

PARLIAMENT
OF KENYA
LIBRARY



*Approved
SNA
6/11/25*

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON EDUCATION

.....

REPORT ON-


CONSIDERATION OF THE PETITION BY EMPLOYEES OF PUBLIC
UNIVERSITIES AND COLLEGES, REGARDING FUNDING OF THE 2017-2021
COLLECTIVE BARGAINING AGREEMENT (CBA).

Clerk's Chambers

Directorate of Departmental Committees

Parliament Buildings

NAIROBI

 THE NATIONAL ASSEMBLY PAPERS LAID <small>NOVEMBER, 2025</small>	
DATE: 06 NOV 2025	DAY: Thursday
TABLED BY:	Hon Julius Nelly MP Chairperson
CLERK-AT THE-TABLE:	Ar Shibusko

ACRONYMS

CBA	Collective Bargaining Agreement
ELRC	Employment and Labour Relations Court
IPUCCF	Inter-Public Universities Councils Consultative Forum
JNC	Joint Negotiation Committee
KUDHEIHA	Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers
KUSU	Kenya Universities Staff Union
UASU	Universities Academic Staff Union
SRC	Salaries and Remuneration Commission

Committee Observations

The Committee makes the following observations:

- a) That, the 2017–2021 Collective Bargaining Agreement (CBA) between UASU, KUSU, and IPUCCF was duly signed, registered by the Employment and Labour Relations Court (ELRC), and is therefore legally binding and enforceable.
- b) That, despite clear court rulings and the Attorney-General’s advisory, the Government has only partially implemented the 2017-2021 CBA, undermining the principles of the rule of law and good labour relations.
- c) That, the Government had taken inordinately long to provide the funds for the full implementation of the 2017-2021 CBA.
- d) That, the Salaries and Remunerations Commission had applied a wrong formula which had initially indicated the outstanding balance for the 2017-2021 CBA as Kshs.624 M whereas the agreed on actual reconciled figure is Kshs. 7.9B .
- e) That, the industrial action by the Unions had affected the academic calendar of Public Universities. This had placed financial burden on students and led to loss of learning time with the strike lasting for 49 days as of Wednesday 5th November 2025.
- f) That, the delay to fully fund and implement the 2017-2021 CBA had led to a further delays in initiating and negotiating for the 2025-2029 CBA between the government and university staff unions.
- g) That, the National Treasury provided assurance to fully fund the entire balance of Ksh 7.9 billion in two equal phases. The first 50% will be paid in the current financial year 2025/2026 and the second and final allocation and disbursement of 50% to be paid in the financial year 2026/2027.

- e) That, the Public Universities' Management should immediately withdraw any disciplinary action against their staff arising from the industrial action.
- f) That, the Ministry of Education and IPUCCF should engage the Unions in continuous dialogue to restore industrial harmony, trust and confidence and ensure transparent communication and cordial relationship.
- g) That, the National Assembly to continuously exercise oversight over the implementation of CBA's and require status reports from the relevant ministries and agencies until full compliance is achieved.
- h) That, the State Department for Higher Education to submit a status report on the implementation of the 2017-2021 CBA to the National Assembly within 90 days upon adoption of this report.
- i) That, the government through the National Treasury and the relevant government departments develops a sustainable policy framework for negotiating future CBA's across government.

HON. JULIUS KIBIWOT MELLY, CBS, MP.

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION

Mandate of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider matters regarding: -
 - a) Education
 - b) Training
 - c) Curriculum development and
 - d) Research
3. In executing its mandate, the Committee oversees
 - a. The Ministry of Education and all its Agencies.
 - b. The Teachers' Service Commission
 - c. The State Department of Science, Research and Innovation
4. The State Departments and the agencies the Committee oversees are as listed;
 - a) **State Department for Basic Education**
 - i. Kenya National Examination Council
 - ii. Kenya Institute of Curriculum Development
 - iii. Kenya Institute of Special Education
 - iv. Kenya Literature Bureau
 - v. Kenya Institute for the Blind
 - vi. Centre for Mathematics, Science and Technology in Africa
 - vii. Kenya National Commission for UNESCO
 - viii. Kenya Education Management Institute
 - ix. School Equipment Production Unit
 - x. Jomo Kenyatta Foundation
 - xi. National Commission for Nomadic Education

Committee Membership

5. The Committee was re-constituted by the House on 6th March 2025 and comprises the following Members:

CHAIRPERSON

Hon. Julius Kibiwott Melly, MP

Tinderet Constituency

UDA

VICE CHAIRPERSON

Hon. Eve Akinyi Obara, MP

Kabondo-Kasipul Constituency

ODM

MEMBERS

Hon. Dr. Christine Oduor Ombaka, MP

Siaya County

ODM

Hon. Nabii Nabwera Daraja, MP

Lugari Constituency

ODM

Hon. Peter Ochieng Orero, MP

Kibra Constituency

ODM

Hon. Rebecca Noonaihi Tonkei, MP

Narok County

UDA

Hon. Joseph Makilap, MP

Baringo North Constituency,

UDA

Hon. Dick Oyugi Maungu, MP

Luanda Constituency

DAP-K

Hon. Elijah Kururia, MP

Gatundu North Constituency

IND

Hon. Mary Emaase, MP

Teso South

UDA

Hon. Jerusha Mongina Momanyi, MP

Nyamira County

JP

Hon. Abdul Ebrahim Haro, MP

Mandera South Constituency

UDA

Hon. Clive Gisairo, MP

Kitutu Masaba, Constituency,

ODM

Hon Julius Taitumu M'Anaiba, MP

Igembe North Constituency,

UDA

Hon. (Prof.) Phylis Jepkemoi Bartoo

Moiben Constituency

UDA

PART II

2.0 Background to the Petition

The Universities Academic Staff Union (UASU) and the Kenya Universities Staff Union (KUSU) jointly filed a petition at the National Assembly on 24th September 2025 seeking the full implementation of the 2017–2021 Collective Bargaining Agreement (CBA) and the commencement of negotiations for the 2025–2029 CBA cycle. The petition followed the unions’ industrial action that began on 17th September 2025, after prolonged delays in the settlement of salary arrears and pension obligations arising from the 2017–2021 CBA.

The 2017–2021 CBA was signed between the Inter-Public Universities Councils Consultative Forum (IPUCCF) and the university staff unions on 28th October 2019, and subsequently registered by the Employment and Labour Relations Court (ELRC). While the IPUCCF computed the CBA’s cost at KSh. 13.81 billion, the Salaries and Remuneration Commission (SRC) recommended KSh. 8.8 billion, prompting the unions to challenge the computation before the ELRC.

In its ruling of 15th January 2021, the ELRC held that the SRC’s figure excluded annual salary increments and pension liabilities, and therefore confirmed the correct total cost of implementing the 2017–2021 CBA as KSh. 16.57 billion. The Court directed the SRC, IPUCCF, the Ministry of Education, and the National Treasury to make necessary budgetary provisions to actualize the CBA.

The Government appealed the decision, but on 28th March 2025, the Court of Appeal dismissed the appeal, effectively upholding the ELRC judgment. The Attorney-General, through a letter dated 10th April 2025, advised the Ministry of Education to implement the CBA to avoid further litigation.

Following this directive, the Ministry of Education, in consultation with the SRC and IPUCCF, conducted a verification exercise between 18th and 21st October 2025, which confirmed that KSh. 8.6

PART III

3.0 Stakeholders Submissions

3.1 Submissions by Universities Academic Staff Union / Kenya Universities Staff Union

Overview of the Petition

On 24th September 2025, the Universities Academic Staff Union (UASU) and the Kenya Universities Staff Union (KUSU) jointly submitted a petition to the National Assembly pursuant to Article 37 of the Constitution of Kenya, 2010, which guarantees every person the right to petition public authorities. The petition was received by the Office of the Clerk of the National Assembly and represents the collective voice of academic and non-academic staff in Kenya's public universities and constituent colleges.

The two unions sought the intervention of Parliament to facilitate the full implementation of the 2017–2021 Collective Bargaining Agreement (CBA), which remains partially funded, and to initiate and finance the 2025–2029 CBA cycle in accordance with the timelines agreed upon under the current 2021–2025 CBA. The petition was signed by Dr. Constantine Wasonga Opiyo, National Secretary-General of UASU, and Dr. Charles Mukhwaya, National Secretary-General of KUSU, both dated 24th September 2025.

Context of the Petition

The petitioners explained that the 2017–2021 CBA was signed on 28th October 2019 between UASU, KUSU, and the Inter-Public Universities Councils Consultative Forum (IPUCCF), which represents university managements, and was subsequently registered by the Employment and Labour Relations Court (ELRC). Implementation of the agreement was expected to take effect from 1st July 2017, covering a four-year period.

existing 2021–2025 CBA, the parties had agreed to commence the next round of negotiations on or before 31st January 2025, with an effective date of 1st July 2025. Despite submitting their proposals in early February 2025, the unions reported that they had not received any formal response or engagement from IPUCCF or the Ministry of Education.

The unions argued that the failure to begin timely negotiations was not only contrary to established practice but also undermined industrial stability in the higher education sector. They emphasized that predictable and continuous CBA negotiations are critical to maintaining morale, productivity, and quality assurance in the university system.

Prayers by the Petitioners

In view of the foregoing, UASU and KUSU requested that the National Assembly;

01. Allocates funds to ensure the full implementation of the 2017–2021 CBA, amounting to KSh. 7,974,630,447, representing the verified outstanding balance after partial disbursements of KSh. 8.6 billion; and
02. Provides budgetary allocation to support the negotiation, signing, registration, and implementation of the 2025–2029 CBAs in accordance with the provisions of the 2021–2025 CBA and applicable labour laws.

3.2 Submissions by Inter-Public Universities Councils Consultative Forum (IPUCCF)

Overview of the Submission

The Inter-Public Universities Councils Consultative Forum (IPUCCF), which represents the councils and management of all public universities in Kenya, made its submission to the Departmental Committee on Education in response to the petition by the Universities Academic Staff Union (UASU) and the Kenya Universities Staff Union (KUSU) on the implementation of the 2017–2021 Collective Bargaining

Verification of Outstanding Balance

Pursuant to the Attorney-General's advice, the Ministry of Education, in collaboration with the IPUCCF and SRC, convened a joint verification exercise undertaken between 18th and 21st October 2025 to reconcile the implementation status of the 2017–2021 CBA. The verification confirmed that a total of KSh. 8.6 billion had been disbursed and that a verified outstanding balance of KSh. 7,944,519,929 remained unpaid. The verification report was adopted during a Joint Negotiation Committee (JNC) meeting held on 24th October 2025, which brought together representatives from the Ministry of Education, IPUCCF, and the three unions—UASU, KUSU, and KUDHEIHA.

The Forum reported that while the verification findings were agreed upon by all parties, the unions declined the Ministry's proposal for phased payment of the arrears and maintained industrial action until the entire amount was settled in one tranche.

Engagement with the Salaries and Remuneration Commission and the 2025–2029 CBAs

The IPUCCF further informed the Committee that the Salaries and Remuneration Commission (SRC) had already issued negotiation parameters for the 2025–2029 CBA cycle, and the Forum, acting on behalf of university councils, had tabled counter-offers to the unions in October 2025. Phase-two consultations with the Government were ongoing to align the proposed package with prevailing fiscal conditions and SRC guidelines.

The Forum noted that the unions had made their 2025–2029 proposals February 2025, but negotiations were delayed due to the pending court appeal and budgetary constraints. IPUCCF reiterated its commitment to resume structured engagement with the unions once the issue of the 2017–2021 arrears was conclusively addressed.

Key Issues Highlighted by IPUCCF

1. Confirmed Outstanding Balance: KSh. 7.945 billion verified by the Ministry of Education, SRC, and IPUCCF as the lawful arrears under the 2017–2021 CBA.
2. Phased Payment Proposal: The Forum’s support for a Treasury-approved plan to clear the arrears in phases due to current fiscal constraints.
3. Ongoing Negotiations: Engagements with SRC on 2025–2029 CBAs, including counter-offers already submitted in October 2025.
4. Court-Ordered Conciliation: Commitment to comply with ongoing conciliation and court directions to resolve the dispute within lawful frameworks.
5. Appeal for Parliamentary Support: Request for the Committee’s intervention to secure funding and restore industrial harmony in public universities.

3.3 Submissions by the National Treasury

Overview of the Submission

The National Treasury and Economic Planning presented a written submission to the Departmental Committee on Education in response to the petition by the Universities Academic Staff Union (UASU) and the Kenya Universities Staff Union (KUSU) concerning the implementation of the 2017–2021 Collective Bargaining Agreement (CBA) for employees of public universities. The submission, made by the Cabinet Secretary, Hon. FCPA John Mbadi, EGH, set out the government’s fiscal position, the measures taken so far to implement the agreement, and its concurrence with a phased payment plan to clear the verified arrears in line with the prevailing budgetary framework.

Verification of Outstanding Balance and Current Position

Following the conclusion of the appeal process, the State Department for Higher Education and Research, working jointly with the SRC, IPUCCF, and public universities, carried out a verification exercise to reconcile the implementation status of the 2017–2021 CBA. The verification, concluded on 24th October 2025, confirmed that only KSh. 8.6 billion had been disbursed against the full requirement of KSh. 16.57 billion, resulting in a verified outstanding balance of KSh. 7.76 billion.

Given the prevailing fiscal constraints, the State Department requested the Treasury's approval to settle the arrears in two phases of 50% each, spread over two financial years. The Treasury concurred with this plan, proposing the following phased disbursement:

- FY 2025/26: KSh. 3.88 billion;
- FY 2026/27: KSh. 3.88 billion

Fiscal and Policy Considerations

The National Treasury underscored that the Government remains committed to meeting its legally binding obligations under registered CBAs but must do so in a manner that ensures fiscal prudence and sustainability. It noted that while implementation of the CBA is a legal requirement following court judgments, the Treasury must also balance this with other critical national priorities, including education reforms, health financing, and social protection.

The Treasury maintained that a phased implementation framework represents the most viable option to honour the court orders without destabilizing the national budget. This approach, it added, is consistent with the Public Finance Management (PFM) Act, 2012, which requires that all public expenditure be managed prudently, sustainably, and within the appropriations approved by Parliament.

PART IV

Committee Observations

1. That, the 2017–2021 Collective Bargaining Agreement (CBA) between (Universities Academic Staff Union (UASU), Kenya Universities Staff Union (KUSU), and Inter-Public Universities Councils Consultative Forum (IPUCCF) was duly signed, registered by the Employment and Labour Relations Court (ELRC), and is therefore legally binding and enforceable.
2. That, despite clear court rulings and the Attorney-General's advisory, the Government has only partially implemented the 2017-2021 Collective Bargaining Agreement (CBA), undermining the principles of the rule of law and good labour relations.
3. That, the Government had taken inordinately long to provide the funds for the full implementation of the 2017-2021 Collective Bargaining Agreement (CBA).
4. That, the Salaries and Remunerations Commission had applied a wrong formula which had initially indicated the outstanding balance for the 2017-2021 Collective Bargaining Agreement (CBA) as Kshs.624 M whereas the agreed on actual reconciled figure is Kshs. 7.9B .
5. That, the industrial action by the Unions had affected the academic calendar of Public Universities. This had placed financial burden on students and led to loss of learning time with the strike lasting for 49 days as of Wednesday 5th November 2025.
6. That, the delay to fully fund and implement the 2017-2021 Collective Bargaining Agreement (CBA) had led to a further delays in initiating and negotiating for the 2025-2029 CBA between the government and university staff unions.
7. That, the National Treasury provided assurance to fully fund the entire balance of Ksh 7.9 billion in two equal phases. The first 50% will be paid in the current financial year

PART V

Committee Recommendations

1. That, the Government to allocate and disburse the 2017-2021 Collective Bargaining Agreement (CBA) balance of Ksh 7.9 billion to public universities and colleges workers in two equal installments of 50% each. The first allocation is to be paid by December 2025 and the subsequent instalment by July 2026.
2. That, the Government, Unions and the Inter-Public Universities Councils Consultative Forum to consider convening urgently to prepare a return-to-work formula and call off the strike.
3. That, the Unions should urgently suspend the ongoing industrial action upon signing of the Return to Work Formula.
4. That, Unions and Inter-Public Universities Councils Consultative Forum (IPUCCF), in consultation with the Salaries and Remuneration Commission (SRC), should conclude negotiations for the 2025–2029 Collective Bargaining Agreement (CBA) without further delay, ensuring compliance with fiscal sustainability principles and established timelines.
5. That, the Public Universities' Management should immediately withdraw any disciplinary action against their staff arising from the industrial action.
6. That, the Ministry of Education and Inter-Public Universities Councils Consultative Forum (IPUCCF) should engage the Unions in continuous dialogue to restore industrial harmony, trust and confidence and ensure transparent communication and cordial relationship.

ANNEXURES

- Annex 1: Adoption List
- Annex 2: Communication from the Speaker
- Annex 3: Petition
- Annex 4: Submissions by the Universities Academic Staff Union (UASU), Kenya Universities Staff Union (KUSU) and Kenya Union of Domestic Hotels Educational Institutions Hospitals and Allied Workers (KUDHEIHA)
- Annex 5: Submissions by the Inter-Public Universities Councils Consultative Forum (IPUCCF)
- Annex 6: Submissions by National Treasury



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
13TH PARLIAMENT – FOURTH SESSION – 2025
DEPARTMENTAL COMMITTEE ON EDUCATION

ADOPTION SCHEDULE

AGENDA:

NO.	NAME	SIGNATURE
1.	Hon. Julius Melly, MP Chairperson	
2.	Hon. Eve Obara, MP Vice-Chairperson	
3.	Hon. Dr. Christine Oduor Ombaka, MP Member	
4.	Hon. Jerusha Momanyi, MP Member	
5.	Hon. Abdul Haro, MP Member	
6.	Hon. Mary Emaase, MP Member	
7.	Hon. Clive Gisairo, MP member	
8.	Hon. Dick Maungu MP Member	
9.	Hon. Julius Taitumu M'Anaiba, MP Member	
10.	Hon. Nabii Daraja, MP Member	
11.	Hon Peter Orero, MP Member	
12.	Hon. (Prof.) Phylis Bartoo, MP Member	
13.	Hon. Rebecca Tonkei, MP Member	
14.	Hon. Elijah Kururia, MP Member	
15.	Hon. Joseph Makilap, MP Member	



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT– (FOURTH SESSION)
THE NATIONAL ASSEMBLY

PUBLIC PETITION

_____ (No. 22 of 2025) _____

REGARDING FUNDING OF THE 2017 - 2021 NATIONAL COLLECTIVE BARGAINING AGREEMENT (CBA) AND NEGOTIATIONS OF THE 2025 – 2029 CBA FOR EMPLOYEES OF PUBLIC UNIVERSITIES AND COLLEGES

1. **Honourable Members**, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matters within its authority. Further, Standing Order 225(2) (b) requires the Speaker to report to the House any Petition other than those presented by a member.

2. In this regard, **Honourable Members**, I wish to report to the House that my office has received a Petition from the National Secretaries General **Dr. Constantine Wesonga Opiyo** of the University Academic Staff Union (**UASU**) and **Dr. Charles Mukhwaya** of the Kenya University Staff Union (**KUSU**) concerning failure by the Government to provide funds for the implementation of 2017-2021 Collective Bargaining Agreement for over 30,000 employees of public universities and colleges totaling Kshs. 7,974,630,447.

3. **Honourable Members**, the Petitioners state that on 28th October 2019, the Inter-Public Universities Councils Consultative Forum (IPUCCF) and the Universities' Academic Staff Union (UASU) signed the 2017-2021 Collective Bargaining Agreement (CBA). The CBA was subsequently registered by the Employment and Labour Relations Court.

Douglas Kutho
Pl. Name in Attention

- 9. Honourable Members**, the Petitioners say that the matter was taken to the *Employment and Labour Relations Court vide Case No. ELRC CBA and 3 of 2020 Collective Bargaining Agreement*. The matter was subsequently determined by the said Court and when the matter proceeded to Court of Appeal, the matter was settled in their favor with interim orders for partial implementation.
- 10. The Petitioners** aver that the total cost of implementing the CBA is Kshs. 16.57 Billion including pension and liabilities and not Kshs. 8.8 Billion as per the computation of the Salaries and Remuneration Commission (SRC) at the behest of the National Treasury and Ministry of Education.
- 11. Honourable Members**, the Petitioners pray that the National Assembly urgently allocates funds for the full implementation of 2017-2021 CBA of Kshs. 7,974,630,447 and further allocates funds for the implementation of the 2025-2029 CBA. Given the nature of the prayers sought by the Petitioners, I, hereby commit this matter to the **Departmental Committee on Education** for consideration.
- 12.** The committee is required to consider the Petition and report its findings to the House and to the Petitioners in accordance with Standing Order 227(2).

I thank you.



THE HON. GLADYS J. BOSS, MGH, MP
DEPUTY SPEAKER OF THE NATIONAL ASSEMBLY

Thursday, 9th October 2025

ODLPS
To process.
Si
24/09/2025

Head-PTJ
Please process
24/9

**UNIVERSITIES' ACADEMIC STAFF UNION (UASU),
KENYA UNIVERSITIES STAFF UNION (KUSU)**

**PETITION CONCERNING THE FUNDING OF THE 2017-2021 NATIONAL
CBA & NEGOTIATIONS OF THE 2025-2029 NATIONAL CBAs FOR
EMPLOYEES OF PUBLIC UNIVERSITIES**
(Under the Constitution of Kenya 2010, Article 37)

TO: The Clerk, National Assembly,

WE, the undersigned and humble Petitioners, representing members of University Staff in the Public Universities and Constituent Colleges of Kenya, under the auspices of the Universities' Academic Union (UASU) and the Kenya Universities Staff Union (KUSU), the organizations that unite the staff in Kenyan public universities with the goal of improving the working conditions of the university staff and the quality of university education;

DRAW the attention of the Clerk, National Assembly of the Republic of Kenya to the following:

1. On 28th October 2019, the Inter-Public Universities Councils Consultative Forum (IPUCCF) and the Universities' Academic Staff Union (UASU) signed the 2017-2021 Collective Bargaining Agreement (CBA). The CBA was subsequently registered by the Employment and Labour Relations Court.
2. To fund the 2017-2021 CBAs, Parliament approved in May 2020 the Supplementary II Budget Estimates for the FY 2019/2020 which contained allocation for the CBA, and subsequently appropriated the funds under the Supplementary Appropriations Act, 2020.
3. On 3rd July 2020, the National Treasury through the Ministry of Education, Science and Technology (MoEST), availed Kenya Shillings 6.6 Billion (KSh. 6, 600,000,000.00) to the public universities as initial funding for the CBAs.
4. The KSh. 6.6 billion covered part of arrears of basic salary for all public university workers represented by the Universities' Academic Staff Union (UASU), Kenya Universities Staff Union (KUSU) and the Kenya Domestic, Hotels, Educational Institutions, Hospital and Allied

NATIONAL ASSEMBLY
RECEIVED
24 SEP 2025
CLERK'S OFFICE
P.O. Box 41842, NAIROBI

RECEIVED
24 SEP 2025
DEPUTY CLERK, S. NYIRO
P.O. BOX 41842-00100, NAIROBI

9. On 15th January 2021 the Employment and Labour Relations Court clarified the total cost and the correct method of implementation of the 2017-2021 CBA as follows:

“It is clear from the foregoing that SRC acknowledges that the annual increment is payable. It is further clear that the same was included in the CBAs as approved by SRC and further that it is the exclusion of the annual increment together with the resultant increment in pension liability by the public universities that caused the difference between the Kshs.8.8 billion proposed by SRC and the Kshs.13.812 Billion that resulted from the computation by the Joint Implementation Committee of the funds required to implement the CBAs.

The Court therefore finds that the CBAs signed and registered as well as the computation by the implementation committees of the universities is correct and is based on the unaltered matrix as presented to the IPUCCF by SRC. The court therefore confirms that the computation by the Implementation Committee of IPUCCF was accurate and that the figure of Kshs.8.8 billion is not sufficient to implement the CBAs as it did not include the annual increments and the resultant pension liabilities payable by the IPUCCF members on behalf of their staff.

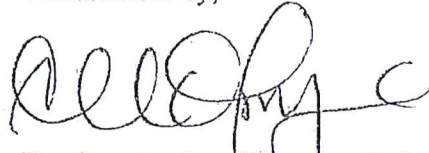
The SRC is therefore directed to work together with IPUCCF implementation Committee, the Ministry of Education and Treasury to make provision for the additional budgetary allocation necessary for implementation of the CBAs.”

10. Consequently, the total cost of implementing the CBA is **KShs.16.57 Billion including pension liabilities**; and not KSh. 8.8 Billion as Parliament had been led to believe by the computation of the Salaries and Remuneration Commission (SRC), and requested by National Treasury and the Ministry of Education.
11. On 10th January, 2024 Under Ref. No. VCs-Sec/VCs/VoL.VI, the Secretary to IPUCCF and Chairperson of the Vice Chancellors' Committee, and Vice-Chancellor, University of Embu, wrote to SRC replying to your letter Ref. No.SRC/TS/10VOL.II(118) at paragraph 4 he stated that;

Additionally, we note from the aforementioned letter that SRC acknowledged the need for Kshs. 16.65 Billion to fully implement the CBA for the 2017-2021 cycle. Regrettably, this amount has not been incorporated into the Recurrent Budgets for the Universities from the

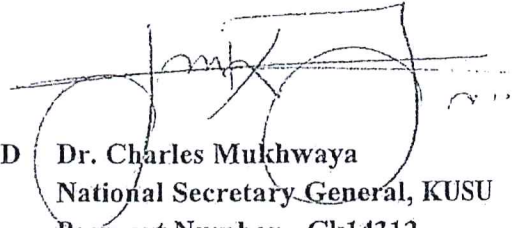
January, 2025 and the effective date for the CBA being from 1st July, 2025”

Yours sincerely,



Dr. Constantine Wasonga Opiyo, PhD
National Secretary General, UASU
National ID Number - 10407519

Date: 24th September, 2025



Dr. Charles Mukhwaya
National Secretary General, KUSU
Passport Number - Ck14312

Date: 24th September, 2025

Cc: ✓ The Principal Secretary,
The National Treasury and Economic Planning,
P.O. Box 30007-00100,
Nairobi.

The Principal Secretary,
State Department for Labour and Skills Development,
Ministry of Labour and Social Protection,
Bishops Road, Social Security House,
P.O. Box 40326 – 00100,
Nairobi.

Commission Secretary CEO,
Salaries and Remuneration Commission,
Willimason House, 6th Floor,
4th Ngong Avenue,
PO Box 43126-00100,
Nairobi.



TAITA TAVETA UNIVERSITY
OFFICE OF THE VICE-CHANCELLOR

Date: 31st October, 2025

REF: TTU/Adm/JNC/9B (003)

The Clerk to the National Assembly,
Attn: The Secretary,
Departmental Committee on Education,
Parliament Buildings,
NAIROBI

RE: SUBMISSION BY THE INTER-PUBLIC UNIVERSITIES COUNCILS' CONSULTATIVE FORUM (IPUCCF) ON THE PETITION REGARDING FUNDING OF THE 2017-2021 AND NEGOTIATION OF THE 2025-2029 COLLECTIVE BARGAINING AGREEMENTS (CBAs) FOR PUBLIC UNIVERSITIES AND CONSTITUENT UNIVERSITY COLLEGES

The Inter-Public Universities Councils' Consultative Forum (IPUCCF) acknowledges receipt of your invitation *vide* a letter dated 28th October, 2025 to appear before the National Assembly Departmental Committee on Education on Tuesday 4th November, 2025 at 11:30am to deliberate on the above-captioned matter.

Thus, in compliance with the said invitation IPUCCF hereby submits a written memorandum detailing the status of implementation of the 2017-2021 Collective Bargaining Agreements (CBAs), the progress of the ongoing negotiations for the 2025-2029 CBAs and the related litigation matters currently before the Employment and Labour Relations Court.

Further, the submissions outline the verified outstanding financial obligations and proposes collaborative measures among the Ministry of Education (MoE), The National Treasury & Economic Planning and the Salaries and Remuneration Commission (SRC) to ensure the sustainable resolution of the ongoing industrial action and restoration of industrial harmony across the Public Universities.

As a result, please find enclosed herewith the submission dated 31st October, 2025 for the consideration of the Honourable Chairperson and Honourable Members of the National Assembly Departmental Committee on Education.

Consequently, Hon. Clerk, kindly accept the assurances of our highest esteem.

Prof. Fred Simiyu Barasa, PhD.

**CHAIRMAN, IPUCCF-JOINT NEGOTIATIONS COMMITTEE &
VICE-CHANCELLOR, TAITA TAVETA UNIVERSITY**

Copies to: **Cabinet Secretary**, Ministry of Education
Cabinet Secretary, The National Treasury & Economic Planning
Chairperson, Salaries and Remuneration Commission
CEO/Secretary, Salaries and Remuneration Commission
Principal Secretary, State Department for Higher Education
Chairperson, IPUCCF of FKE

**SUBMISSION BY THE INTER-PUBLIC
UNIVERSITIES COUNCILS'
CONSULTATIVE FORUM (IPUCCF) TO THE
NATIONAL ASSEMBLY DEPARTMENTAL
COMMITTEE ON EDUCATION ON THE
PETITION REGARDING FUNDING OF THE
2017-2021 COLLECTIVE BARGAINING
AGREEMENTS (CBAs) AND
NEGOTIATIONS OF THE 2025-2029
COLLECTIVE BARGAINING AGREEMENTS
(CBAs) FOR PUBLIC UNIVERSITIES AND
CONSTITUENT UNIVERSITY COLLEGES**

31st October, 2025

4. Subsequently, the Joint Negotiations Committee (JNC) comprising IPUCCF and the three (3) Trade Unions formally adopted the said amount at a meeting held on 24th October, 2025 at Machakos University.
5. Consequently, there is no dispute on the balance of KES 7,944,519,929 to fully settle the 2017-2021 CBAs.
6. It is notable that during the meeting of 24th October, 2025 IPUCCF invited the Unions not only to deliberate and agree on the outstanding amount for full implementation of the 2017-2021 CBAs, but also to agree on the following:
 - i. The payment plan for the outstanding arrears arising from the 2017-2021 CBAs; and
 - ii. A Return-to-Work Formula (RTWF) for UASU and KUSU to ensure that normalcy would return to the Public University Sector.

In the said meeting, IPUCCF, having consulted with the parent Ministry of Education, proposed to the three (3) Trade Unions that the outstanding arrears be paid in three (3) instalments. However, the Trade Unions insisted on an immediate one-off payment for the 2017-2021 CBA arrears. Further, the two (2) Trade Unions (UASU and KUSU) declined to call off the industrial action. They were categorical that they will not call off the strike or resume work until two (2) conditions are fulfilled, namely:

- i. The outstanding arrears of 2017-2021 CBA are fully settled; and
 - ii. The 2025-2029 CBA is negotiated, signed, registered and implemented.
7. The matter of funding has since been referred to the relevant Government organs for consideration of appropriate funding modalities and for administrative and budgetary review.

III. STATUS OF THE 2025-2029 COLLECTIVE BARGAINING AGREEMENTS

1. Each of the three (3) Trade Unions submitted their CBA proposals for 2025-2029, which were acknowledged by IPUCCF as illustrated in **Table 1:**

the final phase of the ongoing negotiations with the Trade Unions will be concluded.

7. IPUCCF continues to act swiftly and strictly within the guidance of SRC and in consultation with the relevant Government agencies.
8. IPUCCF will continue to work collaboratively with all stakeholders to ensure lawful, transparent and sustainable implementation.

IV. LITIGATION PROCEEDINGS IN RELATION TO THE 2017-2021 CBAs AND 2025-2029 CBAs

1. Upon commencement of the industrial action by the three (3) Trade Unions, IPUCCF proceeded to Court.
2. Subsequently, the ELRC issued Orders interdicting the strike on 17th and 18th September, 2025 for the KUDHEIHA Workers and UASU & KUSU, respectively. The said orders were further extended on 15th October, 2025 for the matters of UASU and KUSU. **Annexure 2a-2c**
3. The orders of the ELRC also directed the parties to a conciliation process under the auspices of the Ministry of Labour & Social Protection.
4. The conciliation meeting took place on 24th September, 2025 and the report of the Conciliator dated 30th September, 2025 was subsequently filed in Court. **Annexure 3**
5. The ELRC has in the intervening period indicated that in the absence of any consent agreement between IPUCCF and the two (2) Trade Unions of UASU and KUSU a Ruling has been set down for 11th December, 2025.
6. However, it is important to note that KUDHEIHA Workers had suspended their industrial action on 19th September, 2025 after the ELRC interdicted their industrial action on 17th September, 2025 and thereafter the dispute was amicably settled through a consent adopted dated 15th October as the judgment of the Court on 22nd October, 2025. **Annexure 4**

ANNEXURE 1A



Salaries & Remuneration
Commission
Rewarding productivity

Ref. No. SRC/TS/10 Vol. VI (46)

25th September, 2025

Prof. Daniel Mugendi, EBS

Secretary to IPUCCF of FKE, Chairperson, Vice-Chancellors' Committee and
Vice-Chancellor, University of Embu
P O Box 6-60100

EMBU

Dear

Prof. Mugendi,

CONSOLIDATED INTER-PUBLIC UNIVERSITIES COUNCILS' CONSULTATIVE FORUM (IPUCCF) OF THE FEDERATION OF KENYA EMPLOYERS (FKE) RECOMMENDATIONS REGARDING THE 2025-2029 CBAs PROPOSALS FOR PUBLIC UNIVERSITIES

Reference is made to your letters Ref. No. VCs-SEC/VCS/ VOL. VI dated 10th June, 2025 and Ref. No. VCs-SEC/VCS/ VOL. VI dated 8th August, 2025 on the above subject.

The Salaries and Remuneration Commission (SRC) deliberated on your request during its 682nd meeting held on 25th September, 2025 taking into account the principles set out under Article 230 (5) of the Constitution and Section 12 of the SRC Act. The Commission subsequently advises the Inter Public Universities Council Consultative Forum (IPUCCF) to negotiate the Collective Bargaining Agreements (CBA) with the trade unions within the following parameters:

- a) **Basic Salary:** To be reviewed within a cost implication of **KShs. 3,186,741,793** inclusive of annual notch increments during the CBA period;
- b) **House Allowance:** The Commission observed that the current applicable rate of House Allowance for the unionisable staff of Public Universities are higher than the obtaining rates in the public service. SRC therefore advises that the allowance to be aligned to SRC Circulars Ref. No. SRC/TS/MDP/3/1/2 (2) dated 11th August, 2015 and SRC/ADM/CIR/1/13 Vol III (126) dated 10th December, 2014 (**Copies attached**).
- c) **Commuter Allowance:** To be paid within parameters shown in **Table 1**. University staff whose rates of Commuter Allowance are higher than rates in the table to retain their current rates until the next review;

Copy to: **Dr. Beatrice M. Inyagala, PhD, CBS**
Principal Secretary
State Department for Higher Education and Research
NAIROBI.

Dr. Chris K. Kiptoo, CBS
Principal Secretary
The National Treasury
NAIROBI.

FCPA Nancy Gathungu, CBS
Auditor General
Office of Auditor General
Anniversary Towers, University Way
NAIROBI.

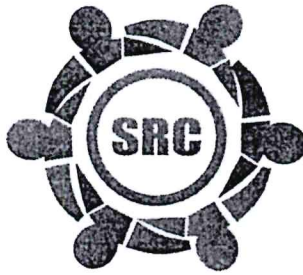
FCPA Dr. Margaret N. Nyakang'o, CBS
Controller of Budget
Office of Controller of Budget
Bima House, Harambee Avenue
NAIROBI.

Table 4: SRC advised Rates of Medical Benefits for University Staff (KShs)

GRADE	Civil Service Equivalent	INPATIENT	OUTPATIENT	OPTICAL	DENTAL
15A/15	S	2,000,000	250,000	30,000	25,000
14A/14	R	2,000,000	250,000	30,000	25,000
13A/13	Q	1,500,000	200,000	30,000	25,000
12A/12	P	1,500,000	200,000	30,000	25,000
11A/11	N	1,500,000	200,000	30,000	25,000
10A/10	M	1,500,000	200,000	30,000	25,000
9	L	1,500,000	200,000	30,000	25,000
8	K	1,000,000	150,000	30,000	15,000
7	J	1,000,000	150,000	30,000	15,000
6	H	1,000,000	150,000	30,000	15,000
5		1,000,000	150,000	30,000	15,000
4	G	750,000	100,000	30,000	15,000
3		750,000	100,000	30,000	15,000
2		750,000	100,000	30,000	15,000
1	F	750,000	100,000	30,000	15,000

Handwritten signature

ANNEXURE 1B



Salaries & Remuneration
Commission

Rewarding productivity

Ref. No. SRC/TS/10 Vol. VI (50)

6th October, 2025

Prof. Daniel Mugendi, EBS

Secretary to IPUCCF of FKE, Chairperson, Vice-Chancellors' Committee and
Vice-Chancellor, University of Embu
P O Box 6-60100
EMBU.

Dear Prof. Barasa,

CONSOLIDATED RECOMMENDATIONS OF THE INTER-PUBLIC UNIVERSITIES COUNCILS' CONSULTATIVE FORUM (IPUCCF) OF THE FEDERATION OF KENYA EMPLOYERS (FKE) ON THE 2025–2029 COLLECTIVE BARGAINING AGREEMENT (CBA) PROPOSALS FOR PUBLIC UNIVERSITIES.

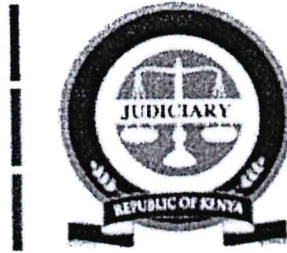
Reference is made to your letter Ref. No. TTU/adm/JNC/9B (003) dated 4th October, 2025 on the above subject matter.

The Salaries and Remuneration Commission (SRC) has reviewed your correspondence and noted your request for clarification on the negotiation parameters earlier advised by the Commission through its letter Ref. No. SRC/TS/10 Vol. VI (46) dated 25th October, 2025. Accordingly, the Commission hereby provides the following clarifications:-

- a) **Basic Salary:** The negotiation parameters on basic salary, with a ceiling of **KShs. 3,186,741,793** did not take into account the pension component. The pension obligation may, however, be factored into the CBA, subject to computation and provision strictly in accordance with the applicable statutory and regulatory framework.
- b) **Book and ICT Allowance:** The SRC acknowledges that the advised rate of Book Allowance for staff in Grade 12A was inadvertently set higher than that for staff in Grade 13A. Upon review, SRC observed that its earlier advisory was based on the recommendations of the IPUCCF, which appear to have contained a transpositional error. SRC is therefore agreeable to the proposed adjustment and confirms the applicable rates as **KShs. 8,481** for staff in Grade 12A and **KShs. 8,719** for staff in Grade 13A.

The purpose of this letter is therefore to clarify the matters raised in your request.

ANNEXURE 2A-2C



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NAIROBI COUNTY

COURT NAME: NAIROBI EMPLOYMENT AND LABOUR RELATIONS COURT

CASE NUMBER: ELRCCBA/E214/2025

IPUCCF VS UASU AND MINISTRY OF EDUCATION AND 5 OTHERS

RULING

'There is evidence that the applicant has reported a trade dispute to the Cabinet Secretary, Labour, as contemplated under the Labour Relations Act.

Good faith in industrial relations requires that parties conciliate in good faith.

The Court will, therefore, issue an order interdicting the ongoing strike pending of conciliation process.

In the meantime, the Respondent and Interested Parties to file and serve responses on or before 30 September 2025.

Further proceedings on 6 October 2025.

SIGNED BY/FOR:
HON. JUSTICE STEPHEN RADIDO



THE JUDICIARY OF KENYA.
NAIROBI EMPLOYMENT AND LABOUR RELATIONS COURT
CLAIMS AND LABOUR RELATIONS DIVISION

DATE: 2025-09-18 11:23:51





REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NAIROBI COUNTY

COURT NAME: NAIROBI EMPLOYMENT AND LABOUR RELATIONS COURT

CASE NUMBER: ELRCCBA/E213/2025

IPUCCF VS KUSU AND NATIONAL TREASURY AND ECONOMIC PLANNING AND 4 OTHERS

RULING

'There is evidence that the applicant has reported a trade dispute to the Cabinet Secretary, Labour, as contemplated under the Labour Relations Act.

Good faith in industrial relations requires that parties conciliate in good faith.

The Court will, therefore, issue an order interdicting the ongoing strike pending of conciliation process.

In the meantime, the Respondent and Interested Parties to file and serve responses on or before 30 September 2025.

Further proceedings on 6 October 2025.

SIGNED BY/FOR:
HON. JUSTICE STEPHEN RADIDO



THE JUDICIARY OF KENYA.
NAIROBI EMPLOYMENT AND LABOUR RELATIONS COURT
CLAIMS AND LABOUR RELATIONS DIVISION

DATE: 2025-09-18 11:22:19





REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NAIROBI COUNTY

COURT NAME: MILIMANI COMMERCIAL

CASE NUMBER: ELRCCBA/E212/2025

CITATION: IPUCCF VS KUDHEIHA AND MINISTRY OF EDUCATION AND 4 OTHERS

DIRECTIONS

1. The Motion dated 15 September 2025, together with submissions to be filed and served before the end of 26 September 2025.
2. The Respondents/served parties to file and serve responses and submissions before the end of 10 October 2025.
3. Pending further proceedings, an order is issued interdicting any industrial action on the dispute over arrears.
4. Further proceedings on 15 October 2025.

SIGNED BY: HON. JUSTICE STEPHEN RADIDO



THE JUDICIARY OF KENYA.
NAIROBI EMPLOYMENT AND LABOUR RELATIONS COURT
CLAIMS AND LABOUR RELATIONS DIVISION
DATE: 2025-09-17 10:49:55+03



ANNEXURE 3



REPUBLIC OF KENYA
MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR LABOUR & SKILLS DEVELOPMENT

Tel: +254 (020) 2729800
Fax: (Insert as appropriate)
Email: infolabourdept@gmail.com
When replying, please quote

Social Security House, Bishops Road
P.O. Box 40326-00100
Nairobi, KENYA

Ref: MLSP/LD/IR/67/2025

30th September, 2025

The Chairman
Inter-public Universities Council's Consultative Forum of FKE (IPUCCF)
P. O. Box 6-60100
EMBU

The Secretary General
Universities Academic Staff Union
P. O. Box 30198 00100
NAIROBI

The Secretary General
Kenya Universities Staff Union
P. O. Box 47464 00100
NAIROBI

The Secretary General
KUDHEIHA Workers
P. O. Box 41763 00100
NAIROBI

The Principal Secretary
Ministry of Education
P.O. Box 30400 00100
NAIROBI

Dear Sirs,

**INTER-PUBLIC UNIVERSITIES COUNCILS CONSULTATIVE FORUM OF THE
FEDERATION OF KENYA EMPLOYERS (IPUCCF).....
UNIVERSITIES ACADEMIC STAFF UNION (UASU).....CLAIMANT
-VERSUS-
KUDHEIHA WORKERS; UASU; KUSU & MINISTRY OF EDUCATION-RESPONDENTS**

Friday 19th September 2025 and 20th September 2025 which meetings KUSU and KUDHEIHA Workers attended while UASU did not attend despite being invited.

That SRC vide a letter dated 16th September 2025 addressed to UASU and copied to IPUCCF confirmed that it was undertaking an analysis of the request for advice on the 2025-2029 CBA that was forwarded by IPUCCF and that it would provide formal advice by 30th September 2025. That while SRC concurrence remains a constitutional and statutory prerequisite in the conclusion and registration of the CBAs the management had set in motion the process; that there would be a follow up meeting with KUDHEIHA Workers on 6th October 2025. It was not therefore true that they had refused to negotiate the 2025-2029 CBA.

On the issue of the 2017-2021 CBA the management submitted that SRC in their letter of 16th September 2025 had confirmed that they would engage with IPUCCF, the Ministry of Education and the National Treasury on the implementation of the same. That the progress on this matter is anchored on the guidance and consultative process being facilitated by SRC in collaboration with the relevant Government agencies, and that they had been invited to the engagements as directed by the Court.

The Management submitted further that after the signing of the CBA here had been differences in implementation. That some Universities implemented the salary increments vertically, while others did it horizontally, while other started by horizontal but reverted to vertical implementation. That indeed it was true that there were some arrears arising out of the Agreement but the figures were not known since some Universities had made some payments to their employees. That whereas the Unions claim the balance due is ksh. 7.9 billion, SRC had come up with a figure of ksh. 600 million. That the engagements already commenced would yield in an amicable solution to this issue.

Lastly the Management hoped that the two unions still on strike will heed their call and call off the strikes to alleviate the suffering by students in the Universities; That they remain committed to implementing the Agreements as agreed and signed.

KUDHEIHA Workers

The Union issued strike Notice on the 9th September 2025 on the issue of the arrears arising out of the 2021-2025 CBA. When the Government released the funds to pay the workers, and the Management went to court over the Strike Notices and obtained orders interdicting the strikes, KUDHEIHA Workers suspended their strike. On the issue of the 2017-2021 CBA the Union submitted that after the parties had negotiated, agreed and signed the CBA as per advisory from the SRC, the IPUCCF and the Government failed to fully implement the CBA which prompted litigation on the same. The Court gave its judgment in favour of the unions and although the Ministry of Education appealed the judgment the Court of Appeal dismissed the appeal; following which the Attorney General advised the Ministry of Education and other Government agencies to seek for funds for full implementation of the CBA. To date this has not happened leaving its members continuing to suffer hardships.

The Union therefore demanded a firm commitment from the management on a definite timeline for full payment of the outstanding amounts under the CBA.

..” SRC advice is fundamental in the conclusion of a CBA which deals with terms and conditions of public Officers:

And Mwilu JA was emphatic that:

“No valid salary and/or benefit of a state or public officer, as appropriate, shall ensue from a process that ignores the role of SRC...”.

On the third issue they submitted that the claimant concealed from the court that there is no trade dispute capable of undergoing further conciliation on the issue of 2017-2021 CBA as the same had been conciliated upon taken through the Employment and Labour Relations Court and the Court of Appeal and Legal opinion by the Attorney General rendered on it. That the Conciliator was incapable of reopening the ELRC decision, cannot reopen the Court of Appeal decision neither can the conciliator rewrite a duly registered Collective Bargaining Agreement nor countermand a legal opinion rendered by the Attorney General. That the judgment of 15th January 2021 and orders having been made and in absence of any reversal on appeal or stay application must be complied with by the claimant and the Interested Party.

In view of the foregoing therefore the councils of public universities and the Government should immediately implement in full the 2017-2021 CBA.

FINDINGS

Although the dispute, and indeed the strike notices had three issues, the issue of the 2021-2025 CBA is settled save for the issue raised by KUSU concerning three Universities: University of Nairobi, Kibabii University and Murang’a University of Technology. Since this is not an issue that affects all the Universities the Union is advised to report separate disputes against each of the Universities as is the practice.

2025-2029 CBA

The 2021-2025 CBA cycle has ended and so the parties are due to negotiate the 2025-2029 CBA whose effective date shall be July 2025. The Unions have submitted their proposals to IPUCCF for consideration. As per the law and as put by the Unions the proposals are subject to SRC’s advisory. SRC is obligated to issue beacons that are to guide the engagements. Before the beacons are issued by the SRC there cannot be negotiations. The IPUCCF has already forwarded the Unions proposals to SRC, and SRC undertook to respond by 30th September 2025. That being the case it would be premature to file for a dispute on the 2025-2029 CBA. It is not true that the Management has refused/failed to negotiate as the management had already forwarded the proposals to SRC as is required of them. Indeed the Management had invited the parties to commence the preliminaries of the negotiations awaiting the SRC’s advisory.

Parties should therefore wait for the SRC to give its advisory after which negotiations proper should commence in earnest and give the negotiations the attention that they deserve to avoid delays as happened in the past CBAs. That is what was envisaged during the signing of the Return to Work Formulae last year.

2017-2021 CBA

Of all the issues this is the stickiest issue, the elephant in the room as it were. From the parties’ submissions there is no dispute as to whether the Employers owe the workers or not. The Parties negotiated the CBA agreed and signed after getting the

from the computation by the Joint Implementation Committee of the funds required to implement the CBAs.”

The Court further found the CBAs signed and Registered as well as the computation by the implementation committee of the Universities to be correct and that the figure of Ksh. 8.8 billion was not sufficient to implement the CBAs as it did not include the annual increment and the resultant pension liabilities.

Having found the computation by the Implementation committee to be correct, the Court directed SRC to work with IPUCCF implementation committee, the Ministry of Education and Treasury to make provision for additional budgetary allocation necessary for implementation of the CBAs. This has not been done so far.

COURT OF APPEAL PROCEEDINGS

The matter went to the Court of Appeal (Civil Appeal No. E418 of 2021) by the Government side: The Ministry of Education, The Ministry of Labour, Attorney General and Salaries and Remuneration Commission on one side and KUDHEIHA Workers and IPUCCF of FKE as 1st and 2nd Respondents. The Applicants lodged a Notice of Appeal and sought for stay of the execution of the judgement and orders of ELRC, pending hearing and determination of the intended appeal against the entire judgment.

I have had an opportunity to go through the Ruling of the CA in the application as it was filed by UASU in their submissions to me. In paragraph 9 of the Ruling The Secretary General of UASU, a Respondent in the matter is captured as having averred that:

“ as of the date of this application, 25 out of 34 public universities had fully complied with the judgement and placed staff in the salary scale contained in the 2017-2021 CBA; that 7 other universities have implemented the CBA in a horizontal manner according to the Ruling of 3rd July 2020 and are having discussions to fully implement the CBA; that the applicants completely refused to facilitate the implementation of the CBA until after several discussions and deliberations leading to implementation starting in July 2021 and others in October 2021; and that the applicant employer initially resisted the formation of a National implementation Committee to aid the implementation of the CBA until September 2021.”

In paragraph 22 the CA found that the intended appeal is against the trial court's finding that the implementation of the CBA ought to include annual increments and resultant pension liabilities payable by the IPUCCF members on behalf of their staff, thereby raising the figure needed for implementation from Ksh. 8.8 billion, already disbursed to Kshs. 13.812 billion as computed by the implementation Committee of IPUCCF. The status quo if the judgement remains unchanged would be that the CBA has not been fully implemented and public universities are in arrears of about Kshs 5.8 billion as annual salary increments for their staff. The Court further observed that there was nothing preventing the respondents (Unions) from claiming these sums.

The Court found the Applicants to have made a case for Stay of the execution of the ELRC judgement and granted the orders sought

Although the Applicants got their stay orders they did not file the substantive appeal, and the time allowed to file the appeal lapsed. UASU then moved the CA through the a

ANNEXURE 4

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
(MILIMANI LAW COURTS)
CAUSE NO. E0212 OF 2025

INTER-PUBLIC UNIVERSITIES' COUNCILS CONSULTATIVE FORUM OF THE FEDERATION
OF KENYA EMPLOYERS.....APPLICANT/CLAIMANT

-VERSUS-

KENYA UNION OF DOMESTIC, HOTELS, EDUCATIONAL INSTITUTIONS, HOSPITALS AND
ALLIED WORKERS (KUDHEIHA)..... RESPONDENT

AND

MINISTRY OF EDUCATION1st INTERESTED PARTY
NATIONAL TREASURY AND ECONOMIC PLANNING2nd INTERESTED PARTY
MINISTRY OF LABOUR3rd INTERESTED PARTY
THE HONOURABLE ATTORNEY GENERAL 4th INTERESTED PARTY
SALARIES AND REMUNERATION COMMISSION 5th INTERESTED PARTY

The Deputy Registrar,
Employment and Labour Relations Court,
Milimani Commercial Courts,
NAIROBI

CONSENT

WHEREAS this matter relates to the payment of arrears under the **2021–2025 Collective Bargaining Agreement (CBA)**, specifically the **Tranche II** arrears amounting to **Kenya Shillings Two Billion, Seven Hundred and Thirty Million (Kshs. 2,730,000,000)**;

AND WHEREAS the said arrears have since been released and duly paid to the respective members, thereby rendering the issue **spent**;

AND WHEREAS the Respondent, the Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers (KUDHEIHA), suspended the strike on **19th October 2025** upon confirmation of the payment of the said arrears;

JN



JOINT SUBMISSION TO THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON EDUCATION CONCERNING THE 2017-2021 CBAs AND THE 2025-2029 CBAs FOR UNIVERSITIES' ACADEMIC STAFF UNION (UASU), KENYA UNIVERSITIES STAFF UNION (KUSU) AND KENYA UNION OF DOMESTIC HOTELS EDUCATIONAL INSTITUTIONS HOSPITALS & ALLIED WORKERS (KUDHEIHA)

Honourable Chairperson and Honourable Members of the National Assembly Departmental Committee on Education:

1. We thank you most sincerely for granting the Universities' Academic Staff Union (UASU), Kenya Universities Staff Union (KUSU) and Kenya Union of Domestic Hotels Educational Institutions Hospitals and Allied Workers (KUDHEIHA) this opportunity to appear before you to present our position on the implementation of the 2017-2021 Collective Bargaining Agreement (CBA) and the status of the 2025-2029 CBA amongst other challenges facing the higher education sector.

The Context

2. Allow us, to briefly state the context:

Implementation of 2017-2021 CBA

3. The 2017-2021 CBA was signed on **28th October, 2019** between UASU, KUSU and KUDHEIHA & ALLIED WORKERS and Inter-Public Universities Councils Consultative Forum of the Federation of Kenya Employers (IPUCCF).

On the same date, the Kenya Universities Staff Union (KUSU) and the Kenya Union of Domestic, Hotels, Educational Institutions, Hospital and Allied Workers (KUDHEIHA), which represent other staff in the public universities and constituent colleges also signed their respective 2017-2021 CBAs.

The CBAs were subsequently registered in the Employment and Labour Relations Court.

4. A total of **KSh 16.57 Billion** was required to fully implement the 2017-2021 CBAs, covering basic salary arrears and pension obligations for approximately 30,000 university employees across the country.
5. To finance the implementation of the 2017-2021 CBAs, the Government initially allocated KSh 8.8 billion, for interim implementation, which was disbursed in three tranches:

- (i) **KSh. 6.6 Billion** was disbursed by the National Treasury through Ministry of Education to public universities on 3rd July 2020, to pay the arrears of basic salaries for the 2017/2018; 2018/2019 and 2019/2020 Financial Years as per the interim orders issued by the Employment and Labour Relations Court (ELRC) on **3rd July, 2020**.
 - (ii) The second and the third tranches of KSh. 2 billion and KSh 200 Million respectively were disbursed as part of monthly capitation with effect from July, 2021.
6. The initial interim and partial implementation of the CBA arose from the fact that the Salaries and Remuneration Commission (SRC) had, in 2019 and 2020, understated to the Ministry of Education and the National Treasury the total cost of implementing the CBAs. This understatement, based on an erroneous computation, placed the total cost at **KSh 8.8 billion** instead of **KSh. 16.57 Billion**.
7. This was despite the fact that in 2019, IPUCCF working together with the Finance Officers from all public universities, had determined the total financial requirements of the 2017-2021 CBAs at KSh. 13.812 Billion (exclusive of pension liabilities).
8. The dispute on the financial requirements was taken to the Employment and Labour Relations Court (ELRC).
9. On 3rd July, 2020, the Court directed that, **in the interim**, the CBAs be implemented on a horizontal basis (SRC's desired formula), meaning that the salary tables were to be applied along the same notch, without factoring annual increments. This decision enabled partial implementation of the CBAs using the initial disbursement as indicated above.
10. On 15th January, 2021, the Court handed down its final judgement which clarified that the total cost of the CBAs was **KSh. 16.57 Billion**; based on the correct formula for calculating the financial requirements.
11. **The Court further directed the SRC, the Ministry of Education, and the National Treasury (the inter-ministerial team) to work together and disburse the outstanding balance.**
12. Thus effective from 15th January, 2021, the issue would have been resolved, and the current crisis would have been averted.
13. To delay the matter further, the Ministry of Education rather than working with the National Treasury, appealed the judgement of the Employment and Labour Relations Court at the Court of Appeal, which eventually dismissed the appeal in March, 2025.
14. **On 10th April 2025, after the dismissal of the MoE's case by the Court of Appeal, the Attorney General advised the Principal Secretary, State Department for Higher Education and Research to comply with Court judgement and implement 2017-2021 CBAs.**

15. At this point, university staff remained hopeful that the outstanding balance would soon be settled.
16. However, when no progress was made, the Unions issued strike notices on 10th September, 2025.
17. To make matters worse, in the course of the strike, SRC, IPUCCF, MoE and the National Treasury who had been directed to work together by the Court as far back as 15th January, 2021, begun issuing conflicting statements to the public:
 - (i) On Saturday **4th October, 2025**, the CS National Treasury stated on Citizen TV Weekend Evening Programme, that:
 - (a) the confusion arose between SRC and MoE,
 - (b) he did not know why the lecturers had waited for so long before raising the issue,
 - (c) the National Treasury still did not have the facts,
 - (d) the facts were with **Salaries and Remuneration Commission and Ministry of Education**,
 - (e) SRC and MoE needed to work together.
 - (ii) On 8th October, 2025, the CS Ministry of Education appeared before the National Assembly and asserted that the outstanding balance for the **2017-2021 CBAs was KSh 624 Million**.
 - (iii) The PS State Department for Higher Education stated to the public that it is SRC that had notified MoE that the **outstanding balance for 2017-2021 CBAs was KSh 624 Million**.
18. In order to resolve the issues, the representatives of the Councils of Public Universities and the Unions held conciliation meetings under the Ministry of Labour and Social Protection.
19. The outcome of the conciliation process was a recommendation by the conciliator that a meeting between the university councils and the unions be convened to audit the implementation of the 2017-2021 CBAs.
20. On the 9th October, 2025, the Joint Negotiations Committee (JNC) of the unions and universities Councils was convened, and agreed to constitute a Joint Technical Committee to re-examine the financial requirements of the **2017-2021 CBA** and verify the calculations by the SRC.
21. The Joint Technical Committee undertook its task from **10th to 13th October, 2025** in Machakos and concluded in its Report as follows:
 - (i) The verification revealed that the workings of the Salaries and Remuneration Commission (SRC) that indicated the outstanding balance of **KSh. 624 Million** was arrived at through an erroneous method.
 - (ii) The SRC methodology was inconsistent with the diagonal method of calculation of arrears as approved by the Employment and Labour Relations Court, and was therefore invalid.

- (iii) The verification established that the total outstanding balance amounted to **KSh 7.9 Billion.**
22. SRC and MoE were dissatisfied with the finding, and stated that the Unions were confused.
23. SRC, MoE and IPUCCF commissioned yet another verification exercise conducted jointly by their own officers, to the exclusion of Unions. The audit exercise was conducted between **18th and 21st October, 2025** and concluded that the amount owed to university staff as at 21st October 2025 is **KSh. 7,944,519,929. In essence, confirming the figures that had been established six years ago, in 2019, as correct.**
24. On **24th October, 2025**, the Union met with IPUCCF. During the meeting, and upon confirmation by IPUCCF that the Ministry of Education (MoE), the Salaries and Remuneration Commission (SRC), and the National Treasury, after six years of needless struggle and suffering by university staff, that the initial cost of the CBAs had been confirmed, the Union demanded the immediate release of the outstanding balance, taking into account that:
- (i) The amount in question was mutually agreed upon and became due six years ago;
 - (ii) **The Court judgement of 15th January, 2021 did not direct implementation by instalment;**
 - (iii) The workers were not demanding any interest on the delayed payment;
 - (iv) The real value of the money has been severely eroded over the years by inflation, loss of purchasing power, and the introduction of new taxes not in existence in 2019, such as the Affordable Housing Levy and the Social Health Authority (SHA/SHIF) deductions, meaning that, in effect, only about half of the amount would now accrue to the workers;
 - (v) **The Unions have been unfairly blamed by all stakeholders, including the MoE and CS National Treasury, for the delay in settlement, even though it is the IPUCCF, MoE and SRC who have relied on endless court processes to postpone payment and then shift the blame to the Unions;**
 - (vi) The staff of public universities, through the Unions, have consistently demanded the immediate settlement of the outstanding amounts. The issue of full settlement did not originate with the national officials of the unions,
 - (vii) but the demands came from the grass roots, through the representatives and the Full National Executive Committee and National Delegates Conference.

2025 -2029 Collective Bargaining Agreement

25. While IPUCCF has only just agreed, after a long delay, to commence negotiations on the **2025–2029 CBA**, the counter-offer presented by the Government of **KSh 3.1 billion** to cover the basic salaries and the employer pension component for the entire four-year period is with respect, grossly inadequate, as illustrated below:
- (i) The amount is significantly lower than the cost of previous CBAs i.e. **2013 -2017 CBAs** costed **Ksh. 15.2B** for salaries and employer pension component only , **2017-2021 CBAs** costed **Ksh. 16.57B** for salaries and employer pension component only and **2021-2025 CBAs** costed **Ksh. 9.7B** for salaries and employer pension component only for two years of the cycle since the other two years were frozen by

SRC due to covid pandemic. By extrapolation the actual cost of **2021-2025 CBAs** should have been **Ksh. 19.4B**. Therefore the **2025-2029 CBAs** cost for basic salaries and employer pension component only should be more than **Ksh. 19.4B** since salaries are on a progressively positive growth.

- (ii) It represents an average annual increment of approximately 2%, or a cumulative 8.25% over four years, whereas other public sectors workers in education such as teachers have been offered a **12% - 29.5%** increment under their 2025–2029 CBAs; and
 - (iii) The offer falls substantially below the parameters of the Consumer Price Index (CPI) as provided under the Wages Guidelines, 2005, which serve as a reference point for CBA negotiations. Based on CPI projections, a baseline increment of at least 26.1% over the four-year period would merely serve to compensate for loss of purchasing power. In this context, harmonization with the 29.5% increment accorded to teachers under the Teachers Service Commission (TSC) framework would ensure fairness and equity across the public sector.
26. IPUCCF appears deliberately intent on prolonging and frustrating the negotiation of the **2025–2029 CBA**, a course of action that risks prolonging industrial strife within the higher education sector. This conduct is inconsistent with the spirit of good faith bargaining and the principles of social dialogue envisaged under the Labour Relations Act. It is of concern that, despite a mutual agreement to conclude the negotiations by **31st January, 2025**, IPUCCF has failed to honour this commitment, thereby undermining confidence in the negotiation process.
27. The Unions pleads with the honourable committee to ensure IPUCCF, works with SRC, MoE and the National Treasury to present a reasonable offer to the Union to ensure the **2025-2029 CBA** is negotiated, signed, registered and implemented.

Way Forward

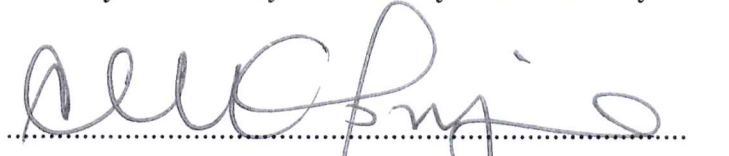
28. We the Unions urge this Honourable Committee to:
- (i) Prevail on IPUCCF, Ministry of Education and the National Treasury to release the outstanding balance of **KSh 7.9 billion** at once to fully implement the **2017-2021 CBAs** and restore industrial harmony within the public universities;
 - (ii) Direct the Ministry of Education, the National Treasury, and the Ministry of Labour and Social Protection to adopt an inter-ministerial and whole-of-government approach, under the chairmanship of the Cabinet Secretary for Labour and Social Protection, and to engage the Unions with a view to expediting the resolution of all outstanding matters including at the point of drafting an eventual Return to Work Formula;
 - (iii) Ensure that IPUCCF, in collaboration with the SRC, the Ministry of Education, and the National Treasury, presents a fair and reasonable offer to the Unions to facilitate the negotiation, signing, registration, and implementation of the **2025–2029 CBA**, without undue delay as occurred in the **2017-2021 CBA cycle**; and,

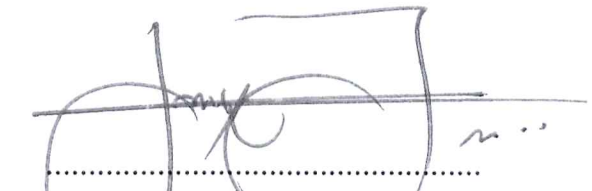
- (iv) Allocate and appropriate adequate funds to support the full implementation of the **2025-2029 CBAs** once concluded.


Honourable Chairperson and Honourable members,

29. The delay in paying the **2017-2021 CBA** arrears and concluding the **2025-2029 CBA** has strained industrial harmony, undermined morale, compromised the ability of our universities to attract and retain talent, and adversely affected thousands of university students. And the Unions also hope that this matter can be satisfactorily be settled.
30. As we conclude, UASU, KUSU and KUDHEIHA would like to appreciate the opportunity granted by the National Assembly, Education Committee to provide the perspective of both the Academic and University Staff.

Thank you and may God bless you abundantly.


.....
DR. CONSTANTINE WASONGA OPIYO, PhD
UASU, NATIONAL SECRETARY GENERAL


.....
DR. CHARLES MUKHWAYA
KUSU, SECRETARY GENERAL


.....
BRO. ALBERT OBED NJERU
GENERAL SECRETARY, KUDHEIHA WORKERS

AND

C.B.A NO. 3 OF 2020

INTER PUBLIC UNIVERSITIES COUNCILS

CONSULTATIVE FORUM (IPCC)

EMPLOYER

WITH

KENYA UNIVERSITIES' STAFF UNION (KUSU)

UNION

JUDGMENT

On 10th January 2020 the Court received three (3) Collective Bargaining Agreements (CBAs) for registration. The CBAs are in respect of the following parties –

1. INTER PUBLIC UNIVERSITIES COUNCILS CONSULTATIVE FORUM OF THE FEDERATION OF KENYA EMPLOYERS (IPUCCF)

WITH

KENYA UNION OF DOMESTIC, HOTELS, EDUCATION INSTITUTIONS AND HOSPITAL WORKERS (KUDHEIHA)

2. INTER PUBLIC UNIVERSITIES COUNCILS CONSULTATIVE FORUM OF THE FEDERATION OF KENYA EMPLOYER (IPUCCF)

WITH

THE UNIVERSITIES' ACADEMIC STAFF UNION (UASU)

3. KENYA UNIVERSITIES' STAFF UNION (KUSU) CLAIMANT

WITH

INTER PUBLIC UNIVERSITIES COUNCILS CONSULTATIVE FORUM

THE CBAs were forwarded to the Court by three identical letters which I reproduce below –

“Ref: ML&SP/CPMU/W/9310/CA/65/(23) 10th January 2020

The Judge

Employment and Labour Relations Court,

P.O. Box 47606-00100

NAIROBI

RE: REGISTRATION OF COLLECTIVE AGREEMENT

The Cabinet Secretary has received for registration under Part VII Section 60, sub-sections 6(a) and 6(b) of the Labour Relations Act, 2007; Rule 36(1-3) of the Employment and Labour Relations Court Procedure Rules, 2016 of the Laws of Kenya the 5th Agreement signed on 28th October, 2019 by the

following parties: -

INTER - PUBLIC UNIVERSITIES COUNCILS CONSULTATIVE

FORUM (IPUCCF)

AND

(KUDHEIHA)

The Ministry has analysed the agreement and confirmed that it conforms to the Wages Guidelines issued on 29th August, 1973 and their amendments of 23rd November, 2005.

On the basis of the analysis the Ministry wishes to emphasize the Salaries and Remuneration Commission's (SRC) advice in their letter referenced SRC/TS/UG/3/7 VOL VII (120) DATED 13th December, 2019 to the Ministry of Education that the implementation of the terms in the CBA be undertaken based on the allocated amount of Kshs.8.8 Billion, which is inclusive of all associated costs including pension liabilities resulting from the review for the three CBA's (UASU, KUSU and KUDHEIHA).

The agreement is therefore forwarded for your further action.

SIGNED

Peter K. Tum, OGW

PRINCIPAL SECRETARY"

The last paragraph of the letter caps the cost of implementation of the three CBAs to Kshs.8.8 Billion.

The three CBAs were allocated Registration numbers RCA No. 62 of 2020, RCA No. 63 of 2020 and RCA No. 64 of 2020 respectively.

The CBAs were all fixed for consideration for registration on 15th January 2020 pursuant to Section 60(1) and (7) of the Labour Relations Act which provide that –

60. Registration of collective agreement

(1) Every collective agreement shall be submitted to the Industrial Court for registration within fourteen days of its conclusion.

(7) The Industrial Court—

(a) may register a collective agreement within fourteen days of receiving it;

(b) may refuse to register a collective agreement unless all parties to the agreement have had an opportunity to make oral representations to the Industrial Court; and

(c) shall give reasons for refusing to register any collective agreement.

When the parties appeared in court on 15th January 2020, Ms. Ruth Kirwa representing the Employers and Mr. Sitienei who appeared for the Salaries and Remuneration Commission (SRC) had reservations to the registration of all the three CBAs.

Mrs. Kirwa stated that although the employer had signed the CBA, it had received advise that certain clauses in the CBA need to be reviewed. These were clauses in respect to retirement age and the implementation of the Master scales so that it could fit within the amount that had been allocated by the Government. Mrs. Kirwa explained that at the time her clients signed the CBA they were under the impression that all was well but later received advise on how the Master Scale should be implemented and that retirement age should comply with public policy and regulations.

Mr. Sitienei for SRC informed the court that SRC did give advice on parameters for the negotiations but when draft CBAs were forwarded to SRC for clearance, the costing arising was above the budgetary allocation by Treasury of Kshs.8,8 Billion. He informed that Court that if the CBAs were registered there was likelihood of challenges in implementation. That the clause in the CBA that addresses implementation would have to be amended to avoid challenges in implementation.

Mr. Sitienei further informed the court that the retirement clause needs to be aligned with policy in the public sector for the various categories of public officers.

Ms. Akuno appearing for the Attorney General on behalf of the Ministry of Education and Treasury stated she had reservations on the retirement clause.

Mr. Peter Mulwa appearing for the Ministry of Labour had no objection subject to the concerns of SRC being addressed.

Mr. Mwangi appearing of KUDHEIHA, Ms. Maina for UASU and Mr. Cyrus Wakori for KUSU all had no objection to the registration of their respective CBAs.

In view of the objections by the employer, SRC and the Attorney General, the registration of the CBAs was deferred to 4th February 2020 to

The parties were unable agree and on 3rd July 2020 the court delivered a ruling in which it made the following interim orders –

- 1. All the three CBAs Nos. 1, 2 and 3 of 2020 are accepted for registration as presented to the court with the exception of the retirement age clause which will be determined in the final judgment and is therefore excluded from the CBAs.*
- 2. The implementation will be on horizontal basis pending further orders of the court after consideration of the issues set out herein above.*
- 3. The retirement age currently in force will continue until the dispute herein is finally determined.*
- 4. The issue of whether to implement the CBA both horizontally and vertically will abide the final determination of the dispute herein.*
- 5. All parties herein are directed to file submissions on the issues set out herein above within 30 days.*
- 6. These matters will be heard by way of highlighting of the further submissions to be filed together with the submissions already on record on a date to be set by the court at the time of delivery of this ruling.*

The issues for determination as set out in the ruling therefore are the following –

1. How the figure of Kshs.8.8 billion was arrived at.
2. How earlier CBAs were implemented, whether vertically, horizontally or diagonally.
3. Whether the CBAS should be implemented diagonally as proposed by the unions or horizontally as proposed by SRC.
4. The retirement age.

Origin of Capping of Kshs.8,8 billion

In the report prepared by SRC dated 28th October 2019, it set out the chronology of events leading to the eventual signing of the three CBAs that are the subject of this judgment.

From the correspondence between the SRC and IPUCCF, it is clear that the original proposal by the unions was to costs Kshs.38.5 billion to impellent. After consultation with Treasury the SRC by letter dated 28th August 2019 forwarded to the Chief Administrative Secretary and Principal Secretary, Prof Collette Suda, SRC proposed a salary structure as shown in Table 1 attached to the budget with a ceiling of Kshs.6,891,150 as set out in Table 2 thereof.

In the notices for implementation it is stated that –

- (i) The JE basic salary structure for Public Universities is to be implemented with effect from 1st July, 2019.*
- (ii) Align current salary structure in salary grades as evaluated with a salary structure of between eight (8) and twelve (12) salary points.*
- (iii) For jobs whose current salaries are below the basic salary structure, provided in Table 1, place the jobs in the rightful Job Evaluation (JE) grading structure and implement the JE grading structure (with annual increments).*
- (iv) For jobs whose current salaries are above the basic salary structure, retain the existing salary structure (with annual increments) until the next review.*
- (v) The basic salary structure for Job Evaluation is for use by the management as a basis for negotiation with the Trade Unions (UASU, KUSU and KUDHEIHA), levels 1 to 15 A, within the Collective Bargaining Agreement Cycle 2017 - 2021.*
- (vi) House Allowances is to be retained at existing rates.*
- (vii) For the management employees, levels 16 - 20, align their current basic salaries to the resultant basic salaries for Job Evaluation as provided in Table 1.*
- (viii) Institutions may consult the Commission to provide technical support on implementation of JE salary structures.*

Upon receipt of the letter from SRC and after holding meetings with the union, the Chairman of the Joint Negotiating Committee of the Universities sought clarification on several issues by letter dated 25th September 2019 –

“September 25, 2019

The Chairperson

Salaries and Remuneration Commission

Williamson House 6th Floor, 4th Ngong Avenue

Nairobi, Kenya

Box 43126 – 00100

Dear Madam

RE: NEGOTIATIONS OF 2017-2021 CBA WITH THE UNIVERSITIES ACADEMIC STAFF UNION (UASU) ON 24TH SEPTEMBER, 2019 AT JACARANDA HOTEL NAIROBI

I wish to bring to your attention three (3) issues that the UASU negotiating team raised during the above referenced negotiations and which they seek clarification from your office.

First, the Union raised concern that there was no proposal to increase housing allowance in the offer tendered to them. They added that if this is not done, the UASU members will go for eight (8) years without any increment in housing allowance. The Union, therefore, requested that you consider providing for increased housing allowances for the Union members.

Secondly, the Union team was concerned about the effective date and implementation date for the 2017 – 2021 CBA. They noted that the implementation date is from 1st July, 2019 while the effective date is 1st July, 2017. In this regard, there was no provision for arrears for the two years in question. The Union requested that the Salaries and Remuneration Commission makes it clear when the arrears will be paid.

Thirdly, the UASU negotiating team raised concern that the document from the SCR has given provisions for the minimum and maximum points for each of the twenty (20) scales. However, the Union would like to have a complete picture of all the eight (8) notches for each of the 20 job groups.

I wish to request the SCR to furnish me with a response to the issues raised above by the Union in shortest time possible so that I can engage the Union and finalize the negotiations promptly.

Yours Sincerely

PROF. ISAAC M. MBECHÉ PhD, FKIM

AG. VICE CHANCELLOR

AND

CHAIRMAN OF JOINT NEGOTIATION COMMITTEE”

In its response dated 30th September 2019 after a consultative meeting with the IPUCCF, the SRC forwarded a conversion table with a costing of Kshs.7,021,640,478.

By letter dated 14th November 2019, the IPUCCF wrote to SRC as follows –

“November 14, 2019

The Chairperson,

Salaries and Remuneration Commission

Williamson House 6th Floor, 4th Ngong Avenue Nairobi, Kenya

Box 43126 - 00100

Dear Madam

COST OF THE CBA OF 2017-2021 FOR ALL PUBLIC UNIVERSITIES AND CONSTITUENT COLLEGES

I wish to let you know that the Joint' Negotiations Committee of IPUCCF organized for all Finance and HR Officers of every University to come to Jacaranda Hotel starting from November 6, 2019 to November 9, 2019 to work out the cost of implementing the CBA using the guidelines you provided to the JNC. The SRC Technical team also participated in this exercise.

I am therefore pleased to inform you that the total cost of CBA came to Kshs.13,775,961,023 which is broken down as follows:

2017/2018 - Kshs.1,408,962,631

2018/2019 - Kshs.2,705,858,724

2019/2020 - Kshs.4,242,166,792

Total 2018/2019 – 2019/2020 - Kshs.6,952,025,087

2020/2021 Kshs.5,414,973,303

SRC allocation: 7 Billion

As you can see from the figures, the amount available does not cover the entire period of the CBA. We are aware that there may be no extra funds available to Cover the entire period of the CBA.

The proposal of using what is available has been presented to your technical team and it is proposed that we implement the CBA from July 1, 2018, and July 1, 2019 to June 30, 2020.

This will bring stability in the universities and allow the Government to look for some money to sustain the CBA from July 1, 2020 going forward.

I look forward to your favourable response as soon as possible.

Yours Sincerely,

SIGNED

PROF. ISAAC M, MBECHE, PhD, FKIM

AG. VICE CHANCELLOR

AND

CHAIR, JOINT NEGOTIATIONS COMMITTEE”

By letter dated 26th November 2019, the IPUCCF again wrote to SRC on the issue of computation of the CBA salary increments. Part of the letter reads as follows –

“Further, the SRC required the Universities to counter-check and re-compute their workings in view of the guidance and provide details and a summary to the Commission for their consideration in facilitating the budget and financial resources to implement the CBAs.

Following the above, the Universities CBA Joint Implementation Committee comprising of the Joint Negotiations Committee, Union National officials and Finance Officers converged from Friday November 22, 2019 to Sunday November 24, 2019 to review and re-compute the figures so as to comply with SRC guidelines. The Finance Officers have since redone their workings as per SRC expectations. Detailed soft copy workings will be provided to the Commission.

It was noted that the 2016/2017 CBA figures were in some instances higher than base figures provided by SRC and the Finance Officers felt that it would be prudent to retain the higher figures to avoid double payments to staff and in compliance with the SRC guidance. As you will note from the re-computed figures, the total amount required to implement the 2017-2021

CBAs is Kshs.13,812,192,039.

This is, therefore, to forward this report for your further action

with a view to facilitating provision of the required resources to implement the 2017-2021 CBAs to staff in Public Universities and

On behalf of Universities, this is to once more thank you for your continued understanding.

Yours Sincerely

SIGNED

PROF. ISAAC M, MBECHE, PhD, FKIM

AG. VICE CHANCELLOR

AND

CHAIR, JOINT NEGOTIATIONS COMMITTEE”

The IPUCCF also forwarded the signed CBAS to SRC by letter dated 29th November 2019 for advise on the way forward.

By letter dated 13th December 2019, SRC confirms that the CBAs signed and forwarded to it complied with SRC’s advice on all relevant provisions. The SRC however states that the implementation must be undertaken within the allocation Kshs.8,8 billion. It states in the letter that the tabulation by the implementation committee which indicated the implementation figure as Kshs.13,812 billion is erroneous.

In a letter dated 13th January 2020 the SRC states –

(i) Reiterate that the implementation of the terms of the CBA be undertaken based on the allocated total amount of Kshs.8.8 Billion which is inclusive of pension liabilities resulting from the reviews;

(ii) The total allocation of Kshs.8.8 Billion should be arrived at by direct mapping of current salary points (2016/17 as the base salary year) for respective grades to the advised salary structure for each year of the CBA period, 2017 - 2021 as shown in the enclosed Table;

(iii) Automatic annual increment be implemented through the normal budgetary process and should not result in double compensation during the implementation of the CBA; and

(iv) MoE and IPUCCF should issue a corrigendum of excluding:

a. Review of retirement age, and

b. Horizontal and diagonal implementation criteria of the CBA.”

[Emphasis added]

From the foregoing, it is evident that the figure of Kshs.8,8 billion was allocated by Treasury upon the advice of SRC.

It is further clear that the IPUCCF and the Unions have tried to fit the implementation of the three CBAs into the allocation of Kshs.8.8 billion but their implementation has yielded a figure of Kshs.13,812 billion.

It is further clear from the letter dated 13th January 2020 from SRC that automatic annual increment, which SRC acknowledges is payable, has been excluded from the allocation of Kshs.8.8 billion. The annual increment would affect pension liabilities as pension is based on a percentage of the basic salary.

The answer to the first issue for determination is therefore that SRC arrived at the figure of Kshs.8.8 billion based on horizontal implementation of the CBA meaning that the SRC excluded annual increment as demonstrated in the Table attached to the letter dated 13th January 2020 reproduced below –

CBA Salary Structure Implementation Criteria

NOTCH	2016 - 17	2017- 18	2018 - 19	2018 - 20	2019 - 21
1.	12,100 P	13,592 P	15,084 P	16,576 P	18,068 P
2.	12,432	13,985	15,537	17,090	18,643
3.	12,763	14,377	15,991	17,604	19,218

5.	13,427	15,162	16,897	18,633	20,368
6.	13,759	15,555	17,351	19,147	20,943
7.	14,090	15,947	17,804	19,661	21,518
8.	14,422	16,340	18,257	20,175	22,093
9.	14,754	16,732	18,711	20,689	22,668
10.	15,086	17,125	19,164	21,203	23,242
11.	15,417	17,517	19,617	21,717	23,817
12.	15,749	17,910	20,071	22,231	24,392

The next issue is how earlier CBAs were implemented

In the submissions of KUSU dated 12th May 2020, it has attached the CBA for the period 1st July 2013 to 30th July 2017, the predecessor to the CBA that is the subject matter of this dispute. The implementation schedule is similar to that in the present CBA.

UASU has also produced the implementation matrix for the immediate past CBA which also confirms the mode of implementation to be similar to that contain in the three CBAs under reference herein.

The IPUCCF did not comment on the issue and neither did SRC or the Attorney General.

From what is on record, I can conclude that previous CBAs, or to be specific, the immediate past CBA, was implemented in exactly the same way as proposed by the unions ad as provided in the implementation matrix of all the three CBAs as presented to the court.

As pointed out by the Unions, the negotiations were strictly within

the beacons and parameters provided by SRC and indeed, parties had no leeway to negotiate since SRC came up with pre-determined Master salary scales which were merely adopted by the parties. This is confirmed by Annex 7 of SRC Report which is the letter from SRC dated 30th September 2019. What is contained in the CBA is what was submitted to IPUCCF by SRC in the said letter dated 30th September 2019.

How the CBA should be implemented?

From the evidence before the court, there is no contention that the advice and guidance of SRC was obtained before, during and after the negotiation of the CBA. SRC gave its approval to the CBAs. In the letter dated 13th December 2019, the SRC wrote *“the Salaries and Remuneration Commission (SRC) hereby, confirms that the CBA copies as signed and forwarded have complied with SRC’s advice on all relevant provisions.”* In the last paragraph of the letter, the SRC wrote

“The purpose of this letter therefore, is to inform you of the Commission’s approval of the CBAs for registration.”

The point of departure is in the implementation of the CBAs. Paragraph 3 of the Implementation Notes of all the three CBAs provides as follows –

“3) Interpretation and implementation of the salary tables for 2017 - 2021 CBA

The conversion tables should be read vertically and horizontally (diagonally) during implementation and computation of arrears starting from 2016/2017 financial year and using salary scale and step as identified in one (1) above with exception of step 12 which will be read horizontally only. Total arrears will depend on (i) date of joining the institution and (ii) the number of months worked in the year under reference.”

As has been observed above, the implementation proposed by SRC excluded annual increments. SRC insists that the CBAs be implemented horizontally only.

In the letter dated 30th September 2019, SRC proposed annual increments with 12 notches for each grade. These notches represent the annual increments which differentiate a long serving employee from a newly employed employee.

The annual increments therefore represent the vertical implementation while the CBA increases are contained in the horizontal implementation

In its letters dated 28th August 2019 at page 3 thereof, the SRC stated as follows –

(iii) *For jobs whose current salaries are below the basic salary structure, provided in Table 1, place the jobs in the rightful Job Evaluation (JE) grading structure and implement the JE grading structure (with annual increments).*

(iv) *For jobs whose current salaries are above the basic salary structure, retain the existing salary structure (with annual increments) until the next review.*

[Emphasis added]

In the letter dated 30th September 2019, SRC again stated –

(ii) *Public Service employees including Universities staff are generally cushioned against the effect of inflation through the automatic annual increment on the basic salary which is loaded prior to implementation of the new salary structure;*

This is the letter that proposed the Master plan and conversion table that were adopted in the CBAs as proposed by SRC. The SRC thus acknowledged that in the proposed salary schedule annual increments which public service employees including universities staff were entitled to had not been included in the proposed salary schedules.

Finally, in the letter dated 13th January 2020, SRC acknowledges that

annual increments are payable but states that the same should be implemented through normal budgetary process. At paragraph (iii) thereof it states –

(iii) *Automatic annual increment be implemented through the normal budgetary process and should not result in double compensation during the implementation of the CBA;*

[Emphasis added]

It is clear from the foregoing that SRC acknowledges that the annual increment is payable. It is further clear that the same was included in the CBAs as approved by SRC and further that it is the exclusion of the annual increment together with the resultant increment in pension liability by the public universities that caused the difference between the Kshs.8.8 billion proposed by SRC and the Kshs.13,812 billion that resulted from the computation by the Joint Implementation Committee of the funds required to implement the CBAs.

The court therefore finds that the CBAs signed and registered as well as the computation by the implementation committees of the universities is correct and is based on the unaltered matrix as presented to the IPUCCF by SRC. The court therefore confirms that the computation by the Implementation Committee of IPUCCF was accurate and that the figure of Kshs.8.8 billion is not sufficient to implement the CBAs as it did not include the annual increments and the resultant pension liabilities payable by the IPUCCF members on behalf of their staff.

The SRC is therefore directed to work together with IPUCCF implementation Committee, the Ministry of Education and Treasury to make provision for the additional budgetary allocation necessary for implementation of the CBAs.

Retirement Age

The three CBAs provide for retirement ages as follows –

CBA No. 1 of 2020

The mandatory retirement age for all employees in the public Universities within grades 1-4 shall be 65 years.

Employees shall be expected to retire when he/she reaches his/her subsequent birth day.

CBA No. 2 of 2020

4.11 (a) The retirement age shall be 75 years;

(b) An academic member of staff may retire voluntarily at the age of 50 years or above.

CBA No. 3 of 2020

The retirement age for members covered under this agreement shall be sixty five (65) years. Any member of staff under these

terms may opt for early retirement at fifty (50) years.

2009 and reviewed mandatory retirement age for public servants from 55 to 60 years but retained retirement age for public servants whose retirement age was above 60 years.

The circular states: -

“REVIEW OF THE MANDATORY RETIREMENT AGE FOR PUBLIC SERVANTS

The current policy on retirement of Public Servants provides for a mandatory retirement age of 55 years. This is with the exception of Judges, Academic staff in Public Universities, Research Scientists and Public Servants with disabilities whose retirement ranges from 60 years to 74 years.

...

In order to address the above challenges and in the spirit of harmonizing the retirement age applicable to the East African Community Countries, the Government has decided to raise the mandatory retirement age for all Public Servants from 55 years to 60 years with effect from 1st April, 2009. The provisions in the Pensions Act Cap. 189, various Pension Schemes and other Policy Guidelines governing the Civil Service, Disciplined Services, Teachers, State Corporations, Public Universities and the Armed Forces regarding compulsory and voluntary retirement will remain.

...”

The SRC guidelines which this court is enjoined to consider while dealing with matters that fall under the purview of SRC, provide that among the parameters to be considered in negotiations are Government Policies and Guidelines. The SRC guidelines provide –

8. Government Policies and Guidelines: Collective Bargaining Negotiations should adhere to existing policies and guidelines such as the Minimum Wage Guidelines, Public Service Commission Human Resource Policies and Procedures Manual, State Corporation guidelines and various SRC advisories.

Parties can therefore not negotiate outside public policy and guidelines.

For these reasons the proposals for amendment of retirement age are expunged from the CBAs.

The current practice as set out in the pension schemes for universities, the policies and guidelines in place and the provisions of any law that governs retirement age in the public sector shall apply.

The CBAs are therefore confirmed as registered on 3rd July 2020 as amended by this judgment.

DATED, SIGNED AND DELIVERED AT NAIROBI ON THIS 15TH DAY OF JANUARY 2021

MAUREEN ONYANGO

JUDGE

ORDER

In view of the declaration of measures restricting court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15th March 2020 and subsequent directions of 21st April 2020, that judgments and rulings shall be delivered through video conferencing or via email. They have waived compliance with **Order 21 Rule 1 of the Civil Procedure Rules** which requires that all judgments and rulings be pronounced in open court. In permitting this course, the court has been guided by Article 159(2)(d) of the Constitution which requires the court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of the Constitution and the provisions of **Section 1B of the Civil Procedure Act (Chapter 21 of the Laws of Kenya)** which impose on the court the duty of the court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

MAUREEN ONYANGO

JUDGE

DIRECTOR ADMINISTRATION
THE NATIONAL TREASURY
2418 22 APR 2025
RECEIVED
P.O. Box 30007 - 00100, NAIROBI

THE NATIONAL TREASURY
RECEIVED
1 22 APR 2025
MINISTRY
P.O. Box 30007 - 00100, NAIROBI



REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE

*Ms. Hilson
Pres. all offices
University Nairobi
24/4/25*

Our Ref: AG/LIC/EDU/153/23

Your Ref: TBA

Date: 10th April 2025

The Principal Secretary,
State Department of Higher
Education and Research
Ministry of Education,
Jogoo House "B" Taifa Road,
P.O. Box 300400-00100
NAIROBI

*MT. Ngechu
PSC Note &
HT KIV.
24/04/25*

THE NATIONAL TREASURY
RECEIVED
23 APR 2025
998
DG/BIPM

RE: NAIROBI COA CA E545 OF 2023
UNIVERSITY ACADEMIC STAFF UNION (UASU) VS. SC MIN OF EDUCATION,
HON. ATTORNEY GENERAL & 2 OTHERS

We refer to the above matter in which the University Academic Staff Union (UASU) had filed an application to have our appeal against the decision of the Employment and Labour Relations Court (Maureen Onyango J) in ELRC CBA No. 1, 2 and 3 of 2021, delivered on 15th January 2021, struck out.

We write to inform you, that the Court of Appeal rendered its decision on 28th March 2025 and in doing so, dismissed our appeal. Consequently, the stay orders issued in NRB ELRC E418 of 2021 lapse automatically and the *Ruling* in ELRC CBA No. 1, 2 and 3 of 2021 come into effect.

We advise that you implement the Collective Bargaining Agreements (CBAs) to avoid further litigation of the matter.

Enclosed find a copy of the *Ruling* of the Court of Appeal dated 28th March 2025 as well as a copy of the *Ruling* of the Employment and Labour Relations Court dated 15th January 2021 for your perusal and records.

We appreciate the support accorded to our office.

Yours Sincerely,

E.S. Karbolo
Senior State Counsel
For: ATTORNEY GENERAL

DIRECTOR OF INVESTMENT
RECEIVED
23 APR 2025
D02
G.I.P.E.

*D/GIDE
please close
again to D/DIRM
copy to
PSC/MT - LEGAL*

20

Ms.

Cc: The Principal Secretary,
The National Treasury and Economic Planning,
P.O Box 30007-00100,
Nairobi.

The Principal Secretary,
State Department for Labour and Skills Development,
Ministry of Labour and Social Protection,
Bishops Road, Social Security House,
P.O. Box 40326 - 00100,
Nairobi.

Commission Secretary CEO,
Salaries and Remuneration Commission,

JOINT NEGOTIATIONS COMMITTEE OF THE INTER-PUBLIC UNIVERSITIES COUNCILS CONSULTATIVE FORUM (IPUCCF) OF THE FEDERATION OF KENYA EMPLOYERS (FKE); UNIVERSITIES ACADEMIC STAFF UNION (UASU); KENYA UNIVERSITIES STAFF UNION (KUSU); AND KUDHEIHA WORKERS

**MINUTES OF THE MEETING HELD ON FRIDAY, OCTOBER 24, 2025
AT 10.30 A.M AT MACHAKOS UNIVERSITY**

1.0 ATTENDANCE

Prof. Fred S. Barasa	- IPUCCF/ Co-Chair
Mr. Cyprian Ombati	- UASU/ Co- Chair
Dr. Philip O. Onyango	- KUSU/ Co-Chair
Mr. Odoyo Genga	- KUDHEIHA Workers/ Co- Chair
Prof. Kamau Ngamau	- IPUCCF/ Spokesperson
Dr. Constantine Wasonga	- UASU/ Spokesperson
Eng. James Magoka	- KUSU/ Spokesperson
Mr. Charles N. Mbau	- KUDHEIHA/ Spokesperson
Prof. Romanus Odhiambo	- IPUCCF
Prof. Joyce Agalo	- IPUCCF
Ms. Grace Nyongesa	- UASU
Dr. Janepha Kumba	- UASU
Mr. Weldon Keter	- UASU
Dr. Jane Michael	- UASU
Dr. Francis Odundo	- UASU
Prof. George Osanjo	- UASU
Mr. Onesmus Mutio	- UASU
Mr. John K. Mali	- UASU
Dr. Charles G. Mukhwaya	- KUSU
Mr. Ernest Wayaya	- KUSU
Ms. Lucy Kanini	- KUDHEIHA Workers
Mr. Stephen Munyao	- KUDHEIHA Workers
Mr. Wayne Mwamburi	- KUDHEIHA Workers
Mr. Johnson Njine	- KUDHEIHA Workers
Ms. Joyce Cheron	- KUDHEIHA Workers
Mr. Dennis Mugambi	- KUDHEIHA Workers
Mr. Lawrence Kamonjo	- IPUCCF JNC Technical
Mr. David C. Gichuru	- IPUCCF JNC Technical
Mrs. Ruth Kirwa	- IPUCCF JNC Technical
Mr. Samuel Mwai	- IPUCCF JNC Technical
Mr. Hannington Ouko	- IPUCCF JNC Technical
Mr. Jacob Musembi	- UASU Joint Secretary
Ms. Lynn Kipkosgei	- KUSU Joint Secretary
Ms. Cullen Briggs	- KUDHEIHA Workers/ Joint Secretary
Mr. Harrison S. Akala	- IPUCCF Joint Secretary/ Recording

Minute No.	Deliberations
1.0 Opening Prayer	The meeting was called to order at 10.30 a.m. The opening prayer was offered by Dr. Jane Michael.
2.0 Introductions	The members undertook self-introductions.
3.0 Apologies	Received from: <ol style="list-style-type: none"> 1) Prof. Nathan Ogechi – IPUCCF 2) Prof. Zipporah Ngángá – IPUCCF 3) Prof. George Chemining’wa – IPUCCF 4) Prof. Mary Ndung’u – IPUCCF 5) Bro. Albert Njeru – KUDHEIHA Workers 6) Mr. Dennis Katei – KUDHEIHA Workers/ Secretariat
4.0 Adoption Of Agenda	The agenda was adopted with amendments to expunge Return to Work Formula and include 2025-2029 CBA negotiations status: <p style="text-align: center;">Proposed by: Prof. Kamau Ngamau Seconded by: Dr. Janepha Kumba</p>
5.0 Communication from Co-Chairs	Noted: <ol style="list-style-type: none"> 1) Co-Chair, IPUCCF: <ol style="list-style-type: none"> i) Welcomed and thanked the parties for attending the meeting. ii) Indicated that IPUCCF was ready to find a solution to unlock 2017–2021 CBA implementation issues in good faith. 2) Co-Chair, UASU: <ol style="list-style-type: none"> i) Indicated that the solution lies with the parties. ii) Reiterated that with utmost good faith the parties can get amicable solution. 3) Co-Chair, KUSU: <p>Indicated that the industrial action continues to bite but the solution can be met when parties discuss openly and with utmost good faith.</p> 4) Co-Chair, KUDHEIHA Workers: <ol style="list-style-type: none"> i) Noted that parties needed to work towards getting amicable resolutions keeping in mind that learning was not taking place.

	<p>ii) Wished that the parties discussed everything on the table and not under the table.</p>
<p>6.0 2017- 2021 CBAs Implementation Verification a) The IPUCCF verification report on the outstanding amount required for the fully implementat ion of the 2017- 2021 CBAs.</p>	<p>Presentation by IPUCCF</p> <p>i) IPUCCF made a presentation on the verification report on the outstanding amounts required for the full implementation of the 2017-2021 CBAs.</p> <p>ii) Gave an account of the court directives further to the conciliator's report calling for the parties to audit the 2017-2021 CBA implementation.</p> <p>iii) Indicated that IPUCCF convened Finance Officers, Payroll Officers, technical officers from IPUCCF, the Salaries and Remuneration Commission and Finance Officers from the Ministry of Education between 19th October 2025 and 21st October 2025 at Machakos University to audit implementation of the 2017- 2021 CBAs.</p> <p>iv) The 2017-2021 CBAs funds were released by the Government in two tranches i.e. Ksh.6.6B in July 2020 which was used to pay arrears horizontally for three (3) years and the other tranche was released post CBA cycle from July 2021 and paid in monthly capitation up to June 2022.</p> <p>v) Money paid outside CBA period was not considered as implementation but for sustaining the CBA post cycle.</p> <p>vi) Arrears were paid horizontally for the first 3 years of the CBA cycle and some universities implemented diagonally using the ksh.2.2B and internally generated funds based on their unique circumstances.</p> <p>vii) Only one university i.e. Tharaka University was verified to have implemented fully 2017-2021 CBA with no money owed to staff. However, although Rongo University had initially indicated that they do not owe staff any arrears, the verification established that they owe staff KSh.54,133,331.</p> <p>viii) IPUCCF would request the Ministry of Education to provide Ksh.7.7B and universities would provide the remaining ksh.182M and in consideration that ksh.800M was used to sustain the 2017-2021 CBAs after CBA period and which needed to be refunded.</p> <p>Response by unions:</p> <p>ix) The unions acknowledged IPUCCF presentation on the verification report on the outstanding amount required for the full implementation of the 2017-2021 CBAs.</p> <p>x) The unions sought clarification on validation of the following universities: Moi, DeKUT, Kirinyaga, TUK, SEKU, Multimedia, Egerton and Embu.</p>

C.O

	<ul style="list-style-type: none"> xi) The Unions interest was to find out how much was paid to staff and outstanding balances from the 2017- 2021 CBA Implementation. xii) The unions concurred with IPUCCF verification report on the outstanding balances of Ksh.7,944,519,929 for the 2017-2021 CBA implementation. . xiii) Further there was need for IPUCCF to explain the utilization of Ksh.2.2B received from the Ministry of Education as 2nd tranche. xiv) The unions requested for original documentation so that they could concur and append their signatures and write the following: The university-based unions (KUSU, UASU and KUDHEIHA) acknowledge the receipt of the 2017-2021 CBA audit report of IPUCCF, SRC and Ministry of Education team and concur with the figure of Ksh.7,944,519,929 is owed to staff of public universities as arrears of 2017-2021 CBAs. <p>Discussed and agreed:</p> <ul style="list-style-type: none"> i) That the IPUCCF verification report on the Amount Paid with Respect to The Implementation of the 2017-2021 CBAs as at 21st October 2025 be adopted as a JNC report without modification. ii) That Ksh.7,944,519,929 is the outstanding amount owed to public universities employees for the full implementation of the 2017-2021 CBAs.
<p>b) The payment plan for the outstanding arrears arising from the 2017 – 2021 CBAs.</p>	<p>IPUCCF:</p> <ul style="list-style-type: none"> i) Indicated that the payment plan of the 2017-2021 CBAs arrears to be as per the conciliator’s recommendation which was adopted by Court for IPUCCF, Ministry of Education and Treasury to agree jointly on the balances. ii) IPUCCF proposed a payment plan for Ksh.7,944,519,929 owed to staff in 3 tranches as follows: <ul style="list-style-type: none"> a) Ksh.2,211,361,217 (28%) in 2025-2026 FY b) Ksh.2,866,579,356(36%) in 2026-2027 FY c) Ksh.2,866,579,356(36%) in 2027-2028 FY <p>Unions response:</p> <ul style="list-style-type: none"> i) The unions rejected phased implementation in 3 tranches as proposed by IPUCCF. ii) The unions called upon IPUCCF, the Government of Kenya through the Ministry of Education and the National

	<p>Treasury to immediately release the Ksh.7,944,519,929 to staff in compliance with the Court judgment and registered 2017-2021 CBAs.</p> <p>iii) The unions proposed that the Government invokes Article 223 of the Constitution of Kenya 2010 to spend funds for immediate settlement of the CBAs.</p>
<p>8.0 Status of the 2025-2029 CBAs negotiations.</p>	<p>Unions presentation:</p> <p>i) The unions acknowledged receipt of the 2025-2029 CBAs counter offers with SRC beacons from IPUCCF.</p> <p>ii) The unions reported that they had rejected the total cost for basic salary and annual increments as ksh.3.1B for the 2025-2029 CBAs negotiations which was far below the previous CBAs cycles whose costs were much higher: 2013-2017 CBAs KSh.15.2B, 2017-2021 KSh.16.5B and 2021-2025 KSh.9.7B for two years only.</p> <p>iii) The unions also noted that the counter offers were not based on the current Consumer Price Index, the Wage Guidelines 2005 and Inflation Rates.</p> <p>iv) The unions requested IPUCCF to come up with new recommendations as per the Wage Guidelines 2005 and thereafter appeal to SRC for reviewed advisory in line with SRC negotiations guidelines.</p> <p>IPUCCF responses:</p> <p>i) Confirmed receipt of UASU and KUSU responses to the counter offers earlier and further received response from KUDHEIHA Workers on 24th October 2025.</p> <p>ii) That they had not analyzed the unions responses since the response from one union was outstanding.</p>
<p>10.0 Way Forward</p>	<p>Unions position:</p> <p>i) The unions shall continue with the strike until their members are paid the outstanding arrears of Ksh.7,944,519,929.</p> <p>ii) The unions shall continue with the strike until the 2025-2029 CBAs are negotiated, signed, registered and implemented.</p> <p>iii) The parties have no consent to be taken to Court on 29th October 2025.</p>

FSH

C.O

S.O.S

90

	<p>IPUCCF position:</p> <p>i) The unions (UASU and KUSU) should call off the strike immediately as a matter of public interest and in good faith to allow students to resume learning as the parties continue resolving the pending issues.</p> <p>ii) IPUCCF will deliberate on unions responses on the counter offer and report back at the next meeting.</p>
<p>11.0 Adjournment</p>	<p>The meeting adjourned at 6.52pm after the parties agreed on the minutes and also agreed to convene on Friday 31st October 2025 at the same venue. The closing prayer was offered by Mr. Onesmus Mutio.</p>

MINUTES APPROVED FOR CIRCULATION

Harnsam S. Arala
Joint Secretary, IPUCCF

[Signature]
Signature

24/10/2025
Date

Jacob Musembi
Joint Secretary, UASU

[Signature]
Signature

24-10-2025
Date

Lynn J. Kipkosgei
Joint Secretary, KUSU

[Signature]
Signature

24/10/2025
Date

Cullen Briggs
Joint Secretary, KUDHEIHA

[Signature]
Signature

24/10/2025
Date

MINUTES CONFIRMED AT THE NEXT MEETING

Prof. Fred S. Barasa
Co-Chair, IPUCCF

[Signature]
Signature

24/10/2025
Date

Cyprian Ombati
Co-Chair, UASU

[Signature]
Signature

24th October 2025
Date

Dr. Philip Odongo
Co-Chair, KUSU

[Signature]
Signature

24-10-25
Date

Oduyo Genge
Co-Chair, KUDHEIHA

[Signature]
Signature

24/10/2025
Date

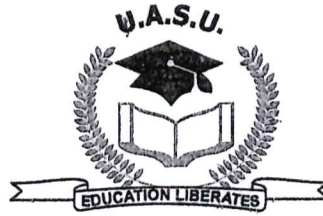
UNIVERSITIES' ACADEMIC STAFF UNION

All correspondence should be addressed to the Secretary General

National Chairperson
Grace C. Nyongesa

National Secretary General
Dr. Constantine Wasonga

National Treasurer
Dr. Janepha K. Kumba



Uniafric House, 3rd Floor Rm 301
Koinange Street
P.O. Box 30198 - 00100
Nairobi, Kenya
Tel: +254 721 947 715
+254 739 366 023
Email: uasunational@yahoo.com

Ref. UASU/IPUCCF/6/2025

30th October, 2025

Prof. Fred S. Barasa, PhD.
Chairman,
IPUCCF Joint Negotiations' Committee &
Vice-Chancellor, Taita Taveta University
P.O BOX 635-80300

Voi

“ Advance Copy by Email”

Dear Prof. Barasa,

RE: REJECTION OF IPUCCF COUNTER OFFER ON 2025-2029 COLLECTIVE BARGAINING AGREEMENT, AND APPEAL AGAINST FINALITY OF THE SRC BEACONS

This is in reference to the Consolidated IPUCCF's Recommendations of June 2025 to the Salaries and Remuneration Commission (SRC) on the Collective Bargaining Agreements (CBAs) for the three trade unions in the Universities, the Universities Academic Staff Union (UASU) being one of them. We further refer to the SRC's letter dated **September 25, 2025 Ref. No. SRC/TS/10 Vol. VI (46)** addressed to the Chairperson, Vice-Chancellors' Committee of the Inter-Public Universities Councils Consultative Forum (IPUCCF) through which the Commission provided the IPUCCF with the beacons for the 2025-2029 collective bargaining cycle. Reference is further made to our letter dated **October 13, 2025** through which we formally rejected the IPUCCF's counter-offer, which were based on the beacons provided by the SRC.

Finally, I refer to our letter of **October 21, 2025** through which we formally communicated to the SRC our rejection of the IPUCCF's counter-offer, and appealed against the finality of the SRC beacons. I now write to you on the strength of SRC's response to our letter of **October 21, 2025**. Vide the SRC's letter dated **27th October 2025 Ref. No. SRC/10Vol. VI (82)**, the Commission guided that we channel our appeal through the IPUCCF, being the representative of employers of Public Universities (*copy attached*).

The Universities Academic Staff Union reiterates her complete rejection of the IPUCCF's

Counter-Offer, and formally requests that the IPUCCF appeals against the guiding SRC beacons for the 2025-2029 CBA. We view both the IPUCCF counter-offer together with the SRC beacons as an **imposition of final positions** on the Union rather than the **provision of negotiation ranges**, thereby undermining our right to genuine collective bargaining as enshrined in Article 41(5) of the Constitution of Kenya, 2010. Furthermore, the IPUCCF counter-offer and the SRC's advisory fails to adhere to the principle of **fair remuneration [Article 41(2)(a)]** and the constitutional need to **attract and retain necessary skills in the public sector [Article 230(5)(b)]**.

Our core argument is that the IPUCCF, through their one-sided recommendations, misguided the SRC into providing beacons that were **inferior** to UASU's demands on **all** the issues outlined in the Union's demand proposal. The recommendations by IPUCCF to the SRC, which yielded the beacons did not emanate from any conclusive collective bargaining process between the two parties. This reinforces our conviction that the beacons and the resultant IPUCCF's counter-offer negated the principle of **voluntarism and good faith behavior in collective bargaining**, contrary to Kenya's industrial relations practice and constitutional provisions.

Furthermore, while the IPUCCF had summarized UASU's demand on each of the negotiable items, it is not clear why the same were not considered by the SRC before providing the advisory. It is also not clear if UASU's demand proposal was forwarded to the SRC as contemplated in the SRC's Circular **Ref. No. SRC/ADM/CIR/1/13 VOL.IV(28)** dated **October 14, 2019**. We also reject the IPUCCF's counter-offer and SRC's beacons on grounds that they fail to compensate for the **severe erosion of the academic staff's purchasing power** as measured by the changes in the consumer price indices. Both the counter-offer and the beacons also neglect the existing agreements and circulars regarding other terms and conditions of employment in the Public Universities.

The primary evidence is drawn from the Wage Guidelines 2005, which requires wage awards to be based on changes in the Consumer Price Index (CPI) "since the most recent revision of wages". In this respect, we find that the **2% annual general wage increase or an average of 8.25% for the four-year CBA period** as recommended by the IPUCCF to the SRC and affirmed by the Commission in their advisory is **overwhelmingly short of the 26.1% permissible wage compensation entitlement to the academic staff members**, being loss in purchasing power suffered during the period **July 1, 2021 to June 30, 2025**. The implication is that if both the SRC advisory and IPUCCF's counter-offers are sustained, UASU members will suffer deterioration in their real wages and subsequent standard of living by at least **17.85 percentage points!**

In addition, the proposed **2% general wage increase per year or 8.25%** for the four-year period is **21.5 percentage points below the 29.5% salary increase** awarded to various cadres of teachers employed by the Teachers Service Commission (TSC) in the parties' **2025-2029 CBAs**. In the said CBAs, the highest and lowest grades of teachers were awarded increments of **12%-29.5%** for the four years. It is not clear, therefore, what parameter may have informed both the IPUCCF and the SRC to propose such **dismal increase of 2% for UASU**. If sustained, it would yield a huge disparity for workers in the same sector, thereby undermining the principles of comparability, equality, equity and fair treatment.

Furthermore, the advised **4% automatic annual increment** is fiscally inadequate as it is below the **average inflation rate of 5% for 2025**. It is also below the average inbuilt automatic annual increments for workers in the **civil service (4.6%) and the TSC (4.8%)**. We view these discrepancies in treatment as discriminatory, unfair and non-equitable contrary to the constitutional guarantees in **Articles 27(3), 41(1) and 230(5d)**. Thus, the **4% automatic annual increment** recommended by IPUCCF and sanctioned by the SRC would grossly fail to cushion the teaching staff of the Public Universities against the inflationary tendencies, thereby deepening the deterioration in their standards of living.

Beyond the basic salary and annual increments, the IPUCCF counter-offer and SRC beacons have treated the allowances with **historical neglect and current inadequacy**. House allowance for the academic staff of the Public Universities have not been reviewed for the last **17 years**, forcing academicians into housing that neither matches their status nor incentivizes productivity, yet both the IPUCCF counter-offer and the SRC's advisory proposes no increment. Moreover, offers for medical cover are demonstrably **inferior** to those provided to equivalent staff in the wider public service.

Generally, both the IPUCCF counter-offer and SRC beacons fail to address the dire need for harmonization of allowances in the Public Universities. This is despite the fact that the SRC is on record that **implementation of the Allowances Policy Guideline for the Public Service was to be effective from April 2022**. Furthermore, Clause 1 of the 2021-2025 CBA between UASU and IPUCCF guaranteed that *"Harmonization of other allowance shall be negotiated in the next CBA cycle of 2025-2029..."*. Moreover, the SRC in their letter of **June 21, 2024 Ref. No. SRC/TS/10 Vol. IV (6)** on other allowances guided that **"...SRC shall progressively review and advise on harmonized rates across all Public Universities"**.

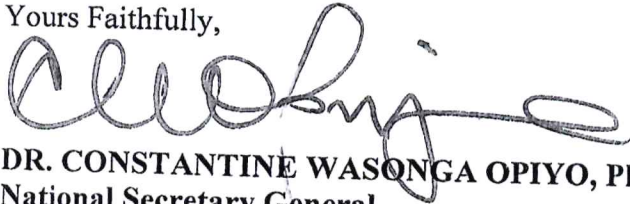
Besides ignoring the aforementioned parameters, the IPUCCF also excluded some of the allowances raised in UASU's demand proposal in both their recommendations to the SRC and the counter-offer. We, therefore, view the IPUCCF's intentional attempt to ignore the cited commitments, failure to comprehensively respond to all the issues raised by UASU in their demand proposal, and the SRC's sanction of the same as **bad faith behaviour in collective bargaining and negotiations**.

We, therefore, reiterate our rejection of the IPUCCF counter-offer. Equally, we call upon the IPUCCF to appeal to the SRC to review the beacons provided. Our request for appeal to the SRC is grounded on the SRC's letter of **October 27, 2025 Ref. No. SRC/10Vol. VI (82)** to UASU, which guided that the Union channels her appeal through the IPUCCF. It is also anchored on SRC's Circular **Ref. No. SRC/ADM/CIR/1/13 VOL.IV(28)** dated **October 14, 2019**. In the Circular on **Revised Guidelines on Collective Bargaining in the Public Service**, under the process to be followed in providing parameters to institutions for purposes of collective bargaining negotiations, the SRC guided on item (vii) as follows:

"In the event of a stalemate in negotiations after the parameters have been provided by the Commission, the employer shall revert to the Commission with recommendations on rates it proposes for review taking into consideration the factors as stated herein. The Commission shall consider the request for review and provide its advice".

This Union considers the suggested action as critical in facilitating a productive collective bargaining process that respects the constitutional and statutory rights of the academic staff of the Public Universities in Kenya.

Yours Faithfully,



DR. CONSTANTINE WASONGA OPIYO, PhD
National Secretary General

Copy To :

HON. JULIUS MIGOS OGAMBA

Cabinet Secretary
Ministry of Education
Jogoo House
NAIROBI

DR. BEATRICE M. INYANGALA, PHD, CBS

Principal Secretary
State Department for Higher Education and Research
Ministry of Education
NAIROBI

DR. CHRIS K. KIPTOO, CBS

Principal Secretary
The National Treasury
NAIROBI

CPA. MARGARET NJOKA

Ag. Commission Secretary/CEO
Salaries and Remuneration Commission
Williamson House, 6th Floor, 4th Ngong Avenue
P.O Box 43126, GPO-00100
NAIROBI.

PROF. DANIEL MUGENDI, PHD., EBS

Chairperson,
Vice-Chancellor's Committee &
Vice-Chancellor, University of Embu
P.O BOX 6, 60100
EMBU

FCPA NANCY GATHUNGU, CBS

Auditor General

Office of the Auditor General

Anniversary Towers

NAIROBI

FCPA DR. MARGARET N. NYAKANG'O, CBS

Controller of Budget

Office of the Controller of Budget

Bima House

NAIROBI



REPUBLIC OF KENYA
THE NATIONAL TREASURY

SUBMISSION ON THE PETITION FILED TO THE NATIONAL ASSEMBLY BY UASU AND KUSU ON THE IMPLEMENTATION OF THE 2017-2021 CBA IN REGARD TO THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON EDUCATION MEETING

The National Treasury makes this submission on the funding of the 2017-2021 Collective Bargaining Agreement for Universities' employees as follows:

1. Background

1. The Universities Academic Staff Union (UASU) and the Kenya Universities Staff Union (KUSU) commenced their industrial action on 17th September, 2025 regarding the implementation of the 2017-2021 Collective Bargaining Agreement.
2. It is noted that on 28th October 2019, the Inter-Public Universities Council Consultative Forum (IPUCCF) jointly with UASU and KUSU, computed and signed the cost of the CBA at **KSh.13.81 billion**. However, the Salaries and Remuneration Commission (SRC) recommended **KSh.8.8 billion**.
3. Consequently, the Unions took the matter to the Employment and Labor Relations Court arguing that the recommended amount was not adequate as it did not consider the annual increment and the resultant pension liability. The Court in its ruling delivered on 15th January, 2021 concurred with the computation by the joint Implementation Committee (i.e. IPUCCF, UASU & KUSU), hence the total cost of implementing the CBA was determined to be **KSh.16.57 billion** including pension liabilities.
4. The Government lodged an appeal on the matter at the Court of Appeal regarding the ruling by the Employment and Labor Relations Court.