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**Report of the
Committee to Review the
Terms and Conditions of Service for the
Staff of the National Assembly
1996-97**

Chairman: Mr. P.C.J.O. Nyakiamo, EBS., EGH.

Presented to
His Excellency the President,
Hon. Daniel T. arap Moi, C.G.H., M.P.,
President and Commander-in-Chief of the
Armed Forces of the Republic of Kenya

January, 1997



REVIEW COMMITTEE FOR ELECTORAL COMMISSION MEMBERS AND
THE NATIONAL ASSEMBLY STAFF,
NATIONAL SOCIAL SECURITY FUND BUILDING

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Ref: No. **OP.2/16A** **January, 19 97**
and date

His Excellency Hon. Daniel T. Arap Moi, C.G.H., M.P.,
President and Commander-in-Chief of the Armed Forces,
Republic of Kenya,
State House,
NAIROBI.

Your Excellency,

You appointed us members of a Committee to Review Terms and Conditions of Service for the Chairman and Members of Electoral Commission and staff of the National Assembly on 11th November, 1996, to examine the existing structure of salaries, allowances and related fringe benefits and recommend the necessary changes taking into account the need to provide incentives that would attract and retain qualified personnel.

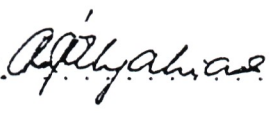
In carrying out this task, we reviewed the important roles of the Electoral Commission and the staff of the National Assembly, the challenges the institutions face and their contribution in fostering democracy in Kenya. We also considered the present state of the institutions in terms of their capacity to meet these challenges. Consequently, we have recommended appropriate adjustments in these


areas to enhance that capacity. We have further recommended a structure of salaries and other terms and conditions of service which we consider appropriate.

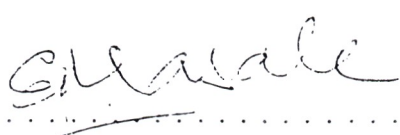
In our work, we have been highly motivated by Your Excellency's desire for the enhancement of the capacity of the Electoral Commission and staff of the National Assembly, and your recognition of these institutions as important organs of fostering national unity and the rule of law.

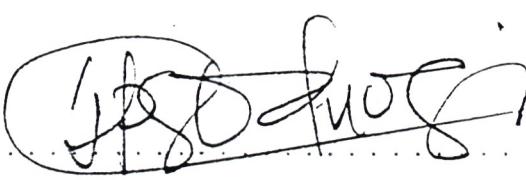
We take the greatest pleasure in submitting this Report to your Excellency. In doing so, we humbly wish to thank Your Excellency most sincerely for the honour and trust that you have bestowed upon us, and to express to Your Excellency our loyalty and highest esteem.

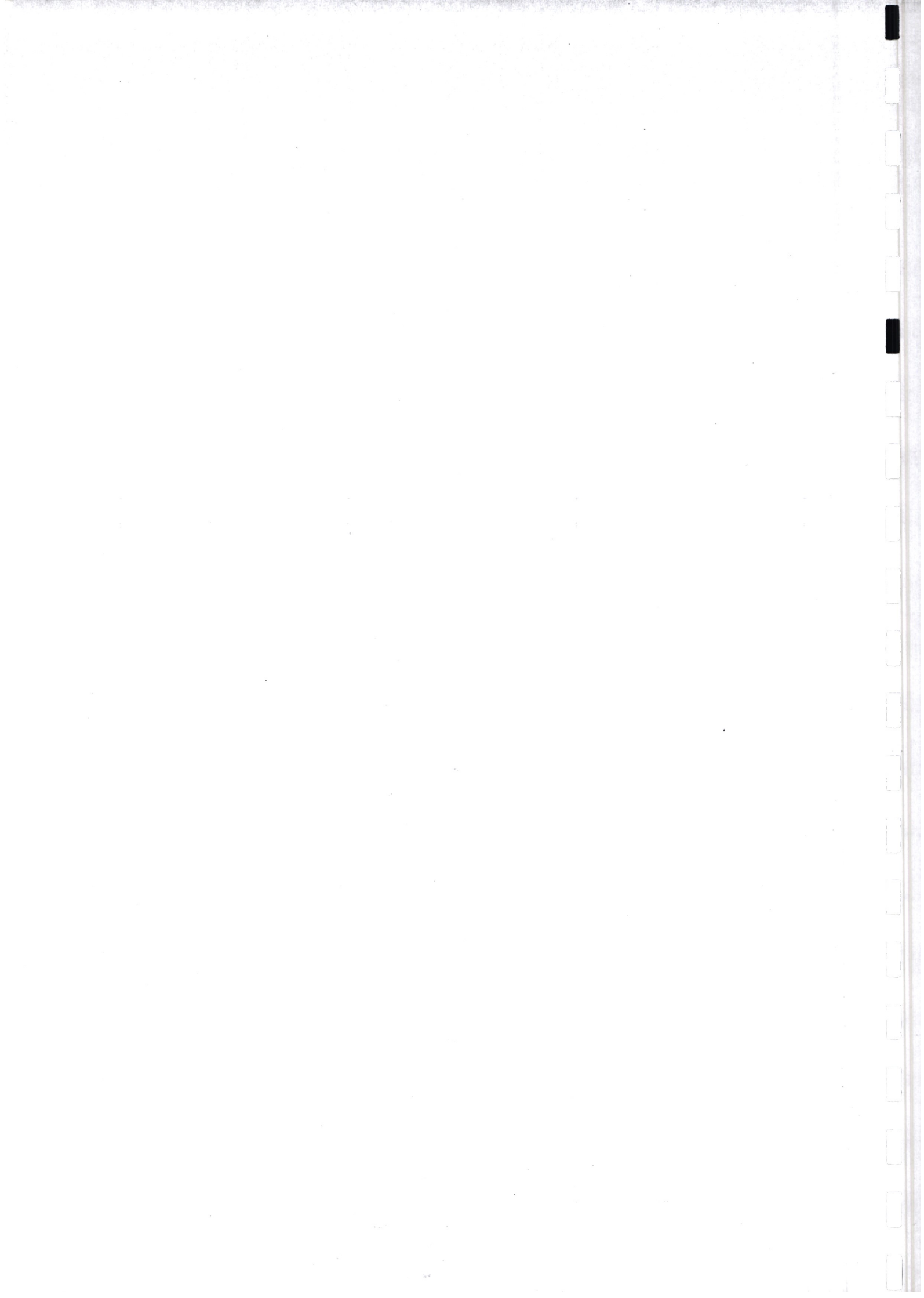
We are Your Excellency's Most Obedient Servants,

Peter C. J. O. Nyakiamo, EBS., EGH. 
Chairman

K. arap Ng'eny, MBS., EBS. 
Member

Eliakim M. Masale 
Member

P. Oduogi Mionwa 
Secretary



APPOINTMENT

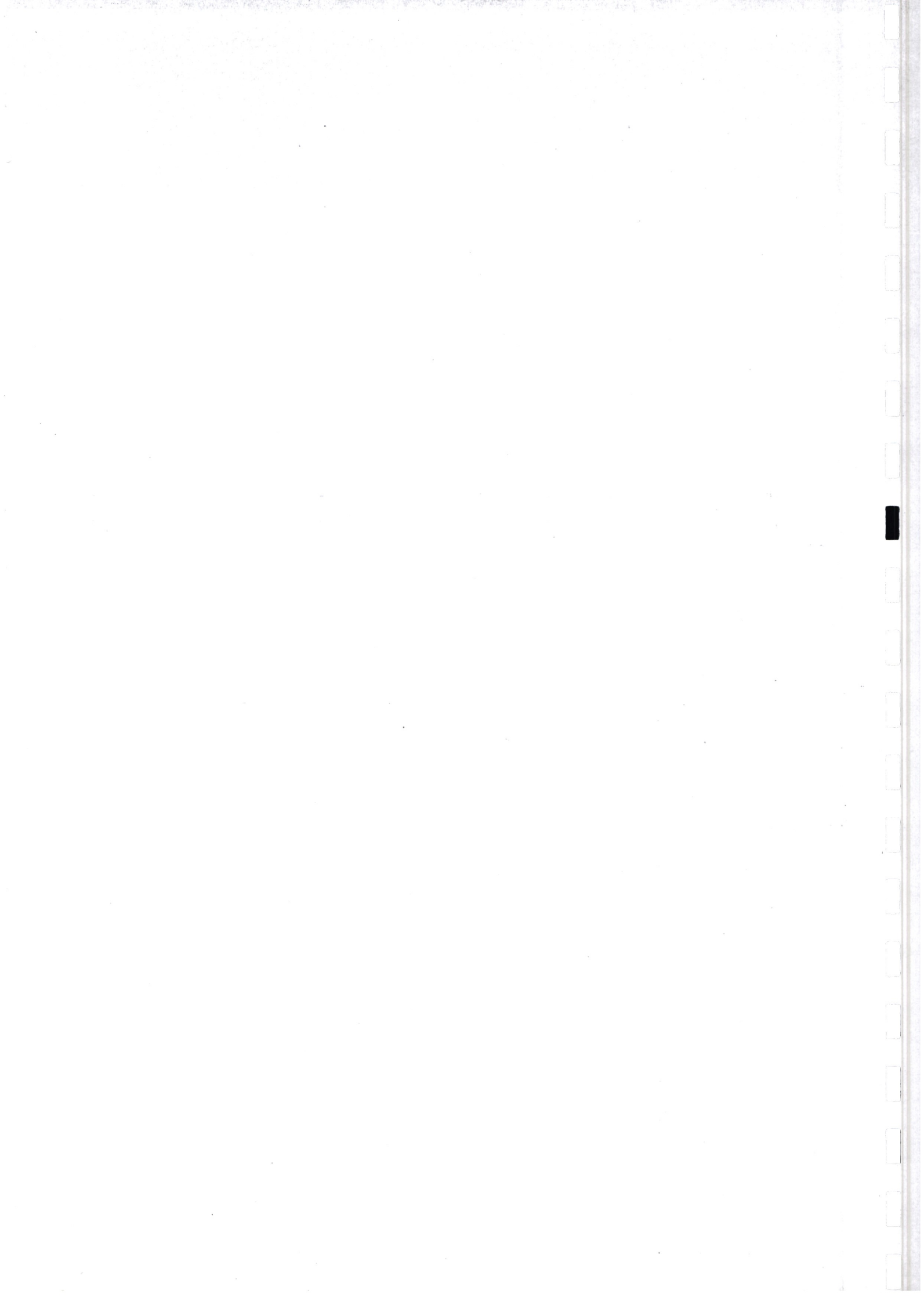
In his letter Ref. OP.2/16A of 11th November, 1996, addressed to the Committee, the Permanent Secretary, Secretary to the Cabinet and Head of the Public Service communicated the Government's decision and appointment of a Committee by H.E. the President, Hon. D. T. arap Moi, CGH., M.P., to Review the Terms and Conditions of Service for Electoral Commission Members and the National Assembly staff. The Committee has been charged with the following Terms of Reference:

"To examine the existing structure of salaries, allowances and related fringe benefits and recommend the necessary changes taking into account the need to provide incentives that would attract and retain qualified personnel."

The Committee shall be composed of:

1. Mr. P.C.J.O. Nyakiamo, EBS., EGH. **Chairman**
2. Mr. K. arap Ng'eny, MBS., EBS. **Member**
3. Mr. E. M. Masale **Member**
4. Mr. P. Oduogi Mionwa **Secretary to Committee**

Dated the 11th November, 1996.



A C K N O W L E D G E M E N T S

We wish, first of all, to thank His Excellency the President for appointing us to this Committee and thereby giving us an opportunity to serve our beloved country in this capacity. We appreciate and cherish this honour.

We also wish to thank the Permanent Secretary, Secretary to the Cabinet and Head of Public Service, Mr. Fares M. Kuindwa, EBS., EGH., and the Permanent Secretary and Director of Personnel Management, Mr. Gaylord Avedi, EBS. for their support. Our thanks also go to the Kenya Revenue Authority for logistic support and allowing us use of their offices.

We wish to express our gratitude to all those who contributed to the successful completion of our assignment. We particularly thank the Chairman of the Electoral Commission, Justice Z. R. Chesoni and his Commissioners; the Speaker of the National Assembly, Hon. K. F. X. ole Kaparo, EGH, M.P.; the Clerk of the National Assembly Mr. J. K. Masya, OGW., EBS., for the written submissions and verbal presentations made to this Committee. Further, we thank the Attorney-General, Hon. Amos Wako, EBS., EGH., MP., the Permanent Secretary to the Treasury, Mr. B. K. Kipkulei, SS., CBS., the Financial Secretary, Mr. J. K. Kinyua, Ministry of Finance, and their senior officials, the Programme Director, Civil Service Reform Secretariat, Deputy Director/Management Consultancy Services, DPM, Deputy Director/Human Resource Development, DPM, and Senior Assistant

Director/Personnel Administration, DPM, for accepting and availing themselves to be interviewed by the Committee.

We also wish to record our sincere appreciation to our Secretary, Mr. P. Oduogi Mionwa, who effectively organized and administered the Secretariat, and provided vital management and technical inputs. We further appreciate the Resource Persons forming the Secretariat's technical team of Messrs. B. E. Oduor-Otieno, J. K. Wahiu, E. B. I. N. Rweria and John M. Juma who provided invaluable support. We are also grateful to the secretaries, Ms. Beatrice C. Boen, Ms. Florence A. Juma, Ms. Joyce N. Mwanthi, and Ms. Margaret Mwembe who served the Committee diligently. Finally, we thank all the other support staff for their important contribution. Their names appear in Annex II.

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CHAPTER I

INTRODUCTION

Interpretation of Terms of Reference

1. The Members of the Committee held an inaugural meeting with the Permanent Secretary, Secretary to the Cabinet and Head of the Public Service on 18th November, 1996, who elaborated on the Terms of Reference. Consequently, the Committee interpreted its task as follows:-

- (i) To examine the existing salaries, allowances and fringe benefits applicable to the staff of the National Assembly.
- (ii) To examine the general economic conditions in the country with particular reference to the rise in the cost of living from 1990 to date, taking into consideration the lower, middle and upper income groups.
- (iii) To examine the working conditions and environment and incentives for the staff of the National Assembly.
- (iv) To examine the existing organizational structure of the staff of the National Assembly and recommend appropriate changes.
- (v) To recommend new salaries, allowances and fringe benefits in the context of available national resources and the constraints facing the economy.

Methods of Inquiry

2. The Clerk of the National Assembly was requested to submit a memorandum to the Committee containing the following information:

- (i) The present and proposed salary structures.
- (ii) Existing and proposed Terms and Conditions of Service.
- (iii) Suggested allowances and fringe benefits (e.g housing, medical, transport, leave, security, travelling and accommodation; honoraria, and pension where applicable).
- (iv) Descriptive comparative analysis of other similar institutions from other Commonwealth countries such as India, South Africa, Zambia, Australia, New Zealand, etc.
- (v) Grades and designations of the staff of the National Assembly according to departments/sections where applicable, including qualifications required for different senior staff.
- (vi) Any other related issues.

3. The Clerk of the National Assembly submitted written memoranda and also made verbal representations regarding the status of the staff of the National Assembly.

4. In order to obtain as much information as possible to enable the Committee accomplish its task, the Committee made reference to the following documents:-

- (i) The Constitution of Kenya.
- (ii) The Constitutional Offices (Remuneration) Act.
- (iii) Ndegwa Commission Report, 1971.
- (iv) Waruhiu Committee Report, 1979-80.
- (v) Ramtu Committee Report, 1985.
- (vi) Mbithi Committee Report, 1990-91.
- (vii) Kotut Committee Report, 1991-92.
- (viii) Personnel Circulars No. 6 dated 7th July, 1994 and No. 11 dated 25th September, 1995 on Implementation of New Terms and Conditions of Service for the Kenya Civil Service.
- (ix) Circulars addressed to the Judiciary and the State Law Office on implementation of new salaries, allowances and fringe benefits following recommendations of the Kotut Committee Report (1991-92).
- (x) A Circular issued by the Permanent Secretary, Secretary to the Cabinet and Head of the Public Service dated 16th August, 1994 addressed to Permanent Secretaries and Heads of Department on their new salaries and fringe benefits.

- (xi) Report on the Review of the Operations, Organization and Structure and Staffing of the National Assembly prepared by the Directorate of Personnel Management in October, 1989.
- (xii) Schemes of Service applicable to staff of the National Assembly.

5. The Committee also interviewed the Chairman and Members of the Electoral Commission, the Speaker of the National Assembly, the Clerk of the National Assembly with his Senior Principal Personnel Officer, the Permanent Secretary and Director of Personnel Management with his Heads of Department, the Permanent Secretary to the Treasury, the Financial Secretary, Ministry of Finance and the Attorney-General.

Historical Background and the Status of the National Assembly

6. Legislation by Parliament in Kenya began over eighty-five years ago. Previously, legislation had been done in the United Kingdom and was conveyed in form of royal instructions, commonly termed Orders-in-Council. In 1902, white settlers formed the Colonialists Association, a political-cum-welfare group, which agitated for "no taxation without representation". This Association exuded semblances qualifying it for precursor status of political parties in Kenya.

7. In April, 1905, the administration of the East African Protectorate was transferred from the British Foreign Office to the

Colonial Office. In mid 1905, the Colonialists Association petitioned the Secretary of State for Colonies demanding representation in the administration of Kenya. In response to this representation, an Executive Council chaired by the Governor was established to assist him in the administration of Kenya. A provision was later also made for the setting up of a Legislative Council (LegCo).

8. In 1944, the first African member of Legislative Council was nominated to take the place of the European representative of African interests. In 1946, the other European representative of African interests was replaced by a nominated African.

9. In 1948, the Governor, who had previously presided over the Legislative Council, appointed a Speaker to take his place. The number of African Nominated Members was also increased to four.

10. In 1954, under the Lyttelton Constitution, a Council of Ministers was set up to include six civil servants and two persons nominated by the Governor, and six nominated representative members of the Legislative Council (three Europeans, two Asians and one African). For the first time, this gave to the representatives of the people a substantial share in the Government of the country. It also had the effect of giving the Government a majority in the Legislative Council, by transfer of those six members to the Government side, though the total number of members of the Legislative Council and their composition remained unchanged.

11. Africans had no elected representatives; but this was remedied in 1957 when under the same Lyttelton Constitution, six African Nominated Members were replaced by eight African Elected Members. The following year (1958) saw further important changes under what was known as the Lennox-Boyd Constitution. The number of African Elected Members was increased to sixteen; and a provision was made for four Asian Muslim Elected Members, two Asian non-Muslim Elected Members and two Arab Elected Members.

12. At the Lancaster House Conference of early 1960, it became apparent that Kenya would be independent within the next few years. In anticipation of this, further important constitutional changes were made to take effect in 1961. There were then thirty-three African Constituency Members, ten European Constituency Members, eight Asian Constituency Members, and two Arab Constituency Members. For the first time, there was a Common (or non-racial) Roll of Voters, although the Constitution still specified the race of the Member to be elected for each Constituency. There were also 12 National Members elected by other Members. Four African Members, three European Members and one Asian Member became Ministers, along with three Ministers appointed by the Governor from among the Civil Servants. The Speaker continued to be appointed by the Governor.

13. In the second Lancaster House Constitutional Conference of 1962, the framework of the agreed constitution provided, among others, for a bicameral legislation, that is, the Lower House or

House of Representatives comprising 117 members of Parliament from single member constituencies and 12 Specially Elected Members to be elected by the House of Representatives sitting as an electoral college. The Upper House or the Senate was to comprise one member from each of the then 41 districts and with special powers with respect to bills to amend the Constitution.

14. In early July, 1962, the Secretary of State for the Colonies visited Kenya to review the constitution with the Council of Ministers. A further conference was to be held prior to independence to work out any final details. Following the Constitutional talks, a Coalition Government was formed by the two main political parties, K.A.N.U. and K.A.D.U.

15. Final constitutional review and consultations were held in Nairobi in February, 1963, at which agreement was reached for an Internal Self-Government to assume office on 1st June, 1963, and full Independence on 12th December, 1963.

16. The composition of the Legislative Council and the framework of the Government at independence remained in place until the first anniversary on 12th December, 1964. Arising from the negotiations between the Government and the Opposition, a merger of all political parties represented in the House was concluded before 12th December, 1964, when Kenya became a sovereign Republic within the Commonwealth. At the end of 1966, upon positive debates, publicly and in the Legislature, coupled with constitutional amendments, the Upper House or the Senate and the Lower House

or the House of Representatives were amalgamated. This amalgamation resulted into a single Chamber, the National Assembly.

17. Kenya remained a multi-party state until 1982 when it constitutionally became a single party state. The Constitution was again amended in 1992 when multi-partyism was re-introduced by the repeal of Section 2A.

18. The post of Clerk of the National Assembly is established under Section 45 (1) of the Constitution of Kenya which states that "There shall be a Clerk of the National Assembly". According to Section 45 (2) of the Constitution, "the offices of the Clerk of the National Assembly and of the members of his staff shall be offices in the public service." The staff of the National Assembly are graded between Job Groups 'A' and 'S' in the Civil Service structure. The lowest grade, that is, Job Group 'A' is for members of the subordinate staff, while the highest grade, Job Group 'S' is for the Clerk of the National Assembly. Since 1969, the Clerk of the National Assembly has been graded at the same level as a Permanent Secretary. He is the Accounting Officer for the National Assembly and also for the Electoral Commission since 1992.

19. The first staff organizational study of the National Assembly was carried out by the Directorate of Personnel Management in 1969 and looked into the grading of posts of Clerk Assistants. This study did not produce fruitful results and consequently, the grading and staffing problems of the National Assembly remained unresolved.

As a result of this, the Clerk of the National Assembly continued to make representations to the Directorate of Personnel Management requesting a review of the grading of staff and adequate staffing of the National Assembly.

20. Arising from the persistent dissatisfaction with the terms of service and the staffing problems in the National Assembly, the Directorate of Personnel Management undertook another organizational study in 1975. This study examined the organization and staffing needs of the National Assembly and conducted a job evaluation on the responsibilities involved in the duties performed by the Clerk Assistants. This study covered all divisions/sections of the National Assembly.

21. The last study on the operations, organizational structure and staffing of the National Assembly was carried out by the Directorate of Personnel Management in 1989. This study recommended substantial changes in the structure, staffing, and creation of some posts especially at senior levels. With regard to the functional re-organization, the study recommended the grouping of functions at the National Assembly into the following areas:

- (i) **Parliamentary Business** - responsible for Procedure, Order Paper, Questions, Motions, Bills, Votes and Proceedings and other Chamber duties.
- (ii) **Administration** - responsible for administrative and financial matters.

- (iii) **Committees** - responsible for House Keeping, Standing and Select Committees Matters.
- (iv) **Research** - responsible for journals, library and matters of International Conferences.
- (v) **The Speaker's Counsel** - Personal Assistant to the Speaker and legal officer of the Parliament.

22. The review addressed the problems of over-time and inadequate promotional opportunities especially in the Clerks' cadre and recommended payment of a **special compensatory allowance** at the rate of 20% of the basic salary for staff in Job Group 'H' and above who work in the Clerks, Hansard and Serjeant-at-Arms divisions. The Committee noted that payment of the **Special Compensatory Allowance** was introduced with effect from 1st July, 1990 and that this allowance was extended to the Catering and Library staff in Job Group "H" and above with effect from August, 1994. The rest of the staff in these five sections, who are on Job Group "G" and below, were to continue getting **overtime allowance**.

23. According to the Clerk of the National Assembly, the National Assembly has continued to experience a high staff turn-over especially among Hansard and Library staff, not withstanding the recommendations of the organizational review of 1989. This development was said to have come at a time when the National Assembly requires the services of these staff more than ever before.

CHAPTER II

ROLES AND CHALLENGES OF STAFF OF THE NATIONAL ASSEMBLY: 1990s AND BEYOND

Responsibility Over Parliamentary Functions

24. The National Assembly as an institution occupies an important position in the Government system. It embodies the Legislature which is one of the three arms of Government. The others are the Executive and the Judiciary as provided for in the constitution under the principle of "separation of powers".

25. The Legislature (Parliament) is responsible for the enactment of laws, approval of annual Government budgets, formulation of public policies, articulation of public interest and above all the provision of checks and balances.

26. The staff of the National Assembly are there to work for the institution and to provide services to the Members of Parliament individually and collectively to facilitate their functions in the house. The nature of their responsibilities are many and varied. They include briefing Members of Parliament on Standing Orders of the House, Parliamentary procedures, interpretation of the Speaker's rulings, carrying out research, and maintaining law and order apart from keeping records of Parliamentary proceedings (Hansard). In fulfilling these roles the staff of the National Assembly are expected to be professionally and technically qualified in their fields of

operation. In addition, there is need for a well planned career progression and a properly executed succession system.

27. In order to meet these challenges, there is need to make allowance for better future prospects to provide for continuity and retention of well trained and experienced officers of high integrity. There is also need for the staff to continue to project, protect and promote a positive image of the National Assembly.

The Changed Political Environment

28. The change from a single party to political pluralism in 1992 ushered in a change in the operational culture of the National Assembly. The staff operate in an atmosphere of competitive politics which requires impartiality when providing services to different party members. Furthermore, the staff are dealing with legislators of varying professional standing with high level of awareness and understanding. This situation has the direct implication and challenge in that the staff must re-double their abilities and capacity to cope with the new developments and assist to maintain and uphold the dignity and impartiality of the House.

Increased Number of Parliamentarians

29. The recent review of constituencies, which has increased the number of Members of Parliament from 200 to 222, is likely to increase the workload of the staff of the National Assembly. The sections that will be directly affected include the Clerks, the

Hansard, the Library and Catering which will require full strength of their staff establishment and capacity building in order to cope.

30. The increased number of Members of Parliament is a challenge to the staff of the National Assembly in light of the full range of services the staff are expected to provide in support of the operations of Parliament.

Computerization of Operations of the National Assembly

31. Modern institutional management requires efficiency and effectiveness in the collection, processing, analyzing, dissemination and storage of information. Given the nature of Parliamentary business and the need to provide up-to-date information, computerization of Parliamentary operations is imperative. The National Assembly needs to complete computerization of its activities, which include research and documentation, library services, internal networking, security services and other related activities.

32. Effective computerization is a direct challenge to the staff of the National Assembly in that they have to maintain a high degree of efficiency comparable to other Parliaments in the Commonwealth and elsewhere. Another challenge is the recruitment and retention of qualified computer personnel who will man the operations to meet the high demands of the National Assembly. This implies the need to provide adequate financing for the procurement of computers, software and training of the staff.

CHAPTER III

ORGANIZATIONAL STRUCTURE, DEPLOYMENT AND UTILIZATION OF STAFF

Organizational Structure

33. An organizational structure comprises components, positions, job duties and lines of authority. It represents a formal pattern of job designs which refers to processes, activities and inter-relationships among the various sub-units of an organization. The job designs are meant to satisfy both organizational goals and objectives and job satisfaction for the individual.

34. The National Assembly has an organizational structure that is composed of different cadres of personnel. The staff of the National Assembly are placed in the following main sections:

- (i) Clerk's Division
- (ii) Serjeant-at-Arms Division
- (iii) Hansard Division
- (iv) Catering Unit
- (v) Library Unit
- (vi) Personnel Unit
- (vii) Accounts Unit
- (viii) Supplies Unit
- (ix) Computer Unit

The Clerk's Division

35. The Clerk of the National Assembly is also the head of the Clerk's Division. The Clerks facilitate the legislative process by interacting with the legislators and providing the necessary inputs. The present authorized establishment and vacancy position of the Clerks of the National Assembly are as indicated in *Table 3.1*.

Table 3.1: Establishment Schedule for the Clerk's Division

Designation	JG	AE	In-Post	Variation
Clerk, National Assembly	S	1	1	
Deputy Clerk	P	1	1	
Principal Clerk Assistant	N	4	3	(-1)
Senior Clerk Assistant	M	5	5	
Clerk Assistant I	L	6	3	(-3)
Clerk Assistant II	K	4	2	(-2)
Clerk Assistant III/ Cadet Clerk Assistant	J	6	5	(-1)
Executive Officer II	J	1	1	
Executive Assistant	H	2	2	
Telephone Supervisor	G	1	1	
Drivers	E,F&G	8	6	(-2)
Telephone Operators	E&F	6	5	(-1)
Machine Operators	E&F	4	4	
Total Establishment	-	49	39	(-10)

Note: JG = Job Group
AE = Authorized Establishment

36. It is noted from the table that the vacant positions are 20 per cent of the authorized establishment. This must have some effect on

the efficiency and effectiveness of staff of the National Assembly especially at the levels of Clerk Assistants. The Committee recommends that *in order for the Division to perform effectively, the existing vacancies should be filled and the officers should be given specialized training in their areas of operation to ensure their optimal output and efficiency in providing services to the National Assembly.*

Serjeant-at-Arms Division

37. The Serjeant-at-Arms personnel are responsible for all ceremonies and for discipline both within the Chamber and Galleries of the National Assembly and throughout Parliament Buildings. Their duties include enforcement of all orders made by the Speaker. Additionally, they are also caretakers of the buildings with responsibility for maintenance and cleanliness, conducting organized tours for groups around Parliament Buildings and keeping members' attendance records. The Committee noted that the vacant positions are 27 per cent of the authorized establishment as shown in *Table 3.2.*

Table 3.2: Establishment Schedule for Serjeant-at-Arms Division

Designation	JG	AE	In-Post	Variation
Chief Serjeant-at-Arms	M	1	1	
Deputy Chief Serjeant-at-Arms	L	1	1	
Serjeant-at-Arms I	K	2	1	(-1)
Serjeant-at-Arms II	J	2	3	(+1)
Serjeant-at-Arms III	H	3	-	(-3)
Serjeant-at-Arms Assistant	G	3	1	(-2)
Senior Commissionaire	F	1	1	
Commissionaire	E	4	5	(+1)
Subordinate Staff	A-D	64	50	(-14)
Total Establishment	-	81	63	(-18)

Hansard Division

38. The Committee was informed that Hansard Editors and Reporters are responsible for making verbatim records of all proceedings of the National Assembly. This division has been experiencing very high personnel turnover. The Committee heard that majority of those who leave the service join the private sector and in particular Non-Governmental Organizations. On examination of the current establishment and vacant positions of the Hansard Division shown in *Table 3.3*, the Committee noted that the existing vacancies are 57 per cent of the authorized establishment. As there is need for more professionally and technically qualified personnel in this division, the Committee recommends that:

Table 3.3: Establishment Schedule for Hansard Division

Designation	JG	AE	In-Post	Variation
Hansard Editor	P	1	1	
Deputy Hansard Editor	N	1	1	
Senior Assistant Hansard Editor	M	3	2	(-1)
Assistant Hansard Editor	L	6	3	(-3)
Hansard Reporter I	K	9	2	(-7)
Hansard Reporter II	J	14	7	(-7)
Hansard Reporter III	H	4	1	(-3)
Technical Assistants (Electronics)	D,E,F&G	6	2	(-4)
Total Establishment	-	44	19	(-25)

- (i) *the existing vacancies should be filled;*
- (ii) *more personnel in this cadre be trained in the relevant skills; and*
- (iii) *better future prospects be provided to attract and retain officers in this cadre in the service.*

Catering Unit

39. The Committee was informed of the need to strengthen and modernize the Catering Unit which is responsible for provision of catering services to both Parliamentarians and staff. The Senior Catering Manager who heads the Unit is graded at Job Group "L". Details of the establishment and vacant positions of the Unit are shown in *Table 3.4*.

40. As can be noted from the table above, a number of vacancies exist in some key areas of the Catering Unit, including the Chef and Kitchen Attendants. These vacant positions are 17 per cent of the authorized establishment of the Unit. Given the existence of these vacancies, which are important supervisory positions, there is an urgent need to fill them.

Table 3.4: Establishment Schedule for Catering Unit

Designation	JG	AE	In-Post	Variation
Senior Catering Manager	L	1	1	
Catering Manager	K	1	-	(-1)
Food and Beverage Assistant I	J	1	-	(-1)
Food and Beverage Assistant II	H	1	1	
Chef	H	1	-	(-1)
Food & Beverage Assistant III	F/G	2	2	
Senior Cook	G	1	1	
Cook I	F	2	2	
Cooks II & III	E&F	4	4	
Waiters I, II & III	C,D&E	14	14	
Kitchen Attendants	A&B	2	-	(-2)
Total Establishment	-	30	25	(-5)

41. In his representation, the Clerk of the National Assembly expressed concern that Members of Parliament have constantly complained about the poor quality of service and indiscipline of the catering staff. The Clerk attributed this to poor selection and lack of proper training, among other factors. The Committee sought the views of the Clerk of the National Assembly on the possibility of contracting catering services to the private sector. He was rather

skeptical on such a proposal since the issue touches on the security at Parliament Buildings. But on suggestion by the Committee that the contract be given to Kenya Utalii College, the Clerk expressed his concurrence with the same as he considered it a better alternative. The Committee deliberated on this matter and recommends that *the National Assembly should consider the possibility of contracting its catering services to Kenya Utalii College.*

Library Unit

42. The Committee was informed that the National Assembly Library is highly specialized and has well over 6,000 books, 100 periodicals and more than 6,000 bound volumes covering various subjects. Thus, the library as the repository of information plays a very important role in keeping Members of Parliament, the Clerks and the public informed. The Committee noted that the National Assembly Library is currently headed by a Senior Librarian at Job Group "L", and that this Unit also experiences a high personnel turnover. On examination of the establishment as reflected in *Table 3.5*, it was observed that the vacant positions are 45 per cent of the authorized establishment. The Committee, therefore, recommends that:

Table 3.5: Establishment Schedule for Library Unit

Designation	JG	AE	In-Post Variation	
Senior Librarian	L	1	-	(-1)
Librarian I	K	1	-	(-1)
Librarian II	J	1	1	
Librarian III	H	3	2	(-1)
Library Assistants	G&H	5	3	(-2)
Total Establishment	-	11	6	(-5)

- (i) *all the existing vacancies should be filled;*
- (ii) *better future prospects be provided to attract and retain officers in this cadre in the National Assembly; and*
- (iii) *in view of the high demand for qualified librarians elsewhere (Universities, foreign missions, UN agencies and NGOs), the Government should urgently review the existing scheme of service for this cadre to attract and retain them in the Civil Service.*

43. The Committee noted that the Directorate of Personnel Management's Report of October, 1989 recommended the establishment of additional posts, including that of Principal Librarian, Job Group "M", which apparently have not been established to-date. More additional posts were to be considered when the National Assembly Library attained a high dimension of library services and all the approved posts fully utilized. Taking into account the foregoing, the new developments with regard to the Parliamentary committee system and the important role to be played by the Library in matters concerning research and information delivery, the Committee recommends that *the post of Principal Librarian, Job*

Group "M" be established and that the Directorate of Personnel Management (DPM) should be requested to consider increasing the establishment of Library staff in this Unit.

Personnel Unit

44. The Personnel Division, which is charged with the responsibility of handling personnel matters, is headed by a Senior Principal Personnel Officer, Job Group "P". This unit provides services to the staff of the National Assembly and Members of Parliament. The establishment and vacant positions are shown in *Table 3.6*.

45. An examination of the establishment and vacant positions indicates that the Unit is under staffed as the vacant positions are 21 per cent of the authorized establishment. The Committee's understanding is that this Unit also serves the Electoral Commission. The Committee, therefore, recommends that:

Table 3.6: Establishment Schedule for Personnel Unit

Designation	JG	AE	In-Post	Variation
Senior Principal Personnel Officer	P	1	1	-
Principal Human Resources Development Officer	N	1	-	(-1)
Principal Personnel Officer	N	1	-	(-1)
Chief Personnel Officer	M	1	-	(-1)
Executive Secretary	M	2	-	(-2)
Senior Personnel Officer	L	1	1	-
Personnel Officer I	K	1	1	-
Personnel Officer II/III	J	1	-	(-1)
Personnel Assistant	H	2	2	-
Shorthand Typists	G&H	12	11	(-1)
Senior Copy Typists	H	2	2	-
Copy Typists	F,G&H	14	12	(-2)
Clerical Officers	E,F&G	4	4	-
Total Establishment	-	43	34	(-9)

- (i) all the existing vacancies should be filled; and
- (ii) in view of this Committee's recommendation in another report (Electoral Commission, 1996) for the establishment of a separate Administrative Unit for the Electoral Commission, which includes a personnel section, the National Assembly Personnel Unit should only be concerned with National Assembly personnel matters.

Accounts Unit

46. The Committee noted that the Accounts Unit is responsible for all financial transactions and accounting matters of the National Assembly and the Electoral Commission by virtue of the Clerk of the National Assembly being the Accounting Officer for these two departments. The establishment position in the Unit is shown in *Table 3.7*.

Table 3.7: Establishment Schedule for Accounts Unit

Designation	JG	AE	In-Post	Variation
Accounts Controller	N	1	-	(-1)
Chief Accountant	M	1	1	
Senior Accountant	L	1	1	
Accountant I	K	2	2	
Accountant II	J	3	3	
Accounts Assistant	H	8	4	(-4)
Clerical Officers	E,F&G	40	40	
Total Establishment	-	56	51	(-5)

47. The Committee noted that the Accounts Unit has the largest number of clerical officers as compared to other Units of the National Assembly. The vacant positions are 9 per cent of the authorized establishment. The Committee noted that in its report of October, 1989, the Directorate of Personnel Management had observed that the unit appeared to be overstaffed and advised on the need to reduce or rationalize in certain sub-sections of the Unit. In view of the above observation and this committee's recommendation

in another report (Electoral Commission, 1996) for the creation of an Administrative Unit for the Electoral Commission which includes Accounts Section, the Committee recommends *that the Directorate of Personnel Management should carry out a review of the establishment of the National Assembly Accounts Unit to determine the appropriate levels of its staffing.*

Supplies Unit

48. The Supplies Unit of the National Assembly is a relatively small department compared to others especially in terms of staffing and functions. The Unit has the responsibility of assisting the National Assembly in matters of supplies and procurement. The establishment position of the Unit is shown in *Table 3.8.*

Table 3.8: Establishment Schedule for Supplies Unit

Designation	JG	AE	In-Post	Variation
Senior Supplies Officer	L	1	-	(-1)
Supplies Officer I	K	1	1	
Supplies Officer II	J	1	1	
Supplies Assistant	H	1	1	
Storemen	E,F&G	4	3	(-1)
Total Establishment	-	8	6	(-2)

49. The Committee noted that the vacant positions constitute 25% of the authorized establishment for the Supplies Unit. The Clerk of the National Assembly has proposed the creation of a post of Chief Supplies Officer, Job Group "M". Noting that the existing post of

Senior Supplies Officer, Job Group "L", remains vacant and in view of this Committee's recommendations in another Report (Electoral Commission, 1996) for creation of an Administrative Unit encompassing a Supplies Section for the Electoral Commission, the Committee recommends that *the Directorate of Personnel Management should carry out a review to determine appropriate establishment for this Unit.*

Computer Unit

50. As already noted in Chapter II of this Report computerization in the National Assembly is in progress and needs to be completed. The Committee observed that in its Report of October, 1989, the Directorate of Personnel Management examined the need for computerization of some of the Parliamentary operations and recommended the creation of the following posts:

Designation	No. of Posts
Chief Analyst/Programmer, Job Group "L"	1
Senior Systems Analyst/Programmer, Job Group "K"	1
Systems Analyst/Programmer, Job Group "J"	2
Computer Programmer, Job Group "H"	2
Assistant Programmer, Job Group "G"	1
Assistant Data Machine Supervisor, Job Group "G"	1
Senior Data Machine Operator, Job Group "F"	2
Data Machine Operator I/II, Job Group "D/E"	4
Total	14

51. The Committee noted that some of these positions have since been established but have not been filled to date as shown in *Table 3.9*. However, the Clerk of the National Assembly informed the Committee that the Ministry of Finance has attached three (3) computer personnel to the National Assembly and that it has not been possible to deploy more personnel to this unit due to their acute shortage in the Service.

Table 3.9: Establishment Schedule for Computer Unit

Designation	JG	AE	In-Post	Variation
Chief Systems Analysts/Programmer	L	1	-	(-1)
Senior Systems Analysts/ Programmer	K	1	-	(-1)
Systems Analysts/ Programmer	J	2	-	(-2)
Computer Programmer	H	2	-	(-2)
Senior Data Machine Operator	F&G	1	-	(-1)
Key Punch Operator	D&E	4	-	(-4)
Total Establishment	-	11	-	(-11)

52. The Committee, therefore, recommends that *all the existing vacancies in the Computer Unit of the National Assembly should be filled and urges the Permanent Secretary, Treasury, to instruct the Director of Computer Services to expedite the exercise.*

Grading and Re-Grading of Staff

53. The grading structure of staff of the National Assembly follows the system in the Civil Service. The Committee noted that in the present structure there is a wide gap between the Clerk of the

National Assembly and his Deputy. While the Clerk is on Job Group "S", the Deputy Clerk is on Job Group "P", a difference of two job groups. In addition, the Deputy Clerk, now aged 54, is just about to retire from the service leaving the next officer in command at Job Group "N". The Clerk who is aged 52 is also about to retire from the service.

54. In his representation to the Committee, the Clerk of the National Assembly had proposed for the creation of an additional post of Deputy Clerk at Job Group "P", to be in-charge of Finance and Administration. However, the Committee noted with concern that the wide gap between the Clerk and his deputies was still maintained in the new organizational and salary structure proposals.

55. In order to allow for planned management succession, to bridge the existing structural gap, and to improve on coordination of functions in anticipation of increased responsibilities, the Committee recommends that:

- (i) *suitable officers should be identified to understudy the Clerk and the Deputy Clerk of the National Assembly in preparation for smooth and effective succession in view of the impending retirements of the incumbents; and*
- (ii) *instead of the proposed additional post of Deputy Clerk, Job Group "P", a new post of Senior Deputy Clerk, Job Group "R", should be created for efficient coordination and to bridge the gap between the Clerk of the National Assembly and his Deputies as shown in Table 3.10.*

56. The Terms of Reference for the Committee Members required the Committee to examine the existing structure of salaries, allowances and related fringe benefits for the staff of the National Assembly and recommend changes taking into account the need to provide incentives that would attract and retain qualified personnel. The Committee is of the view that this can be achieved by, among other measures, **up-grading** the staff of the National Assembly. The Committee, therefore, recommends that *all the staff serving in the National Assembly should be up-graded by one Job Group as shown in Table 3.10.*

Table 3.10: Recommended Up-Grading of Posts

<i>Designation</i>	<i>Current Grade</i>	<i>Proposed Grade</i>
Clerk of National Assembly	S	T
Senior Deputy Clerk (New)	-	R
Deputy Clerk	P	Q
Hansard Editor	P	Q
Senior Principal Personnel Officer	P	Q
Deputy Hansard Editor	N	P
Principal Personnel Officer	N	P
Accounts Controller	N	P
Principal Clerk Assistant	N	P
Senior Clerk Assistant	M	N
Chief Accountant	M	N
Senior Assistant Hansard Editor	M	N
Executive Secretary	M	N
Chief Personnel Officer	M	N
Chief Serjeant-at-Arms	M	N
Chief Systems Analyst/Programmer	M	N
Clerk Assistant I	L	M
Assistant Hansard Editor	L	M
Deputy Chief Serjeant-at-Arms	L	M

Table 3.10 (Contd)

Senior Personnel Officer	L	M
Senior Personal Secretary	L	M
Senior Supplies Officer	L	M
Senior Librarian	L	M
Senior Catering Manager	L	M
Senior Accountant	L	M
Senior Systems Analyst/Programmer	L	M
Personal Secretary I	K	L
Accountant I	K	L
Librarian I	K	L
Serjeant-at-Arms I	K	L
Clerk Assistant II	K	L
Hansard Reporter I	K	L
Catering Manager	K	L
Supplies Officer I	K	L
Personnel Officer I	K	L
Systems Analyst/Programmer I	K	L
Librarian II	J	K
Serjeant-at-Arms II	J	K
Hansard Reporter II	J	K
Clerk Assistant III	J	K
Food and Beverage Assistant I	J	K
Personnel Officer II	J	K
Executive Officer II	J	K
Systems Analyst/Programmer II	J	K
Supplies Officer II	J	K
Personal Secretary II	J	K
Accountant II	J	K
Supplies Assistant	H	J
Senior Copy Typist	H	J
Executive Assistant	H	J
Senior Library Assistant	H	J
Chef	H	J
Personnel Assistant	H	J
Food and Beverage Assistant II	H	J
Computer Programmer III	H	J
Hansard Reporter III	H	J

Table 3.10 (Contd)

Librarian III	H	J
Accounts Assistant	H	J
Serjeant-at-Arms III	H	J
Shorthand Typist I	H	J
Library Assistant I	G	H
Senior Technical Assistant	G	H
Assistant Librarian	G	H
Telephone Supervisor	G	H
Senior Cook	G	H
Food and Beverage Assistant III	G	H
Copy Typist I	G	H
Senior Driver	G	H
Shorthand Typist II	G	H
Assistant Hansard Reporter	G	H
Serjeant-at-Arms Assistant	G	H
Senior Clerical Officer	G	H
Senior Storeman	G	H
Senior Data Machine Operator	G	H
Storeman I	F	G
Cook I	F	G
Data Machine Operator I	F	G
Technical Assistant	F	G
Driver I	F	G
Library Assistant II	F	G
Senior Commissionaire	F	G
Copy Typist II	F	G
Higher Clerical Officer	F	G
Waiter I	E	F
Commissionaire	E	F
Cook II	E	F
Key Punch Operator	E	F
Storeman II	E	F
Technical Assistant II	E	F
Driver II	E	F
Telephone Operator	E	F
Clerical Officer	E	F
Machine Operator II	E	F

Table 3.10 (Contd)

Cook III	D	E
Waiter II	D	E
Driver III	D	E
Senior Subordinate Staff	D	E
Subordinate Staff I	C	D
Waiter III	C	D
Subordinate Staff II	B	C
Kitchen Attendant	B	C
Subordinate Staff III	A	B

Parliamentary Counsel

57. The Committee noted that the Directorate of Personnel Management had, in its Report on the Review of the Operations, Organization and Structure and Staffing of the National Assembly of October, 1989, recommended the creation of a post of Speaker's Counsel to be graded then at Job Group "P". The Speaker's Counsel was supposed to handle all matters relating to Mr. Speaker's Chambers in liaison with other sections in Parliament. The Committee noted that the post of Legal Counsel was created by the Directorate of Personnel Management at the request of the National Assembly, but the Attorney-General has not been able to identify an officer for secondment to the National Assembly due to shortage of Legal Officers in the Service.

58. The Committee held a discussion with the Speaker of the National Assembly who reiterated the need to appoint a Legal Counsel and pointed out that the appointment of this officer was overdue. He further pointed out that this lack of Legal Counsel for

the National Assembly has led him to play the dual role of Speaker and Legal Advisor.

59. The Committee strongly feels that there is an urgent need for appointment of the Legal Counsel without further delay. The Committee, therefore, recommends that *in addition to the existing Legal Officer's post, a Parliamentary Counsel's post should be established in the National Assembly at a level equivalent to Job Group "S", and that the Parliamentary Counsel should head the new Legal Unit in the Speaker's Chambers.*

Training and Re-Training of Staff

60. It is imperative that every organization must train its staff in order to improve their skills, knowledge and to inculcate them with the right attitudes. This training may take place at three different levels namely, induction before deployment, in service and on-the-job.

61. The Committee received representations from the Clerk of the National Assembly indicating that some of the officers have been trained in at least one or several courses including on-the-job attachments to Parliaments in other Commonwealth countries. The Clerk, in his verbal submissions, however, requested that his training vote be enhanced to facilitate more training programmes to increase professionalism in the staff. However, the Committee observed that while the management expressed desire to improve efficiency and effectiveness through training at various levels, there was no

evidence of any training strategies and programmes proposed which were either not carried out due to lack of resource allocation or other related reasons. The Committee, therefore, recommends that *a Principal Human Resources Development Officer should be posted to the National Assembly to take charge of training and skills development needs of the institution.*

Motivation

62. The Clerk of the National Assembly made representations that his staff work under strenuous circumstances which involve working longer hours. He was, therefore, of the view that they should be motivated with better remuneration and improved terms and conditions of service.

63. The Committee deliberated on the subject of motivation of personnel as one of the important factors contributing to the improvement of productivity of an institution. The staff may be motivated in many ways including, setting up a conducive organizational structure for upward mobility, rewarding good performance, availing training and re-training opportunities, and providing commensurate remuneration in terms of salaries and fringe benefits.

64. Looking at the totality of the organizational structure for the National Assembly staff, the Committee feels that while its recommendations in these areas should be implemented as a matter of urgency, they may not provide a permanent and lasting solution

to the structural problems of the staff of the National Assembly. This is in view of the increased workload as a result of added responsibilities and structural changes. The Committee, therefore, recommends that *the Government, through the Directorate of Personnel Management, should carry out a study of the organizational structure with a view to determining the ideal staff establishment for the National Assembly.*

CHAPTER IV

ECONOMIC BACKGROUND AND DETERMINANTS OF SALARIES AND FRINGE BENEFITS

Economic Background

65. This Chapter highlights the recent economic trends in the country against which the review of terms and conditions of service for the staff of the National Assembly is undertaken.

Trend of Economic Growth

66. The Kenyan economy has witnessed mixed performances since Independence. In the period 1964 to 1971, real Gross Domestic Product (GDP) grew at an average of 6.5 per cent per annum. This was as a result of higher agricultural output through expansion in area under agriculture; redistribution of agricultural land; an industrialization strategy based on import substitution and public sector participation in manufacturing. However, this slowed down remarkably during the oil crisis of 1972 and 1979, which pushed up the cost of imported inputs and raw materials that the economy relies on.

67. In the early 1980s, a period when the most severe drought was experienced, GDP growth rate remained below 5 per cent, reaching an all time low of 1 per cent in 1984. Prevailing structural

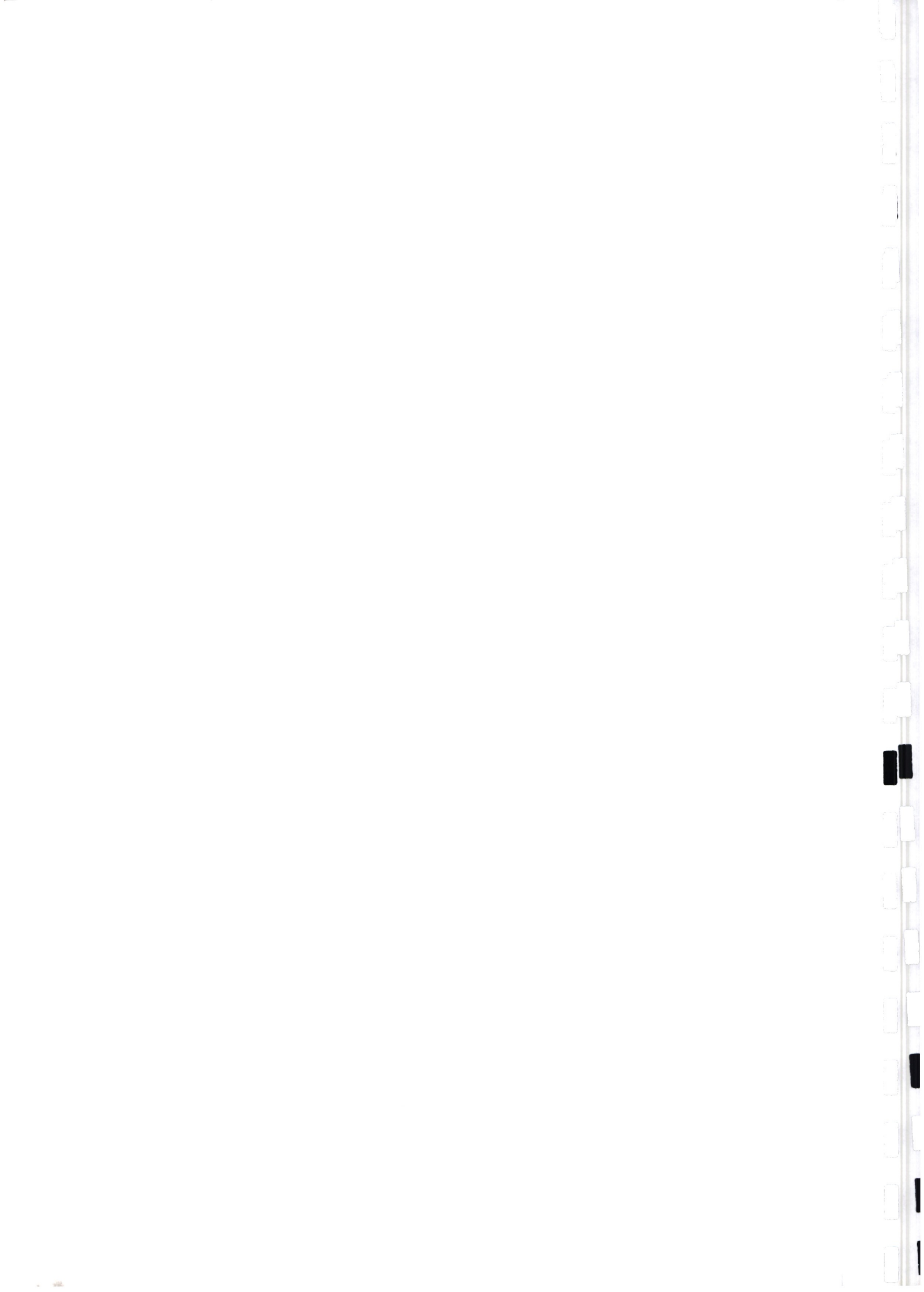
rigidities also contributed towards the poor performance. During the second half of 1980s, the economy improved mainly as a result of good economic management by the Government coupled with relatively good weather (1985-86) and the introduction of some elements of Structural Adjustment Programmes (SAPs) as contained in *Sessional Paper No.1 of 1986, on Economic Management for Renewed Growth*.

68. From 1990, the rate of growth of GDP declined progressively, recording a mere 0.2 per cent in 1993, the lowest since independence. Signs of recovery, however, are now evident as the economy has registered an upturn since 1994.

Performance of the Kenyan Economy, 1991-1995

69. The improvement of the living standards of Kenyans calls for significant increases in real per capita incomes which can only be achieved through sustained economic growth. Economic growth during this period was influenced by a number of external and domestic factors.

70. The world economy has grown slowly in the 1990s particularly in the industrialized countries. This slow down affected the demand for Kenyan products and has resulted in low foreign exchange earnings, which the country depends on for importation of industrial machinery and inputs. The Gulf War of 1991 led to United Nations placing an embargo on Iraqi's crude oil, which resulted in a push of the prices up to US\$ 40 per barrel. In 1991,



the donor community withdrew the balance of payments support to Kenya which adversely affected the economy.

71. The Government of Kenya intensified the Structural Adjustment Programmes started in the later part of 1980s. This was aimed at reviving rapid economic growth to generate incomes and hence alleviate poverty. The emphasis during this period has been on pursuing strict monetary policy, budget rationalization, privatization of parastatals, promotion of private sector investment, recovery of agricultural production, liberalization of foreign exchange, and promotion of investments and exports. Some of the reform measures have had negative short-term impact, such as reduction in domestic production caused by removal of high rates of protection.

72. Other factors that affected the economy adversely included multi-party elections of 1992, which created elements of uncertainty that affected tourism, investment and industrial production. This was compounded further by expansion in money supply between 1990 and 1993 and the drought during the same period. However, many of the reform measures have achieved or are achieving the desired effects on the economy. The trend has now been reversed partly as a result of commitment to reform programme and favourable weather.

73. As detailed in *Table 4.1* the performance of the economy hinges upon growth in the agricultural sector which forms the

backbone of our economy. The growth of manufacturing remained positive during this period albeit slower than projected.

Table 4.1: Real Growth of Gross Domestic Product-Selected Sectors, 1990-95

	<i>Percentages</i>					
	1990	1991	1992	1993	1994	1995
Total GDP	4.2	2.1	0.5	0.2	3.0	4.9
<i>Selected Sectors:</i>						
Agriculture	3.4	-1.1	-3.7	-4.1	2.8	4.8
Manufacturing	5.2	3.8	1.2	1.8	1.9	3.9
Government Services	4.4	3.6	2.4	2.1	1.1	1.8

Source: Central Bureau of Statistics

74. The growth of money supply during the period 1995-96 was maintained within the specified target range of 15 per cent. This was a decline by approximately 3 per cent from 18 per cent recorded in 1994-95. The decline can be attributed to the tight monetary policy instituted to check resurgence of inflation experienced in the 1993 period.

75. Tight fiscal and monetary policies, favourable weather conditions which resulted in an abundant harvest in 1994, concomitantly with a further lowering of VAT explained the slow down in inflation. Though inflation continued to decline during the 1994-95 period, interest rates have remained fairly high which can be attributed to the open market operations (OMO) by the Central

Bank and the recovery of economic activity that has resulted in an increase in demand for credit.

76. The shedding of non-essential Government services has been done hand in hand with the liberalization of the economy. The Government has either completely divested its holdings or reduced its shares in a total of 140 out of 207 enterprises planned for divestiture. Import controls were revoked in 1993 while price controls on all commodities were removed. The labour market has also been partially liberalized by relaxing the wage guidelines on redundancies to allow companies to lay-off some of their employees.

Savings

77. Mobilization of both domestic and foreign savings for productive investments is a pre-requisite to economic growth and subsequent attainment of sustainable development. In Kenya, the main source of investment finance is private domestic savings, government savings and foreign savings which come into the country in the form of grants, net lending or direct foreign equity investment.

78. The fall in real wages and slow growth in employment in Kenya can be attributed to the low levels of savings and investment. Raising the level of net investment is therefore necessary for the country to make a positive impact on the problems of unemployment, falling incomes and poverty.

79. The portion of gross investment necessary to make up for depreciation in real terms has stagnated since 1982. Net investment as a proportion of GDP has been between a quarter to a half its level in the preceding decade. However, as a result of the improved performance of the economy, the rate of real fixed investment has steadily increased in the last two years with real private investments growing by 54.4 per cent in 1995.

Employment

80. One of the main objectives of Kenya's aspirations for accelerated economic development has been the creation of employment for the rapidly growing labour force. With liberalization, the emphasis is for the Government to create an enabling environment for the private sector to create the bulk of jobs for the labour force.

81. The Government has in the recent past endeavoured to promote informal sector development through measures contained in *Sessional Paper No.2 of 1992 on Small Enterprises and Jua Kali Development in Kenya*. As detailed in *Table 4.2*, the total number of persons engaged rose by 61 per cent between 1990 and 1995 while that of wage employment only increased by 10.5 per cent during the same period. Thus, the bulk of employment occurred in the informal sector.

Table 4.2: Wage Employment by Sector 1990-1995

(000)

	1990	1991	1992	1993	1994	1995
Private Sector	709.6	726.6	768.4	789.5	817.2	867.0
Public Sector:						
Central Government	273.4	273.7	269.0	267.9	259.3	250.8
Other Public Sector*	426.1	441.4	424.7	418.1	429.0	439.2
Total Wage Employment	1,409.1	1,441.7	1,462.1	1,475.5	1,505.5	1,557.0
Total Persons Engaged**	2,395.0	2,557.1	2,753.4	2,998.2	3,356.2	3,858.6

* Employees covered here include those in the Teachers Service Commission, wholly owned and 51 per cent Government owned corporations and local government.

** Total persons engaged include the self-employed and unpaid family workers and those in the informal sector, excluding employment in small scale agriculture and pastoralism activities.

Earnings

82. Kenya's employment problems have increased to enormous proportions particularly in the 1990s. Unemployment and under-employment are now widespread in the urban as well as rural areas. Total wage earnings by sector as reflected in *Table 4.3*, rose to K£ 5,303.7 million in 1995 compared to K£ 2,649.0 million in 1991.

83. As observed from *Table 4.3*, significant slow down in public sector employment has resulted in its wage bill being lower than that of the private sector since 1992. The expansion of the total wage

bill between 1994 and 1995 was mainly due to a 25.8 per cent total wage increase effected by the private sector to compensate their workers as well as a significant increase in employment in that sector.

84. Similarly, during the recent past, average earnings for employees of institutions under government's majority control, have been higher than average earnings for other categories of public employees. This is also true for average earnings in the private sector which have been higher than the corresponding earnings for workers in the public sector in the seventies. For instance, in the seventies a government worker earned between 11 to 16 per cent more than the private sector worker. In 1995, estimated real average earnings in the private sector was K£ 742.1 per annum compared to K£ 671.1 for Central Government. This means that, today, private sector workers earn approximately 11 per cent more than Government workers. This phenomenon has come as a result of the macro-economic difficulties experienced in the eighties, when the country was faced with mounting resource constraints.

85. The combination of falling government revenues and increasing government employment at the time meant that real earnings had to fall. Presently, it has fallen to the extent that wage income alone is no longer sufficient to sustain a vast number of wage earners and households.

Table 4.3: Estimated Total Wage Payment by Sector 1991-1995

(K£ Millions)

	1991	1992	1993	1994	1995
Private Sector	1295.9	1573.5	1896.2	2314.9	3054.0
Public Sector					
Central Government	556.2	619.8	660.4	707.1	798.8
Other Public Sector	796.9	855.6	941.0	1,195.5	1,450.9
Total Private & Public Sector	2,649.0	3,048.9	3,497.6	4,217.5	5,303.7

Source: Central Bureau of Statistics

Consumer Prices and Inflation

86. The trends of the Revised Nairobi Consumer Indices for the lower, middle and upper income groups for the period 1990-1995 are depicted in *Table 4.4*. Movement in the indices underscores the upward trend in the rate of inflation which peaked in 1993 and has assumed a declining trend since the second half of 1994. This is explained by the appreciation of the Kenya Shilling against major currencies, increased inflow of foreign exchange and restrictive measures to contain expansion of money supply.

Table 4.4: Nairobi Revised Consumer Price Index by Income Group, 1990-95

Base: Feb/March 1986=100

	1990	1991	1992	1993	1994	1995
Lower Income Group	158.74	190.20	246.40	359.24	463.47	467.14
Middle Income Group	177.99	211.70	256.60	374.32	478.79	498.02
Upper Income Group	174.09	208.66	242.81	372.14	485.83	504.51

Source: Central Bureau of Statistics.

87. Despite the low rate of inflation experienced in 1994 and 1995, the prices of virtually all commodities more than doubled between 1991 and 1994 without corresponding increases in real wages.

Balance of Payments

88. Kenya's exports are dominated by a few agricultural commodities, i.e. coffee, tea and horticulture. Major imports on the other hand comprise of crude oil, industrial machines and industrial inputs. The effect of import liberalization policies has led to increases in the value of imports, without a corresponding growth in export earnings. This has resulted in balance of trade deficits. To reduce this deficit, it is necessary to increase the volume of exports particularly non-traditional commodities and exports of manufactured

goods to the African region. The performance in balance of payments for the last five years is presented in *Table 4.5*.

Table 4.5: Balance of Payments, 1991 - 1995

	<i>K£ Million</i>				
	1991	1992	1993	1994	1995
Merchandise Account	-885.5	-951.2	-890.8	-785.3	-1964.8
Current Account Balance	-289.5	-157.3	287.8	291.1	-1019.9
Overall Balance	-143.3	-433.0	1284.8	264.8	-368.9

Source: Central Bureau of Statistics.

89. While an overall balance of payment surplus of K£ 1,284.8 million and K£ 264.8 million was realized in 1993 and 1994 respectively, as opposed to deficits recorded for the previous two years, a deficit of K£ 368.9 million was recorded in 1995. In 1993 a current account surplus of K£ 287.8 million was recorded, the first surplus since 1977. The impressive upturn is attributable to good performance in the export and tourism sectors, continued liberalization of import licensing, promotion of exports of non-traditional commodities and improved inflow of donor aid. Positive performance in the overall balance of payments in 1993 and 1994 was however, not sustained in 1995, because of the large deficit in the current account. This situation was attributed to substantial growth in import of goods, a reflection of the liberalized trade and exchange system.

Financing of Central Government Operations

90. Prior to 1992, public expenditure was growing faster than revenue. During 1993/94, expenditure grew by 47.6 per cent while revenue grew by 27.8 per cent. Tight control over expenditure has reversed this trend, which is in line with the policy of reducing the budget deficit. In 1995/96, ordinary revenue grew by 16.3 per cent while expenditure rose by 12.6 per cent.

91. As indicated in *Table 4.6*, Government revenues and expenditures have averaged 30 per cent and 29 per cent of GDP respectively, over the period 1991/92 to 1995/96. This indicates a close relationship between economic performance and the level of revenues on the potential impact of Government expenditures on the economy.

92. Large budget deficits financed by internal borrowing will crowd out the private sector from the domestic credit market. The Government deficit inclusive of grants as a percentage of GDP was reduced from 3.0 per cent in 1991/92 to 0.3 per cent in 1995/96. This has been achieved despite the fact that domestic interest payments have been larger than anticipated.

93. During the reform programme, public expenditures have been rationalized with the aim of increasing budgetary allocations to Government's basic functions of maintaining law and order; administration of justice; financing broad-based education and health services; providing economic infrastructure; supporting agricultural

Table 4.6: Selected Items of Government Budget Out-turn (% of GDP)

	91/92	92/93	93/94	94/95	95/96
Revenue & Grants	26.5	25.5	30.0	29.6	30.2
Expenditure & Net lending:	29.5	35.6	37.2	30.6	30.4
Recurrent	23.9	29.2	30.3	23.9	24.4
Wages & Salaries	9.0	9.3	9.0	9.7	9.2
Interest	6.3	11.9	13.2	7.2	7.4
Other	8.6	7.9	8.0	7.0	7.8
Development	5.6	6.4	7.0	6.7	5.8
<i>Deficit</i>	<i>3.0</i>	<i>8.2</i>	<i>7.1</i>	<i>0.9</i>	<i>0.3</i>
Financing:					
Foreign	0.1	2.2	0.2	(1.0)	(0.0)
Domestic	2.9	6.0	6.9	2.0	(0.4)
Privatization					0.8
GDP (KShs. million)	238,690	288,111	352,309	441,260	501,290

research and extension and protecting the environment. Similarly, development expenditures have been increased with specific focus on full funding of high priority core projects. At the planning stage, the Government has improved the project selection criteria before they are introduced in the Public Investment Programme (PIP). This is aimed at ensuring consistency in resource allocation and a linkage between planning and expenditure allocation.

94. There is a pressing need to gradually reduce the level of domestic debt which has created an unsustainable burden on the budget. Interest payments have averaged to the level of 9 per cent

of GDP over the period 1992 to 1996 while development expenditures over the same period averaged 6.3 per cent.

95. During the period 1992 to 1996, wages and salaries constituted, on average, 9 per cent of GDP, while expenditure allocations on operations and maintenance averaged 8 per cent during the same period. The current Government focus is to increase budgetary allocation to operations and maintenance to a minimum of 22 per cent of total recurrent expenditure exclusive of interest payments. It is noteworthy that, as a percentage of total expenditure, wages and salaries declined to 30 per cent in 1995/96 from 32 per cent in 1994/95. The Government fiscal policy is to increase revenues and concomitantly reduce expenditure with a target of lowering the ratio of the budget deficit to below 2.2% of GDP by end of fiscal year 1996/97.

Current Situation and Outlook

96. In 1995, economic expansion in the Organization of Economic Cooperation and Development (OECD) slowed down but the underlying economic indicators remained generally good. Low rates of inflation were recorded, interest rates fell and all countries in the region were pursuing policies that will further contain the rate of inflation growth. It is anticipated that growth in OECD area would pick up steadily to record projected growth rates in GDP of 2.5 per cent and 2.8 per cent in 1996 and 1997 respectively, if these favourable conditions and increased world trade persist.

97. The economies of Germany and Japan, who are Kenya's major trading partners, were also expected to improve in 1996.

98. In the domestic scene, agricultural output grew significantly in 1995 by 4.8 per cent. This upward trend was expected to be maintained in 1996, especially with continued liberalization of the agricultural sector.

99. The manufacturing sector recorded an increase of about 4 per cent in 1995, the highest level attained since 1991. The share of the sector in GDP rose from 13.6 per cent in 1994 to 13.8 per cent in 1995. This improved performance was as a result of adequate supply of agro-based raw materials and availability of foreign exchange. Further growth is expected from industrial technological changes, expansion of markets, particularly with the revival of East African Co-operation, as well as benefits derived from existing Government initiatives.

100. A slower growth was reflected in the construction sector, attributable to a slowdown in public sector building activity. However, a rise in number of approved building plans and increased output of cement pointed to a brighter performance for the sector in 1996.

101. The financial sector has undergone major reforms. The sector expanded rapidly in 1995 and is expected to grow further with continued reform measures e.g. improvement of Central Bank of

Kenya's technical capacity to intervene in domestic money and foreign exchange markets.

102. Although balance of payments recorded a deficit in 1995, with Kenyan exports being diversified, coupled with increases in the export share to African countries, the position is likely to improve. The return of investor confidence, reflected in recent greater repatriation of investable funds held by Kenyans abroad and other capital inflows, is another factor that will have a positive impact on the balance of payments.

103. Savings and investment grew more slowly in 1995. The enactment of Foreign Investment Protection Act is expected to spur growth in the private sector by releasing resources for investment. This will be reinforced further by the recent relaxation of rules pertaining to foreign investors in the Nairobi Stock Exchange and Government's repeal of the Exchange Control Act.

104. Foreign exchange earnings from the tourism industry are expected to recover especially with the anticipated recovery of the world economy.

105. Total employment rose from 3.4 million persons in 1994 to 3.9 million persons in 1995 and is expected to improve in the future. Recovery of employment in both modern and informal sectors is attributed to improved economic conditions that have prevailed since 1994.

Changes in Productivity

106. The subject of productivity is a complex one especially in the service sector. Productivity may be defined in general terms as the ratio of output to input and is viewed in the sense of the amount of goods produced and the amount of resources used in the course of production which may be a combination of materials or plant, machines and tools or the services of men and women in an organization or establishment. The country's economic performance, reward and incentive systems depend on the growth of employment, Gross Domestic Product and labour productivity.

107. The performance of the Kenyan economy during the period 1991 to 1996 shows that the country has maintained good performance in GDP output. However, the effects of the Structural Adjustment Programmes are yet to be assessed in the light of recent changes in consumer prices, retrenchments and redundancies in the labour markets. This calls for extra caution in the determination of salaries, allowances and fringe benefits, particularly in view of the fact that sufficient employment growth will require a comprehensive transformation of the economy based on a firm strategy to mobilize all available resources. It is, however, estimated that during the period 1996-2010, employment growth should average 4.3 per cent annually if near full employment condition is to be realized.

108. Under the Wage Guidelines workers should be adequately compensated for increases in productivity so long as the economy grows. This productivity compensation is normally determined on

the basis of GDP output growth per capita over the period under review, i.e. 1991-96. During the period, GDP per capita (i.e. implicit labour productivity) increased by 1.5% per annum making a total of 9% for the whole period under review. Ideally, this figure is supposed to be added to the compensation for the permissible cost of living to make the total maximum compensation allowed under the Wage Guidelines.

Changes in Cost of Living

109. The Consumer Price Index (CPI) is a measure of the average change in the prices paid by urban consumers and selected municipalities or urban centres for a fixed basket of goods and services. The CPI, often referred to as the 'cost of living index' is calculated on monthly basis for three (lower, middle and upper) income groups. These income groups of urban households derive their primary source of income from their employment, that is, wage and salary earnings, etc.

110. Changes in real incomes may be monitored by studying changes in both urban and rural consumer price indices that are designed to show changes overtime in the selected goods and services representative of the consumption habits of the population particularly the employed. However, the Revised Nairobi CPI has also been used to be a representative of changes in rural prices. In this respect, the cost of living indices which are a measure of the inflationary trends becomes an important instrument in the review of the salary and other terms and conditions of service for employees.

As a policy measure, the CPI is used to assess changes in household's cost of living and to adjust incomes or other compensatory payments to households, including wages, salaries, allowances and pensions.

111. As already mentioned elsewhere, the cost of living indices are essential statistics for measuring changes in the cost of goods and services purchased by people who are under various income groups as well as assessing changes in the real wages of different categories of wage earners, thereby acting as general guidelines for broad economic policy in the area of incomes.

112. From *Table 4.4* it is clear that the Consumer Price Index for all income groups rose more than five times their levels in 1986. This means that over the last 10 years the cost of living has increased five fold as a result of high rate of inflation. The inflation rate declined from 46.0 per cent in 1993 to 28.8 per cent in 1994 and further to 1.6 per cent in 1995. *Table 4.7* presents the inflationary trend between 1991 and 1995 and an estimate for 1996.

113. Arising from this, it is evident that in order to compensate fully for these increases the low income group would need a compensation of not less than 132.8%, middle income group 127.0% and the high income group 132.1%. Overall, all income groups need to be compensated for consumer price increases to the extent of not less than 132 per cent subject to the interpretation of the current wage guidelines.

apportioned as appropriate to other fringe benefits such as leave allowance, accommodation allowance, subsistence allowance, commuter allowance, etc.

CHAPTER V

SALARY AND OTHER TERMS AND CONDITIONS OF SERVICE

Introduction

115. The Clerk of the National Assembly made verbal and written submissions on the need for a review of the salaries and other terms and conditions of service for the staff of the National Assembly. He also briefed the Committee on the recommendations of the Speaker's Committee, which is responsible for the welfare of staff of the National Assembly. He informed the Committee that the staff of the National Assembly have a peculiar and unique working environment as they are required to continuously interact with Members of Parliament in the course of their duties and are always under pressure and strain.

116. In his submissions, the Clerk of the National Assembly stated that there is a problem in attracting and retaining qualified staff in the National Assembly. He explained that there has been a high turn-over of Hansard Editors/Reporters and Librarians/Library Assistants which he attributed to low remuneration, lack of promotion opportunities and strenuous working environment. The Clerk urged the Committee to review the terms and conditions of service of the staff of the National Assembly upwards to facilitate attraction and retention of qualified personnel.

117. The Clerk of the National Assembly submitted that the issue of financial independence and an autonomous Parliamentary Service had been extensively discussed at the sittings of the Speaker's Committee. Additionally, the same issue had been brought to the attention of all past salary review commissions and committees that dealt with the Civil Service i.e. the Ndegwa (1971), Waruhiu (1979), Ramtu (1985) and Mbithi (1990/91), but no specific recommendations were made in this regard. The argument by the Clerk of the National Assembly in support of an autonomous Parliamentary Service is that such autonomy will facilitate creation of attractive terms and conditions of service, which would allow the National Assembly to recruit, develop and plan proper utilization of its personnel without losing them to other institutions.

118. The Committee was informed that the Speaker's Committee's sitting on 13th December, 1995, recommended under Minute 6/95 that instead of paying honoraria to staff of the National Assembly who perform extraneous work, they should be paid an enhanced Special Compensatory Allowance at the rate of 55% of their basic salary. The Clerk of the National Assembly used that recommendation in his proposal to enhance the salary base to cover the extraneous work.

Salaries

119. The Clerk of the National Assembly submitted that, like in most Commonwealth countries, the role of Parliament has shifted from being a chamber for debates only and assumed an additional

role of imparting knowledge to legislators and the public. This shift has caused changes in staffing, structure and procedures of the operations of Parliament, and that as a result of these structural modifications, Parliament is shifting towards extensive use of select committees.

120. These new developments have shifted the work-load and the functions of the Legislature from the floor to the intensive and extensive study in the Committee Rooms. It is, therefore, necessary for Parliament to have personnel with the requisite skills and experience to enable it cope with its new roles and deal with legislators who are now more academically and professionally advanced.

121. The Clerk of the National Assembly also submitted that there is an increased work-load in the National Assembly. This increase in work-load has been caused by the shift in the role of Parliament and the expanded responsibilities by virtue of the Clerk of the National Assembly being the Accounting Officer of both the National Assembly and the Electoral Commission. The advent of multi-partyism has also increased the work-load of the staff of the National Assembly.

122. The Clerk of the National Assembly submitted proposals for new Parliamentary salary scales for the staff of the National Assembly as indicated in *Table 5.1*. These salary scales are outside the Civil Service salary structure and are longer in progression. The Clerk of the National Assembly submitted that the reason why these

salary scales are longer than those in the Civil Service is to enable officers to progress through annual increments for a long time before reaching the maximum of their respective scales.

Table 5.1 Current and Proposed Salary Scales (by National Assembly) for the Staff of the National Assembly

Current Civil Service Scales		Proposed Scales by National Assembly	
Job Group	Salary Scales (K£) p.a.	Salary Scales (K£) p.a.	
S	12,540 - 15,813	Parliament Scale 1	23,147-32,665
P	8,937 - 11,469	Parliament Scale 2 & 3	17,776-25,384
N	7,872 - 10,893	Parliament Scale 3	15,712-23,320
M	6,918 - 9,837	Parliament Scale 4	13,852-19,655
L	5,694 - 8,127	Parliament Scale 5	12,201-21,137
K	4,827 - 7,140	Parliament Scale 6	10,722-18,558
J	4,092 - 6,066	Parliament Scale 7	8,825-12,710
H	3,435 - 5,157	Parliament Scale 8	7,481-12,643
G	2,505 - 4,662	Parliament Scale 9	5,324- 9,155
F	1,947 - 3,021	Parliament Scale 10	3,882- 6,980
E	1,668 - 2,505		
D	1,332 - 2,073		
C	1,128 - 1,776		
B	1,050 - 1,416		
A	897 - 1,290		

123. As can be observed from *Table 5.1*, the proposed salary increases range from K£10,607 per annum for the Clerk of the National Assembly to K£1,935 per annum for officers in Job Group "F". The increases range from 122% for officers in Job Group "K" to 84.6% for the Clerk of the National Assembly. These are not mean increases for officers who fall within the Civil Service grading. The proposed percentage increases are presented in *Table 5.2*. The

Table 5.2: Analysis of Current and Proposed Salaries

Job Group	Current Civil Service Scales			Proposed Scales by National Assembly				Proposed Increase K£ p.a.	Proposed Percentage Increase
	Salary Scales Minimum K£ p.a.	Salary Scales Maximum K£ p.a.	Difference with next Scales K£ p.a.	Proposed Scales	Minimum K£ p.a.	Maximum K£ p.a.	Difference with next Scales K£ p.a.		
S	12,540	15,813	3,603	Parliament Scale 1	23,147	32,665	5,371.00	10,607.00	84.59
P	8,937	11,469	1,065	Parliament Scale 2 & 3	17,776	25,384	2,064.00	8,839.00	98.90
N	7,872	10,893	954	Parliament Scale 3	15,712	23,320	1,860.00	7,840.00	99.59
M	6,918	9,837	1,224	Parliament Scale 4	13,852	19,655	1,651.00	6,934.00	100.23
L	5,694	8,127	867	Parliament Scale 5	12,201	21,137	1,479.00	6,507.00	114.28
K	4,827	7,140	735	Parliament Scale 6	10,722	18,558	1,897.00	5,895.00	122.13
J	4,092	6,066	657	Parliament Scale 7	8,825	12,710	1,344.00	4,733.00	115.66
H	3,435	5,157	930	Parliament Scale 8	7,481	12,643	2,157.00	4,046.00	117.79
G	2,505	4,662	558	Parliament Scale 9	5,324	9,155	1,442.00	2,819.00	112.53
F	1,947	3,021	279	Parliament Scale 10	3,882	6,980	3,882.00	1,935.00	99.38
E	1,668	2,505	558						
D	1,332	3,073	336						
C	1,128	1,776	204						
B	1,050	1,416	78						
A	897	1,290	153						

Committee felt that since the staff of the National Assembly are civil servants, it would not be appropriate for the National Assembly to have its own salary structure outside the civil service. The Committee is, however, convinced that a case has been made for a general salary review for the staff serving in the National Assembly and that this can be achieved through up-grading of staff as recommended elsewhere in this Report.

124. The Committee considered the submissions and representations by the Clerk of the National Assembly and noted that the Government has in the past reviewed the salaries of civil servants periodically as recommended by past salary review commissions and committees. In particular, the Committee noted that the Ndegwa Commission of 1971 recognized the need for regular periodic reviews of salary and allowances, taking into account changes in the cost of living. In addition, the Committee noted that the last Civil Service review of salaries and other terms and conditions of service was implemented with effect from 1st July, 1994 vide Personnel Circular No. 6 of 7th July, 1994 in which employees of the National Assembly, like other civil servants, were covered.

125. While the Committee noted that there has been a high staff turn-over, this is not a peculiar situation to the National Assembly as it is true for most of the departments in the Civil Service. However, the Committee is of the view that it is necessary for the terms and conditions of service for the staff of the National Assembly to be made more attractive to facilitate recruitment and retention of qualified personnel.

126. In recommending a review of the salaries and other terms and conditions of service, the Committee has been guided by, among other factors:-

- (i) the need to make the terms and conditions of service for the staff of the National Assembly attractive so as to facilitate retention of qualified personnel;
- (ii) the need to motivate staff for better output;
- (iii) the working environment;
- (iv) the rise in the cost of living; and
- (v) the ability of the Government to pay.

127. Taking cognisance of the above factors and the up-grading of all posts (referred to in Chapter III), the Committee recommends that *all staff in the National Assembly adopt as appropriate the existing salary scales in the Civil Service salary structure as follows:-*

Job Group "T": K£14,934x414 - 15,348x465 - 18,138 p.a.

Clerk of the National Assembly.

Job Group "R": K£11,469x333 - 11,802x369 - 13,278x414 - 14,106 p.a.

Senior Deputy Clerk.

Job Group "Q": K£10,137x333 - 11,802x369 - 12,540 p.a

Deputy Clerk
Hansard Editor
Senior Principal Personnel Officer

Job Group "P": K£8,937 x 300 - 10,137 x 333 - 11,469 p.a

Principal Clerk Assistant
Deputy Hansard Editor
Principal Personnel Officer
Accounts Controller

Job Group "N": K£7,872x255 - 8,637x300 - 10,137x333 -
10,803 p.a

Chief Accountant
Chief Serjeant-at-Arms
Senior Assistant Hansard Editor
Chief Personnel Officer

Job Group "M": K£6,918x222 - 7362x255 - 8,637x300 - 9,837
p.a

Clerk Assistant I
Assistant Hansard Editor
Deputy Chief Serjeant-at-Arms
Senior Librarian
Executive Secretary
Chief Systems Analyst/Programmer
Senior Catering Manager
Senior Personnel Officer
Senior Accountant
Senior Supplies Officer

Job Group "L": K£5,694x186 - 6,252x222 - 7,362x255 - 8,127
p.a.

Clerk Assistant II
Hansard Reporter I
Serjeant-at-Arms I
Librarian I
Senior Personal Secretary
Catering Manager
Personnel Officer I
Accountant I
Supplies Officer I
Senior Systems Analyst/Programmer

Job Group "K": K£4,827x165 - 5,322x186 - 6,252x222 - 7,140
p.a.

Clerk Assistant III/Cadet Clerk Assistant
Hansard Reporter II
Serjeant-at-Arms II
Librarian II
Personal Secretary I
Food and Beverage Assistant I
Systems Analyst/Programmer
Personnel Officer II
Accountant II
Personal Secretary II
Supplies Officer II
Executive Officer II

Job Group "J": K£4,092x135 - 4,497x165 - 5,322x186 - 6,066
p.a.

Hansard Reporter III
Serjeant-at-Arms III
Librarian III
Senior Library Assistant

Food and Beverage Assistant II
Chef
Personnel Assistant
Accounts Assistant
Shorthand Typist I
Senior Copy Typist
Supplies Assistant
Computer Programmer
Executive Assistant

Job Group "H": K£3,435x129 - 3,822x135 - 4,974x165 - 5,157
p.a

Assistant Hansard Reporter
Serjeant-at-Arms Assistant
Assistant Librarian
Library Assistant I
Senior Cook
Senior Data Machine Operator
Shorthand Typist II
Senior Clerical Officer
Telephone Supervisor
Senior Technical Assistant
Senior Driver
Copy Typist I

Job Group "G": K£ 2,505x72 - 2,577x111 - 3,021x414 -
3,435x129 - 3,822x135 - 4,497x165 - 4,662 p.a

Senior Commissionaire
Library Assistant II
Copy Typist II
Storeman I
Driver I
Higher Clerical Officer
Machine Operator I
Technical Assistant I

Job Group "F": K£1,947x63 - 2,073x72 - 2,577x11 - 3,021 p.a

Commissionaire
Waiter
Cook I
Storeman II
Key Punch Operator
Clerical Officer
Telephone Operator
Machine Operator II
Technical Assistant II
Driver II

Job Group "E": K£1,668x54 - 1,884x63 - 2,073x72 - 2,505 p.a

Cook III
Waiter II
Driver III
Senior Subordinate Staff

Job Group "D": K£1,332x42 - 1,416x45 - 1,506x54 - 1,884x63
- 2,073 p.a

Waiter III
Subordinate Staff I

Job Group "C": K£1,128x39 - 1,206x42 - 1,416x45 - 1,506x54
- 1,776 p.a.

Kitchen Attendant
Subordinate Staff II

Job Group "B": K£1,050x39 - 1,206x42 - 1,416 p.a.
Subordinate Staff III

Note: Following the up-grading into the new grades as shown above, the entry points in the new salary scales will be determined in accordance with the provisions of Section H.5 of the Code of Regulations (Revised, 1992).

Other Terms and Conditions of Service

128. The Clerk of the National Assembly, in his representations to the Committee, proposed new allowances and fringe benefits for the staff of the National Assembly. He also proposed changes in existing allowances. The Committee considered the following allowances and fringe benefits:

Special Compensatory Allowance

129. The Committee received representations from the Clerk of the National Assembly that a **Late Duty Allowance** should be paid at the rate of 20% of the annual basic salary instead of **Special Compensatory Allowance** to officers who provide services to the House after the normal Government working hours. The Committee considered this request and found no merit in it. The Committee noted that Hansard Editors/Reporters, Clerks, Serjeants-at-Arms, Librarians/Library Assistants and Caterers who are on Job Group "H" and above, and who are required to work after normal working hours are paid a Special Compensatory Allowance. The Committee recommends that *the Special Compensatory Allowance should continue to be paid to officers in these cadres and that it be increased from the current 20% to 30% of the annual basic salary.*

Over-time Allowance

130. The Clerk of the National Assembly submitted that the lower cadre staff in the National Assembly should be paid a **Commuted Overtime Allowance** at the rate of 20% of the annual basic salary whenever they are called upon to perform duties outside the normal working hours. The Committee considered this request and found no merit in it. It should be noted that already arrangements exist whereby the staff of the National Assembly, who are on Job Group "G" and below, are paid **Overtime Allowance** whenever the nature of their duties require that they work after the normal Government working hours. The Committee was informed that whenever funds for this allowance are exhausted, the staff are given off-duty in lieu. The Committee, however, noted that the rate for payment of overtime allowance as provided in Section J.10 of the Code of Regulations (Revised, 1992) is outdated and is of the view that there is need for it to be revised upwards. The Committee, therefore, recommends that *Over-time Allowance should be paid at the rate of one and a half times the hourly rate of pay for each hour of over-time and at double the hourly rate of pay whenever staff are called upon to work on weekends and public holidays.*

Commuter Allowance

131. The Clerk of the National Assembly submitted that a **Transport Allowance** should be paid at the rate of 25% of the annual basic salary to certain categories of staff to enable them to meet the house to office transport expenses. The Committee

considered this request and is of the view that it should not be acceded to. However, the Committee saw merit in introducing a **Commuter Allowance** to assist the staff towards their transportation expenses. This is in light of the rising costs of fuel and transportation costs which take a substantial portion of the salary paid to staff. The Committee took cognisance of the fact that food, rent and transport constitute the major component of a worker's expenditure. The Committee also noted that the cost of commuting by public means is the same regardless of one's seniority. The Committee, therefore, recommends that *a Commuter Allowance should be paid at a flat rate of KShs. 1,000 per month to all the staff of the National Assembly who are not provided with official Government transport.*

Car Allowance

132. The Clerk of the National Assembly submitted that certain categories of staff should be paid **Car Allowance** at the rate of 25% of the annual basic salary for using their personal vehicles to and from the office. The Committee noted that this allowance is non-existent in the Civil Service. In view of the fact that granting this request would have adverse repercussions in the Civil Service, the Committee is of the view that it should not be granted.

Responsibility Allowance

133. The Committee received representations from the Clerk of the National Assembly that **Responsibility Allowance** should be paid to

Heads of Division with heavy responsibilities and accountability at the rate of 25% of the annual basic salary. The Committee noted that this allowance is presently only payable to the Clerk of the National Assembly. Since the practice in the Civil Service is to pay Responsibility Allowance to certain Heads of Department only, it would not be advisable to extend the payment of this allowance to the Heads of Division in the National Assembly.

Entertainment Allowance

134. The Clerk of the National Assembly submitted that payment of **Entertainment Allowance** should be extended to the level of Heads of Division and above at the rate of 20% of the annual basic salary to meet expenses arising from official entertainment of colleagues from other Parliaments. The Committee noted that Section J.3(1) of the Code of Regulations provides for payment of a non-accountable **Entertainment Allowance** to some senior officers in the Civil Service whose duties require them to provide hospitality and entertainment in the course of their duties. The Committee also noted that the Clerk of the National Assembly is in receipt of this allowance. The Committee considered this request and found no merit in extending this allowance to the level of Heads of Division. The Committee, however, recommends that *where Heads of Division are required to entertain colleagues from other Parliaments, they should claim this allowance on reimbursement basis from the entertainment allocation of the National Assembly.*

Retention Allowance

135. The Committee received representations from the Clerk of the National Assembly that officers in the National Assembly should be paid a **Retention Allowance** to compensate them for lack of promotional opportunities and that this allowance should be commensurate with their status and seniority in the service of Parliament. The Clerk of the National Assembly submitted that this allowance should be paid at the rate of 5% of the annual basic salary after confirmation in appointment and thereafter to be increased by 5% of the annual basic salary every three years and to be performance related. The Committee considered this request and noted that an element of this has been covered under the Special Compensatory Allowance and provision for better prospects through a revision of the relevant schemes of service. The Committee, therefore, saw no need for introduction of this allowance.

Medical Allowance

136. The Committee received representations from the Clerk of the National Assembly that a non-contributory Group Medical Insurance Scheme should replace the current **Medical Allowance**.

137. The Committee noted that the current arrangement in the Civil Service is that an automatic Medical Allowance is paid to civil servants to cater for out-patient medical treatment and drugs while in-patient medical expenses in approved non-Governmental hospitals are reimbursed as provided in Section M.7 of the Code of

Regulations. Section M.5 (1) of the Code of Regulations also provides for payment of medical ex-gratia assistance with the approval of the Directorate of Personnel Management and the Treasury.

138. The Committee considered this request and recommends that *the present arrangements should remain in force and that the Government should explore the possibility of introducing a comprehensive Medical Insurance Scheme for all civil servants to cater for both in-patient and out-patient medical treatment.*

Leave Allowance

139. The Committee received representations from the Clerk of the National Assembly that the current system of reimbursing leave travel expenses is cumbersome and should be replaced with **Leave Allowance** to be paid at the rate of one month's basic salary. Additionally, he submitted that as most officers are unable to utilize their leave due to the exigencies of the service, they should be allowed to commute their leave for cash.

140. The Committee noted that the current arrangement is that officers are reimbursed leave travel expenses on production of receipts whenever they travel home when on leave. Occasionally, officers are required to produce letters from their local chiefs to prove that they travelled to their rural homes while on leave. The Committee finds these arrangements outdated, colonial and not in-keeping with current developments in Kenya. **In addition, Kenyans**

are encouraged to know their country and support Government policy on domestic tourism.

141. The Committee, therefore, recommends that:

- (i) *the staff of the National Assembly should be considered for payment of an automatic leave allowance once a year, 3 days before commencement of annual leave of at least half their leave entitlement as follows:*

<i>Job Group</i>	<i>Amount p.a. in KShs.</i>
<i>A-D</i>	<i>5,000</i>
<i>E-G</i>	<i>6,000</i>
<i>H-K</i>	<i>7,000</i>
<i>L-N</i>	<i>8,000</i>
<i>P&Q</i>	<i>9,000</i>
<i>R and Above</i>	<i>10,000</i>

- (ii) *the Clerk of the National Assembly should prepare a leave roster to enable the officers to proceed on leave especially when Parliament is in recess.*

Housing Loans

142. The Committee received representations from the Clerk of the National Assembly that officers should be encouraged to live in their own houses by providing loan facilities for them to meet mortgage/construction costs. The Committee considered this representation and recommends that, *in line with the Government*

policy of encouraging civil servants to own houses, the Government should consider introducing a Subsidized Housing Loan Scheme for civil servants similar to the Rural Housing Loan Scheme with the National Housing Corporation.

House Allowance

143. The Committee received representations from the Clerk of the National Assembly that the current house allowance rates are not adequate to facilitate procurement of accommodation in reasonably secure areas. As pool houses are inadequate, he submitted that house allowance rates should be reviewed to reflect the market rates and that they should be based at the rate of 50% of the minimum salary point of the salary scale. The Committee considered this request and recommends that *house allowance rates should be revised when the Government reviews house allowance rates for all civil servants which should take into account the prevailing high housing rents.*

Duty Free Vehicles

144. The Clerk of the National Assembly submitted that the National Assembly spends a lot of funds in transporting the staff working late at night to their residences and that to reduce the cost, the Government should allow senior officers to purchase one vehicle duty free as is the case with certain other public officers. The Committee noted that the Government has given concessions to Members of Parliament, Judges and Permanent Secretaries (including

the Clerk of the National Assembly) to purchase vehicles Duty and VAT free. The Committee considered this request and is of the view that it should not be granted to other senior staff of the National Assembly as it is likely to have adverse repercussions in the rest of the Civil Service. Additionally, the Committee feels that the question of transportation for other staff on duty is covered by budgetary provisions of the National Assembly.

Officers Travelling with Spouses on Official Duty

145. The Committee received submissions that the traditions and conventions prevalent in parliamentary functions require the Speaker and the Clerk of the National Assembly to be accompanied by spouses and also meet other delegations as part of parliamentary diplomacy. In view of these representations, the Clerk of the National Assembly made the following proposals:

- (i) that the Clerk of the National Assembly should be accompanied by his spouse on official duties outside the country at Government expense; and
- (ii) that the Clerk of the National Assembly and his officers accompanying Parliamentary delegations on official travel abroad should be paid a special rate of **per diem** as the Clerk would find appropriate.

146. The Committee considered the above representations and proposals and is of the view that these requests are not justified and should not be granted because they are at variance with what prevails in the Public Service. However, where per diem is considered

inadequate. the officers may apply for accountable imprests in accordance with the existing Government financial regulations.

Institutional Housing for the Speaker, the Clerk and Staff of the National Assembly

147. The Committee received representations from the Clerk of the National Assembly that prevailing traditions within and outside the Commonwealth indicate that the Speaker and the Clerk are provided with **institutional houses** which are maintained by Parliaments.

148. The Clerk of the National Assembly also submitted that the Government should facilitate acquisition or construction of a sufficient number of suitable institutional houses for the staff. In making this submission, the Clerk of the National Assembly explained that though he provides transport to officers working late, it is proving extremely risky for them to get to their residences safely late at night.

149. The committee considered these requests and recommends that:

- (i) *the Government should acquire institutional houses for the Speaker and the Clerk of the National Assembly for the sake of the dignity of the House and the pride of the Nation; and*
- (ii) *the rest of the staff of the National Assembly should be considered together with other Civil Servants for the earlier recommended Subsidized Housing Loan Scheme.*

Parliamentary Service Allowance

150. Having considered all the representations concerning salary and fringe benefits, the Committee is of the view that there is need to compensate all staff of the National Assembly as they work for long hours and under pressure and strain. The Committee was informed that the recent increases in salary and allowances for the Members of Parliament has given rise to high expectations on the part of staff for salary increases.

151. Taking cognisance of all the above factors, the Committee saw the need for payment of a special allowance to all staff of the National Assembly. **This allowance should cease when one is transferred from the National Assembly.** The Committee, therefore, recommends that *all staff of the National Assembly should be paid a Parliamentary Service Allowance to compensate them for the unique environment in which they work, as follows:*

<i>Job Group</i>	<i>Percentage of Annual Basic Salary</i>
A-D	30%
E-G	25%
H-K	20%
L-N	15%
P&Q	10%
R and above	5%

Retirement Age

152. The Clerk of the National Assembly submitted that in order for Parliament to be able to draw invaluable service resources of the Clerk of the National Assembly and the Clerks, the retirement age should be at 60 years, with an option to serve beyond this age. The Committee noted that in Kenya the life expectancy at birth has increased from 50 years to 61 years for women and from 43 years to 58 years for men, according to the 1989 census. The Committee also noted that the Government is losing experienced officers who are technically and professionally qualified when they retire at the age of 55.

153. The Committee considered the representations from the Clerk of the National Assembly in the context of the overall gains for the service to the country and saw merit in the request. The Committee, therefore, recommends that *the current mandatory retirement age for senior professional and technical personnel of the National Assembly be raised from 55 to 60 years.*

CHAPTER VI

CONCLUSIONS AND SUMMARY OF RECOMMENDATIONS

Conclusions

154. In accomplishing this task, the Committee was guided by the terms of reference which required the Committee "to examine the existing structure of salaries, allowances and related fringe benefits and recommend the necessary changes taking into account the need to provide incentives that would attract and retain qualified personnel". The Committee assessed and analyzed the written and verbal submissions presented to it, related them to the terms of reference and made recommendations.

155. The Committee looked into the historical background of the evolution and development of the National Assembly and noted that a lot of changes have taken place since 1966 when the Upper House or Senate and the Lower House or the House of Representatives were amalgamated, giving rise to the formation of a single Chamber, the National Assembly. Since then, the Committee noted that several political changes have taken place thereby increasing the workload of the staff of the National Assembly. One major development in this regard is the re-introduction of political pluralism.

156. The Committee also noted that a number of studies on the National Assembly have been carried out by the Directorate of Personnel Management to review the organizational structure, grading and staffing needs of the National Assembly. The Committee further noted that some of the recommendations made in these studies have to date not been implemented. The Committee, consequently, undertook to re-examine some of the outstanding issues relating to the organizational structure, deployment and utilization of staff of the National Assembly.

157. In tackling its specific task, the Committee considered several factors including:

- (i) the challenging roles and duties of the staff of the National Assembly;
- (ii) the need to strengthen the institutional and human capacities of the National Assembly;
- (iii) the desire to attract and retain qualified personnel in the various sections of the National Assembly; and
- (iv) the prevailing social and economic environment as it relates to the determination of the terms and conditions of service of the staff of the National Assembly.

Recommendations

158. The recommendations of the Committee are summarized as follows:-

Para.

Organizational Structure

- 36 In order to cope with the increasing workload in the Clerk's Division, the existing vacancies should be filled and the officers be given specialized training in their areas of operation.
- 38, 42, 45 All the existing vacancies in the Hansard Division, Library Unit and Personnel Unit should be filled.
- 38 More personnel in the Hansard Division should be trained in the relevant skills.
- 41 The National Assembly should consider the possibility of contracting its catering services to Kenya Utalii College.
- 42 Better future prospects should be provided to attract and retain Librarians/Library Assistants.
- 42 The Government should urgently review the existing scheme of service for Library Assistants and Librarians.

- 43 The post of Principal Librarian, Job Group "M", should be established and filled.
- 43 The Directorate of Personnel Management should be requested to consider increasing the establishment of Library staff.
- 45 In view of this Committee's recommendation, in another Report, (Electoral Commission, 1996) for the establishment of a separate Administrative Unit for the Electoral Commission which includes a personnel section, the National Assembly Personnel Unit should only be concerned with National Assembly personnel matters.
- 47 The Directorate of Personnel Management should carry out a review of the establishment of the National Assembly Accounts Unit to determine the appropriate level of its staffing.
- 49 The Directorate of Personnel Management should carry out a review to determine appropriate establishment for the Supplies Unit.
- 52 All the existing vacancies in the Computer Unit of the National Assembly should be filled and that the Permanent Secretary, Treasury should instruct the Director of Computer Services to expedite the exercise.

- 55 Suitable officers should be identified to understudy the Clerk and the Deputy Clerk of the National Assembly in preparation for smooth and effective succession in view of the impending retirements of the incumbents.
- 55 Instead of the proposed additional post of Deputy Clerk, Job Group "P", a new post of Senior Deputy Clerk, Job Group "R", should be created for efficient coordination and to bridge the wide gap between the Clerk of the National Assembly and his Deputies.
- 56 **All the staff serving in the National Assembly should be up-graded by one Job Group.**
- 59 In addition to the existing Legal Officer's post, a Parliamentary Counsel's post should be established at a level equivalent to Job Group "S", and that the Parliamentary Counsel should head the new Legal Unit in the Speaker's Chambers
- 61 A Principal Human Resources Development Officer should be posted to the National Assembly to take charge of training and skills development needs of the institution.
- 64 **The Government, through the Directorate of Personnel Management, should carry out a study of the organizational structure with a view to determining the ideal staff establishment for the National Assembly.**

- 127 As a result of the up-grading of all the posts in the National Assembly, all staff adopt as appropriate the existing salary scales in the Civil Service salary structure.

Other Terms and Conditions of Service

- 129 The Special Compensatory Allowance be increased from the current 20% to 30% of the annual basic salary.
- 130 Overtime Allowance should be paid at the rate of one and a half times the hourly rate of pay for each hour of overtime and at double the hourly rate of pay whenever they are called upon to work on weekends and public holidays.
- 131 A Commuter Allowance should be paid at a flat rate of KShs.1,000 per month to all the staff of the National Assembly who are not provided with official Government transport.
- 134 Where Heads of Division are required to entertain colleagues from other Parliaments, they should claim reimbursement from the entertainment allocation of the National Assembly.
- 138 The present arrangements for payment of Medical Allowance should remain in force.

- 138 The Government should explore the possibility of introducing a comprehensive Medical Insurance Scheme for all civil servants to cater for both in-patient and out-patient medical treatment.
- 141 The staff of the National Assembly should be considered for payment of an automatic leave allowance once a year, 3 days before commencement of annual leave of at least half their leave entitlement.
- 141 The Clerk of the National Assembly should prepare a leave roster to enable the officers to proceed on leave especially when Parliament is in recess.
- 142 In line with the Government policy of encouraging civil servants to own houses, the Government should consider introducing a Subsidized Housing Loan Scheme for civil servants similar to the Rural Housing Loan Scheme with the National Housing Corporation.
- 143 House allowance rates for the staff of the National Assembly should be revised when the Government reviews house allowance rates for all civil servants.
- 149 **The Government should acquire institutional houses for the Speaker and the Clerk of the National Assembly for the sake of the dignity of the House and pride of the Nation.**

- 149 The rest of the staff of the National Assembly should be considered together with other Civil Servants for the Subsidized Housing Loan Scheme as recommended elsewhere in this Report.
- 151 The Government should consider introducing a **Parliamentary Service Allowance** for all staff of the National Assembly to compensate them for the unique environment in which they work.
- 153 The current mandatory retirement age for senior professional and technical personnel of the National Assembly be raised from 55 to 60 years.

Implementation Date

The implementation of the recommended salary adjustment and other benefits should be effected from 1st July, 1997.

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ANNEXES

Annex I: List of Members of the Committee and the Secretariat

1. Mr. P.C.J.O. Nyakiamo, EBS., EGH., **Chairman.**
2. Mr. K. arap Ng'eny, MBS., EBS., Member.
3. Mr. Eliakim M. Masale, Member.
4. Mr. P. Oduogi Mionwa, Deputy Secretary, Directorate of Personnel Management, Office of the President.
5. Mr. B. E. Oduor-Otieno, Deputy Chief Economist and Director of Employment, Ministry of Labour and Manpower Development.
6. Mr. E.B.I.N. Rweria, Chief Economist/Deputy Director, Efficiency Monitoring Unit, Office of the President.
7. Mr. J. K. Wahiu, Senior Principal Personnel Officer, Office of the Vice-President and Ministry of Planning and National Development.
8. Mr. John M. Juma, Senior Assistant Secretary, Provincial Administration and Internal Security, Office of the President.
9. Ms. Florence Juma, Shorthand Typist, Civil Service Reform Secretariat, Directorate of Personnel Management.
10. Ms. Beatrice C. Boen, Shorthand Typist, Civil Service Reform Secretariat, Directorate of Personnel Management.
11. Ms. Joyce Mwanthi, Shorthand Typist, Cabinet Affairs, Office of the President.
12. Miss Margaret Mwembe, Shorthand Typist, Efficiency Monitoring Unit, Office of the President.
13. Sgt. Gordon Okoth, Administration Police, Office of the President.
14. Mr. David K. Kinga, Administration Police, Office of the President.
15. Mr. Matayo Nyambunde, Supplies Assistant, Office of the President, Cabinet Affairs.
16. Mr. E. Kinyua Machura, Driver, Civil Service Reform Secretariat.
17. Mr. Nehemia B. Ochako, Driver, Ministry of Labour and Manpower Development.
18. Mr. David Nyongesa, Driver, Efficiency Monitoring Unit, Office of the President.
19. Mr. Francis Ngunjiri, Driver, Directorate of Personnel Management.
20. Ms. Mary Towett, Subordinate Staff, Ministry of Public Works and Housing.

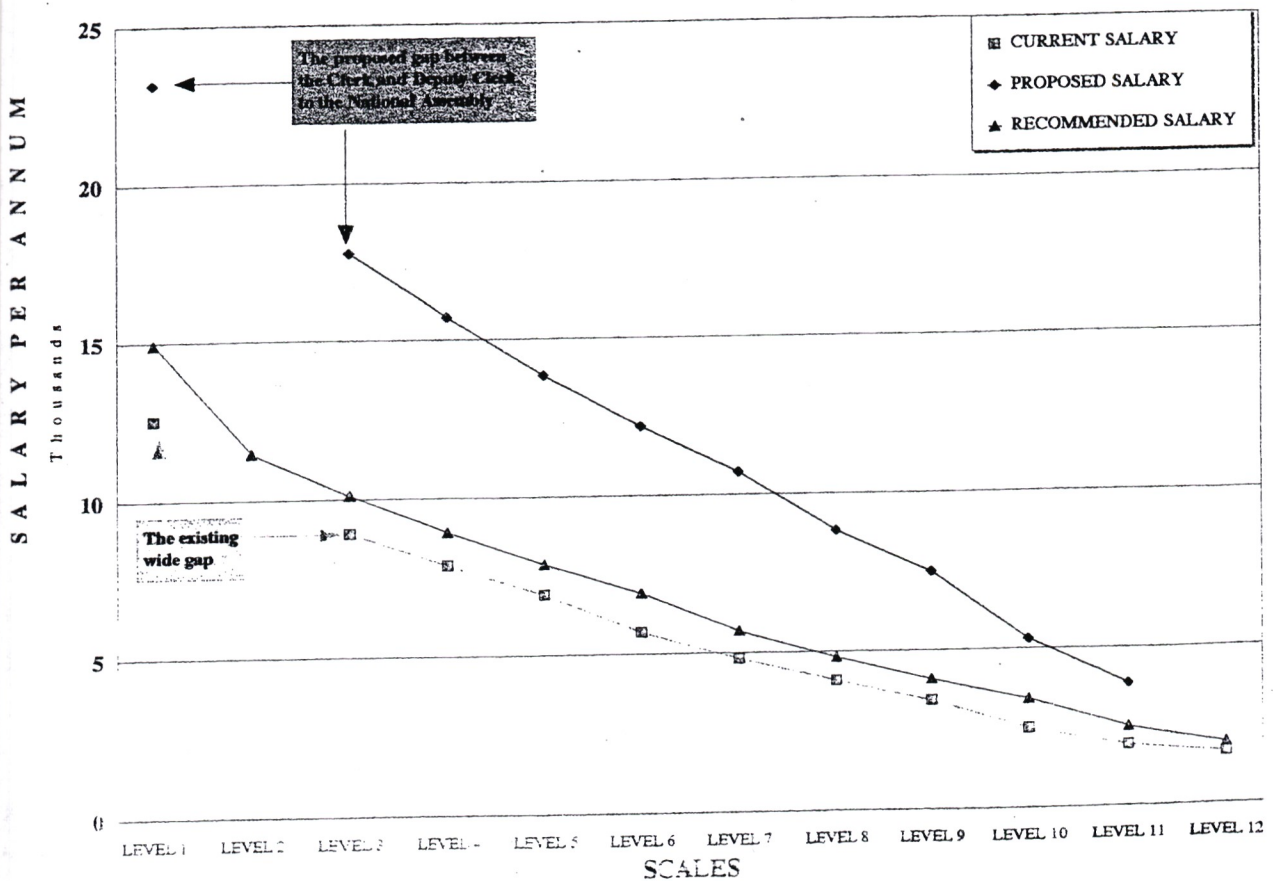
Annex II: List of Persons Interviewed by the Committee

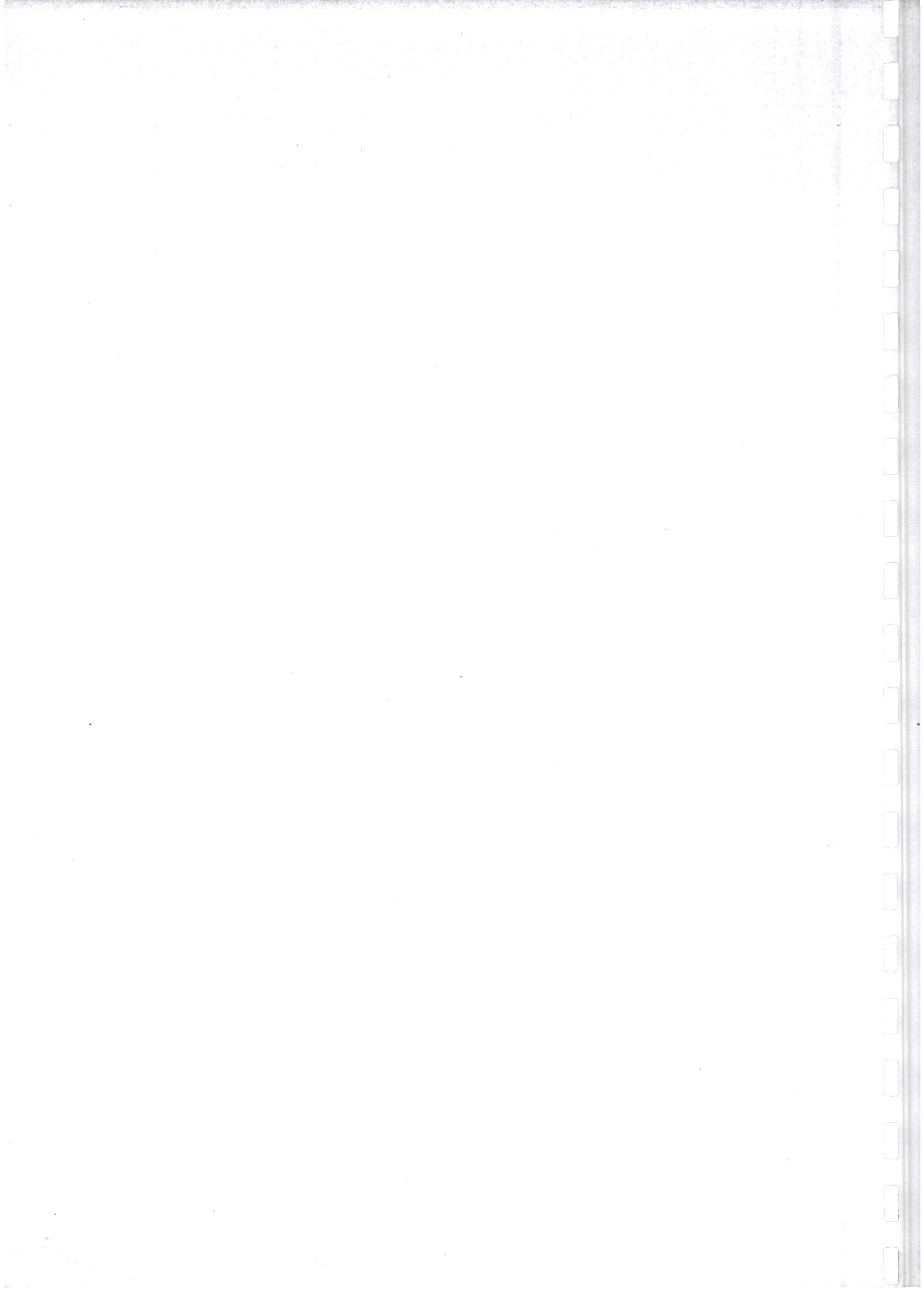
1. Mr. Fares M. Kuindwa, EBS., EGH., Permanent Secretary, Secretary to the Cabinet and Head of the Public Service, Office of the President.
2. Hon. K. F. X. ole Kaparo, EGH., M.P., Speaker of the National Assembly.
3. Hon. Amos Wako, EBS., EGH., M.P., Attorney-General.
4. Mr. B. K. Kipkulei, SS., CBS., Permanent Secretary, Ministry of Finance.
5. Mr. Gaylord Avedi, EBS., Permanent Secretary and Director of Personnel Management, Office of the President.
6. Mr. J. K. Kinyua, Financial Secretary, Ministry of Finance.
7. Mr. E. Birichi, Director of Budgetary and Supply Department, Ministry of Finance.
8. Justice Z. R. Chesoni (Rtd), Chairman, Electoral Commission.
9. Mr. J. K. Masya, OGW., EBS., Clerk National Assembly.
10. Mr. J. E. O. Ongwae, OGW., Programme Director, Civil Service Reform Secretariat.
11. Mr. S. M. Kivuitu, Vice-Chairman, Electoral Commission.
12. Mr. Silas B. Tunu, Commissioner, Electoral Commission.
13. Miss Margaret Kenyatta, Commissioner, Electoral Commission.
14. Mr. B. S. Ali, Commissioner, Electoral Commission.
15. Mr I. K. Cheluget, Commissioner, Electoral Commission.
16. Mr. Nicholas Ng'ang'a, Commissioner, Electoral Commission.
17. Mr. G. K. Mukele, Commissioner, Electoral Commission.
18. Mr. Henry N. M. Jura, Commissioner, Electoral Commission.
19. Mr. Eliphelet N. M'thambu, Commissioner, Electoral Commission.
20. Mr. Edward C. Cheronu, Commissioner, Electoral Commission.
21. Mr. Wanjala wa Muricho, Deputy Director, Human Resources Development, Directorate of Personnel Management.
22. Mr. J. W. Wachira, Deputy Director, Management Consultancy Services, Directorate of Personnel Management.
23. Mr. Joab Manyala, Senior Assistant Director, Personnel Administration, Directorate of Personnel Management.
24. Mr. Njeru Kirira, Director of Fiscal and Monetary Affairs Department, Ministry of Finance.
25. Mr. J. Oyula, Accountant General, Ministry of Finance.

CURRENT, PROPOSED AND RECOMMENDED SALARIES OF STAFF OF NATIONAL ASSEMBLY

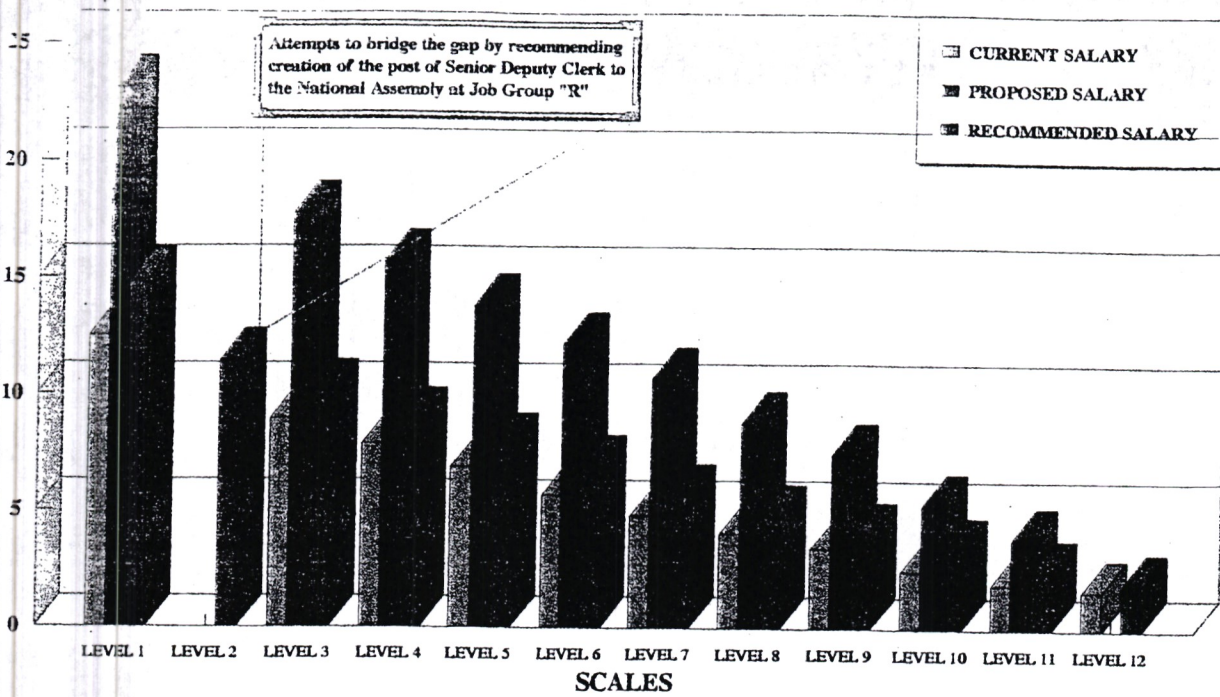
PARLIAMENTARY LEVEL	CURRENT JOB GROUP	RECOMMENDED JOB GROUP	CURRENT SALARY K/P.A.	PROPOSED SALARY K/P.A.	RECOMMENDED SALARY K/P.A.	PERCENTAGE INCREASE	
						PROPOSED %	RECOMMENDED %
LEVEL 1	S	T	12,540	23,147	14,934	84.59	19.09
LEVEL 2	R				11,469		
LEVEL 3	P	Q	8,937	17,776	10,137	98.90	13.43
LEVEL 4	N	P	7,872	15,712	8,937	99.59	13.53
LEVEL 5	M	N	6,918	13,852	7,872	100.23	13.79
LEVEL 6	L	M	5,694	12,201	6,918	114.28	21.50
LEVEL 7	K	L	4,827	10,722	5,694	122.13	17.96
LEVEL 8	J	K	4,092	8,825	4,827	115.66	17.96
LEVEL 9	H	J	3,435	7,481	4,092	117.79	19.13
LEVEL 10	G	H	2,505	5,324	3,435	112.53	37.13
LEVEL 11	F	G	1,947	3,882	2,505	99.38	28.66
LEVEL 12	E	F	1,668		1,947		16.73

CURRENT, PROPOSED AND RECOMMENDED SALARIES OF THE STAFF OF NATIONAL ASSEMBLY





CURRENT, PROPOSED AND RECOMMENDED SALARIES OF THE STAFF OF NATIONAL ASSEMBLY



PERCENTAGE INCREASE IN THE PROPOSED AND RECOMMENDED SALARIES OF NATIONAL ASSEMBLY

