the NSSF Act, Cap 258 and continued to serve on the said Board following the enactment of the NSSF Act, 2013.

Following a report from the Chairman of the NSSF Board of Trustees, Mrs. Mugo and Mr. Atwoli had failed to attend meetings and were not acting in the best interests of the Fund as prescribed by the NSSF Act the Cabinet Secretary revoked their appointment as members of the Board.

- 1. The section of the Act or any other related law that the Cabinet Secretary is using to justify the decision**
 - Section 8 of the NSSF Act sets out the grounds upon which a Trustee may be removed from office by the Cabinet Secretary.

- Under section 8 (3) (i), a Trustee may be removed from office if he or she has been absent from three consecutive meetings of the Board without the permission of the chairperson and is unable or has neglected to furnish any plausible reason for his/her absence;
- Under section 8 (3) (iv) a Trustee may be removed from office if he is otherwise unable or unfit to discharge his responsibilities under section 10(3) of this Act.
- Under section 10 (3) a Trustee is required to act in the best interests of the Fund, show commitment and due diligence in serving the Board, ensure good governance and practices within the Board ensure effective administration and implementation of the Act.
- The Cabinet Secretary was informed by the Chairman of the Board that the representatives of FKE and COTU to the Board had failed to attend meetings and had failed to furnish any plausible reasons as required under section 8 (3) (b) (i) as shown in **Appendix 1**
- The Cabinet Secretary was informed that the representatives of FKE and COTU to the Board had not been conducting themselves in accordance with the Act. FKE and COTU were duly represented in the Board and were key in the development of the NSSF Act, 2013 by virtue of being social partners and key stakeholders in the labour sector, being the representatives of employers and employees as shown in **Appendix II** which shows their participation in the development of the Act, but have not supported implementation of the same.

Following the report that the representatives of FKE and COTU to the Board were not acting in accordance with the Act, the Cabinet Secretary revoked their appointment as members of the Board of Trustees through gazette Notice No. 4880 of 18th July, 2014.

2. Whether the reasons for the unprocedural retirement have anything/relationship to alleged corruption within the NSSF Board

The removal of the representatives of FKE and COTU from the Board was not unprocedural and was not related to corruption in the NSSF. As explained above, the Cabinet Secretary followed due procedure and acted within the law. Mrs. Mugo and Mr. Atwoli were removed from the NSSF Board on the grounds set out in the Act.

3. Plans if any to reinstate/reverse the retirement of COTU and FKE representatives to the Board

The Cabinet Secretary did not contravene the Constitution or any law. Even though the members of the Board who were serving at the commencement of the NSSF Act, 2013 were saved by the transitional clause, it does not preclude the Cabinet Secretary from

removing from office a Trustee who acts contrary to the provisions of the Act and the Cabinet Secretary acted within the law when he revoked the appointment of the representatives of FKE and COTU from the Board of Trustees. The removal was not unprocedural or unlawful or a violation of the Constitution or any other law.

Section 6 (2) (b) of the State Corporations Act also provides that the Cabinet Secretary can remove a member of a Board from office if the member is absent for three consecutive meetings without the permission of the Cabinet Secretary while section 6 (2) (e) gives the Cabinet Secretary powers to remove a member from office if the member conducts himself in a manner deemed by the Cabinet Secretary to be inconsistent with the membership of the Board.

Mrs. Mugo and Mr. Atwoli have gone to court to challenge their removal from the Board of NSSF and the matter is still pending as shown in **Appendix III**. The Cabinet Secretary is awaiting the decision of the court.

The Cabinet Secretary is committed to reform the NSSF to ensure good co-operate governance and that contributors' funds are protected.



Hon. Samwel Kazungu Kambi

CABINET SECRETARY

**MINUTES OF THE 165th MEETING OF THE BOARD OF TRUSTEES
NATIONAL SOCIAL SECURITY FUND HELD ON 10 MARCH, 2014 IN
THE BOARDROOM, 3RD FLOOR, SOCIAL SECURITY HOUSE,
NAIROBI AT 7.30 A.M.**

Present


Mr. Adan D. Mohamed - Chairman
Mr. Ali Noor Ismail - Member
Mr. Mutua Kilaka - Member
Mr. Andrew Muigai - Member
Eng. Erastus Mwongera - Member
Ms. Veska Kangogo - Member
Mr. Cornelius Nyang'un - Member

In attendance

Mr. Richard Langat - Acting Managing Trustee
Mr. Austin Ouko - Manager Legal

Absent without apology


Mrs. Jacqueline Mugo - Member
Mr. Francis Atwoli - Member


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Secretary


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Date

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Chairman


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Date

MIN.612/BOT/2014– ADOPTION OF THE AGENDA

The Chairman called the meeting to order at 7.45 a.m. and welcomed the members.

The Chairman informed the Board that the High Court had delivered a ruling on the Fund's application for the Court to vacate or vary its orders of 17th January 2014 regarding the Fund's Board meetings. The Court vacated its orders generally with one exception, namely, that pending the determination of the dispute between the Central Organisation of Trade Unions and the Cabinet Secretary Ministry of Labour Social Security and Services, there be no disbursements of monies with respect to Tassia II. As a law abiding corporate the Board would adhere to the ruling, however, management was urged to further defend the ruling in Court as Tassia II is one of the Fund's investments and therefore it should be discussed.

The Chairman reminded the Board of the provisions of Section 10 (3) of the National Social Security Fund Act, No. 45 of 2013 that requires Trustees to act in the best interest of the Fund, in good faith and exercise due diligence in conduct of the affairs of the Board and demonstrate commitment in serving the Board.

Due to Trustee Francis Atwoli's persistent absence he instructed management to draft a letter to the Central Organisation of Trade Unions to nominate a new Trustee who will be committed to serving in the Board.

The agenda for the meeting was adopted as circulated subject to including the following additional items:

- (i) Progress report on Implementation of the NSSF Act No. 45 of 2013.
- (ii) Trustees Commitment to the Fund and conflict of interest.


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Secretary

20/5/14
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Date

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Chairman

29/5/14
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Date

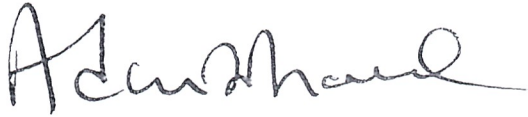
Signed for distribution.



RICHARD K. LANGAT
CEO/MANAGING TRUSTEE

Confirmed at the meeting

DATE: 22/5/14



ADAN MOHAMED
CHAIRMAN

DATE: 29/5/14



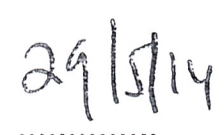
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Secretary



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Date



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Chairman



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Date

**MINUTES OF THE 166th MEETING OF THE BOARD OF TRUSTEES
NATIONAL SOCIAL SECURITY FUND HELD ON 29 MAY, 2014 IN
THE BOARDROOM, 3RD FLOOR, SOCIAL SECURITY HOUSE,
NAIROBI AT 7.30 A.M.**

Present

Mr. Adan D. Mohamed - Chairman
Mr. Ali Noor Ismail - Member
Mr. Mutua Kilaka - Member
Mr. Andrew Muigai - Member
Eng. Erastus Mwongera - Member
Ms. Veska Kangogo - Member
Mr. Cornelius Nyang'un - Member

In attendance


Mr. Richard Langat - CEO/Managing Trustee
Mr. Austin Ouko - Manager Legal

Absent without apology

Mrs. Jacqueline Mugo - Member
Mr. Francis Atwoli - Member



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Secretary



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Date

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Chairman

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Date

6. Audit & Risk Committee to periodically review the capacity of Internal Audit to achieve its mandate. This includes the assessment of whether the department has the right skills set.
0. To increase capacity of Audit department, the Committee recommended the following for approval by the Board of Trustees:
 -) The department to embark on an internal capacity building initiative, where staffs in the Officer level (Gr 6) are sponsored on a rotational basis to take at least one of the professional courses (CIA, CISA, CRMA or CFE).
 -) For critical areas of deficiencies, the Fund to recruit the right skills since internal capacity building could take some time. This should be done within the approved establishment levels.

ACTION

The Board approved the decisions of the Special Audit and Risk Committee meeting held on 28 April 2014 and the 11th meeting of the Audit & Risk Committee meeting held on 21st May 2014.

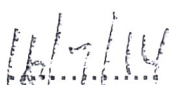
MIN. 630/BOT/2014 – COURT CASE BY THE CENTRAL ORGANISATION OF TRADE UNIONS

The Chairman informed the Board that the two trade union Federations namely COTU and Pusetu had gone to the media threatening to go to Court to oppose implementation of the NSSF Act, 2013. Pusetu had stated that they did not want their members' contributions to the Fund deducted if the government was not going to remit its contribution as it had not budgeted for it.

ACTION

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 Secretary

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 Date

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 Chairman

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 Date

The Board directed management to robustly defend the Fund in the event that any suit is filed seeking to stop implementation of the Act and to assist the Attorney General and the Cabinet Secretary in defending the matters.

MIN. 631/BOT/2014 – ORGANISATIONAL STRUCTURE

The Board discussed and approved the Fund’s proposed organizational structure.

Date of Next Meeting

The next meeting will be held on notice.

There being no other business to discuss, the meeting ended at 11.30 a.m.

Signed for distribution.



RICHARD K. LANGAT
CEO/MANAGING TRUSTEE

DATE: 16/7/14

Confirmed at the meeting

ADAN MOHAMED
CHAIRMAN

DATE:-----


.....
Secretary

16/7/14
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Date

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Chairman

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Date

**MINUTES OF A SPECIAL MEETING OF THE BOARD OF TRUSTEES
NATIONAL SOCIAL SECURITY FUND HELD ON 29 JANUARY 2014
IN THE BOARDROOM, 3RD FLOOR, SOCIAL SECURITY HOUSE,
NAIROBI AT 7.30 A.M.**

Present

Mr. Adan D. Mohamed - Chairman
Mr. Ali Noor Ismail - Member
Mr. Cornelius Nyang'un - Member
Eng. Erastus Mwongera - Member
Eng. Andrew Muigai - Member
Ms. Veska Kangogo - Member

In Attendance

Mr. Richard Langat - Acting Managing Trustee
Mr. Austin Ouko - Acting General Manager (CA/CS)

Absent without apology

Mr. Mutua Kilaka - Member
Mr. Francis Atwoli - Member
Mrs. Jacqueline Mugo - Member


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Secretary

3/3/14
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Date

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Chairman

10/3/14
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Date

MIN.607/BOT/2014 – ADOPTION OF THE AGENDA

The Chairman called the meeting to order at 8.25 a.m. and wished the members a happy new year.

The Chairman noted that some Trustees were not giving Board matters and meetings the priority that they deserve. He reminded the Trustees of the provisions of the National Social Security Fund Act, No. 45 of 2013 that requires Trustees to notify the Chairman when they are unable to attend a meeting of the Board.

The Chairman brought to the attention of the Board the following:


1. A Court order dated 17th January 2014 obtained by the Central Organisation of Trade Unions that prohibited the Board from convening any Board meeting pending the hearing and determination of a Judicial Review matter seeking an Order of Mandamus to direct the Cabinet Secretary for Labour, Social Security and Services to appoint and gazette its nominee to the Board; and
2. A Court Order dated 24th January 2014 that conditionally varied the above stated order and permitted the Board of Trustees to convene a special meeting to discuss the budget for 2014/2015 as well as the impending strike by the NSSF union employees. The order barred the meeting from approving the disbursement of funds in respect of the Tassia II Settlement Scheme Development Project.

The Chairman also brought to the attention of the Board letters from Trustee Francis Atwoli and Lawyer Judith Guserwa's regarding the above Court Orders.

In compliance with the Court Order, the agenda for the meeting as had been circulated on 16th January 2014 was withdrawn and replaced with the agenda circulated on 29th January 2014 which was adopted.


MIN.608/BOT/261/2014 – BUDGET FOR THE YEAR 2014/2015

The Acting General Manager Finance and Investments was invited to present the proposed budget. He informed the Board that the 2014-2015


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Secretary

3/3/14
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Date

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Chairman

10/3/14
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Date

- c. Present a brief on the CBA negotiations and the organizational structure of the Fund to the Human Resource, Legal and Strategy Committee of the Board.
- iii. The Board approved a review of the general wage and house allowance offer from the current offer of 5% and 6% respectively to a maximum of 8% for year I and Year II.

MIN.611/BOT/2014 – MANAGEMENT UPDATE

Management submitted a proposal for changes in the management structure.

Action

- i. The Board directed management was to present the proposal to the Human Resource, Legal and Strategy Committee before the Board makes a decision on it.

Date of Next Meeting

The next regular Board meeting would be held in March 2014.

There being no other business to discuss the meeting ended at 12.12 p.m.

Signed for distribution.



RICHARD LANGAT
AG. CEO/MANAGING TRUSTEE

DATE: 3/3/14

Confirmed at the meeting



ADAN MOHAMED
CHAIRMAN

DATE: 12/3/14

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Secretary

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Date

9


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Chairman

DATE: 10/3/14
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Date

- v. 166th Meeting of the Board of Trustees held on 29 May, 2014
- vi. Board Strategy Articulation Retreat, Mombasa – 6-9 April, 2014
- vii. Sensitization on NSSF Act and its draft Regulations – 11 March, 2014
- viii. 19th Human Resource, Legal & Strategy Committee Meeting of 11 February, 2014
- ix. Special Meeting of Human Resource, Legal & Strategy Committee of 27 February, 2014
- x. 10th Meeting of Audit & Risk Committee of 6 March, 2014
- xi. Special Meeting of Audit & Risk Committee of 28 April, 2014
- xii. 20th Human Resource, Legal & Strategy Committee Meeting of 15 May, 2014
- xiii. Special Meeting of Human Resource, Legal & Strategy Committee of 20 May, 2014
- xiv. 11th Audit & Risk Committee Meeting of 21 May, 2014

In view of the above, it became necessary that the conduct of the two Trustees be discussed in the meeting of the Board and to remind Trustees of their obligations under the Act. This was done during the Board meetings held on 29 January, 10 March and 29 May, 2014. (Copies attached).

Kindly intervene in this matter for the sake of the workers of this country.

Yours


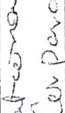
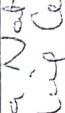

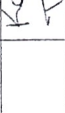


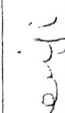


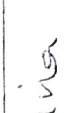
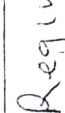


**ADAN MOHAMED, EBS
CHAIRMAN
BOARD OF TRUSTEES**

**NSSF TRANSFORMATION BILL BREAKFAST MEETING WITH
FKE STAKEHOLDERS AT THE SERENA HOTEL NAIROBI
ON 23 AUGUST, 2012**

1

REGISTRATION

NAME	ORGANIZATION	TELEPHONE NO.	SIGNATURE
1 ✓ Regina Kamwenji	Kenya National Trustee Corporation	0722 960605	
2 ✓ Liweth Oyungu	Redlands Rowers	0732 338313	
3 ✓ Esay Ebrahimi Aminu	Harbor Bismarck Rivers	0728 122186	
4 ✓ Felly Kamau	Achelis (K) Ltd	0722 316255	
5 ✓ JH Spindler	Red Lands Rowers	0733 600504	
6 ✓ Mary Maina	Beckels C/A Hotel	0725 387984	
7 ✓ Elizabeth Muriuki	Bible Society Kenya	0722 733181	
8 ✓ L.W. KARUKI	FiKAGE	0733-751499	
9 ✓ Francis Nzuki	DOMINION OUTDOOR ADVENTURE LTD	0734 182281	
10 ✓ Patrick Ombath	Edwards	0722 513578	
11 ✓ Mercie Gichungu	Eagle Africa Insurance Distributors	0720 319765	
12 ✓ Dennis Lukhoba	Pesa Talk	0726 568 711	

2

NSSF TRANSFORMATION BILL BREAKFAST MEETING WITH
FKE STAKEHOLDERS AT THE SERENA HOTEL NAIROBI
ON 23 AUGUST, 2012

REGISTRATION

	NAME	ORGANIZATION	TELEPHONE NO.	SIGNATURE
✓ 1	EUGENE K. MWONGERA	FKE	0722518385	
2	ABEL MUNDA	Cafelife	0725243666	
✓ 3	STEVEN D. LOMBO	TRINITY FELLOWSHIP	0728043102	
✓ 4	JANET EVUSA	PHOENIX OF EASS	0725-206040	
5	David Saire	AQUILA DEV CO LTD	0722-206124	
✓ 6	Amison Oketch	FKE	0722644517	
7	RUTH OGWIA	SOSOK KENYA	0720-855991	
✓ 8	JOHN KIPKERIR	FKE	0710970272	
✓ 9	KIBWANA K. MITAKA	KCOA	0722246274	
✓ 10	EDWINS MUKABANATH	KENYA BUS	0722713807	
✓ 11	Francis Kumbiro	Nakimota Ltd	0722-911603	
✓ 12	Lyons Mburu	ymca	0719806223	

STRAKIM BH
Milton Okoth
21/8/12

FRANCIS
KIPKERIR

Richard
Mutai

Francis
Kumbiro

**NSSF TRANSFORMATION BILL BREAKFAST MEETING WITH
FKE STAKEHOLDERS AT THE SERENA HOTEL NAIROBI
ON 23 AUGUST, 2012**










REGISTRATION

	NAME	ORGANIZATION	TELEPHONE NO.	SIGNATURE
1	Francis Kodhiambo	FKE	072235894	<i>[Signature]</i>
2	DAVE JONES	TEWA ESTATES LTD	075601576	<i>[Signature]</i> wignad Odada
3	John Njugua	Kenya Flower Council	0733-639524	<i>[Signature]</i>
4	Steve Strong	Farmer Choice	0722 776571	<i>[Signature]</i>
5	Francis Atwoli	COTU		
6	Adan Mohamed	Chairman		
7	Cornelius Nyang'ya	COTU		
8	Raimond Moleye	FKE	0724893591	<i>[Signature]</i>
9	Di Chlopa Taih	Nsef-	0700 019193	<i>[Signature]</i>
10	Signesh Desai	Suntype (1996) Ltd	0733299 279	<i>[Signature]</i> RONOSOS
11	GLADYS MUNORU	TANDU ALARMS SYSTEMS	0721 816 224	<i>[Signature]</i> Benson GITHINGI
12	JOHN KILIKI	MANIAC KENYA LTD	0724 672 732	<i>[Signature]</i> MURRAY MURRAY

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**NSSF TRANSFORMATION BILL BREAKFAST MEETING WITH
FKE STAKEHOLDERS AT THE SERENA HOTEL NAIROBI
ON 23 AUGUST, 2012**


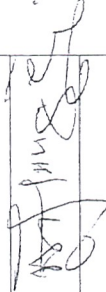
REGISTRATION

	NAME	ORGANIZATION	TELEPHONE NO.	SIGNATURE
1	James K Karungu	JOB Capital	0722802658	
2	To See KIU	APAK (LAPRVT)	0722702787	VAM
3	Mita V. Sani	Kenia Asia	0722809217	
4	Lynette Mugaandy	Co. Ltd, FKE	0726842322	
5	Geoffrey Nuriyrai	MERU WATER	0722450796	
6	Joseph Mwangi	Ynoda	0722424456	
7	George G. Mburu	Thurumu Hospital	0727313197	
8	GAMAL HASSAN	UFUNDI SACCO	0721888488	
9	PATRICIA NUTEMI	KMC	0722518832	
10	Benson Kattum	EA Trends	072293565	
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media

NSSF TRANSFORMATION BILL BREAKFAST MEETING WITH
FKE STAKEHOLDERS AT THE SERENA HOTEL NAIROBI
ON 23 AUGUST, 2012

REGISTRATION

	NAME	ORGANIZATION	TELEPHONE NO.	SIGNATURE
1	Jane Keithambie	Kenya Methodist University	0729 021858	
2	Fred Rabongo			
3	Sacquelina Bugo			
4	Suzanne (Alexander Forbes)			
5	Beatrice Kituyi			
6	MABROUKE DWINNY	F.K.E	0721458592	
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NSSF TRANSFORMATION BILL BREAKFAST MEETING WITH
FKE STAKEHOLDERS AT THE SERENA HOTEL NAIROBI
ON 23 AUGUST, 2012

STAFF

REGISTRATION

	NAME	ORGANIZATION	TELEPHONE NO.	SIGNATURE
1	Richard Langat	NSSF	283 2956	[Signature]
2	Catherine Ouma			
3	Hope Nwashumbwe			
4	Pamela Mchombi	HSSF	283 2839	[Signature]
5	GEORGE MARDIYA	F-K-E	0920-213974	[Signature]
6	Jus M. Ndumitsh	KARNER	0722 509287	[Signature]
7	Caroline Rakaema	NSSF		
8	Richard Ron			
9	Nancy Mwangi			
10	Pius Metto			
11	Christopher Khisa			
12	SundeeP Rauduira			
13	Arthur Eshwari			
14	Austin ouko			

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NSSF TRANSFORMATION BILL BREAKFAST MEETING WITH
COTU STAKEHOLDERS AT PANAFRIC HOTEL NAIROBI
ON 21 AUGUST, 2012

REGISTRATION

	NAME	ORGANIZATION	PHONE NO	SIGNATURE
1	MR. FRANCIS ATWOLI	COTU		
2	MR. CORNELIUS NYAGUA	COTU		
3	MR. FRANCIS MURAZI	COTU		
4	MR. JULIUS NAIANA	COTU	0721465509	<i>[Signature]</i>
5	ARTHUR A. ESHIWANI	CONSULTANT		<i>[Signature]</i>
6	REBECCA NYATHOCERA	COTU (K)	0722624306	<i>[Signature]</i>
7	BARASA BAINA	COTU (K)	0721813147	<i>[Signature]</i>
8	Shindi Shab	Alexander Forbes		<i>[Signature]</i>
9	Mr. Fred Rabongo	Trustee NSSF		
10	Mr. Tom Odingo	MT		
11	Mr. Frank Kipkemboi	COTU	072278489	<i>[Signature]</i>
12	Mr. Joshua Oyuga		0724843504	<i>[Signature]</i>

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NSSF TRANSFORMATION BILL BREAKFAST MEETING WITH
COTU STAKEHOLDERS AT PANAFRIC HOTEL NAIROBI
ON 21 AUGUST, 2012

REGISTRATION

	NAME	ORGANIZATION/PHONE	SIGNATURE
1	Joseph N' Ondu		
2	MUSANIA WAFULA	0722702994	
3	MUHMED ALI ABDI	COTU - K 0722406474	
4	WASHINGTON B. ADANKO	COTU - K - 0724091673	
5	ERNEST N. NADOME	COTU - K - 0722880607	
6	Rev. Joakim Chesii	COTU (K) 0722-741073	
7	Dr. Claysa Taitu	FKK - 0700019193	
8	JOB MUCUTHA	COTU (K) 2721727613	
9	ALFRED NDEANGA	MEDIA ENGAGE	
10	Simon NTAKUNDI	BWU - 0725476123	
11	ISAIAH KUSAY	COTU (K) 0722873122	Mwumbo
12	JACKLYNE MUGO	FKK - Trustee	
	FRANCIS O'LOREN	COTU (K) 0722854866	

**NSSF TRANSFORMATION BILL BREAKFAST MEETING WITH
COTU STAKEHOLDERS AT PANAFRIC HOTEL NAIROBI
ON 21 AUGUST, 2012**













REGISTRATION

	NAME	ORGANIZATION	Phone	SIGNATURE
1	Charles Rutto	COTU (K)	0723578795	[Signature]
2	MARGARET WANGUI	COTU (K)	0722598651	[Signature]
3	Mr. Adan Mohamed	Chadema	1507	
4	Mr. Sandeep Rautava	Alexander Forbes		
5	Richard Mbugire	KLPD.TD. UHIOX		[Signature]
6	Nelson Mwakiki	COTU (K)		[Signature]
7	Wilson Makumi	COTU (K)	0722792286	[Signature]
8	John Mumo	West	0700535208	[Signature]
9	B. M. Mwangi	COTU	0722205344	[Signature]
10	JOASH SERTAH	KNPSWU		[Signature]
11	GEORGE MURRAY	COTU (K)		[Signature]
12	Bernard Mubwa	East Africa News Post		[Signature]

NSSF TRANSFORMATION BILL BREAKFAST MEETING WITH
COTU STAKEHOLDERS AT PANAFRIC HOTEL NAIROBI

ON 21 AUGUST, 2012

REGISTRATION

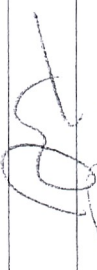










	NAME	ORGANIZATION / Phone	SIGNATURE
✓ 1	FRANCIS WANGARA	COTU (07227320611)	
✓ 2	Albert Njiru	COTU 0722732960	
✓ 3	Boniface Karani	COTU - 0722649050	
✓ 4	RASHID KIROBOR	COTU 0722736936	
✓ 5	William Magera	The Guardian 010053747	
✓ 6	MAERO TINDO	COTU	
✓ 7	Momanyi Harire	Media KNA	
✓ 8	SIMON KIGALU	COTU 0722732880	
✓ 9	Beatrice Kituyi	Ministry of Labour - Trustee	
✓ 10	JOHN CHUMBO	COTU 0722796293	
✓ 11	MICHELLE A. NYAMWATA	COTU 0733-778610	
✓ 12	MARTIN ODIOR	COTU 0724727129	

4

NSSF TRANSFORMATION BILL BREAKFAST MEETING WITH
COTU STAKEHOLDERS AT PANAFRIC HOTEL NAIROBI
ON 21 AUGUST, 2012

5

REGISTRATION




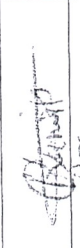








	NAME	ORGANIZATION / Phone	SIGNATURE
1	JAKED OYBUYA	COTU 0733 389080	
2	ZACHARIAH ALLETTREH-N	COTU (49) 0722 793203	
3	JOANACE OICOTICH	COTU 0772 665727	
4	PETER ADIKA	PARC (AMEN) 0713 130510	
5	J M MISOLO	Phone 0733 861980	
6	Raphael Okoth	Rw news service / 0724 917534	
7	ABY AGINA	NMG	
8	David Wanjau	New S. Pa. u. d. a	
9	David Wanjau	Nairobi Bus. Marketing	
10	RUTH MUKEGI	K.B.C TV	
11	LEWISA ANUOR	Kenya Today	
12			

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nairobi bus
marketing

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NSSF TRANSFORMATION BILL STAKEHOLDERS' WORKSHOP
AT PANGONI BEACH RESORT, MOMBASA
30 AUGUST TO 1 SEPTEMBER, 2012

REGISTRATION

	NAME	ORGANIZATION	TELEPHONE NO.	SIGNATURE
1	MUTHIKA ANSURI	KNA	0722-248000	
2	TOM ABUKA	AGU OFFICER	0722-607294	
3	Hope Mwashumbe	NSSF	0726 487210	
4	CAROLINE K. KIMUA	KNA	0911 835558	
5	SHEM NYAKATI	M O FINANCE	0701-818950	
6	Hon. Daindo Oti.	KNA	0722690114	
7	CORNELIO NYANG'UN	NSSF	0511 804995	
8	HON SOPHIA ABDI MOOR	KNA	0721093716	
9	Hon. JOHN MUMES	LABOUR	0705105028	
10	Hon David Were	KNA	0722 707548	
11	Hon. Emy James Rege	KNA	0710 607280	
12	Hon Charles Kibiro	KNA	0712 777429	

NSSF TRANSFORMATION BILL STAKEHOLDERS' WORKSHOP
AT PANGONI BEACH RESORT, MOMBASA
30 AUGUST TO 1 SEPTEMBER, 2012






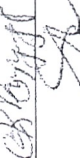

REGISTRATION

	NAME	ORGANIZATION	TELEPHONE NO.	SIGNATURE
1	RACHEAL N. KAIRU	KOA	0722570086	R. Kairu
2	PETER ADIKA	KNA	0713130510	P. Adika
3	Hon. ABIBU NAIMUJAMBI	KNA	0728166916	N. Naimu
4	Hon THOMAS MWADGESHA	KNA	0724285347	T. Mwangi
5	Denis Abisai	KNA	0722990473	D. Abisai
6	Jacqueline Mugo	NSSF Trustee	-	J. Mugo
7	HON EKWEE SHIRO	KNA	0722526370	E. Shiro
8	Hon. Elizabeth Ugal	KNA	0722144133	E. Ugal
9	Hon FAREZE MBINKI	KNA	0722-764985	F. Mwangi
10				
11				
12				

2

NSSF TRANSFORMATION BILL STAKEHOLDERS' WORKSHOP
AT PANGONI BEACH RESORT, MOMBASA
30 AUGUST TO 1 SEPTEMBER, 2012







REGISTRATION

	NAME	ORGANIZATION	TELEPHONE NO.	SIGNATURE
1	ANNE MUSANDU	NATIONAL ASSEMBLY	0725 533613	
2	Lemelis Atwoli	CSPOUW	1254733635771	
3	RA Benco FRED	NSSF	0722514537	
4	Haji Jeehan Khatami	KNA	0722-240744	
5	HON. Joseph O. NAEUMANI	KNA	0727-797429	
6	HON. JO ROGE BAIYA	KNA	0722 248394	
7	Ah. Shauig Abubaka	KNA	0721 8 2856	
8				
9				
10				
11				
12				

(3)

NSSF TRANSFORMATION BILL STAKEHOLDERS' WORKSHOP
AT PANGONI BEACH RESORT, MOMBASA
30 AUGUST TO 1 SEPTEMBER, 2012

REGISTRATION

	NAME	ORGANIZATION	TELEPHONE NO.	SIGNATURE
1	Hon Eng. James Kagya	KNA	0710 607 250	
2	Hon Charles M. Nyamoni	KNA	0709065252	
3	Hon. K. Ochieng M.P	KNA	0721610000	
4	Hon Charles Kibler	Kenya	072253050	
5	Hon John Mbeedi	KNA	0714311688	
6	Hon. Dr. Ruth Nausi	KNA	0721421383	
7				
8				
9				
10				
11				
12				

4

5

Staff

NSSF TRANSFORMATION BILL STAKEHOLDERS' WORKSHOP
AT PANGONI BEACH RESORT, MOMBASA
30 AUGUST TO 1 SEPTEMBER, 2012

REGISTRATION

NAME	ORGANIZATION	TELEPHONE NO.	SIGNATURE
1 Richard Aoi	NSSF	0722717018	<i>[Signature]</i>
2 Caroline Pallana - Odery	NSSF	0722-765880	<i>[Signature]</i>
3 Pamela Nalombi	NSSF	0722792978	<i>[Signature]</i>
4 Lillian Rotego	NSSF		<i>[Signature]</i>
5 Elizabeth Oryango	NSSF		<i>[Signature]</i>
6 Lydia Thurantira	NSSF		<i>[Signature]</i>
7 Hamad Mwanawungu	NSSF (MSA)	0721727519	<i>[Signature]</i>
8 Mohamed Ali Akzi	NSSF (MSA)	0722-499022	<i>[Signature]</i>
9 PAUL MOTUKU	NSSF (MSA)	0745855050	<i>[Signature]</i>
10 Mwanambae J Chera	NSSF (MSA)	0724915129	<i>[Signature]</i>
11 JOHN TIMBI	NSSF (MSA)	"	<i>[Signature]</i>
12			

1,359,000/=

REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT OF KENYA
CAUSE NO. 2013 OF 2014

CENTRAL ORGANIZATION OF TRADE UNIONS (K).....1ST APPLICANT
FRANCIS ATWOLI.....2ND APPLICANT

VERSUS

THE CABINET SECRETARY MINISTRY OF LABOUR SOCIAL SECURITY AND SERVICES.....1ST RESPONDENT
THE HON. ATTORNEY GENERAL..... 2ND RESPONDENT

(Before Hon. Lady Justice M. Mbaru on 21st July, 2014)

ORDER

UPON READING the Application dated 21st July 2014 and the supporting affidavit sworn by the said **FRANCIS L. ATWOLI** dated 21st July, 2014 together with the annexure thereto; and **UPON HEARING** the said counsel for the respondent/applicant ex-parte.

IT IS HEREBY ORDERED:-

1. **THAT** interim suspension of the 1st Respondent Legal Notice No.4880 published on 18th July, 2014 be and is hereby issued pending the hearing of the court addressing the matters as outlined in the application of both applicants on urgent basis.
2. **THAT** the applicants to immediately cause service of a notice for the court will mention the matter on 25th of July, 2014.

GIVEN UNDER my hand and seal of the Court at **Nairobi** this **21st** day of **July, 2014**.

ISSUED at Nairobi this**21st** day of**July**.....2014

.....Date:
.....Registrar
.....Sign:

DEPUTY REGISTRAR
INDUSTRIAL COURT
PENAL NOTICE

.....Certified True copy of the Orig
Sign:.....
Registrar Industrial court
Date:.....**21/7/14**.....

TAKE NOTICE that any disobedience or non-observance of the order of the court given on the 21st day of July, 2014 served herewith will result in penal consequences to you and any other person(s) so disobeying and not observing the same.

AND FURTHER that this order is not obeyed, an application shall be made citing you and any other such person(s) so disobeying for contempt of Court seeking therein your detention and other punishment for you and such person(s) together with any other remedy available in Law.

REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT OF KENYA AT NAIROBI
CAUSE NO. _____ OF 2014

**IN THE MATTER OF: AN APPLICATION BY CENTRAL ORGANIZATION
OF TRADE UNIONS (K) AND MR. FRANCIS
ATWOLI**

AND

**IN THE MATTER OF: THE CABINET SECRETARY MINISTRY OF
LABOUR SOCIAL SECURITY AND SERVICES**

AND

IN THE MATTER OF: THE NATIONAL SOCIAL SECURITY FUND

BETWEEN

- 1. CENTRAL ORGANIZATION OF TRADE UNIONS (K).....1ST APPLICANT
- 2. FRANCIS ATWOLI.....2ND APPLICANT

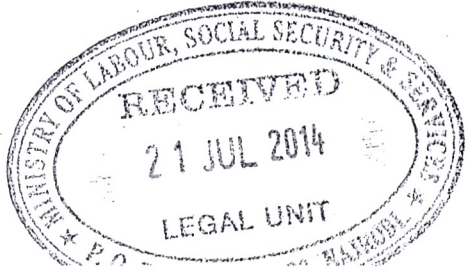
V E R S U S

- 1. THE CABINET SECRETARY MINISTRY OF LABOUR SOCIAL SECURITY AND SERVICES.....1ST RESPONDENT
- 2. THE HON. ATTORNEY GENERAL.....2ND RESPONDENT

CERTIFICATE OF URGENCY

I, **JUDITH A. GUSERWA** being an Advocate of the High Court of Kenya do hereby certify that the Chamber Summons Application filed herewith is urgent as it seeks to obtain an Order of Certiorari against the 1st Respondent's revocation of the Applicant's Appointment as a Trustee of NSSF Board of Trustees that was unlawfully effected on the 18th day of July, 2014 which is aimed at blocking the workers representative at board meetings intended to make prejudicial decisions about workers' funds without their representative as required by Section 6 of the NSSF Act. Further the 1st Respondent is to have abused the powers of his office and is bent on haunting the 2nd Applicant out of office thereby denying the Applicants and its constituent their Constitutional right of representation and exposing their funds to possible misappropriation and misuse.

(1)



DATED at Nairobi this.....21st.....day of.....July.....2014.

J.A. GUSERWA & COMPANY
ADVOCATES FOR THE APPLICANTS

DRAWN & FILED BY:-
M/S. J.A. GUSERWA & COMPANY
ADVOCATES
5TH AVENUE OFFICE SUITE, 2ND FLOOR
SUITE NO. 3
P.O. BOX 8384-00200
NAIROBI

TO BE SERVED UPON:-

1. THE CABINET SECRETARY
MINISTRY OF LABOUR AND SOCIAL SECURITY SERVICES
NSSF BUILDING
NAIROBI
2. THE HON. ATTORNEY GENERAL
ATTORNEY GENERAL'S CHAMBERS,
SHERIA HOUSE
P.O BOX
NAIROBI.

REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT OF KENYA AT NAIROBI
CAUSE NO. OF 2014

IN THE MATTER OF: AN APPLICATION BY CENTRAL ORGANIZATION
OF TRADE UNIONS (K) AND MR. FRANCIS
ATWOLI

AND

IN THE MATTER OF: THE CABINET SECRETARY MINISTRY OF
LABOUR SOCIAL SECURITY AND SERVICES

AND

IN THE MATTER OF: THE NATIONAL SOCIAL SECURITY FUND

BETWEEN

1. CENTRAL ORGANIZATION OF
TRADE UNIONS (K).....1ST APPLICANT
2. FRANCIS ATWOLI.....2ND APPLICANT

V E R S U S

1. THE CABINET SECRETARY
MINISTRY OF LABOUR SOCIAL
SECURITY AND SERVICES.....1ST RESPONDENT
2. THE HON. ATTORNEY GENERAL.....2ND RESPONDENT

EX-PARTE CHAMBER SUMMONS

(Under Section 8 & 9 of the Law Reform Act Cap 26 Laws of Kenya Order 53
Rules 1,2,3 and 4 of Civil Procedure Rules)

LET ALL PARTIES CONCERNED attend the Hon. Judge in Chambers on
the.....day of.....2014 at 9.00 O'clock in the forenoon or soon
thereafter on counsel for the Applicants can be heard in an application for
ORDERS:-

1. THAT this Application be certified as urgent and be heard ex-parte in the first
instance for reasons of urgency set out in the Certificate of Urgency filed
herewith.
2. THAT the Applicants **CENTRAL ORGANIZATION OF TRADE UNIONS**

(1)

KENYA AND FRANCIS ATWOLI be granted leave to apply for an Order of Certiorari directed to bring into the Court the decision of the 1st Respondent dated 9th July, 2014 and gazette vide Notice No. 4880 of 18th July, 2014 revoking the appointment of Mr. Francis L. Atwoli as a member of the NSSF Board of Trustees and quashing and/or cancelling the same.

3. **THAT** the Applicants **CENTRAL ORGANIZATION OF TRADE UNIONS (KENYA)** and **FRANCIS ATWOLI** be granted leave to apply for an Order of Mandamus directed to the 1st Respondent to restore and/or re-gazette the appointment of the 1st Applicant as the 2nd Applicant's nominee to the NSSF Board in compliance with Section 6 of the NSSF 2013 Act.
4. **THAT** leave to apply for the above Orders do operate as stay of convention of any meeting of NSSF Board of Trustees pending the hearing and determination of these proceedings.
5. **THAT** costs of this application to be provided for.

WHICH APPLICATION is supported by annexed affidavit of **FRANCIS ATWOLI** and such further grounds to be adduced at the hearing.

- a) **THAT** the revocation of the 2nd Applicant by the 1st Respondent to the NSSF Board was unprocedural, unlawful and a violation of Section 6 of the NSSF Act.
- b) **THAT** the 2nd Applicant's Appointment to the Board is tainted with malice, procedurally impropriety and is intended to square personal scores.
- c) **THAT** the decision of the 1st Respondent to revoke the 1st Applicant's nominee is a violation of the Applicant's Constitutional rights as set out by Articles 47 and 50 and a sabotage of the Applicants interests at the board.

DATED at Nairobi this.....*21st*.....day of.....*July*.....2014.

J.A. GUSERWA & COMPANY
ADVOCATES FOR THE APPLICANTS

DRAWN & FILED BY:-

M/S. J.A. GUSERWA & COMPANY
ADVOCATES
5TH AVENUE OFFICE SUITE, 2ND FLOOR
SUITE NO. 3
P.O. BOX 8384-00200
NAIROBI

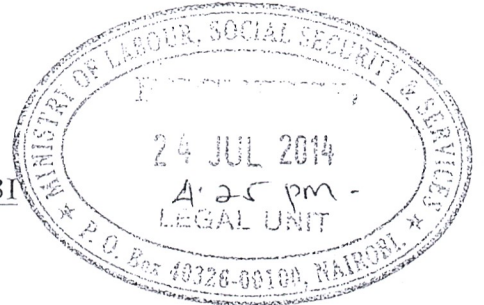
TO BE SERVED UPON:-

1. THE CABINET SECRETARY
MINISTRY OF LABOUR AND SOCIAL SECURITY SERVICES
NSSF BUILDING
NAIROBI

2. THE HON. ATTORNEY GENERAL
ATTORNEY GENERAL'S CHAMBERS,
SHERIA HOUSE
NAIROBI.

NOTE: "If any party served does not appear at the place and time above mentioned, such order may be given and proceedings taken as the court may deem fit and just to grant, their absence notwithstanding".

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI
PETITION NO.370 OF 2014



IN THE MATTER OF:

ARTICLE 22(1) OF THE CONSTITUTION

IN THE MATTER OF

ALLEGED CONTRAVENTION OF THE FUNDAMENTAL RIGHTS AND
FREEDOMS UNDER ARTICLES 27, 32(1), 33(1) (a), 47, 50 OF THE CONSTITUTION
OF KENYA

ARTICLES 20, 21, 23(1), 23(3) (a), (b), (c), (e) AND (f) and 165(3) (b) and (d) OF THE
CONSTITUTION OF KENYA

THE CONSTITUTION OF KENYA (PROTECTION OF RIGHTS AND
FUNDAMENTAL FREEDOMS) PRACTICE AND PROCEDURE RULES 2013

THE NATIONAL SOCIAL SECURITY FUND ACT CAP 258 LAWS OF KENYA
(REPEALED)

IN THE MATTER OF

THE NATIONAL SOCIAL SECURITY FUND ACT NO. 45 OF 2013

IN THE MATTER OF

GAZETTE NOTICE NO. 4880 DATED 9TH JULY 2014 AND PUBLISHED IN THE
KENYA GAZETTE VOLUME CXVI-NO 85 ON 18TH JULY 2014

BETWEEN

FEDERATION OF KENYA

EMPLOYERS.....1ST APPLICANT/1ST PETITIONER

JACQUELINE MUGO2ND APPLICANT/2ND PETITIONER

AND

THE HONOURABLE ATTORNEY GENERAL1ST RESPONDENT

THE CABINET SECRETARY FOR LABOUR,
SOCIAL SECURITY AND SERVICES2ND RESPONDENT

HEARING NOTICE

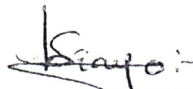
TO: THE HONOURABLE ATTORNEY GENERAL
STATE LAW OFFICE
SHERIA HOUSE
NAIROBI

CABINET SECRETARY
LABOUR SOCIAL SECURITY AND SERVICE
N.S.SF BUILDING
BISHOPS ROAD
P.O BOX 40326-00100
NAIROBI

TAKE NOTICE that this matter has been fixed for hearing on the 25th day of July 2014 at 9.00am in the forenoon or soon thereafter at the High Court of Kenya in Nairobi.

TAKE FURTHER NOTICE that in default of your attendance the same shall proceed and such further orders be made your absence notwithstanding.

DATED at NAIROBI this 24TH day of JULY 2014



OBURA MBECHE & COMPANY
ADVOCATES FOR THE PETITIONERS/APPLICANTS

DRAWN & FILED BY:
OBURA MBECHE & COMPANY
ADVOCATES
BISHOPS GARDEN TOWERS
2ND FLOOR
P.O BOX 28638-00200
NAIROBI