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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY


PARLIAMENT
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THIRTEENTH PARLIAMENT – THIRD SESSION

DEPARTMENTAL COMMITTEE ON LABOUR

REPORT ON: -

CONSIDERATION OF THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2024),

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE:	13 NOV 2024
TABLED BY:	MAJORITY PARTY WHIP
CLERK-AT-THE-TABLE:	HON. NAOMI WAGO MP MS. MERCI CHUMO
	DAY: WED

The Directorate of Departmental Committees
Clerk's Chambers
Parliament Buildings
NAIROBI

November, 2024

NATIONAL ASSEMBLY
RECEIVED
13 NOV 2024
SPEAKER'S OFFICE
P. O. Box 41842, NAIROBI.

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CHAIRPERSON'S FOREWORD

The Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 Of 2024), sponsored by Hon. Didmus Wekesa Barasa, MP, seeks to amend the Salaries and Remuneration Commission Act, 2011 to provide that the chairperson and members of the Commission appointed under Article 230(2) (a), (b) and (c) of the Constitution shall serve on a part time basis for a non-renewable term of six years whereas those appointed under Article 230 (2) (d) and (e) of the Constitution shall serve on a part time basis.

Currently, the provision provides for service on a full-time basis for the chairperson and members appointed under Article 230(2) (a), (b) and (c) of the Constitution and service on a part time basis for members appointed under Article 230 (2) (d) and (e) of the Constitution.

The Bill seeks to reduce the operational costs of the Commission associated with the full-term running of the Commission.

The Bill was published on 22nd March 2024 and Read a first time in the House on 12th June 2024. Pursuant to Standing Order 127 (1), the Bill was committed to the Departmental Committee on Labour for consideration and facilitation of public participation pursuant to Standing Order 127.

The Committee placed advertisements in the print media on 16th July 2024 seeking public views on the Bill as required by Article 118 of the Constitution of Kenya and National Assembly Standing Order 127(3). The Committee received written memoranda from one (1) stakeholder.

While considering the Bill, the Committee observed that the reasons that necessitated the need to shift SRC Commissioners from part-time to full-time service still suffice, with reasons such as mitigating the ballooning public sector wage bill still a concern. The Committee recommended that the House **reject** the Bill in its entirety.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Bill. I wish to express appreciation to the Honourable Members of the Committee and the Committee Secretariat for their resilience and commitment to duty, which made the consideration of the Bill successful. May I also on behalf of the Committee thank and appreciate the stakeholders who submitted memoranda on the Bill. Indeed, their views informed the consideration of the Bill.

On behalf of the Committee and pursuant to provisions of Standing Order 137 (1) and 199 (6), it is my pleasant privilege and honour to present to this House the report of the Committee on its consideration of the Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 Of 2024).

HON. ERIC MUCHANGI KAREMBA, M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON LABOUR

PART I

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Labour of the 13th Parliament was constituted on 27th October, 2022 and is established under provisions of National Assembly Standing Order 216. Standing Order No. 216(5) grants the Committee, amongst other functions to:
 - b) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
 - c) *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
 - (ba) *on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - d) *study and review all legislation referred to it;*
 - e) *study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - f) *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;*
 - g) *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);*
 - (fa) *examine treaties, agreements and conventions;*
 - h) *make reports and recommendations to the House as often as possible, including recommendation of propose legislation;*
 - i) *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - j) *examine any questions raised by Members on a matter within its mandate.*
1. Further, the Second Schedule to the Standing Orders mandates the Committee to consider matters relating to labour, human capital and remuneration, trade union relations, and public service.

1.2 Oversight

2. In line with the assigned subject matter, and in executing this mandate, the Committee oversees the following Ministries, Departments, and Agencies (MDAs):
 - i. The State Department for Public Service and its Autonomous and Semi-Autonomous Government Agencies which include;
 - a) Kenya School of Government; and
 - b) Institute of Human Resource Management
 - ii. The State Department for Labour and Skills Development and its Autonomous and Semi-Autonomous Government Agencies, which include;
 - a) National Industrial Training Authority (NITA);
 - b) National Productivity and Competitiveness Centre (NPCC);
 - c) Kenya National Labour Board and the Wages Council;

- d) National Employment Authority (NEA);
- e) Migrant Workers Welfare Fund
- f) Department of Labour Migration Management,
- iii Public Service Commission,
- iv. Salaries and Remuneration Commission;

1.3 Committee Composition

3. The Committee was constituted by the House on 27th October 2022 and comprises the following Members of Parliament:

Chairperson

Hon. Eric Muchangi Karemba, MP
Runyenjes Constituency
UDA Party

Vice-Chairperson

Hon. Fabian Kyule Muli, MP
Kangundo Constituency
GDDP

Members

Hon. James Onyango K'Oyoo, MP
Muhoroni Constituency
ODM Party

Hon. Ernest Ogesi Kivai Kagesi, MP
Vihiga Constituency
ANC Party

Hon. Richard Kiti Chonga, MP
Kilifi South Constituency
ODM Party

Hon. Joseph Samal Lomwa, MP
Isiolo North Constituency
Jubilee Party

Hon. George Aladwa Omwera,
Makadara Constituency
ODM Party

MP Hon. Catherine Wambiliaga, MP
Bungoma County
FORD-K

Hon. Amina Dika Abdullahi, MP
Tana River Constituency
KANU

Hon. Dorice Aburi Donya, MP
Kisii County
WDM-K

Hon. Patrick Simiyu Barasa, MP
Cherangany Constituency
DAP-K Party

Hon. Mangale Munga Chiforomodo, MP
Lunga Lunga Constituency
UDM Party

Hon. Peter Irungu Kihungi, MP
Kangema Constituency
UDA Party

Hon. Leah Sopiato Sankaire, MP
Kajiado County
UDA Party

Hon. Lilian Chebet Siyoi, MP
Trans Nzoia County
UDA Party

1.4 Committee Secretariat

4. The Committee has the following technical staff, representing the Office of the Clerk

Mr Abenayo Wasike
Principal Clerk Assistant I/Head of Secretariat

Mr. Fredrick Muthengi
Deputy Director PBO

Mr. Samuel Wanjiru
Clerk Assistant III

Ms Colletah Sigilai
Senior Legal Counsel

Ms Josephine Osiba
Hansard reporter III

Ms Wambui Nyachae
Research Officer III

Mr Timothy C Tsungulah
Research Officer III

Ms Yasmin Hassan
Assistant Serjeant-At-Arms II

Ms Mercylyn Kerubo
Audio Officer III

Mr Ambrose Nguti
Media Relations Officer III

Ms Faith Njiru
Public Communication Officer III

PART II

2.0 CONSIDERATION OF THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2024),

2.1 Background Information

5. The principal object of this Bill is to amend the Salaries and Remuneration Commission Act to provide that the chairperson and members of the Commission appointed under Article 230(2) (a), (b) and (c) of the Constitution shall serve on a part time basis for a non-renewable term of six years whereas those appointed under Article 230 (2) (d) and (e) of the Constitution shall serve on a part time basis.
6. Currently, the provision provides for service on a full-time basis for the chairperson and members appointed under Article 230(2) (a), (b) and (c) of the Constitution and service on a part time basis for members appointed under Article 230 (2) (d) and (e) of the Constitution.
7. Since the functions of the Commission are periodic, the chairperson and members of the Commission are not required to perform their duties on a full-term basis.
8. Further, the Commission's functions on setting and reviewing the remuneration and benefits of all State officers and advising the national and county governments on the remuneration and benefits of all other public officers are done occasionally.
9. Therefore, the Bill seeks to reduce the operational costs of the Commission associated with the full-term running of the Commission.

2.2 Analysis of the Bill

The Bill contains two (2) clauses for consideration

10. **Clause 1** of the Bill provides for the short title.
11. **Clause 2** of the Bill provides for the amendment of Section 4 of the Act on appointment of the Chairperson and Members.
12. The Bill does not delegate legislative powers nor does it limit any fundamental rights and freedoms as provided under the Constitution.
13. The Bill affects the functions of the county governments and is therefore a Bill concerning Counties. Article 230(4) of the Constitution provides for the functions of the Salaries and Remuneration Commission, which affects the functions of the County Governments.
14. The Bill is a money Bill for the purpose of Article 114 of the Constitution.

2.3 Public participation in the review of the Bill

15. Article 118 (1) (b) of the Constitution provides as follows: -
"Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees"

Standing Order 127(3) provides as follows-

“The Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee makes its recommendations to the House”

16. In line with the Constitution and Standing Orders, the National Assembly in the local daily newspapers of **16th July, 2024** invited the public to make representations on the proposed Bill as per annexure 3 of the report. The Committee received one (1) written submission on the Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 Of 2024),

PART III

3.0 SUBMISSIONS FROM STAKEHOLDERS

3.1 Submissions by Hon. Didmus Wekesa Barasa M.P., Sponsor of the Bill

Hon. Didmus Barasa, MP appeared before the Committee on Tuesday, 21st November 2023 during the pre-publication scrutiny and submitted as follows:

17. As per Article 230(4) of the Kenyan Constitution, 2010, the powers and functions of the Salaries and Remuneration Commission (SRC) are:
 - i. To set and regularly review the remuneration and benefits of all State officers; and
 - ii. To advise the national and county governments on the remuneration and benefits of all other public officers.
18. The Member indicated that the two cited mandates do not warrant the Commissioners to serve on a full-time basis. He reported that initially when the Commission was constituted, the Commissioners served on a part time basis. An amendment was made to the Salaries and Remuneration Commission Act to provide that the Commissioners serve on a full-time basis.
19. He informed the Committee that the Commission is served by a qualified and competent full-time secretariat which is charged with the roles of technical evaluation and advisory.
20. In addition, the Sponsor submitted that Bill seeks to reduce the operational costs associated with the full-term running of the Commission. The justification is that the functions of the Commission are periodic, the chairperson and members of the Commission are not required to perform their duties on a full-term basis.
21. Further, Article 250 (5) of the Constitution provides that a member of a commission may serve on a part-time basis. The Sponsor reiterated the need to anchor this provision in the Salaries and Remuneration Commission Act (No. 10 of 2011).

3.2 Salaries and Remuneration Commission

The Salaries and Remuneration Commission in their written presentations rejected the proposed amendments and submitted as follows-

22. The Salaries and Remuneration Commission Act, 2011 was amended in 2018 to convert the terms of the Chairperson and Members save for ex officio Members from part-time to full-time. The Commission averred that the reasons for conversion still suffice.
23. The mandate of the Commission under Article 230(4) is continuous and not occasional as stated in the Bill.
24. An amendment to revert the terms of service would severely compromise the Commission's efficiency and operations.
25. The chairperson and the Members of the Commission are required on a daily-to-daily basis to discharge their mandate under Article 230 (4) of the Constitution and Section 11 of the SRC Act, 2011.
26. If the Commission were to operate on a part-time basis, it would not be able to discharge its mandate fully, with far-reaching ramifications on:

- i. The country's trajectory towards attaining a wage-bill-to-revenue ratio of 35%
 - ii. Attraction and retention of requisite skills to discharge public service functions
 - iii. Progressive harmonization of remuneration and benefits to achieve equity and fairness
 - iv. Advice on proposals and requests from public service institutions within the agreed service level turnaround time
 - v. Timely advice on collective bargaining negotiations
 - vi. Continuous job evaluation, monitoring and stakeholder engagements
27. The benefits of allowing the Commission to operate optimally by retaining the current status to allow the Chairperson and Members to continue serving on a full-time basis outweigh any operational costs savings from converting the terms to part-time

PART IV

4.0 COMMITTEE ANALYSIS OF SUBMISSIONS AND RESOLUTIONS ON PROPOSED AMENDMENTS

28. The Committee while considering the Bill made the following observations-

- i. The SRC Commissioners appointed under Article 230 (2) (a), (b), and (c) shift from part-time to full-time was initiated by an amendment of the Statute Law (Miscellaneous Amendment) (No.3) Bill of 2017. The Bill also allowed the president to nominate the Chairperson per Article 230 (2) (a) of the Constitution.

The reasons that necessitated the shift include:

- a. The mandate of the SRC under Article 230 (4) is continuous and not occasional and hence requires the full-time dedication of Members and the chairperson.
 - b. There was a need to manage or mitigate the ballooning public sector wage bill.
 - c. There was a need for continuous job evaluation, monitoring and evaluation of stakeholders.
 - d. Commissioners needed to dedicate their time and energy and have their full focus on executing their mandate.
- ii. The above reasons that necessitated the need to shift SRC Commissioners from part-time to full-time service still suffice, with reasons such as mitigating the ballooning public sector wage bill still a concern.
 - iii. In addition, most Independent and Constitutional Commissions have the terms of service of the Chairperson and most Members as full-time. Only a few Commissions have the Chairperson and Members serve on a part-time basis such as the Ethics and Anti-Corruption Commission.


PART V

5.0 COMMITTEE RECOMMENDATION

29. The Committee having considered the Bill and stakeholder submissions, and having made the above observations, recommends that the House **REJECTS** the Bill in its entirety.

SIGNED.......... DATE 12/11/2024
HON. ERIC MUCHANGI KAREMBA, M.P.

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON LABOUR

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 13 NOV 2024	DAY: WED.
TABLED BY:	MAJORITY PARTY WHIP. HON. NAOMI WAGO MP
CLERK-AT-THE-TABLE:	Ms. MERY CHUMO

Annexure 1: Report Adoption List



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT-THIRD SESSION -2024
DEPARTMENTAL COMMITTEE ON LABOUR

REPORT ADOPTION LIST

We, the members of the Departmental Committee on Labour, have pursuant to Standing Orders 216(5) (c) and 199, adopted this report on the Salaries and Remuneration Commission (Amendment) Bill, (National Assembly Bills No. 21 of 2024) and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity.
Date..... 15/10/2024

	NAMES	SIGNATURE
1.	Hon. Karemba Eric Muchangi Njiru, MP-Chair person	
2.	Hon. Muli Fabian Kyule, MP- Vice Chairperson	
3.	Hon. K'Oyoo James Onyango, M.P.	
4.	Hon. Kagesi Kivai Ernest Ogesi, M.P.	
5.	Hon. Kiti Richard Ken Chonga, M.P.	
6.	Hon. Lomwa Joseph Samal, M.P.	
7.	Hon. Omwera George Aladwa, M. P.	
8.	Hon. Wambilianga Catherine Nanjala, MP	
9.	Hon. Abdullahi Amina Dika, M.P.	
10.	Hon. Aburi Donya Dorice, M.P.	
11.	Hon. Barasa Patrick Simiyu , M.P.	
12.	Hon. Chiforomodo Mangale Munga, M.P.	
13.	Hon. Kihungi Peter Irungu, M. P.	
14.	Hon. Sankaire Leah Sopiato, M.P.	
15.	Hon. Siyoi Lillian Chebet, M.P.	

SIGN..... DATE 17/10/24

Mr. Abenayo Wasike, Principal Clerk Assistant I

Annexure 2: Minutes

MINUTES OF THE 56TH SITTING OF THE DEPARTMENTAL COMMITTEE ON LABOUR HELD ON TUESDAY, 15TH OCTOBER 2024 IN COMMITTEE ROOM 11 ON THE SECOND FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AT 12:00 PM.

PRESENT

- 1 The Hon Karemba Eric Muchangi Njiru, M.P. - Chairperson
- 2 The Hon Muli Fabian Kyule, M.P - Vice Chairperson
- 3 The Hon Kagesi Kivai Ernest Ogesi, M P
- 4 The Hon. Kiti Richard Ken Chonga, M P
- 5 The Hon. Wambilianga Catherine Nanjala, M P
- 6 The Hon. Abdullahi Amina Dika, M.P
- 7 The Hon Chiforomodo Mangale Munga, M P
- 8 The Hon Kihungi Peter Irungu, MP
- 9 The Hon Siyoi Lillian Chebet, M P

APOLOGIES

1. The Hon K'Oyoo James Onyango, M.P
2. The Hon Lomwa Joseph Samal, M P
3. The Hon Omwera George Aladwa, M.P.
4. The Hon Aburi Donya Dorice, M P.
5. The Hon Barasa Patrick Simiyu, M P
6. The Hon Sankaire Leah Sopiato, MP

COMMITTEE SECRETARIAT

1. Mr Abenayo Wasike - Principal Clerk Assistant I
2. Mr. Samuel Wanjiru - Clerk Assistant III
3. Ms. Colletah Sigilai - Senior Legal Counsel
4. Mr. Ambrose Nguti - Media Relations Officer III
5. Mr Timothy Chiko - Research Officer III
6. Mr. Yasmin Hassan - Assistant Serjeant at Arms II
7. Shirleen Kyalo - Intern

AGENDA

1. Prayers
- 2 Preliminaries;
 - i Adoption of the Agenda
 - ii. Remarks by Chairperson
3. Confirmation of Minutes/Matters Arising
4. Consideration of the draft report on the Salaries and Remuneration Commission (Amendment) Bill, National Assembly Bill No.21 of 2024
5. Business Before the Committee
6. Any Other Business
7. Adjournment

The Chairperson called the meeting to order at twenty minutes past twelve o'clock and said the Prayer. This was followed by a round of introduction by the secretariat and the Honourable Members.

MIN.NO.231 NA/LAB/2024: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING.

Minutes of the 35th Sitting, held on 26th September 2024, were confirmed as being a true reflection of the proceedings of the meeting as proposed by Hon. Muli Fabian Kyule, M.P and seconded by Hon. Kiti Richard Ken Chonga, M.P.

MIN.NO.232 NA/LAB/2024: MATTERS ARISING

Under MIN.NO.226 NA/LAB/2024

- i. On Consideration of the Sessional Paper No. 5 on the National Policy on Labour Migration, the Committee was informed on the need for public participation through invitation to submit views through placement of adverts in the dailies. The Joint Committee is set to consider the submissions from the public upon lapse of the advert deadline.
- ii. On consideration of the status of Budget implementation FY 2023/24, the Members were informed that the Committee had received the submissions from the Independent Commissions and MDAs under its purview. The Committee resolved to schedule meetings to consider the same.

MIN.NO.233 NA/LAB/2024: BUSINESS BEFORE THE COMMITTEE

The following businesses have been committed to the committee for consideration:

1. The National Employment Authority (Amendment) Bill, 2023 (Senate Bills No 48 of 2023). The Bill is sponsored by Sen. Crystal Asige, MP. Committee on Labour was briefed on 18th April 2024. Committee on Labour was briefed on Thursday 18th April 2024 pending the Joint Sittings with the Committee on Diaspora Affairs and Migrant Workers.
2. Sessional Paper No. 5 on the National Policy on Labour Migration.

The Joint Committee on Labour and Diaspora Affairs and Migrant Workers met the Cabinet Secretary, Ministry of Labour and Social Protection on Thursday 9th November 2023 to deliberate on the Policy and resolved to hold a retreat for comprehensive deliberations on the said sessional paper.

The Joint Committee met with the Cabinet Secretary on Wednesday 24th April 2024 to deliberate on the Policy.

Join Committee to place advert in the local dailies to facilitate public participation.

3. Report on the status of Budget implementation FY 2023/24 for MDAs and Independent Commissions under the purview of the Committee.

The Committee has received information from MDAs and Commissions under its purview and is set to schedule meetings to consider the same.

4. Statement regarding unfair Labour practices by Diamond Leisure Lodge Beach and Golf Resort by Hon. Fatuma Masito, MP (Kwale County).

Committee has written to the Cabinet Secretary, Ministry of Labour and Social Protection for a response to the Statement.

5. Statement regarding regards the gazettelement of Lunga Lunga Sub-County as a hardship Area by Hon. Chiforomodo Mangale, MP.

The Committee received a response from the Ministry of Public Service and Human Capital Development. However, the Committee observed that the response was not satisfactory and resolved to request for a more detailed response to the issues raised in the request for the statement including expected timelines for the gazettelement of the designated areas.

MIN.NO.234 NA/LAB/2024 **CONSIDERATION OF THE DRAFT REPORT ON
THE SALARIES AND REMUNERATION
COMMISSION (AMENDMENT) BILL,
NATIONAL ASSEMBLY BILL NO.21 OF 2024.**

The Committee was guided through the draft report on its consideration of the Salaries and Remuneration Commission (Amendment) Bill, National Assembly Bills No. 21 of 2024, sponsored by Hon. Didmus Wekesa Barasa, M.P.

The Committee while considering the Bill made the following observations-

- i. The SRC Commissioners appointed under Article 230 (2) (a), (b), and (c) shift from part-time to full-time was initiated by an amendment of the Statute Law (Miscellaneous Amendment) (No.3) Bill of 2017. The Bill also allowed the President to nominate the Chairperson per Article 230 (2) (a) of the Constitution.

The reasons that necessitated the shift included:

- a. The mandate of the SRC under Article 230 (4) is continuous and not occasional and hence requires the full-time dedication of Members and the chairperson.
 - b. There was a need to manage or mitigate the ballooning public sector wage bill.
 - c. There was a need for continuous job evaluation, monitoring and evaluation of stakeholders.
 - d. Commissioners needed to dedicate their time and energy and have their full focus on executing their mandate.
- ii. The above reasons that necessitated the need to shift SRC Commissioners from part-time to full-time service still suffice, with reasons such as mitigating the ballooning public sector wage bill still a concern.
 - iii. In addition, most Independent and Constitutional Commissions have the terms of service of the Chairperson and most Members as full-time. Only a few Commissions have the Chairperson and Members serve on a part-time basis such as the Ethics and Anti-Corruption Commission.

The Committee, having considered the Bill and stakeholder submissions, and having made the above observations, recommended that the House **rejects** the Bill in its entirety.

The report on consideration of the Salaries and Remuneration Commission (Amendment) Bill, National Assembly Bills No. 21 of 2024, sponsored by Hon. Didmus Wekesa Barasa, M.P, was unanimously adopted as proposed by Hon. Chiforomodo Mangale Munga, M.P and seconded by Hon. Wambilianga Catherine Nanjala, M.P.

MIN.NO.235 NA/LAB/2024. ANY OTHER BUSINESS

The Meeting resolved to hold the following sittings during the first week upon resumption of sittings after the short recess commencing on Tuesday, 22nd October 2024:

- i. Meeting with the Cabinet Secretary, Ministry of Public Service and Human Capital Development on the Proposed Public Service Human Resource Management Bill; and
- ii. Meeting with Cabinet Secretary, Ministry of Labour and Social Protection to discuss the Kenya -German Comprehensive Migration and Mobility Partnership Agreement.

MIN. NO. 236 NA/LAB/2024: ADJOURNMENT

There being no other business, the meeting was adjourned at two minutes to one o'clock. The next meeting will be held on Thursday, 17th October 2024.

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

.....5/11/2024.....

(CHAIRPERSON)

MINUTES OF THE 34TH SITTING OF THE DEPARTMENTAL COMMITTEE ON LABOUR HELD ON THURSDAY, 19TH SEPTEMBER 2024 IN COMMITTEE ROOM 9, MAIN PARLIAMENT BUILDINGS AT 12:00 PM.

PRESENT

- 1 The Hon Muli Fabian Kyule, M.P. - Vice Chairperson
- 2 The Hon. Kagesi Kivai Ernest Ogesi, M.P -*Chairing*
3. The Hon. K'Oyoo James Onyango, M P
4. The Hon Abdullahi Amina Dika, M.P.
- 5 The Hon Kihungi Peter Irungu, MP
6. The Hon Siyoi Lillian Chebet, M P

APOLOGIES

- 1 The Hon. Karemba Eric Muchangi Njiru, M.P. - Chairperson
- 2 The Hon. Kiti Richard Ken Chonga, M.P
3. The Hon Lomwa Joseph Samal, M P
4. The Hon. Omwera George Aladwa, M.P
5. The Hon Wambilianga Catherine Nanjala, M.P
6. The Hon Aburi Donya Dorice, M P
- 7 The Hon. Barasa Patrick Simiyu, M.P
- 8 The Hon. Chiforomodo Mangale Munga, M P
9. The Hon Sankaire Leah Sopiato, MP

COMMITTEE SECRETARIAT

- 1 Mr. Samuel Wanjiru. - Clerk Assistant III
- 2 Ms. Colletah Sigilai - Senior Legal Counsel
3. Mr. Timothy Tsungulah - Research Officer III
- 4 Mr. Ambrose Nguti - Media Relations Officer III
5. Ms. Jacinta Maru - Serjeant at Arms

AGENDA

1. Prayers
2. Preliminaries;
 - i. Adoption of the Agenda
 - ii. Remarks by Chairperson
3. Confirmation of Minutes/Matters Arising.
4. Consideration of the Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024).
5. Business Before the Committee
6. Any Other Business
7. Adjournment

MIN. NO.218 NA/LAB/2024:

PRELIMINARIES.

The Chairperson called the meeting to order at thirty minutes past one o'clock and invited Hon. Kagesi Kivai Ernest Ogesi, M.P to say the Prayer. This was followed by a round of introduction.

The Chairperson further briefed the Members on the agenda for the sitting. The agenda was adopted having been proposed by Hon. Kagesi Kivai Ernest Ogesi, M.P and seconded by Hon. K'Oyoo James Onyango, M.P

MIN.NO.219 NA/LAB/2024: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING.

Minutes of the 31st Sitting, held on 25th July 2024, were confirmed as being a true reflection of the proceedings of the meeting as proposed by The Hon. Siyoi Lillian Chebet, M.P and seconded by The Hon. K'Oyoo James Onyango, M.P.

Minutes of the 32nd Sitting, held on 1st August 2024, were confirmed as being a true reflection of the proceedings of the meeting as proposed by The Hon. Kihungi Peter Irungu, MP and seconded by The Hon. K'Oyoo James Onyango, M.P.

MIN.NO.220 NA/LAB/2024:

MATTERS ARISING

Under MIN.NO.207 NA/LAB/2024

The Committee noted the need to expedite the consideration of the Status of Budget Implementation for the Financial Year 2023/24 for the State Departments and independent commissions under its purview.

MIN.NO.221 NA/LAB/2024:

BUSINESS BEFORE THE COMMITTEE

The following businesses have been committed to the committee for consideration:

1. The National Employment Authority (Amendment) Bill, 2023 (Senate Bills No 48 of 2023). The Bill is sponsored by Sen. Crystal Asige, MP. Committee on Labour was briefed on 18th April 2024. Committee on Labour was briefed on Thursday 18th April 2024 pending the Joint Sittings with the Committee on Diaspora Affairs and Migrant Workers.
2. Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024). The Bill was read a first time on Wednesday ,12th Jun 2024. Advert for invitation to submit Memoranda placed in the dailies on 16th July 2024. Committee has been briefed on the Bill and considered stakeholders submissions and is set to schedule a meeting to consider the draft report.
3. Sessional Paper No. 5 on the National Policy on Labour Migration.

The Joint Committee on Labour and Diaspora Affairs and Migrant Workers met the Cabinet Secretary, Ministry of Labour and Social Protection on Thursday 9th November 2023 to deliberate on the Policy and resolved to hold a retreat for comprehensive deliberations on the said sessional paper.

The Joint Committee met with the Cabinet Secretary on Wednesday 24th April 2024 to deliberate on the Policy.

Draft report is ready for consideration.

4. Report on the status of Budget implementation FY 2023/24 for MDAs under the purview of the Committee.
 - i. **Budget Implementation Monitoring for the 1st and 2nd Quarter of the FY 2023/24**

Committee met the Public Service Commission and the Salaries and Remuneration Commission on Thursday 25th April 2024 and the State Department for Labour and Skills Development and that for Public Service on Tuesday 30th April 2024.

Draft report ready for consideration.

- ii. **Budget Implementation Monitoring for the 3rd and 4th Quarter of the FY 2023/24**

Committee to schedule sessions with the MDAs and Independent Commissions under its purview to consider the status of budget implementation.

MIN.NO.222 NA/LAB/2024. CONSIDERATION OF THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2024).

The Secretariat, through the Parliamentary Research Service, briefed the Members as follows;

The SRC Commissioners appointed under Article 230 (2) (a), (b), and (c) shift from part-time to full-time was initiated by an amendment of the Statute Law (Miscellaneous Amendment) (No.3) Bill of 2017.

The Bill set to amend the Salaries and Remuneration Commission Act of 2011, amending section 4 (3) deleting the words serving on a part time basis and substituting with the words "other than those appointed under Article 230 (2) (d) shall serve on a full-time basis."

The Bill was assented to in 2018, to convert the terms of the chairperson and members appointed under Article 230 (2) (a), (b) and (c) from part-time to full-time.

The reasons that necessitated the shift include:

- i. The mandate of the Commission under Article 230 (4) is continuous and not occasional and hence requires the full-time dedication of Members and the chairperson.
- ii. There was a need to manage or mitigate the ballooning public sector wage bill.
- iii. There was a need for continuous job evaluation, monitoring and evaluation of stakeholders.
- iv. Commissioners needed to dedicate their time and energy and have their full focus on executing their mandate.

The Committee was further guided through the Salaries and Remuneration Commission submissions on the Bill.

The Commission, through a memorandum dated 24 th June 2024, rejected the proposed Bill with justification. The Commissions submitted that:

- i. The reasons necessitating the need to convert the terms of service from part-time to full-time are still to obtain.
- ii. An amendment to revert the terms of service would severely compromise the Commission's efficiency and operations.
- iii. The chairperson and the Members of the Commission are required on a daily-to-daily basis to discharge their mandate under Article 230 (4) of the Constitution and Section 11 of the Salaries and Remuneration Commission Act, 2011.
- iv. The benefits of allowing the Commission to operate optimally by retaining the current status to allow the Chairperson and Members of SRC to continue serving on a full-time basis far outweigh any operational cost savings from converting their terms to part-time.

If the Commission were to operate on a part-time basis, it would not be able to discharge its mandate fully, with far-reaching ramifications such as:

- a. The country's trajectory towards attaining a wage-bill-to-revenue ratio of 35%;
- b. Attraction and retention of requisite skills to discharge public service functions;
- c. Progressive harmonization of remuneration and benefits to achieve equity and fairness;
- d. Advice on proposals and requests from public service institutions within the agreed service level turnaround time.
- e. Timely advice on collective bargaining negotiations; and
- f. Continuous job evaluation, monitoring and stakeholder engagements.

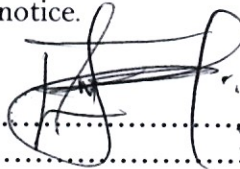
Committee Observations

Notably, most of the Independent and Constitutional Commissions have the terms of service of the Chairperson and most Members as full-time. Only a few Commissions have the Chairperson and Members serve on a part-time basis such as the Ethics and Anti-Corruption Commission.

The reasons that necessitated the need to shift SRC Commissioners from part-time to full-time service still suffice, with reasons such as mitigating the ballooning public sector wage bill still a concern.

MIN. NO. 223 NA/LAB/2024: ADJOURNMENT

There being no other business, the meeting was adjourned at four minutes past one o'clock. The next meeting will be held on notice.

SIGNED.......... DATE
26th/9/24.....

(CHAIRPERSON)

MINUTES OF THE 32ND SITTING OF THE DEPARTMENTAL COMMITTEE ON LABOUR HELD ON THURSDAY, 1ST AUGUST 2024 IN COMMITTEE ROOM 17 ON THE THIRD FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AT 12:00 PM.

PRESENT

1. The Hon. Karemba Eric Muchangi Njiru, M.P. - Chairperson
2. The Hon. K'Oyoo James Onyango, M.P
3. The Hon. Wambilianga Catherine Nanjala, M.P
4. The Hon. Barasa Patrick Simiyu, M.P
5. The Hon. Kihungi Peter Irungu, MP

APOLOGIES

1. The Hon. Muli Fabian Kyule, M.P. - Vice Chairperson
2. The Hon. Kagesi Kivai Ernest Ogesi, M.P
3. The Hon. Kiti Richard Ken Chonga, M.P
4. The Hon. Lomwa Joseph Samal, M.P
5. The Hon. Omwera George Aladwa, M.P.
6. The Hon. Abdullahi Amina Dika, M.P.
7. The Hon. Aburi Donya Dorice, M.P.
8. The Hon. Chiforomodo Mangale Munga, M.P
9. The Hon. Siyoi Lillian Chebet, M.P
10. The Hon. Sankaire Leah Sopiato, MP

COMMITTEE SECRETARIAT

1. Mr. Abenayo Wasike - Principal Clerk Assistant I
2. Mr. Fredrick Muthengi - Deputy Director, Parliamentary Budget Office
3. Mr. Joseph Ndirangu - Fiscal Analyst
4. Ms. Colletah Sigilai - Senior Legal Counsel
5. Mr. Timothy Tsungulah. - Research Officer III
6. Ms. Mercylyn Kerubo - Audio Officer III
7. Mr. Yasmin Hassan. - Assistant Serjeant at Arms II

AGENDA

1. Prayers
2. Preliminaries;
 - i. Adoption of the Agenda
 - ii. Remarks by Chairperson
3. Confirmation of Minutes/Matters Arising.
4. Consideration of the Committee plan of activities for the 1st Quarter FY 2024/35 (July-September)
5. Consideration of the Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024).
6. Business Before the Committee
7. Any Other Business
8. Adjournment

MIN. NO.204 NA/LAB/2024:

PRELIMINARIES.

The Chairperson called the meeting to order twenty-eight minutes past twelve o'clock and said the Prayer. This was followed by a round of introduction.

The Chairperson guided the Committee on the agenda of the Sitting. The agenda of was adopted having been proposed by Hon. Wambilianga Catherine Nanjala, M.P and seconded by Hon. Kihungi Peter Irungu, MP.

MIN.NO.205 NA/LAB/2024: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING.

This agenda was deferred to the next sitting.

MIN.NO.206 NA/LAB/2024:

MATTERS ARISING

No matter arose

MIN.NO.207 NA/LAB/2024:

BUSINESS BEFORE THE COMMITTEE

The following business have been committed to the committee for consideration:

1. The National Employment Authority (Amendment) Bill, 2023 (Senate Bills No 48 of 2023). The Bill is sponsored by Sen. Crystal Asige, MP. Committee on Labour was briefed on 18th April 2024. Committee on Labour was briefed on Thursday 18th April 2024 pending the Joint Sitzings with the Committee on Diaspora Affairs and Migrant Workers.
2. Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024). The Bill was read a first time on Wednesday ,12th Jun 2024. Advert for invitation to submit Memoranda placed in the dailies on 16th July 2024.
3. Sessional Paper No. 5 on the National Policy on Labour Migration.

The Joint Committee on Labour and Diaspora Affairs and Migrant Workers met the Cabinet Secretary, Ministry of Labour and Social Protection on Thursday 9th November 2023 to deliberate on the Policy and resolved to hold a retreat for comprehensive deliberations on the said sessional paper.

The Joint Committee met with the Cabinet Secretary on Wednesday 24th April 2024 to deliberate on the Policy.

Draft report is ready for consideration.

4. Report on the status of Budget implementation FY 2023/24 for MDAs under the purview of the Committee.
 - i. **Budget Implementation Monitoring for the 1st and 2nd Quarter of the FY 2023/24**

Committee met the Public Service Commission and the Salaries and Remuneration Commission on Thursday 25th April 2024 and the State Department for Labour and Skills Development and that for Public Service on Tuesday 30th April 2024.

Draft report ready for consideration.

ii. **Budget Implementation Monitoring for the 3rd and 4th Quarter of the FY 2023/24**

Committee to schedule sessions with the MDAs and Independent Commissions under its purview to consider the status of budget implementation.

MIN.NO.208 NA/LAB/2024 BRIEFING ON THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2024).

The Parliamentary Budget Office briefed the Committee on the Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024) as follows;

- i. The Bill, sponsored by Hon. Didmus Barasa, M.P seeks to amend the Salaries and Remuneration Commission Act to provide that the chairperson and members of the Commission appointed under Article 230(2) (a), (b) and (c) of the Constitution shall serve on a part time basis for a non-renewable term of six years; Whereas those appointed under Article 230 (2) (d) and (e) of the Constitution shall serve on a part time basis.
- ii. On operations of the Constitutional Commissions in Kenya, Article 248(2) of the Constitution specifies the ten Independent Constitutional commissions. Commissioners are appointed under qualifications and procedures provided for in the respective Acts and are often supposed to serve on a full-time basis unless the Commission chooses so as provided under Article 250 (5) that provides a member of a commission may serve on a part-time basis.
- iii. Further, the constitutional commissions have full pledged secretariats that operate independently in executing the mandates and powers bestowed on the respective commissions.
- iv. Besides the money appropriated through votes to these Commissions for operations, the salaries and gratuity for the Chairpersons and Commissioners are provided directly from the Consolidated Fund.
- v. On financial implication of the amendments the Committee was informed that If the Amendments proposed on the Bill are enacted, the government will save public expenditures approximated at least **Kshs. 766.6 million (annually)**.
- vi. This will be on account of the forfeited salaries and other allowances as listed in the table below

Table 1 Summary of Estimated financial cost of the two scenarios in (Kshs.)

S/No.	Benefit Entitlement/Other Expenses	Current/Full-time Basis benefits (Kshs.)	Proposed Scenario/Part-time basis benefits (Kshs.)	Intended Savings (Kshs.)
1	Annual Salary	94,982,256	-	94,982,256
2	Sitting Allowances	3,840,000	8,400,000	(4,560,000)
3	Annual leave allowance	700,000	-	700,000
	Sub-total	99,522,256	8,400,000	91,122,256
4	Incidental Expenses	225,744,000	54,196,000	171,548,000
5	Car and Mortgage	504,000,000	-	504,000,000
	Total	829,266,256	62,596,000	766,670,256

- vii. These budgetary savings are estimated to be similar across all the financial years, with medium-term saved costs amounting to slightly above Kshs. 767 million.

The Committee noted the need for;

- i. operational analysis for the Commissions established under Article 248(2) of the Constitution and other Commissions established by statutory instruments; and
- ii. the rationale for the transition from part-time to full-time, occasioned by amendments of the SRC Act, 2011 through the Statute Law (Miscellaneous Amendment) (No.3) Bill of 2017.

MIN.NO.209 NA/LAB/2024 CONSIDERATION OF THE COMMITTEE PLAN OF ACTIVITIES FOR THE 1ST QUARTER FY 2024/25 (JULY-SEPTEMBER)

The Committee was guided through the plan of activities for the 1st Quarter of the Financial Year 2024/25. The activities highlighted include consideration and reporting on:

- i. The Sessional Paper No. 5 of 2023 on the National Policy on Labour Migration, referred to the Joint Committees on Labour and Diaspora Affairs and Migrant Workers.
- ii. Bills Committed to the Committee;
 - b. Salaries and Remuneration Commission Amendment Bill (National Assembly Bill No. 21 of 2024 by Hon. Didmus Wekesa Barasa, MP
 - c. The National Employment Authority (Amendment) Bill, 2023 (Senate Bills No 48 of 2023) by Sen. Crystal Asige, MP
- iii. Meeting with Key Stakeholders including the State Department of Public Service and Site Visits to Huduma centres and Kenya School of Government Campuses;
- iv. Meeting with MDAs to discuss the Status of budget implementation performance in the 3rd and 4th Quarter of the FY 2023/2024 pursuant to MDA's (S.O 216 (2) (ba).
- v. Consideration of statements/ questions that may arise; and
- vi. International Conferences/Benchmarking

Committee observation

The Committee observed the following;

- i. There has been a delay in processing of business as a result of the need for consensus on meetings to consider business committed to Joint Committees on Labour and that of Diaspora Affairs and Migrant Workers. The Business include consideration of the Sessional Paper No.5 of 2023 on National Policy on Labour Migration and The National Employment Authority (Amendment) Bill, 2023 (Senate Bills No 48 of 2023) by Sen. Crystal Asige, MP.

The Chairperson undertook to engage the Honourable Speaker on the same to ensure expeditious processing of the business.

MIN. NO. 210 NA/LAB/2024: ANY OTHER BUSINESS

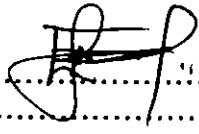
The Chairperson informed the Committee on the receipt of a letter from the Kenya Association of Manufacturers (KAM) requesting for a meeting proposed for Thursday, 8th August 2024.

The Purpose of the Meeting is to deliberate on the Workers' Injury Compensation Bill 2024. The Bill, currently undergoing public participation at the Ministry of Labour and Social Protection, seeks to establish the framework for the compensation and rehabilitation services for workers injured at or in the course of work activities.

The Committee resolved to schedule a meeting with the association

MIN. NO. 211 NA/LAB/2024: ADJOURNMENT

There being no other business, the meeting was adjourned at thirty minutes past one o'clock
The next meeting will be held on notice

SIGNED.......... DATE
.....19/09/2024

(CHAIRPERSON)

MINUTES OF THE 31ST SITTING OF THE DEPARTMENTAL COMMITTEE ON LABOUR HELD ON THURSDAY, 25TH JULY 2024 IN COMMITTEE ROOM 20 ON THE THIRD FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AT 12:00 PM.

PRESENT

1. The Hon. Karemba Eric Muchangi Njiru, M.P. - Chairperson
2. The Hon. Muli Fabian Kyule, M.P - Vice Chairperson
3. The Hon K'Oyoo James Onyango, M P
- 4 The Hon Chiforomodo Mangale Munga, M.P
5. The Hon. Siyoi Lillian Chebet, M.P

APOLOGIES

1. The Hon. Kagesi Kivai Ernest Ogesi, M.P
2. The Hon. Kiti Richard Ken Chonga, M P
3. The Hon. Lomwa Joseph Samal, M P
- 4 The Hon Omwera George Aladwa, M P
5. The Hon. Wambilianga Catherine Nanjala, M P
6. The Hon. Abdullahi Amina Dika, M P
7. The Hon. Aburi Donya Dorice, M P
- 8 The Hon Barasa Patrick Simiyu, M.P
- 9 The Hon Kihungi Peter Irungu, MP
- 10 The Hon Sankaire Leah Sopiato, MP

COMMITTEE SECRETARIAT

1. Mr. Abenayo Wasike - Principal Clerk Assistant I
2. Ms. Colletah Sigilai - Senior Legal Counsel
3. Mr. Timothy Tsungulah - Research Officer III
4. Mr Allan Kimani - Audio Officer III
5. Mr Ambrore Nguti - Media Relations Officers III
- 6 Mr Yasmin Hassan - Assistant Serjeant at Arms II

AGENDA

1. Prayers
- 2 Preliminaries;
 - i Adoption of the Agenda
 - ii Remarks by Chairperson
3. Confirmation of Minutes/Matters Arising
- 4 Briefing on the Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No 21 of 2024).
5. Business Before the Committee
6. Any Other Business
- 7 Adjournment

MIN. NO.197 NA/LAB/2024:

PRELIMINARIES.

The Chairperson called the meeting to order thirty minutes past twelve o'clock and said the Prayer. This was followed by a round of introduction.

Further, the Chairperson briefed the Committee on the agenda of the Sitting. The agenda of was adopted having been proposed by Hon. Muli Fabian Kyule, M.P and seconded by Hon. Chiforomodo Mangale Munga, M.P

MIN.NO.198 NA/LAB/2024: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING.

No minutes were pending for confirmation.

MIN.NO.199 NA/LAB/2024:

MATTERS ARISING

No matter arose

MIN.NO.200 NA/LAB/2024:

BUSINESS BEFORE THE COMMITTEE

The following business have been committed to the committee for consideration:

1. The National Employment Authority (Amendment) Bill, 2023 (Senate Bills No 48 of 2023). The Bill is sponsored by Sen. Crystal Asige, MP. Committee on Labour was briefed on 18th April 2024. Committee on Labour was briefed on Thursday 18th April 2024 pending the Joint Sitzings with the Committee on Diaspora Affairs and Migrant Workers.
2. Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024). The Bill was read a first time on Wednesday ,12th Jun 2024. Advert for invitation to submit Memoranda placed in the dailies on 16th July 2024.
3. Sessional Paper No. 5 on the National Policy on Labour Migration.

The Joint Committee on Labour and Diaspora Affairs and Migrant Workers met the Cabinet Secretary, Ministry of Labour and Social Protection on Thursday 9th November 2023 to deliberate on the Policy and resolved to hold a retreat for comprehensive deliberations on the said sessional paper.

The Joint Committee met with the Cabinet Secretary on Wednesday 24th April 2024 to deliberate on the Policy.

Draft report is ready for consideration.

4. Report on the status of Budget implementation FY 2023/24 for MDAs under the purview of the Committee.
 - i. **Budget Implementation Monitoring for the 1st and 2nd Quarter of the FY 2023/24**

Committee met the Public Service Commission and the Salaries and Remuneration Commission on Thursday 25th April 2024 and the State Department for Labour and Skills Development and that for Public Service on Tuesday 30th April 2024.

Draft report ready for consideration.

ii. **Budget Implementation Monitoring for the 3rd and 4th Quarter of the FY 2023/24**

Committee to schedule sessions with the MDAs and Independent Commissions under its purview to consider the status of budget implementation.

MIN.NO.201 NA/LAB/2024 BRIEFING ON THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2024).

The Legal Counsel briefed the Committee on the Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024) as follows;

The Bill, sponsored by Hon. Didmus Barasa, M.P seeks to amend the Salaries and Remuneration Commission Act to provide that;

- i. The chairperson and members of the Commission appointed under Article 230(2) (a), (b) and (c) of the Constitution shall serve on a part time basis for a non-renewable term of six years;
- ii. Whereas those appointed under Article 230 (2) (d) and (e) of the Constitution shall serve on a part time basis.

Currently, the provision provides for service on a full-time basis for the chairperson and members appointed under Article 230(2) (a), (b) and (c) of the Constitution and service on a part time basis for members appointed under Article 230 (2) (d) and (e) of the Constitution.

Article 230(2) provides that the Salaries and Remuneration Commission consist of the following persons appointed by the President—

- (a) a chairperson;
- (b) one person each nominated by the following bodies from among persons who are not members or employees of those bodies—
 - i. the Parliamentary Service Commission;
 - ii. the Public Service Commission;
 - iii. the Judicial Service Commission
 - iv. the Teachers Service Commission;
 - v. the National Police Service Commission;
 - vi. the Defence Council; and
 - vii. the Senate, on behalf of the county governments;
- (c) one person each nominated by--
 - i. an umbrella body representing trade unions;
 - ii. an umbrella body representing employers; and
 - iii. a joint forum of professional bodies as provided by legislation;
- (d) one person each nominated by--
 - i. the Cabinet Secretary responsible for finance; and
 - ii. the Attorney-General; and
- (e) one person who has experience in the management of human resources in the public service, nominated by the Cabinet Secretary responsible for public service.

Since the functions of the Commission are periodic, the chairperson and members of the Commission are not required to perform their duties on a full-term basis. Further, the Commission's functions on setting and reviewing the remuneration and benefits of all State officers and advising the national and county governments on the remuneration and benefits of all other public officers are done occasionally.

Therefore, the Bill seeks to reduce the operational costs of the Commission associated with the full-term running of the Commission.

Committee observation

- i. The Committee observed that the proposed amendments seek to provide for all Commissioners to serve on a part-time basis and also do away with the term limit for persons appointed under Article 230(2) (e).

The Committee Secretariat, through the Parliamentary Budget Office, was tasked to brief the Committee on the financial and economic implications of the proposed amendments during the next Sitting.

MIN. NO. 202 NA/LAB/2024:

ANY OTHER BUSINESS

1. The Secretariat was tasked to prepare and brief the Committee on the proposed plan of activities for the 1st Quarter of the Financial Year 2024/25 (July to September 2024).
2. On Consideration of business pending Joint sitting with the Committee on Diaspora Affairs and Migrant workers, the Secretariat was tasked to liaise with the Counterpart secretariat to ensure conclusive processing.

The Business includes consideration of:

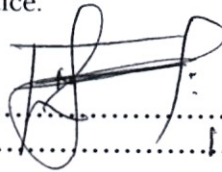
- i. The National Employment Authority (Amendment) Bill, 2023 (Senate Bills No 48 of 2023), sponsored by Sen. Crystal Asige, MP; and
- ii. Sessional Paper No. 5 on the National Policy on Labour Migration.

MIN. NO. 203 NA/LAB/2024:

ADJOURNMENT

There being no other business, the meeting was adjourned at twenty minutes past two o'clock. The next meeting will be held on notice.

SIGNED.....



DATE

19/09/2024

(CHAIRPERSON)

Annexure 3: Newspaper advertisement inviting the public to submit memoranda on the Bill

Politics Raila became the face of the establishment and inherited everything that was seen as wrong with that regime

Kalonzo keen to avoid Raila mistake in 'handshake' saga

His advisers view the Uhuru-Raila pact in 2018 as the error that cost Raila the seat

BY JUSTUS WANGA

Wiper Democratic Movement party leader Kalonzo Musyoka, keen to avoid the curse of incumbency in 2027 when he's expected to make a second bid for the highest office in the land, has decided to reject President William Ruto's call for national dialogue.

His advisers are convinced that the rapprochement between Orange Democratic Movement (ODM) leader Raila Odinga, who was the Opposition Party presidential candidate in the 2022 presidential race, and President Uhuru Kenyatta in 2018, known as the handshake, cost the former prime minister the seat.

Backed by Mr Kenyatta, Mr Odinga became the face of the establishment and inherited

everything that was seen as wrong with that regime. Mr Ruto, an insider who'd been Mr Kenyatta's deputy for 10 years, turned Mr Odinga's plight to his advantage and rode to victory.

In a bid to quell the tide of discontent among Generation Zoomer youths who are demanding far-reaching reforms in governance, President Ruto is holding out an olive branch to opposition politicians and stakeholders from other sectors of society for dialogue before naming his new Cabinet.

The curse of incumbency is when a candidate currently holding office, or those supported by the incumbent, are rejected by the electorate for the failures of that regime.

"The party has been unequivocal on the issue of dialogue with President Ruto. Calls for dialogue



Wiper Democratic Movement leader Kalonzo Musyoka addresses journalists at the party's headquarters in Karen, Nairobi, on Wednesday last week. FILE IN NATION

are unwise, ill-timed and in bad faith. This is the party's stated position and it has not been vacated," close Musyoka ally and Kitui Senator Enock Wambua told the Nation yesterday.

Feeling pressure from the Gen Z protesters, the President sent his ministers packing last week and is expected to appoint new ones any time from this week.

"We advised Kalonzo to stay away from Ruto. Working with him is bad for his future politics. The President must be left alone to face the consequences of his mistakes, that's why we are not boarding the Government of National Unity train," said Makuini Senator Daniel Maanzo, a senior lawyer in Mr Musyoka's inner circle. This position has since been ratified by Wiper's National Executive Council, one of the party's highest decision-making bodies.

Mr Maanzo said the essence of a political party is to form the government, not to help other people run their government.

"Joining President Ruto defies logic. He is facing a lot of challenges. He has had differences with his deputy and now Generation Z wants nothing to do with him. How do you heal such a government? We cannot join such a government," he adds.

Wiper's position is also bolstered by quiet sentiments within Azimio that Mr Odinga may not run for President in the next


General Election because of his advanced age. In that case, he has nothing to lose by hobnobbing with the Ruto administration. For Mr Musyoka, they say, the price would be too high. The President is also expected to defend his seat for a second and final term in the next election.

The dialogue, which is expected to pave the way for the formation of a Government of National Unity, would mean that players from across the political divide would nominate representatives to the Cabinet and other positions in the executive arm of government.

And should Wiper or other opposition parties choose this route, they will automatically cede the moral high ground to criticise that government, and also bear responsibility for any failures associated with it. Irrespective of this, Nation has also established that the fear may not be so much of the incumbency curse as of the immediate situation that Mr Musyoka alluded to: the fear of an immediate public backlash. Other Azimio leaders; Eugene Wamaiwa, Martha Karua and Jeremiah Kioni are also opposed to any form of dialogue with Dr Ruto.

"Dialogue can only be meaningful if the players have good faith and are guided by the best interests of the people. This is a trap period," Ms Karua said last week.

kwanga@ke.nationmedia.com


REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT - THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 18(1) (b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. THE KENYA ROADS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2024);
2. THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2024);
3. THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2024); AND
4. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 25 OF 2023).

INVITATION TO SUBMIT MEMORANDA

WHEREAS Article 18(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders require House Committees considering Bills to facilitate public participation;

AND AS the Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024), the Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024), the Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024) and the County Governments (Amendment) Bill (Senate Bill No. 25 of 2023) have been Read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that:

1. The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024) sponsored by the Leader of the Majority Party, seeks to amend the Kenya Roads Board Act, 1999 to reduce the membership of the Board and the institutions from which the membership may be nominated and to align refer, "as to the term 'Minister' in the Act with the provisions of the Constitution;
2. The Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024) sponsored by Hon. Didmun Barasa, MP seeks to amend the Salaries and Remuneration Commission Act to provide that the Chairperson and Members of the Commission shall serve on a part-time basis;
3. The Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024) sponsored by Hon. Naisula Lesauwa, MP, seeks to amend the Kenya Roads Act of 2007 to provide for the design and construction of dedicated lanes for non-motorized transport; and
4. The County Governments (Amendment) Bill (Senate Bill No. 25 of 2023) sponsored by Sen. Samson Cherarkey, MP seeks to enhance the voting threshold for the removal of a member of a County Executive Committee by a County Assembly.

NOW THEREFORE in compliance with Article 18(1) (b) of the Constitution and Standing Order 127(3) the Clerk of the National Assembly invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees listed below:

Bill	Committee
1. The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024)	Transport and Infrastructure
2. The Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024)	Labour
3. The Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024)	Transport and Infrastructure
4. The County Governments (Amendment) Bill (Senate Bill No. 25 of 2023)	Administration and Internal Security

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/kenya-business/1616

The memoranda 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 csa@parliament.go.ke to be received on or before Wednesday, 31st July 2024 at 5.00 p.m.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
16th July, 2024

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Dialogue fails to start as leaders divided

► On Sunday, Azimio leader retracted support for talks.

► A meeting of Azimio principals to take a common stand failed to take off yesterday.

EDWIN NYARANGI, NAIROBI

President William Ruto's planned multi-sectoral forum dialogue failed to kick off yesterday with leaders appearing to read from different scripts.

Opposition leader Raila Odinga who last week joined Ruto in support of dialogue appears to have back peddled with Azimio principals Kalonzo Musyoka, Eugene Wamalwa and Martha Karua vehemently opposed to the talks.

A meeting of Azimio principals to take a common stand failed to take off yesterday with Raila said to have sought a better day of Monday at his private offices in Nairobi attending to personal issues.

The opposition leader who led the Azimio brigade to Mukuru Kwa Njenga slums on Sunday made it clear that dialogue with the government was not possible after bodies were found

dumped in Kware.

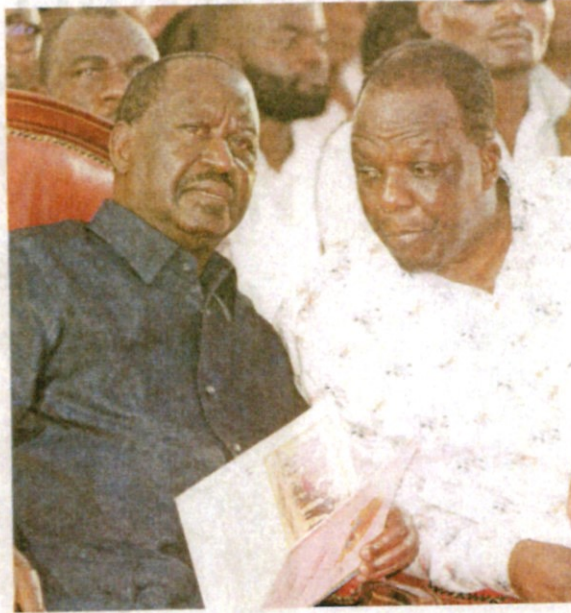
"There is no dialogue, we want action, Kenya has to move forward, we cannot dialogue with an administration that is involved in such heinous acts like this killings of innocent Kenyans at Mukuru kwa Njenga, we are not going to talk with people whose hands are full of blood," he said.

Raila demanded for the prosecution of former Inspector General of Police Japheth Koome and Nairobi Police Commander Adamson Bungei over the manner in which they have handled Gen Z protests leaving dozens dead and scores injured.

The former Prime Minister called for dissolution of Parliament and elections to ensure Kenyans vote for leaders who have the best interests of the country at heart.

Wiper leader Kalonzo Musyoka said that with the current happenings it was clear that Kenyans did not have a good government in place and there was no way they are going to dialogue with the administration after the killing of innocent Kenyans.

"I am very certain that Kenyans do not want us to dialogue with this administration that has been oppressive to them in the last 20 months it has been in power with killings of innocent youths who were only agitating



Azimio leader Raila Odinga and former Kakamega Governor Wycliffe Oparanya during the burial of Henry Oparanya at Embole Primary School in Kakamega on Saturday. (Benjamin Sakwa, Standard)

for good governance worsening the situation," he said.

DAP-K leader Eugene Wamalwa said that it was clear Kenyans were not interested in dialogue and wanted the President to resign since he had failed the country and presided over an incompetent administration.

Nairobi Senator Edwin Sifuna argued that Koome's resignation was not enough since Bungei was still the police commander who has presided over the killings and maiming of youthful protesters who were only armed with water bottles phones.

Ruto had called for six days multi sectoral forum dialogue bringing together 150 representatives from various sectors focusing on issues affecting the country including bad governance, youth unemployment, ballooning public debt, corruption and tribalism.

"We have agreed that we have to bring the country together, that is why we will be having a multi sectoral forum dialogue bringing together 150 participants with 50 of them being youths while 100 of them will come from the religious community, civil society, political parties and professional groups," said Ruto.

enyarangi@standardmedia.co.ke

Republic of Kenya
THE KISUMU NATIONAL POLYTECHNIC (TKNP)
REQUEST FOR PROPOSAL (RFP)

Project title: Consulting Services for Architectural design and Works Supervision
Project Name: BLUE SKILLS TRAINING FOR EMPLOYMENT PROJECT (8-STEP)
Ref: AUDA-NEPAD/KTW 201589 052/FW/KEN/005
Program - Skills Initiative for Africa - SIFA - Financing window 1

- The Kisumu National Polytechnic (TKNP) has received funding from AUDA-NEPAD through the SIFA FW 1 program in the form of a financial contribution (hereinafter referred to as "Grant") towards the cost of Consulting Services for Architectural, Engineering, Technical Studies, Environment and Social Impact Assessment and Supervision of Construction Works for the Proposed Blue Skills Training for Employment Centres. TKNP acting as the beneficiary of the project and referred to as the "Beneficiary", intends to apply a portion of the proceeds of this grant to eligible payments under the Contract for which this Request for Proposals (RFP) is issued.
- Payments by AUDA-NEPAD will be made only at the request of the TKNP and upon approval by AUDA-NEPAD, and will be subject, in all respects, to the terms and conditions of the financing agreement. No party other than the TKNP shall derive any rights from the financing agreement or have any claims to the proceeds of the grant.
- In this context, the Kisumu National Polytechnic now issues this National open competition Request for Proposals (RFP), for the selection of a duly qualified and eligible Consultant to provide Consulting Services for Architectural, Engineering, Technical Studies, Environment and Social Impact Assessment and Supervision of Construction Works.
- The Consulting Services covered by this notice, as described in detail in the RFP document, include the following:
 - Phase 1 - Architectural, Engineering, Technical Studies
 - Phase 2 - Environment and Social Impact Assessment
 - Phase 3 - Supervision of Construction Works.
- Candidates must present a proposal for all three phases mentioned above. Partial proposals shall be rejected.
- A firm will be selected in accordance with National open competition, Quality and Cost Based Selection (QCBS) procedures, described in the SIFA FC Procurement Guide at www.skillsafrica.org website and in the present document.
- Further information may be obtained by applying to Supply Chain Manager Email procurement@kisumupoly.ac.ke. The Request for Proposals document may be consulted free of charge or obtained by consultants, following registration on the following website: www.kisumupoly.ac.ke, www.tenders.go.ke
- Proposals must be submitted to the tender box located at: The Kisumu National Polytechnic, Administration Block, Technology Road, Kisumu, Kenya.
- The deadline for submission of Proposals is **3/09/2024 at 11:00 Hours, local time**. The opening of the technical proposal will be conducted **3/09/2024 at 11:00 Hours, local time**, immediately following the proposal submission.

A Site Visit and Pre-Proposal Conference shall be conducted, at the following address:
The Kisumu National Polytechnic, Technology Road, Kisumu Kenya.

The Site Visit shall commence **25th July 2024 09.00 hours local time** and be followed immediately, by the Pre-Proposal Conference. Consultants will remain bound by the validity of their proposals for a minimum one hundred and twenty (120) days from the day following the deadline for receipt of offers.

**CHIEF PRINCIPAL/COUNCIL SECRETARY
THE KISUMU NATIONAL POLYTECHNIC
P.O. BOX 143-40100
KISUMU, KENYA
Email: info@kisumupoly.ac.ke**

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 116(1) (b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

- THE KENYA ROADS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2024);
- THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2024);
- THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2024); AND
- THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 25 OF 2023).

INVITATION TO SUBMIT MEMORANDA

WHEREAS Article 116(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders require House Committees considering Bills to facilitate public participation;

AND WHEREAS the Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024), the Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024), the Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 31 of 2024) and the County Governments (Amendment) Bill (Senate Bill No. 25 of 2023) have been read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that:

- The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024) sponsored by the Leader of the Majority Party, seeks to amend the Kenya Roads Board Act, 1996 to reduce the membership of the Board and the institutions from which the membership may be nominated and to align references to the term "Minister" in the Act with the provisions of the Constitution;
- The Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024) sponsored by Hon. Didmes Barasa, MP seeks to amend the Salaries and Remuneration Commission Act to provide that the Chairperson and Members of the Commission shall serve on a part-time basis;
- The Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024) sponsored by Hon. Naisula Lessudua, MP, seeks to amend the Kenya Roads Act of 2007 to provide for the design and construction of dedicated lanes for non-motorized transport; and
- The County Governments (Amendment) Bill (Senate Bill No. 25 of 2023) sponsored by Sen. Samson Cherarkey, MP seeks to enhance the voting threshold for the removal of a member of a County Executive Committee by a County Assembly.

NOW THEREFORE, in compliance with Article 116(1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees listed below:

S/N	BILL	COMMITTEE
1	The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024)	Transport and Infrastructure
2	The Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024)	Labour
3	The Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024)	Transport and Infrastructure
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Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills

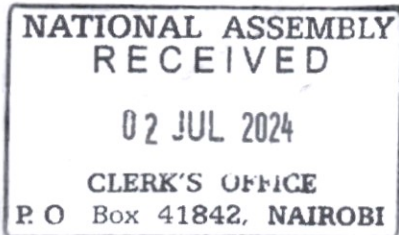
The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to cn@parliament.go.ke to be received on or before **Wednesday, 31st July 2024 at 5.00 p.m.**

**S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY**

16th July, 2024

For the Welfare of the Society and the just Government of the People

**Annexure 4: Written submissions from
stakeholders**



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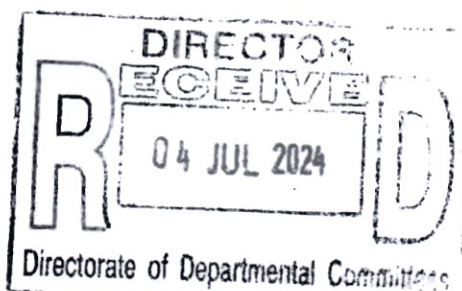
Salaries & Remuneration
Commission

Rewarding productivity

Ref. SRC/ADM/35 Vol. V (1)

24th June, 2024

Mr Samuel Njoroge
Clerk National Assembly
Parliament Buildings
P.O Box 41842- 00100
NAIROBI



Aberayo Wasike
to note and TWA
La MUA
4/7/24

Dear **Mr. Njoroge,**

MEMORANDUM ON THE SALARIES & REMUNERATION COMMISSION (AMENDMENT) BILL 2024

Reference is made to the above Bill that is currently before the National Assembly, which proposes amendments to the Salaries and Remuneration Commission Act (SRC Act), 2011.

The Salaries and Remuneration Commission (SRC) has reviewed the Bill and notes that the Memorandum and Objects of the Bill is to provide that the chairperson and members of the Commission appointed under Article 230(2) (a), (b) and (c) of the Constitution shall serve on a part time basis for a non-renewable term of six years while those appointed under Article 230 (2) (d) and (e) of the Constitution shall serve on a part-time basis.

SRC has examined the proposed amendments to the SRC Act as set out in the Salaries and Remuneration Commission (Amendment) Bill, 2024 and wishes to submit its views as follows:

Proposed to amendments Section 4 of the SRC Act by:

Deleting subsection (3) and substituting therefor the following new subsections—

(3) The chairperson and members appointed under Article 230 (2) (a), (b) and (c) shall serve on a part-time basis for a non-renewable term of six years.

(4) The members appointed under Article 230 (2) (d) and (e) shall serve on a part-time basis.

Justification for the proposed Amendments

SRC notes that the justifications for the proposed amendments are—

- i. that the functions of the Commission are periodic and that the chairperson and members of the Commission are not required to perform their duties on a full-term basis.
- ii. the Commission's functions of setting and reviewing the remuneration and benefits of all State officers and advising the national and county governments on the remuneration and benefits of all other public officers are done occasionally.
- iii. that the Bill seeks to reduce the operational costs of the Commission associated with the full - time running of the Commission.

SRC's Views

(a) SRC wishes to point out that the SRC Act, 2011 was amended in 2018 to convert the terms of the Chairperson and Members save for the *ex officio* Members from part-time to full-time. The Commission hereby confirms that the reasons that informed the conversion in 2018 still to obtain.

(b) The mandate of SRC under Article 230 (4) of the Constitution is continuous and not occasional as stated in the Bill.

(c) An amendment to revert the terms of the Chairperson and Members to part-time would severely compromise the Commission's efficiency and operations.

(d) The Chairperson and Members of the Commission are required on a day-to-day basis for the discharge of the Commission's mandate under Article 230 (4) of the Constitution and Section 11 of the SRC Act, 2011.

(e) If the Commission were to operate on part-time basis, it would not be able to fully discharge its mandate, with far reaching ramifications on *inter alia*:

- i) the country's trajectory towards attaining a wage bill to revenue ratio of 35%;
- ii) attraction and retention of requisite skills to discharge public service functions;
- iii) progressive harmonization of remuneration and benefits to achieve equity and fairness;
- iv) advice on proposals and requests from public service institutions within agreed service level turnaround time;
- v) timely advice on collective Bargaining negotiations; and

vi) continuous job evaluation, monitoring and evaluation and stakeholder engagements.

(f) The benefits of allowing SRC to operate optimally by retaining the current status to allow the Chairperson and Members of SRC to continue serving on a full-time basis far outweigh any operational cost savings from converting their terms to part-time.

Recommendation

In view of the foregoing, the Commission is opposed to the amendments proposed in the Salaries and Remuneration Commission (Amendment) Bill, 2024 to the SRC Act, 2011.

The purpose of this letter, therefore, is to communicate SRC's views on the amendments proposed in the Salaries and Remuneration Commission (Amendment) Bill, 2024.

SRC appreciates your cooperation and support as we discharge our respective mandates.

Yours



Mrs. Anne R. Gitau, EBS
COMMISSION SECRETARY/ CEO

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Annexure 5:

Copy of the Bill

SPECIAL ISSUE

Kenya Gazette Supplement No. 76 (National Assembly Bills No. 21)



REPUBLIC OF KENYA

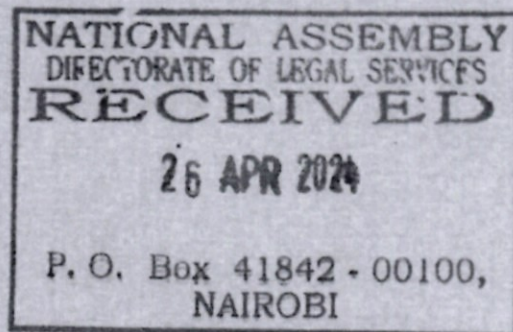
KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2024

NAIROBI, 22nd March, 2024

CONTENT

Bill for Introduction into the National Assembly—	PAGE
The Salaries and Remuneration Commission (Amendment) Bill, 2024	455



NATIONAL ASSEMBLY
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WASHINGTON, D.C.

**THE SALARIES AND REMUNERATION
COMMISSION (AMENDMENT) BILL, 2024**

A Bill for

**AN ACT of Parliament to amend the Salaries and
Remuneration Commission Act**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Salaries and
Remuneration Commission (Amendment) Act, 2024.

Short title.

2. Section 4 of the Salaries and Remuneration
Commission Act is amended in by deleting subsection (3)
and substituting therefor the following new subsections—

Amendment of
section 4 of Cap.
412D.

“(3) The chairperson and members appointed
under Article 230 (2) (a), (b) and (c) shall serve on
a part-time basis for a non-renewable term of six
years.

(4) The members appointed under Article 230
(2) (d) and (e) shall serve on a part-time basis.”

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Salaries and Remuneration Commission Act to provide that the chairperson and members of the Commission appointed under Article 230(2) (a), (b) and (c) of the Constitution shall serve on a part time basis for a non-renewable term of six years whereas those appointed under Article 230 (2) (d) and (e) of the Constitution shall serve on a part time basis. Currently, the provision provides for service on a full-time basis for the chairperson and members appointed under Article 230(2) (a), (b) and (c) of the Constitution and service on a part time basis for members appointed under Article 230 (2) (d) and (e) of the Constitution.

Since the functions of the Commission are periodic, the chairperson and members of the Commission are not required to perform their duties on a full-term basis. Further, the Commission's functions on setting and reviewing the remuneration and benefits of all State officers and advising the national and county governments on the remuneration and benefits of all other public officers are done occasionally. Therefore, the Bill seeks to reduce the operational costs of the Commission associated with the full-term running of the Commission.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement as to whether the Bill concerns county governments

The Bill affects the functions of the county governments and is therefore a Bill concerning counties for purposes of the Standing Orders. Article 230(4) of the Constitution provides for the functions of the Salaries and Remuneration Commission which affects the functions of the county governments.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The Bill is a money Bill for the purposes of Article 114 of the Constitution.

Dated the 20th March, 2024.

DIDMUS BARASA,
Member of Parliament.

Section 4 of Cap. 412D which it is proposed to amend –

4. Appointment of chairperson and members

(1) The chairperson and other members of the Commission shall be appointed in accordance with the provisions of Article 230 of the Constitution and this Act.

(2) The member of the Commission under Article 230 (2)(c)(iii) of the Constitution shall be nominated by a joint forum of professional bodies represented by the Association of Professional Societies of East Africa.

(3) The chairperson and members other than those appointed under Article 230 (2)(d) shall serve on a full time basis for a non-renewable term of six years.

