

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY (FOURTH SESSION)

PUBLIC PETITION

(No. 20 of 2020)

BY OFFICIALS OF KENYA UNION OF SUGAR PLANTATION AND ALLIED WORKERS, KABRAS BRANCH REGARDING UNFAIR LABOUR RELATIONS BY WEST KENYA SUGAR COMPANY

I, the **UNDERSIGNED**, on behalf of officials of Kenya Union of Sugar Plantation and Allied Workers, Kabras Branch;

DRAW the attention of the House to the following;

1. **THAT**, Article 41 of the Constitution provides that every person has the right to fair labour practices which include the right to fair remuneration, the right to reasonable working conditions, the right to form, join or participate in the activities and programmes of a trade union and to go on strike;
2. **THAT**, in spite of the above stated constitutional safeguards, West Kenya Sugar Company, one of the leading sugar companies in the Country, has been subjecting its employees to unfair labour practices;
3. **THAT**, since change of ownership of the company in 2007, the company has refused to employ its workers on permanent terms as required and has instead been using casualization and contracts to frustrate and exploit workers;
4. **THAT**, the Company has been violating workers' rights, disregarding employment laws, paying workers poorly and executing discriminatory terms of employment;
5. **THAT**, even-though West Kenya Sugar Company has been expanding rapidly as evidenced by the building of cane weighbridges in various parts of the region and building of other Milling units like Olepito in Busia and Naitiri in Bungoma, the Company is allegedly intimidating permanent employees using threats of retrenchment;
6. **THAT**, in violation of the worker's right to join and participate in activities of trade unions, the Company has been frustrating union officials and workers who join unions and terminating their employment for joining and participating in trade union activities;
7. **THAT**, the Company has illegally and unprocedurally terminated services of about 800 contract and casual workers in spite of having served the company for many years without following the due process of the law or respecting the rights of employees;



Approved
5/8/20
HSP
DSMT

Hon. Speaker
This is in order. You
may approve.
MPS
5/8/2020

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- 8. THAT**, the affected workers who have been renewing their contracts annually have suffered loss of benefits, disruption of livelihoods and are unable to service bank and co-operative loans guaranteed by the Company whose repayment period is up to six year terms;
- 9. THAT**, further, the employer has terminated these employees' services without due respect to the Government directives that employees should not lose jobs during this Covid-19 period, since this will occasion serious economic consequences on communities and families;
- 10. THAT**, further, the company has gone ahead to outsource and engage over 200 foreign and non-local employees to perform simple jobs that are ordinarily expected to be performed by local residents;
- 11. THAT**, the Company has been violating the law relating to employment of foreign employees because most of those working in the company allegedly do not have genuine work permits but are instead hiding under the KUSHWAHA contractors as they take over jobs from citizens;
- 12. THAT**, engagement of foreigners has further escalated racial discrimination between Africans and Asians doing the same job as foreigners are highly paid and Africans in the same job scale are poorly paid and exploited;
- 13. THAT**, efforts made by the Petitioners to have the management of West Kenya Sugar Company address the plight of employees have been unsuccessful;
- 14. THAT**, the matters raised in this Petition are not pending in any Court of Law, constitutional or other legal body.

THEREFORE, your humble Petitioners pray that the National Assembly through the Departmental Committee on Labour and Social Welfare: -

- 1) Recommends that the management of West Kenya Sugar Company unreservedly grants to all employees, including union officials, the inalienable right to form, join or participate in the activities and programmes of a trade union as enshrined in Article 41 of the Constitution and as pronounced in court through case Nos. 110/2013, 388/2018 and 258/2018;
- 2) Causes the Company to honor and implement the Collective Bargaining Agreement (CBA) of 2017 for all its employees without any discrimination whatsoever, including payment of salary arrears as from 1st May 2017;

PUBLIC PETITION

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- 3) Recommends that the Management of West Kenya Sugar Company Limited forthwith revokes unfair termination of employment of over 800 contract and casual employees and varies their terms of employment from contract to permanent on account of having served for many years on contract terms; and
- 4) Inquires into the circumstances under which over 200 foreigners who do not have authentic work permits have been unprocedurally outsourced to perform non-expatriate work that would ordinarily be done by locals and recommends annulment of their engagement;
- 5) Makes any other appropriate recommendations it deems fit in addressing the circumstances raised in this Petition.

And your Petitioners will ever pray.

PRESENTED BY:









THE HON. MOSES MALULU INJENDI, MP
MEMBER FOR MALAVA CONSTITUENCY

DATE: 5/8/2020.....

4. That parliament to scrutinize and investigate all foreign employees in West Kenya Sugar Company Limited both in management and those working under KUSHWAHA contractors.
5. The employer and the Management of West Kenya Sugar Company Limited be compelled by law to respect and accord workers their rights more so to respect and recognize all union officials from shop floor to National officials.







PETITIONERS

NO	NAME	ID NO	POSITION	PHONE	SIGN
1	Yusto Murunga Luchivya	11303295	Branch chairman	0720970446	
2	Jeremiah Ingalia Akhonya	14679704	Branch Secretary	0726549272	
3	Nemiah Reaton Muchina	22557152	Branch Treasurer	0705174737	
4	Derek Ouya Mukonyole	6656033	Branch Ass. Secretary	07277022310	
5	Gordon Ochieng' Ogada	21992936	Branch Vice Chairman	0724611856	
6	Evans Makondo	8061475	Branch Ass. Treasure	0725360252	

Dated 7th.....this day July.....2020

PETITION TO KENYA NATIONAL ASSEMBLY

We the undersigned being officials of Kenya Union of Sugar Plantation and allied workers Kabras branch which serves employees of West Kenya Sugar Company Limited do hereby on behalf of the workers sign and confirm that we are the petitioners in this matters as attached.

	NAME	POSITION IN BRANCH	ID	SIGNATURE
1.	Yusto M. Luchinya	CHAIRMAN	11303295	
2.	JEREMIAH IAKHOBYA	SECRETARY	14679704	
3.	NEMIAH R MUCHINA	TREASURER	22557152	
4.	DEREK OUYA MUKONYOLÉ	ASS/BRANCH	6656033	
5.	GORDON O. OGADA	ASST. CHAIRMAN	21992936	
	EVANS MUKOMBO	ASST. - TREASURER	8061475	

Dated 7th July 2020.

