

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Wednesday, 7<sup>th</sup> November, 2018

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 p.m.*

*[The Speaker (Hon. Lusaka) in the Chair]*

#### PRAYER

**The Speaker** (Hon. Lusaka): Finally, we will have Sen. Olekina.

**Sen. Olekina:** Thank you, Mr. Speaker, Sir, for allowing me to give my thoughts on this. I rise to support this Petition because of the strength that it has in building our economy.

Protecting farmers is one of the most important things. When we were growing up, we used to read about the coffee farmers. We would also read about children who were going to school because their parents were growing coffee and tea. At the moment, despite the amount of land that the farmers have, they still call us, as leaders, to go and fundraise for their kids to be taken to school. This Petition is timely. I would like to seek that it extends to other farmers, such as the wheat farmers.

One of my pet peeves is that we give a lot of empty promises during the campaign period. Last year, farmers in Narok and Kajiado were promised that those who were affected by the drought situation in this country would have the loans that they had with Agricultural Finance Corporation (AFC) written off. Until today, farmers in Narok and Kajiado are still suffering. Therefore, this Petition is timely.

Agriculture is now a devolved function hence it is imperative for the county governments to develop legislations that will ensure that we look at the entire chain of supply when dealing with farm products and not allow the middlemen, who come from affluent neighborhoods, to kill the small-scale farmers.

I support the sentiments of my colleagues when they said that we have to ensure that the farmers are encouraged to form small cooperatives, where they can learn how best to produce their crop and set up the prices for their crops as they sell them. I hope that the Committee on Agriculture, Livestock and Fisheries will benchmark in other countries. Last year I got an opportunity to go to Brazil---

**The Speaker** (Hon. Lusaka): Your time is up. I know that our time is up, but the Senator for Mombasa County had pressed his button and it disappeared at some point. Therefore, I will give him two minutes to make his contribution.

**Sen. Olekina:** Mr. Temporary Speaker, Sir, I second.

**Sen. Olekina:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to support the Statement by Sen. Sakaja on the issue of trade unions.

From the onset, I am not sure whether I agree with my senior who is also one of the best former justices in terms of trade and labour laws, on the last comment that he made on having one collective bargaining agreement for all trade unions. It would be a violation of the Constitution which is very clear that every trade union, employers and organisations, have a right to engage in collective bargaining. If we limit this to one collective bargaining agreement for all the 47 counties, we will be violating the Constitution. That is a subject for judicial review.

Mr. Temporary Speaker, Sir, one thing is clear that in this country, it is imperative that all county governments must recognize trade unions. When I travelled to Maasai Mara Game Reserve last December, I met groups of young people and women, who were complaining that they had joined a trade union, but their employer was not recognizing its importance.

Mr. Temporary Speaker, Sir, when we were looking at the accounts of the 47 counties, we noted that there were a lot of challenges in terms of human resource management. It is imperative now that all counties must work with their County Public Service boards to recognize these trade unions.

One of the recommendations that we will make from our findings, in terms of how county governments manage their human resource, is by referring them back to the Salaries and Remuneration Commission (SRC) circular and the Public Finance Management (PFM) regulations, on limiting of wages and benefits as stipulated in sections 107(2) and 25 (a) and (b).

Every person in this country has a right to form a trade union. We have many challenges in most county governments in terms of staff capacity because most of the employees were seconded to the county governments. These employees had their issues that they had agreed upon, but now they have to negotiate all their benefits.

This issue runs across the 47 counties. When you look at their financial audit for Financial Years 2013/2014 and 2014/2015, all those human resource challenges still keep cropping up. It is a very uncomfortable situation for someone who does not know about their future upon retirement.

This statement by Sen. Sakaja is quite timely. I am sure that most counties have gone to the extent of establishing public service boards. However, what is important is that these trade unions should also try to engage with these public service boards so that they can come up with proper legislation that will support these counties.

Some of the challenges that affect these trade unions in Kenya include the issue of technology. Technology is now evolving so fast and some of these trade unionists are still depending on systems which are outdated.

Another challenge is the mismanagement of funds in the trade unions. Most managers in these trade unions fight and this paves way for politicians to come in and politicize the management of these trade unions. Sometimes we would be blaming the county governments, but it becomes difficult for them to determine the trade unions that their members belong to.

We are in agreement that the Constitution gives workers a right to join any trade union, but if a lot of politics is involved in a trade union---. I know one of the Kenya civil servants trade union whose managers are constantly in court and the management is divided. Today, one group can be led by the chairperson of the Civil Society who decides to form his own management unit and this also applies to another group. This brings in confusion in these county governments when it comes to managing these challenges.

Mr. Temporary Speaker, Sir, I am not sure whether this statement was going to be referred to or the Committee on Labour are going to continue discussing it. They have to come up with proper legislation which will help these county governments to know how to deal with these challenges that are facing the trade unions.

Challenges that face these trade unions include, seeking recognition, mismanagement of funds, bad politics involved and membership growth, which leads to division of the union into two groups. It is imperative that in this House, we encourage county governments to develop strong labour legislations that will support the human resource, so that Kenyans working everywhere can engage in activities that will support them and also feel that they are properly organized. A trade union is an association of people coming together to fight for their interests and rights.

I support.