

1

DLPS
DLC

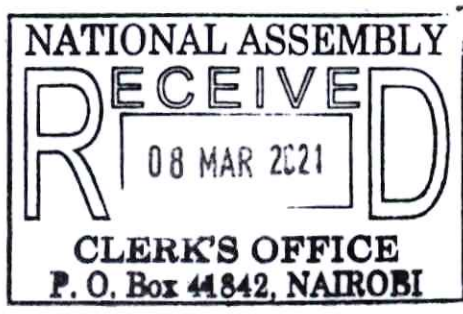
REF: SAL/DKT/PETITION/2/2021.

The clerk

National Assembly of Kenya

P.o Box 41842-00100,

Nairobi



Please deal
advise CNA.
08/03/21

RE: PETITION TO NATIONAL ASSEMBLY OF KENYA CONCERNING NON-PAYMENT OF SALARY, UNLAWFULL DISMISAL BY SEN PAUL KIMANI WAMATANGI KIAMBU SENATOR AND SENATE PARLIAMENT.

I the undersigned citizen of the Republic of Kenya and a resident of Kiambu, county of Juja Sub-county draw the attention of national assembly of Kenya of the following;

1.0 The Kiambu Senator Paul Kimani Wamatangi, invited me February 2018 to join his office as county office oversight coordinator.

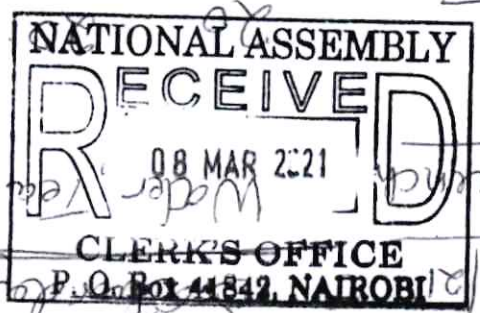
1.1 That I joined Kiambu Senator office as Oversight coordinator together with former Member of County Assembly of Kiambu Hon Ndiva Thande to ~~do the same job.~~

1.2 That we had a meeting with the Senator Wamatangi at Intercontinental hotel where we agreed to work with him as oversight coordinators to follow up issues regarding utilization of funds by the Kiambu Governor and visit the ongoing Projects in the county.

1.3 That we settled for the job in his office for five months of probation, that time writing letters to the ~~Former~~ Kiambu Governor Hon Ferdinand Waititu only after research in all the activities related to funds by Kiambu county Government.

2.0 The agreement was oral and then he decided to write to the clerks of the senate office to give us identification to access the parliament building for better performance.

2.1 That the Senator wrote a letter to parliament through Senate clerk's office so as the Head, safety and security can give us gate passes to permit us to work. The letter has its official letter head.



Water Vals Lunch

Friday 12/3/21

2010-188

Interviewers

2.2 Parliament through the clerk's office gave me a card for employment no 12172024 which he renewed from 2018 to 31st December 2020 when the contract expired.

2.3 That with the identification card from parliament I was allowed to work in Parliament buildings and a sitting office in KICC office number 1008 and access to a pigeon hole with key number 022.

3.0 The senator was giving me money for utilization as handout and it was meant for transportation/fuel since he preferred I use my personal vehicle to make site visits without salary to my account.

3.1 That I used my vehicle for transport and the funds given was not even enough but for my love and commitment to the job I continued to work for the senator office while struggling.

3.2 That funds given to me in total was Kshs 602,000 (six hundred and two thousand shillings). This was not salary as the funds is allocated for salaries and office operation and mostly I used my own money since I was promised for salaries every time I requested for it.

3.3 That, the termination to the employment was done illegally through short message system (sms) dated on 31st March 2020 at 12.02 pm via Senator's Safaricom line +254722224739. Meaning it was unlawful dismissal against the time indicated by the employment card from the clerk's office, where it was supposed to be 31st DEC 2020.

4.0 The salaries and operation funds should be given to every employee, to enjoy leave, leave allowance and after contract/period of work to receive gratuity.

4.1 That never have I enjoyed any salaries from the Senator's office and for three consecutive years I have never gone for leave nor receive any leave allowance.

4.2 For every person working in parliament with a member of parliament is permanent with a contract, but the Senator ignored to sign the contract and said the identification is enough since it is the document given to an employee for a member of parliament and so he applied by signing a letter to the clerk's office which was approved and we were given the authority to operate on his behalf as the letter indicates.

Saturday 13/3/21
Water, Tea, Lunch

Friday 12/3/21
Water, Tea, Lunch

Interviewees

37 37

20 20

Total

37 37

3

7

4.3 That on our oral agreement, we agreed a salary of Kshs 300,000 (three hundred thousand shillings only) and he persuaded me/us with a document he provided to us which was discussed in the senate parliament.

5.0 The law which governs the employment for members of staff in any office is the Employment Act 2007.

5.1 That the employment act 2007 was passes by the parliament after other laws which was there before were not helping the employees in this country as most of them gave employees a difficult time. The provisions in the Employment Act 2007 Section 8 applies to oral and written contracts.

The labor Relation Act 2007 Section 2 paragraph 4 says "collective agreement" and paragraph 6 indicate "contract of service" means any agreement whether oral or in writing, expressed or implied to employ or to serve as an employee in remunerations and includes contract of apprenticeship and indentured learner ship.

5.2 That I had requested for arbitration with the Parliamentary Service Commission, the senate clerk's office and the senator which was turned down because I did have proof of a contract signed by the contract which the senator ignored to sign and persuaded me to continue working for three calendar years.

34 71 71 total
The arbitration Act 1995 Section 3(i) supports employment whether contractual or not. This means I was sidelined over the way I had requested the parliamentary service commission and the clerk office to have an arbitration with the senator to solve the dispute.

3
5.3 That Article 41 of the constitution 2010 which came after the parliamentary service regulation 2005 which seeks for contract, that it will give full support to a person to be protected after the work which is done, I have all the document of the worker ability to give as evidence if given a chance.

Interviewers 21 21 21 7 7 7

Interviewers 37 37 37 20 20

Friday 12/3/21
Saturday 13/3/21
Water, Tea, Lunch
Water, Tea, Lunch
Interviewers
Interviewers

6.0) That I have made fruitless effort to solve the issue with the senator and his office manager, the Parliament Service Commission and the Senate clerk who approved my employment. None of this issue is pending in a court of law, constitutional or any legal body, therefore your humble petitioner pray that the National Assembly of Kenya;

1. To amend the parliamentary regulation 2005 to fit in the article 41 of the constitution 2010 to defend the employee and fit in employment act 2007.
2. To have my salary, allowance, leave and gratuity be compensated since I have worked for a member of parliament in senate, the senator for Kiambu Sen Paul Kimani Wamatangi who employed me for three calendar years.
3. To ensure termination of contract is not done through short message service (sms) system over the phone but in a formal written document.
4. To recognize all the documents by the senator to relevant office of the parliament regarding my employment and follow the rule of law ignoring the power of the member.

Date.....*5th*..... Day of ..*March*..... 2021

NO	NAME	ADDRESS	ID NO	SIGN
1	Daktari Isaack Mwangi Mugo	1398-00232 Ruiru	13473596	<i>Mugo</i>

Email; mimsnet@yahoo.com

; fanakaoneenterprises@gmail.com

Contact; 0722 218 147