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To: Speaker of the Senate

Through': Clerk of the Senate

Through': Deputy Clerk (EG)

Through: Ag. Director, Socio-Economic Committees (MJC)

Through: Principal Clerk Assistant (HOD) (VK)

From: Senior Clerk Assistant

Date: 7th November, 2023

Recommended for approval for tabling.

Forwarded and recommended for approval for tabling 07/11/2023

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RE: APPROVAL FOR TABLING OF THE REPORT ON THE PETITION BY SUPPLY CHAIN MANAGEMENT ASSISTANTS CONCERNING DISCRIMINATION AGAINST OTHER HEALTH WORKERS IN THE MINISTRY OF HEALTH

The Standing Committee on Labour and Social Welfare has concluded its consideration on the Petition concerning discrimination against other health workers in the Ministry of Health, and is ready to table its report.

This is to request your approval for tabling of the attached report.

Thank you.

Shaban

Mwanate Shaban



Rt. Hon. Speaker
You may approve for tabling
J. M. Nyegenye, C.B.S.
Clerk of the senate/secretary, PSC
Date: *08/11/23*

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08/11/23

REPUBLIC OF KENYA

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Recommended for approval for tabling.



THE SENATE

08/11/2023

Rt. Hon. Speaker
You may approve for tabling
J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: 08/11/23

08/11/23

THIRTEENTH PARLIAMENT | SECOND SESSION

STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

REPORT ON THE PETITION BY SUPPLY CHAIN MANAGEMENT ASSISTANTS CONCERNING DISCRIMINATION AGAINST OTHER HEALTH WORKERS IN THE MINISTRY OF HEALTH

PAPERS LAID	
DATE	14/11/2023
TABLED BY	Chrisperson
COMMITTEE	labor & social welfare
CLERK AT THE TABLE	Kawakoti

Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

October, 2023

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ABBREVIATIONS AND ACRONYMS

CHERP	- Covid Health Emergency Response Project
COG	- Council of Governors
ISCO	- International Standards Classification Organisation
KEMSA	- Kenya Medical Supplies Agency
KISM	- Kenya Institute of Supplies Management
MEDS	- Mission for Essential Drugs and Supplies
MOH	- Ministry of Health
SRC	- Salaries and Remuneration Commission
SCMA	- Supply Chain Management Assistants
OAG	- Office of the Auditor General
PPE	- Personal Protective Equipment
UHC	- Universal Health Coverage
UKCS	- Union of Kenya Civil Servants
WHO	- World Health Organisation

PRELIMINARIES

Establishment and Mandate of the Committee

The Senate Standing Committee on Labour & Social Welfare is established pursuant to standing order 228 of the Senate Standing Orders. The Committee is mandated to consider all matters related to *Manpower and human resources planning, pension, gender, culture, and social welfare; youth, National Youth Service, children's welfare, national heritage, betting, lotteries, sports, public entertainment; public amenities and recreation.*

The mandate of the Committee spans four (4) ministries namely –

- 1) Ministry of Labour and Social Protection;
- 2) Ministry of Public Service, Performance and Delivery Management;
- 3) Ministry of Gender, Culture, the Arts and Heritage; and
- 4) Ministry of Youth Affairs and Sports.

The Committee also oversees the state Department of Diaspora Affairs under the Ministry of Foreign and Diaspora Affairs and the Pensions Department under the National Treasury.

Membership of the Committee

The Committee membership is as follows: -

- | | |
|--------------------------------------------------|---------------------------|
| (1) Sen. Julius Murgor Recha, MP | - Chairperson |
| (2) Sen. George Mungai Mbugua, MP | - Vice Chairperson |
| (3) Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP | - Member |
| (4) Sen. Mohamed Faki Mwinyihaji, MP | - Member |
| (5) Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| (6) Sen. Alexander Munyi Mundigi, MP | - Member |
| (7) Sen. Crystal Kegehi Asige, MP | - Member |
| (8) Sen. Miraj Abdullahi Abdulrahman, MP | - Member |
| (9) Sen. Gloria Orwoba, MP | - Member |

CHAIRPERSON'S FOREWORD

The petition concerning alleged discrimination against other 'health workers' in the Ministry of Health (MoH) was tabled in the Senate on 20th July, 2023. Forty-three (43) Supply Chain Management Assistants (SCMAs) from Kitui County countersigned the petition on behalf of other supply chain management assistants from the forty-seven (47) Counties, with the lead petitioner being Mr. Elijah Mathungii.

The petitioners were concerned that the SCMAs deployed across all county governments, including health facilities where they offer essential services such as receiving, storing, and issuing pharmaceutical and non-pharmaceutical items, amongst other duties. The Petitioners also stated that although the SCMAs provide their services during the weekends and holidays and are on call during emergencies, they are not considered for allowances despite the compendium of remuneration and benefits for the Public Service of December 2022, requiring that all health workers receive health service allowances and extraneous allowances.

The petitioners then prayed to the Senate to address the grievances and ensure that the SCMAs deployed in Health facilities in the Counties benefit from Health Service allowance and extraneous allowance and that no health worker is discriminated upon. The Petitioners also wanted the Senate to compel the Ministry of health to develop policy guidelines geared towards recognizing SCMAs attached to the health departments across the country.

The Committee first met with the petitioners to understand the underlying issues raised in the petition. The petitioners reaffirmed that SMCAs are deployed by the County governments to work in county hospitals and provide services under the same conditions as other health workers.

The Committee also met with the Council of Governors and the Union of Kenya Civil Servants (UKCS) and received submissions from the Kenya Institute of Supplies Management (KISM).

The Committee also received submissions from the Salaries and Remuneration Commission (SRC) who elaborated on issues concerning allowances and staff cadres in the health sector, including the difference between health workers and administrative officers. SRC states its role as advisory as the user Ministry or Agency retains the implementation role.

The Committee observed that: -

- (i) The petitioners used the term Ministry of Health to mean the county departments of health since they are employees of the county governments.
- (ii) The Kenya Health Policy 2014-2030 and by extension, the Health Act 2017 do not classify SCMAS serving in hospitals and health facilities as healthcare workers. SCMAS are not health workers by health professional standards as prescribed in the WHO guidelines on health professionals;
- (iii) SCMAS offered essential services during COVID-19 pandemic as supplies practitioners alongside other health professionals like doctors and nurses, among others. However, unlike the latter, SCMAS did not receive any extraneous allowances.
- (iv) Supply Chain Management Assistants do not receive allowances from the Ministry of Health or the County government like other healthcare workers in hospitals and healthcare facilities, as they are not considered health workers;
- (v) Unlike drivers, mortuary attendants, and other support staff, SCMAS and other officers performing administrative duties like clerks, accountants, finance officers and human resources are not entitled to extraneous allowances.

The Committee made the following recommendations in response to the Petitioner's prayers: -

- (i) The County Governments may consider according allowances to SCMAs alongside other county governments employees;
- (ii) The Ministry of Health should operationalize the Kenya Health Sector Intergovernmental Consultative Forum, Kenya Health Human Resource Advisory Council and the Kenya Health Professions Oversight Authority established the Health Act 2017 with immediate effect and submit a report to the Senate within three (3) months upon tabling of this report; and
- (iii) The Ministry of Health, County Governments and SRC should streamline allowances of all workers in the health sector.

The Committee submits the report as its response to the petitioners pursuant to Section 5(3) of the Petition to Parliament Act and Standing Order 238 (2) of the Senate Standing Orders. The Committee extends its appreciation to parties who volunteered submissions and contributions to resolving this matter. I also wish to thank my fellow Senators for their contributions.

The Committee thanks the Office of the Speaker of the Senate and the Clerk of the Senate for the support extended in the execution of its mandate.

Pursuant to Standing Order 238 (2), I table this report on the petition concerning alleged discrimination against other health workers (Supply Chain Management Assistants).

Signature.....

Date. *Tuesday, 24th October, 2023*

SEN. JULIUS MURGOR RECHA, MP.

CHAIRPERSON, LABOUR AND SOCIAL WELFARE COMMITTEE

CHAPTER 1: INTRODUCTION

1.0 THE PETITION

1. The petition concerning alleged discrimination against other health workers in the Ministry of Health was tabled in the Senate on 20 July 2023. At least forty-three (43) Supply Chain Management Assistants (SCMAs) from Kitui County countersigned the petition on behalf of other supply chain management assistants from the forty-seven (47) Counties.
2. The petitioners were led and represented by Mr. Elijah Mathungii ID No. 25791636, Mr. Jacob Muthui Peter ID No. 29715984, Mr. Duncan Mbuvi Wambua ID No. 21148067, Ms. Mary Katee ID No. 28534852, Mr. Moffat Mutua ID No. 31770877, Mr. Peter Kutuka ID No. 30279610, Mr. Shedrack Makau Mutuku ID No. 30371390, and Ms. Priscah Kivalu ID No. 29724483.
3. The petition articulates the following concerns: -
 - (a) The MoH employs all SCMAs deployed across all county governments, who offer essential services such as receiving, storing, and issuing pharmaceutical and non-pharmaceutical items, amongst other duties;
 - (a) SCMAs provide their services during the weekends and holidays and are on call during emergencies without extra allowances; and
 - (b) SCMAs are not considered for allowances despite the Compendium of Remuneration and Benefits for the Public Service of December 2022, requiring that all health workers receive health service allowances and extraneous allowances.
4. In addition to the substantive issues, the petitioners have made all efforts to have this matter investigated and resolved by the relevant bodies whose responses have

not been satisfactory. Furthermore, none of the issues raised in this petition is pending before any court of law, constitutional, or other legal party.

5. The petitioners, therefore, pray that the Senate-
 - i. Take the necessary steps and address the preceding grievances, including that SCMA deployed at the counties benefit from Health Service Allowance and Extraneous allowance;
 - ii. Compels MoH to develop policy guidelines geared towards recognizing SCMA's attached to the health departments across the country; and
 - iii. Take necessary steps and ensure that no health worker is discriminated against by virtue of their cadre.

1.1 BACKGROUND

6. This section provides brief information regarding SCMA and the cadre's contribution to the country's integrated health system. Further, the section highlights the legal framing of the issues raised in the petition and the provisions informing the Committee observations and recommendations.

1.1.1. Supply Chain Management

7. Supply chain management encompasses the planning and managing of all activities involved in sourcing and procurement, conversion, and all logistics management activities. It is an integrated function with the primary responsibility for linking major business functions and business processes within and across companies into a cohesive, high-performing business model.¹

¹ Upendra K. (2013) Exploring the Supply Chain: Theory and Practice. Independent University, Bangladesh

8. The supply chain management function involves the coordination of various activities in delivering a combination of inputs, outputs, and outcomes for specified requirements under the Public Procurement and Disposable Act 2005, Public Procurement and Disposal Regulations 2006, Supplies Practitioners Management Act 2007 and other laws and policy documents that impact on procurement.
9. Kenya Institute of Supplies Management (KISM) is the national body for professionals in supply chain management and is established by the Suppliers Practitioners Management Act (SPMA) of 2007. The institute's functions are outlined under section 5 of the SPMA.
10. The Institute is also responsible for, among other functions, establishing, monitoring, improving, and publishing the standards of the supply practitioners' profession and safeguarding the interest of all supply practitioners. These standards include training and instruction.

1.1.2. Supply Chain Management Assistants and their contribution to County Health Services

11. Access to medicine and medical apparatus is one of the government's significant concerns and remains a critical strategic element of any healthcare organization's policy. Supply chain management directly impacts individual healthcare providers and large healthcare organizations' day-to-day operations. They ensure that patients receive the highest quality of care possible, which requires a steady supply of items. The medicines or medicinal goods supply chain must deliver the right medicine at the right place, time, and at optimum cost.²

² Submissions by the Kenya Institute of Supplies Management (KISM) to the Committee

12. SCMA are employed by the county government and then deployed under the County Departments of Health; they work in hospitals and health facilities. The SCMA receives pharmaceutical and non-pharmaceutical commodities in the health facilities.

13. SCMAs place orders to KEMSA and MEDS for health products and technologies. They prepare weekly, monthly, and quarterly medical commodity consumption reports that aid in preparing and placing orders and restocking medical commodities. Further, SCMAs ensure proper hospital storage of all health commodities to prevent pilferage, damage, expiries, and attacks by rodents or pests. Supply Chain Management Assistants provide essential services, work longer hours than stipulated, and respond to emergencies when called upon by the health facilities or hospitals.

1.2 THE LEGAL FRAMEWORK UNDERPINNING THE CONCERNS RAISED IN THE PETITION

14. The concerns raised by the SCMAs regarding possible discrimination while undertaking their functions in various health facilities are premised on the Constitution 2010, Employment law on what constitutes unfair treatment of employees, and matters on equal pay for equal work.

15. Article 41 of the Constitution provides the basis of the labor law in Kenya that –
(1) *Every person has the right to fair labor practices, and (2) Every worker has the right – (a) to fair remuneration, and (b) to reasonable working conditions.*
Further, the Employment Act 2007 provides the framework upon which the fundamental rights of employees also provide the primary conditions of employment. Specifically, Section 5 provides, *among other things-*

(3) *No employer shall discriminate, directly or indirectly, against an employee or prospective employee or harass an employee or prospective employee—*

(a) on the grounds of race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, marital status, or HIV status;

(b) in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment, or other matters arising from the employment.

(5) An employer shall pay his employees equal remuneration for work of equal value...

16. Additionally, Section 5 (7) of the Employment Act, 2007 emphasizes that in any proceedings where discrimination is alleged, the employer shall bear the burden of proving that the discrimination did not take place and that the discriminatory Act or omission is not based on any of the grounds specified under section 5 of the Employment Act.

17. In the context of this petition, regarding equal pay for equal work or work of equal value, the right to equal pay for similar work or work done for the Supply Chain Management Assistants is a fundamental human right. This right is provided under Article 41 of the Constitution of Kenya. Every worker's fundamental right to equal pay for the same or similar work.

18. This entails equal pay for doing completely different work but based on objective criteria of equal value. Work of equal value is different in content, involving additional responsibilities and requiring extra skills or qualifications. As such, the disparity in pay is allowed when there are objective differences in the value of work. Qualified employees, however, must be paid the same when they perform the same or virtually the same job in similar conditions.

19. The preceding perspective is reinforced by Section 5(4) of the Employment Act, 2007, which provides that- *(4) An employer shall pay his employees equal remuneration for work of equal value.* Additionally, discrimination based on

any ground, as defined in Article 27 (4) of the Constitution, is presumed unfair. However, once an allegation of such nature is made and established, the burden lies on an employer to prove that such discrimination did not occur or is justified.

20. Regarding the supply chain as a profession, SCMAs are regulated under the Suppliers Practitioners Management Act of 2017, with Section 5 of the Act mandating the Kenya Institute of Supplies Management to establish, monitor, improve, and publish the standards of the supply practitioners' profession and safeguard the interest of all supply practitioners.

1.3 PROCESSING OF THE PETITION

21. The petition regarding alleged discrimination against SCMAs was presented in the Senate on 20th July, 2023. During the debate, the Senate reiterated the legal position that health is a concurrent function with service delivery devolved to the county. It was, therefore, the opinion of the Senate that the county governments, the Salaries and Remuneration Commission (SRC), and the Council of Governors (CoG) must properly remunerate health workers. Equally, the Senate called upon the Kenya Health Human Resource Advisory Council to take steps and address the issues affecting health workers and other professionals working in hospitals and health facilities.

22. The petition was committed to the Standing Committee on Labour and Social Welfare in line with Standing Order 232. Subsequently, the Committee is expected to respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Senate in not more than sixty calendar days from reading the prayer.

CHAPTER 2: COMMITTEE PROCEEDINGS

23. The Committee processed the petition by engaging with various stakeholders. The Committee met with the lead petitioners on Tuesday, 8th August, 2023 at 11:00 am. They reiterated that they are health workers employed by the county governments and deployed by the county departments of Health to work in county hospitals and provide services under the same conditions as other health workers. The allegation about discrimination was linked to the argument that during the COVID-19 pandemic, the SCMAs continued to offer essential services. However, compensation was discriminatory.
24. The Committee held a session on Tuesday, 12 September 2023 at 11:00 am with stakeholders who included Hon. Johnson Sakaja, CBS, the Chairperson of the Human Resource, Labour and Social Committee of the Council of Governors and the representatives of the SRC.
25. The meeting was also graced by Hon. Tom M. Odege, MP, the Secretary General of the Union of Kenya Civil Servants (UKCS). The Kenya Institute of Supplies Management (KISM) representatives shared their submissions with the Committee. The official argued that SCMAs are viewed as health workers as they offer services at the county health facilities, and as such, their benefits ought to align with other health workers.
26. The submission by the COG addressed the concern of whether the SCMA is considered health works or not. According to CoG, supply chain professionals are regulated under the Suppliers Practitioners Management Act 2007 and are not considered health professionals. Further, such staff cadres get reassigned across Ministries, Agencies, and Parastatals.

27. The Committee also received submissions from the SRC, who elaborated on issues concerning allowances and staff cadres in the health sector, including the difference between health workers and administrative officers. SRC states its role as advisory as the user Ministry or Agency retains the implementation role.

CHAPTER 3: EMERGING THEMES

28. The Committee considered the various submissions from the stakeholders and considered their views—the following two broad thematic areas. First, the professional position of the SCMA and whether they are considered health workers or not, and second, disparities in the terms of service and allowances or not. These two inform the recommendations of this report.

3.1 PROFESSIONAL POSITIONING OF SCMAS: HEALTH WORKERS OR ADMINISTRATIVE OFFICERS

29. The petitioners' submissions indicated that SCMAS are employees of the County Government under the Department of Health and serve at various health facilities deployed in hospitals and health facilities. Additionally, SCMAS, like other cadres of health workers, are exposed to the risks and working conditions associated with working in a health facility. From the perspective of the SCMAS, they view their services as health-related, and considering that their services are consumed within the confines of health facilities, they consider themselves as such.

30. The World Health Organization (WHO) classifies health workers according to the international classification of health workers primarily based on the International Standards Classification Organisation (ISCO, 2008 revised), a system of categorizing and aggregating occupational information obtained through population census and other statistical surveys as well as from administrative records.

31. The classification of health workers maps occupation categories into five broad groupings: Health Professionals, Health Associate professionals, Personal care

workers in health services, Health management and support personnel and other health service providers not elsewhere classified³.

32. SCMAs are classified under the Health Management and Support Personnel group of the international classification of health workers (ISCO, 2008 revised), which includes a wide range of health system personnel such as health service managers, health economists, health policy lawyers, biomedical engineers, medical physicists, clinical psychologists, social workers, medical secretaries, ambulance drivers, building maintenance staff, and other general management, professionals, technical. Clerical support workers under this group consist of general office clerks, general secretaries, accounts clerks, data entry clerks, health insurance clerks, and Medical commodities stock controllers.⁴ Medical commodities stock controllers have the same functions as Supply Chain Management Assistants.

33. The Kenya Health Policy, 2014 - 2030, gives directions to ensure significant improvement in the overall status of health in Kenya in line with the Constitution of Kenya 2010, the country's long-term development agenda, Vision 2030 and global commitments (Universal Health Coverage).⁵ The policy qualifies healthcare workers and their cadres as Doctors, Dentists, Pharmacists, and Pharmaceutical Technologists, Nursing Officers and Enrolled Nurses Clinical Officers.

34. Notably, in its classification, the Kenya Health Policy 2014-2030 does not include other professionals working in hospitals and health facilities who perform critical functions as health workers as guided by the international classification of health workers (ISCO, 2008 Revised).

³International Labour Organisation (2008) Classifying Health Workers: Mapping occupations to the international standard classification; Page 11-14. <https://www.ilo.org/public/english/bureau/stat/isco/isco08/>

⁴ International Labour Organisation (2008) Classifying Health Workers: Mapping occupations to the international standard classification; Page 11-14. <https://www.ilo.org/public/english/bureau/stat/isco/isco08/>

⁵ Ministry of Health (2014) Kenya Health Policy 2014–2030.

https://publications.universalhealth2030.org/uploads/kenya_health_policy_2014_to_2030.pdf

35. However, UKCS, in their submission to the Committee, argued that it is discriminatory for the SRC through a circular, SRC/TS/CGOVT/3/61 Vol. III/ (136), dated 14th September, 2015 (*Annexure*) to recognize drivers, mortuary attendants, and support staff working in hospitals and health facilities as health workers but fail to acknowledge critical actors like SCMAs in the same vein.
36. The Committee, therefore, noted that SRC, through the shared circulars of the Ministry of State for Public Service, Ministry of Public Health and Sanitation, and Ministry of Medical Services, considers the following cadres as health workers: Doctors, Dentists, Pharmacists and Anaesthetists (including Clinical Officer Anaesthetists); Clinical Officers and Nurses; other Paramedics; Drivers and Mortuary Attendants and other Support Staff. (*Attached copy of SRC Submissions*)
37. The Ministry of Health was categorical that the petitioners, representing SCMAs as a profession, are not categorized as health workers but county employees. The CoG elaborated the position, referring to the Kenya Health Policy 2014-2030, arguing that the policy document does not recognize SCMAs as health workers. Further, since SCMAs are not permanently attached to hospitals and health facilities but provide services in rotational modality across Ministries, County government departments, and other state agencies, they cannot be considered as health workers.
38. The COG also argued that the matter regarding pay allowances is valid but cannot be categorized as health workers, because county government act upon the advice of SRC and MoH. Further, the counties continue to offer services under ballooning wage bills; therefore, implementing additional allowances is not sustainable.

3.2 TERMS OF SERVICE AND ALLOWANCES

39. Article 41 of the Constitution provides that every person has the right to fair labor practices and that every worker has the right to equitable remuneration and reasonable working conditions. The right to equal pay for equal work or work done is in tandem with fundamental human rights, as anchored in Article 41. Further, section 2 of the Employment Act 2007 defines remuneration as the total value of all payments of money in kind made or owing to an employee arising from that employee's employment.

40. Section 5 (3) of the Employment Act 2007 provides, among other things, that no employer shall discriminate, directly or indirectly, against an employee or prospective employee or harass an employee or prospective employee on the grounds of race, color, sex, language, religion, political or other opinions, nationality, ethnic or social origin, disability, pregnancy, marital status or HIV status. Article 27 of the Constitution provides for equality and freedom against discrimination.

41. The petitioners argued that they were employed by the County governments and deployed across the county. The lead petitioner stated that SCMAs complement other health workers by managing the supply chain related to medicines and drugs from the point of delivery to issuance by pharmacists and pharmacy technologists. Fundamentally, SCMAs link the Kenya Medical Supplies Agency (KEMSA) and Mission for Essential Drugs and Supplies (MEDS) for pharmaceutical and non-pharmaceutical products to the patients.

42. According to the petitioners, the disparities and discrimination were evident during the Covid-19 pandemic, where the SCMAs offered essential services and worked in various isolation centers alongside other health workers under extreme

working conditions to manage health technologies like Personal Protective Equipment (PPEs), oxygen masks and medicines.

43. The petitioners further explained the circumstances they had endured during the pandemic, including occasional long hour shifts, including weekends and holidays, exposure to the virus, and death resulting from the virus. Further, despite these extraneous circumstances, the SCMAs had never been compensated and did not receive allowances, unlike other health workers who receive allowances despite working under the same conditions. Other health workers' allowances during the COVID-19 pandemic include extraneous and health risks.

44. These claims were reinforced by KISM, emphasizing the crucial role SCMAs played in managing pharmaceutical and non-pharmaceutical items (cotton swabs, medicines, PPEs, cancer-treatment interferon, and high-tech biomedical imaging machines) alluded to the exposures. KISM argues that specific allowances designated for health workers have their basis in hospitals and health facilities as high-risk areas. Hence, workers providing critical services in these environments must be cushioned, protected and compensated for work-related injuries. On this basis, KISM believes that control and management of risks to health professionals cannot ignore a similar exposure to SCMAs.

45. The matter of alleged discrimination towards SCMAs was also alluded to by the Union of Kenya Civil Servants (UKCS). The union argued that because SCMAs are hitherto deployed to county departments of health and offer services within the confines of hospitals or health facilities, they ought to receive health workers' allowances payable to other health workers. On this basis, the union views such claims, and SRC advisory *Ref. No: SRC/TS/CGOVT/3/61 Vol.III/ (136)* dated 14 September 2015 (*Annexure*), as discriminatory as they allowed authorized payment of extraneous allowances to drivers, mortuary attendants, and support staff.

46. On the other hand, the SRC justified its position, indicating that its advice on health workers' allowances is based on its constitutional principles and consultations with the MOH, COG, the Public Service Commission, and other stakeholders in the sector. Further, while its role is advisory, the MOH determines the eligibility for health workers' allowances based on international best practices and WHO guidelines. Regarding SCMAS, given its circular of 2015 and the Compendium of Remuneration and Benefits for Public Service of December, 2022, officers performing administrative duties within the health facilities are not entitled to health workers' allowances.
47. This position by SRC is also held by COG, who reiterated that SCMAS are not health workers but administrative staff offering services in health facilities. However, they are supervised by the KISM and regulated by the Supplies Practitioners Management Act 2007. Their professional skills align more with the National Treasury and their line Ministries than the health sector.
48. Further, the fact that SCMAS offer their services rotationally across county government departments and other state agencies (including non-health-related agencies) proves they cannot be designated health workers. MoH acknowledged and supported the SRC circular *Ref: SRC/TS/CGOVT/3/61 VOL III/ 136* dated 14th September, 2015, approving emergency calls, extraneous, health public allowances, non-practicing and uniform allowances for health workers and an additional extraneous allowance for drivers, mortuary attendance and support staff excluding officers performing other administrative duties.
49. In this respect, administrative officers include clerks, accountants, finance officers, human resources, and SCMAS. MoH conceded that SCMAS do not qualify for health workers' allowances and extraneous allowance since they are not health

workers. Because of these, the CoG proposal is that SCMAs be accorded allowances as other county employees.

CHAPTER 4: COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

4.1 COMMITTEE OBSERVATIONS

50. Based on the meetings held between the Committee and the stakeholders and supporting submissions, the Committee makes the following observations. THAT:

-

- (i) The petitioners in their petition, used the term Ministry of Health to mean the county departments of health since they are employees of the county governments.
- (ii) Kenya Institute of Supplies Management is legally mandated under the Suppliers Practitioners Management Act of 2017 to regulate SCMA, establish, monitor, improve, and publish the standards of the supply practitioner's profession, including safeguarding the interests of all supply practitioners. The implication for this is that SCMAs are not regulated by a health professional body as defined in the Health Act 2017;
- (iii) The Kenya Health Policy 2014-2030 and, by extension, the Health Act 2017 do not classify SCMAs serving in hospitals and health facilities as healthcare workers. SCMAs are not health workers by health professional standards as prescribed in the WHO guidelines on health professionals;
- (iv) SCMAs, like other supply chain professionals, are deployed as professionals in supply chain management, not health. As such, SCMAs are not permanently attached to the hospitals and health facilities where they offer services. However, SCMAs provide services on a rotational basis across Ministries, County government departments and other state agencies, including non-health-related agencies;
- (v) SCMAs offered essential services during COVID-19 pandemic as supplies practitioners alongside other health professionals like doctors and nurses,

among others. However, unlike the latter, SCMAs did not receive any extraneous allowances:

- (vi) Supply Chain Management Assistants do not receive allowances from the Ministry of Health or the County government like other healthcare workers in hospitals and healthcare facilities, as they are not considered health workers; and
- (vii) Unlike drivers, mortuary attendants, and other support staff, SCMAs and other officers performing administrative duties like clerks, accountants, finance officers, and human resources are not entitled to extraneous allowance.

4.2 COMMITTEE RECOMMENDATIONS

(i) With regards to prayer one that the Senate takes necessary steps and address the preceding grievances, including that SCMA deployed at the counties benefit from Health Service Allowance and Extraneous allowance;

51. The Committee recommends that the County Governments should accord allowances to SCMAs alongside other county governments health sector employees.

(ii) With regards to prayer two that the Senate compels MoH to develop policy guidelines geared towards recognizing SCMAs attached to the health departments across the country;

52. The Committee recommends that the Ministry of Health should operationalize the Kenya Health Sector Intergovernmental Consultative Forum, Kenya Health Human Resource Advisory Council and the Kenya Health Professions Oversight Authority established under the Health Act of 2017 with immediate effect and submit a report to the Senate within three (3) months upon tabling of this report.

53. The Ministry of Health, the County Governments and the Salaries and Remuneration Commission to review the Kenya Health Policy 2014 – 2030 to include all workers in the health sector and streamline their allowances.

(iii) With regards to prayer three that the Senate takes necessary steps to ensure that no health worker is discriminated against by virtue of their cadre.

54. The Committee recommends that the Ministry of Health, County Governments and SRC should streamline allowances of all workers in the health sector.



MINUTES OF THE EIGHTY-NINTH (89TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON TUESDAY, 24TH OCTOBER, 2023 AT 10.00 AM IN THE BARAZA 1 CONFERENCE ROOM, SAROVA WHITESANDS BEACH RESORT, MOMBASA COUNTY.

MEMBERS PRESENT

- | | |
|-------------------------------------------------|--------------------|
| 1. Sen. Julius Murgor Recha, MP | - Chairperson |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP | - Member |
| 4. Sen. Mohamed Mwinyihaji Faki, MP | - Member |
| 5. Sen. Alexander Munyi Mundigi, MP | - Member |
| 6. Sen. Crystal Asige, MP | - Member |
| 7. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |

APOLOGIES

- | | |
|--------------------------------------|----------|
| 1. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| 2. Sen. Gloria Orwoba, MP | - Member |

SECRETARIAT

- | | |
|------------------------|--------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Ms. Getrude Nthiiri | - First Clerk Assistant |
| 3. Mr. Jeremy Chabari | - Legal Counsel |
| 4. Mr. Rhyan Injendi | - Research Officer III |
| 5. Mr. Joseph Otieno | - Audio Officer |
| 6. Mr. John Chege | - SAA |
| 7. Mr. Moses Ng'ang'a | - Aide to Sen. Asige |

MIN/SEN/SCLSW/474/2023: PRAYERS

The Chairperson called the meeting to order at 12.00 noon followed with a word of prayer.

MIN/SEN/SCLSW/475/2023: ADOPTION OF AGENDA

1. The Programme of the meeting was unanimously adopted with amendments following Sen. Faki's request that the Committee meets the National Forum for the County Public Service Board who were holding their annual conference at a nearby hotel, the Pride Inn Paradise Hotel.

2. The Committee deliberated on the matter, and noted the Secretariat's advise that the Speaker had approved for the Committee to have a report writing retreat in Mombasa.
3. However, the Committee also acknowledged the fact that there had been a lot of Human resource concerns in the counties including intercountry transfers, promotions, ballooning wage bill, harmonization of different cadres of staff, training and promotions and observed that the Annual Convention of the County Public Service Boards National Consultative Forum provided an opportunity for the Committee to meet the Board Members and discuss on the above matters.
4. The Committee therefore resolved to amend the programme and meet with the County Public Service Boards in the afternoon.
5. The agenda of the meeting was adopted having been proposed by Sen. George Mungai Mbugua, MP and seconded by Sen. Alexander Munyi Mundigi, MP as follows-
 - i. Prayers;
 - ii. Adoption of the Agenda;
 - iii. **Consideration of the report on the Petition by the Supply Chain Management Assistants concerning discrimination against other Health Workers in the Ministry of Health;**
 - iv. **Adoption of the report on the Petition by the Supply Chain Management Assistants concerning discrimination against other Health Workers in the Ministry of Health;**
 - v. Any Other Business; and
 - vi. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/476/2023 CONSIDERATION OF THE REPORT ON THE PETITION BY THE SUPPLY CHAIN MANAGEMENT ASSISTANTS CONCERNING DISCRIMINATION AGAINST OTHER HEALTH WORKERS IN THE MINISTRY OF HEALTH;

1. The Committee considered the Petition and made the following observations -
 - i. The petitioners in their petition, used the term Ministry of Health to mean the county departments of health since they are employees of the county governments;
 - ii. Kenya Institute of Supplies Management is legally mandated under the Suppliers Practitioners Management Act of 2017 to regulate SCMA, establish, monitor, improve, and publish the standards of the supply practitioner's profession, including safeguarding the interests of all supply practitioners. The implication for this is that SCMAs are not regulated by a health professional body as defined in the Health Act 2017;

- iii. The Kenya Health Policy 2014-2030 and, by extension, the Health Act 2017 do not classify SCMAAs serving in hospitals and health facilities as healthcare workers. SCMAAs are not health workers by health professional standards as prescribed in the WHO guidelines on health professionals;
- iv. SCMAAs, like other supply chain professionals, are deployed as professionals in supply chain management, not health. As such, SCMAAs are not permanently attached to the hospitals and health facilities where they offer services. However, SCMAAs provide services on a rotational basis across Ministries, County government departments, and other state agencies, including non-health-related agencies;
- v. SCMAAs offered essential services during COVID-19 pandemic as supplies practitioners alongside other health professionals like doctors and nurses, among others. However, unlike the latter, SCMAAs did not receive any extraneous allowances;
- vi. Supply Chain Management Assistants do not receive allowances from the Ministry of Health or the County government like other healthcare workers in hospitals and healthcare facilities, as they are not considered health workers; and
- vii. Unlike drivers, mortuary attendants, and other support staff, SCMAAs and other officers performing administrative duties like clerks, accountants, finance officers, and human resources are not entitled to extraneous allowance.

2. The Committee therefore made the following recommendations based on the Petitioner's prayers -

- i. *With regards to prayer one that the Senate takes necessary steps and address the preceding grievances, including that SCMAA deployed at the counties benefit from Health Service Allowance and Extraneous allowance - the Committee recommends that the County Governments should accord allowances to SCMAAs alongside other county governments health sector employees.*
- ii. *With regards to prayer two that the Senate compels MoH to develop policy guidelines geared towards recognizing SCMAAs attached to the health departments across the country; The Committee recommends that the Ministry of Health should operationalize the Kenya Health Sector*

Intergovernmental Consultative Forum, Kenya Health Human Resource Advisory Council and the Kenya Health Professions Oversight Authority established the Health Act 2017 with immediate effect and submit a report to the Senate within three (3) months upon tabling of this report; and the Ministry of Health, the County Governments and the Salaries and Remuneration Commission to review the Kenya Health Policy 2014 – 2030 to include all workers in the health sector, and streamline their allowances.

- iii. *With regards to prayer three that the Senate takes necessary steps to ensure that no health worker is discriminated against by virtue of their cadre - the Committee recommends that the Ministry of Health, County Governments and SRC should streamline allowances of all workers in the health sector.*

MIN/SEN/SCLSW/477/2023 **ADOPTION OF THE REPORT ON THE PETITION BY THE SUPPLY CHAIN MANAGEMENT ASSISTANTS CONCERNING DISCRIMINATION AGAINST OTHER HEALTH WORKERS IN THE MINISTRY OF HEALTH;**

The Committee adopted the report on the petition on the alleged discrimination of other health workers by the Ministry of Health after being proposed by Sen. Alexander Munyi Mundigi, MP and seconded by Sen. Miraj Abdullahi, MP.

MIN/SEN/SCLSW/478/2023


ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/479/2023

ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 11.45 am in readiness for the next meeting.

SIGNED..........DATE *Wednesday 25th October, 2023*
CHAIRPERSON: SEN. JULIUS MURGOR RECHA, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



MINUTES OF THE EIGHTY-SECOND (82ND) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON TUESDAY, 12TH SEPTEMBER, 2023 AT 11:00 AM AT ROOM 24, BUNGE TOWER, PARLIAMENT BUILDINGS.

MEMBERS PRESENT

1. Sen. Julius Murgor Recha, MP - **Chairperson**
2. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP - Member
3. Sen. Alexander Munyi Mundigi, MP - Member

APOLOGIES

1. Sen. George Mungai Mbugua, MP - **Vice-Chairperson**
2. Sen. Erick Okong'o Mogeni, SC, MP - Member
3. Sen. Mohamed Faki Mwinyihaji, MP - Member
4. Sen. Gloria Orwoba, MP - Member
5. Sen. Miraj Abdulahi Abdulrahman, MP - Member
6. Sen. Crystal Asige, MP - Member

IN-ATTENDANCE

1. Hon. Johnson Sakaja, CBS - Chairperson, COG- Human Resources, Labour and Social Welfare Committee;
2. Ms. Carolyne Moge - Labour and Social Welfare Committee, COG;
3. Mr. John Monyoncho - Commissioner, SRC;
4. Mr. James Sitimei - Head of Legal Services, SRC;
5. Hon. Tom Odege, MP - SG, Union of Kenya Civil Servants (UKCS);
6. Ms. Judy Wangari - Deputy National Treasurer, (UKCS);
7. Mr. Confit Ademba - Deputy Secretary, (UKCS);
8. Mr. Elijah Mashanyi - Lead Petitioner
9. Mr. Jacob Muthui - Petitioner
10. Mr. Duncan Wambua - Petitioner
11. Ms. Priscal Kivalu - Petitioner
12. Mr. Shedrack Mutuku - Petitioner

SECRETARIAT

- | | |
|-----------------------|-------------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Ms. Doris Obure | - Clerk Assistant III |
| 3. Mr. Jeremy Chabari | - Legal Counsel I |
| 4. Mr. Rhyan Injendi | - Research Officer III |
| 5. Mr. Joseph Otieno | - Audio Officer |
| 6. Ms. Swaluha Yusuf | - Protocol Officer III |
| 7. Ms. Juliet Masinde | - Media Relations Officer III |

MIN/SEN/SCLSW/414/2023: PRAYERS

The Chairperson called the meeting to order at 11.29 am followed with a word of prayer. He thereafter requested the participants to make a round of introductions.

MIN/SEN/SCLSW/415/2023: ADOPTION OF AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Alexander Munyi Mundigi, MP and seconded by Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP as follows-

1. Prayers & Introductions;
2. Adoption of the Agenda;
3. Meeting with Stakeholders (COG, SRC, KISM and KUCS) on a petition by the Supply Chain Management Assistants regarding discrimination of other health workers in the Ministry of Health;
4. Any Other Business; and
5. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/416/2023 **MEETING WITH STAKEHOLDERS ON THE PETITION BY SUPPLY CHAIN MANAGEMENT ASSISTANTS REGARDING DISCRIMINATION OF OTHER HEALTH WORKERS IN THE MINISTRY OF HEALTH**

a) Chairperson's remarks

1. The Chairperson welcomed the participants and invited the petitioners to appraise the Committee on the contents in the petition.
2. The Chairperson further informed the Committee on the written submissions by the Kenya Institute of Supplies Management (KIMS).

b) Submissions by the Petitioners

3. Hon. Tom Odege, MP the Secretary General, Union of Kenya Civil Servants spoke on behalf of the petitioners and presented to the committee on the following-
- i. That the Supply Chain Management Assistants have been discriminated and have not been subjected to fair pay of their health service allowance and extraneous allowance as other health workers;
 - ii. The actions of the Supply Chain Management Assistants do not improve health however, they are the support personnel in improving the health facilities they serve. Supply Chain Management Assistants by virtue of working in hospital facilities, are considered as health workers and are therefore entitled to health workers allowances; and
 - iii. The Salaries and Remuneration Commission and the County Departments of Health are to classify health workers to include all workers employed in institutions whose primary intent is to improve health.
4. The petitioners further informed the Committee on the risks incurred in their line of duty more especially during the Covid-19 pandemic that would necessitate payment of requisite allowances.

c) Submissions by the Council of Governors

5. The Chairperson, Council of Governors- Human Resources, Labor and Social Welfare Committee informed the Committee that-
- i. The Supply Chain Management Assistants are workers who go through countrywide rotations in the various ministries, County Governments Departments, and other state agencies whereby they are not designated as health workers;
 - ii. The Council of Governors further acknowledged that the Supply Chain Management Assistants offer critical support to the health facilities. He further recommended the need to designate clearly the health workers handling supply chain issues such as accountability they cannot be considered as health workers; and
 - iii. The payment of risk allowance is subject to assessment of the serving position and consideration of the working circumstances.

d) Submissions by the Salaries and Remuneration Commission

6. The Commissioner, Salaries and Remuneration informed the committee that-
1. The determination and eligibility for health workers' allowances is issued by the Ministry of Health in consideration with the international practices and World Health Organization's standards; and

2. The Supply Chain Management Assistants in the Ministry of Health and County Government Health Departments are not categorized as health workers hence they do not qualify for payment of health workers' allowances.

7. The Committee resolved that-

- i. The Ministry of Health to give policy direction on allowances for administrative staff in the health sector;
- ii. The employers (The Ministry of Health and the Council of Governors) to agree
- iii. on a framework on allowances for the different cadres in the health sector and seek guidance from the Salaries and Remuneration Commission;
- iv. The Counties through their Public Service Boards to make specific requests for their employees; and
- v. The Senate to allocate more funds through Division of Revenue to enable the counties meet the costs on the wage bill.

MIN/SEN/SCLSW/417/2023

ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/418/2023

ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 13.02 pm and the next meeting was scheduled for Wednesday, 13th September, 2023 at 10.00 am.

SIGNED.....*ASR G*.....DATE *Thursday, 21st Sept, 2023*.....

CHAIRPERSON: SEN JULIUS MURGOR RECHA, MP

For **STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE**



MINUTES OF THE SIXTY-EIGHTH (68TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON TUESDAY, 8TH AUGUST, 2023 AT 11:00 AM IN COMMITTEE ROOM 25, 5TH FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS.

MEMBERS PRESENT

- | | |
|-------------------------------------------------|----------------------|
| 1. Sen. Julius Murgor Recha, MP | - Chairperson |
| 2. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP | - Member |
| 3. Sen. Mohamed Faki Mwinyihaji, MP | - Member |
| 4. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |

APOLOGIES

- | | |
|--------------------------------------|---------------------------|
| 1. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 2. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| 3. Sen. Alexander Munyi Mundigi, MP | - Member |
| 4. Sen. Gloria Orwoba, MP | - Member |
| 5. Sen. Crystal Kegehi Asige, MP | - Member |

IN ATTENDANCE

- | | |
|-----------------------------|-------------------|
| 1. Mr. Elijah Mathungii | - Lead Petitioner |
| 2. Mr. Jacob Muthi | - Petitioner |
| 3. Mr. Shadrack Makau Mutua | - Petitioner |
| 4. Ms. Mary Katee Nzilu | - Petitioner |
| 5. Ms. Mary Muthoni | - Petitioner |
| 6. Mr. Duncan Mbuvi Wambua | - Petitioner |
| 7. Mr. Moffat Thome Mutua | - Petitioner |

SECRETARIAT

- | | |
|------------------------|------------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Ms. Getrude Nthiiri | - First Clerk Assistant |
| 3. Mr. Jeremy Chabari | - Legal Counsel I |
| 4. Ms. Sande Marale | - Principal Research Officer |
| 5. Mr. Rhyan Injendi | - Research Officer III |

- | | |
|------------------------|-------------------------------|
| 6. Mr. Wilson Bosmet | - SAA |
| 7. Ms. Felistas Mutune | - Media Relations Officer III |
| 8. Mr. Joseph Otieno | - Audio Officer |
| 9. Ms. Swaluha Yusuf | - Protocol Officer III |
| 10. Mr. Onganyi Elphus | - Attachee |

MIN/SEN/SCLSW/335/2023: PRAYERS

The Chairperson called the meeting to order at 11.29 am followed with a word of prayer. He thereafter requested the participants to make a round of introductions.

MIN/SEN/SCLSW/336/2023: ADOPTION OF AGENDA

The Agenda of the meeting was adopted having been proposed by Sen. Mohamed Faki Mwinyihaji, MP and seconded by Sen. Miraj Abdulahi Abdulrahman, MP as follows –

1. Prayers & Introductions;
2. Adoption of the Agenda;
3. **Meeting with the Petitioners on the Petition by the Supply Chain Management Assistants regarding discrimination of other health workers Ministry of Health;**
4. Any Other Business; and
5. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/337/2023 **MEETING WITH THE PETITIONERS ON THE PETITION BY THE SUPPLY CHAIN MANAGEMENT ASSISTANTS REGARDING DISCRIMINATION OF OTHER HEALTH WORKERS MINISTRY OF HEALTH;**

a) Submission from the Petitioners

The petitioners informed the meeting that –

1. The Supply Chain Management Assistant currently working in the Ministry of Health in the county governments offer essential services such as receiving, storing and issuing pharmaceutical and non-pharmaceutical items, among other duties;
2. An advisory from the Ministry of Health excluded the Supply Chain Management Assistants working in Counties leading to the Supply Chain Management Assistants missing out on COVID19 Allowances;
3. The Supply Chain Management Assistants work on weekends, holidays and emergency duties without any allowances;
4. They are not considered in the distribution of allowances of those working in hospitals despite the compendium of Remuneration and Benefits for the Public Service of December, 2022 requiring that all health workers, including the supply Chain Management Assistant, to receive health service allowances and extraneous allowances;
5. Some of the Assistants belong to the Kenya Union of Civil Servants while most of them are Members of the Kenya Institute of Supplies and Management; and

6. The petitioners have written to the County Executive Committee Member in charge of Health in the County Assemblies and the Kenya Institute of Supplies Management but no help has been for the coming.

b) Members Interventions and observations

1. The Petitioners were from the Ministry of Health of the County governments;
2. Most of the Petitioners seem to come from Kitui County; and
3. Some of the Petitioners were unionized while others had membership to their professional body

c) Committee Resolutions

The Committee resolved to invite the following stakeholders to provide clarity to the Petition –

1. The Kenya Institute of Supplies Management (KISM);
2. The Council of Governors;
3. The Salaries and Remuneration Commission; and
4. The Kenya Civil Servants Union.

MIN/SEN/SCLSW/338/2023 **ANY OTHER BUSINESS**

There was no other business.

MIN/SEN/SCLSW/339/2023 **ADJOURNMENT AND DATE OF THE NEXT MEETING**

The meeting was adjourned at 12.20 pm, with the date of the next meeting scheduled for Thursday, 10th August 2023.

SIGNED..........DATE 1st SEPTEMBER, 2023

CHAIRPERSON: SEN JULIUS MURGOR RECHA, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

The Clerk of the Senate

Parliament Buildings

P.O Box 41842-00100

Nairobi

22 JUN 2023

22 JUN 2023

① DLPs

Please deal
23/6/23

RE: PETITION TO SENATE CONCERNING DISCRIMINATION AGAINST OTHER HEALTH WORKERS IN THE MINISTRY OF HEALTH.

We, undersigned Supply Chain Management Assistants (Store keepers), Citizens of the Republic of Kenya, and residents of various counties.

Draw the attention of the Senate to the following: -

Part 1: INTRODUCTION

1.1. That in accordance with the constitution of Kenya, all human beings are both equal and are equal before the Law.

1.2. That the constitution recognizes the right to fair remuneration.

1.3. That employment act, 2007 requires every employer to ensure that men and women workers are paid equally for work of equal value. It is also reliable offense to discriminate in remuneration matters.

1.4. That constitution of Kenya prohibits discrimination either directly or indirectly against any person

1.5. That the World Health Organization Report (2006) defines healthcare workers as (All people engaged in action whose primary intend is to enhance health". It further says health workers include all occupation listed under the health industry.

1.6. That we wish to submit our prayers to parliament under Article 37 or Article 119 of the constitution which allow any person to request the house to consider any matter within its authority as contemplated in Article 94 and Article 95 of the constitution including to enact, amend or repeal any legislation.

Part 2: Reasons of Intervention

1.1. That the main reasons underlying the request for the intervention of the house is to express our grievances we are facing with the Ministry of Health.

Petition to the Senate by [Supply Chain Management Assistants] concerning

[Discrimination against other Health workers in the Ministry of Health]

- 1.2. That it should be well understood that all supply chain management assistants currently working in the Ministry of Health in the County Government are employees employed by the Ministry of Health under County Government and therefore deserve to be accorded all the necessary support required by the Law to the employer including protection at work places and benefits identified by the employer.
- 1.3. That we are offering essential services e.g receiving, storing and issuing pharmaceutical and non-pharmaceuticals among other duties.
- 1.4. That we work on weekends, holidays and emergency duties without any allowances.
- 1.5. That other times we are called on duty at night during emergency cases.
- 1.6. That we have been discriminated against often, including being referred to as "Others" when healthcare works are defined in this country.
- 1.7. That we are so demoralized especially when people we are working with in the same environment get awarded but we are left out.
- 1.8. That we are demoralized and feel unappreciated even when we work beyond normal hours in facilitating other health workers by offering essential services like availing/ issuing of non-pharms and pharmaceutical to nurses and doctors including responding to emergency call.

Part 3: Grievances

- 1.1. That Salaries and Remuneration Commission and the Ministry of Health has not considered us in distribution of allowances of those who are working in hospitals.
- 1.2. That we the supply chain management assistants working in the Ministry of Health we have for long time been subjected to hard working environment and we are called "NON-Health workers" and we are not entitled to any form of allowance given to other health workers by the Ministry of Health.
- 1.3. Compendium of Remuneration and benefits for Republic Service December 2022, requires all health workers including the supply chain assistants to receive health service allowances and extraneous allowances but we have been excluded when implementing for the allowances

Part 4

That we have made the best effort to have these matter addressed by the Ministry of health and Salaries & Remuneration Commission via a letter dated 15th October, 2019; all of which have fail to give satisfactory response via a letter dated 29th October, 2019; Ref. No: SRC/TS/CG/KIT/3/61/18 (59) hence this petition.

Petition to the Senate by [Supply Chain Management Assistants] concerning

Part 5

THAT, none of these issues raised in this petition is pending in any court of law, constitutional or any other legal body.

WHEREFORE, your humble petitioners pray that the Senate-

1. Take the necessary steps and ensure the following grievances are addressed accordingly and Supply Chain Management Assistants working in the ministry of health at county level are given the following allowance;
 - I. Health service allowance
 - II. Extraneous allowance
2. To compel the Ministry to come up with a strategic way of identifying all supply chain management assistant currently attached to health department and accept that we are health workers and the ministry should take the responsibility of supporting us like other health workers who are highly given allowances.
3. Take the necessary steps and ensure there is no discrimination of any form against other health workers working in the ministry of health whose primary intent is to enhance health.

Dated this...^{6th}.....day of...June.....2023

Petition to the Senate by [Supply Chain Management Assistants] concerning

[Discrimination against other Health workers in the Ministry of Health]

No	NAME	ADDRESS	I.D NO.	SIGNATURE
1	ELIJAH MATHUNGII	0712074493	25791636, emathungii@gmail	
2	ROSE MWIKALI NGANGA	0724469032	34852092	
3	NDINDA NGIO	0717296002	34492471	
4	VIATA SIMON	0721972437	28509435	
5	MUKAI MULATYA	0704771411	33162716	
6	BENEDETA MUTAVE	0757488377	29789266	
7	GIDEON MBOLOI	0711101788	29409270	
8	GLADYS WAMBUA	0718828612	34819756	
9	PRISCAH KIVALU	0717296321	29724483	
10	MARY KATEE	0721200333	28534852	



**MINISTRY OF HEALTH
OFFICE OF THE CABINET SECRETARY**

RECEIVED
25 AUG 2023

Telephone: Nairobi 254-020-2717077
Fax: 254-2719008
Email: cs@health.go.ke

AFYA HOUSE
CATHEDRAL ROAD
P. O Box 30016-00100
NAIROBI

When replying please quote:

Ref. No. MOH/ADM/Vol II/ 106

23rd August, 2023

Mr. J. M. Nyegenye, CBS
Clerk of the Senate
NAIROBI

① DSEC
Note and
deal.
25/8/2023

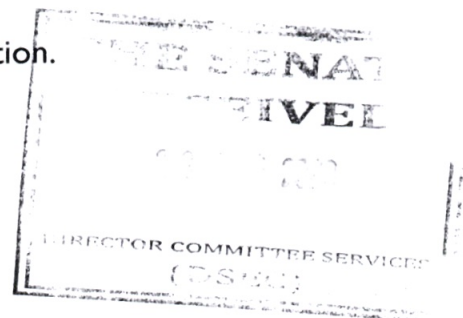
**RE: PETITION BY SUPPLY CHAIN MANAGEMENT ASSISTANTS
CONCERNING DISCRIMINATION AGAINST OTHER HEALTH
WORKERS IN THE MINISTRY OF HEALTH**

The Ministry of Health is in receipt of a letter Ref. No. SEN/DSEC/SCLSW/2023/172 dated 17th August, 2023 on the above subject matter.

The responses being sought are under the direct purview of the County Governments administration. Consequently, the request has been forwarded to H.E. Gov. Anne Waiguru, Chairperson of the Council of Governors for a comprehensive response.

We thank you for your continued support and collaboration.

NAKHUMICHA S. WAFULA
CABINET SECRETARY



② DSEC
Kindly deal
28/08/2023

Ms. Mwanate
deal.

A. M. ... - B. K. ...



COUNCIL OF GOVERNORS

Westlands Delta House 2nd Floor, Waiyaki Way.
P.O. BOX 40401 -00100,
Nairobi.

Tel : (020) 2403314/2403313
+254 729 777 281
E-mail: info@cog.go.ke

Our Ref No: COG/6/40Vol. 87

7th September 2023

Mr. Jeremiah M. Nyegenye, CBS
Clerk of the Senate
NAIROBI

Dear Mr. Nyegenye,

PETITION BY SUPPLY CHAIN MANAGEMENT ASSISTANTS CONCERNING DISCRIMINATION AGAINST OTHER HEALTH WORKERS IN THE MINISTRY OF HEALTH

The above subject matter refers.

Reference is made to your letter SEN/DSEC/SCLSW/2023/189 dated 23rd August, 2023 inviting the Council to the Senate Standing Committee on Labour and Social Welfare.

The Council response on the issues raised is as highlighted below:

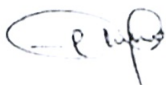
	ISSUE	STATUS	COG recommendation
1.	Discrimination against the Supply Chain Management assistant working in the Department of Health	<p>Supply chain professionals are regulated under the Supplies Practitioners Management Act 2007; that also establishes KISM.</p> <p>Store keeping squarely falls under the areas regulated by this Act. The institutions under the Act lean more towards National Treasury than the line Ministries.</p> <p>Staff of these cadres are ordinarily rotated across Ministries, County Governments Departments and others State Agencies and therefore may not be designated as health workers.</p>	<p>There is need for a policy by the Ministry of Health on the treatment of the non - Clinical staff that work at the Ministry and Department of Health in the County Governments</p> <p>There is need also to designate clearly the health workers handling supply chain issues as such for accountability. For instance, supply chain pharmacist, commodity nurse and supply chain laboratory technician. These should</p>

		<p>The Kenya Health Policy 2014-2030 lists the healthcare workers in Kenya to include doctors, dentists, pharmacists, pharmaceutical technologists, nursing officers, enrolled nurses and clinical officers.</p> <p>On the other hand, there are Health professionals involved in supplies management that are not under the purview of this Act but in practice deal with aspects of stores management. These include nurses, laboratory technicians and pharmaceutical professionals.</p> <p>If supply chain management assistants are to be considered as health workers then this would mean the same applies to all other service support staff including accountants Human Resource, among others.</p>	<p>happen as designations still under broadly defined schemes of service and the Job Descriptions to be specific.</p> <p>If possible the scheme of service for clerical assistants to indicate areas where these may be deployed including hospitals.</p>
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The purpose of this letter therefore, is to share the Council submission on the issues raised in the petition.

Please be assured of our highest esteem and consideration.

Yours sincerely,



Mary Mwiti
Chief Executive Officer



Salaries & Remuneration
Commission

Rewarding productivity

Ref. No. SRC/TS/8 (67)

8th September, 2023

Mr. J. M. Nyegenye, CBS

Clerk of the Senate
Parliament Building
P.O. Box 41842-00100
NAIROBI

Dear *Mr. Nyegenye*

**PETITION BY SUPPLY CHAIN MANAGEMENT ASSISTANTS CONCERNING
DISCRIMINATION AGAINST OTHER HEALTH WORKERS IN THE MINISTRY OF HEALTH**

Reference is made to your letter Ref. No. SEN/DSEC/SCLSW/2023/170 dated 17th August, 2023, on the above subject.

The Salaries and Remuneration Commission (SRC) is mandated under Article 230 (4) of the Constitution to set and regularly review the remuneration and benefits of all State officers and to advise the national and county governments on remuneration and benefits of all other public officers.

In performing its functions, SRC is guided by the Constitutional principles set out in Article 230 (5) of the Constitution and Section 12 of the SRC Act as follows:

- (i) the need to ensure that the total public compensation bill is fiscally sustainable;
- (ii) the need to ensure that the public services are able to attract and retain the skills required to execute their functions;
- (iii) the need to recognize productivity and performance;
- (iv) transparency and fairness; and
- (v) equal remuneration to persons for work of equal value.

Pursuant to its mandate, SRC advises the national and county governments on the remuneration and benefits of all health workers. SRC's advice on health workers' allowances is based on its constitutional principles and consultations with the Ministry of Health, Council of Governors, Public Service Commission, State Department for Public Service and other stakeholders in the sector. The eligibility for health workers' allowances is, however, determined by the Ministry of Health based on the international practices and World Health Organization's standards.

The Permanent Secretary in the then Ministry of State for Public Service letters Ref. No. MSPS/2/1/3A Vol. III/ (77) dated 12th January, 2012 (**copy attached**) and Ref. No. MSPS/2/1/3A

Page 1 of 3

Vol. III/ (100) dated 29th February, 2012 (**copy attached**) to the Permanent Secretaries in the Ministry of Public Health and Sanitation and Ministry of Medical Services together with the Commission's Circular Ref. No: SRC/TS/CGOVT/3/61 Vol. III/ (136) dated 14th September, 2015 (**copy attached**) outlined Health Workers' Allowances and specified the cadres of health workers eligible for payment of the allowances.

Previous request to SRC by the Petitioner

The Secretary-Supply Chain Management Assistant (iv), Kitui County vide letter dated 15th October, 2019 made a request to the Commission that Supply Chain Management Assistants be paid Health Risk Allowance and Extraneous Allowance.

SRC's advice to the Petitioner

The Commission vide letter Ref. No. SRC/TS/CG/KIT/3/61/18 (59) dated 29th October, 2019 (**copy attached**) responded to the request through the County Secretary, Kitui County Government that Health Risk Allowance and Extraneous Allowance apply only to cadres specified in the SRC Circular Ref. No: SRC/TS/CGOVT/3/61 Vol. III/ (136) dated 14th September, 2015.

Justification for SRC's advice

SRC's response to Supply Chain Management Assistants was based on the following justifications:

- (a) The eligibility for payment of the 'health worker allowances', is advised by Ministry of Health based on the international practices and World Health Organization's standards.
- (b) Supply Chain Management Assistants in the Ministry of Health and County Government Health Departments are not health workers cadres that qualify for payment of health workers' allowances.

In this regard, SRC hereby responds to the issues raised by the Senate Standing Committee as shown in the **Table** below.

Issue	SRC Response
<p>1. That Salaries and Remuneration Commission and Ministry of Health have not considered supply chain management assistants in distribution of allowances of those who are working in hospitals.</p> <p>2. The supply chain management assistants working in the Ministry of Health have for along time been subjected to hard working environment and are called "non-health workers" and are not entitled to any form of allowances given to other health workers by Ministry of Health.</p>	<p>In reference to grievance (1) and (2), SRC clarifies that SRC advises on rates for the applicable health workers allowances while the Ministry of Health advises on the eligibility for payment of 'health worker allowances', and the health workers cadres of Health based on the international practices and World Health Organization Standards.</p>

Issue	SRC Response
<p>3. Compendium of Remuneration and benefits for Public Service of December, 2022 requires all health workers including the supply chain assistants to receive health service allowances and extraneous allowance but the supply chain assistants have been excluded when implementing the allowance.</p>	<p>The Compendium of Remuneration and benefits for Public Service of December, 2022 referred to was not an advice to the public service but was a compilation of previously issued circulars submitted to the Office of the Auditor General (OAG) indicating the allowances advised by SRC to the Public service to support OAG in conducting Audit. Further, the Compendium has explicitly stated that the health workers' allowances including Health Service Allowance and Extraneous Allowance are only applicable to health personnel deployed in hospitals/health facilities and excludes officers performing administrative functions.</p>

The Commission notes that there is an emerging trend where issues on remuneration that can be resolved at the institutional level are escalated to the Senate. This not only undermines the institutions and processes that have been put in place by legislation, but is also time consuming to both the Senate and the involved institutions. SRC, therefore, proposes that in future, aggrieved persons should be encouraged to exhaust the existing administrative avenues to have their grievances resolved before presenting them to the Senate.

The Commission appreciates your continued support and cooperation as we undertake our respective mandates.

Yours



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

1



OFFICE OF THE PRIME MINISTER
MINISTRY OF STATE FOR PUBLIC SERVICE

Telegraphic address: "Personnel", Nairobi
Telephone: Nairobi 227411
Tele: 23425
Fax: 243670

P.O. BOX 30050-00 100
NAIROBI
KENYA.

When Replying please quote
Ref. No. MSPS/2/1/3A Vol. III/(77)

Date: 12th January, 2012

Mr. Mark Bor, CBS
Permanent Secretary
Ministry of Public Health and Sanitation
NAIROBI

Ms. Lucy W. Ngari, CBS
Permanent Secretary
Ministry of Medical Services
NAIROBI

Dear *BS*

ALLOWANCES FOR PUBLIC HEALTH WORKERS

Your attention is invited to this office Circular letters No.MSPS.7/1A/VOL.IV/22 of 19th December, 2011 on the above subject which was not in tandem with our earlier circular letter No. MSPS/2/1/3A Vol.III/59 of 11th June, 2010 on the same subject.

In this regard, it has been decided that the provisions of the two circulars be harmonized and the health workers be paid Extraneous Allowance and Emergency Call Allowance as follows:

i) Extraneous Allowance: Payable in Two Phases

HEALTH WORKERS IN URBAN AREAS			
Staff Category	Job Group	Phase I - w.e.f. 1/12/2011	Phase II -w.e.f. 1/7/2012
		Rate (Ksh. pm)	Rate (Ksh. pm)
Doctors, Dentists and Pharmacists	S	20,000	20,000
Doctors, Dentists, Pharmacists and aesthetists (including Clinical Officer aesthetists)	All	15,000	15,000
Clinical Officers and Nurses	All	7,500	7,500
Other para-medics	All	3,500	3,500
Drivers and Mortuary Attendants	All	2,500	2,500
Support Staff	All	2,500	2,500

The allowance will be applicable to Drivers and Support Staff deployed in hospitals and other health facilities.

HEALTH WORKERS IN RURAL AREAS			
		Phase I - w.e.f. 1/12/2011	Phase II -w.e.f. 1/7/2012
Staff Category	Job Group	Rate (Ksh. pm)	Rate (Ksh. pm)
Doctors, Dentists Pharmacists and Anesthetists (including Clinical Officer Anesthetists)	All	17,500	17,500
Clinical Officers and Nurses	All	10,000	10,000
Other para-medics	All	5,000	5,000
Drivers and Mortuary Attendants	All	3,500	3,500
Support Staff	All	2,500	2,500

HEALTH WORKERS IN HARDSHIP AREAS			
		Phase I - w.e.f. 1/12/2011	Phase II -w.e.f. 1/7/2012
Staff Category	Job Group	Rate (Ksh. pm)	Rate (Ksh.pm)
Doctors, Dentists Pharmacists and Anesthetists (including Clinical Officer Anesthetists)	All	20,000	20,000
Clinical Officers and Nurses	All	12,500	12,500
Other para-medics	All	7,500	7,500
Drivers and Mortuary Attendants	All	5,000	5,000
Support Staff	All	4,000	4,000

(ii) Emergency Call Allowance: One Phase

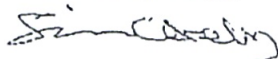
This allowance should be payable to all Doctors (Medical Officers, Dentists and Pharmacists) deployed in hospitals at the rate of Kshs.30,000 per month, irrespective of grade, with effect from 1st December, 2011. The allowance should, in addition, be paid to Provincial and District Medical Officers.

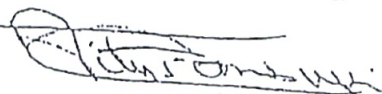
The Extraneous Allowance and Emergency Call Allowance will also be applicable to Medical Officers, Dentists, Pharmacists and other relevant Health Workers in both Kenyatta National Hospital and Moi Teaching and Referral Hospital as specified. The two institutions are requested to liaise with Treasury for funding.

This office Circular letters under reference are therefore varied accordingly.

Please take necessary action.

Yours





2



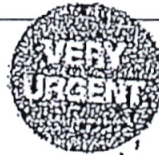
OFFICE OF THE PRIME MINISTER
MINISTRY OF STATE FOR PUBLIC SERVICE

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Telephone: Nairobi 237411
Telex: 23125
Fax: 243636

P.O. BOX 30050-00100
NAIROBI
KENYA

When Replying please quote

Ref. No. MSPS/2/1/3A Vol. III/(100)



Date: 29th February, 2012

Mr. Mark Bor, CBS
Permanent Secretary
Ministry of Public Health and Sanitation
NAIROBI

Ms. Mary W. Ngari, CBS
Permanent Secretary
Ministry of Medical Services
NAIROBI

Dear Mary,

HEALTH WORKERS GRIEVANCES: PAYMENT OF EXTRANEIOUS ALLOWANCE

This is a follow-up to the meeting at Harambee House under the chairmanship of the Ag. Permanent Secretary, Secretary to the Cabinet and Head of the Public Service on Friday, 24th February, 2012 and the follow-up meeting at Afya House on the same day.

This Ministry has looked at the issues raised in your letter No. MMS/ASS/2/1D VOL.1/11 of 17th February, 2012 regarding the rates of extraneous allowance provided in this office letter No. MSPS/2/1/3A Vol. III/77 of 12th January, 2012. It has been noted that the classification of rates according to Urban, Rural and Hardship areas has created disparities and disharmony in the payment of extraneous allowance to certain cadres of Health Workers which is one of the grievances the Health Workers are citing for the threatened strike.

Consequently, it has been decided that the rates of extraneous allowance stipulated in this office letter under reference be realigned as follows:-

Urban Areas			
Category	Job Group	Phase 1 - w.e.f. 1/12/2011	Phase II - w.e.f. 1/7/2012
		Rate (Ksh. pm)	Rate (Ksh. pm)
Clinical Officers and Nurses	G-J	7,500	7,500
	K-M	7,500	12,500
	N-P	7,500	17,500
	Q-R	7,500	22,500
Technologists and Technicians	G-J	3,500	11,500
	K-M	3,500	16,500
	N-P	3,500	21,500
	Q-R	3,500	26,500
Mortuary Attendants	All	2,500	7,500
Drivers deployed in Hospitals	All	2,500	4,500
Support Staff deployed in Hospitals	All	2,500	2,500

Rural Areas			
Category	Job Group	Phase 1 - w.e.f. 1/12/2011	Phase II - w.e.f. 1/7/2012
		Rate (Ksh. pm)	Rate (Ksh. pm)
Clinical Officers and Nurses	G-J	10,000	10,000
	K-M	10,000	15,000
	N-P	10,000	20,000
	Q-R	10,000	25,000
Technologists and Technicians	G-J	5,000	15,000
	K-M	5,000	20,000
	N-P	5,000	25,000
	Q-R	5,000	30,000
Mortuary Attendants	All	3,500	6,500
Drivers deployed in Hospitals	All	3,500	3,500
Support Staff deployed in Hospitals	All	2,500	2,500

LS 7

CC: Dr. Kamau Thugge, EBS
Principal Secretary
The National Treasury
NAIROBI

The Principal Administrative Secretary
Directorate of Public Service Management
Ministry of Devolution and Planning
P.O. Box 30050-00100
NAIROBI



KS/TS/114/1

Records

139

**Salaries & Remuneration
Commission**
Rewarding productivity



Ref. No: SRC/TS/CGOVT/3/61 Vol.III/ (136)

14th September, 2015

All County Secretaries

All Secretaries

County Public Service Boards

HEALTH WORKERS ALLOWANCES

It has come to the attention of this Commission that a number of health workers employed/absorbed by the County Public Service Boards of County Governments are not receiving the requisite allowances which are enjoyed by health workers in the National Government. This has been found to be discriminatory and a source of demotivation to the affected workers.

In view of the above, and for purposes of transparency and equity it has been decided that health workers at the Counties be eligible for the following allowances:

- (i) Emergency Call Allowance
- (ii) Extraneous Allowance
- (iii) Health Risk Allowance
- (iv) Non – Practicing Allowance
- (v) Uniform Allowance

The allowances should be paid with effect from **1st October, 2015** at the rates provided in the Appendix I – IV.

Please note that the allowances are only applicable to health personnel deployed in hospitals/health facilities and excludes officers performing administrative functions. All other provisions on payment of allowances to health personnel remain unchanged.

These allowances should be processed automatically through the Integrated Payroll and Personnel Database (IPPD) System.

The Commission appreciates your continued support.


Anne K. Grau (Mrs.)
COMMISSION SECRETARY

Q & R	51,000
S & T	60,000

E. Uniform Allowance

Uniform allowance is payable to nurses at a flat rate of **Kshs.10,000** per annum.

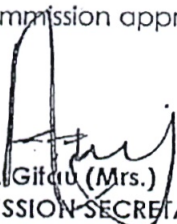
Please note that all the above allowances are only applicable to health personnel deployed in hospitals/health facilities and excludes officers performing administrative functions.

This Circular does not apply to health workers formerly employed by the defunct Local Authorities.

All other provisions on payment of allowances to health personnel remain unchanged.

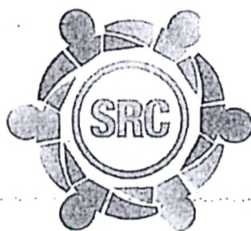
These allowances should be processed automatically through the Integrated Payroll and Personnel Database (IPPD) System.

The Commission appreciates your continued support.


Anne R. Githau (Mrs.)
COMMISSION SECRETARY

CC: **Dr. Kamau Thugge, EBS**
Principal Secretary
The National Treasury
NAIROBI

The Principal Administrative Secretary
Directorate of Public Service Management
Ministry of Devolution and Planning
P.O. Box 30050-00100
NAIROBI



3

**Salaries & Remuneration
Commission**

Rewarding productivity

Ref. No: SRC/TS/CGOVT/3/61 Vol.III/ (136)

14th September, 2015

Principal Secretary, Ministry of Health
All County Secretaries
All Secretaries, County Public Service Boards

HEALTH WORKERS ALLOWANCES

It has come to the attention of this Commission that a number of health workers employed/absorbed by the County Public Service Boards of County Governments are not receiving the requisite allowances which are enjoyed by health workers in the National Government. This has been found to be discriminatory and a source of demotivation to the affected workers.

In view of the above and for purposes of transparency and equity it has been decided that health workers at the Counties be eligible for the following allowances:

- (i) Emergency Call Allowance
- (ii) Extraneous Allowance
- (iii) Health Risk Allowance
- (iv) Non – Practicing Allowance
- (v) Uniform Allowance

The allowances should be paid with effect from 1st July, 2015 at the following rates:

A. Emergency Call Allowance

The allowance is payable to Doctors (Medical Officers, Dentists Pharmacists) deployed in hospitals at the rate of Kshs.30, 000 per month, irrespective of grade.

B. Extraneous Allowance

Table 1 shows extraneous allowance rates payable to officers deployed in Urban, Rural or Hardship areas.

Table 1: Extraneous Allowance

Staff Category	Job Group	Region		
		Urban	Rural	Hardship Area
Doctors, Dentists and Pharmacists	S	40,000	-	-
Doctors, Dentists and pharmacist and Anaesthetists (including Clinical Officer and Nurse Anaesthetists)	All	30,000	35,000	40,000
Clinical Officers and Nurses	G - J	15,000	20,000	25,000

	K - M	20,000	25,000	30,000
	N - P	25,000	30,000	35,000
	Q - R	30,000	35,000	40,000
Technologists and Technicians	G - J	15,000	20,000	25,000
	K - M	20,000	25,000	30,000
	N - P	25,000	30,000	35,000
	Q - R	30,000	35,000	40,000
Other Para Medics	All	7,000	10,000	15,000
Drivers deployed in Hospitals	All	7,000	7,000	10,000
Mortuary Attendants	All	10,000	10,000	12,000
Support Staff	All	5,000	5,000	8,000

C. Health Risk Allowances

The health risk allowance payable to health workers is as per Table 2:

Table 2: Health Risk Allowance rates

Health Workers	Job Group	Rate per Month (Kshs.)
Nurses	All	3,850
Laboratory Technologists	All	3,000
Mortuary Attendants	All	2,000
Chemists	All	2,000
Physiotherapist	All	2,000
Occupational Physio	All	2,000
Biomedical Engineer/Technologist	All	2,000
Medical Records /Information Officer	G-N	2,000
Radiographer	H-N	2,000
Radiation Protection	J-P	2,000
Community Oral Officer	H-N	2,000
Entomologist	K-P	2,000
Public Health Officer	L-P	3,000
Public Health Officer/Technician	G-K	2,000
Orthopedic	All	2,000

D. Non - Practicing Allowance

The rates for Non-Practice Allowance for Medical Officers, Dental Officers and Pharmacists are as shown in Table 3.

Table 3: Non- Practice Allowance

Job Group	Rate Per Month (Kshs.)
L	12,000
M	19,000
N	32,000
P	46,000

Hardship Areas			
Category	Job Group	Phase I - w.e.f.	Phase II - w.e.f.
		1/12/2011 Rate (Ksh. pm)	1/7/2012 Rate (Ksh. pm)
Clinical Officers and Nurses	G-J	12,500	12,500
	K-M	12,500	17,500
	N-P	12,500	22,500
	Q-R	12,500	27,500
Technologists and Technicians	G-J	7,500	17,500
	K-M	7,500	22,500
	N-P	7,500	27,500
	Q-R	7,500	32,500
Mortuary Attendants	All	5,000	7,000
Drivers deployed in Hospitals	All	5,000	5,000
Support Staff deployed in Hospitals	All	4,000	4,000

It is understood that the budget for implementing the rates for Phase I had been provided by Treasury. The two Ministries therefore, need to factor in the additional funds for implementation of Phase II in the 2012/13 Financial Year.

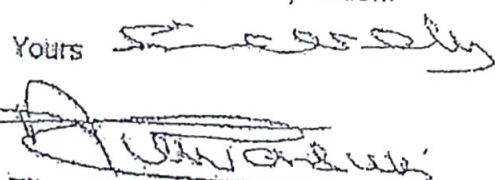
It should also be explained to the representatives of the Health Workers that the salary increases they are agitating for cannot be handled in isolation of the rest of the Public Service as the Salaries and Remuneration Commission has been mandated to ensure harmony in Public Service salaries.

Lastly, it is expected that the advice given by the Ministry of Labour on the management of the strike threat by the Health Workers is being adhered to so that the matter does not degenerate into disruption of services in Public Health Institutions.

Other provisions in the letter dated 12th January, 2012 remain unchanged.

Please take necessary action.

Yours


Titus M. Ndambuki, CBS
 PERMANENT SECRETARY

cc: **Mr. Francis T. Kimemia, CBS**
 Permanent Secretary,
 Ag. Secretary to the Cabinet and
 Head of the Public Service,
 NAIROBI

Mr. Joseph K. Kinyua, CBS
 Permanent Secretary
 Ministry of Finance
 NAIROBI

6075/147



Salaries & Remuneration
Commission
Rewarding productivity

Ref. No: SRC/TS/CG/KIT/3/61/18 (59)

29th October, 2019

The County Secretary
County Government of Kitui
P.O. BOX 22 - 90200
KITUI

Attn: Cecilia Ngei

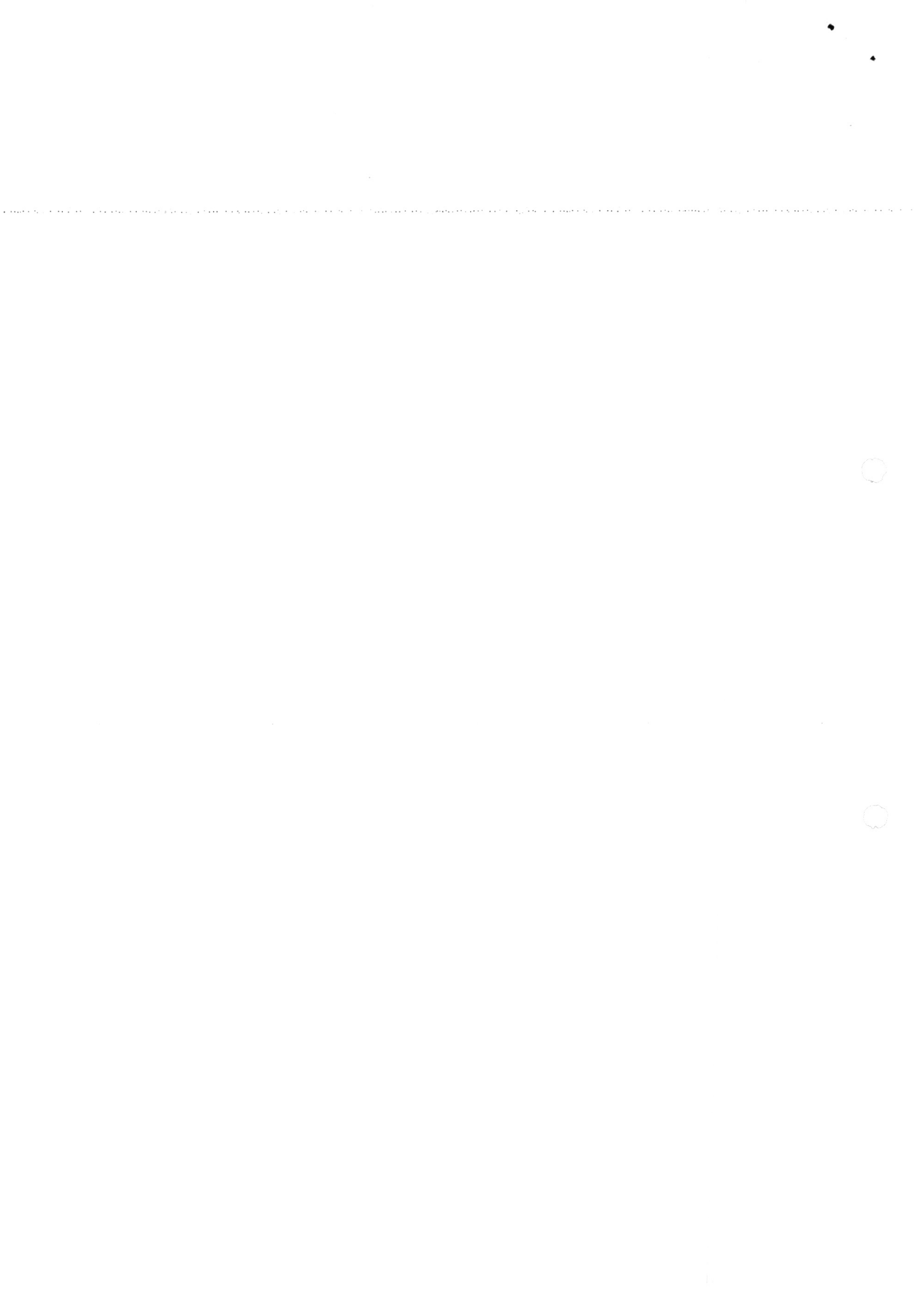
**REQUEST FOR ALLOWANCES FOR SUPPLY CHAIN MANAGEMENT ASSISTANT (IV)
STORES KEEPER**

Reference is made to your letter dated 15th October, 2019 on the above subject.

The Salaries and Remuneration Commission has noted the concerns you have raised regarding the content of Circular Ref. No: SRC/TS/CGOVT/3/61/VOL.III/ (136) dated 14th September, 2015 (**Copy attached**). The Commission clarifies that Risk and Extraneous allowances apply only to cadres specified in **Tables 1 & 2** of the outlined Circular.

The purpose of this letter therefore, is to convey the Commission's advice regarding the matter.

Mrs. Anne R. Citau, MBS
COMMISSION SECRETARY





KENYA INSTITUTE OF SUPPLIES MANAGEMENT

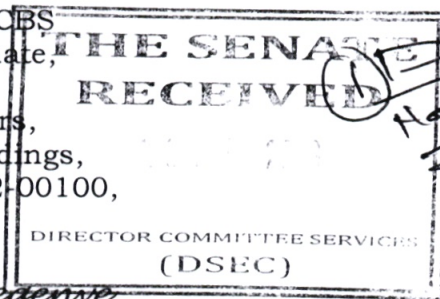
"Promoting Professionalism in Supply Chain Management"

KISM Towers, 12th Floor | Ngong Road | P.O. Box 30400-00100, Nairobi, Kenya
Tel: +254 111 024 800, +254 721 244 828 | E-mail: admin@kism.or.ke | Website: www.kism.or.ke

All enquiries must be addressed to the CEO
When replying please quote **Ref: KISM/CEO/CORR.2/VOL.1 092**

28th August 2023

J.M. Nyegenye, CBS
Clerk of the Senate,
The Senate,
Clerk's Chambers,
Parliament Buildings,
P.O. Box 41842-00100,
NAIROBI



DSEC
Note and deal
29/8/2023



Dear Mr. Nyegenye,

RE: PETITION BY SUPPLY CHAIN MANAGEMENT ASSISTANTS CONCERNING DISCRIMINATION AGAINST OTHER HEALTH WORKERS IN THE MINISTRY OF HEALTH

Kenya Institute of Supplies Management (KISM) (KISM) is established under Section 3(1) of the Supplies Practitioners Management Act, 2007 (the SPMA) to inter alia, register, and license all supplies practitioners in Kenya and to regulate their practice alongside establishing, monitoring, improving and publishing the standards of the supplies practitioner's profession as well as safeguard the interest of all supply's practitioners.

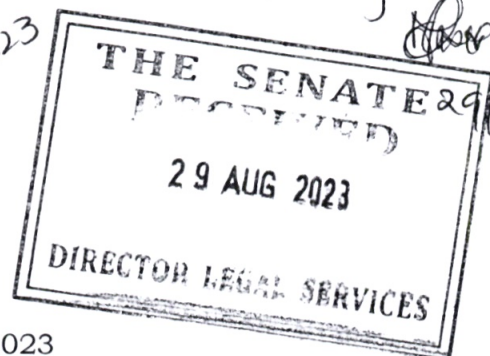
Reference is made to your letter dated 23rd August 2023 under the reference SEN/DSEC/SCLSW/2023/190. Please find attached a comprehensive response to the issues raised in the petition for your consideration. I confirm attendance at the meeting to be held on Thursday, 12th September 2023 at 11 am, I will be accompanied by the Institute's Corporation Secretary.

Yours sincerely,

Nicholas Wafu,
Ag. Chief Executive Officer
Kenya Institute Supplies Management

3) Ms. Mwanate
Kindly deal
19/08/2023

2) Hon. Ms. Kibati
Kindly deal
29/08/23



Encl.

Response to the Petition received on 22nd June 2023
The Supplies Practitioners Management Act, 2007



KENYA INSTITUTE OF SUPPLIES MANAGEMENT

"Promoting Professionalism in Supply Chain Management"
KISM Tower, 12th Floor | Ngong Road | P.O. Box 30400-00100 NBI, Kenya
Mobile: +254 111 024800 | Email: admin@kism.or.ke | Website www.kism.or.ke

21st August 2023

J.M. Nyegenye, CBS
Clerk of the Senate,
The Senate,
Clerk's Chambers,
Parliament Buildings,
P.O. Box 41842-00100,
NAIROBI

Dear J. M. Nyegenye,

**RE: PETITION BY SUPPLY CHAIN MANAGEMENT ASSISTANTS CONCERNING
DISCRIMINATION AGAINST OTHER HEALTH WORKERS IN THE MINISTRY
OF HEALTH**

Kenya Institute of Supplies Management (KISM) is the national body for professionals in the practice of supply chain management and is established by the Supplies Practitioners Management Act (SPMA) of 2007. The functions of the Institute are outlined under section 5 of the SPMA as follows:

The Institute shall

- a. establish, monitor, improve, and publish the standards of the supplies practitioner's profession and safeguard the interest of all supplies practitioners;
- b. make provision for the training and instruction of persons seeking registration under this Act;
- c. recommend to the Minister for the time being responsible for education institutions to be approved for the training of persons seeking registration under this Act;
- d. advise the Examinations Board on matters relating to examination standards and policies;
- e. have regard to the conduct of persons registered and licensed under this Act, and take such disciplinary measures as may be necessary to maintain a proper standard of conduct among such persons;
- f. perform such other functions as may be necessary for the proper administration of this Act.

Accessibility to medicine and medical apparatus is one of the major concerns of the Government of Kenya through the Ministry of Health and a key and strategic element of any healthcare organisation's policy. This element is dependent on sustainable financing,



KENYA INSTITUTE OF SUPPLIES MANAGEMENT

“Promoting Professionalism in Supply Chain Management”
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Mobile: +254 111 024800 | Email: admin@kism.or.ke | Website www.kism.or.ke

comprehensive information systems, and most importantly reliable supply systems essentially on coordination and collaboration, either between the partners of an internal supply chain or between the partners of a global supply chain. This coordination is based on a chain of knowledge in which the transmission and sharing of information involve risks to all who participate in the movement of medical goods as well as offering healthcare services.

The medicines or medicinal goods supply chain must deliver the right medicine at the right place, at the right time and at optimum cost. Part of the risks associated with this supply chain does not only include wastage of resources but threatening the lives of supply chain professionals handling these particular goods which inadvertently lead to risking a patient's life by preventing access to medicines or medicine in their right form. The COVID-19 pandemic was an example of the impact and exposure of supply chain officers in the medical sector. Supply chain professionals were apart from being exposed to the dangerous chemicals that they are responsible for supplying on a daily basis they were required to work long hours to meet the set deadlines of deliveries despite not drawing extraneous allowances accorded to their health care professional counterparts.

The healthcare supply chain directly impacts the day-to-day operation of individual healthcare providers and large healthcare organizations alike. Ensuring that patients around the globe receive the highest quality of care possible requires a steady supply of items: from cotton swabs and personal protective equipment (PPE) to cancer-treating interferon and high-tech biomedical imaging machines. All these items have various exposures to the people who use them, mainly our supply chain assistants in the first instance processing the goods through inventory management. It is at this juncture that the Government of Kenya saw fit to offer certain allowances to cushion health workers from the risk involved in the performance of the duties.

The allowances were geared towards protecting health workers from the risks in the line of duty. The description however was restricted only to professionals with an academic background in health thus omitting supply chain professionals who were responsible for the inventory management of the medical goods that are harmful and adversely affect the lives of the professionals. It therefore goes without mention that supply chain professionals continue to handle dangerous chemicals and equipment which exposes them to risks in efforts to



KENYA INSTITUTE OF SUPPLIES MANAGEMENT

“Promoting Professionalism in Supply Chain Management”
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ensure that the medical supply chain is effectively serviced. There is an assumption in implementation by the Ministry of Health that the allowances are only exclusive to healthcare professionals without due consideration to the supply chain assistants simply because of the description and the failure to categorise and consider supply chain professionals in the sector and the risks attached to the duties and responsibilities assigned and the long hours worked beyond the statutory eight hours.

Indeed, the control and management of risks to health professionals cannot ignore a similar exposure to supply chain assistants. Our support of the petition is founded on the following constitutional and statutory provisions:

1. Constitution of Kenya, 2010

- a. Article 10(2b) provides that, “The *national values and principles of governance include— **human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination** and protection of the marginalised*”. The national values bolded further demonstrated by the petition depict failure to uphold the human dignity of our members by according to them equal rights and equity through access to health care provider privileges such as allowances and fair compensation in the line of duty that offers similar risks to their counterparts in the medical field. The failure further violates the values of inclusivity, equality and non-discrimination through the selective criteria employed in the award of the privileges/allowances only to professionals with a medical background without due consideration to support services that are also at risk in the daily execution of their duties and responsibilities.
- b. Article 20 (2) provides as follows, “*Every person shall enjoy the rights and fundamental freedoms in the Bill of Rights to the greatest extent consistent with the nature of the right or fundamental freedom.*” That the aforementioned article further provides in sub-article 20(5) as follows, “*In applying any right under Article 43, if the State claims that it does not have the resources to implement the right, a court, tribunal or other authority shall be guided by the following principles—(a) it is the responsibility of the State to show that the resources are not available; (b) in allocating resources, the State shall give priority to ensuring the widest possible enjoyment of the right or fundamental freedom having regard to prevailing circumstances, including the vulnerability of particular groups or individuals; and (c) the court, tribunal or other authority may not interfere with a decision*



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by a State organ concerning the allocation of available resources, solely on the basis that it would have reached a different conclusion. The aforementioned provision supports the petition by according to the state's responsibility to ensure that the allocation of resources is availed in efforts to ensure the enjoyment of rights. It is our submission that this responsibility includes making provision for the fair and equal compensation of workers exposed to similar risks as narrated above.

- c. Article 27 (1 & 2) provides that, *"Every person is equal before the law and has the right to equal protection and equal benefit of the law. (2) Equality includes the full and equal enjoyment of all rights and fundamental freedoms.* The article further provides in sub-article 4 that, *"The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth."* It is our submission that the selective application of allowances to professionals from the medical field without due regard to the support services offered by supply chain assistants amounts to discrimination contrary to the provision of the Constitution as detailed above.
- d. Article 41 (1& 2) provides that, *"Every person has the right to fair labour practices. (2) Every worker has the right—(a) to fair remuneration; (b) to reasonable working conditions.* It is our contention that our members through selective omission have been denied the right to fair labour practices and fair remuneration despite having similar risk exposures to their medical colleagues in handling dangerous medical goods and equipment.
- e. Article 47 (2) provides that, *"If a right or fundamental freedom of a person has been or is likely to be adversely affected by administrative action, the person has the right to be given written reasons for the action."* From the prevailing circulars on the allowances payable to health workers and the numerous concerns raised by our members over the omission from the list of professionals who can access the allowances, no explanation has been given as to why they should not draw the allowances despite requests from the in writing. Furthermore, it is not clear why they continue to be sidelined from accessing these allowances despite being subjected to the same dangerous goods and equipment as their medical counterparts.



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The Act provides under section 5, that, "*An employer shall promote equal opportunity in employment and strive to eliminate discrimination in any employment policy or practice.*"

(3) *No employer shall discriminate directly or indirectly, against an employee or prospective employee or harass an employee or prospective employee—(a) on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, marital status or HIV status; (b) in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment.*" It is our submission that the omission of supply chain assistants from access to the extraneous and health risk allowances is a fundamental discrimination of their employment terms noting that the allowances arising out of their employment are selectively applied despite them having the same similar exposures to those receiving them.

3. Fair Administrative Action Act

The Fair Administrative Action Act provides under section 4 that, "*Administrative action to be taken expeditiously, efficiently, lawfully etc (1) Every person has the right to administrative action which is expeditious, efficient, lawful, reasonable and procedurally fair. (2) Every person has the right to be given written reasons for any administrative action that is taken against him.*"

The delay in addressing the concerns raised by Supply Chain Assistants amounts to a violation of the Fair Administrative Action Act noting that despite numerous requests to address the issue our members have never received a response on the issues raised.

It is therefore our humble submission that their petition be considered favourably and that they be accorded the requisite allowances necessary to offer similar protection from risk and ample compensation for hours worked beyond the requisite timelines.

Yours sincerely

John Karani
Chairman of Council

Nicholas Wafula
Ag. Chief Executive Officer



THE REPUBLIC OF KENYA

LAWS OF KENYA

SUPPLIES PRACTITIONERS MANAGEMENT ACT

CHAPTER 537

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CHAPTER 537

SUPPLIES PRACTITIONERS MANAGEMENT ACT

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CHAPTER 537

SUPPLIES PRACTITIONERS MANAGEMENT ACT

[Date of assent: 22nd October, 2007.]

[Date of commencement: 30th October, 2007.]

An Act of Parliament to make provision for the training, registration and licensing of supplies practitioners; to regulate their practice and for connected purposes

[Act No. 17 of 2007, Act No. 6 of 2009.]

PART I – PRELIMINARY PROVISIONS

1. Citation

This Act may be cited as the Supplies Practitioners Management Act, 2007.

2. Interpretation

In this Act, unless the context otherwise requires—

“**approved training institution**” means such institution within or outside Kenya as may be approved by the Institute by notice;

“**Council**” means the Council constituted under section 4 of this Act;

“**Disciplinary Committee**” means the disciplinary committee established under section 22 of the Act;

“**Institute**” means the Kenya Institute of Supplies Management established under section 3 of this Act;

“**member of the Institute**” means a member of the Institute registered under section 16 of the Act;

“**Minister**” means the Minister for the time being responsible for matters relating to Finance;

“**supplies practitioner**” means a person registered as a supplies practitioner under section 16.

[Act No. 6 of 2009, Sch.]

PART II – ADMINISTRATIVE PROVISIONS

3. Establishment of the Institute

(1) There is hereby established an Institute to be known as the Kenya Institute of Supplies Management.

(2) The Institute shall be a body corporate with perpetual succession and a common seal and shall be capable in its corporate name of—

- (a) suing and being sued;
- (b) purchasing, acquiring, holding or disposing of property;
- (c) doing or performing all such other acts necessary for the proper performance of its functions under the Act.

3A. Membership of the Institute

(1) A person who is registered under this Act shall be a member of the Institute.

(2) The members of the Institute shall be in the following categories—

- (a) Fellows, comprising those persons who become Fellows pursuant to an invitation under subsection (3), each of whom shall be titled "Fellow of the Kenya Institute of Supplies Management" (designatory letters F.K.I.S.M.);
- (b) members, comprising those members of the Institute who are registered under section 16, each of whom shall be titled "Member of the Kenya Institute of Supplies Management" (designatory letters M.K.I.S.M.);
- (c) associate members, comprising persons eligible to be registered under section 16 but who do not meet all the requirements prescribed under subsection (1) of that section.

(3) Where the Council considers that a member of the Institute has rendered outstanding services to the supplies profession, the Council may invite the member to become a Fellow.

(4) Members of the Institute shall pay such fees and subscriptions as the Council may determine.

[Act No. 6 of 2009, Sch.]

3B. Honorary Fellows

(1) Where the Council considers that a person, not being a member of the Institute, has rendered exceptional services to the Institute or the procurement and supplies management profession, the Council may invite the person to become an Honorary Fellow of the Institute.

(2) An Honorary Fellow shall not be a member of the Institute.

[Act No. 6 of 2009, Sch.]

4. Composition of the Council

(1) The Institute shall be governed by a Council to be known as the Council of the Institute which shall consist of—

- (a) a chairman, who shall be a member of the Institute with at least five years experience, elected by the members of the Institute;
- (b) the Permanent Secretary in the Ministry responsible for Finance;
- (c) the Director-General of the Public Procurement Oversight Authority; and
- (d) six other members elected by members of the Institute.

(1A) The Chairman and the members of the Council referred to in paragraph (d) shall be elected by the members of the Institute specified in section 3A(2)(a) and (b) in the manner prescribed by regulations.

(2) The chairman and every member appointed under subsection (1)(d) shall hold office for a term of three years and shall be eligible for re-election for one further term of three years.

(3) All appointments under this section shall be notified in the *Kenya Gazette*.

[Act No. 6 of 2009, Sch.]

5. Functions of the Institute

The Institute shall—

- (a) establish, monitor, improve and publish the standards of the supplies practitioners profession and safeguard the interest of all supplies practitioners;
- (b) make provision for the training and instruction of persons seeking registration under this Act;
- (c) recommend to the Minister for the time being responsible for education institutions to be approved for training of persons seeking registration under this Act;
- (d) advise the Examinations Board on matters relating to examination standards and policies;
- (e) have regard to the conduct of persons registered and licensed under this Act, and take such disciplinary measures as may be necessary to maintain a proper standard of conduct among such persons;
- (f) perform such other functions as may be necessary for the proper administration of this Act.

6. Conduct of business and affairs of the Council

The conduct and regulation of the business and affairs of the Council shall be as provided in the First Schedule to this Act.

7. Delegation of the powers of the Institute

Subject to this Act, the Institute may either generally or in any particular case, delegate to any committee of the Council or to any member, officer, employee or agent of the Institute, the exercise of any of the powers of the Institute under this Act.

8. Remuneration of Council members

The Institute shall pay to its Council members such remuneration, or allowances for expenses as the Minister may approve.

[Act No. 6 of 2009, Sch.]

9. The Chief Executive Officer

(1) There shall be a Chief Executive Officer of the Institute who shall be competitively appointed by the Council and whose terms and conditions of service shall be determined by the Council in the instrument of appointment.

(2) The Chief Executive Officer shall, subject to the directions of the Council, be responsible for the management of the affairs of the Institute and shall be the Secretary to the Council.

10. Staff of the Institute

The Institute shall appoint such officers and other staff as are necessary for the proper discharge of its functions under this Act, upon such terms and conditions as the Council may determine.

11. Protection from personal liability

No matter or thing done by a member of the Council or by any officer, employee or agent of the Institute shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Institute, render the member, officer, employee or agent personally liable to any action, claim or demand whatsoever.

PART III – EXAMINATION, REGISTRATION AND LICENSING**12. Examination Committee**

(1) There is hereby established a Board to be known as the Kenya Institute of Supplies Examination Board, which shall be a body corporate.

(1A) The Examinations Board shall be a body corporate with perpetual succession and a common seal and shall be capable in its corporate name of—

- (a) suing and being sued;
- (b) purchasing, acquiring, holding or disposing of property;
- (c) doing or performing all such other acts necessary for the proper performance of its functions under this Act.

(2) The Examinations Board shall consist of—

- (a) five persons who shall be qualified supplies practitioners, nominated by the Council from amongst the members of the Institute, one of whom shall be appointed by the Council as Chairperson of the Examinations Board;
- (b) two persons nominated by the Minister responsible for education, one of whom shall be from the Kenya Institute of Education and the other from the Kenya National Examination Council;
- (c) one person nominated by the Commission for Higher Education;
- (d) one person nominated by the Director-General of the Public Procurement Oversight Authority;
- (e) one person nominated by the local universities; and
- (f) one person nominated by the Kenya Private Sector Alliance.

(3) In nominating the persons under subsection (2)(a), the Council shall have regard to gender balance.

[Act No. 6 of 2009, Sch.]

13. Functions of the Examinations Board

The Examinations Board shall generally have regard to the conduct of examinations for professional supplies certification and in particular to—

- (a) prescribe and regulate syllabuses of instruction for professional supplies certification for persons seeking registration under the Act;

- (b) prepare and conduct examinations for persons seeking registration under the Act;
- (c) prepare regulations to be made by the Institute regarding the standard of proficiency to be gained in each examination for a diploma, degree or other award; and
- (d) make rules with respect to such examinations;
- (e) prescribe the fees and other charges payable with respect to such examinations;
- (f) issue professional qualifying certificates and other awards to candidates who have satisfied the examination requirements;
- (g) investigate and determine cases involving indiscipline by students registered with the Examinations Board;
- (h) remit a proportion of not less than thirty per cent of the fees collected under paragraph (e) to the Institute to support professional development;
- (i) liaise with the Ministry of Education in accreditation of institutions offering the examination of the Board for the purpose of carrying out examinations;
- (j) promote recognition of its examination in foreign countries;
- (k) perform such other functions as may be necessary for proper administration of this Act.

[Act No. 6 of 2009, Sch.]

14. Secretary

- (1) There shall be a secretary who shall be an officer of the Examinations Board.
- (2) The secretary shall be responsible for the day to day affairs of the Examinations Board and shall exercise and perform any such functions as the Board may from time to time determine.

15. Registration Committee

- (1) There is hereby established the Registration Committee.
- (2) The Registration Committee shall consist of—
 - (a) a Chairperson who shall be appointed by the Council from amongst the members of the Council;
 - (b) two persons who shall be qualified supplies practitioners appointed by the Council from amongst the members of the Institute;
 - (c) one person nominated by the Federation of Kenya Employers;
 - (d) the Attorney-General or his representative nominated by him in writing;
 - (e) one person nominated by the Kenya National Examination Council;
 - (f) one person nominated by the Director-General of the Public Procurement Oversight Authority;

- (g) the Registrar, appointed by the Minister on the recommendation of the Council.
- (3) The functions of the Registration Committee shall be to—
- (a) receive applications for registration;
 - (b) approve applications for registration and grant of practising certificates and licenses in accordance with the provision of this Act;
 - (c) monitor compliance with professional, quality assurance and other standards published by the Council for observance by the members of the Institute;
 - (d) prescribe regulations to govern quality assurance programmes including actions necessary to rectify deviations from published standards;
 - (e) where appropriate and based on the results of a quality assurance investigation recommend to the Council that a member's conduct be referred for inquiry under section 23;
 - (f) advise the Council on matters pertaining to professional and other standards necessary for the achievement of quality assurance;
 - (g) perform any other functions connected therewith or incidental thereto.

[Act No. 6 of 2009, Sch.]

16. Persons entitled to be registered

(1) A person shall be entitled to registration if he satisfies the Council that he is of good conduct and has paid the registration fee and that—

- (a) he has successfully undergone a prescribed certificate, diploma, degree or research course of instruction and has passed the appropriate examination conducted or prescribed by the Institute; or
- (b) has undergone a certificate, diploma, degree or research course of training and passed an examination elsewhere than in Kenya, which the Institute recognizes as equivalent to the training and instruction required in the case of persons trained in Kenya and as equivalent to the qualification by examination required under the Act.

(2) A person engaged in supplies practice immediately before the enactment of this Act shall be eligible to be registered if he is, in the opinion of the Council, of good conduct, has met such professional qualifications as shall be prescribed by the Council and has paid the prescribed registration fee.

(3) Notwithstanding subsections (1) and (2), the Registration Committee may require a person making application for registration to satisfy the Registration Committee (in such manner as it directs) that his knowledge of local law relating to supplies practice is, and that his professional conduct and general character have been such as, in the opinion of the Registration Committee, makes him a fit and proper person to be registered.

(4) Subject to this subsection, a person is disqualified from being registered and licensed if he or she—

- (a) is convicted by a court of competent jurisdiction in Kenya or elsewhere of an offence involving fraud, dishonesty or moral turpitude;

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- (b) has at any time been convicted of an offence under the Anti-Corruption and Economic Crimes Act (Cap. 65);
- (c) is an un-discharged bankrupt;
- (d) has not attained the age of eighteen years;
- (e) has at any time been convicted of an offence under this Act or the Public Procurement and Disposal Act (Cap. 412A);
- (f) if in the opinion of a certified medical doctor, the person is incapable of performing his duties by reason of mental or physical infirmity.

(5) A person shall not be treated as disqualified under subsection (4)(a), (b) and (e) if the Registration Committee, having regard to—

- (a) the period which has elapsed since the conviction concerned; or
- (b) the circumstances of the offence,

determines that it would be unreasonable to so treat him.

(6) A person shall not be treated as disqualified under subsection (4)(c) if the Registration Committee is satisfied and the bankruptcy of the person concerned arose as a result of unavoidable losses or misfortunes.

(7) A person shall not be treated as being disqualified under subsection (4)(a), (b) and (e) if the High Court allows an appeal.

(8) A person who secures registration or a license knowing that he is not eligible to hold one shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings.

(9) A supplies practitioner shall be deregistered and forfeit his license upon the happening of any event specified or contemplated by subsection (4)(a), (b) or (c).

(10) A member of the Institute shall be required to undergo such continuous professional development programmes as may be prescribed by the Council.

17. Registration of supplies practitioners

A person eligible to be registered as a supplies practitioner shall apply in the prescribed form to the committee for registration, and the application shall be accompanied by the prescribed fee.

18. Certificate of registration

The Institute shall issue to every person registered under this Act, a certificate in the prescribed form.

19. Correction of register

(1) The Registrar shall cause to be kept a register of the members of the Institute.

(1A) The Institute may on the recommendation of the Registrar, make necessary alterations and corrections in the register in relation to any entry therein.

(2) The Institute on the recommendation of the Registrar, may remove from the register—

- (a) the names of a deceased person;
- (b) the name of a person convicted of an offence under the Act;
- (c) the name of a person whose name the Council has under section 23 directed to be struck off the register; or
- (d) an entry which has been incorrectly or fraudulently made in the register.

(3) The Institute may with the consent of the person concerned, remove from the register the name of a person who has ceased to be a supplies practitioner.

[Act No. 6 of 2009, Sch.]

20. Licensing

(1) After the expiry of twelve months from the commencement of this Act, no person shall engage in the business of a supplies practitioner unless he has been duly issued with a registration certificate and a practising license by the Institute in accordance with this Act.

(2) Where the holder of a registration certificate intends to practice as a firm whether as a sole practitioner or in partnership or as a body corporate, he shall apply to the Registration Committee for a supplies practitioner's license in the prescribed form.

(3) Where an application is made by any person in accordance with subsection (2) above, the Registration Committee shall issue him with a license if it is satisfied that—

- (a) he holds a valid Registration certificate;
- (b) he meets other requirements as may be prescribed by the Council.

(4) A supplies practitioner's license shall be in the prescribed form and shall be issued upon the payment of the prescribed fee.

(5) A supplies practitioner's license may be issued subject to such terms and conditions as the Institute may prescribe.

(6) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings, or imprisonment for a period not exceeding three years, or to both such fine and imprisonment.

21. Validity of license

(1) A license granted under this Act shall be valid for one year.

(2) On expiry, a license may be renewed for such further period, not exceeding one year.

(3) Where a license expires and is not renewed, the name of the holder of the license shall be removed from the appropriate record.

PART IV – DISCIPLINE

22. Disciplinary Committee

(1) There is hereby established a committee of the Council, to be known as the Disciplinary Committee, which shall consist of eight members, of whom—

- (a) the Chairperson shall be appointed by the Council from amongst members of the Council;
- (b) three persons shall be nominated by the Council from among members of the Institute;
- (c) one member shall be nominated by the Director-General of Public Procurement Oversight Authority;
- (d) one member shall be nominated by the Attorney-General;
- (e) one Advocate shall be nominated by the Law Society of Kenya;
- (f) one engineer nominated by the Institute of Engineers of Kenya;
- (g) one accountant nominated by the Institute of Certified Public Accountants of Kenya.

(2) The Chief Executive Officer of the Institute shall be the secretary of the Disciplinary Committee and shall not have voting power.

(3) Subject to this Act the Disciplinary Committee shall regulate its own procedures.

(4) The Disciplinary Committee shall receive and investigate complaints against supplies practitioners in accordance with the rules and regulations under this Act.

23. Disciplinary powers of the Committee

(1) The Disciplinary Committee may order the removal from the register, suspension of registration or revocation of the practising license of a supplies practitioner or the imposition of fine on a supplies practitioner as may be prescribed by the Council if that practitioner—

- (a) has been convicted of an offence punishable with imprisonment, the commission of which in the estimation of the Institute dishonors or scandalizes the calling of a supplies practitioner; or
- (b) has been convicted of an offence under the Public Procurement Disposal Act (Cap. 412A), the Anti-corruption and Economic Crimes Act (Cap. 65) or any other existing law;
- (c) has been guilty of gross negligence or malpractice in respect of his calling; or
- (d) has been guilty of other impropriety or professional misconduct; and for the purposes of this Act a member shall be guilty of professional misconduct if the member—
 - (i) wilfully fails to follow professional procurement and supplies management standards and ethical guidelines;
 - (ii) misappropriates funds or any property entrusted to the member;
 - (iii) knowingly procures goods, works or services at inflated prices;

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- (iv) deliberately fails to keep proper records of all transactions undertaken in the course of duties;
- (v) discloses information acquired in the course of duty of any other person without the consent of the employer or client or other than required by law;
- (vi) is involved in any corrupt practice;
- (vii) engages in activities which are contrary to those for which registration and or licensing as a supplies practitioner was obtained under this Act;
- (viii) is found guilty of fraud or any dishonest act;
- (ix) allows any person to practise in the name of the member as a supplies practitioner unless such a person is the holder of a registration certificate and license;
- (x) enters for the purpose of or in the course of practising as a supplies practitioner, into partnership with a person who does not hold a license or secures any professional business through the service of such a person or by means not open to a supplies practitioner;
- (xi) pays or allows or agrees to pay directly or indirectly, to any person (other than a partner, a retired partner or the legal representative of a deceased partner) any share, commission or brokerage out of the fees for, or profits of, such member's professional services;
- (xii) being concerned therein, in a professional capacity, expresses an opinion on a matter without obtaining sufficient information on which to base the opinion;
- (xiii) fails to keep the funds of a client in a separate banking account or to use any such funds for purposes for which they are intended; or
- (xiv) does or fails to do any other act which may be prescribed.

(2) The suspension of registration, removal from the register and other penalties or disqualifications imposed under this section shall subsist for a period not exceeding two years:

Provided that the Council may in exceptional circumstances extend the suspension period for a longer term:

Provided also that in the case of the circumstances contemplated by section 16(5)(a) and (b) of this Act, the removal from registration, suspension, revocation of license or other penalty or disqualification shall subsist for the longest period of disqualification from holding public office imposed on offenders convicted of an offence under the Anti-Corruption and Economic Crimes Act (Cap. 65).

(3) A person whose conduct is the subject of inquiry or disciplinary proceedings shall be afforded a fair opportunity of being heard either in person or by an advocate.

(4) In the discharge of its functions under this Act, the Disciplinary Committee may administer oaths and, subject to any regulations made under this Act, enforce the attendance of persons as witnesses or production of books and documents.

(5) The Disciplinary Committee shall discharge its functions in accordance with principles of fairness without undue regard to technicalities and rules of evidence.

(6) Any person whose name has been removed from a register or whose license has been revoked or suspended shall forthwith surrender to the Institute his certificates of registration or license and, any person who fails to do so, shall be guilty of an offence.

(7) Any person aggrieved by the decision of the Disciplinary Committee may appeal against that decision to the High Court whose decision shall be final.

(8) The Chief Justice may make rules governing appeals under this section and providing for the fees to be paid, the scale of costs of any appeal and the procedure to be followed therein.

PART V – FINANCIAL PROVISIONS

24. Funds of the Institute

The funds of the Institute shall comprise—

- (a) such moneys as may accrue to or vest in the Institute in the course of the exercise of its powers or performance of its functions under this Act;
- (b) all moneys from any other source provided for, donated or lent to the Institute;
- (c) such proportion of the fees charged by the Examinations Board under section 13(h) of this Act; and
- (d) such funds as may accrue to the Institute from the Public Procurement Oversight Authority under and in furtherance of sections 9(c)(iii) and 18(5)(d) of the Public Procurement and Disposal Act (Cap. 412A).

25. Investment of funds

The Institute may invest any of its surplus funds in such a manner and in such institution as the Council may determine.

26. Financial year

The financial year of the Institute shall be the period of twelve months ending on the thirty-first of December in each year.

27. Annual estimates

Before the commencement of each financial year, the Institute shall cause to be prepared estimates of revenue and expenditure of the Institute for that financial year concerned and in particular, shall provide for—

- (a) the payment of salaries, allowances and other charges in respect of the staff of the Institute;

- (b) the payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Institute;
- (c) the acquisition, maintenance, repair and replacement of the equipment and other moveable property of the Institute.

28. Accounts and audit

(1) The annual estimates shall be approved by the Institute before the commencement of the financial year to which they relate:

Provided that once approved, the sum provided in the estimates shall not be increased without the prior consent of the Institute.

(2) The Institute shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Institute.

(3) Within a period of four months from the end of the financial year, the Institute shall submit to the members of the Institute at an annual general meeting or special general meeting convened for that purpose the audited accounts of the Institute together with—

- (a) a statement of the income and expenditure of the Institute on the last day of that year; and
- (b) a statement of the assets and liabilities of the Institute on the last day of that year.

(4) The accounts of the Institute shall be audited by an auditor duly appointed at the Institute's annual general meeting.

PART VI – MISCELLANEOUS PROVISIONS**29. Offences by persons not eligible to be registered or licensed**

(1) Any person who not being eligible to be registered or licensed under this Act uses any title appropriate to a person so registered or licensed or holds himself out directly or indirectly as being so registered or licensed, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

(2) Any person who, not being eligible to be registered or licensed under this Act, practises for gain as a supplies practitioner, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

30. Offences by person eligible to be registered or licensed

Any person who, though eligible to be registered or licensed under this Act, is not so registered or licensed and practises as a supplies practitioner commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

31. Offences by persons conducting training courses or examinations without authority

(1) Any person, being the owner, manager, trainer or otherwise directly involved in the establishment or management of a training institution which is not

approved by the Minister for the time being responsible for education as an institution for the training of persons seeking registration under this Act, who—

- (a) admits to the institution under his charge any person for the purpose of training in supplies;
- (b) purports to be conducting courses of training or examination under this Act or regulations made thereunder;
- (c) issues any document, statement, certificate or seal implying that the holder thereof has undergone a course of instruction or has passed an examination prescribed by the Institute; and
- (d) issues any document, statement or seal implying that the institution under his charge is approved by the Institute as an institution for training of persons seeking registration under this Act,

commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.

32. Employment of unregistered staff

(1) Any employer who employs an unregistered or unlicensed person as a supplies practitioner shall be guilty of an offence and is liable upon conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.

(2) Where the employer provided in subsection (1) is a body corporate, the Chief Executive Officer of that corporation shall be guilty of an offence and shall be liable to the penalties provided in subsection (1).

33. Falsification of registers or records

Any person who wilfully makes or causes to be made any false entry in, or falsification of, any register or record kept under this Act, or who procures or attempts to procure himself or any other person to be registered or licensed under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

34. Validity of proceedings

The Council, the Registration Committee, the Disciplinary Committee and the Examinations Board may exercise and perform their functions notwithstanding any vacancy among the members and the validity of any proceedings of the Council or the Registration Committee, or the Disciplinary Committee or the Examinations Board shall not be affected by any such vacancy or any defect in the appointment of a member.

35. Gender balance

In nominating any of the persons under this Act the nominating bodies shall have regard to gender balance.

36. Regulations

The Minister may, in consultation with the Council, make regulations generally for the better carrying out of the provisions of this Act and to provide for the following

- (a) the form and method of keeping the registers and records under this Act;
- (b) the conditions of admission to the registers and of the issue of licenses;
- (c) the manner in which the training of the persons for whom provision is made in this Act is regulated;
- (d) the subject matter of training courses and examinations to be conducted by the Institute;
- (e) the conditions of admission for entry to training courses and examinations to be conducted by the Institute;
- (f) the standards and conditions of professional practice of persons registered or licensed under this Act;
- (g) the fees payable in respect of examinations registration, issue of licenses, and in respect of other matters under this Act;
- (h) the summoning of meetings of and the direction of the proceedings of the Council;
- (i) any other functions as may be necessary for the proper administration of the Act.

37. Examination offences

Any person who—

- (a) gains access to examinations material and knowingly reveals the contents, whether orally, in writing or through any other form, to an unauthorized party, whether a candidate or not;
- (b) wilfully and maliciously damages examinations materials;
- (c) is not registered to take a particular Board's examination but with intent to impersonate, presents or attempts to present himself to take the part of an enrolled candidate;
- (d) presents a forged certificate to a prospective employer or to an institution of learning with intent to gain employment or admission; or
- (e) introduces unauthorized material in the examinations room whether in writing or in any other form, whether a candidate or not,

shall be guilty of an offence and liable to imprisonment for a term not exceeding three years or to a fine not exceeding one hundred thousand Kenya shillings, or to both such imprisonment and fine.

FIRST SCHEDULE

[Section 6.]

PROVISIONS AS TO THE CONDUCT OF
BUSINESS AND AFFAIRS OF THE COUNCIL

1. Committees and co-opted advisors

(1) The Council shall establish such committees as it may deem appropriate to perform such functions and responsibilities as it shall determine, but all findings of such committees shall be presented to the Council for its consideration and determination.

(2) The Council may at its discretion, at any time and for any length of time, invite any person to attend any of its deliberations but such person shall not be entitled to vote on any matter at any meeting of the Council.

2. Meeting of Council

(1) The Council shall meet at least four times in every financial year.

(2) The chairman shall preside at every meeting of the Council, at which he is present, but in his absence, the members shall elect one of their numbers who shall, with respect to that meeting and the business transacted thereat, have all the powers of a chairman.

(3) Unless a unanimous decision is reached, a decision on any matter before the Council shall be by a majority of votes of the members present and in the case of an equality of votes, the chairman shall have a casting vote.

(4) The quorum for the conduct of the business of the Council shall be five members.

3. Vacation of office

(1) A member of the Council other than an *ex officio* member shall vacate office on any of the following grounds—

- (a) upon the expiry of his appointment;
- (b) upon his death;
- (c) if he is adjudged bankrupt;
- (d) if he is sentenced for any offence against any written law to a term of imprisonment of six months or more;
- (e) if he is convicted of an offence involving fraud, dishonesty or moral turpitude;
- (f) if he is absent, without permission of the Council from three successive meetings of the Council of which he has received notice;
- (g) upon notice in writing of his intention to resign his office;
- (h) if in the opinion of the Council, he becomes by reason of mental or physical infirmity incapable of performing his duties as a member of the Council; or
- (i) upon the commission of an offence under this Act.

4. Disclosure of interest

If a member of the Council has any interest direct or indirect in any application or other matter which is the subject of consideration at a meeting of the Council, the member shall at the meeting, disclose the fact to the Council and shall take no part in the consideration or discussion of or vote on any question with respect to the application or the other matter.

SECOND SCHEDULE**TRANSITIONAL PROVISIONS****1.**

The Executive Board of the Kenya Institute of Supplies Management existing before the enactment of this Act shall assume the responsibilities imposed on the Council and the Registration Committee by this Act as an Interim Council and Interim Registration Committee until the first elections held under this Act.

2.

The Chairperson elected at the last annual general meeting of the Institute shall continue to act as Chairperson of the Institute until the first elections held under this Act.

3.

The Interim Council shall facilitate the registration of members of the Institute and the convening of the first annual general meeting at which Council members shall be elected.

4.

The first annual general meeting of the Institute shall be convened by the Interim Council within a period of twelve months of the commencement of this Act.

5.

Any supplies practitioner carrying out any business contrary to this Act shall ensure that the business is compliant with the Act within twelve months of the commencement of this Act.

6.

Any examinations currently being conducted by any statutory body for the purpose of qualifying supplies practitioners shall be transferred to the Examinations Board within twelve months of the commencement of this Act.



UNION OF KENYA CIVIL SERVANTS

UFUNDI CO-OP PLAZA

MOI AVENUE, NEXT TO JEVANJEE GARDENS

**P.O BOX 48083 – 00100 GPO,
NAIROBI. TEL: 0722225908**

**RESPONSE TO PETITION BY SUPPLY CHAIN MANAGEMENT ASSISTANTS ON
DISCRIMINATION OF OTHER HEALTH WORKERS IN THE MINISTRY OF HEALTH**

**PRESENTED TO THE SENATE STANDING COMMITTEE ON LABOUR AND SOCIAL
WELFARE**

**Nairobi
23rd August 2023**

Preamble

The Union of Kenya Civil Servants (UKCS) was established and registered in 1959. The UKCS signed a Recognition Agreement with the Government of the Republic of Kenya in 2013. The Agreement recognizes UKCS as the legitimate and properly constituted trade union body competent to represent employees in the public service in all matters relating to their terms and conditions of employment. The UKCS is, therefore, legitimately before this Senate Standing Committee on Labour and Social Welfare as a competent authority on matters relating to terms and conditions of employment of workers in the civil service and the public sector in general, at national and county levels.

Subject Matter of the Grievance

The Petition has been filed by Supply Chain Management Assistants. The subject of the grievance is given as discrimination of Supply Chain Management Assistants in the Ministries of Health at the county level. The petitioners are concerned that they are not accorded the same treatment as other county health workers, especially in the award and payment of:

1. Health Service Allowance; and
2. Extraneous Allowance

The petitioners have averred that they previously addressed the matter with the Ministry of Health and the Salaries and Remuneration Commission (SRC) through a letter dated 15th October 2019. They further report that the SRC responded vide a letter dated 29th October 2019, but they found the response to be non-satisfactory hence the petition.

Analysis of the Issue and Reflection by the UKCS

The UKCS supports the petition by the Supply Chain Management Assistants on the following grounds:

1. Supply Chain Management Assistants working in the County Departments of Health are, by intent and action, health workers
2. Health workers are people whose job it is to protect and improve the health of their communities
3. The Supply Chain Management Assistants and indeed all the other health workers are people engaged in actions whose primary intent is to enhance health
4. The Supply Chain Management Assistants make important contributions and are critical to the functioning of the health systems at the county level
5. The definition of a health action used by the SRC and the County Departments of Health to classify the workers as non-health workers is faulty

6. While the actions of Supply Chain Management Assistants do not improve health, the actions of the County Department of Health or the health facilities in which they serve do improve health
7. It is the same as having a doctor employed by a tea factory to care for its employees. The actions of the doctor improve health but the actions of the employer do not
8. Thus, though the Supply Chain Management Assistants do not deliver health services directly, they are health management and support personnel
9. Supply Chain Management Assistants are part of health workers in the County Departments of Health, and are within health facilities hence health workers
10. The SRC and the County Departments of Health should not adopt a classification system that considers the actions of the individual alone or those of the employer alone
11. Instead, the SRC and County Departments of Health should consider a more pragmatic classification of health workers that includes all workers employed in organizations or institutions whose primary intent is to improve health
12. Denying Supply Chain Management Assistants allowances payable to health workers is discriminatory, and is inconsistent with the SRC's own advisory
 - i. On 14th September 2015, SRC issued a Circular Ref. SRC/TS/CGOVT/3/61 Vol. III/(136) *see attached copy*
 - ii. SRC lamented in the Circular that "a number of health workers employed/absorbed by the County Public Service Boards of County Governments were not receiving requisite allowances enjoyed by other health workers"
 - iii. The SRC correctly identified the worker rights violation as "**discrimination and a source of demotivation to the affected workers**"
 - iv. In the Circular, the SRC authorized payment of Extraneous Allowances to the following categories of workers among other health workers:
 - Drivers deployed in hospitals
 - Mortuary attendants
 - Support staff
 - v. The foregoing shows that SRC recognizes that drivers, mortuary attendants and support staff who work in hospitals or health facilities are **health workers**
 - vi. A similar situation happened in 2020 when SRC authorized payment of allowances to health workers during the Coronavirus Disease 2019, and drivers and other support staff working in hospitals and health facilities benefitted from the allowances
 - vii. In the same vein and as argued earlier, Supply Chain Management Assistants by virtue of them working in hospitals and/or health facilities, are **health workers**, and are entitled to **health workers allowances**

13. Denying Supply Chain Management Assistants allowances payable to health workers is discriminatory, and goes against the tenets of decent work agenda, Kenya's labour laws, the Constitution of Kenya and International Labour Organization Conventions
14. Such action offends:
 - i. Article 10(2) of the Constitution on national values and principles of governance, which prohibit state organs, state officers, public officers and all persons making or implementing public policy decisions from engaging in discriminatory tendencies;
 - ii. Article 27 of the Constitution, which affords all persons the right to equality and freedom from discrimination;
 - iii. Section 5 of the Employment Act, which prohibit discrimination in employment and pay;
 - iv. International Labour Organization Convention No. 111 of 1958 on Discrimination (Employment and Occupation)

Final submission by UKCS

1. Supply Chain Management Assistants deployed in the County Departments of Health work in hospitals and/or health facilities, and are, by intent and action, **health workers**
2. Supply Chain Management Assistants are entitled to **health workers allowances** payable to other health workers
3. The SRC and respective County Governments should desist from discriminatory tendencies and other unfair labour practices and pay the Supply Chain Management Assistants the requisite allowances, namely:
 - i. Health Service Allowance; and
 - ii. Extraneous Allowance

Delivered and presented for and on behalf of the Union of Kenya Civil Servants by



Hon. Tom M. Odege, MP
Secretary General
UNION OF KENYA CIVIL SERVANTS
NAIROBI



**Salaries & Remuneration
Commission**
Rewarding productivity

Ref. No: SRC/TS/CGOVT/3/61 Vol.III/ (136)

14th September, 2015

**Principal Secretary, Ministry of Health
All County Secretaries
All Secretaries, County Public Service Boards**

HEALTH WORKERS ALLOWANCES

It has come to the attention of this Commission that a number of health workers employed/absorbed by the County Public Service Boards of County Governments are not receiving the requisite allowances which are enjoyed by health workers in the National Government. This has been found to be discriminatory and a source of demotivation to the affected workers.

In view of the above and for purposes of transparency and equity it has been decided that health workers at the Counties be eligible for the following allowances:

- (i) Emergency Call Allowance
- (ii) Extraneous Allowance
- (iii) Health Risk Allowance
- (iv) Non – Practicing Allowance
- (v) Uniform Allowance

The allowances should be paid with effect from **1st July, 2015** at the following rates:

A. Emergency Call Allowance

The allowance is payable to Doctors (Medical Officers, Dentists Pharmacists) deployed in hospitals at the rate of **Kshs.30, 000** per month, irrespective of grade.

B. Extraneous Allowance

Table 1 shows extraneous allowance rates payable to officers deployed in Urban, Rural or Hardship areas.

Table 1: Extraneous Allowance

Staff Category	Job Group	Region		
		Urban	Rural	Hardship Area
Doctors, Dentists and Pharmacists	S	40,000	-	-
Doctors, Dentists and pharmacist and Anaesthetists (including Clinical Officer and Nurse Anaesthetists)	All	30,000	35,000	40,000
Clinical Officers and Nurses	G - J	15,000	20,000	25,000

	K - M	20,000	25,000	30,000
	N - P	25,000	30,000	35,000
	Q - R	30,000	35,000	40,000
Technologists and Technicians	G - J	15,000	20,000	25,000
	K - M	20,000	25,000	30,000
	N - P	25,000	30,000	35,000
	Q - R	30,000	35,000	40,000
Other Para Medics	All	7,000	10,000	15,000
Drivers deployed in Hospitals	All	7,000	7,000	10,000
Mortuary Attendants	All	10,000	10,000	12,000
Support Staff	All	5,000	5,000	8,000

C. Health Risk Allowances

The health risk allowance payable to health workers is as per **Table 2:**

Table 2: Health Risk Allowance rates

Health Workers	Job Group	Rate per Month (Kshs.)
Nurses	All	3,850
Laboratory Technologists	All	3,000
Mortuary Attendants	All	2,000
Chemists	All	2,000
Physiotherapist	All	2,000
Occupational Physio	All	2,000
Biomedical Engineer/Technologist	All	2,000
Medical Records /Information Officer	G-N	2,000
Radiographer	H-N	2,000
Radiation Protection	J-P	2,000
Community Oral Officer	H-N	2,000
Entomologist	K-P	2,000
Public Health Officer	L-P	3,000
Public Health Officer/Technician	G-K	2,000
Orthopedic	All	2,000

D. Non – Practicing Allowance

The rates for Non-Practice Allowance for Medical Officers, Dental Officers and Pharmacists are as shown in **Table 3.**

Table 3: Non- Practice Allowance

Job Group	Rate Per Month (Kshs.)
L	12,000
M	19,000
N	32,000
P	46,000

Q & R	51,000
S & T	60,000

E. Uniform Allowance

Uniform allowance is payable to nurses at a flat rate of **Kshs.10,000** per annum.

Please note that all the above allowances are only applicable to health personnel deployed in hospitals/health facilities and excludes officers performing administrative functions.

This Circular does not apply to health workers formerly employed by the defunct Local Authorities.

All other provisions on payment of allowances to health personnel remain unchanged.

These allowances should be processed automatically through the Integrated Payroll and Personnel Database (IPPD) System.

The Commission appreciates your continued support.



Anne R. Gitau (Mrs.)
COMMISSION SECRETARY

CC: Dr. Kamau Thugge, EBS
Principal Secretary
The National Treasury
NAIROBI

The Principal Administrative Secretary
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