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07/03/2024

REPUBLIC OF KENYA



THE SENATE

Rt. Hon. Speaker
You may approve for tabling
J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: 07/03/24

THIRTEENTH PARLIAMENT | SECOND SESSION

STANDING COMMITTEE ON LABOUR AND SOCIAL
WELFARE



07/03/24

REPORT ON THE PUBLIC SERVICE (VALUES AND
PRINCIPLES) (AMENDMENT) BILL, 2022
(NATIONAL ASSEMBLY BILLS NO. 46 OF 2022)

Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

MARCH, 2024

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PRELIMINARIES

Establishment and Mandate of the Committee

The Senate Standing Committee on Labour & Social Welfare is established pursuant to standing order 228 of the Senate Standing Orders. The Committee is mandated to consider all matters related to - *Manpower and human resources planning, pension, gender, culture and social welfare, youth, National Youth Service, children's welfare; national heritage, betting, lotteries and sports, public entertainment, public amenities and recreation.*

Membership of the Committee

The Committee is comprised of –

- | | |
|---|--------------------|
| 1)Sen. Julius Murgor Recha, CBS, MP, | - Chairperson |
| 2)Sen. George Mungai Mbugua, MP, | - Vice Chairperson |
| 3)Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP, | - Member |
| 4)Sen. Mohamed Faki Mwinyihaji, CBS, MP, | - Member |
| 5)Sen. Erick Okong'o Mogeni, SC, MP, | - Member |
| 6)Sen. Alexander Munyi Mundigi, MP, | - Member |
| 7)Sen. Crystal Kegehi Asige, MP, | - Member |
| 8)Sen. Miraj Abdullahi Abdulrahman, MP, | - Member |
| 9)Sen. Gloria Magoma Orwoba MP, | - Member |

FOREWORD BY THE CHAIRPERSON

Hon. Speaker,

The Public Service (Values and Principles) (Amendment) Bill, 2022 (National Assembly Bill No. 46 of 2022), sponsored Sen. Samson Cherargey, MP was published *vide* Kenya Gazette on 28th October, 2022. The Bill was read a First Time in the Senate on Thursday, 7th December, 2023 and thereafter stood committed to the Standing Committee on Labour and Social Welfare for consideration.

The Bill proposes amend the Public Service (Values and Principles) (Amendment) Act, Cap. 185A to provide for submission of annual reports by national and county governments entities outlining the number of employees highlighting-

- (a) Gender;
- (b) Age;
- (c) County of birth;
- (d) County of residence; and
- (e) Whether they are persons living with disabilities.

Hon. Speaker,

Pursuant to Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committee published an advertisement in the Daily Nation and Standard Newspapers on Saturday, 9th December, 2023, inviting members of the public to submit written memoranda to the Committee on the Bill. The advertisement was also posted on the Parliament website and social media platforms. Following the call for submissions, the Committee received written memoranda from stakeholders.

The Committee proceeded to consider the Bill extensively, scheduled and held meetings with various stakeholders including the Ministry of Public Service, Performance and Delivery Management, the Public Service Commission, the Council of Governors and the County Assemblies Forum. The minutes of the Committee in considering the Public Service (Values and Principles) (Amendment) Bill, 2022 (National Assembly Bill No. 46 of 2022) are annexed to this Report as *Appendix 2*.

The Committee received amendments to the Bill from some of the above mentioned stakeholders, and this Report by the Committee is therefore an account of the deliberations, including its resolutions and Committee Stage Amendments attached to the Report as *Appendix 1*.

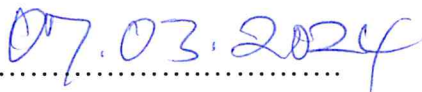
Hon. Speaker,

May I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Bill successful. I also wish to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this assignment.

Hon. Speaker,

It is now my pleasant duty, pursuant to standing order 148(1) of the Senate Standing Orders, to present the Report of the Standing Committee on Labour and Social Welfare on the Public Service (Values and Principles) (Amendment) Bill, 2022 (National Assembly Bill No. 46 of 2022).

Signed 

Date..... 

**SEN. JULIUS MURGOR RECHA, CBS, MP
CHAIRPERSON, STANDING COMMITTEE ON LABOUR AND SOCIAL
WELFARE**

CHAPTER ONE: INTRODUCTION

1.0 Background

1. The Public Service (Values and Principles) (Amendment) Bill, 2022 (National Assembly Bill No. 46 of 2022) sponsored by Senator, Samson Cherargey, MP, was published *vide* Kenya Gazette dated 28th October, 2022. The Bill was introduced in the Senate by way of First Reading on 7th December, 2023 and thereafter stood committed to the Standing Committee on Labour and Social Welfare for consideration. A copy of the Bill is annexed to this Report as *Appendix 3*.
2. Pursuant to the provisions of Article 118 of the Constitution and Standing Order 145 (5) of the Senate Standing Orders, the Committee published an advertisement in the Daily Nation and Standard Newspapers on 8th December, 2023, inviting members of the public to submit written memoranda to the Committee on the Bill. A copy of the advertisement is attached as *Appendix 4*. The advertisement was also posted on the Parliament website and social media platforms.
3. Following the call for submissions, the Committee received written memoranda from various stakeholders including the Ministry of Public Service, Performance Management and Delivery Management and the Public Service Commission.
4. The Public Service (Values and Principles) (Amendment) Bill, 2022 (National Assembly Bill No. 46 of 2022) seeks to amend the Public Service (Values and Principles) Act, Cap. 185A to provide for submission of annual reports by national and county governments entities outlining the number of employees highlighting-
 - (a) Gender;
 - (b) Age;
 - (c) County of birth;
 - (d) County of residence; and
 - (e) Whether they are persons living with disabilities.

1.1. Overview of the Bill

5. The Bill proposes to amend section 16(3) by inserting new paragraph (da) to mandate the national and county governments provide annual reports to Parliament and County Assemblies on human resource establishment including —
 - (a) Gender;
 - (b) Age;

- (c) County of birth;
- (d) County of residence; and
- (e) Whether they are persons living with disabilities;
- (f) The definition of “out of work hours”.

1.2. Consequences of the Bill

6. The Bill will facilitate the National and County governments to implement Article 10 of the Constitution on national values and principles of governance and Article 232 of the Constitution on values and principles of public service respectively. The Bill will also enable Parliament and County governments to oversight National and County government entities to ensure that their human resource establishment takes into consideration ethnic composition of the country, minorities and marginalized groups, persons with disabilities and the youth.

CHAPTER TWO: PUBLIC PARTICIPATION ON THE BILL

2.0 Committee Undertakings

7. The Committee published an advertisement in the Daily Nation and Standard newspapers on Friday, 8th December, 2023, inviting members of the public to submit written memoranda on the Bill. The advertisement was also posted on the Parliament website and social media platforms. A copy of the advertisement is annexed to this Report as *Appendix 4*.
8. Subsequently, during consideration of the Bill, the Committee also resolved to invite submissions from the key stakeholders, including –
 - a) The Ministry of Public Service, Performance and Delivery Management;
 - b) The Public Service Commission;
 - c) The Council of Governors; and
 - d) The County Assemblies Forum.
9. In response to the said invitations, the Committee received submissions from the Ministry of Public Service, Performance and Delivery Management, Council of Governors and the Public Service Commission.
10. Copies of the written submissions are attached to this Report as *Appendix 6(a) – (d)*. Additionally, a matrix analysing the stakeholder submissions clause-by-clause is annexed as *Appendix 5*.
11. The Committee proceeded to consider the Bill extensively, together with the stakeholder submissions received thereon.

2.1 Overview of Stakeholder Submissions on the Bill

12. Below is an overview of the stakeholder submissions on the Public Service (Values and Principles) (Amendment) Bill, 2022 (National Assembly Bill No. 46 of 2022).
13. The Ministry of Public Service, Performance and Delivery Management submitted as follows –
 - a) Include human resource management function in the definition of “authorized officer”, with the justification being that this will bring clarity on the role of authorized officer in the public service or Commission service.
14. The Public Service Commission submitted as follows –
 - a) Exclude “public offices” from reporting. This is to stop duplication of reports as all public officers are under service Commissions.

CHAPTER THREE: COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

3.0 Committee Observations on the Bill

15. Having considered the Public Service (Values and Principles) (Amendment) Bill, 2022 (National Assembly Bill No. 46 of 2022) and the submissions received thereon, the Standing Committee on Labour and Social Welfare therefore noted that the Union of Civil Servants had not made any submissions on the Bill.

3.1 Committee Recommendations

16. Arising from the above observations, the Committee **recommends** that the Senate passes the Public Service (Values and Principles) (Amendment) Bill, 2022 (National Assembly Bills No. 46 of 2022) with the following amendments –

- a) That Clause 3 of the Bill be amended by deleting paragraph (a); and
- b) That clause 2 of the Bill be amended by deleting the definition of the term “authorized officer” and substituting therefor the following definition –
“Authorised officer” means an officer appointed within public service or service Commission to perform a human resource management function with public service or service Commission.

APPENDICES

Appendix 1: Committee Stage Amendments of the Public Service (Values and Principles) (Amendment) Bill, 2022 (National Assembly Bill No. 46 of 2022)

Appendix 2: Minutes of the sittings

Appendix 3: Public Service (Values and Principles) (Amendment) Bill, 2022 (National Assembly Bill No. 46 of 2022)

Appendix 4: Advertisement published in the *Daily Nation* and *Standard* Newspapers on Saturday, 9th December, 2023

Appendix 5: Public Participation Matrix

Appendix 6: Public Participation Submissions

- a) Ministry of Public Service, Performance & Delivery Management;*
- b) Council of Governors*
- c) Public Service Commission*
- d) County Assemblies Forum*

APPENDIX 1

28th February, 2024

The Clerk of the Senate,
Parliament Buildings,

NAIROBI.

RE: COMMITTEE STAGE AMENDMENTS TO THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL, 2022, NATIONAL ASSEMBLY BILLS NO. 46 OF 2022

NOTICE is given that Sen. Recha Julius Murgor, the Chairperson to the Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Public Service (Values and Principles) (Amendment) Bill, 2022, National Assembly Bills No. 46 of 2022, at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended by deleting paragraph (a).

CLAUSE 2

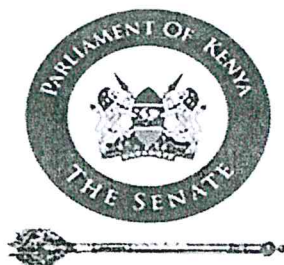
THAT clause 2 of the Bill be amended by deleting the definition of the term “authorized officer” and substituting therefor the following definition—

"authorised officer" means an officer appointed within public service or service Commission to perform a human resource management function with public service or service Commission;

Date.......... 5/03, 2024.

Sen. Recha Julius Murgor,
Chairperson,
Committee on Labour and Social Welfare.

APPENDIX 2



**MINUTES OF THE SIXTH (6TH) MEETING OF THE STANDING COMMITTEE
ON LABOUR AND SOCIAL WELFARE HELD VIRTUALLY ON THURSDAY, 7TH
MARCH, 2024 AT 8.00 AM.**

MEMBERS PRESENT

- | | |
|---|----------------------------|
| 1. Sen. Gloria Orwoba, MP | - Member (Ag. Chairperson) |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 3. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 4. Sen. Mohamed Mwinyihaji Faki, CBS MP | - Member |
| 5. Sen. Alexander Munyi Mundigi, MP | - Member |
| 6. Sen. Crystal Asige, MP | - Member |

APOLOGIES

- | | |
|---|---------------|
| 1. Sen. Julius Murgor Recha, CBS, MP | - Chairperson |
| 2. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 3. Sen. Erick Okong'o Mogeni, SC, MP | - Member |

SECRETARIAT

- | | |
|------------------------|--------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Mr. Reinhardt Choge | - Third Clerk Assistant |
| 3. Mr. Jeremy Chabari | - Legal Counsel |
| 4. Ms. Joy Kyalo | - PBO officer |
| 5. Ms. Ndindi Kibathi | - Research Officer III |
| 6. Ms. Nigma Duale | - Research Officer III |
| 7. Ms. Swaluha Yusuf | - Protocol Officer |
| 8. Mr. Joseph Otieno | - Audio Officer |

MIN/SEN/SCLSW/030/2024: PRAYERS

The Chairperson called the meeting to order at 8.11 am, followed with a word of prayer.

MIN/SEN/SCLSW/031/2024: ADOPTION OF AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Crystal Asige, MP and seconded by Sen. Alexander Mundigi, MP as follows-

1. Prayers;
2. Adoption of the Agenda;
3. **Confirmation of Minutes of the 1st, 2nd, 3rd, 4th And 5th Sittings;**
4. **Matters Arising;**
5. **Consideration of the report on the Public Service Bill (Values & Principles) (Amendment) Bill, 2022 (National Assembly Bill No 46 of 2022);**
6. **Adoption of the report on the Public Service Bill (Values & Principles) (Amendment) Bill, 2022 (National Assembly Bill No 46 of 2022);**
7. Any Other Business; and
8. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/033/2024 CONFIRMATION OF MINUTES OF THE 1ST, 2ND, 3RD, 4TH AND 5TH SITTINGS;

1. The Minutes of the First sitting held on Thursday, 15th February, 2024 at 10.00 am, were confirmed as a true reflection of the proceedings having been proposed by Sen. Alexander Mundigi, MP and seconded by Sen. Miraj Abdulahi Abdirahman, MP.
2. The Minutes of the Second sitting held on Thursday, 15th February, 2024 at 12.00 noon were confirmed as a true reflection of the proceedings having been proposed by Sen. Crystal Asige, MP and seconded by Sen. Alexander Mundigi, MP.
3. The Minutes of the Third sitting held on Thursday, 22nd February, 2024 were confirmed as a true reflection of the proceedings having been proposed by Sen. Crystal Asige, MP and seconded by Sen. Miraj Abdulahi Abdirahman, MP.
4. Minutes of the Fourth sitting held on Tuesday, 27th February, 2024 were confirmed as a true reflection of the proceedings having been proposed by Sen. Crystal Asige, MP and seconded by Sen. Alexander Mundigi, MP.
5. Minutes of the Fifth sitting held on Tuesday, 5th March, 2024 were confirmed as a true reflection of the proceedings having been proposed by Sen. Alexander Mundigi, MP and seconded by Sen. Miraj Abdulahi Abdirahman, MP.

MIN/SEN/SCLSW/033/2024 MATTERS ARISING FROM THE MINUTES OF PREVIOUS SITTINGS;

There were no matters arising from the minutes.

MIN/SEN/SCLSW/034/2024

CONSIDERATION OF THE REPORT ON THE
PUBLIC SERVICE BILL (VALUES &
PRINCIPLES) (AMENDMENT) BILL, 2022
(NATIONAL ASSEMBLY BILL NO 46 OF 2022);

The Committee considered the report on the Public Service Bill (Values and Principles) (Amendment) Bill, 2022 (National Assembly Bill No. 46 of 2022), and resolved to make the following amendments -

1. That Clause 3 of the Bill be amended by deleting paragraph (a); and
2. That clause 2 of the Bill be amended by deleting the definition of the term “authorized officer” and substituting therefor the following definition –
“Authorised officer” means an officer appointed within public service or service Commission to perform a human resource management function with public service or service Commission.

MIN/SEN/SCLSW/035/2024

ADOPTION OF THE REPORT ON THE PUBLIC
SERVICE BILL (VALUES & PRINCIPLES)
(AMENDMENT) BILL, 2022 (NATIONAL
ASSEMBLY BILL NO 46 OF 2022);

The Committee adopted the report on the Public Service Bill (Values and Principles) (Amendment) Bill, 2022 (National Assembly Bill No. 46 of 2022) after being proposed by Sen. Alexander Munyi Mundigi, MP and seconded by Sen. Miraj Abdullahi Abdulrahman, MP.

MIN/SEN/SCLSW/036/2024

ANY OTHER BUSINESS

The Members were reminded of the meeting on the Gambling Control Bill, 2023 at 12 noon.

MIN/SEN/SCLSW/037/2024

ADJOURNMENT AND DATE OF THE NEXT
MEETING

The meeting was adjourned at 8.28 am, in readiness for the next meeting at noon.

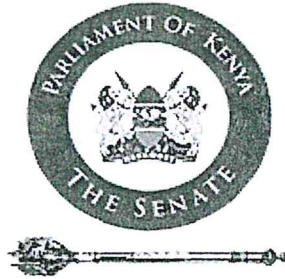
SIGNED.....



DATE.....

07.03.2024

CHAIRPERSON: SEN. JULIUS MURGOR RECHA, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



MINUTES OF THE THIRD (3RD) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON THURSDAY, 22ND FEBRUARY, 2024 AT 10.00 AM IN THE FIRST FLOOR BOARDROOM, RED CROSS BUILDING AT 11.00 AM

MEMBERS PRESENT

- | | |
|---|--------------------|
| 1. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 2. Sen. Mohamed Mwinyihaji Faki, CBS MP | - Member |
| 3. Sen. Alexander Munyi Mundigi, MP | - Member |
| 4. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 5. Sen. Crystal Asige, MP | - Member |

APOLOGIES

- | | |
|---|---------------|
| 1. Sen. Julius Murgor Recha, CBS, MP | - Chairperson |
| 2. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 3. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| 4. Sen. Gloria Orwoba, MP | - Member |

SECRETARIAT

- | | |
|------------------------|---------------------------|
| 1. Ms. Getrude Nthiiri | - First Clerk Assistant |
| 2. Mr. Reinhardt Choge | - Third Clerk Assistant |
| 3. Ms. Joy Kyalo | - PBO officer |
| 4. Ms. Ndindi Kibathi | - Research Officer III |
| 5. Ms. Juliet Masinde | - Media Relations Officer |
| 6. Mr. Joseph Otieno | - Audio Officer |

MIN/SEN/SCLSW/013/2024: PRAYERS

The Chairperson called the meeting to order at 10.34 am, followed with a word of prayer.

MIN/SEN/SCLSW/014/2024: ADOPTION OF AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Gloria Orwoba, MP and seconded by Sen. Miraj Abdulrahman, MP as follows-

1. Prayers;
2. Adoption of the Agenda;
3. Consideration of the Budget Policy Statement (BPS) for the Financial Year 2024/2025);
4. Any Other Business; and
5. Adjournment/Date of the Next Meeting.

**MIN/SEN/SCLSW/015/2024 CONSIDERATION OF THE BUDGET POLICY
STATEMENT (BPS) FOR THE FINANCIAL
YEAR 2024/2025**

The Vice-Chairperson invited the Parliamentary Budget Officer to make a presentation on the Budget Policy Statement (BPS). In the presentation the Committee was informed:

- a) The BPS is a policy document that outlines the overall size of the budget in terms of revenue, expenditures, and deficit. BPS also provides the division of revenue between the national and county governments and the distribution of the budget among the sectors with proposed budget ceilings per MDA.
- b) The Senators ought to ensure that the National revenue caters for specific county interests.
- c) Among the salient issues that arose from the presentation for the Committees attention were:
 1. Pension pending bills;
 2. Timely Pension payment;
 3. Kenya hosting the Africa Cup of Nations (AFCON) games in 2027;
 4. Public institutions compliance with gender-rule and PWD representation which is still off the mark;
 5. Merging of the National Fund for the Disabled of Kenya (NFDK) with National Council for Persons with Disabilities (NCPWD);
 6. Youth affairs;
 7. National social safety Net; and
 8. Library Services.

Upon deliberations, the Committee resolved to –

- a) Invite the following Cabinet Secretaries to appear before the Committee -
 - a) Cabinet Secretary, Gender, Culture, the Arts and Heritage
 - b) Cabinet Secretary, Labour and Social Protection
 - c) Cabinet Secretary, Public Service, Performance and Delivery Management
 - d) Cabinet Secretary, Youth Affairs, Creative Economy and Sports
- b) That the secretariat prepares the report on the BPS 2024/2025 for the Committee's consideration.
- c) That the secretariat ascertains that the National Fund for Disabled of Kenya (NFDK) is not getting funding allocations from the national government and in the event it is, then the Committee invites them to appear before the Committee to provide clarification on its operations.

MIN/SEN/SCLSW/016/2024 ANY OTHER BUSINESS

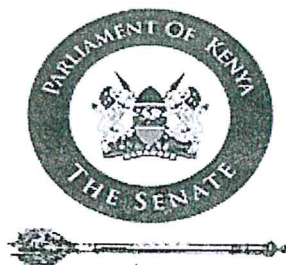
There was no other business.

**MIN/SEN/SCLSW/017/2024 ADJOURNMENT AND DATE OF THE NEXT
MEETING**

The meeting was adjourned at 11.56 am, with the next meeting to be on notice.

SIGNED..........DATE.....07.03 2024.....

CHAIRPERSON: SEN. JULIUS MURGOR RECHA, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



MINUTES OF THE SECOND (2ND) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON THURSDAY, 15TH FEBRUARY, 2024 IN THE FIRST FLOOR BOARDROOM, RED CROSS BUILDING AT 11.00 AM.

MEMBERS PRESENT

- | | |
|---|--------------------|
| 1. Sen. Julius Murgor Recha, CBS, MP | - Chairperson |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 4. Sen. Mohamed Mwinyihaji Faki, CBS MP | - Member |
| 5. Sen. Alexander Munyi Mundigi, MP | - Member |
| 6. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 7. Sen. Crystal Asige, MP | - Member |
| 8. Sen. Gloria Orwoba, MP | - Member |

APOLOGIES

- | | |
|--------------------------------------|----------|
| 1. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
|--------------------------------------|----------|

SECRETARIAT

- | | |
|-----------------------|---------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Ms. Getrude Nthiri | - First Clerk Assistant |
| 3. Mr. Jeremy Chabari | - Legal Counsel |
| 4. Mr. Rhyan Injendi | - Research Officer III |
| 5. Ms. Juliet Masinde | - Media Relations Officer |
| 6. Mr. John Chege | - SAA |
| 7. Mr. Joseph Otieno | - Audio Officer |

IN ATTENDANCE

- | | |
|--------------------------|--|
| 1. Amb. Antony Muchiri | - Chairperson, Public Service Commission (PSC) |
| 2. Ms. Jacqueline Manana | - Director Legal, PSC |
| 3. Mr. Maurice Ogosso | - Principal Legal Counsel |
| 4. Mr. Mustafa Ibrahim | - P.A to the Chairperson PSC |

MIN/SEN/SCLSW/0072024: PRAYERS

The Chairperson called the meeting to order at 11.13 am, followed with a word of prayer.

MIN/SEN/SCLSW/008/2024: ADOPTION OF AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Miraj Abdulahi, MP and seconded by Sen. Alexander Mundigi, MP as follows-

1. Prayers;
2. Adoption of the Agenda;
3. Meeting the Ministry of Public Service and Performance Delivery, the Council of Governors, the County Assemblies Forum and the Public Service Commission on the Public Service Bill (Values & Principles) (Amendment) Bill, 2022 (National Assembly Bill No 46 of 2022);
4. Any Other Business; and
5. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/009/2024 REMARKS BY THE CHAIRPERSON

The Chairperson welcomed the stakeholders and asked them to make a round of introductions.

He thereafter invited the Chairperson Public Service Commission to present the Commission's submissions.

MIN/SEN/SCLSW/010/2024 MEETING THE MINISTRY OF PUBLIC SERVICE AND PERFORMANCE DELIVERY, THE COUNCIL OF GOVERNORS, THE COUNTY ASSEMBLIES FORUM AND THE PUBLIC SERVICE COMMISSION ON THE PUBLIC SERVICE BILL (VALUES & PRINCIPLES) (AMENDMENT) BILL, 2022 (NATIONAL ASSEMBLY BILL NO 46 OF 2022);

- i. The Chairperson apologized for attending the meeting late noting that he had an on going Meeting. In his submissions, he appreciated the contents of the amendment Bill noting that the Public Service Commission was in fully support of the Bill and was keen on ensuring that the National Values and Principles were inculcated in the Public Service.
- ii. He thereafter tabled the Commission's written submissions.

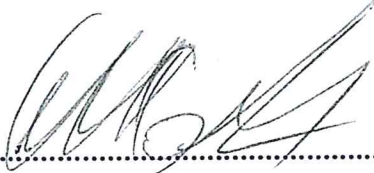
- iii. In its deliberations, the Committee proposed that the Commission should consider adopting the Uganda Model where they issue a compliance certificate to all the Ministries and government entities that comply with the set Public Service Values and principles failure to which the non-compliant institutions are not allocated any budget.
- iv. The Committee further noted that inclusivity of Persons with Disabilities was still way below the required percentage of 5% as it currently stands at 1.4%.
- v. In conclusion, the Committee resolved that all the written submissions by the stakeholders be compiled for consideration by the Committee.

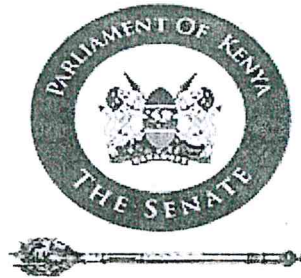
MIN/SEN/SCLSW/011/2024 ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/012/2024 ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 12.22 pm, with the next meeting being on notice.

SIGNED..........DATE.....07-03-2024.....
CHAIRPERSON: SEN. JULIUS MURGOR RECHA, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



MINUTES OF THE FIRST (1ST) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON THURSDAY, 15TH FEBRUARY, 2024 IN THE FIRST FLOOR BOARDROOM, RED CROSS BUILDING AT 10.00 AM.

MEMBERS PRESENT

- | | |
|--|--------------------|
| 1. Sen. Julius Murgor Recha, CBS, MP | - Chairperson |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 3. Sen. Alexander Munyi Mundigi, MP | - Member |
| 4. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |

APOLOGIES

- | | |
|---|----------|
| 1. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 2. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| 3. Sen. Mohamed Mwinyihaji Faki, CBS MP | - Member |
| 4. Sen. Crystal Asige, MP | - Member |
| 5. Sen. Gloria Orwoba, MP | - Member |

SECRETARIAT

- | | |
|------------------------|---------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Ms. Getrude Nthiiri | - First Clerk Assistant |
| 3. Mr. Jeremy Chabari | - Legal Counsel |
| 4. Mr. Rhyan Injendi | - Research Officer III |
| 5. Ms. Juliet Masinde | - Media Relations Officer |
| 6. Mr. John Chege | - SAA |
| 7. Mr. Joseph Otieno | - Audio Officer |

MIN/SEN/SCLSW/001/2024: PRAYERS

The Chairperson called the meeting to order at 10.22 am followed with a word of prayer.

MIN/SEN/SCLSW/002/2024: ADOPTION OF AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Miraj Abdulahi, MP and seconded by Sen. George Mbugua, MP as follows-

1. Prayers;

2. Adoption of the Agenda;
3. Briefing on the Public Service Bill (Values & Principles) (Amendment) Bill, 2022 (National Assembly Bill No 46 of 2022);
4. Any Other Business; and
5. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/003/2024 REMARKS BY THE CHAIRPERSON

The Chairperson welcomed Senator and the secretariat to the first meeting of the Committee.

He noted that the Liaison Committee had commended the Committee on Labour and Social welfare for its outstanding performance in the last Session and encouraged the Committee to continue with the same spirit to ensure even better performance in the Third Session.

MIN/SEN/SCLSW/004/2024 BRIEFING ON THE PUBLIC SERVICE BILL (VALUES & PRINCIPLES) (AMENDMENT) BILL, 2022 (NATIONAL ASSEMBLY BILL NO 46 OF 2022)

The meeting was informed that three stakeholders had sent their submission while the Public Service Commission would be appearing before the Committee at 11am to present its submissions.

The Committee was briefed on the Public Service Bill (Values and Principles (Amendment) Bill, 2022 (National Assembly Bill No. 46 of 2022).

In its deliberations, the Committee noted that-

- i. the words the Person with Disabilities and Persons Living with Disabilities had been used interchangeably. It was resolved that Persons with Disabilities was the agreed term as per the Persons with Disabilities Act of 2003; and
- ii. that whenever the word Parliament is used, the public is inclined to think that it refers to the National Assembly therefore it was important to indicate the Senate and National Assembly in place of Parliament.

MIN/SEN/SCLSW/005/2024 ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/006/2024 ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 10.38 am, with the next meeting was scheduled for Thursday 15th February, 2023 at 11:00am.

SIGNED..........DATE.....07.03.2024.....

CHAIRPERSON: SEN. JULIUS MURGOR RECHA, CBS, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

APPENDIX 3



REPUBLIC OF KENYA

PARLIAMENT

NATIONAL ASSEMBLY BILLS

(Bill No. 46 of 2022)

THE PUBLIC SERVICE (VALUES AND PRINCIPLES)
(AMENDMENT) BILL, 2022

(A Bill published in the Kenya Gazette Supplement No. 46 of 2022 and
passed by the National Assembly, with amendments, on October 26th,
2023)

N.A. /B/No. 46/2022

THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL, 2022

A Bill for

AN ACT of Parliament to amend the Public Service (Values and Principles) Act and to provide for connected purposes

ENACTED by Parliament of the Republic of Kenya as follows—

1. This Act may be cited as the Public Service (Values and Principles) (Amendment) Act, 2022. Short title.

2. Section 2 of the Public Service (Values and Principles) Act (in this Act referred to as the “principal Act”) is amended by inserting the following new definitions in their proper alphabetic sequence— Amendment of section 2 of No. 1A of 2015.

“authorized officer” means any officer appointed within the public service or service Commission to perform its delegated functions within the public service or service Commission;

“public office” has the meaning assigned to it in Article 260 of the Constitution;”

3. Section 16 of the principal Act is amended— Amendment of section 16 of No. 1A of 2015.

(a) in subsection (1) by inserting the words “and each public office” immediately after the words “each service Commission”;

(b) in subsection (3) by inserting the following new paragraph immediately after paragraph (d)—

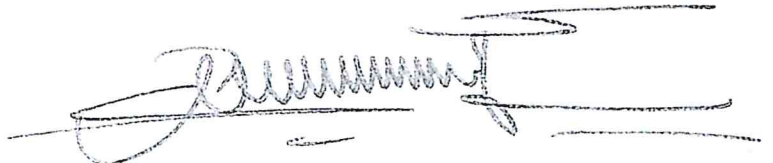
“(da) details on the human resource establishment within the service Commission outlining the total number of employees and highlighting their gender, age, ethnicity and

The Public Service (Values and Principles) (Amendment) Bill, 2022

whether they are persons with disabilities;"

The Public Service (Values and Principles) (Amendment) Bill, 2022

I certify that this printed impression is a true copy of the Bill passed by the National Assembly on the 26th October, 2023.

A handwritten signature in black ink, appearing to be 'S. M. Khan', written over a horizontal line. The signature is stylized and cursive.

Clerk of the National Assembly

Endorsed for presentation to the Senate in accordance with the provisions of Standing Order 142 of the National Assembly Standing Orders.

A handwritten signature in black ink, appearing to be 'Wetangula', written over a horizontal line. The signature is stylized and cursive.

Speaker of the National Assembly

APPENDIX 4

Concerns as number of girls sitting exams drops

- ▶ Number of male candidates increased by 100,579 compared to females at only 72,130
- ▶ CS says male candidates performed better than their female counterparts.

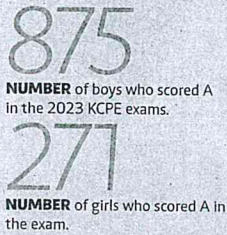
MIKE KIHAKI, NAIROBI

Men have raised concerns over the decline in the number of female students sitting national examinations.

National Assembly's education committee said the number of boys who sat this year's Kenya Certificate of Primary Education (KCPE) was higher than girls.

"We have noted in the past exams, particularly between 2013 and 2022, there has been some improvement in gender parity in these exams," Mandera South MP Haro Abdul stated.

He added that, "This year it looks like there is a reversal in gender



parity where boys have out-shined girls," Abdul said.

The legislator regretted that the government was doing little to remedy the problem of girls accessing basic education and their retention.

According to Kenya National Examinations Council, out of 689,798 pupils who registered for this year's KCPE examination, 685,017 sat the papers.

The number of male candidates

increased by 100,579 compared to their female counterparts at only 72,130 in comparison with last year.

While announcing the results, Education CS Ezekiel Machogu this year had the highest number of candidates since it was the last KCPE examination before the transition to Competency Based Curriculum.

"It was not a natural population. They took advantage of the window we gave to register for the examination. It affected the normal gender parity," he said.

Turkana, Garissa, Wajir and Mandera counties indicated a huge gap of between 56 to 62 per cent in favour of male students.

The data also indicate that in all counties apart from Tana River, Kajiado, Busia, Isiolo, and Nairobi female candidates were slightly more than male by less than one percent.

However, Machogu said male candidates performed better than their female counterparts. About 875 boys scored A against 271 girls, some 1,962 girls and 4,445 boys scored A.

MARITIME

Murkomen directs agency to ensure seafarers' safety

Roads and Transport Cabinet Secretary Kipchumba Murkomen has directed the Kenya Maritime Authority to certify all lake users and seafarers to ensure safety.

Speaking when he presided over the launch of standards of training, certification and watch keeping for seafarers at the Railway Training Institute Marine School in Kisumu, Mr Murkomen said this will ensure a sustainable blue economy.

The CS also witnessed the signing of an MoU between Kenya Railways and Kenya Utalii College.

"This partnership will enable graduates to access job opportunities in the marine sector and cruise ship industry. The school will also contribute to the enhancement of safety in our inland waters, especially Lake Victoria and other water bodies," the CS noted.

Murkomen spoke at a time scores of lives have been lost following El Nino rains that have affected North Eastern, Upper and Lower Eastern, Nyanza and the Coast.

He said the launch of the courses, which were developed through collaboration with International Maritime

Organisation and Kenya Maritime Authority was a major milestone in the journey towards realising a sustainable Blue Economy and expanding its contribution to national development.

"These standards will also facilitate quality management and safety of Kenya's water ways which will in turn promote regional integration and trade," the CS said.

Murkomen said the government is focused on efficient utilisation of water bodies, including Lake Victoria and has undertaken several initiatives towards revamping blue economy.

He added: "I salute the 12 graduands in the first cohort of this important safety training programme. As a former university lecturer, I know what innovation, creativity and energy young Kenyans can bring to the labour market when given a chance to acquire knowledge and skills."

Also present were Kisumu Governor Anyang Nyong'o, Kenya Railways chairman Mohamed Abdi, Kenya Railways MD Philip Mainga, Kenya Utalii College chairman David Omusotsi and Kenya Maritime Authority Director General John Omingo. [Jacob Ngetich]

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | SECOND SESSION
THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

At the sitting of the Senate held on Thursday, 7th December, 2023, the Bills listed at the second column below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees indicated at the third column.

Pursuant to the provisions of Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committees now invite interested members of the public to submit any representations that they may have on the Bills by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P.O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk_senate@parliament.go.ke and copied to the email addresses of the respective Committee indicated at the fourth column below, to be received on or before **Friday, 22nd December, 2023 at 5.00 p.m.**

Bill	Committee Referred To	Email Address
a) The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022)	Standing Committee on Labour and Social Welfare	laboursocialwelfarecomm.senate@parliament.go.ke
b) The National Construction Authority (Amendment) Bill (National Assembly Bill No. 59 of 2022)	Standing Committee on Roads, Transportation and Housing	roadstranshousingcomm.senate@parliament.go.ke
c) The Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023)	Standing Committee on Justice, Legal Affairs and Human Rights	senatejlehc@parliament.go.ke

The Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/bills>.

J.M. NYEGENYE, CBS,
CLERK OF THE SENATE.



Kenya Power

RESULTS OF ELECTION OF DIRECTORS

During the Annual General Meeting of The Kenya Power and Lighting Company Plc held on Friday, 8th December 2023, the following were elected as directors of the Company:

- (i) Directors appointed by the National Treasury being the Holder of Class B Ordinary Shares:
1. Cabinet Secretary, the National Treasury
 2. Principal Secretary, State Department of Energy
 3. Joy Brenda Masinde
 4. Logan Hambrick
 5. Eng. Albert Mugo

- (ii) Directors elected by Holders of Class A Ordinary Shares, being holders of Ordinary Shares other than the National Treasury:

	Name	Votes Garnered
1	Eng. James Rege	104,973,082
2	Ruth Muirure	104,741,307
2	Dr. Caleb Bwauma	104,325,030
3	Ezekiel Saina	90,677,153

I. BORE
COMPANY SECRETARY

8th December 2023

APPENDIX 5

ANNEX 1: THE PUBLIC PARTICIPATION MATRIX OF THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL, 2022 (NATIONAL ASSEMBLY BILLS NO. 46 of 2022)

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
2	Ministry of Public Service, Performance and Delivery Management.	Include human resource management function in the definition of “authorized officer”.	This will bring clarity on the role of authorized officer in the public service or Commission service.	
3	Public Service Commission.	Exclude “public offices” from reporting.	This is to stop duplication of reports. All public offices are under service Commissions.	

1. The Council of Governors agreed with the content of the Bill.
2. The County Assemblies Forum agreed with the contents of the Bill.

LIST OF STAKE HOLDERS

1. The Ministry of Public Service, Performance and Delivery Management.
2. The Public Service Commission.
3. The Council of Governors.
4. The County Assemblies Forum.

APPENDIX 4

Concerns as number of girls sitting exams drops

► Number of male candidates increased by 100,579 compared to females at only 72,130

► CS says male candidates performed better than their female counterparts.

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MPs have raised concerns over the decline in the number of female students sitting national examinations.

National Assembly's education committee said the number of boys who sat this year's Kenya Certificate of Primary Education (KCPE) was higher than girls.

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He added that, "This year it looks like there is a reversal in gender

875

NUMBER of boys who scored A in the 2023 KCPE exams.

271

NUMBER of girls who scored A in the exam.

increased by 100,579 compared to their female counterparts at only 72,130 in comparison with last year.

While announcing the results, Education CS Ezekiel Machogu this year had the highest number of candidates since it was the last KCPE examination before the transition to Competency Based Curriculum.

"It was not a natural population. They took advantage of the window we gave to register for the examination. It affected the normal gender parity," he said.

Turkana, Garissa, Wajir and Mandera counties indicated a huge gap of between 56 to 62 per cent in favour of male students.

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The legislator regretted that the government was doing little to remedy the problem of girls accessing basic education and their retention.

According to Kenya National Examinations Council, out of 689,798 pupils who registered for this year's KCPE examination, 685,017 sat the papers.

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REPUBLIC OF KENYA



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CLERK OF THE SENATE.



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2	Dr. Caleb Bwauma	104,325,030
3	Ezekiel Saina	90,677,153

I. BORE
COMPANY SECRETARY

8th December 2023

DIAL 977# Access Kenya Power services fast and easy
 97771 Kenya Power Care KenyaPower_Care
 @customerscare.kplc.co.ke www.kplc.co.ke

APPENDIX 5

ANNEX 1: THE PUBLIC PARTICIPATION MATRIX OF THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL, 2022 (NATIONAL ASSEMBLY BILLS NO. 46 of 2022)

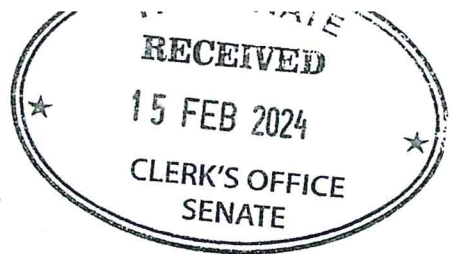
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LIST OF STAKE HOLDERS

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2. The Public Service Commission.
3. The Council of Governors.
4. The County Assemblies Forum.

APPENDIX 6

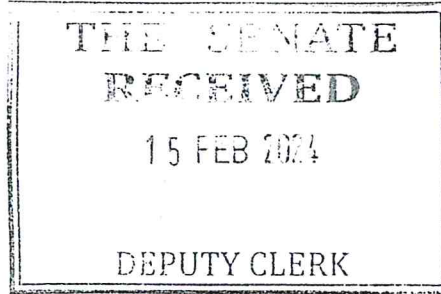


DIRECTOR COMMITTEE SERVICES (DSEC) REPUBLIC OF KENYA
MINISTRY OF PUBLIC SERVICE, PERFORMANCE AND DELIVERY MANAGEMENT
STATE DEPARTMENT FOR PUBLIC SERVICE
Office of the Principal Secretary

Telegraphic address: "Personnel", Nairobi
 Telephone: Nairobi 227411
 Telex: 23125
 Fax: 2243620
When replying please quote

P.O. BOX 30050- 00100
 NAIROBI
 KENYA

Ref No: **MPSG&DM/3/7**



14th February, 2024

Mr. J. M. Nyegenye, CBS
 Clerk of the Senate
 Parliament Buildings
NAIROBI

**RE: STAKEHOLDERS' ENGAGEMENT ON THE PUBLIC SERVICE BILL, 2024
 (VALUES & PRINCIPLES) (NATIONAL ASSEMBLY BILL NO 46 OF 2022)**

Reference is made to your letter SEN/DSEC/SCLSW/2024/1 dated 31st January, 2024 on the above subject.

The Ministry has reviewed The Public Service (Values and Principles) (Amendment) Bill, 2022, (National Assembly Bills No. 46 of 2022 and prepared views on the proposed Bill.

The purpose of this letter therefore, is to forward the written submissions.

Amos N. Gathecha, EBS, 'ndc' (K)
PRINCIPAL SECRETARY

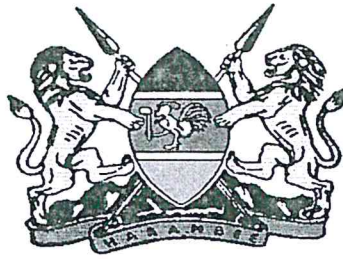
Encl.

Copy to: Hon Moses K. Kuria, HSC
 Cabinet Secretary
 Ministry of Public Service, Performance and Delivery Management
NAIROBI

② HOD/PLA I
 kindly deal
 15/02/24

① DSEC
 kindly deal
 EP
 15/02/2024

③ Ms. Mwanade
 kindly deal
 Kobari
 16/02/2024



**REPUBLIC OF KENYA
MINISTRY OF PUBLIC SERVICE, PERFORMANCE AND DELIVERY
MANAGEMENT**

**SUBMISSION ON THE PUBLIC SERVICE BILL, 2024 (VALUES AND PRINCIPLES) (NATIONAL ASSEMBLY BILL NO. 46 OF 2022)
STAKEHOLDERS' ENGAGEMENT BY THE MINISTRY OF PUBLIC SERVICE, PERFORMANCE AND DELIVERY MANAGEMENT**

WEDNESDAY, FEBRUARY 14, 2024

**THE PUBLIC SERVICE BILL, 2024 (VALUES AND PRINCIPLES)
(NATIONAL ASSEMBLY BILL NO. 46 OF 2022)**

INTRODUCTION

Hon. Chairman, I take this opportunity to thank you and the Hon. Senators for engaging the Ministry of Public Service, Performance and Delivery Management as a stakeholder to make submissions on the Public Service (Values and Principles) (Amendment) Bill, 2022, (National Assembly Bills No. 46 of 2022).

Hon. Chairman, below is the proposed review;

S/NO.	ITEM NO	PROPOSED AMENDMENT	PROPOSED REVIEW	JUSTIFICATION
1.	Authorized Officer	Any officer appointed within the public service or service commission to perform its delegated function within the public service or service commission include human resource management function.... in the definition	This will bring clarity on the role to be performed by the Authorized Officer in public service or service commission
2.	Section 16 (1)	Once in every year, each service Commission and each public office shall prepare a report on the status of the promotion of the values and principles of public service.		<ul style="list-style-type: none"> i. This will bring clarity and parity among the service commission as established by the constitution ii. Each service commission will focus on promoting values and principles for its employees under its purview iii. It will enhance mutual co-existence and complementarity within the service commissions
3.	Section 16 (3)(da)	Details on the human resource establishment within the service Commission outlining		<ul style="list-style-type: none"> i. This will help strengthen the reporting mechanism ii. Will enhance the type of affirmative action

		the total number of employees and highlighting their gender, age, ethnicity and whether they are persons with disabilities		required to engender Values and Principles of Public Service
--	--	--	--	--

CONCLUSION

Hon. Chairman, once again, I thank you for this opportunity to engage with the Senate Standing Committee on Labour and Social Welfare. The Ministry looks forward to continued partnership with the Senate

I hereby submit.



Amos N. Gathecha, EBS, 'ndc' (K)
PRINCIPAL SECRETARY



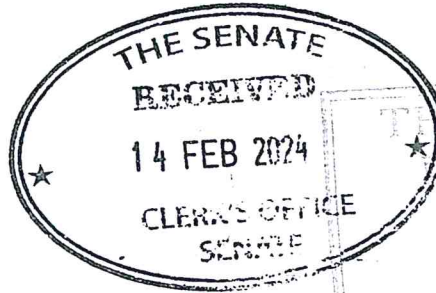
COUNCIL OF GOVERNORS

Westlands Delta House 2nd Floor, Waiyaki Way.
P.O. BOX 40401-00100,
Nairobi.

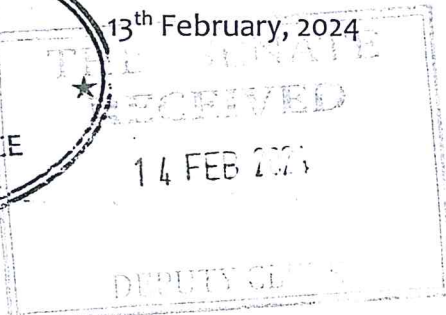
Tel: (020) 2403314, 2403313
E-mail: info@cog.go.ke

Our Ref : COG/6/10 Vol. 12 (54)

Mr. Jeremiah M. Nyegenye, CBS
Clerk of the Senate
Parliament Buildings
NAIROBI



13th February, 2024



Dear Mr. Nyegenye

REQUEST TO RESCHEDULE THE DATE FOR STAKEHOLDERS' ENGAGEMENT ON THE PUBLIC SERVICE BILL (VALUES & PRINCIPLES) BILL, 2022 NATIONAL ASSEMBLY BILLS NO. 46) OF 2022

Greetings.

The above subject matter and your letter referenced SEN/DSEC/SCLS/2024/1 -a and dated 6th February 2024 refers.

The Council of Governors appreciates your letter requesting us to appear before the Senate Standing Committee on Labour and Social Welfare to submit our legislative memorandum on the captioned Bill. However, due to unavoidable circumstances we are unable to attend the scheduled meeting on the stated date.

In that regard we request that the aforesaid meeting be rescheduled to a later date preferably in two weeks' time.

We have analysed the Bill and we shall be sending our legislative analysis in due course.

Please accept the assurance of our highest esteem and consideration.

Yours sincerely,

Mary Mwiti
Chief Executive Officer

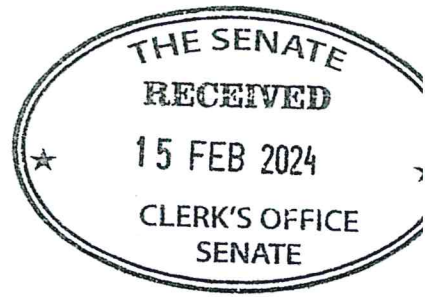
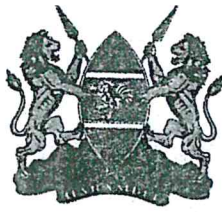
3) Ms. Mwanate
Kind deal.
Kobasi
14/02/2024

① DSEC

Kindly deal. 14/02/2024

Ep
14/02/2024

Copy: H.E. Mutahi Kahiga, EGH
Chair – Human Resource, Labor & Social welfare
Council of Governors
NAIROBI



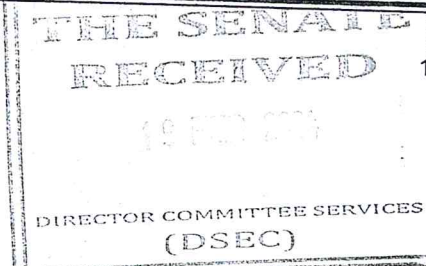
COUNCIL OF GOVERNORS

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Tel: (020) 2403314, 2403313
E-mail: info@cog.go.ke

Our Ref No: COG/6/10 Vol. 12 (55)

Jeremiah M. Nyegenye, CBS
Clerk of the Senate
Parliament Buildings
NAIROBI



14th February, 2024

Dear *Mr. Nyegenye*

**STAKEHOLDERS' ENGAGEMENT ON THE PUBLIC SERVICE BILL (VALUES & PRINCIPLES) BILL,
2022 NATIONAL ASSEMBLY BILLS NO. 46) OF 2022**

The above subject matter and your letter referenced SEN/DSEC/SCLS/2024/1 -a and dated 6th February 2024 requesting the Council to submit a memorandum on the aforementioned Bill.

We have perused the bill and we note that it;

1. Seeks to insert new definitions of "authorized Officer and Public Office
2. Amending section 16 (1) by inserting the words Public Office to expound on the scope of public institutions/ agencies required to undertake the exercise and subsection (3) by inserting a new paragraph after paragraph (d) that outlines

"details on Human Resource establishment within the Public Office outlining the total number of employees and highlighting their gender, age ethnicity and whether they are persons with disability" that shall be submitted to the Governor and County Assembly by 31st December of each year as provided for under section 16(2) of the Act.

In this regard the Council supports the amendments and we look forward to implementation of the same once the bill has been passed.

Please be assured of our highest esteem and consideration.

Yours *Sincerely,*

① DLS
DSEC

Mary Mwiti
Chief Executive Officer

③ Ms. Mwanate
Kindly deal
HOD both
19/02/2024

② HOD/PCA I
Kindly deal

Kindly deal

19/02/2023

15/02/2024

Copy: H.E. Mutahi Kahiga, EGH
Chair, Human Resource, Labor & Social Welfare
Council of Governors

All Excellency Governors

All County Executive Committee Members for Public service

All County Secretaries

All County Public Service Boards



COUNTY ASSEMBLIES FORUM (CAF)

Flamingo Towers, 5th Floor Wing B, Mara Road, Upper Hill P.o Box 73552- 00200 Nairobi Kenya Tel: 0701 046 933
Email: communication@countyassembliesforum.org www.countyassembliesforum.org

THE SENATE
RECEIVED
16 FEB 2024
DEPUTY CLERK (M.A)

CAF MEMORANDUM ON THE PUBLIC SERVICE BILL, 2024 (VALUES & PRINCIPLES) (NATIONAL ASSEMBLY BILL NO 46 OF 2022)

TO: Mr. Jeremiah Nyengenyne
Clerk of the National Assembly, Parliament of Kenya.

FROM: The County Assemblies Forum.

DATE: 14th February 2024.

OFFICE OF THE CLERK-SENATE
SECRETARY
15 FEB 2024
PSC
P.O. Box 41842 - 00100, NAIROBI

THE SENATE
RECEIVED
16 FEB 2024
DIRECTOR COMMITTEE SERVICES
(DGAC)

DGAC
Please find the
attached
copy
HOD Finance/
Lead clerk
Labour & social
welfare committee
Please deal
16/2/2024



1.0 INTRODUCTION

1. The County Assemblies Forum (CAF) is the coordinating body of the 47 County Assemblies in Kenya. The primary mandate of CAF is to promote networking and synergy among the 47 County Assemblies; coordinate intergovernmental relations and enhance good practice in legislative development. Our Mission is to provide effective leadership and coordination of the 47 County Assemblies and through policy and legislative action, promote a conducive working environment for all its members, and in that way deliver quality services to the people.

2.0. As one of the pillars of the devolved government system, CAF is committed to engaging in processes that provide for the strengthening of Separation of powers among County entities under the devolved system

2.1. BACKGROUND

2.2. The principal object of this Bill is to amend the Public Service (Services and Principles) Act to require all state organs in the national and County Governments and state corporations to submit annual reports on details of Human Resources in constitutional commissions, independent offices and County public service boards and County Assembly Service Boards. The Reports should contain details outlining the total number of employees and highlighting their gender, age, County of Birth and county of residence

2.3. The justification is that it will facilitate the public service values and principles that require the public service to reflect Kenya's diverse communities and afford adequate and equal opportunities for the appointment of women and men, members of the ethnic group and persons with disabilities pursuant to Article 232 of the Constitution. By receiving annual reports, legislatures can discharge the oversight role bestowed upon them as they will be able to analyze and query non-compliant state organs.



3.0. GENERAL COMMENTS.

- 3.1. The proposed Bill rightly emphasizes the importance of diversity and inclusivity within the public service. Requiring annual reports on the demographics of the workforce, including gender, age, and ethnicity, is a commendable step towards ensuring fair representation and equal opportunities for all citizens.
- 3.2. The Bill represents a significant stride towards providing financial autonomy for County Assemblies. Since the inception of Devolution in 2013, County Assemblies have sought greater control over their financial resources to better serve their constituents. This Bill addresses this long-standing concern and acknowledges the importance of empowering local governance structures.
- 3.3. Mandating public entities to submit annual reports to Parliament will strengthen accountability in the public service. This measure aligns with the principles of transparency and oversight, empowering legislatures to analyze and address non-compliance issues within state organs. It fosters a culture of accountability and responsible governance.
- 3.4. The Bill's focus on addressing underrepresentation, especially in terms of the two-thirds gender rule and the employment of persons with disabilities, is a positive step. By setting clear standards and requiring progress reports, the legislation aims to correct historical imbalances and create a more balanced and equitable public service.
- 3.5. Requiring annual reports from all state organs and public entities may impose an additional bureaucratic burden on these organizations. The resources and time spent on compiling and submitting these reports could be better utilized in improving actual diversity and inclusivity measures within the public service.
- 3.6. While the intentions behind the Bill are noble, there is a concern that enforcing diversity quotas may lead to tokenism, where individuals are appointed merely to meet numerical targets rather than based on merit. This could compromise the quality and effectiveness of public service delivery.
- 3.7. The Forum is of the view, that issues of diversity and inclusivity should be addressed through cultural shifts and voluntary initiatives within organizations rather than strict legislative mandates. Imposing such requirements may not necessarily result in genuine transformation and could be perceived as an infringement on the autonomy of state organs.
- 3.8. CAF appreciates the opportunity to contribute to this Bill and on the basis of the foregoing proposes the following amendments:

4.0 SUMMARY MATRIX OF THE PROPOSED AMENDMENTS.

	CLAUSE (AMENDMENT BILL)	CLAUSE (PRINCIPAL ACT)	AMENDMENT	JUSTIFICATION/COMMENTS
	<p>Clause 3 of the Amendment Act</p> <p>2. Section 16 of the principal Act is amended—</p> <p>(a) in subsection (1) by inserting the words “and each public office” immediately after the words “each service Commission</p> <p>(b) in subsection (3) by inserting the new paragraph immediately after paragraph (d)— “(da) details on the human resource establishment within the Commission outlining the total number of employees and highlighting their gender, age, ethnicity</p>	<p>Section 16(3) of the Principal Act</p> <p>“The report under this section shall provide information on—</p> <p>(a) the measures taken to promote the values and principles of public service;</p> <p>(b) the progress achieved in the promotion of values and principles of public service;</p> <p>(c) the challenges faced in the promotion of values and principles of public service;</p> <p>(d) any recommendations for the progressive realisation of values and principles of public service; and</p> <p>(e) any other matter that may be relevant to the realization of the values and principles of public service.....”</p>	<p>1. No. Amendment</p>	<p>We commend the Senate Committee on Social Welfare and Labour for the addition of subsection (da) in Clause 3 of the Amendment Act, requiring details on the human resource establishment within the service Commission, demonstrates a commitment to transparency. By mandating the reporting of comprehensive information on employees, including gender, age, ethnicity, and disability status, the amendment promotes openness and accountability in the public service.</p>

	and whether they are persons with disabilities;"			
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Thank you.
Yours sincerely,



HON. PHILEMON SABULEI
CHAIRPERSON, CAF

