COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Monday, 16th February, 2015

The House met at the Temporary Chambers at the defunct Malindi Municipal Council, Malindi Town, 2.30 p.m.

[The Deputy Speaker (Hon. Mwambire) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

CONSULTATIVE MEETING WITH ALL THE LIAISON COMMITTEE MEMBERS

The Deputy Speaker (Hon. Mwambire): Honourable Members, immediately after this session, we will have a consultative meeting with all the Liaison Committee Members. Next Order.

PAPER

REPORT OF THE LABOUR AND SOCIAL WELFARE COMMITTEE ON THE COUNTY GOVERNMENT CASUAL WORKERS

The Deputy Speaker (Hon. Mwambire): Let us proceed please. Hon. (Ms.) Mbeyu, I am informed that you are standing in for the Chairperson.

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, Sir. I am Hon. (Ms.) Mbeyu standing in for the Chair of the Labour and Social Services Committee. On behalf of the Members of the Committee of Labour and Social Welfare and pursuant to the provision of Standing Order 192, it is my pleasure and duty to present the Committee's Report on the County Government of Kilifi Casual Workers.

COMMITTEE MEMBERSHIP

The Committee on Labour and Social Services was constituted by the House on Tuesday 23rd April, 2013 and was later reconstituted following the successful revision of the County Assembly of Kilifi Standing Orders on 31st July, 2014. It comprises of the following Members;

NO.	NAME (HON.)	TITLE
1	Stanley Karisa Kenga	Chairperson
2	Ibrahim Abdi Athuman	Vice-Chairperson
3	Albert Kiraga Hare	Member
4	Elizabeth Tabu Ngala	Member

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5	Nixon Charo Mramba	Member
6	Getrude Mbeyu Mwanyanje	Member
7	Teddy Ngumbao Mwambire	Member
8	Priscilla Zawadi Kitsao	Member
9	Said Ndeme Mwachenda	Member

COMMITTEE MANDATE

The Committee on Labour and Social Welfare is one of the Select Committees established under Standing Order No. 192 (5) which provides the following functions to the Committee;

a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
b) Study the programme and policy objectives of departments and the effectiveness of their implementation;
c) Study and review all County legislation referred to it;
d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (Committee on Appointments), lastly
g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Mr. Speaker, Sir, I will take you through the *how's* on the Committee's findings.

COMMITTEE FINDINGS

After many deliberations, the Labour and Social Welfare Committee made the following findings:-

1. There are discrepancies in the total number of Casual Workers inherited from the Defunct Local Authorities as at 30th June, 2013. The County Public Service Board submitted the total number as 318 while the County Secretary submitted that there are a total of 261.
2. There are discrepancies in the total number of Casuals employed after 30th June 2013. The County Public Service Board submitted that there are 247 New Casual Workers while the County Secretary submitted that there are a total of 239 Casual Workers.
3. There are discrepancies in the total list of casuals submitted by the County Secretary as he submitted the total number to be 641 contrary to the total number of Casual Workers in the Defunct Local Authorities and New Casuals totaling to 500.
4. The County Government through the Office of the County Secretary could not absorb the casual workers of the Defunct Local Authorities because the County Public Service Board has not developed regulations on the engagement of persons on contract, volunteers and

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casual workers, staff of joint ventures and attachment of interns in public bodies and offices pursuant to Section 74 of the County Government Act, 2012.

5. That, the classification and establishment of the urban areas and cities has not been done pursuant to Section 10 of the Urban Areas and Cities Act, 2011 but the County Secretary designated persons to be Town Managers redeployed from the Office of the County Secretary.
6. The positions for Town Managers were not competitively filled. Section 29, 30 and 31 of the Urban Areas and Cities Act, 2011 provides for the appointment, Qualifications, Governance and Management of Towns. Section 66 of the County Government Act, 2012 clearly stipulates on the Advertisements of positions to be widely publicized.
7. There are numerous issues of nepotism in the employment of the Casual staff.
8. Employment of Casual employees is done haphazardly and there are major discrepancies in the qualifications, wages and duties assigned.
9. There are casual workers who have served for more than three months up to ten years without confirmation of their employment or offer of contract.
10. There are casual workers who could not be found in the payroll system yet their names are in the List of Workers i.e. William Fondo and Hariet P. Malingi from the Report of the County Public Service Board.

RECOMMENDATIONS OF THE COMMITTEE

Mr. Speaker, Sir I will directly take you through the recommendations of the Committee. Having considered the information from the Committee's research, hearings and evidence, the Committee recommends:-

1. That, the County Government of Kilifi through the County Public Service Board employs on a permanent basis all the Casual Workers inherited from the Defunct Local Authorities with effect from March, 2013.

(Applause)

2. That, all the newly employed casuals are laid off immediately and the process of recruitment is done by the County Public Service Board as stipulated in the County Government Act, 2012.

(Applause)

3. That, the County Public Service Board develops regulations on the engagement of persons on contract, volunteer and casual workers, staff of joint ventures and attachment of interns in public bodies and offices pursuant to Section 74 of the County Government Act, 2012.
4. That, the Offices of the County Secretary, County Executive Committee Members and Chief Officers stop any recruitment of casual workers in the County Government of Kilifi and all matters of employment be done through the County Public Service Board.

(Applause)

5. That the process of classification and establishment of urban areas in Kilifi County be done pursuant to provisions to Urban Areas and Cities Act, 2011.

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6. That all the deployed staff from the Office of the Secretary as Town Managers/Administrators are taken back to their previous positions. The Committee further recommends that the position of Town Managers/ Administrators be competitively filled once the urban areas have been classified and established.
7. That the County Public Service Board puts up mechanisms to address the issues of nepotism within the County Public Service.

Thank you Mr. Speaker, Sir. I rest my case.

The Deputy Speaker (Hon. Mwambire): Anybody to second the report?

(Hon. Kiraga stood at his place to second the report)

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga has seconded. Honourable Member, I now propose that the report tabled by Hon (Ms.) Mbeyu and seconded by Hon. Kiraga for deliberations is now on the floor so that you can make your input. Yes Hon. Nzaro.

Hon. Nzaro: Thank you Mr. Speaker. I rise to support the adoption of this report. First, I want to sincerely thank the Committee Members for a very comprehensive and a well laid down report. Mr. Speaker, if you look at this report, these are issues that are happening in our County. It is very pathetic that, there are employees who have been rendered casuals for more than 10 years. The issue of casuals is well addressed in this report because they have been inherited from the defunct local authorities then they be immediately confirmed to permanent basis. This will assist these employees because they have endured a lot of problems in their status as casuals for this period.

Mr. Speaker, if you look at the wages that these people have been receiving, they are very little while if they were on permanent basis, they would have gotten a lot of cash. Still there are many benefits which they are supposed to have been entitled to which have gone to waste because such benefits have not been received during their tenure as casual workers. Mr. Speaker, if you look at the law, what does it say on casual workers? Once an employee serves for three months, this person has to be declared a permanent employee. While, when you look at this case, they have worked for 10 years and are still listed as casual employees. This means that this County has done many injustices to its workers and I would like to suggest that, those dues which these workers have been entitled to for all those years should be paid from the time they were supposed to be confirmed as permanent workers to date.

Mr. Speaker, the other part which I would like to comment on is the issue about the County Secretary and Chief Officers who have been employing casual workers in this County. The employment of workers in this County is under the mandate of the County Public Service Board. If you look at the report, the Members also came with a suggestion that these people be stopped from hiring people in this County because there is a body that is mandated to do that work.

Mr. Speaker, if you look at what these offices have been doing, they have been employing people haphazardly. For instance, there are some wards where more people have been employed as casual workers than others. If you look at the ward where I come from, I have not heard of my people being employed in this County as casual workers and if there are, then their numbers are very few. If we leave the County Public Service Board to rationalize these casual workers, then the rules of equity and justice will prevail.

Mr. Speaker, I would also like to mention that there is a lot of nepotism going on in this County. For example; if you have a brother or a sister working in the County Government then

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you are certain of your ability to access employment in the various departments through your linkage with them. We should treat all citizens of this County equally. We should not employ people on the premises of whom you know. This is a thing of the past and equal opportunities should be availed to all citizens of this County irrespective of one having a relative or friend in any office.

Mr. Speaker, the last bit that I would like to comment on, is about the discrepancies in the Labour Committee list. It portrays that this County has been losing a lot of money to ghost workers. My intuition is through the two conflicting lists given by the County Secretary and the County Public Service Board. It portrays that there are people who are involved in looting public funds in the name of ghost workers. This conspiracy has to be brought to a halt. Mr. Speaker, this Committee did a very wonderful job and I rise to support this report. For those few remarks, I beg to support.

The Deputy Speaker (Hon. Mwambire): Yes, Hon (Ms.) Barka.

Hon (Ms.) Barka: Asante Bw. Spika. Nimesimama kuunga mkono ripoti hii iliyoletwa mbele ya Bunge. Kwanza, naipongeza wanakamati wa Leba kwa kazi ngumu waliyoifanya. Si rahisi kufanya kazi hii tuliyosomewa katika ripoti hii. Kitu ambacho nasisitiza kwenye nakala hii kama vile ambavyo tumeelezewa ni jinsi wanakamati walivyofanya kazi yao na wakaona kuna watu wengi sana ambao wanafanya kazi katika Kaunti yetu na mpaka wa leo, bado ni vibarua kwani hawajaandikwa kudumu.

Kulingana na uamuzi wa wanakamati, walionelea ni vizuri waandikwe kazi kudumu. Kwa hivyo, naunga mkono moja kwa moja. Vile vile, hii ripoti iangaliwe sana ili haya mambo yasizungushwe huku wala kule. Tumeona watu wengi leo wamekuja ili kuhakikisha kwamba hili jambo linafwatiliwa kisawasawa. Kuna watu ambao wamefanya kazi kwa mda mrefu; kazi ngumu na kazi chafu na mpaka leo wamefikisha miaka kumi na sita bila kuajiriwa. Mambo ya kusema kwamba ni upendeleo ni kweli maanake pengine kuna mtu aliyeanza kuajiriwa hapa kabla hata huyo ndugu yake hajaandikwa kazi. Je, anaweza kuwacha kazi? Haiwezekani kila mtu aende upande wake; wa kuajiri wafanye kazi zao, bora kuwe hakuna maonevu na upendeleo. Naunga mkono na ningependelea hii ripoti ishughulikiwe kwa haraka kwa sababu tuna hakika wale tuliowachagua watafanya kazi ambayo ni ya halali.

Jambo lingine la mwisho ni kwamba tungetaka ile orodha ya majina iliyopelekwa isiwe na mabadiliko yoyote kwa sababu kila tukiangalia kuna watu ambao wanalipwa pesa nyingi na ni majina matupu na wenyewe hawaonekani; chambilecho wazungu walivyosema *ghost workers*. Tungetaka hao wafanyikazi bandia waondolewe kwa sababu tuna hakika nao. Wale waliokuwa hapa kitambo wanajua kuna majina ambayo tuliyafikisha mpaka kwenye mabaraza tukapiga makelele na tukasema majina haya yako hapa na yanalipwa mishahara. Kuanzia mama Elina ambaye ni mjumbe wetu aliyekuwa mwenyekiti wa Baraza la Kaunti ya Kilifi; kulikuwa na majina ambayo kuna mishahara mikubwa na ambaye anafanya kazi nyanjani hapati hata robo ya ule mshahara anaopokea mfanyikazi bandia. Kwa hivyo, tungependelea orodha kwanza ianze kuangaliwa ili wafanyikazi bandia wawekwe kando na waliostaafu wawekwe kando; waliokufa wawekwe kando, na wale ambao bado wanafanya kazi watambuliwe zaidi. Asante, Bw. Spika. Nimesimama kuunga mkono ripoti hii.

The Deputy Speaker (Hon. Mwambire): Hon. (Ms.) Christine Zawadi.

Hon. (Ms.) Christine: Asante, Mheshimiwa Spika, kwa kunipa nafasi hii. Yangu yatakuwa machache. Kwanza, nataka kuipongeza kamati hii kwa hatua iliyochukua. Kusema kweli, wamepeana muongozo mzuri kwa sababu kufikia sasa ilikuwa ni vigumu kutambua wanaoandikwa kazi pale ni akina nani. Ijapo sheria inatuambia katika *County Governmet Act*

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kwamba *County Public Service Board* ndiyo ambayo inapaswa kuandika watu, watu walikuwa wanaingia na kila kona pale. Halafu wengine wanaambiwa "nenda ukamwambie Mheshimiwa wako aje na wewe." Wakati huo hujui hata mwaenda kwa nani na huyo mtu mwenyewe hajui ameambiwa na nani kwani hamjui hata jina. Unaambiwa "nimeambiwa nije kwako Mheshimiwa ndio nikaandikwe kazi pale." Hiyo si kazi yetu kama Waheshimiwa. Ni mambo hayo ambayo yametuharibia majina sana maanake inasemekana Waheshimiwa hawafanyi kazi.

Kamati hii imepeana muongozo mzuri kwa sababu badala ya watu waingie na kila mlango nafikiri mlango uliowekwa ni mmoja na watu wote wapitie *County Public Service Board* ili waandikwe kazi. Maana yake ni kuwa shida zikitokea tunajua ni wapi tunalenga kama ni kwa *County Public Service Board* tunajua huko na ni nani mhusika. Imekuwa mtu anaandikwa kazi unaenda kule kuuliza, wanasema "mimi hata simjui huyu mfanyikazi." Ripoti ya kamati imetoa muongozo mzuri na ukifuatwa huu muongozo angalau tutakuwa na picha nzuri sana ya baadaye.

Lengine ni kuhusu wale vibarua; kusema ukweli hii Kilifi Kaunti imepeza kitambo kuajiri wafanyikazi wa kudumu. Wafanyikazi wote wanaoandikwa huwa ni vibarua na wamekaa vibaruani kwa mda mrefu. Itakuwa ni kurudia lakini itabidi nisisitize wale watu waliokaa pale mda mrefu wakiwa vibarua ni wakati wao mzuri waandikwe kama wafanyikazi wa kudumu ili kama kuna faida zinazopatikana na wao pia waweze kuzipata. Kupitia hayo machache napongeza kamati na ukuishukuru. Naunga mkono.

The Deputy Speaker (Hon. Mwambire): Hon. Nzaka.

Hon. Nzaka: Thank you Mr. Speaker, Sir. I stand to support the report and salute my fellow Honorable Chair Stanley Kenga and his entire Committee for a job well done. Surely they did a good report since we rarely know what happens in our County Government. Mr. Speaker, Sir, the person who can hire and fire is the employer only, who in this case is the County Public Service Board. Whereas here we are being informed that the County Secretary, the County Executive Committee Members and the Chief Officers are the ones who are employing these employees. Mr. Speaker. Sir, this is an act abuse of office and misuse of public funds.

Mr. Speaker. Sir, enough is enough! Let the law take its own course. Here, I am being told that someone is giving wrong information compared to the information we are getting from the County Public Service Board. It seems that there some senior Officers who are using their office in other ways. As County Assembly Members, we cannot allow such people to flourish. As I was reading this report, I have noticed that there are some employees who have served the County Government for almost 10 years. It seems these casuals were inherited from the former local authorities; up to date they are still casuals. Mr. Speaker, Sir, I stand to be corrected; somebody who has worked for three months deserves to be employed as a permanent employee. However, we have others who have served for over 10 years and are still casuals. These people have families; they are educating their children and they provide for their families and yet have served as casuals for over 10 years.

Mr. Speaker, Sir my recommendations are that the only person who is supposed to hire employees must be the County Public Service Board and for those employees who have served for a good 10 years and above or more than three months should be compensated for their dues; should be paid for the years they have served, they should be given the money for the years they have offered to this County Government. It is their right, Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Hon. (Ms.) Elina.

Hon. (Ms.) Elina: Asante sana, Bw. Spika. Mimi ninaunga mkono kamati kama ilivyosema lakini maoni yangu kulingana na kamati hii ya Leba ningalisema kwamba kamati pia ifanye upekuzi wa hii *County Public Service Board.* Hii bodi inaajiri familia zao huku tuko na

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vibarua ambao wamekaa kwa zaidi ya miaka kumi; mtu anapata shida lakini anasema siku moja ataandikwa kazi. Wale ambao wako kwenye vile viti wameanza kuchukua watoto wao. Nazungumza hivi kwa sababu nina ushahidi kabisa wa kutosha.

Niko na orodha niliyopewa kabisa na mtu na jambo la kushangaza ni kwamba mtu ameajiriwa mwezi wa tisa 2013 na ameingia kwa *payroll* tayari na analipwa mshahara na Kaunti yetu. Wakati kijana wa yule mfanyaji kazi ama ile bodi mtoto wake mmoja…

The Deputy Speaker (Hon. Mwambire): There is a point of order, Hon. Nzaro

Hon. Nzaro: Thank you Mr. Speaker. I think it will be in order for the Member to table the document which she purports to have, so that this County Assembly can have tangible evidence on the work force in the County.

Hon. (Ms.) Elina: Nitaileta siku ya alhamisi saa nane, niko nayo lakini iko kwa gari.

The Deputy Speaker (Hon. Mwambire): According to the Standing Orders, the Assembly normally convenes on Monday afternoon, Tuesday morning and afternoon and Wednesday afternoon.

Hon. (Ms.) Elina: Jumatano mchana ni sawa.

Hao wanachama wa Bodi wamewahi kuchukua kijana katika wodi yangu ambaye anafanya pale Gongoni kwa *Sub County administrator* kama *messenger*. Huyu kijana anatoka katika wodi yangu na ni mtoto wa ndugu wa Yule mwanachama mmoja wa bodi ambaye hatujasikia kama kuna *messenger* anatakikana lakini kule ashaandikwa kupitia hiyo bodi. Mimi sina imani na hiyo bodi na ningeomba kama wanataka kuajiri watu wa kilifi hii Kamati yetu ya Leba iwe pamoja na wanabodi wa County *Public Service Board.* Hii ni kwa sababu hao wanachama wa *County Public Service Board* wanachukua ubinafsi kuweka katika miongoni mwao jamaa zao.

Tunaweza kuzungumza hapa kwamba tuchukue wale ambao walikuwa vibarua kwa miaka kumi iliyopita. Baadaye wataenda kule na kwa sababu ya ule ubinadamu wataanza kuchukua familia zao na wale wale wakabaki tena hapa katika Kilifi Kaunti kwani wale pia tujue ni watu wetu. Mtu ameumia tangu 1998 mpaka leo yeye ni kibarua tena bado anafinyiliwa. Tumeweka hiyo bodi nayo bado inawafinyilia. Mimi ningeomba ile kamati ya Bunge iende kwanza ianze kufanya uchunguzi wa hawa watu wa bodi ili kujua wanatumia njia gani kuandika hawa watu. Tunaona watu wengine wanaandikwa na wanakula mishahara na hapa kuna vibarua ambao hiyo kazi wangeweza kuifanya kama ingetangazwa maanake wao wanauzoefu zaidi kuliko wale wageni ambao wamechukuliwa. Hata hivyo, hayo hayawezekani kwa sababu bodi inajipigania mikakati yenyewe.

Mimi sikuona vizuri maana kijana yule ambaye amechukuliwa kwenye Wadi yangu akiulizwa na wenzake kama alitumia njia gani kuingia kazini anasema muulizeni Mheshimiwa Elina na mimi hata sijui ametoka wapi. Kwa hivyo, Bw. Spika, kwa uajiri wa wafanyikazi hapa kuna ulegevu fulani na hiyo bodi hata kama tuliipenda na tuliichagua sisi lakini kuna vitu fulani lazima wakae na hii kamati ya Leba ili wajue kwamba tutafanya nini katika hii Kaunti. Bila hivyo, wale watafanya yao na watu wetu watabaki na watalia kila siku. Huku bodi imekaa pale kujipendekeza na sisi tutakuwa tuna hasara siku zote.

Mimi ningeomba hii kamati ya Bunge iwe kama wawakilishi wetu. Kama walivyofanya juzi walikuwa wanateua watu na wakatuletea ile orodha ya wale walioteuliwa na kutuahidi kwamba tarehe fulani wataleta watu fulani hadi wote tukawajua. Hata kama mtu hakuchukuliwa kulingana na elimu yake tutajua aliitwa katika ile Bodi, lakini hawa ambao ni wafanyi kazi wadogo wadogo pale wananyanyaswa na wale jamaa wako na watu wao ambao wamewashikilia wakisema kwamba wamesoma na hapa watu wetu wanaumia.

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Mimi ningeomba kamati ya Bunge hili ya Leba, iende ikae na hiyo bodi kwanza na hao watu wawe wametoka katika kila Wodi hatutaki watu wachukuliwe katika eneo moja. Kwa mfano, hapa Malindi, kila siku wanachukuliwa watu wageni tukiuliza tunaambiwa nenda ukamuulize Mheshimiwa mwenzako, hapa ukiuliza Waheshimiwa, hakuna aliyeleta mtu hata mmoja. Ukirudi tena na kuwauliza wanasema hakuna kazi kwa sababu pesa hazijatoka ama mara nyingine wanasema pesa hazijakuwa tayari. Wakati mwingine mfanyikazi anasikika akisema mwambie Mheshimiwa wako akulete kazini. Hata mimi nilikuja nikagombana na Maneja hapa manisipaa.

Nami nataka nikwambie, Bw. Spika, hii mipangilio ya kuchukua wafanyikazi inahitaji kamati yetu ya Leba na ile Bodi isimame kisawa sawa ndio tuweze kufaulu. Watu wetu waweze kuajiriwa kazi na hata wale ambao wako kule nje. La sivyo, lile ambalo tunalizungumza pale uwanjani kwamba haya magari yamekuja watu wapate kazi mwisho yataajiriwa familia moja. Kwa mfano, mtu ni mkubwa na anaajiri familia yake yote mji mzima na ushahidi uko. Bw. Spika hili jambo limesikitisha watu wengi na linaumiza mioyo ya watu wale wanakosa kazi wakati wale wengine wanaajiriwa. Ni jambo la kusikitisha Bw. Spika lakini hapo ilipofikia kama tunataka watu wetu waajiriwe kazi, lazima tuwe ngangari na kamati ya Leba kama ilivyotoa huu mwongozo ufwatiliwe.

Kama kamati ya Leba itakaa isema *County Public Service Board* ifanye vile inavyotaka basi tutarudi hapa tukilia kama tunavyolia sasa. Wako na mipangilio yao kabisa maana nao walipata zile nafasi ili wale watu wao wapate afueni. Wanasema; “hata mtoto wa shangazi yangu akose kazi?” Tukiendelea hivyo, hawa vibarua watabaki kuwa hivyo miaka nenda miaka rudi. Tutasema tumebadilika lakini wengine wamebadilika na Katiba imewabadilisha vizuri lakini wengine watakuwa pale chini wakinyanyaswa na wataenedelea kunyanyaswa.

Nikikumbuka, kuna mzee mwingine amefanya kazi hapa kama kibarua karibu miaka kumi na mine (14). Naomba kamati ya Leba na hiyo bodi ziwe ngangari kama wanaajiri hawa wafanyikazi. Bila hivyo tutatukanwa na wananchi hapa. Mwengine akija anasema nenda kwa Mjumbe wako, ukija kuuliza unaambiwa si unajua *Madam* hata pesa hakuna. Sasa wanatuchezea mpira na hawa wananchi wetu. Tuko tayari kabisa kama Bunge kuipatia kamati ya Leba majukumu ya kukaa pamoja na *County Public Service Board* kwa sababu ukiwaachilia tu kidogo wao nao wataajiri watu wao.

Huo ndio mchango wangu, si kwamba naipinga hii ripoti bali ninaiunga mkono. Hata tukiiunga mkono itakuwa tununga mkono hivyo hivyo mwisho wa siku hawatafanya vile tunavyosema sisi hapa Bunge kwa sababu hivi ninavyoongea kuna kijana amechukuliwa sasa imekuwa ni kero katika ile Wadi yangu kila mtu anasema mbona mtoto wa fulani amechukuliwa juzi na amechukuliwa na babake mdogo kwa sababu babake mdogo ni mwanachama katika Bodi ile. Kwa hivyo, ningeliomba kamati yetu ya Leba iwe na uangalifu sana. Asante, Bw. Spika.

The Deputy Speaker (Hon. Mwambire): Hon. Mramba Nixon.

Hon. Mramba: Thank you, Mr. Speaker, for giving me this opportunity. I wish to support this report with the following remarks. Some of the casual workers who were employed by the various local authorities have served in these positions for over ten years. They have been doing donkey work; reporting to work at six and leaving at six in the evening. When it comes to payment, they earn 330 shillings per day. Which means in a month, an individual’s gross income is about ten thousand and something, whilst after the NSSF (National Social Security Fund), NHIF (National Hospital Insurance Fund) deductions her/his net income comes to around 7,000 shillings and that is his/her salary for the rest of his/her life. Mr. Speaker, these people are living on a shoe-string budget which simply means they live from hand to mouth with no life savings.

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You do not expect a worker who has been working for the last 10 years to be unable to buy a goat. However, this is the case in this scenario because of the financial crisis that these workers are facing. Mr. Speaker, this County has been downright unfair to these people. It is high time for them to get compensation for the period of time that they have worked for this honourable great County of Kilifi.

Mr. Speaker, it has been an absurd and a very shameful situation for the last two weeks as a report in the media said Kilifi County has only utilized 10% of its money on development leaving 90% to salaries and other expenditure. We must come up with a policy; otherwise, we shall consume everything to salaries because casual labourers are being hired every day. Hiring of casual labourers is the order of the day. Mr. Speaker, every Chief Officer brings his/her casual labourers at his/her own disposal in his/her own volition and at any time he/she likes without regard to the County Public Service Board. We are guided by the bible; the bible for Kilifi County is the County Government Act, and so the Act gives powers to the County Public Service Board to hire and fire and nobody else. Nobody else in this County has the powers of hiring and firing apart from the County Public Service Board. Mr. Speaker, I'm happy that at least today, these casual Labourers will see justice being done. Thank you. I beg to support.

The Deputy Speaker (Hon. Mwambire): Hon. Steven Bahati Mlanda.

Hon. Mlanda: Thank you, Mr. Speaker. I stand to support the adoption of this report and at the same time, I would like to congratulate the Committee for a job well done. Mr. Speaker, I am surprised at the difference between the County Public Service Board and the County Secretary figures as portrayed in the report. Mr. Speaker, we don't know who is telling this Assembly the truth in regards to the casuals.

Secondly, Mr. Speaker, the position of the Town Manager is a matter that has raised eyebrows before. We have discussed this issue and fingers are being directed at the Town Managers as casuals are being recruited every day because there is no system of employment. Mr. Speaker, it is surprising that if our electorate comes to the Municipal for employment either the office of the Manager or those officers in charge …

(Hon. Mramba stood on a Point of Order)

Hon. Mramba: The Member on the floor is mentioning someone who cannot defend himself here. Can he substantiate that the town manager is the one responsible for hiring casuals?

Hon. Mlanda: Thank you Mr. Speaker. I am referring to the Committee findings on number six of page nine. If they are referred back to MCAs as the ones to recommend for their employment and we are not involved at all then what are the officers trying to communicate to our people?

The Deputy Speaker (Hon. Mwambire): Hon. Mlanda, when Hon. Mramba wanted clarification of your previous claims you referred the Members to number six and it does not touch on whether the Town Managers or Town Administrators are supposed for employment of casual labourers. Could you first clear your earlier statement before proceeding? The Committee wanted these positions to be advertised and filled competitively. Kindly make that correction so that it can be captured in the Hansard clearly.

Hon. Mlanda: Mr. Speaker, I was probably referring to number eight; please pardon me. I have lost my spectacles but all the same…

The Deputy Speaker (Hon. Mwambire): We don't have number eight in the Committee findings.

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Hon. Mlanda: When you flip to the next page you will find number eight. It reads "employment on casual employees is done haphazardly and there are major discrepancies in the qualification wages and duties assigned."

The Deputy Speaker (Hon. Mwambire): So there is no Town Manger involved in hiring casuals?

Hon. Mlanda: I agree with you, Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Okay then proceed

Hon. Mlanda: Mr. Speaker, at a time when an individual is looking for employment and is referred back to his or her MCA, it turns out to be a big surprise as we are not aware of any vacant positions within the County Government. I would like to urge the Committee to get the exact figures because as they have reported to us it differs and we are not sure up to which extent they have taken this issue of the County Public Service Board figures and the County Secretary figures. Thank you

The Deputy Speaker (Hon. Mwambire): Yes Hon. Emmanuel Kazungu Chai.

Hon. Chai: Asante sana Mheshimiwa Spika, kwa kunipatia nafasi hii niweze kusimama na kuunga mkono ripoti hii ambayo imeletwa na wenzetu wa Kamati hii. Nafikiri ni vitu ambavyo tumekuwa tukiongea kila wakati na nina uhakika ya kwamba kwa wakati huu ambapo tumekuja kuvipeana kwa kamati, ninaona ya kwamba vitatoa mwelekeo. Bunge hili limekuwa na malalamishi ya kila wakati kuhusu vile watu wetu wanaandikwa kazi. Imekuwa ni shida kubwa na ninashukuru sasa kwamba nimeona hapa katika ule uamuzi wa kamati. Wakati mwingine sisi kama Washeshimiwa tunaonekana ni kama kwamba hatuna mwelekeo.

Kipindi cha nyuma kidogo tulikusanyika hapa tukawa tunaangazia mambo ya hoteli zetu; kwamba haziandiki watu vizuri na zinafuta watu vibaya baada ya wafanyikazi kufanya kazi kwa mda mrefu. Mimi ningesema kwamba sisi tulikuwa tunachungulia nyumba ya mwenyewe wakati nyumba yetu ilikuwa ni chafu. Wakati umefika sasa tuweze kuifagia na kuifagia huko ni tuone ya kwamba vibarua wale ambao wamekuwa wakifanya kazi kwa Kaunti yetu hata kama tuliwachukua kutoka kwa mabaraza ni lazima tuone wamepewa haki yao ambayo wamekuwa wakiitafuta.

Kile kitu ambacho kinajitokezea hadi sasa ni kwamba, kunao watu wengine ambao wameandikwa na utakuta kwamba yule ameandikwa saa hii anaweza akawa yuko na mshahara mkubwa kushinda yule ambaye amekuwa pale kwa mda mrefu zaidi. Mishahara hiyo inakuwa tofauti na swala hilo limekuwa ni nyeti sana kwa wafanyikazi wale. Kwa hivyo, nafikiri ni vitu ambavyo Kamati tuliyonayo sasa lazima ifwatilie vizuri na kuona kwamba hata ile mishahara wanayopata pia imewekwa ya usawa.

Vile Waheshimiwa walivyokuwa wakisema kuhusu *County Public Service Board* na si hiyo peke yake bali tunaona kwamba kila mmoja anapigania tumbo lake. Wale watu wote ambao wako ndani ya hii Kaunti utakuja sikia ya kwamba familia nzima iko ofisini; kutoka mzee, mama, mtoto, babake mdogo na ndugu yake. Kwa vile mimi niko katika ofisi, ninachukua hiyo hali ya kuwa watu wangu wote watafwata mkondo ule. Vitu kama hivyo ni vitu ambavyo lazima viangaliwe na tuone kwamba watu wanachukuliwa kwa usawa.

Nikitoa mfano kama kwa wodi yangu, kulikuja kukawa na mahojiano ya madereva. Madereva wale kukawa kuna kijana mmoja amekuwa dereva kwa mda mrefu akaja huko kwa mahojiano na nikamwambia aende akajaribu bahati yake; baadaye alirudi akasema ameambiwa kwamba yeye si wa kidato cha nne kwani walitaka kidato cha nne peke yake. Nilimwambia kama hakufanya kidato cha nne basi huo ndio utaratibu wa Serikali ya Kaunti na kwamba mimi

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sina la kufanya. Kisha alisema kwamba yeye kusema ukweli aliacha shule ya msingi na shemegi yake ambaye sasa hivi amechukuliwa.

Tukiangalia vitu kama hivyo, tunaona kwamba si vitu halali na vinakuja vinatushukisha ile hadhi yetu kama Waheshimiwa na tunaonekana kama kwamba hatufanyi kazi yetu. Tumesema kwamba hata kama kuna vibarua ni afadhali tuje tuambiwe kama Waheshimiwa hapa kwamba kuna vibarua a, b, c and d, Mheshimiwa lete wale waliofuzu tutakuja tuchague angalau hata mmoja…

The Deputy Speaker (Hon. Mwambire): Stick to one language, please.

Hon. Chai: Asante sana Bw. Spika. Kwa kumalizia, zile ahadi zote ambazo Kamati yetu imetuahidi tuone kwamba zimefanyika. Wale vibarua wote ambao wamekuwa wakifanya vibarua tuone kwamba wameandikwa kazi na wamepewa haki zao. Kwa hayo machache, ninaunga mkono.

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga.

Hon. Kiraga: Thank you, Mr. Speaker, for giving me this chance to make my contributions. Mr. Speaker, I am in line with the adoption of this report. Conversely, before I make my contributions, I would like to most sincerely thank Hon. Charo Mramba from Kakuyuni Ward, who if it were not for him, we would not be here debating these issues. I understand that on the 20th June 2014, he brought this Notice of Motion to this House.

(Applause)

Hon. Kiraga: Mr. Speaker, I also want to congratulate the Committee on Labour and Social Welfare, headed by the able Chairperson and my good friend Hon. Stanley Karisa Kenga; this was a wonderful job done. Mr. Speaker, the County Government like any other County Government in this republic is mandated to uphold the rule of law but we are now confused because the same Government is now turning round to break the Laws which it is supposed to uphold.

I am saying this, Mr. Speaker, because we cannot have somebody who has been working for more than ten years and the County Government is just there watching with open eyes and they know that the law is very clear that anybody who has worked for more than three months should be put on permanent basis; while here the County Government is breaking the law which it is supposed to enforce.

Mr. Speaker, if you look at number one of the Committee's recommendations on the casuals, it states that it's high time that they are employed permanently. Apart from employing them permanently, the dues which they have worked for all these years be paid to them in full. It is important because the moment they are put on permanent basis without looking out for their dues, I believe all the years they have worked will go to waste. So my humble request is that they be paid their dues first. If somebody has worked for seven years, ten years or thirteen years let he/her be paid all those years in full and then get employed on permanent basis.

Mr. Speaker, allow me to go to recommendation number four. Mr. Speaker, the County Government Act has stipulated very clearly who is mandated to employ workforce in this County. The only employing agent should be the County Public Service Board; it is the only line ministry, if any line ministry is in need of any worker it has to forward …

The Deputy Speaker (Hon. Mwambire): Hon. Kiraga put it clearly, it is the line department; we don't have ministries in the County Government.

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Hon. Kiraga: Thank you very much, Mr. Speaker, for that correction. If any line department is in need of any worker, it has to submit the same request to the County Public Service Board for consideration and when it finds fit, the employment simply takes place. So, as a Government, let us follow the law. If we don't follow the laid down rules, we are going to plunk into problems and here we are now because we have not followed the laid down rules. The other day we had the County Public Service Board bringing in some workers and so did the other departments. All this is all because we don't have a central employment agency as per the law.

Mr. Speaker, these are very good recommendations but without following them up it might take the next ten years without this report being implemented by the Executive. What am I saying? I am now turning to the Committee on Implementation headed by Hon. Charo Mramba. Hon. Charo Mramba is the Chairperson, Committee on Implementation. The ball is entirely in your court because as this House today adopts this report, and it is forwarded to the relevant authority for implementation, then your Committee must follow this report up and down to make sure that whatever has been recommended in this report and whatever has been passed by this House is fully implemented at the right possible time and if we are going to do that I think we are going to put this quest for casuals to rest.

Mr. Speaker, with those few remarks, I don't think there is one honourable Member who is going to oppose this, because by opposing this it's like casting a net in a swimming pool because this thing is going to pass. Thank you very much.

The Deputy Speaker (Hon. Mwambire): Hon. Mangi.

Hon. Mangi: Thank you, Mr. Speaker, Sir, for giving me this opportunity. A lot has been said, but I just wanted to have my name on record as how supportive I am of this debate. First and foremost, may I take this opportunity to thank the Hon. Chair of the Labour Committee and all the Members, Mr. Speaker. I have always said and I am saying it today, that, County Governments are a duplicate of the National Government. We are a government; we are independent but the problem is that there are some officers in the County Government who still have their brains centered on how the local Authorities were operating. They have not transformed their brains into knowing that we will call these bad happenings in their dockets or department. Mr. Speaker, at this particular time, I will give an example which is a bit different but coming to this particular debate that we are having today. I thank Honourable Members for supporting LASDAP (Local Authority Service Delivery Action Plan) projects. We said that we are adopting all the projects and we agreed on that. If we inherited projects, why are we not inheriting the casual workers? We said we must approve these projects and we are already budgeting for the approval and making sure that those funds shall be available for LASDAP projects. Why do we do away with the human resource; the casual workers, our voters, and our electorate who suffered all along with the local authorities? Now that we are independent and we are the law makers, let us join hands and make sure we force the Executive to reorganize these people who have suffered all along.

To end, Hon. Speaker, I am again saying that this is a good report; the best report which is giving direction and good direction but the end point is implementation after passing a lot of reports. We are making a lot of reports and we are making a lot of resolutions originating from this Assembly but the end point is where we are embarrassed as they are in the files and they are not implemented and we therefore are not moving. So Mr. Speaker, Sir…

The Deputy Speaker (Hon. Mwambire): Hon. Mangi, before you leave the floor, are you ready to assure the House that you will make sure that all budget allocations in implementing their recommendations are well catered for?

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Hon. Mangi: I can assure you Hon. Speaker, Sir. I will be the first supporter to make sure they get their rightful share. They are not begging; it is their right. Mr. Speaker, Sir, I assure this House. Mr. Speaker, I plead with the honourable Members to really move forward and support the Implementation Committee under the Chairmanship of Hon. Mramba who brought the Notice of Motion to this honourable House. It's good enough that he brought the Motion and lucky enough it is within his jurisdiction whereby the implementing stage will reach his table. I will say thank you, Mr. Speaker, and ask us to join hands so that we can make sure that this report is implemented to the letter. Thank you very much. I support, Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Hon. (Ms.) Arafa.

Hon. (Ms.) Arafa: Thank you Mr. Speaker, Sir. I stand to support the Motion as I also congratulate the Chairman for Labour and Social Welfare and the Committee Members. I will just want to take you through recommendation number three; "that the County Public Service Board develops regulations on engagement of persons on contract, volunteer and casual workers… staff of joint ventures and attachment of internees in public bodies and offices pursuant to Section 74 of the County Government Act 2012…" I am supporting this issue because we find that there is no proper procedure of employing our people or taking casuals in our County whether permanent or not; we should follow the proper procedure. We are denying our people their rights because right now we have people who have been working in this government, others in the local authorities where some of them are not getting their rights like NSSF (National Social Security Fund) and NHIF (National Health Insurance Fund) because they were not employed in the proper way and so they cannot get these rights. These are our people and if we won't support them then this burden will come back to the Honourable Members on the ground because all the time we have to do fund raising to support our people because they have their people who are admitted in the hospital and they cannot afford this and that; we have to do this in a proper way.

It is very sad when you see these casuals working by the road side without any safety gear; just a coat without any safety equipment that will protect them. We have seen women working on the road side; some of them don't even know the regulations of working by the road side. So we might even cause accidents or have people on the side fighting for their daily livelihood.

Equally, one of the things we are fighting for is regional balance when the County Public Service Board employs casuals or permanent employees. We should not have casuals from one area while other areas have no representatives. We should have regional balance and in doing this, we would also reduce conflicts. This is because if you take people from Malindi to go work in Kilifi when there are no people working in Malindi, we will cause conflict between our people. At the end, it is not the right way of working as leaders; also on issues of gender balance and also representing the people living with disability. People living with disability also have a right to be employed in this County and also to get a chance to work. When it comes to sharing of jobs, its not that men are supposed to move around in big cars or collecting revenue while women are to work on the roadside... So on that note, I think most of the Members who have been standing here and am very sure this report will pass and the implementation Committee has a big role to play in this. Without the implementation Committee working hand in hand with the Committee Members and the Members of this House, I think we will discuss this report for the next three years. So through the Chairman of the Implementation Committee I am very sure that we will get very good deliberations on this. Thank you, Mr. Speaker, Sir.

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The Deputy Speaker (Hon. Mwambire)**:** Honourable Members, I beg to give some direction. I have been following your deliberations but why are you worried that after adopting this report, it will not be implemented? I believe this House has a role to direct what the Executive is supposed to do and your directives are derived from the Constitution of the Republic of Kenya for which they have to comply. It is not justified for you to be worried and insist that after adopting this report, the Committee will have to do this and that otherwise we will keep on discussing the same for the three years.

I believe I am not thinking that you are going to adopt but after adoptions whatever you are adopting, there is a way that needs to be followed and if the Committee on Implementation brings a report in this House which declares that a department or an officer has failed to implement what the House has recommended, then there is a way of handling such an officer. You don't need to be worried because you have all the powers upon you to make sure that everything is in order. Hon. Stanley Kenga, please.

Hon. Kenga: Thank you very much Mr. Speaker. Allow me to start by thanking the honourable Members of the Labour and Social Welfare Committee and the County Assembly of Kilifi for a job well done. Mr. Speaker, you will realize that this is one of the reports that have had a lot of attention from the Members of the public. Looking at the people that are at the gallery today ready to witness how the House is going to carry out this business, Mr. Speaker, it is like during the day when we were being sworn in as Members of the County Assembly of Kilifi where a lot of people were attracted and had to come to witness.

The people that you are seeing in the gallery, Mr. Speaker, are people who have in one way or the other been affected by the way the County Government has handled the whole affair. For so many years, the expectations of these people were that, as per the Transitional Authority instructions that were given out and the provisions of the Constitution, these people shall be inherited by the County Government, Mr. Speaker. It was also in that same view that the workers who were for the defunct County Council of Malindi, the defunct Municipal Council of Malindi, the defunct Mariakani town Council, Kilifi town Council and the County Council of Kilifi were supposed to have been inherited by this County Government but this process has not been effective, Mr. Speaker. That is why an honourable Member of this Assembly having been approached by most of these workers had to introduce a Motion in this House. The Motion, Mr. Speaker, was discussed and it was even in the view and in the interest of this Assembly that a special sitting would have been called during the recess so that this issue is settled at the soonest possible time. I want to appreciate that this time having resumed business of the Assembly, Mr. Speaker, it has been deemed fit that special attention be given to this. I know there are so many reports that are pending and need to be brought before the Floor of the House. This one has been given priority because of the interest the whole issue has attracted, Mr. Speaker.

Look at what the Constitution provides; look at the Standing Orders that are supposed to guide the business of the House, look at the County Government Act which is supposed to give us provisions on how the County Government should do its business, look at what the Constitution says. I will just take Members through sections of the Constitution so that we are in a position to know and understand better and even be able to push that this report once adopted is implemented for the betterment of the people of Kilifi.

Article 63 of the County Government Act, Mr. Speaker, talks of the powers of the County Public Service Board to make appointments that "except as provided in the Constitution or legislation, the County Public Service Board, has the powers to make appointments including promotions in respect of offices in County public service at the request of the relevant County

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Chief Officer to which the appointment is to be made"; that is one. Two; "at the request of the Clerk of the County Assembly" or three; "On the County Public Service Board or motion on account of the best interest of the County Public Service and parity of treatment of public officers taking into account the circumstances of each case". Going to article 65, matters to take into account during appointment, Mr. Speaker, in selecting candidates for appointments, the County Public Service Board shall consider; a) The standards, the values and the principles set out in Article 10 of the Constitution Article 27, sub-article 4 of the Constitution Article 56 (c) and Article 232 (part 1) of the Constitution, Mr. Speaker.

The Constitution of Kenya is the supreme law of the land and any law that is inconsistent with this Constitution is deemed as null and void Mr. Speaker. That is why, if the Constitution is giving us the direction on what direction we should follow as a County, I urge that the County must now prove itself to be able to measure up the standards that have been put in the Constitution Mr. Speaker. Why has all this happened? We have witnessed haphazard employment of casuals because the County Public Service Board has not been given that mandate, full authority to carry out employment of people from various departments, Mr. Speaker, who have thought it is better for them to make appointments, have not made the request through the County Public Service Board and maybe this is the reason that has led us to where we are. We are saying that since the provisions of the County Government Act is for the County Public Service Board to make the appointment, let them say if it is the CEC Member Finance, CEC Member for Health who feels that he needs people in his department; let them make the request through the County Public Service Board and the positions will be advertised as stipulated in the Constitution and in the County Government Act and then the people will now have an opportunity to send their applications for a competitive interview to be carried out so that those who will qualify based on merit are given that opportunity to serve in the greater County of Kilifi.

Mr. Speaker, we have to address the issues of marginalization and gender as raised by Hon. (Ms.) Arafa, and issues of nepotism as given out by Hon. Emmanuel Kazungu Chai and the issues of disability. All these have been well stipulated in the County Government Act and the Constitution is there to give us guidance. So, if we are going to stick by what the Constitution says, Mr. Speaker, we are going to arrest all these problems we have witnessed as a County and we shall be able now to have a work force that is highly motivated to perform and deliver quality services to the people of Kilifi County .

Mr. Speaker, allow me now then to say it is not enough for us to say we are adopting this report. It is not enough for us to say that the Chair of the Implementation Committee is supposed to follow up and make sure that this list is implemented. I think, and I need your direction and guidance that as a House we need to say what is the time frame that we are giving to those who are concerned with implementing this report? So that at such a given time we are able to come and assess whether this report has been implemented, so that we don't put these people who have come just to hear what the people of Kilifi say…

We are the voice of the people of Kilifi and let us adopt this report and once it is adopted, let us implement it. Let us not take three years implementing this report. We are saying within the shortest time possible we have to see that this report has been executed. Implementations has been done and we should able to see the fruits from the implementation of this report through the flow to the workers and all of us shall be in a position to celebrate because we shall have helped our brothers and sisters, parents and anybody who is a member of public in Kilifi County.

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Mr. Speaker, if you go to part three of the recommendations, it is taking about the policy that we need in this County. The policy will guide us on how we handle the issues of casuals, volunteers and employees on contract and those on permanent basis. A policy must be brought before the Floor of the House for us Members to have an opportunity to make our contributions, build on it and make sure that we have reached where we need to reach as a County with the standards that are given in the Constitution of Kenya.

Thank you very much, Mr. Speaker. I beg to support this report and urge all Members of this Assembly to adopt this report for the betterment of the people who have come to witness. Thank you very much.

(Applause)

The Deputy Speaker (Hon. Mwambire): Honourable Members, the time allocated for the debate of this report is over. Allow me now to put the question that the report as tabled by the Committee on Labour be adopted.

(Question put and agreed to)

(Applause)

NOTICE OF MOTION

INVESTIGATE THE OWNERSHIP OF KILIFI PLANTATION LAND

Hon. Chai: Thank you very much Mr. Speaker, for giving me this chance to present a Notice of Motion to the Executive Committee Member, Lands:-

AWARE THAT, land is a very essential commodity in our community and appreciating that the County Government is doing all it can in addressing land issues in the County. This County Assembly urges the Executive Member and the Committee in charge of Lands to investigate and bring to the House a report on how a vast land owned by Kilifi plantation was acquired and how the same is being sold to private developers.

Thank you very much, Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Anybody to second?

(Hon. Muhambi stood at his place to second)

The Deputy Speaker (Hon. Mwambire): Before going to the next Order Members, we will be having a consultative meeting with the Liaison Committee Members and the County Assembly leadership that means Leader of Majority, Minority, Chief Whip and Minority Whip.

ADJOURNMENT

The Deputy Speaker (Hon. Mwambire): There being no other business honourable Members, the sitting of the House is now adjourned until tomorrow at 9:30 a.m. Thank you.

The House rose at 4.30 p.m.

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