



REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION (2025)

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PUBLIC PETITIONS COMMITTEE

REPORT ON

THE CONSIDERATION OF PUBLIC PETITIONS NO. 15 OF 2024 BY KENYA UNION OF POST-PRIMARY EDUCATION TEACHERS (KUPPET) MACHAKOS BRANCH REGARDING GAZETTEMENT OF MWALA AND KALAMA SUB-COUNTIES OF MACHAKOS COUNTY AS HARDSHIP AREAS

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The Directorate of Audit, Appropriations  
& General Purpose Committees  
The National Assembly  
Parliament Buildings  
**NAIROBI**

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
DATE: 19 NOV 2025	DAY: WED
TABLED BY:	Chair. Public Petitions Committee Hon Eric Muchangi
CLERK-AT THE-TABLE:	Mado Atabo

November, 2025





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## **ACRONYMS**

TSC Teachers Service Commission

KUPPET Kenya Union of Post Primary  
Teachers

## **CHAIRPERSON'S FOREWORD**

On behalf of Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Consideration of public petition No. 15 of 2024 on the gazettelement of Mwala and Kalama Sub-Counties of Machakos County as hardship areas. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by Hon. Vincent Musyoka, M.P., on behalf of the Kenya Union of Post-Primary Teachers (KUPPET) Machakos branch, represented by Mr. Musembi Kutuku and Mr Ibrahim Ngunga of P.O. Box 159-90100 Machakos.

The petitioners prayed that the National Assembly, through the Public Petitions Committee Engages the Teachers Service Commission and the Ministry of Public Service, Human Capital Development and Special Programmes to gazette Mwala and Kalama sub-counties as hardship areas in order to improve educational standards through provision of adequate teachers in that area.

In consideration of the petition, the Committee met with the Petitioners and also received written submissions from the Ministry of Public Service, Human Capital Development and Special Programmes.

The Committee observed that the right to fair labour practices, as enshrined in Article 41 of the Constitution of Kenya, 2010, includes, among others, fair remuneration and reasonable working conditions. Section C.10 of the Human Resource Policies and Procedures Manual for the Public Service (2016) provides for the payment of a hardship allowance to officers stationed in designated hardship areas as an incentive to compensate Public Servants working in such areas partially

The Committee also noted that Mwala and Kalama Sub-County is geographically located adjacent to or surrounded by already gazetted hardship areas like Yatta, Kitui Rural, and Mbooni East, all of which are hardship zones, but Mwala and demonstrate similar conditions but lack hardship designation.

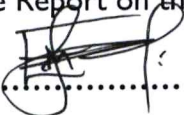
The core issue arising from the petition is the disparity and lack of harmonization in policies used by various Public Service Jurisdictions: Civil Service, Teachers Service Commission and Judiciary for designating hardship areas and compensating employees. The Teachers Service Commission (TSC) currently operates under its own policy, Legal Notice No. 534 of 1997 and the Code of Regulations (COR).

The report of the Inter-Agency Technical Committee on review of designated hardship areas and payment of hardship allowance in the Public Service was finalized and submitted to the Salaries and Remuneration Commission (SRC) for concurrence. However, its implementation was awaiting Cabinet consideration

The Committee recommends that Cabinet Secretary, Ministry of Public Service, Human Capital Development and Special Programmes, fast-track the approval of the Inter-Agency Technical Committee Report by the Cabinet with a view to designating all regions meeting the set-out criteria as hardship areas, and submit the report to the National Assembly within six (6) months upon adoption of the report by the House.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support, without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.

Sign.......... Date.....19/11/2025.....

**HON. MUCHANGI KAREMBA, CBS, M.P.**  
**CHAIRPERSON, PUBLIC PETITIONS COMMITTEE**

## **PART ONE**

### **I PREFACE**

#### **I.1 Establishment and mandate of the Committee**

The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:

- a) considering all public petitions tabled in the House;
- b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
- c) recommending whether the findings arising from consideration of a petition should be debated; and
- d) advising the House and reporting on all public petitions committed to it.

## **1.2 Committee Membership**

The Public Petitions Committee was constituted in October 2022 and comprises the following Members:

### **Chairperson**

Hon. Muchangi Karemba, CBS, M.P.

Runyenjes Constituency

### **United Democratic Alliance (UDA)**

#### **Vice Chairperson**

Hon. Janet Jepkemboi Sitienei, M.P.

Turbo Constituency

### **United Democratic Alliance (UDA)**

Hon. Patrick Makau King'ola, M.P.

Mavoko Constituency

### **Wiper Democratic Movement-Kenya**

#### **(WDM-K)**

Hon. Edith Vethi Nyenze, M.P.

Kitui West Constituency

### **Wiper Democratic Movement-Kenya**

#### **(WDM-K)**

Hon. Ntwiga Patrick Munene, M.P.

Chuka Igambang'ombe Constituency

### **United Democratic Alliance (UDA)**

Hon. Maisori Marwa Kitayama, M.P.

Kuria East Constituency

### **United Democratic Alliance (UDA)**

Hon. Joshua Chepyegon Kandie, M.P.

Baringo Central Constituency

### **United Democratic Alliance (UDA)**

Hon. Beatrice Kadeveresia Elachi, M.P.

Dagoretti North Constituency

### **Orange Democratic Movement**

#### **(ODM)**

Hon. Bernard Muriuki Nebart, M.P.

Mbeere South Constituency

### **Independent**

Hon. Bidu Mohamed Tubi, M.P.

Isiolo South

### **Jubilee Party (JP)**

Hon. Peter Irungu Kihungi, M.P.

Kangema Constituency

### **Maendeleo Chap Chap Party (MCCP)**

Hon. John Bwire Okano, M.P.

Taveta Constituency

### **Wiper Democratic Movement-Kenya**

#### **(WDM-K)**

Hon. Peter Mbogho Shake, M.P.

Mwatate Constituency

### **Jubilee Party (JP)**

Hon. Sloya Clement Logova, M.P.

Sabatia Constituency

### **United Democratic Alliance (UDA)**

Hon. Suzanne Ndunge Kiamba, M.P.

Makueni Constituency

### **Wiper Democratic Movement-Kenya**

#### **(WDM-K)**

### **I.3 COMMITTEE SECRETARIAT**

The secretariat comprises the following:

Mr. Leonard Machira  
**Principal Clerk Assistant II**

Mr. Bernard Kipchumba  
**Clerk Assistant III**

Mr. Clinton Sindiga  
**Legal Counsel II**

Mr. Arkan Mumin  
**Research Officer III**

Ms. Nancy Ouma  
**Research Officer III**

Ms. Roselyne Njuki  
**Principal Serjeant-at-Arms**

Mr. Paul Shana  
**Serjeant-at-Arms**

Mr. Calvin Karungo  
**Media Relations Officer III**

Mr. Peter Mutethia  
**Audio Officer**

## **PART TWO**

### **2 BACKGROUND OF THE PETITION**

#### **2.1 Introduction**

1. Public Petition No. 15 of 2024 on gazettelement of Mwala and Kalama sub-counties of Machakos County as hardship areas. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by Hon. Vincent Musyoka, M.P., on behalf of the Kenya Union of Post-Primary Teachers (KUPPET) Machakos branch, represented by Mr Musembi Kutuku and Mr. Ibrahim Ngunga of P.O Box 159-90100 Machakos.
2. The petitioners stated that Kenya Union of Post-Primary Teachers (KUPPET) is a registered union with a mandate to represent teachers in negotiations for fair solutions to members' grievances through lawful activities, affiliation, and research on labour practices.
3. They also submitted that Mwala Sub-County is geographically located in the midst of Yatta, Kitui Rural, and Mbooni East, all of which are hardship zones, despite a recommendation by the sub-County director of Teacher Service (TSC) for Mwala Sub-County.
4. Kalama Sub-County, which lies between Mbooni West and Kilungi, which are categorized as hardship areas, is not placed in the same category. Yet, it has similar climatic conditions, and while teachers in 33 public secondary schools, located in the former Lola and Muumandu zones, are entitled to hardship allowance, 9 schools have been left out.
5. The plight of teachers within Mwala and Kalama Sub Counties is worsened by water shortage due to reliance on limited rain harvested water which they supplement through purchase of unclean water scooped from the seasonal Thwake river; poor transport network due to bad roads in Matulani, Miseleni, Mutula, Kasengela and Kwamwonga areas resulting into high transport charges public transport charges by public vehicles necessitated by increased frequency of maintenance of vehicles; harsh climatic conditions leading to famine; limited telephone network and internet connectivity hampering access to critical services; and limited access to medical care and other social amenities.
6. Consequently, there is inadequate teacher staffing as teachers posted to the two sub-counties are constantly applying for transfers. Statistics available indicate that 40 principals, 95 headteachers and 512 teachers sought transfers from the area between January 2023 and March 2024 and that as of August 2024, 9 secondary schools have no principals, while 11 have no deputy headteachers, which is a worrying trend.
7. Efforts to address the matter directly through the Teachers Service Commission have not been futile.
8. That the issues in respect of which this petition is raised are not pending before any court of Law, or any constitutional or legal body.

## 2.2 Petitioner's Prayers

9. The Petitioners prayed that the National Assembly through the Public Petitions Committee ensures that—
  - i. Engages the Teachers Service Commission to gazette Mwala and Kalama sub-counties as hardship areas in order to improve educational standards through provision of adequate teachers in that area;
  - ii. Make any other recommendation as it deems fit

## **PART THREE**

### **3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION**

#### **3.1 Submissin by the petitioners**

Hon. Vincent Musyoka, M.P. Member for Mwala Constituency, appeared before the Committee on Tuesday 12<sup>th</sup> June, 2024, and submitted as follows -

10. KUPPET is a registered union with a mandate to represent teachers in negotiating fair solutions to members' grievances through lawful activities, affiliations, and research in labour practices.
11. Mwala Sub-County is geographically located between Yatta, Kitui Rural, and Mbooni East, all of which are hardship zones, but Mwala was not categorised as a hardship zone despite a recommendation by the Sub-County Director of the Teachers Service Commission (TSC).
12. Kalama Sub-County, which lies between Mbooni West and Kilungu which are categorised as hardship areas, is not placed in the same category. Yet, it has similar climatic conditions, while teachers in 33 public secondary schools located in the former Kola and Muumandu zones are entitled to hardship allowance, nine schools have been left out.
13. The plight of teachers within Mwala and Kalama sub-counties is worsened by water shortage due to reliance on limited rain-harvested water, which they supplement through purchase of unclean water scooped from the seasonal Thwake River; poor transport network due to bad roads in Matulani, Miseleni, Mutula, Kasengela and Kwamwonga areas, resulting in high transport charges by public vehicles necessitated by increased frequency of maintenance of vehicles; harsh climatic conditions, leading to famine; limited telephone network and internet connectivity, hampering access to critical services; and limited access to medical care and other social amenities.
14. Consequently, there is inadequate teacher staffing as teachers posted to the two sub-counties constantly apply for transfers. Statistics available indicate that 40 principals, 95 head teachers and 512 teachers sought transfer from the area between January 2023 and March 2024, and that as of August 2024, nine secondary schools have no principals, while 11 have no deputy head teachers, which is a worrying trend.
15. Efforts to address the matter directly through TSC have not been fruitful.

16. The petitioners prayed that the National Assembly, through the Public Petitions Committee—
- a) Engages the TSC to gazette Mwala and Kalama sub-counties as hardship areas in order to improve educational standards through the provision of adequate teachers in the area; and,
  - b) Makes any other recommendation it deems fit.

### **3.2 The Ministry of Public Service, Human Capital Development and Special Programmes**

The Cabinet Secretary, Ministry of Public Service, Human Capital Development and Special Programmes provided written submissions dated 16th October, 2025, as follows-

17. The gazettelement of Mwala and Kalama Sub-Counties in Machakos County as designated hardship areas has brought attention to the fact that the existing policies applied by various jurisdictions across the Public Service on designated hardship areas are not harmonized hence the disparities in the payment of hardship allowance.
18. The current policy on payment of hardship allowance to teachers under the Teachers Service Commission (TSC) is based on Legal Notice No. 534 of 1997 and the Code of Regulations (COR) for Teachers, which the Teachers Service Commission administers.
19. These disparities have led to disharmony among employees of the Civil Service, Teaching Service, and the Judiciary deployed in the same geographical region, with some earning the allowance while others are not paid.
20. The Cabinet Secretary provided a status report on the harmonization of designated hardship areas in the public service as follows;
- i. The Government has, over the years, identified and designated some regions of the country as hardship areas for payment of hardship allowance to Public Servants working in those areas. Designated hardship areas are considered comparatively remote and suffer from inadequate food supplies, infrastructure, security, basic social services, and amenities. Hardship allowance was introduced in 1969 as an incentive for officers stationed in designated hardship areas.
  - ii. Article 41 of the Constitution of Kenya provides that every person has a right to fair labour practices, which includes, among others, fair remuneration and reasonable working conditions. Section C.10 of the Human Resource Policies and Procedures Manual for the Public Service (2016) provides for the payment of a hardship allowance to officers stationed in designated hardship areas as an incentive to compensate Public Servants working in such areas partially.
  - iii. Designation of hardship areas was previously undertaken in consultation with the Office of the President, the Provincial Administration, Internal Security, and the then Directorate of Personnel Management. The designated hardship areas and

payment of hardship allowance were to be progressively reviewed as areas became relatively developed and socio-economic conditions improved across the country.

- iv. The Committee noted that over the years, various jurisdictions in the Public Service, including the Civil Service, the Teaching Service and the Judiciary, have independently reviewed hardship areas using different parameters, thereby creating disparities in terms of categorization and rates of payment. It is further noted that the unit of analysis for designated hardship areas is not harmonized and varies across Public Service jurisdictions. For instance, the Civil Service uses the former District boundaries, while the Teaching Service under the Teachers Service Commission (TSC) uses Educational Zones for categorization.
- v. Currently, the Civil Service, County Governments, and State Corporations have sixteen (16) designated hardship areas; the Teachers Service Commission has forty-four (44); and the Judiciary has twenty-one (21). The table below lists the designated hardship areas.

**List of current designated hardship areas for Civil Service, Teachers Service and Judiciary**

**COMPARISON OF HARDSHIP DESIGNATED AREAS IN PUBLIC SERVICE**

Civil Service/ Parastatal	Status	Judicial Service Commission	Status	Teachers Service Commission	Status
1 Tana River	Entire County	1. Daadab	Town/Centre	1 Suba	Mfangano and Rusinga Islands
2 Lamu	Entire County	2. Garissa	Town/Centre	2 Kuria	Kegonga Division
3 Garissa	Entire County	3. Garsen	Town/Centre	3 Busia	Budalangi Division
4 Wajir	Entire County	4. Habaswein	Town/Centre	4 Kajiado	Entire District
5 Mandera	Entire County	5. Hola	Town/Centre	5 Nakuru	Mbogoini and Makongeni Divisions (lower Solai)
6 Marsabit	Entire County	6. Kabamet	Town/Centre	6 Laikipia	Entire District
7 Isiolo	Entire County	7. Kakuma	Town/Centre	7 Kitui	Entire District
8 Makueni	Entire County	8. Kapenguria	Town/Centre	8 Kilifi	Ganze Division
9 Turkana	Entire County	9. Kehancha	Town/Centre	9 Keiyo	Entire District
10 West Pokot	Entire County	10. Kyuso	Town/Centre	10 Marakwet	Entire District
11 Samburu	Entire County	11. Lamu	Town/Centre	11 Kwale	Kinango and Samburu Divisions
12 Elgeyo	Entire County	12. Lodwar	Town/Centre	12 Trans Mara	Entire District
13 Laikipia	Entire County	13. Mandera	Town/Centre	13 Mwingi	Entire District
14 Baringo	Excludes Koibatek Sub-county	14. Mararal	Town/Centre	14 Tharaka	Entire District
15 Nandi	Tinderet Sub-county only	15. Marimanti	Town/Centre	15 Mbeere	Entire District
16 Taita Taveta	Manyani Area in Ngolia Ward	16. Marsabit	Town/Centre	16 Malindi	Magarini,Marafa and Kakoneni Division
<b>Total: 16 Areas</b>		17. Moyale	Town/Centre	17 Machakos	Yatta and Masinga Division
		18. Mutomo	Town/Centre	18 Nyeri	Kieni Division
		19. Mwingi	Town/Centre	19 Kiambu	Ndeiya and Karai locations
		20. Taveta	Town/Centre	20 Maragwa	Makuyu Division
		21. Wajir	Town/Centre	21 Nyandarua	Nyahururu High school
		<b>Total: 21 Areas</b>		22 Nyandarua	Nyandarua Boarding Primary
				23 Kericho	Divisions
				24 Kisumu	Muhoroni Valley and Sondu Divisions
				25 Thika	Kakuzi Division
				26 Koibatek	Kim'orom Divisions
				27 Narok	Eastern Mau , Osupuko,Mara,Loita and Southern Olulunga Divisions
				28 Makueni	Entire District
				29 Isiolo	Entire District
				30 Moyale	Entire District
				31 Marsabit	Entire District
				32 Garissa	Entire District
				33 Mandera	Entire District
				34 Wajir	Entire District
				35 Lamu	Entire District
				36 Tana River	Entire District
				37 Taita Taveta	Entire District
				38 Baringo	Entire District
				39 Samburu	Entire District
				40 Turkana	Entire District
				41 West Pokot	Entire District
				42 Ijara	Entire District
				43 Nandi	Tinderet Division
				44 Meru North (Nyambene)	Mutuati,Ndoleli and Igembe East Divisions; Buuri,Giika locations; Linjoka,Ankamia Sub -locations; Amung'enti,Thangatha ,Mumui, Kiujuine and Akithi zones
				<b>Total: 44 Areas</b>	

Source: Ministry of Public Service, Human Capital Development and Special Programmes

21. In cognizance of the existing disparities in designated hardship areas in the Public Service and to promote fairness and parity of treatment among Public Officers, the Government, through the Ministry responsible for Public Service, constituted an Inter-Agency Technical Committee to undertake a study and review designated hardship areas.

22. The Terms of Reference (TORs) for the Inter-Agency Technical Committee were to;

- i. Study the current policies and applicable circulars on designated hardship areas and payment of Hardship Allowance in the Civil Service.
- ii. Undertake a comparative analysis of other existing policies on designated hardship areas and payment of Hardship Allowance in the Public Service and other jurisdictions;
- iii. Study the issues in petitions presented to the National Assembly on the matter of designated hardship areas and payment of Hardship Allowance to Public Servants.
- iv. Study concerns raised by the Union of Kenya Civil Servants (UKCS) regarding designated hardship areas and payment of Hardship Allowance as provided in the Collective Bargaining Agreement (CBA), 2017, and make recommendations on implementation modalities;
- v. Address any other issues incidental to the matter of designated hardship areas and payment of Hardship Allowance; and
- vi. Prepare a Report on the study with recommendations and way forward on categorization of designated hardship areas and payment of Hardship Allowance.

23. In addition, Kenya National Bureau of Statistics (KNBS) identified and weighted seven (7) parameters to guide the determination and re-categorization of hardship areas. The parameters were: food, water, transport & communication services, social services, climate & terrain, security and poverty index. The weighted criteria provided by KNBS are indicated below:

**Table 2 Weighted Criteria**

<b>S/ N o.</b>	<b>Criteria</b>	<b>How to give full mark</b>	<b>Score</b>
<b>1.</b>	<b>Food - Unavailability and Inaccessibility (Each 5 Points)</b>		<b>25</b>
	i) Area on relief food	Yes	5
	ii) Availability of market place	None	5
	iii) Low agricultural productivity of the area/ supply of food	Low	5
	iv) The cost of food is expensive.	High	5
	v) Distance to food markets	Long	5
<b>2</b>	<b>Water - Unavailability and Inaccessibility (each 3 points)</b>		<b>15</b>

	i) Availability of piped water	None	3
	ii) The area gets water from seasonal rivers/borehole.	Yes	3
	iii) The area has a permanent river.	None	3
	iv) Private water tanks supply water to the area	Yes	3
	v) Distance to water points	Long	3
<b>3.</b>	<b>Transport and Communication Services - Inadequacy (each 4 points)</b>		<b>20</b>
	i) Availability/Distance of tarmac roads	None	4
	ii) Availability/Distance of all-weather roads	None	4
	iii) Availability/Reliability of the mode of public transport	None	4
	iv) Roads are impassable during the rainy season	Yes	4
	v) Mobile phone connectivity	None	4
<b>4.</b>	<b>Social services - Unavailability and Inaccessibility (each 3 points)</b>		<b>15</b>
	i) Schools are available/distance.	None	3
	ii) Availability/distance of hospitals/health facilities	None	3
	iii) Electricity available	None	3
	iv) Housing for public servants/ availability of housing facilities	None	3
	v) Availability/distance of bank/postal Services	None	3
<b>5.</b>	<b>Climate conditions and Terrain - Harshness</b>		<b>15</b>
	i) Area is dry with erratic rainfall	Yes	5
	ii) The region is semi-arid	Yes	2.5
	iii) The region is hot and dry	Yes	2.5
	iv) Difficult terrain (mountainous with deep gullies)	Yes	2.5
	v) The area gets flooded during the rainy season	Yes	2.5
<b>6.</b>	<b>Security/High possibility of security threats</b>		<b>5</b>
	i) Human-wildlife conflict	Yes	2.5
	ii) Banditry/cattle rustling/snakes	Yes	2.5
<b>7.</b>	<b>Poverty – severity Index</b>	<b>High</b>	<b>High</b>
	<b>TOTAL</b>		<b>100</b>

24. The Inter-Agency Technical Committee undertook extensive stakeholder engagement in conducting the study. Some of the Committee's stakeholder engagement was through face-to-face interviews with officers from the Ministry of Interior and Co-ordination of National Government, County Directors of Education, Teachers Service Commission (TSC) County Directors, County Statistics Officers, the National Drought Management Authority (NDMA), County Governments, and Union Representatives. In addition, the Technical Committee undertook the following:

- i. Field work visits to establish the status of the respective areas, reviewed reports from the respective County/Deputy County Commissioners and socio-economic data submitted by the respective County Statistics Officers of the areas visited; and
- ii. Literature review on poverty indices in the Country from annual Economic Surveys and reports prepared by the Commission on Revenue Allocation and the Equalization Fund.

25. The key findings and recommendations of the report were as follows:

- i. There are areas currently designated as hardship or petitioned by stakeholders to be categorized as 'hardship', however, upon review they were found not to be 'hardship'.
- ii. The severity of hardship in the reviewed areas varies from moderate to extreme.
- iii. Some of the currently designated hardship areas cover an entire County/Sub-County/Division uniformly. It is, however, noted that some regions have only specific locations with moderate or extreme hardship conditions. The areas were therefore reviewed and categorized as "Moderate" and "Extreme" hardship areas.
- iv. Not all Public officers working in hardship areas are currently paid a hardship allowance. This is due to disparities in the current policy guidelines on designated hardship areas in the Public Service; and
- v. Some areas that were previously designated as hardship and have acquired different status following the implementation of the devolved system of governance and improved socio-economic development across the country have been reviewed and recommended for de-gazettement.

26. The report of the Inter-Agency Technical Committee on review of designated hardship areas and payment of hardship allowance in the Public Service was finalized and submitted to the Salaries and Remuneration Commission (SRC) for concurrence.

27. The SRC reviewed the report and provided proposed rates of hardship allowance for the Public Service in line with the proposed categorization of the designated hardship areas and advised the gazettement of the reviewed designated hardship areas before implementation. The proposed designated hardship areas for the Public Service have been classified into two (2) categories: "Extreme" and "Moderate," depending on the severity of hardship in each area.

28. The Inter-Agency Technical Committee Report on proposed designated hardship areas in the Public Service is awaiting Cabinet consideration.
29. The Cabinet Secretary committed to fast-tracking the harmonisation of designated hardship areas in the Public Service.

## **PART FOUR**

### **12 COMMITTEE OBSERVATIONS**

**Upon hearing from the Petitioners and the Ministry of Public Service, Human Capital Development and Special Programmes the Committee observed that—**

30. The right to fair labour practices, as enshrined in Article 41 of the Constitution of Kenya, 2010, includes, among others, fair remuneration and reasonable working conditions. Section C.10 of the Human Resource Policies and Procedures Manual for the Public Service (2016) provides for the payment of a hardship allowance to officers stationed in designated hardship areas as an incentive to compensate Public Servants working in such areas partially.
31. The Committee also noted that Mwala and Kalama Sub-County is geographically located adjacent to or surrounded by already gazetted hardship areas like Yatta, Kitui Rural, and Mbooni East, all of which are hardship zones, but Mwala and demonstrate similar conditions but lack hardship designation.
32. The core issue arising from the petition is the disparity and lack of harmonization in the policies employed by various Public Service jurisdictions, including the Civil Service, the Teachers Service Commission (TSC), and the Judiciary, in designating hardship areas and compensating employees. Currently, the TSC operates under its own policy, specifically outlined in Legal Notice No. 534 of 1997 and the Code of Regulations (COR).
33. The Ministry of Public Service, Human Capital Development and Special Programmes established an Inter-Agency Technical Committee in March 2019 to address these disparities and develop a uniform policy. The Committee comprised of representatives from the then Ministry of Public Service and Gender, Ministry of Interior and Co-ordination of National Government, Ministry of Education, The National Treasury and Planning, the Judiciary, Public Service Commission, Teachers Service Commission, Salaries and Remuneration Commission, Commission on Revenue Allocation, the Kenya National Bureau of Statistics (KNBS) and the Council of Governors.
34. The key findings and recommendations of the report from the Inter-Agency Technical Committee were as follows:
  - a) There are areas currently designated as hardship or petitioned by stakeholders to be categorized as 'hardship'; however, upon review they were found not to be 'hardship'.
  - b) The severity of hardship in the reviewed areas varies from moderate to extreme.
  - c) Some of the currently designated hardship areas cover an entire County/Sub-County/Division uniformly. It is, however, noted that some regions have only specific locations with moderate or extreme hardship conditions. The areas were therefore reviewed and categorized as "Moderate" and "Extreme" hardship areas.
  - d) Not all Public officers working in hardship areas are currently paid a hardship allowance. This is due to disparities in the current policy guidelines on designated hardship areas in the Public Service.

e) Some areas that were previously designated as hardship and have acquired different status following the implementation of the devolved system of governance and improved socio-economic development across the country have been reviewed and recommended for de-gazettement.

35. The report of the Inter-Agency Technical Committee on the review of designated hardship areas and payment of hardship allowance in the Public Service was finalized and submitted to the Salaries and Remuneration Commission (SRC) for concurrence. However, its implementation is awaiting Cabinet consideration.

**PART FIVE**

**13 COMMITTEE RECOMMENDATION**

Based on the submission from the stakeholders. The Committee made the following recommendation –

In response to the prayer that the Committee engages the Teachers Service Commission to gazette Mwala and Kalama sub-counties as hardship areas to improve educational standards through the provision of adequate teachers in those areas. The Committee notes that the Ministry of Public Service, Human Capital Development and Special Programmes, through an Inter-Agency Technical Committee, has reviewed the designated hardship areas and the payment of the hardship allowance in the Public Service to harmonise disparities and develop a uniform hardship designation area in the public service. However, the report was awaiting Cabinet approval.

**The Committee recommends that the Cabinet Secretary, Ministry of Public Service, Human Capital Development and Special Programmes, fast-track the approval of the Inter-Agency Technical Committee Report by the Cabinet with a view to designating all regions meeting the set-out criteria as hardship areas, and submit the report to the National Assembly within six (6) months upon the adoption of this report by the House.**

Signed:  \_\_\_\_\_

Date: 19/11/2025

**HON. MUCHANGI KAREMBA, CBS, M.P.**  
**CHAIRPERSON, PUBLIC PETITIONS COMMITTEE**

Date.....

## **ANNEXTURES**

- Annex 1: The Adoption List
- Annex 2: Public Petition No. 15 of 2024 on the gazettelement of Mwala and Kalama sub-counties of Machakos County as hardship areas.
- Annex 3: Submissions by stakeholders.
- Annex 3: Minutes of the 21<sup>st</sup> Sitting of the Public Petitions Committee Held on Tuesday, 10<sup>th</sup> June, 2025.
- Annex 4: Minutes of the 46<sup>th</sup> Sitting of the Public Petitions Committee Held on Wednesday, 11<sup>th</sup> November, 2025.



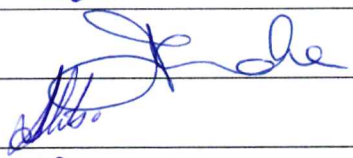
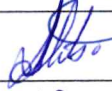
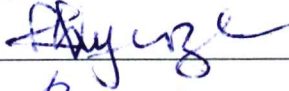
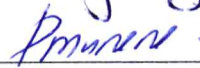
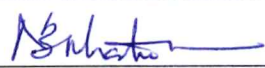
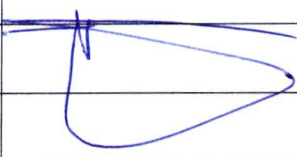

# PUBLIC PETITIONS COMMITTEE

## ADOPTION LIST

- (i) Consideration and adoption of the report on Public Petitions No.15/2024 by Hon. Vincent Musyoka, MP, Member for Mwala constituency on behalf of residents of Mwala constituency regarding the gazettment of Mwala and Kalama Sun Counties as hardship areas.

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 12/11/2025

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P. (Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P. (Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, M.P.	
9.	Hon. Bidu Mohamed Tubi, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	

**REPUBLIC OF KENYA**  
**THE NATIONAL ASSEMBLY**

**MINUTES OF THE 46<sup>TH</sup> SITTING OF THE PUBLIC PETITIONS COMMITTEE**  
**HELD ON TUESDAY, 12<sup>TH</sup> NOVEMBER 2025, IN COMMITTEE ROOM 25, 5<sup>TH</sup>**  
**FLOOR BUNGE TOWER, PARLIAMENT BUILDINGS AT 11:30 AM**

**PRESENT**

1. Hon. Eric Muchangi Karemba, M.P. - Chairperson
2. Hon. Edith Vethi Nyenze, M.P.
3. Hon. Maisori Marwa Kitayama, M.P.
4. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
5. Hon. (Eng.) Bernard Nebart Muriuki, M.P.
6. Hon. Patrick Ntwiga Munene, M.P.
7. Hon. Joshua Chepyegon Kandie, M.P.
8. Hon. Peter Irungu Kihungi, M.P.
9. Hon. John Bwire Okano, M.P.

**APOLOGIES**

1. Hon. Janet Jepkemboi Sitienei, CBS, M.P. - Vice-Chairperson
2. Hon. Patrick Makau King'ola, M.P.
3. Hon. Suzanne Ndunge Kiamba, M.P.
4. Hon. Peter Mbogho Shake, M.P.
5. Hon. Sloya Clement Logova, M.P.

## **SECRETARIAT**

- |                          |                               |
|--------------------------|-------------------------------|
| 1. Mr. Leonard Machira   | Principal Clerk Assistant II  |
| 2. Mr. Bernard Toroitich | Clerk Assistant III           |
| 3. Ms. Roselyn Ndengi    | Senior Serjeant at Arms I     |
| 4. Mr. Clinton Sindiga   | Legal Counsel II              |
| 5. Ms. Nancy Akinyi      | Research Officer III          |
| 6. Mr. Arkan Mumin       | Research Officer III          |
| 7. Ms. Felister Muiya    | Public Communications Officer |
| 8. Mr. Peter Mutethia    | Audio Officer                 |

## **MIN./PPETC/2025/232:**

## **PRELIMINARIES**

The Chairperson called the meeting to order at 11:45 am, followed by a word of Prayer.

## **MIN./PPC/2025/233:**

## **ADOPTION OF AGENDA**

The Committee then adopted the agenda as listed hereunder on the proposal by Hon. (Eng.) Bernard Nebart Muriuki, M.P, and seconded by Hon. Beatrice Kadeveresia Elachi, CBS, M.P.

## **AGENDA**

1. Prayer and preliminaries;
2. Adoption of the agenda;
3. **consideration and adoption of the following reports:**
  - (i) Report on Public Petitions No. 20/2024 by Hon. Bernard Kitur, MP, Member for Nandi Hills constituency, on behalf of Kenya retired teachers and residents of Nandi County regarding the mismanagement of Nandi Teachers Sacco and ownership of Mwalimu Plaza Building in Kapsabet Town.
  - (ii) Report on Public Petitions No.15/2024 by Hon. Vincent Musyoka, MP, Member for Mwala Constituency, on behalf of residents of Mwala constituency, regarding the gazettelement of Mwala and Kalama Sun Counties as hardship areas.

(iii) Report on Public Petitions No. 76 of 2023 by Kenya Union of Post-Primary Education Teachers (KUPPET) regarding discrimination by TSC on career progression guidelines for special needs education teachers

4. Any Other Business; and

5. Adjournment

**MIN./PPC/2025/234:      **CONSIDERATION AND ADOPTION OF REPORT ON PUBLIC PETITIONS NO. 20/2024 REGARDING THE MISMANAGEMENT OF NANDI TEACHERS SACCO AND OWNERSHIP OF MWALIMU PLAZA BUILDING IN KAPSABET TOWN.****

The Committee unanimously adopted the report, having been proposed by Hon. Maisori Marwa Kitayama, M.P and seconded by Hon. (Eng.) Bernard Nebart Muriuki, M.P The Committee made the following observations and recom:

**The Committee made the following observations:**

1. Both the petitioners and Trans Elite County Sacco Limited Sacco agreed that, initially, the Sacco, then known as Nandi Teachers Sacco, intended to construct a storey (Plaza) on one of the Sacco's plots within Kapsabet Town. The arrangement was that the members would own 70% of the shares, while the Sacco would own 30%.
2. After shelving the decision to build a plaza on one of the Sacco's plots and instead purchasing property from Barclays Bank with a loan from the National Bank, the Sacco's decided to refund paid-up members their shares. However, there was no confirmation that all members had been refunded.
3. There is no evidence that the Petitioners were refunded in full, as demonstrated by Trans Elite County Sacco, aside from a few cashbook entries and cheque counterfoils. This does not constitute payment in full to the petitioners.
4. A loan amounting to Ksh. 60,000,000 was secured using dividends and the building as collateral from an offshore financial institution. The loan was credited to the Nandi Teachers SACCO Current Account Number 0137000014, K-Rep Bank Limited, Head

Office on 4<sup>th</sup> May 2005, and funds were withdrawn the very next day, leaving a balance of Ksh 64,200 in the account.

5. The petitioners, through their registered group, filed a case, Cooperative Tribunal No. 347 of 2021, in Kakamega against Trans-elite County SACCO. However, the case was struck out on 9<sup>th</sup> December 2021 because the teachers were no longer members of the Society. The parties were advised to sue in their individual capacities, provided they could prove they were still members of the Sacco.
6. The Commissioner for Cooperative Development, in an inquiry conducted in 2006, found former officers of the SACCO Society (Board and staff) guilty of mismanagement and abuse of office and imposed a surcharge totalling KShs. 68.6 million. In addition, KShs 181 million in unaccounted cash was reported to have been paid by the Cooperative Bank without any record of payees. Further, KShs 177.78 million was lost due to land purchases reportedly made by the former management on behalf of the SACCO Society.
7. In Case Number: CTC/E001/2021- Nandi Teachers 2000 Self Help Group Versus Trans Elite County Sacco Ltd and Chairman Trans Elite County Sacco, the Tribunal held that it lacked jurisdiction to deal with the matter, as the Claimant is not a Cooperative Society, and the suit was dismissed in its entirety.

**The Committee made the following recommendations:**

- I. The Committee recommends that, within six months of the tabling of this report, the Ethics and Anti-Corruption (EACC) conducts further investigation into:
  - a. Whether action was taken against the persons surcharged for withdrawing the secured loan amounts on 5<sup>th</sup> May 2005, amounting to Kshs.60, 000,000 in 5 batches as detailed in the report of the inquiry into the affairs of Nandi Teacher SACCO Society Ltd. (2709) as detailed by the Commissioner of Cooperatives dated 20<sup>th</sup> June 2006.
  - b. The payees of the Kshs. 181 million in unaccounted cash by the Cooperative Bank of Kenya.
  - c. The Ksh.177.78 million lost in land purchase by the former management of the Nandi Teacher's Sacco Society.
2. The Committee recommends that, within six months of the tabling of this report, the Ethics and Anti-Corruption (EACC) conducts investigations into the ownership of

- Mwalimu Teachers Plaza (Kapsabet Municipality 1181/3705806), with a view to determining the petitioners' stake in the property and any illegality in its acquisition.
3. The Committee recommends that, within six months of the tabling of this report, the Ethics and Anti-Corruption (EACC) conducts investigations into the ownership of Mwalimu Teachers Plaza (Kapsabet Municipality 1181/3705806), with a view to determining the petitioners' stake in the property and any illegality in its acquisition.

**MIN./PPC/2025/235:      **CONSIDERATION AND ADOPTION OF THE REPORT ON PUBLIC PETITIONS NO.15/2024 REGARDING THE GAZETTMENT OF MWALA AND KALAMA SUN COUNTIES AS HARDSHIP AREAS.****

The Committee unanimously adopted the report, having been proposed by Hon. (Eng.) Bernard Nebart Muriuki, M.P, and seconded by Hon. Edith Vethi Nyenze, M.P.

**The Committee made the following observations:**

1. The right to fair labour practices, as enshrined in Article 41 of the Constitution of Kenya, 2010, includes, among others, fair remuneration and reasonable working conditions. Section C.10 of the Human Resource Policies and Procedures Manual for the Public Service (2016) provides for the payment of a hardship allowance to officers stationed in designated hardship areas as an incentive to compensate Public Servants working in such areas partially.
2. The Committee also noted that Mwala and Kalama Sub-County is geographically located adjacent to or surrounded by already gazetted hardship areas like Yatta, Kitui Rural, and Mbooni East, all of which are hardship zones, but Mwala and demonstrate similar conditions but lack hardship designation.
3. The core issue arising from the petition is the disparity and lack of harmonization in the policies employed by various Public Service jurisdictions, including the Civil Service, the Teachers Service Commission (TSC), and the Judiciary, in designating hardship areas and compensating employees. Currently, the TSC operates under its own policy, specifically outlined in Legal Notice No. 534 of 1997 and the Code of Regulations (COR).

4. The Ministry of Public Service, Human Capital Development and Special Programmes established an Inter-Agency Technical Committee in March 2019 to address these disparities and develop a uniform policy. The Committee comprised of representatives from the then Ministry of Public Service and Gender, Ministry of Interior and Co-ordination of National Government, Ministry of Education, The National Treasury and Planning, the Judiciary, Public Service Commission, Teachers Service Commission, Salaries and Remuneration Commission, Commission on Revenue Allocation, the Kenya National Bureau of Statistics (KNBS) and the Council of Governors.
5. The key findings and recommendations of the report from the Inter-Agency Technical Committee were as follows:
  - a) There are areas currently designated as hardship or petitioned by stakeholders to be categorized as 'hardship'; however, upon review they were found not to be 'hardship'.
  - b) The severity of hardship in the reviewed areas varies from moderate to extreme.
  - c) Some of the currently designated hardship areas cover an entire County/Sub-County/Division uniformly. It is, however, noted that some regions have only specific locations with moderate or extreme hardship conditions. The areas were therefore reviewed and categorized as "Moderate" and "Extreme" hardship areas.
  - d) Not all Public officers working in hardship areas are currently paid a hardship allowance. This is due to disparities in the current policy guidelines on designated hardship areas in the Public Service.
  - e) Some areas that were previously designated as hardship and have acquired different status following the implementation of the devolved system of governance and improved socio-economic development across the country have been reviewed and recommended for de-gazettement.

6. The report of the Inter-Agency Technical Committee on the review of designated hardship areas and payment of hardship allowance in the Public Service was finalized and submitted to the Salaries and Remuneration Commission (SRC) for concurrence. However, its implementation is awaiting Cabinet consideration.

**The Committee made the following recommendations:**

The Committee recommends that the Cabinet Secretary, Ministry of Public Service, Human Capital Development and Special Programmes, fast-track the approval of the Inter-Agency Technical Committee Report by the Cabinet with a view to designating all regions meeting the set-out criteria as hardship areas, and submit the report to the National Assembly within six (6) months upon the adoption of this report by the House.

**MIN./PPC/2025/236:      CONSIDERATION AND ADOPTION OF THE REPORT  
ON PUBLIC PETITIONS NO. 76 OF 2023 REGARDING DISCRIMINATION BY  
TSC ON CAREER PROGRESSION GUIDELINES FOR SPECIAL NEEDS  
EDUCATION TEACHERS**

The Committee unanimously adopted the report, having been proposed by Hon. Maisori Marwa Kitayama, M.P., and seconded by Hon. Patrick Ntwiga Munene, M.P. The Committee observed as follows—

**The Committee made the following observations:**

1. Job titles of SNE teachers in the payroll differ from those outlined in the Career Progression Guidelines. For instance, teachers designated as "Senior Teacher II" in the payroll should be titled "Primary Teacher II (SNE)" according to the CPG. This inconsistency has contributed to confusion and delayed the teachers' rightful recognition and progression within their roles.
2. The Teachers Service Commission had yet to align the grading structure for Special Needs Education (SNE) teachers with the 2018 Career Progression Guidelines (CPG).
3. The delay in the alignment was caused by the Government's payroll system, managed by the State Department of Public Service, which has been undergoing re-configuration to facilitate migration to a new payroll system.

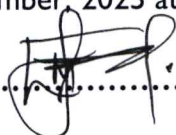
4. Despite the lack of change in the job group title for SNE Teachers in the payroll, the Commission ensured that teachers received salaries commensurate with their designation.
5. Even though the mismatch between the titles in the 2018 Career Progression Guidelines and those in payroll, did not adversely affected their salaries or career advancement it impacted of others benefits including allowances related to the scale.

**The Committee made the following recommendations:**

The Committee recommends that within six months of the adoption of this report by the House, the Teachers Service Commission in collaboration with the Cabinet Secretary, Ministry of Public Service, Human Capital Development and Special Programmes align grades for the job titles in the payroll to reflect those in the Career Progression Guidelines of 2018 specific to Special Needs Education (SNE) Teachers; and backdates the implementation of the same to 2017 to ensure that Special Needs Education Teachers (SNE), get their rightful benefits accrued since the roll-out of the new payroll system.

**MIN./PPC/2025/237: ADJOURNMENT AND DATE OF NEXT MEETING**

The Chairperson adjourned the meeting at 01:45 p.m. The next meeting will be on Wednesday, 13<sup>th</sup> November, 2025 at 11:30 a.m.

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

**HON. MUCHANGI KAREMBA, CBS, M.P.**

**CHAIRPERSON, PUBLIC PETITIONS COMMITTEE**



Thirteenth Parliament

Fourth Session



**REPUBLIC OF KENYA**  
**THE NATIONAL ASSEMBLY**

**MINUTES OF THE 21<sup>ST</sup> SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON TUESDAY, 10<sup>TH</sup> JUNE, 2025, IN COMMITTEE ROOM 11, SECOND FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AT 11.00 AM**

**PRESENT**

- |   |        |
|---|--------|
| 1. Hon. Edith Vethi Nyenze, M.P.            | Member |
| 2. Hon. Patrick Makau King'ola, M.P.        | Member |
| 3. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | Member |
| 4. Hon. Joshua Chepyegon Kandie, M.P.       | Member |
| 5. Hon. Peter Irungu Kihungi, M.P.          | Member |

**APOLOGIES**

- |  |                  |
|--|------------------|
| 1. Hon. Ernest Ogesi Kivai, M.P.               | Chairperson      |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P.    | Vice-Chairperson |
| 3. Hon. Nimrod Mbithuka Mbai, M.P.             | Member           |
| 4. Hon. Maisori Marwa Kitayama, M.P.           | Member           |
| 5. Hon. Bidu Mohamed Tubi, M.P.                | Member           |
| 6. Hon. Beatrice Kadeveresia Elachi, CBS, M.P. | Member           |
| 7. Hon. John Bwire Okano, M.P.                 | Member           |
| 8. Hon. Peter Mbogho Shake, M.P.               | Member           |
| 9. Hon. Suzanne Ndunge Kiamba, M.P.            | Member           |
| 10. Hon. Sloya Clement Logova, M.P.            | Member           |

**SECRETARIAT**

- |                         |                              |
|-------------------------|------------------------------|
| 1. Mr. Ahmed Kadhi      | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo      | Clerk Assistant I            |
| 3. Ms. Anne Shibuko     | Clerk Assistant I            |
| 4. Ms. Patricia Gichane | Legal Counsel II             |
| 5. Ms. Nancy Akinyi     | Research Officer III         |
| 6. Mr. Paul Shana       | Serjeant at arms             |
| 7. Mr. Peter Mutethia   | Audio Officer                |
| 8. Daniel Sirimoi       | Media Relations Officer      |

**KUPPET MACHAKOS BRANCH**

- |                            |                               |
|----------------------------|-------------------------------|
| 1. Hon. Vincent Musau, M.P | Member for Mwala Constituency |
| 2. Musembi Katuku          | Executive Secretary           |
| 3. Martin Mutisya          | Deputy Executive Secretary    |

Kilonzo Wambua  
Doris Mang'ea  
Ibrahim Ngunga  
Yvonne Musyoka  
Musyoki Joseph  
Meshack Nzaku

Treasurer  
Vice Treasurer  
Member  
Vice Chairperson  
Member, Mwala subcounty  
Member, MWala subcounty

PPETC/2025/110:

PRELIMINARIES

Chairperson called the meeting to order at 11:00 am. and proceedings began with reports by Hon. Edith Vethi Nyenze, M.P.

/PPETC/2025/111:

ADOPTION OF AGENDA

NDA

- Prayer
- Adoption of the Agenda
- Confirmation of minutes of previous sittings
- Matters Arising
- Consideration of Public Petition No. 04 of 2025 on unfair labour practices by Sukari Industries Limited in Homa Bay County
  - Meeting with Petitioner (Hon. Martin Owino, MP)
- 6. Consideration of P/No. 15 of 2024 on Gazettement of Mwala and Kalama Sub-Counties of Machakos County as hardship areas
  - Meeting with Petitioner (Hon. Vincent Musyoka, MP)
- 7. Consideration of Public Petition No. 78 of 2023 regarding Ineligible Incurred but Not Reported (IBNR) Claims of Over Kenya Shillings 21 billion, captured in the Financial Year Ending 30<sup>th</sup> June 2022
  - Meeting with the CS, Ministry of Health

Business

CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

CONSIDERATION OF PUBLIC PETITION NO. 04 OF 2025 REGARDING UNFAIR LABOUR PRACTICES BY SUKARI INDUSTRIES LIMITED IN HOMA BAY COUNTY

Hon. Martin Owino, M.P. appeared before the

1. On 8<sup>th</sup> February 2024, workers at Sukari Industries Limited in Ndhiwa Constituency staged a protest against discrimination, unfair labour practices, and unfavourable working conditions imposed by their employer, which violate Article 27 of the Constitution.
2. While some of the workers are directly employed by the company, a majority of them are engaged through outsourced firms. This has resulted in significant disparities in employment terms, benefits, compensation, and other entitlements.
3. There is alleged discrimination between foreign and local workers, including differences in pay for equal work, separate meetings for the different groups, unfair allocation of field and airtime allowances, and the withdrawal of salary advances, overtime, and lunch allowances.
4. The workers employed through outsourcing firms are not provided with personal protective equipment (PPEs) and lack any policy for compensation in case of work-related injuries or fatalities. Additionally, ambulance services are unreliable and often unavailable during emergencies.
5. The company's management is largely unapproachable, particularly to local workers, and often terminates their employment arbitrarily without due process. Furthermore, workers are prohibited from joining or forming labour unions.
6. Tractor drivers do not have formal contracts with the company, and their salaries and other payments are made through mobile money transfers instead of structured payroll systems.
7. Since October 2023, contractual workers' contributions to the National Social Security Fund (NSSF) have been halted, and service gratuity is not provided.
8. Efforts to address these concerns through dialogue and engagement have been unsuccessful.
9. The petitioners pray that the National Assembly, through the Public Petition Committee—
  - a. Inquiries into the alleged discrimination, unfavourable working conditions, and unfair treatment of both outsourced and directly employed workers, local or foreign.
  - b. Recommends that Sukari Industries Limited allow its workers, including those hired through outsourcing firms, to join or form labour unions to protect their rights, particularly their right to fair remuneration and working conditions, as guaranteed under Article 41 of the Constitution.
  - c. Makes any other recommendation(s) that it may deem appropriate to address the grievances of the Petitioners.

Committee Concerns

Regarding halting of contributions of contractual workers to the National Social Security Fund (NSSF), the Petitioner explained that the deductions by Sukari Industries Ltd were not remitted to NSSF.

On whether gratuity has not been provided because of possible variation of contract midway, the Petitioner explained that he was not privy to the contract details and therefore urged the Committee to interrogate the Company on the same.

On the nature of work done by the contracted staff and outsourced staff, the Petitioner explained that there was no definite structure to determine the nature of services offered by either category. There was no clear demarcation on which services were outsourced and which were core as workers from both outsourced and contracted sections did same activities.

l) On whether the signatures were from employees of the company or outsourced staff, the Petitioner explained that he was not sure. The Committee noted that if some of the signatures were from outsourced staff, they would not be valid as Sukari Industries was not their employer.

e) On who the parties to the dialogue referred to in the petition were, the Petitioner was unsure whether it was the outsourced companies or the contractual staff with Sukari Industries.

f) On whether the petitioners engaged the Labour Office, the Petitioner responded that they had informally engaged the Labour office in Homa Bay, hence there was no official record of the discussions.

Committee Resolution

In response to the petitioner, the Committee guided as follows—

There is a need for the petitioner to separate the signatures submitted into those by Sukari Industries and those by outsourced staff so as to have a bona fide record.

The Committee is directed to engage—

- to provide contracts between them and outsourced company;
- to ensure deduction of NSSF;
- to ensure; and

to report to the matters raised in the petition.

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