

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Monday, 21st March, 2016

*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

PAPER LAID

Hon. Kenga: Thank you very Much Mr. Speaker, Sir. On behalf of the Members of the County Assembly of Kilifi Sectoral Committee on Labour and Social Welfare and pursuant to the provisions of the Standing Order 192, I beg to lay on the floor of the House the Committees' Report of the County Public Service Board of Activities, 2014. Thank you very much.

(Hon. Kenga laid the Paper on the Table)

The Deputy Speaker (Hon. Mwambire): Thank you very much. The Report will come to the House Business Committee. Next Order?

STATEMENT

THIRTY PERCENT (30%) AFFIRMATIVE ACTION RULE IN FEMALE EMPLOYMENT,
AND THE STATUS IN KILIFI COUNTY

Hon. Kenga: Once again Mr. Speaker, thank you very much. I rise to put before the House a reply on a Statement that was sort by Hon. Cosmas Foleni Kenga but Mr. Speaker, I am not seeing the hon. Member who had sought the Statement. Do I go ahead?

The Deputy Speaker (Hon. Mwambire): Let us proceed because I think the Statement is a property of the Assembly and the Assembly has a quorum so let us proceed so that we can get an opportunity to have the information.

Hon. Kenga: Okay. Thank you very much. The Statement that was sort was whether Kilifi County Public Service Board adheres to the thirty percent (30%) affirmative action rule in

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female employment. If yes, what is the status of the same? And the statement that was received from the Office of the Executive Member Department of Devolution, Public Service and Disaster Management is as follows;

“Reference is made to your letter dated 2nd March, 2016, Ref no. CAK ABM/3/VOL 7/126 of the above matter. That the Kilifi County Public Service Board adheres to the thirty percent affirmative action rule in female employment as evidenced in the annual report of 2015. In the period of January to December the Board’s total recruitment was 70% female verses 29% male appointed; Reference page 4 of the enclosed Report. Thank you very much.

The Deputy Speaker (Hon. Mwambire): Thank you very much Members. Anybody with a comment on the Report or you are all okay with the Report? Hon. Foleni is now around so in case you will be having any interjection you will...because he must have read the copy of the report. Anybody having a comment on the Report? Yes Hon. Nzaro.

Hon. Nzaro: Thank you Mr. Speaker. I just want to correct the Member who has given this response. I don’t know if we are reading from the same script but he mentioned 70% but in my document it is 71%. So, maybe he can allege those fears before us. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Yes, he will respond to it. Any other concern? Yes Chairperson for Labour, you can respond to that concern please.

Hon. Kenga: Thank you very much for giving me the honour to respond to the concern that has been raised. Mr. Speaker, when I am on the floor and making contributions, I appeal with the Members to listen with the intent to understand because what I basically say is what is in the paper that in the period of January to December 2015 the Board’s total recruitment was 71% female verses 29% male appointed of which a copy has also been done. That is what I say to the Members; to listen with the intent of understanding Mr. Speaker. Thank you very much.

The Deputy Speaker (Hon. Mwambire): Hon. Nzaro, are you answered?

Hon. Nzaro: Answered, Mr. Speaker, but In fact the 70% should also be expunged from our records because it was clearly indicated that it was 70% that is why I stood to ask for that clarification. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Mwambire): Noted. Anyone with any concerns? Yes Hon. Foleni please. Are you contented with the Report as shared by the Chairperson Labour?

Hon. Foleni: Thank you Mr. Speaker, Sir. I have actually gone through the Report for the last two days and I am happy to record that I am very much contented with the Report and may I wish the Board and the Chairperson for the Labour Committee all the best as they go on with their respective duties. Thank you Mr. Speaker, Sir.

The Deputy Speaker (Hon. Mwambire): Thank you very much.

(Hon. Kiraga stood on a Point of Order)

The Deputy Speaker (Hon. Mwambire): Yes there is a Point of Order from Hon. Kiraga.

Hon. Kiraga: Mr. Speaker, the mover of the Statement hon. Foleni said he is very happy with the response and the response is that we have 71% female employees and 29% male employees. So, I don’t know if he says he is happy with that Report? Does it measure with the Laws of this Country?

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The Deputy Speaker (Hon. Mwambire): I think the concern should be raised to the Chairperson because hon. Foleni wanted to know whether the Board was adhering to the 30% gender rule. Now the Report shared is that we have 71% female and 29% male. So, the concern should be enquired from the Chairperson and not hon. Foleni because we don't know whether he was looking for which gender. He did not specify either it was male or female gender. He wanted to know whether the Board was observant of the 30% gender rule. Yes Hon. (Dr.) Mzungu Chitibwi.

Hon. (Dr.) Chitibwi: Thank you Mr. Speaker. I wish to address this to the Chairperson. I feel very concerned about this percentage. It appears as if the young men are not employed and the young female are given the opportunities. I know they are trying to strike a balance but at this rate within a year we have this employment rate! It means that the male gender is being discriminated deliberately, whereas we want affirmative action, it should not be deliberately punishing one gender.

Finally, it means that we may end up with very many single ladies, because it is the young men who ask ladies to marry them. If they have got no employment how are they going to do that? We are going to remain with bachelors and spinsters which we will only know when the population is low. Thank you.

The Deputy Speaker (Hon. Mwambire): I think the Report sort to know the position of the female gender on the employment. If hon. Foleni could have wanted the adherence of the gender whether female or male it could have been okay, but I think another person can also enquire about the male gender as you are contributing maybe you can raise the same to the chairperson so that it can be clarified. Hon. Nzaro you cannot get another chance because you have spoken more than twice, yes hon. Hamza.

(Phone rung)

The Deputy Speaker (Hon. Mwambire): You know the rules. Take care of those gadgets please.

Hon. Hamza: Thank you, Mr. Speaker, Sir. I beg to understand on the issue of gender as per the explanation you are giving Mr. Speaker. Gender has got nothing to do with specific number whether female or male. When you talk of gender there is something special that we are addressing and nothing about telling the exact type of sex and therefore on the issue of gender adherence rule of 30%.

If you go by the number stipulated here, the gender parity issue has not been well addressed because if we translate 30% on the issue of gender, that translates to 33 point percent and therefore giving the number 71% and the 29% making a total of 100%. Your address of gender here is not well addressed. In a nut shell, one particular gender or sex has gone beyond the number that is required Mr. Speaker. Therefore on the other side of sex we have not been able to meet the minimum number requirement to meet the gender threshold as translated by law. Thank you.

The Deputy Speaker (Hon. Mwambire): Okay, another concern so that the chairperson can wrap up? Yes Chairman Labour and Social Welfare.

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Hon. Kenga: Thank you very much Mr. Speaker. This response to the Statement is generating debate but just as you guided them to go back, the Statement sort to know whether the Kilifi County Service Board adhered to the 30% affirmative action in female employment and if yes what is the status of the same? So, based on the Statement that was sought the reply or response that has been given by the CEC Member in charge of Public Service Management, Disaster and Devolution Mr. Speaker, is very much in order. Now, the other issues that are emerging from the hon. Members of this Assembly that they feel that the 29% is not enough to meet the gender rule Mr. Speaker... What again we have to appreciate is that in the County Government of Kilifi, the trend has always been that women are disadvantaged in the County and we must appreciate the efforts that are done to make sure that our women in this great County of Kilifi are getting opportunities for them to deliver services to the people and this Mr. Speaker is...

(Hon. Hamza stood on a Point of Order)

The Deputy Speaker (Hon. Mwambire): Yes, there is a Point of Order from hon. Hamza.

Hon. Hamza: Mr. Speaker, Sir, I have a Point of Order with reference to what the hon. Member is addressing. What are we to appreciate as per the response which is given bearing in mind that this is not in accordance with the law? Mr. Speaker, I need a clear response on that. Thank you.

The Deputy Speaker (Hon. Mwambire): Yes Chairman.

Hon. Kenga: Thank you very much hon. Speaker. I know he may not be able to appreciate what I am going to say but that is the truth of the matter. That, the Statement sort to know whether the County Government through the County Public Service board is meeting the 30% rule on employment, affirmative action and women and we are doing 71%. The other issues now can be addressed in a different forum. Mr. Speaker, if they feel there is something that needs to be addressed then, I would rather say that I appeal to him that another Statement is sought on the same so that, that can also be addressed. As the Chairman, I am very much willing and as a Committee we are very much willing and we are honoured to undertake that mandate Mr. Speaker, to see to it that we provide a response that is satisfactory. So, regarding the business of the day, the Statement sort the issue of 30% and we are doing 71% Mr. Speaker on women so we are very much okay. Thank you very much.

The Deputy Speaker (Hon. Mwambire): I think chairman you do not need another Statement to work on this because if the legal position is that we should have 30% as an affirmative action it could be quite okay if the Board could have employed 70% women or ladies and 30% men but here the challenge is they have employed 71% female and 29% male. So, it could be quite in order what motivated them to fail to adhere to the 30% gender rule. So, you can inquire from the Board so that you can come up with a clear explanation why they did not adhere with the 30% because everybody could be okay. It could be legally okay if women could have been employed 70% and men 30% but they are even exaggerating and to the extent they miss the legal requirement. I think you can just make that inquiry so that at least we can get clear

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information. Maybe it is due to the absorption or other things that motivated that. I think that is okay Chairman?

Hon. Kenga: More than willing Mr. Speaker. Thank you.

The Deputy Speaker (Hon. Mwambire): Okay thank you very much honourable Members we have cleared with that issue.

ADJOURNMENT

Hon. Members, there being no other business to transact at the moment, this Assembly adjourns until tomorrow at 9:00 a.m. May God bless you.

The House rose at 2:50 p.m.

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