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Wednesday, 12th June 2024

The House met at 9.30 a.m.

[The Temporary Speaker (Hon. David Ochieng') in the Chair]

PRAYERS

QUORUM

The Temporary Speaker (Hon. David Ochieng'): I order that the Quorum Bell be rung for ten minutes.

(The Quorum Bell was rung)

The Temporary Speaker (Hon. David Ochieng'): I order that the Quorum Bell be rung for a further five minutes.

(The Quorum Bell was rung)

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, we quorate. Please take your seats so that we may start today's proceedings.

(Several Hon. Members stood in their places)

Order, Hon. Ngahika Ndenda. Sit down. Let us proceed.

PAPERS

The Temporary Speaker (Hon. David Ochieng'): Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I beg to lay the following Papers on the Table:

1. Reports of the Auditor-General and financial statements for the year ended 30th June 2023, and the certificates therein in respect of:
 - (a) Kenya Reinsurance Corporation Limited.
 - (b) Media Council of Kenya.
 - (c) Auctioneers Licensing Board.
 - (d) Kenya Rural Roads Authority.
 - (e) Kenya Civil Aviation Authority.
 - (f) Kenya Airports Authority.
 - (g) National Transport and Safety Authority.
 - (h) National Cereals and Produce Board.
 - (i) Meru National Polytechnic.
 - (j) National Drought Management Authority.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Thank you. Next Order.

QUESTIONS AND STATEMENTS

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, we have request for statements from two Members in the Order Paper. I will start with the Member for Bobasi, if he is in the House.

(Hon. Innocent Momanyi spoke off the record)

The Temporary Speaker (Hon. David Ochieng’): Okay. Just sit and you will get a copy. Hon. Mumina, Member for Isiolo County, are you ready?

Hon. Mumina Bonaya (Isiolo County, JP): Yes.

The Temporary Speaker (Hon. David Ochieng’): Proceed.

PREPAREDNESS OF SCHOOLS IN ISIOLO COUNTY
AFTER THE RECENT HEAVY RAINS

Hon. Mumina Bonaya (Isiolo County, JP): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Education regarding the preparedness of schools to deal with the effects of the recent heavy rains and associated challenges that came with it.

The recent heavier-than-normal rains that pounded various parts of the country caused flash floods that affected school infrastructure and destroyed roads and thereby, rendered some schools inaccessible. In Merti and Sericho sub-counties in Isiolo County, River Ewaso Nyiro broke its banks and caused heavy floods that affected infrastructure in the following schools:

1. Khalifa Abubakar Primary and Junior school;
2. Merti South Muslim Girls Primary School;
3. Merti Muslim Primary and Junior School;
4. Gamachu Primary and Junior School;
5. Munanda Nur Primary School;
6. Bahari Girls Primary and Junior Secondary School;
7. Biliqi Nur Mixed Secondary School;
8. Iresaboru Primary School;
9. Malka Mansa Primary School; and,
10. Sericho Primary School.

If the effects of flooding in the named schools are not addressed, they will negatively impact on school attendance and cause high dropout rates and poor academic performance.

It is against this background that I seek a statement from the Chairperson of the Departmental Committee on Education on the following:

1. Could the Ministry urgently intervene and restore infrastructure in the named schools and other schools affected country-wide; including restoration of access roads, construction of classrooms and latrines, provision of desks, learning materials, food, sanitary towels, water tanks and other relevant facilities in order to restore normalcy in affected schools?
2. What long-term measures has the Government developed to mitigate the effects of floods as a result of climate change to ensure that all school-going children are not disadvantaged again, in future?

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Hon. Malulu, this falls under your docket.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Temporary Speaker. We will write to the Cabinet Secretary (CS) on Tuesday or Thursday next week – that is if he will be available – and, thereafter, present the report to the House.

The Temporary Speaker (Hon. David Ochieng’): When you invite the Cabinet Secretary (CS), ensure that the Member is duly informed so that she is present during the CS’s attendance, and this should not take more than two weeks.

Hon. Malulu Injendi (Malava, ANC): Hon. Temporary Speaker, we have a seven-days rule when it comes to inviting a CS. Whenever the Departmental Committee on Education has statements to answer, as a practice, we usually invite the concerned Members to appear before us. The Chairman would then present a statement to the House, which also becomes new to the specific Member. Thank you.

The Temporary Speaker (Hon David Ochieng’): Hon. Member for Bobasi, I hope you are now ready.

RECONSTRUCTION OF A COLLAPSED BRIDGE IN NYAMACHE TOWN IN BOBASI CONSTITUENCY

Hon. Innocent Obiri (Bobasi, WDM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the reconstruction of a collapsed bridge in Nyamache Town within Bobasi Constituency. The bridge located in Nyamache Town is a critical infrastructure for the residents of Bobasi Constituency as it serves as the principal route between the town and neighbouring areas and, most importantly, the commercial and administrative section of the town.

However, the bridge was swept away by flash floods that occurred in the area in 2023 thereby, crippling the transportation system. It is regrettable that despite the collapse of the bridge having been reported to the Kenya Rural Roads Authority (KeRRA) Regional Office in Kisii *via* my letter Ref. No. KeRRA/Kisii/Rd Vol3(38) dated 4th March 2023, it has neither taken any action nor provided an alternative solution to the residents.

Consequently, they are forced to travel over three kilometres to access an alternative bridge, which is also in a very poor state and, thereby, posing a risk to their lives and goods.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following:

1. Why has KeRRA taken inordinately long to reconstruct the bridge in Nyamache Town since its destruction by floods was reported in 2023?
2. Could the KeRRA Headquarters in Nairobi release emergency funds totalling Ksh19,271,254 for the immediate reconstruction of the bridge?
3. State measures that have been put in place to reconstruct the said bridge and provide timelines within which the bridge will be reconstructed in order to address the plight of the residents of Nyamache Town.

Thank you.

The Temporary Speaker (Hon David Ochieng’): Chairman of the Departmental Committee on Transport and Infrastructure, Hon. Komingoi.

Hon. Kibet Komingoi (Bureti, UDA): Thank you, Hon. Temporary Speaker. Give us two weeks so that we can get the response from the said agency and report back to the Member.

The Temporary Speaker (Hon David Ochieng’): Have you heard that? He has said within two weeks, the Committee would have gotten back to you.

Hon. Gisairo.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Hon. Temporary Speaker, I rise to state that going by this statement that has emanated from the heavy rains that we have recently

experienced nationally, and which have destroyed most of our roads, it is of concern that as we sit here today, around 20 per cent of KeRRA money has not been remitted to the constituencies to assist Members to fix the roads. We are here discussing roads and being told that we will get responses after two weeks and yet, there is money that is stuck at KeRRA headquarters and not being allocated to the deserving constituencies to help the situations that have been affected.

When will the monies be dispatched to the county regional engineers so that they can have our roads fixed? We are not going to just sit here because the financial year is coming to an end and the money is still stuck in Nairobi. The roads we are talking about are murammed, and need to be fixed. Why the delay? This is the first time we are having KeRRA money delaying to almost the end of the financial year. There is 20 per cent retained in Nairobi and we would like to know when the money will go down to the counties.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Hon. Nguna.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Speaker. I wish to add my voice to this matter. We know the effects of the just concluded rains. We have waited for so long but those monies from KeRRA have delayed. We did tender processes and the contractors moved to the sites. I ask your indulgence on this matter. Ensure that we get the money at the right time so that we can expedite the process of road repairs in our constituencies. Of course, the balance remaining is huge. We need to conclude before the end of this financial year. Thank you.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Hon. Kipyegon.

Hon. Francis Sigei (Sotik, UDA): Thank you very much. I would also like to add my voice on this weighty matter. As you all know, we had very heavy rains recently. Most roads and bridges were damaged, including in my constituency. We have damaged bridges that I reported mid last year. We want a very firm statement from the State Department for Roads to tell us when bridges like Sugutek, Chepkositonik, Kosior and Chemaluktany in my constituency will be repaired. Those four bridges have been affected in my constituency. I also need a statement from the State Department for Roads to tell us when those problems are going to be solved.

The Temporary Speaker (Hon. David Ochieng’): Hon. Komingoi, today is 12th June 2024.

Hon. Kibet Komingoi (Bureti, UDA): I reckon. I am in the same boat. All Members of this House know the effects of the El Nino and the rains that damaged our roads. The damage was not only on KeRRA roads, but also KURA and KeNHA roads. We met the Ministry last week. They promised to give us an action plan for the damages, especially the bridges that have cut off connections within communities not only in the countryside, but also in towns. Two weeks will be enough for us to comprehensively respond not only to the specific questions of Bobasi, but also to the general question of what action the Ministry is going to take and what the Committee is pursuing with regard to the road sector in our country. Fourteen days will be enough.

The Temporary Speaker (Hon. David Ochieng’): Hon. Komingoi, the Members’ concern, apart from the Member for Bobasi, is the 22 per cent of money already available and allocated to KeRRA. That is the Members’ concern. When is it going to the ground? Two weeks is too long.

Hon. Kibet Komingoi (Bureti, UDA): You may be aware that the Chairman of the Departmental Committee on Transport and Infrastructure made a Statement last week about the specific question of savings purportedly held by KeRRA and engineers given instructions not to expend the money. That question was disposed of last week and the regional engineers will have the money. The money had not been taken. They had just been instructed not to expend the funds. With the settlement of the question here in the House, the old regions ought

to have received all the monies to all the constituencies for the 2023/2024 Financial Year for the implementation of KeRRA roads. That is the 22 per cent and the 10 per cent. The monies that were in contention were the savings out of the contracts issued. It was settled so that constituency roads committees can plan for the execution of the projects that Members will have identified to be used on the savings that remained because of the contracts initially awarded in 2024.

We, as a Committee, are in the position that all monies have been sent to the regions, including the savings that had been instructed not to be used. With the letter that came last week, all constituency roads committees are now able to plan for those funds.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you. We will not engage in debate on that. The answer he has given is satisfactory to me. Hon. Komingo, you can see what is happening. You need to take charge of this matter and have it dealt with as soon as possible.

Before I go to the next Order, let me ask Members to join me in welcoming students from these three schools, who are seated in the Public Gallery: St Lucia Girls High School Kauti from Makueni County; Precious Blood Riruta High School from Dagoretti North Constituency in Nairobi City County and Kesogon Mixed Secondary School, Cherangany in Trans Nzoia County. They are welcome to follow the proceedings of the House this morning.

(Applause)

I will give a minute to the Member for Trans Nzoia to welcome all those students to the House today.

Hon. Lillian Siyoi (Trans Nzoia County, UDA): Thank you for giving me this chance to welcome students from Trans Nzoia County, Kesogon Secondary School. I welcome you to the 13th Parliament. I know we have future leaders amongst you. Learn something from these legislators as you sit here. From here, go work hard and smart. You will be someone very important in this country in future, if you work hard and smart. Welcome.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Next Order.

BILLS

First Reading

THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL
(National Assembly Bill No.21 of 2024)

(The Bill was read a First Time and referred to the relevant Committee)

Second Reading

THE PUBLIC SERVICE INTERNSHIP BILL
(National Assembly Bill No.63 of 2022)

(Moved by Hon. Naisula Lesuuda on 24.4.2024 – Morning Sitting)

(Resumption of Debate interrupted on 24.4.2024 – Morning Sitting)

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, the debate on this Bill started on the 24th April. Hon. Naisula Lesuuda was on her feet. She is also the sponsor of the Bill. Hon. Lesuuda, this is your chance to finish moving.

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Temporary Speaker, thank you for giving me this opportunity to continue moving the Public Service Internship Bill of 2022.

I started by explaining the import of coming up with this Bill. The essence of the Bill is to establish a legal framework for regulation of internship programmes in the public service. As it is, some regulations were made in 2013.

(Loud consultations)

The Temporary Speaker (Hon. David Ochieng’): Order. Hon. Lesuuda will be heard in silence.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Speaker.

There was a directive and a policy in 2013. Interns who were recruited to the Public Service would be given a stipend. Having thought about it, this is just a directive. It depends on the goodwill of the government of the day. The regulations that were made were not binding. I thought it is important we come up with a legal framework on how we, as a country, and the Public Service, engage our interns. While we were drafting the Bill, there were other ideas and suggestions that we also include the private sector. That is important. However, we realised that we need more engagement. We need to think through it well so that we engage the private sector on how to engage interns and ensure they are treated with dignity and given some stipend.

(Loud consultations)

We also need to think about giving incentives to the private sector, to encourage them to consider interns. There are too many consultations in the House.

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, I request the Whip of the Majority Party to help us lower the tone of consultations so that we can listen to Hon. Lesuuda.

(Hon. Silvanus Osoro spoke off the record)

Well done.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Speaker. There were arguments that if we ask private institutions to remunerate the interns, they may decide to not give them opportunities to learn and they might not be in a position to engage the interns. That is not the intention. We can look at incentives that we can give to the private sector to engage interns and pay them a stipend, just as the Public Service does. There are countries that have done it successfully. South Africa has regulations that allow the Minister for Public Service and Administration to determine internship in the public sector. The contract does not exceed 12 months, and interns do not receive a salary but a monthly allowance. Countries like Rwanda and Argentina have also made legislation to ensure that interns are dignified while they are working.

The Bill I have come up with looks at issues of mentorship. It is to ensure that interns are not just thrown to the Public Service without having proper mentorship, but that they must come out with more skills that are related to what they learned in school. The Act shall apply to the following categories of people who are eligible for internship –

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(i) Unemployed graduates with appropriate skills, who require practical hands-on experience to improve their chances of employment.

(ii) Graduates with professional qualifications, who are required by the professional bodies to undertake internship as a precondition for registration, or any person who has successfully completed a course of training under the Technical and Vocational Education and Training Act.

The principles that will govern internship in the Public Service will be promotion of equity and fairness by ensuring inclusivity and accessibility of opportunities to interns from diverse backgrounds. We must consider inclusivity to ensure that children from all corners of this country are given an opportunity to be interns. We should also ensure that there are transparent recruitment and selection procedures so that Government entities do not just dish out internship vacancies under the table. We will ensure that the opportunities are advertised and put on the internet so that those who require internships are aware to apply.

Thirdly, there will be professionalism to ensure that interns acquire practical experience that is required for their professional and career development. We have seen very many interns on social media saying that their work is being sent as office messengers to drop things at a certain place. That is the work that the interns are doing. Others are even told to go and buy tea and *mandazi* for the office. We must ensure that interns are mentored and given the practical experience that they require for their professional and career development, not just giving them internship opportunity as a requirement for their graduation.

The fourth thing is to ensure efficiency of the internship programme on the basis of cost effectiveness. That is why we have left it to the relevant Cabinet Secretary to consider what is practical to be paid as a stipend to interns and their insurance. In addition, the Cabinet Secretary will ensure quality supervision by providing appropriate work experience that is commensurate with the qualifications of an intern. We also want to ensure that an intern does not take up the job of a staff. Some interns are given so much workload. They do the work of the staff. The staff need to walk with the intern as they work together, but not to overload them with so much work with little stipend and make them leave the office so late. Some institutions give them a small stipend while others do not even pay them.

As I said when I started moving this Bill, we needed to pay Ksh1,000 to get internship placement at KBC. Some interns are from very needy backgrounds. They probably come from a different part of the country and do not live in Nairobi. They have to put up with relatives who also have their own struggles at the family level. The families do not even have money to give the interns fare. An intern walks long distances to a certain institution without lunch and are overworked. This law will ensure that we dignify the interns.

Lastly, the Bill ensures adherence to Government and public agency programmes and activities. This is because there is also what is expected of the interns once they are recruited in an institution. As a country, we have so many unemployed young people. Our unemployment level is going up by the day. We have a huge population of young people who do not have work. It is important for us as a country to think of how we can engage those young people even as we wait for vacancies to come up. How do we make them more active? Many of them are losing hope. Many of them have studied under very difficult circumstances.

Earlier this week, a lady came to see me and told me that she educated her son under very difficult circumstances. Before she even concluded talking to me, she was already breaking down. The son has been at home for five years with no form of employment. There are very many cases like that across the country. Others have stayed for 10 or 15 years after graduating. Giving them an opportunity as interns keeps them busy. It gives them opportunity to be on the lookout for other job opportunities in different places.

We should not discourage young people by telling them to try out other skills, or do businesses while we have not given them capital to start them. We should not tell them that a

higher level of education is not important while all our children are pursuing master's or doctorate degree qualifications. It is important that we encourage young people to embrace education and give them avenues for employment. Internship can be one of the avenues. An example are the Junior Secondary School (JSS) teachers who were recruited under the internship programme. It is important that they are given such opportunity even as funds are sourced.

There are Members who will argue about where we will get the money to recruit all the interns. Internship gives them work experience and opportunity. When there are vacancies, the interns should be given priority. For example, there is a ranking system in the teaching profession. Teachers are vetted. They look at how many years one has been out of employment. The merit list is out there. It is important that when vacancies arise, those who have done internship are given priority. Some of them have interned for many years and hope to be recruited. Some of us are privileged to access vacancies which give to those who have just graduated, while there are very many people who have been interning and waiting for recruitment. They get so demoralised and discouraged because they are not given priority during employment. There is a case that was in court about the interns and the court ruled that there is no legal framework on matters of internship in Kenya.

Hon. Temporary Speaker, this Bill seeks to ensure that the country starts somewhere. We can always improve as we implement it. As we move forward, we can come up with amendments to ensure that we have a law that looks at internships in the Public Service. In future, we can encourage the private sector to come on board.

Interns will be expected to abide by the rules and regulations of the Public Service institution that will have recruited them. They will also be expected to demonstrate commitment and willingness to fully and actively participate in the learning experiences of the internship programmes. They will also be ready to be deployed to any relevant office or workstation within the Public Service institution where there may be an internship vacancy. An intern has to make an effort to acquire relevant skills in the area of specialisation. I also call upon the interns who are given those opportunities not to just go through them because it is a requirement.

When I was recruited as an intern at KBC, I told myself that I would not leave without a job. I would do my work so well that even when my internship was done, those who worked there would see that I was valuable. That is what I did. I worked so hard. When the journalists came in at 6.30 a.m. or 7.00 a.m., I was always there. When other journalists were late, I would be given their slots to go to the field because interns always accompanied journalists to the field. At times, when there were no journalists to be sent out, I would instead be sent out. Instead of leaving at 4.00 p.m. or 5.00 p.m. or even 3.00 p.m. when there was no work and we were lazing around, I would always stay until the 7.00 p.m. news had started.

There would be breaking news at about 6.00 p.m. or 6.30 p.m. and when the editors walked into the newsroom, they would always find me there. I would then be sent for that assignment. I slowly gained experience and got to learn. My message to the interns is that even if they are given the smallest job, they should do it to perfection. Learn more and ask questions until when a vacancy appears in the institution, the management in that institution remembers you. Interns should make a mark in any institution where they go for internship so that others can see the value they add to that institution or organisation. It will open doors for them when the time comes.

Interns will be expected to complete assignments given by their mentors or supervisors. They are also required to provide regular feedback to the supervisors on the progress that they have made and any challenges thereto regarding the internship program. They are also expected to observe the confidentiality of information and the security of tools or equipment that are placed in their possession in the course of the internship programme. Some of them are given

laptops while others are given cameras. They should safeguard and return any equipment that they will be given by the institution to enable them to work. They should also ensure a proper handover of all materials and equipment belonging to the Public Service institution at the end of the internship period and ensure clearance by the relevant authorities before leaving the internship station.

Hon. Temporary Speaker, I want to give clarity on which Cabinet Secretary will be involved in this matter. I know that we have the Public Service Commission. They are the ones who have been looking at the bigger picture of internship recruitment in the country, but we cannot leave the whole responsibility to them. That is why this Bill is not just focusing on the Public Service Commission. Even the Parliamentary Service Commission recruits. It is not the Public Service Commission who recruits on behalf of Parliament. Parliament does it independently. The Judicial Service Commission and other institutions also recruit interns independently of the Public Service Commission. The Public Service Commission can continue doing a tremendous job. We have seen them advertise very many internship positions. This Bill looks at the entire Public Service sector. There are other institutions which recruit individually. In no way does this Bill take away the powers and roles of the Public Service Commission. It gives a bigger framework on how the country should deal with internships in the Public Service Sector.

What will the interns be entitled to? They will be entitled to paternity and maternity leave. When I was making my submission to the Departmental Committee on Labour, they told me that young men do not require paternity leave because they have just come to work. That is the mentality I want us to change and give interns the same dignity that other Kenyans have.

Secondly, is subsistence allowance as may be determined by the Cabinet Secretary from time to time. Within their regulations, they can consider how much the interns need to be paid, but the allowance must be there. This will enable them to deliver their mandate in their respective institutions.

As I conclude, the internship period shall be valid for any period as may be determined by a person in charge of a Public Service institution, but such internship period shall not exceed 12 months. We said 12 months so that the intern can gain enough experience. If we have a period of three, four or five months, the intern will not gain enough experience from the institution. Also, they cannot exceed 12 months because many other youths want those opportunities. We thought that 12 months was sufficient for an intern to gain relevant experience from the institution.

Finally, an intern shall be liable to have his or her internship discontinued on grounds of absence from the Public Service institution without permission or reasonable cause for a period exceeding 24 hours. Interns should know that this Bill not only safeguards and protects them, but they also need to know that absenteeism is not a matter that will be condoned during the internship period. Gross misconduct or disorderly conduct, unsatisfactory performance, failure to obey any lawful instructions or commission of a criminal offence will also be grounds for discontinuity. An intern may terminate an internship by submitting a 30-day notice in writing to the person in charge of the Public Service.

I urge this House and Hon. Members to support this Bill because it brings together our youths and gives them opportunities to acquire relevant skills and experience while ensuring that they do it in a dignified manner. I urge the Government of the day to continue to provide money for their recruitment. I am happy that in 2018, 2019 and 2020, Ksh1 billion was provided in the budget for recruitment of interns. If anything, I would urge that more money be put into the internship programme so that we mop up our youths and give them experience. It can give them skills to even venture into other areas on their own. We have also included those who are in TVET institutions because the country is focusing and emphasising on the important roles that our TVETs play.

Without taking up more time, I beg to move and call upon the able Chairperson of the Departmental Committee on Labour and Social Welfare, the Member for Runyenjes, Hon. Muchangi Karemba, who accorded me all the necessary opportunity to work on this Bill, to second.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you...

The Temporary Speaker (Hon. David Ochieng’): Hon. Karemba, just sit down. Before you second, Hon. Lesuuda has said: “Make a mark at the place you get a chance for internship.” I want to use that statement to welcome students from the United States International University-Africa (USIU-Africa) from Roysambu, who are seated in the Speaker’s Gallery to follow the proceedings of the House this morning. In the same vein, I also wish to welcome students of Weithaga Boys High School from Kiharu Constituency, Murang’a County, and students of Tulaga Secondary School from Kinangop Constituency, Nyandarua Country. They are all welcome to follow our proceedings this morning.

(Applause)

Hon. Karemba, you can proceed and second the Bill.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to second the Public Service Internship Bill by Hon. Naisula Lesuuda.

Allow me to thank Hon. Naisula for being very focused on the issue of internship, having been a beneficiary of the internship programme at KBC. Her pursuit for this legislation began in the last Parliament and she has consistently followed through to ensure that the Bill comes to this House.

Hon. Temporary Speaker, the issue of internship is very important. As the Hon. Member has indicated, it requires a legal framework because right now, it is scattered all over. There is also need to harmonise the internship programme and guide the process through a legal framework so that it becomes easy to offer opportunities to our young people.

The Public Service Internship Bill, 2022, which is sponsored by Hon. Naisula Lesuuda, is a Bill for an act of Parliament to make provision for internship for college and university graduates in the public sector to provide hands-on training and acquisition of skills by graduates.

The Bill was published on 16th December 2022 and read the First Time in the House on 8th March 2023, pursuant to Standing Order 127 (1). Thereafter, it was committed to the Departmental Committee on Labour for consideration and facilitation of public participation pursuant to Standing Order 127. The Clerk of the National Assembly placed advertisements in the print media on 18th March 2023, seeking for comments from the public on the Bill, pursuant to Article 118 of the Constitution.

In addition to the request for memoranda from the public, the following stakeholders were requested to submit their views to the Committee: Office of the Attorney-General and Department of Justice, State Department for Public Service, Public Service Commission (PSC), Law Society of Kenya (LSK) and Kenya Law Reform Commission (KLRC). The Committee received submissions from Hon. Naisula Lesuuda, who is the sponsor of the Bill; the State Department for Public Service, PSC and LSK.

Hon. Temporary Speaker, the Committee, having considered the Bill and the stakeholders’ submissions, observed the following:

1. The Bill incorrectly placed the management of the internship programme under the Cabinet Secretary responsible for matters related to labour. The Committee proposed an amendment to provide that the responsible Cabinet Secretary shall be the Cabinet Secretary responsible for Public Service.

2. The Bill seeks to guard against the enactment of several legislations to provide for internship within the Public Service and seeks to harmonise the salient principles to be observed by all offices in the Public Service in the recruitment of interns.
3. The term “certificate” has been used in two different contexts as follows:
 - (i) To mean the standard minimum qualification for internship.
 - (ii) As a certificate issued upon completion of the internship period.
4. There is need to amend Clause 5 (1) to provide that the Act shall apply to every public office as defined in Article 260 of the Constitution.
5. Internship is not only aimed at professional registration, but also to acquire necessary skills and experience to enhance employability.

The Hon. Member has really spoken to this. Currently, we have thousands of young people who have been engaged in the internship programme. What is happening across the country is that young people are being offered a chance to know what happens in public offices. It is the surest way of ensuring that our country has sufficient people who are full of energy and who also understand how the job is done in public offices.

People are retiring from the Government every day. Those vacancies should be filled by people who possess the necessary skills. It is not just the skills but also the experience that goes with those offices. We have very good success stories from those who have been given internship opportunities. Going by what we have seen, when we enact this law, I am sure that more people, especially young people who come from the rural areas, will benefit.

The internship programme that is run by the Public Service Commission benefits youths from across the country, who are posted to different offices across all the ministries. We have very good reports that have been coming from them. Additionally, the exposure they get from those offices will help them to start a new life or enhance their employability.

Any internship period below six months may not be adequate for the acquisition of relevant experience, skills and inculcating of Public Service values and ethos. The current Bill has no provision for involvement of the private sector. It does not compel private sector institutions to offer internship to the youths and, perhaps, employ them permanently as doing so would create a financial burden to companies that are trying to stay afloat as the number of interns may be unsustainable. However, perhaps, with incentive from the Government, private companies may take some interns on board.

Hon. Naisula dwelt on the Public Service sector but I believe that even the private sector, if given an opportunity and incentives, can provide chances for young people to get internships. For instance, the number of people who work in the Public Service is approximately 1 million, but this country has up to 20 million people who are employed. It, therefore, means that we have 18 million to 19 million people who are employed in the private sector. If the private sector is given incentives, which could include tax rebates, they can accommodate more young people and give them the necessary skills and experience. That way, the energy, skills and knowledge in young people can be properly utilised.

Another observation we made is that the Bill will cure the mischief of exploitation of professionals like teachers, doctors and lawyers, who are currently being taken as unpaid interns in the private sector to gain experience and yet, they are struggling to repay loans that they took from the Higher Education Loans Board (HELB) during their studies. There is a lot of exploitation. We are discussing this Bill at a time when the Teachers Service Commission (TSC) has terminated the services of up to 700 Junior Secondary School (JSS) intern teachers. It is very unfortunate for the TSC to do that to young people who were just trying to say that it is unfair for them not to be absorbed. When intern doctors went on strike, they stayed away from work for over 50 days and they claimed an amount as high as Ksh206,000. They were not fired or interdicted. They remained employees. However, the JSS teachers who have been

earning Ksh17,000 per month, were dismissed by the TSC when they went on strike. As we speak, those young teachers have ‘show-course-why’ letters. It is time that this honourable House summoned the Cabinet Secretary for Education and the TSC to explain why they have to be very unfair to those young people who are just trying to fight for what rightfully belongs to them. I believe that the proposed legislation by Hon. Naisula will cure such mischief because it provides for the amount of allowances that interns should earn. You can imagine those of us who were at Kenyatta University...

Several Members have been mentioned here and I do not want to repeat because you all know us. I am informed that the Deputy Leader of the Majority Party was also at Kenyatta University (KU), but I never saw him there.

(Laughter)

The Temporary Speaker (Hon. David Ochieng’): You were too young to have seen him. Do not throw those stones. Go ahead.

Hon. Muchangi Karemba (Runyenjes, UDA): I can see another Member here who was at KU.

(An Hon. Member spoke off the record)

There are doctors, lawyers and teachers who were at KU, and we all shared the same hostels. When a doctor graduated, he would go to a hospital for internship, where he would be paid Ksh206,000 monthly. But a teacher who shared a hostel with that doctor would be given an internship and paid Ksh17,000 monthly. It is unfair. I believe this Bill will cure those challenges and provide for fairness in the area of internship.

I thank the Members of the Departmental Committee on Labour and Social Welfare for the work they did. They came in and supported this Bill. I believe the discussions by the Members who are here, and those who will come to contribute to this debater later on, will enrich this Bill as we look forward to its enactment.

With those remarks, I second.

The Temporary Speaker (Hon. David Ochieng’): Thank you.

(Question proposed)

The first Member to have a bite at that cherry is the Hon. Member for Westlands.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Temporary Speaker, for giving me a chance to contribute to this very important Bill. I want to thank Hon. Lesuuda for bringing it to the House.

It has been a Government policy under the Public Service Commission that it takes interns and posts them to various Government agencies, but the policy has not been regulated by a legal framework. Therefore, capturing this in a Bill will allow the Public Service Commission to develop a structure on internship. Interns are qualified, trained and have graduated. It is only that they have not been placed in the market. They have not landed jobs. When they are given an opportunity to serve in Government agencies and private sector institutions through internship programs, they attain work experience. During recruitment of new staff, those people should be given priority. If properly conducted, internship programs should lead to absorption of many of our young people who graduate from various colleges and universities. The program will engage the young people and thus expose them to the working environment. In the legal profession, it is provided that while you undertake pupillage

at a law firm, you can also look for opportunities elsewhere, including going to the Judiciary, so that you have a wide spectrum of learning and understanding of things.

The Bill also provides for remuneration. Recently, we saw the doctors on strike talking about the payment of the interns. In my view, once the Public Service internship program is given a legal framework, money should be appropriated to it so that when interns are placed somewhere, they are given some stipend that will keep them going. The programme should last for a sufficient period of time so that those people can learn something on the job. Every time people graduate from college, there should be a way for them to learn.

This is a very good Bill that we should all support. You have all seen how the TSC treated teachers who were agitating for their rights. There has been no job security such that when they come out and express themselves, they face frustrations. Junior Secondary School (JSS) is facing teething problem that we need to address. You cannot come up with a punitive measure of dismissing intern teachers without giving them an opportunity to be heard. If people go to the streets, it means that something is wrong. Once we have a law in place to protect those people, we will bring order in the market and our students and young people will have opportunity to express themselves.

Hon. Temporary Speaker, Kenya trains people in many skills and then exports them. The Government programme of looking for opportunities abroad to absorb our young people is a defeatist one. Why should we train people and give them away? We should train and retain them so that we expand our economy. When a Government is in power, it should come up with policies that will generate and create wealth, as well as expand the economy to absorb all Kenyans that are graduating from colleges. We should not have this brain drain. Our people are trained, but they are used by somebody else.

The Government is losing because it has invested heavily in our education system and yet, it allows them to go. It should look for a way of absorbing the young people. They should come up with policies that will encourage investors into our country to expand industries so that they can employ the youth instead of them going abroad. For those who go abroad, the Government has no capacity to follow-up and know what is happening to them. That is why, sometimes, they are mistreated and many bad things happen to them. I believe we can find home grown solutions which will be cured by this legislation that Hon. Lesuada has brought.

Hon. Temporary Speaker, I support and urge all Members who will contribute to this Bill to pass it because it will go a long way in addressing those issues. Previously, it was a policy, but if we make it a legal framework, it will give a more structured way of engagement.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Member for Kitui South.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you, Hon. Temporary Speaker, for giving me a chance to also support the Public Service Internship Bill, 2022, that has been sponsored by Hon. Naisula.

I want to thank her for bringing it. I sat here listening to her as she was moving the Bill. She took the students going through internship and those who will go in the near future through her journey at the Kenya Broadcasting Corporation (KBC). This was important information for them. When they get an internship, they should work so hard so that their presence is felt. That way, when the 12 months are over, they will be called back. This is a very important Bill because it is giving provisions for internship for our students in colleges and universities. I want to suggest that we do not forget our Technical and Vocational Education and Training Institutes (TVETs), where we can get many graduates who are absorbed by the labour market for technical skills. Many times, when our graduates are looking for jobs, they are told that they do not have enough experience. This internship programme will give them an opportunity to get the required skills and experience for them to get employed.

In this Bill, the stipend that is supposed to be paid to those interns has been raised. This is a matter that needs to be looked into so that this stipend can sustain them. It should provide them with transport to work, a place to sleep and ability to stay in a working environment. As the proposer of this Bill has suggested, it is important to put more money so as to enhance the stipend.

This Bill also talks about the responsibilities of both the institution and interns. I support it because it is establishing a committee that will ensure that the announcements are made. Most times, Members of Parliament get so many messages and letters from students who are seeking for placements. I usually pick all the letters, make a table, write their names, skills and the institution they want to be placed. Then, I forward the names to the Public Service Commission (PSC). This is not a good way of handling this matter. This Bill will enable the interns to have proper placements. When they get to the institution, a committee will induct them and ensure they are told their responsibilities - what to do or not to do. I believe this is important whether they are hired in that institution or not.

The responsibilities of interns will be stipulated very clearly. When an intern is placed in an institution, they must know it is a workplace. In as much as they are young, they should know what they can or cannot do in that institution. This will include proper handling of both the hard and soft assets.

I want to mention something very sensitive. This morning, I received a letter from Junior Secondary School (JSS) intern teachers from Kitui South. Their contracts have been terminated because they participated in a strike. I do not know whether I am the only Member of Parliament who has received such a letter. The reason as to why we are receiving letters from those intern teachers is because there is no proper law on how long their internship was supposed to last, how much they were going to be paid and the termination conditions.

Therefore, as we debate this Bill, I want to ask the TSC to hire all those intern teachers who may have been involved in one matter or another without discrimination. I did not see the intern teachers from Kitui South participating in a strike on television. I am appealing to the TSC as the Member of Parliament representing those from Mutomo and Ikutha who have been terminated. In the spirit of this Bill which we are discussing today, they should hire them. I believe they are not the only ones who participated in the strike. I ask very kindly for forgiveness in case they were involved in any form of impropriety. This might have been caused by failure to have money to feed their children. That is my humble appeal.

Going back to the Bill, I want to encourage the interns when hired, to ensure they are available and their presence is felt. They should be available when the Managing Director is looking for someone to send like Hon. Lesuuda did at KBC, so that the moment they finish their internship, they are called back.

As I finish, I want to say that I was an intern at Kenyatta University. I was given an opportunity of being a graduate assistant and I carried books for Prof. Otiende and Prof. Sifuna. I made sure I carried the books nicely, wiped the table, got a comfortable seat and placed the notes. In fact, I made sure that the table was not flat, but a bit elevated. This is because as professors age, they do not see very well. The university gave me my first job and I was paid Ksh11,000. I was excited because I did not know how to use all the money they were paying me. This is the seed an intern can plant in a ministry, semi-autonomous Government agencies (SAGAs) or a court when they get an internship position. With that, I support Hon. Lesuuda and the good work that has been done by the Committee.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Hon. Baya, I hate to hold you a bit because this cannot be another Kenyatta University (KU) affair. Just commit that you will not talk about KU. Please do not talk about KU. Go ahead.

(Laughter)

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. I want to contribute to this. I graduated from Kenyatta University in 1996 with my first degree and with a master's degree in 2007, but do I say! I used to see Hon. Rachael Nyamai. She was a pretty young girl walking in the corridors while doing her master's degree in public health.

I congratulate Hon. Lesuuda. I studied labour economics which tells us that there are three reasons why you hire an intern. The first one is that you want to train an intern to become a better person. Probably, that is why Kenyatta University hired Hon. Rachael Nyamai. However, there could be another reason. You can hire an intern to work for you at a lower pay, which is exploitation. You can also hire an intern because you want to fill a gap. This country needs to be made to understand why we hire interns. Do we hire them because we want them to work for us at a lower rate, but give them the same job as the employed person? Or do we want to train them to become better workers? Looking at the philosophy of internship in this country, we want to solve an unemployment problem using interns. That is the wrong way. I cannot be hired as a teacher and teach 33 lessons in a week, same as the person who is on permanent and pensionable terms. The other teacher is paid more and yet, we teach the same number of lessons in a week. The other person is called a teacher whilst you call me an intern. That is unfair in labour management.

What we have in this country is a convoluted system that people do not understand. If we want to use people by giving them jobs because we do not have enough money to pay them, let us explain it to them so that they can understand that they have been employed as interns to help the country because it does not have enough money to hire the right people with the correct salaries. Today, to hire a professionally trained teacher who has graduated and who is waiting for a job as an intern, but who works as a full-time teacher, is exploitation and should not happen.

We need to decide within the realms of labour economics and not misuse people because we want to fill a gap. A declaration must be made on how to hire a person as a Junior Secondary School intern. An intern should work under a supervisor, but should not work more than the supervisor. When an intern is expected to produce results as the supervisor, it is no longer internship, but under-employment. We need to understand this. Are we giving Kenyans internship opportunities or are we under-employing them because we do not have resources? That is why we will have those labour issues. The JSS teachers will go on strike and say that they are lowly paid. But at what time did people start deciding how much money they will be paid as interns? This happens because they have realised that they are not interns, but full-time teachers and they are demanding to be paid for the work they are doing because they are our workers and not interns.

We need to have economists in the National Treasury and in the ministries do their work. I believe that every ministry in this country has an economist who looks at things from that perspective and decides the direction to be taken. Even when it is decided at the Cabinet, we need to give people their real titles and their real job descriptions and not misuse the title "intern" and call people an intern doctor, an intern teacher or an intern agricultural officer and yet, those are the people who actually work. They will demand a higher pay because it is within their right and because they are not being trained as interns, but are actually employed to do the work.

So, even as Hon. Naisula Lesuuda tables this Bill, when we come to the Committee of the whole House, we will need a proper definition of an intern. This is because if we have a law that calls someone an intern and says that they are entitled to a paternity leave, a maternity leave and other allowances, is that an intern? That cannot be an intern. The definition of an intern is within the labour law and it is clear. This is a person under-study of someone and

should be given certain benefits. But when we put interns at the same level as people who have been employed as workers, we are going to exploit Kenyans using a law that we are passing in this House. If we do that, we will have a lot of labour issues.

So, let me say in this Parliament that let interns be interns and they should not be used to do a supervisor's job. Let us not call someone an intern teacher and give him a full load and there is no one who is supervising him or her. That is a full-time teacher who should be paid a salary of a full-time teacher. As a country, if we cannot do that, then let us not call them interns because they are doing the job of a full-time employee.

So, while I support this law, we need to re-look at it. I believe when Hon. Naisula Lesuuda went to Kenya Broadcasting Corporation, she went there as an intern. She did not go there to do a full-time job for someone. She was helped to grow and grew to be the lady that we now know. This is because she was an intern and she was helped to grow through the steps, but she was not given the full load. She was properly supervised, trained and had her hand held until she got to the level that she is. I know at what level an intern should be an intern and when that intern should graduate to be a full-time worker.

So, let us spare the young people. Hon. Rachael Nyamai was an intern. When you are given a job at Kenyatta University as a graduate assistant, you cannot do the job of a professor. She was a graduate assistant who used to carry books, wipe tables, ensure lecture notes are done, go to the lecture room and listen to the professor because she was a graduate assistant - an intern. She did a proper internship programme and she graduated to be what she is. But what are the people we call interns doing? They are not being trained, but being used to work. So, let us look at this policy carefully so that we do the right thing for this country. Let us not burn out our young people by giving them the full load of work and yet, they are not supposed to be given.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Very well said. But let us give them maternity leave if they become pregnant. Let us not deny them that.

(Laughter)

This chance now goes to the Secretary-General of the Civil Servants Union, Member for Nyatike Constituency, Hon. Tom Odege.

Hon. Tom Odege (Nyatike, ODM): Thank you very much, Hon. Temporary Speaker. Allow me to first congratulate the Mover of the Bill because what she has brought to us is very timely. This is what has been ailing our country so far. I was a witness at KBC and I can confirm that what the Member is saying is true. That is because I used to be a customer there. I used to attend a programme at 6.00 a.m. and I used to find her seated there on duty. So, whatever she is presenting in the House is not only for public consumption, but it is true.

Let us not confuse internship in the public service with pay. It will make us lose the good idea which has been brought before us by the Member. First, when we talk about internship, I suggest that this House supports what has been tabled and, if possible, make it mandatory for all professionals from our colleges and universities to undergo mandatory internship.

Hon. Temporary Speaker, some of us had an opportunity to work in the Public Service. I can authoritatively say here in this House today that, when you meet somebody who has grown in the Public Service together with somebody from the private sector, you will see the difference. The real training in this country is in the Public Service. If we deny our young professionals an opportunity to access training in the public service, we are killing this nation. You will agree with me that all of us who underwent the school programme, when you were employed, learnt again on the job. You do not come from college or school when you are a

fully trained professional. You get the professionalism when you get an opportunity to do the job and be trained on it. If we deny our youths an opportunity to get that from the Public Service, we are killing this nation and denying them an opportunity to be better professionals.

To make it worse, when we are advertising for jobs, we ask those new professionals for experience. Where do we expect them to get it if we do not give them opportunities to access facilities in the Public Service for their training and exposure to be better professionals in this country? Before we go to monetary issues, we should ensure that we avail the opportunities for all professionals to access training in the Public Service. If it is possible, we should make it mandatory, so that we do not discriminate others not to get such kind of an opportunity to access services.

On monetary issues, when we talk about the work done, that opportunity can be given room to be negotiated. Every professional can get an opportunity to negotiate it. We should give the Public Service Commission, the Parliamentary Service Commission and the National Police Service Commission opportunities to come up with jobs that are worth those interns. Then, we can pay them. What is happening currently in the country is very unfortunate. We have reached a level where we see workers going on strike. But now interns go on strike. This means that we have failed to fix an issue which is ailing our country. That is why interns go to the streets to demand for their rights because we are sitting on them.

There are some professionals in this country who are unable to come out and air their grievances. They are suffering in silence. Let us talk about accountants and agricultural officers who are silent professionals. They are also not comfortable, and because they do not have an opportunity to come together and air their views, we think they are comfortable because they are not on the streets the way the Junior Secondary School interns were. If we are fixing the issue of interns, let us make it broader and ensure that everybody who has trained in this country is given an opportunity and fairness wherever he or she does his or her practice.

[The Temporary Speaker (Hon. David Ochieng') left the Chair]

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) took the Chair]

We should not allow all those strikes to go on. Clinical officers are in the streets right now. One of the issues they are talking about is interns. The JSS intern teachers were on the streets. One of the issues was employment. We had doctors on the streets and one of their issues was interns. We now have some professionals who are unable to go to the streets. Those who can represent them and make them comfortable are in this House. Let us use this opportunity that has been given to us by this Bill and fix all the issues that are related to workplace. Internship should be made in a way where, even if you do not go on strike or outside to make noise, your interest and safety are catered for. Money can be negotiated. However, let us make internship available for all professionals. We should make them get those trainings, so that we can have a country which nurtures needed professions, and we make it possible for them to work for this country.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Member for Nyatike.

Hon. Members, seated in the Public Gallery this morning, we have students from Kisayani Secondary School, Mutomo Sub-County in Kitui South Constituency. They are students from my constituency. I welcome them.

(Applause)

We also have Mwonge Junior School from Chuka/Igambang'ombe, Tharaka-Nithi County. We also have Brighton International School from Mavoko Constituency in Machakos County. You are welcome to observe the proceedings in the National Assembly.

(Applause)

In line with that, I would like to give this opportunity to Hon. Mary Emaase to welcome these students. Please, welcome the three schools, including the one from my constituency.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. At the outset, I take this opportunity to welcome all the students in the Public Gallery who have got an opportunity to tour Parliament and witness the proceedings on the Floor of this House.

In a very special way, allow me to welcome the students from Brighton International School and all the teachers led by Mr Fredrick Yongo. It is one of the best schools we have in Mavoko Constituency, Machakos County. I have not seen the Member for Mavoko. I would have given him an opportunity to welcome them too.

As a parent in Brighton International School, I am very proud to see our daughters and sons in Parliament today. I want to give a word of encouragement to all the students who are present here today. Work hard. If you remain focused, the sky is the limit. All of you will achieve your dreams. At one time in our lives, we were smartly dressed like you are today. Some of us did not get an opportunity to visit Parliament. If you want to be a doctor, you can be one. You can also be a legislator and be on this Floor of the House some time in future legislating for this nation. You can also be an engineer. However, you need to work hard because there is no shortcut to success.

Thank you, Hon. Temporary Speaker. You can allow me to add my voice to the Public Service Internship Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You will do it later.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You are most welcome. Hon. Beatrice Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I also rise to support this Bill and appreciate Hon. Naisula for bringing it at the right time.

We see the young people in this country in the streets, which is very sad. We saw the doctors and the JSS intern teachers. We started the new Competency-Based Curriculum (CBC) in this country. The ones who are supposed to lay the foundation are on the streets. As a country, we have to question ourselves. We have to ask what the real issue is.

I have looked at the memorandum of objects and reasons of this Bill, and I appreciate that we have borrowed so much from Article 10 of the Constitution on National Values and Principles of Governance. When we talk about interns in the country, it is about fairness or equity because it is within that Article. We hope that this Bill has a framework that will ensure that every child in this country works in the Government.

I worked in the Public Service a few years ago. The most unfortunate thing is that many people are about to retire there. However, we did not take internship seriously to ensure that we trained young people to come in and take over what they are supposed to do for the country. In some sectors and dockets within the Public Service, roughly 38 senior officers have now retired. You can imagine that it is the young people who are supposed to take over. Who has mentored them? How do they take over? This is the reason why, sometimes, you feel very disappointed with the Public Service. Why is it that we do not have a good Public Service and yet, we have the best human resource in terms of skills? We have people who can do good

work for our country. We have them in the Public Service. I support the Public Service Internship Bill.

One of the things that Hon. Naisula has brought up in this Bill is that we have to help our young people to understand the objectives of the Bill. The Bill preserves human dignity as set out in Article 19 of the Constitution. It enhances youth development and employability by creating clear linkages between their education, training and work.

I was once an intern of Professor Wanjiku Kabira. I remember I was with Daisy. At that time, we were interns in a civic education programme. The way Professor mentored us was very tough. I want to tell young people that there is no internship that will be simple. There is no internship that comes on a silver platter. If they want it easy, then they will not get employed. Also, they should always remember that in the laws of employment, there is probation.

For our interns in the Junior Secondary Schools – and I do not know whether they understand - there is probation for six months and the employer has a right to employ or not to employ them after the probation. Sometimes, we talk here and politicise these things. We forget that those are people who are going to mentor and teach the future leaders of our country. So, we have to be very clear as leaders and parents that you cannot... They should read their letters of internship. What did they agree with the employer? So, when the time comes, they should not use it in a political way. They should remember they were not in a mob when they were employed. They were employed as individuals. They came alone for the interviews and they were given the internships alone. So, let us not make it very political until we destroy the whole structure. This is a new foundation for our children and the future of Kenya.

The other thing that Hon. Naisula Lesuuda has proposed in the Bill is that the Public Service should ensure a well-structured and coordinated internship programme. I agree with Hon. Baya that where we go wrong is when we decide that an intern who is supposed to do 25 per cent of the job does 100 per cent. That is where we have gone wrong with this structure of the JSS teachers. They now believe they have worked as teachers. I will not be ashamed to talk about it.

I went to my school – and I will not disclose the name - and I met young interns and teachers who have been there for a while. When I looked at their staff room, I felt like crying. They had just finished taking tea and everything, including eggs, was on the table and they were just seated there. If you do that as a teacher, what will the students do? So, being a good teacher starts with ethics and morals. I also want to alert teachers that we are in the era of digital platforms. I went to a school in Mombasa and a teacher in one class was teaching three other classrooms using a digital platform. So, teachers should awaken themselves. Because of technology, we will reach a point where we will not want to see our students crying every day that they have no TSC teachers. We shall improvise and find a way of teaching children and the teachers will be the losers.

I believe that if I had never gone to school and met my English teacher, Mr Masheti, I would not be who I am today. So, I am proud when I meet my teachers and lecturers. However, when I look at our children, I wonder whether they will embrace their teachers. I want to tell the teachers that I have my girl who comes home and says: “Miss said this!” I usually ask her who is “Miss” and her response is that teacher told them to call her Miss. This is why students miss all those things. They have now realised that a teacher is just a “Miss”.

The values we had in terms of good foundation and who brings one up are eroding. We are now rolling back. We will have challenges in how we serve our own people. Teaching is a calling just like other professions are a calling. However, sometimes, the work that the teachers do is beyond measurability. Nobody can pay them. However, if they can mould a child and they come to *Bunge* like us, to become who we are today, then I believe there are good teachers that we must be proud of and we must celebrate them. Interns must understand that there is a role that teachers play. Everywhere people are employed, there is a six months’ probation

period and you can be sacked after the probation. If one goes to court, the courts understand that that is how things work.

Nowadays, we have laws for the Public Service. Before one goes to court, they are encouraged to first use the internal mechanisms that have been put in place to deal with such a challenge. As interns, they have their letters that they signed and have what they agreed to. They must understand that letter.

As I finalise, I just want to tell Hon. Naisula Lesuuda that what she has done for the country today is good. I am hoping that the Public Service will look at the Bill and see whether there are a few things it will want us to add to the Bill. They have to come and meet with Hon. Naisula Lesuuda so that their proposals are well packaged during the Committee of the whole House stage, to make sure that internship is productive and increases self-awareness. The interns should understand motivational needs and learn to excel in ambiguity.

With those few remarks, I beg to support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, as you may be aware, we did not put a time limit for debating this Bill. So, it is 10 minutes. If you choose to speak for five minutes, all of you on the screen will speak. That is your choice to make.

I would like to give the next chance to Hon. Abdul Haro, Member for Mandera South.

Hon. Abdul Haro (Mandera South, UDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to make my contribution on this very important Bill. From the onset, I support the Public Service Internship Bill that has been sponsored by Hon. Naisula Lesuuda, Member for Samburu West. This Bill is timely and welcome.

I will start by stating that Article 55 of the Constitution provides that the State shall take measures, including affirmative action programmes, to ensure that the youth have access to services such as education, training and employment, and also to have opportunities to participate in social and economic spheres. Currently, Kenya does not have a robust law on internship and that is why this Bill by Hon. Lesuuda is very timely and most welcome. It is going to cure some of the problems that we have had in that sector.

It is a fact that most private and public firms do not pay interns. Many interns struggle on a daily basis as they attend to their duties of internship in public and private institutions. Of course, some institutions pay interns out of their own volition. This is one of the reasons why we must have an internship legal framework to make sure that private and public institutions are governed by the provisions of a law that supports interns as they do their internship. The National Employment Authority Act only talks about issues of placement of interns in public institutions, but they do not address the question of stipends to interns.

The National Employment Authority Act talks about the placement of interns into public institutions. However, it does not address the question of the stipend, which is why this Bill is very important. Who is an intern? According to the online Oxford Dictionary, “intern” is the position of a student or trainee who works in an organisation, sometimes without pay, in order to gain work experience or satisfy the requirements for qualification.

As other contributors have said, apart from being unpaid, interns are misused. Intern doctors, teachers, lawyers, engineers and technologists are reduced to photocopying assistants, messengers, storekeepers, office cleaners and errands boys and girls. This Bill will, therefore, give dignity to internship.

This Bill also addresses the welfare of interns, the matter around monthly pay, sick leave, and especially Articles 10(10) and (11), which address the issue of personal accident insurance coverage and subsistence. When interns are attached to private or public institutions, they are supported with a small stipend for their food, transport and airtime.

Hon. Temporary Speaker, the Bill also seeks to address the working conditions for interns. It covers both the interns who are working in the national and county governments.

Additionally, the Bill addresses the question of the duration of the internship, and it proposes a period of 12 months. This is the same duration interns are given in South Africa. It is long enough to give the students a satisfying experience in their professions.

The budgetary issue is also covered in this Bill. They have provisions for resources that will be used for the welfare of interns and for improving their working conditions. For now, we do not have any provisions that compel or encourage public institutions to budget. Right now, we are going through the budget cycle, and there being no law compelling public institutions to plan and budget for interns, it is not happening.

Hon. Temporary Speaker, with those few remarks, I support this Bill. Thank you for giving me the opportunity to contribute.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Esther Passaris, Member for Nairobi County.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker.

I stand to support my colleague, Hon. Naisula, for bringing this Public Service Internship Bill, (National Assembly Bill No.63 of 2022), and the Departmental Committee on Labour for their work of making sure it reaches this stage.

This country has an unemployment rate of over 30 per cent. That means over 10 million Kenyans out there are either unemployed or under-employed. Without the structures and laws that we need to support the internship programs, we will end up having many under-employed citizens. Those citizens will not be able to look after their families effectively.

When we come up with a Bill such as this, we are putting in legal frameworks. We are making sure that the monthly stipend is decent enough for them to sustain their families. We are making sure that the programs you have within the various public institutions are well-tailored to ensure that, if those interns are absorbed, they will have the required experience.

I know that the Teachers Service Commission (TSC) has an internship programme that lasts two years, which guarantees everyone's absorption. Hon. Elachi mentioned that one is employed as an individual. As a country, we have two areas that have done us good, but are also our undoing. One of the areas is that we rush to court with everything. We paralyse the national Government and county governments from performing their duties and then, in the end, we ask where the services are. It is because they have been derailed. I remember having a conversation with the Governor of Nairobi, Hon. Sakaja, about what we were going to do about the garbage collection since somebody had gone to court and stopped the contract that they were about to enter with somebody who had won the bid.

When we go to court or demonstrate, we injure ourselves. I look at the TSC, which is a hot topic for now since they had a number of interns. Normally, they absorb the interns for over two years. They have a Collective Bargaining Agreement (CBA) to that effect. Now that we are going to have a law that says an internship should not be more than 12 months, that CBA would, therefore, have to be renegotiated so that they are absorbed within 12 months. Having an intern for two years is not right. The Government should not allow internships to run for over two years. If we are going to absorb all the interns in the education sector, we must ensure that we provide the necessary budget. We will not require a 100 per cent budget as some teachers would retire.

We need to ensure that the money allocated for interns is strictly used for the intended purpose. This year's budget is going to be over Ksh2 billion. Therefore, we should ensure that the money that is going to be allocated to the interns would be used as such.

I like the idea to provide them with sick leave, maternity and paternity leave. If we do not, when an intern wants to be absorbed, and she goes for an interview, she might be viewed as a burden if she is pregnant. But if it is provided for in law, there would be no discrimination. Additionally, one can fall sick at any point. You can walk into an interview healthy and, six

months down the line, you are diagnosed with something. We have to be humane with our employees, whether they are permanent or interns.

When it comes to the country at large, there is a need to conduct a census of our population. It will inform where we allocate the biggest shares of the Ksh2 billion budget for interns. If we realise that the number of unemployed teachers is way higher than the number of unemployed doctors or nurses, you allocate the budget relative to the people who are unemployed. If we conduct a census on the number of unemployed people in our country, their qualifications and work experience, we would not be able to provide the budgets to grow the specific industry effectively. We need to budget based on the training of our population. We also need to guide our population in terms of where we have over-trained personnel and we need more people in a specific sector.

Singapore, sometimes, looked at a certain area of their country as they progressed, and they realised that in that particular area, many people were not buying into the development, growth, and prosperity of Singapore. They learnt that in that particular area, the people were professionals. They were either lawyers, doctors or accountants. Singapore, therefore, decided to turn that area into a hub to provide those services. We need to think forward and determine how we would place our resources. We place resources based on the population. We inform the population. There is no need to encourage the training of more teachers when you have two million unemployed teachers and the absorption rate is 20 per cent. We need to look after them and counsel them. You know counselling for future career prospects is very important. As long as we, as a country, do not do that, we will be taking interns that we cannot absorb.

Having said that, we need to figure out how to work with the private sector when we realise that the Government can only employ a certain amount. How are we going to make it lucrative for the private sector to buy into the internship programme that the Government wants? What incentives will we give the private sector to absorb our interns? It is bad having 10 million unemployed citizens out there. I guess the Government is looking for bilateral contracts to try to export labour because it has recognised that our absorption rate of the unemployed has been dwindling. We have to make sure that we, as a country, protect the jobs and the corporates have, as we do and pass this Budget and the Finance Bill.

People will start moving into neighbouring countries if we do not protect the jobs, corporates, the manufacturing industry, and the financial industry that we have. What does it mean when people start moving to neighbouring countries? With the Common Market for Eastern and Southern Africa (COMESA) agreement, we will become consumers. Our people will not have jobs. We need to find that balance. I pray that we find that balance. If we do not, we will have a shrinking employment. We will not be able to absorb interns. We will not attract corporate investors and manufacturers. Even our Kenyan manufacturers right now are looking for where they can make the most money.

The Government's economic advisors need to start taking off their blinders and thinking outside the box. When you think you know it all, you could be creating problems that will not only affect us now, but also the generations to come. It is impossible to bring back an industry that closes down or moves out of this country. We should have a high retention rate of whatever we have. That is by creating employment opportunities for our people.

All in all, this country can only go forward when we move together; when we are sensitised about the needs of our people, and when we listen. That is why God gave us two ears and one mouth. It is important that we listen. I pray that we start listening because Kenyans out there are suffering. We talk about a Ksh2 billion budget for interns because we will need to collect that money. Interns out there, remember we are trying to provide for you when we budget. We will restore and re-engineer the prosperity of this nation the day we deal with corruption. Everyone will become rich.

Thank you for giving me this opportunity, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Member for Nairobi City County. Hon. Michael Muchira, Member for Ol Jorok.

Hon. Michael Muchira (Ol Jorok, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Public Service Internship Bill, (National Assembly Bill No. 63 of 2022), as sponsored by the Member for Samburu West, Hon. Naisula Lesuuda.

Let me start by applauding the Member for bringing this Bill at the right time. We appropriate money for internship programmes every year and yet, we do not have a legal framework for that programme. We do it based on the goodwill of the current Government, but we know that goodwill alone is not good enough. The necessary legal framework needs to back goodwill, which is what this Bill is trying to do. We have had court pronouncements on internship programmes, especially Junior Secondary School (JSS) internships. The Court nullified the internship programme because there exists no framework for that programme. This Bill will try to sort this out.

We also know the basis on which the Teachers Service Commission (TSC) engaged the interns. It was not an internship but employment. My understanding of an internship is that one works under a mentor. Nobody was mentoring those interns in the JSS programme. Let it be clear that the TSC did not engage JSS interns in an internship programme. It was employment because nobody was mentoring the interns that were employed by the TSC. Having said that, we all know the importance of that programme. The purpose of an internship is to ensure that fresh university graduates acquire the necessary skills and experience to enhance their employability. Our public service is the best trained and best skilled. Therefore, it is best to teach our interns. The internship also ensures that the values and ethos of Public Service are inculcated in the interns. I hope our civil servants will inculcate positive values in our interns.

This Bill also enumerates the responsibilities and entitlements of interns when they join the Civil Service or the Public Service. Their responsibility and entitlement, such as stipends, are clear. I wish stipends would be clearly enumerated and the minimum stipend known so that we can avoid exploitation. Just as we have a minimum wage bill, it is also important that we have the minimum stipend that interns in Public Service will be earning. There are other entitlements like sick leave and others. There is no way we can deny an intern sick leave just because they are not permanent and pensionable. There is paternity and maternity leave, as well as personal accident insurance coverage. This Bill includes them.

The Bill also handles disciplinary procedures once an intern joins the Public Service. They are bound by the rules and regulations of the Government entity. Once they break the rules, they are subject to the necessary disciplinary procedures. The TSC could not take proper disciplinary procedures on striking interns because, probably, there was no legal framework. The Bill stipulates ways of recruiting interns to ensure there is transparency, accountability, fairness and that, every intern from every corner of this country has the same probability of being absorbed into the Public Service as an intern. We expect to pass this Bill so that the recruitment reflects gender and regional balance, and is not skewed. The basis of recruitment will not be who you know or nepotism. It will reduce corruption in the recruitment of interns.

I also support the issue of incentives to private entities. At the same time, we should make it mandatory for every Government entity to absorb as many interns as possible - if not 100 per cent - at any particular time. Finally, I support the timelines. The internship period should not be too short so that the interns absorb the necessary skills and experience required. It should also not be too long, especially since we have career interns. One year for every intern is good enough, and then they are let to go to utilise their skills in their specific fields and create vacancies to absorb other interns.

With those few remarks, Hon. Temporary Speaker, I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. James Nyikal, Member for Seme.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Bill. Let me start by congratulating Hon. Lesuuda for bringing this very important Bill at this time. The lack of a legal framework and unemployment among young people has been used to exploit qualified young people. There has been no regulation on internship opportunities. There has been no equity. This Bill brings in some legal framework. There has been some legal framework in relation to professional regulatory authorities, but it has been limited, and it has been confused with general internship. That was the crux of the matter in the recent doctors' strike.

I support this Bill because it addresses very important issues. First is the definition of an intern. It takes a fairly good definition of an intern. It brings out the definition of three types of internships: those doing it during their training, those who have finished their training and those who require it for registration in professional bodies. The above three situations must be taken into consideration because that is where the problem is. There are people who, as part of their training, need exposure to the industry before they do their final examinations and subsequently graduate. Those people are also interns. This Bill has taken care of that under Clause 3. Why do we put young people through internships? Do we want them to learn, or do we want them as part of our workforce, or do we want them because they need to be trained? Those have been taken care of in this Bill under Clause 3.

The other important thing is the period and structure of training. There has been an attempt to define it between three months and one year. But we will have to look at that, particularly in cases of professional requirements. Professional bodies will have to be involved to determine how long the training should last and the structure of the training. Bodies like the Kenya Medical Practitioners and Dentists Council (KMPDC), the Institute of Engineers of Kenya (IEK), the Board of Architects and Quantity Surveyors (BORAQS), the Law Society of Kenya (LSK) and the Council for Legal Education will require very clear periods. They will require clear structures of training and mentorship. For example, interns in the medical profession have to undertake specific activities during internships in which they must exhibit competence. In engineering, there are structured ways. There are logbooks for interns to fill out to show that they have undertaken an internship.

The other issue is the relationship between interns and the organisations during that period. This is very important. It is what has led to a lot of exploitation. When you have interns for exposure, are they supernumerary? Which means they are not part of the workforce.

(A Member's phone vibrated)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal, I do not know whether it is your phone that is interfering with the microphone or someone else's phone.

Hon. (Dr) James Nyikal (Seme, ODM): Maybe, it is mine. The assignments and responsibilities given to an intern during the period seem supernumerary. This means there are people tagging interns along so that they can get the exposure. Interns are put on a work schedule so that what they do is part of what the institution does on a daily basis. If that is the case, medical doctor interns are part of the workforce. They have a responsibility to look after patients. They are in wards and undertake surgeries where they are competent. Hence, they are working. If they were in the private sector, they would be earning an income from the institutions they work for.

Another important issue is legal responsibility. In the medical profession, interns look after people and do surgeries. They have a legal responsibility if something goes wrong. At least, they have interim registration and insurance in case something goes wrong.

It is also important to know the position of the intern in the structure of the organisation. Are there clearly stated responsibilities for them, or are they just any other person

in the organisation? Medical intern doctors are part of any working hospital, where they are the first on-call. Medical officers are second on call, and consultants are third on call. A structured institution cannot function without interns. The situation differs when people are working supernumerary hours and others tagging along. We need to have a structure. There are attempts to do that under Clause 2 of the Bill, where the role of the supervisor and mentor has been stated. That is important. What is their role? Are they part of the structure of the organisation's workforce and are given responsibility? From my experience as an intern, one weekend, I worked from Friday morning up to Sunday evening with very little sleep and no meals. I took care of several wards at the same time, and you cannot call that supernumerary. As indicated, during the strike, the interns were asking for Ksh206,000 because they were working, not supernumerary. I am happy that it has been taken care of here.

When we have interns working in the industry, how does it relate to the labour laws? What are they entitled to? For example, the Junior secondary school teachers were there and were called interns, but those are qualified teachers who have Teachers Service Commission (TSC) registration. Were they subject to the labour laws? Now that we are dismissing them, what is protecting them? These are the areas we must look into and, unless we have this law in place, there will be a great danger of exploitation. I beg my colleagues to pass it, even with amendments. This is for the Public Service, but it must also give guidelines. We may need another law to take care of internships in the private sector.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. (Dr) Nyikal. Hon. Johana Ng'eno, Member for Emurua Dikirr.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to support this Bill on internship. I thank the Member for Samburu *Mheshimiwa Shemeji* for bringing this Bill. That is Hon. Naisula Lesuuda. Congratulations on remembering the young people outside there who are suffering and trying to find their way into the economy of this country.

Hon. Temporary Speaker, before I raise certain pertinent issues here, I condemn the action that has been taken by the TSC and the authorities concerned with regard to the intern teachers. The teachers were working as interns, and the conditions may not have been favourable for them. Instead of the authorities concerned looking into those matters by listening to them, they decided to dismiss them without cause arbitrarily. Those are Kenyans and very young people who are growing and struggling in our society. I ask the TSC to reverse that decision. The Departmental Committee for Education has summoned the individuals who are concerned to come and answer a few questions. The most immediate action that the Committee should take is to ensure that the arbitrary dismissal of those interns is reversed without condition.

Many of us, at one point or another, finished college or university. We were involved in the exercise of internship. So, we understand the conditions, turmoil and challenges. Therefore, when authorities exploit our youth arbitrarily, whether the private sector or Government agencies, we will not allow it because it is wrong and illegal. This goes to other agencies, not only TSC. Apart from the issue of interns, the TSC has always been interdicting many teachers without reason. There was a time I went there myself to question why a certain teacher who was falsely accused and the case went to Court. The Court dismissed the case, but the teacher was never reinstated. I do not know what inhuman rules the TSC are using in dismissing their teachers and interdicting some of them because the teacher was dismissed, and not even interdicted. It is not only the TSC, but even the method the Kenya Police Service and the Kenya Defence Forces are also using to dismiss the officers who are working there arbitrarily. This is uncalled for. It is about time we look and relook at the rules that surround the dismissal and interdiction of employees in this country.

There are labour laws which should govern each employee or the intern. I wish the Departmental Committee on Labour and Social Welfare would relook at the labour laws so that people would not be dismissed arbitrarily. Any person who is to be dismissed should be given a fair hearing both by the agency or the department that is intending to dismiss them up to the level of the courts. Sometimes, the agencies become partisan and behave in an unruly way. People should be allowed to appeal and seek assistance outside the areas where they serve. If it is in the Kenya Police Service, it should not be a closed case that the Kenya Police Service or the Kenya Defence Forces has dismissed someone based on their own judgements.

Internships, like most Hon. Members have said, are vital for most unemployed youth who have just finished university or college. Like my colleagues have said, when an intern is put in that position, they teach or work like any other person. The first priority should be the kind of stipend the intern should be paid. Those people are overworked in schools with many subjects, lessons and students to teach, unlike the ones who are permanently employed. The stipend the interns receive must be in tandem with the work. The rule should not be the decision of the body that is employing the interns that determines the stipend. The Salaries and Remuneration Commission (SRC) should determine the amounts of stipend to be paid to the interns. People should not take advantage of those interns because they are mostly vulnerable people who do not have the capacity to negotiate.

I also believe that an intern is a very qualified person to be employed. I like the way the Bill says that the maximum number of months an intern should work is 12 months. After 12 months, what happens? Mostly, those are people who are properly qualified to be employed. Unfortunately, most of those interns, after completing the number of months they are supposed to work as interns, go home. I am proposing an amendment to this Bill that every intern who has worked must be employed or confirmed immediately after the number of months that they have successfully served as an intern.

The Teachers Service Commission (TSC) employed over 30,000 interns. That means there is a shortage of teachers. So, if you engage interns for only 12 months and you dismiss them, what does that tell you? What are you going to do to the positions that were vacant before you brought in the interns? This does not apply to TSC only, but also to other agencies. It means there is a shortage of employees in those particular agencies.

Therefore, I wish to include in this Bill that, upon the completion of the internship period, all the interns should be confirmed and employed permanently by the State agency or the department where they are working. This will assure them of employment. We lack so many teachers in the education sector. Most schools do not have enough teachers. Every school lacks almost five or ten teachers. Why can we not employ interns permanently?

I support this Bill and indicate that we should not exploit interns. They are our children, daughters, sons, brothers and sisters.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Member for Emurua Dikirr.

Hon. Members, seated in the Speaker's Gallery this afternoon are students from Precious Blood Riruta Girls High School from Dagoretti North Constituency, Nairobi County. You are welcome to the National Assembly to observe the proceedings of the House. Your Member of Parliament, Hon. Beatrice Elachi, has already spoken. Therefore, I give a chance to Hon. Mwalimu Peter Ochieng', the Member for Kibra, to welcome the students.

Hon. Peter Oremo (Kibra, ODM): Thank you, Hon. Temporary Speaker. On behalf of my colleague, Ms. Elachi, who was also a Speaker in another House, I want to welcome Precious Blood Riruta Girls. And for the benefit of this House, this is one of the top schools in this country. It has been a leading light in many previous exams. Precious Blood Girls' School has become a top school and quite a number of Members of Parliament passed through that school. I must say that this is a good opportunity for them to come and see how this House

runs, and I believe in future, they will join us as Members of Parliament. Feel welcome to this House and know that this is the epitome of successful people in the country. You are welcome.

Your Member of Parliament is one of those who are always here. And I know she works very hard. I am aware that she is putting up a very good gate for your school and very soon, she is coming to hand over the gate. We need to encourage the ladies and give them the opportunity, just like men, to be with us. Feel most welcome.

Hon. Temporary Speaker, before I sit down, please allow me to say just one thing on this Bill about internship.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much for what you have done. I will not allow you to go on from there.

Hon. Peter Orero (Kibra, ODM): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You are welcome. Hon. Timothy Toroitich, Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute on this very important Motion. At the outset, I wish to congratulate and thank Hon. Lesuuda, the MP for Samburu West, for bringing such a progressive Bill before this House.

This is a Bill that will give us a proper legal and institutional framework in so far as internship is concerned in this country. For far too long, we have had a lacuna in law. We have had a gap in law in respect to internship. I believe that this Bill will cure that lacuna by putting in place a comprehensive legal framework to cover that gap.

Internship in this country has not been addressed for quite a long period of time. We have left interns to the hands of institutions that do not follow a specific legislation to protect their interests. It is time that interns are dignified pursuant to this law that we shall debate and possibly pass. I call upon the Members of this House, that when the time comes, we pass this law so that we dignify our interns.

Recently, there was a court ruling by the Employment and Labour Relations Court at Milimani. That case was between an NGO called Forum for Good Governance and Human Rights versus TSC and two others. The substratum of that ruling was that the recruitment process of teacher interns by TSC was declared a nullity. In respect of the case, Justice Ongoya said that the respondents, meaning the TSC, have not exhibited statutory, regulatory or policy arrangements that would entitle the first respondent, TSC, to employ the interns. That means that the court was not satisfied that TSC would employ interns without a proper legal and institutional framework. The court went on to say that TSC violated the right to fair labour practice by giving teachers internship positions while they were qualified and possessed teaching licenses. Purely, it signifies and underpins the importance of this legislation. If this law was in place, the court would not have declared the employment of teacher interns illegal and unconstitutional. Now that we shall have such a legal framework if it is enacted by this House, it means that the issue of teacher interns and all other interns in the Public Service will have been protected by the law.

I am a product of internship. When I completed my postgraduate in law, I went for internship. Before you are admitted to the Bar, you undergo what is called pupillage in a private law firm. That is where you are under the tutelage of a senior legal counsel. After that tutelage, you will be able to open a law firm and practise law. The experience that an intern gets, just like our doctors, forms the basis of an individual who shall serve both the public and the private sector with honour and dignity. Of course, they will gain the requisite experience to serve in that office.

On the issue of budgeting, so that we avoid haphazard budgeting process, it is good that we now have this legal framework which will inform the budgeting process so that when we are budgeting, we have certain monies allocated to different departments for the purpose of

employing and training interns. For example, we know that this year, we shall absorb a certain number of interns in the Ministry of Agriculture and Livestock Development and the Ministry of Roads and Transport. This initiative will help address the problem of unemployment in the country. We need to establish a minimum wage for the interns and create regulations regarding their dismissal and training. I strongly condemn the TSC for firing the interns for picketing. This right is protected under the Constitution. If approved, this Bill will protect them.

As I finalise, this Bill will enhance transparency, accountability and oversight. I support this Bill because it is progressive. I will also propose certain amendments in the Committee of the whole House. I call upon Members to pass it with amendments.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Wanyonyi, please, be patient. I will purposively allow Hon. Cynthia Muge because she is a breastfeeding mother. Hon. Cynthia, please make your contribution.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Speaker. Hon. Irene here says that she is a potential mother. I wish her all the best so that she can enjoy this privilege. This speaks a lot about you being a mother and a caring leader who considers the wellbeing of the young persons.

Allow me to appreciate Hon. Naisula Lesuuda for bringing this progressive Bill. This Bill seeks to provide sanity and structure on how the PSC absorbs individuals who have completed their education and training. This Bill is comprehensive and precise. It outlines and sorts out so many issues that are currently not anchored in law. I appreciate her for seeing it fit to anchor this matter in law. If this Bill is passed, it will help uphold the dignity and rights of young graduates in the country. Additionally, it will improve performance and efficiency by allowing the Public Service Commission to hire graduates in various fields, enabling them to gain experience.

Internships are often overlooked, but they can have a big impact on your future job prospects. Many job postings require several years of experience, which can be hard to meet as a new graduate. However, a 12-month internship can help fulfil this requirement. I believe that the transition from school to work should be gradual, with internships coming before professional exams. This way, exams would test real-work skills before granting a professional license.

As a physical planner, I had to take a professional exam before obtaining my registration license number. You will not pass the professional exam if you have not gone through an internship. This Bill aims to establish a structured process where individual graduates undergo an internship, and then obtain a license.

Hon. Temporary Speaker, I look forward to bringing some amendments to this Bill. I have also been in consultation with Hon. Naisula about the same. The internships advertised by the PSC have a pinch of discrimination. They require applicants to be recent graduates, which excludes those who graduated earlier. Many of those individuals are struggling to find employment, as job opportunities are scarce. I hope to propose an amendment to the Bill that clearly states that regardless of age and year of graduation, everyone should be given an opportunity for internship to gain experience.

I support this Bill and appreciate Hon. Naisula for bringing it here. It will bring sanity to the PSC structure and accord graduates, who have worked hard in school, to transition to formal employment.

Thank you, Hon. Temporary Speaker, for giving me this opportunity.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Cynthia. Next is Hon. Ferdinand Wanyonyi, the Member for Kwanza.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you, Hon. Temporary Speaker. I take this opportunity to thank Hon. Naisula for coming up with this Bill. Your

explanation and contributions to this Bill confirm that this is the right time to address this matter. An internship provides an opportunity to focus and prepare for specific career paths. There have been instances where individuals with master's or bachelor's degrees are required to perform tasks that are unrelated to their field of study. Having served as a managing director in four parastatals, I have encountered situations where recent graduates lack the practical skills that are needed for the job and require guidance. Theoretical knowledge gained in school should be supplemented with practical skills to enhance productivity.

I agree with the Mover that this Bill is long overdue. Graduates need to prepare and focus as they transition to employment. If we want to achieve high productivity in the country, similar to that in Europe, we should focus on training young people for the job market. This Bill is important.

The provision should also apply to the private sector. Private companies should be encouraged to take on interns and provide them with training in job skills. I witnessed the TSC terminating the contracts of JSC interns because there is no legislation protecting them. If this Bill becomes law, interns will receive some financial allowances.

For instance, if you stay in Dagoretti and your child has to go to Jomo Kenyatta for the internship, how can he travel all the way or even be there for a certain period of time? Let us have the minimum amount that can be paid to the interns to sustain them. Even the employed JSS teachers were complaining that they are not being given enough. Let us give a minimum amount that can sustain and enable them to be more productive. We should not leave it as it is where interns are not paid anything. Let us be our brother's keepers.

In my contribution here, I just want to say that the interns should be given whatever percentage that can sustain them so that they are also motivated. When one is motivated, they do better because they are more focused. And by the time those interns are employed, they are very productive. It is in the public domain that the Teacher's Service Commission has dismissed the interns that were demonstrating. They, indeed, demonstrated without permission, but they were asking for something reasonable enough for themselves. They also have dependants. Some people depend on them, as much as they are just on internship.

I want to take this opportunity to thank the Mover of this Bill. Let us all come together to pass it so that it can be implemented as soon as yesterday.

Thank you very much.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Phylis Bartoo, Member for Moiben.

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity. I would like to use this chance to congratulate Hon. Lesuuda for bringing this timely Bill. Of late, we have seen so many interns in the streets demonstrating - from medical interns to the teachers in JSS. Maybe, there are others on the way. This internship business should be put in a legal framework so that it is well structured. That way, we will not see strikes by the interns.

Internship is supposed to be a launching pad for someone with a career. It is very clear that when you are an intern, you are not a full-time employee, but learning while on the job. One is trying to put what they obtained in a classroom in theory into practice. It is very clear that the internship business has been misunderstood to the extent that the workload for those who go for internships is not very clear. Some are given full-time duties and the compensation is not commensurate with the duties that they perform. What happens? They end up in the streets demonstrating because they feel they are being misused. They feel their rights are violated and it is not in tandem with what they earn at the end of the month.

We must enrich this Bill to make the internship well structured. On the issue of the workload, interns' job descriptions and whoever they should report to, should be clear. Those

people are in training. They should have a supervisor and their work should be clearly cut out so that they are aware of what is expected of them from the beginning.

We recently saw the JSS teachers in the streets demonstrating because they felt that the workload at the schools was equivalent to the rest of the teachers who are on permanent and pensionable basis. It is unfortunate that the Teacher Service Commission went ahead to sack them. Who are they sacking? Those are just trainees who are supposed to be called and guided on ethical requirements of a job. Not sacking them! They have not reached that level of being sacked because they are not employees of the Teacher Service Commission. They are just interns. The TSC should withdraw those letters because the interns have agreed to go back to class. They should train them to be better teachers. Both primary and secondary school teachers go for teaching practice and, therefore, the issue of internship is an illegality in its essence because they have already gone through the internship. The TSC should relook at that section of the policy about the teaching practice period and, perhaps, make it longer where they are given some stipend. They should do away with this business of internship.

Apart from that, there is a transition after the internship. What next? Do you just conclude that the training is over and now one is competent and then go to wait for employment indefinitely? We should put in place structures so that an institution can take in as many interns as possible and choose who will then transit to the job market. Once one is done with their internship, they are upgraded and allowed to serve as a full-time employee of that institution.

The private sector should also be incentivized to support interns who will be absorbed at the end of the process. They contribute to the employment grid in Kenya. It should not just be the issue of public institutions. This Bill must cater for everybody; the requirements for the “dos and do nots” for any intern in any organisation across the board in the entire country so that there is uniformity. There should be a clear policy on how internship is going to be operationalised in its entirety.

There should be a provision for the supervision of the interns and a report with one’s performance produced at the end of the process. Those interns should not just disappear at the end of the process without a record of performance. That way, the interns will take the job seriously knowing the consequences of absconding duty or any other illegality they may find themselves in during the programme. I will introduce some amendments to the Bill at the Committee of the whole House. Let me use this chance to just support the Bill and congratulate the Member of Parliament who brought it. I will end my case there so that I can give somebody else an opportunity to contribute.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Members, next is Hon. Paul Nabuin, Member for Turkana North.

Hon. Paul Nabuin (Turkana North, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this Bill. From the onset, I want to thank and appreciate the Mover for coming up with this legal framework. It will fill a *lacuna* that has existed in law for a long time.

Our country is known for producing the best human resource in the region. The gap that has existed for a long time, is how the young people who graduate from colleges and universities, can put into practice the knowledge they acquire from those institutions. So, this law will bridge that gap. In most full-time employment advertisements, there is a prerequisite for experience. When the graduates go through internship, this will provide them with experience for transition to full-time employment.

University graduates have better knowledge than those who have been in employment for long. So, the internship will enable them to support the existing workforce. This will ensure that the modern knowledge they have acquired is put into practice, so as to support modern

systems. I want to believe once this Bill is passed and becomes law, a policy framework will be developed to guide the process of recruitment and placement of interns in the workplace.

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) left the Chair]

[The Temporary Speaker (Hon. Farah Maalim) took the Chair]

Hon. Temporary Speaker, regarding the stipend that is paid to interns, a policy framework should be developed once this law is put in place, to guide the minimum they should be paid. This will stop exploitation by the institutions that offer them placements.

Once the 12-months internship expires, there should be transition so that they do not go back to the villages. Those interns should automatically be absorbed by the institutions that they have been working for. Lastly, we should have a policy in place which will help them transition into full-time employment.

Thank you, Hon. Temporary Speaker. With that, I support this Bill.

The Temporary Speaker (Hon. Farah Maalim): Member for Kericho County, Hon. Beatrice Kemei.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. From the onset, I support the Public Service Internship Bill, 2022 by Hon. Naisula Lesuuda. I want to thank her so much for bringing it at a time when we have unemployment issues in this country. Over 10 million people are unemployed and those are the youth and young adults.

When you look at this Bill, I am impressed by the fact that it is speaking to graduates from colleges and universities, who attain certificates, diplomas, degrees and so forth. The 12 months internship program will help them to add experience to their skills. Therefore, when it comes to employment, at least, they will have one-years' experience.

This Bill has come at a time when the Teachers Service Commission (TSC) has done something which I condemn in the strongest terms possible. Yesterday, I heard that the TSC had terminated the contracts for 742 Junior Secondary School (JSS) intern teachers. I felt sad because 164 interns are from Kericho County. That is 22.1 per cent. So, what does that mean? Is it only intern teachers from Kericho County who went to the streets to ask for their rights?

What does the TSC County Director have to say about this? I am sure he is the one who is in-charge and is assisted by the sub-county directors. Does it mean that the head teachers and the principals are the ones who are doing all this? Other counties have not terminated their intern teachers apart from Samburu, where 40 of them were terminated. This is very sad. To me, it is malice and witch-hunt. I call upon the TSC to relook into this case of intern teachers whose contracts were terminated.

The other day, intern doctors were on the streets for over two months and no one was terminated, unlike the intern teachers. I request TSC to relook at this issue. Even, the Departmental Committee on Education should also come forth and address this issue. I am saddened by this matter.

The interns should be supervised, guided and encouraged. They should not be given too much work compared to the stipend that they get. Those interns have different qualifications like certificates, diplomas and degrees. So, when the time comes, an amendment should be brought because the stipend should not be the same for all the qualifications. A framework should be put in place. I would like to ask that when the time comes, we should also give a chance to those who finished school, say, five to ten years ago to be absorbed. They should not be discriminated against. Many people who graduated from colleges, universities, and tertiary institutions over ten years ago have not been employed. So, when that programme is started, they should not be discriminated against. I also plead with organisations that take interns to

give them priority whenever they have an opportunity for employment. This is because they have learned much about the organisations they have served in as interns.

When the time for amendment comes, we shall introduce an amendment to cover for private organisations. This is the sector that absorbs most of the unemployed people. A policy or a regulation should be put in place to guide them when it comes to issues to do with the stipend, the length of the internship, benefits like insurance, and those who are eligible for the same.

I support this Bill in a big way. Once more, I congratulate the Hon. Member. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Irene Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you Hon. Temporary Speaker for giving me this opportunity. I also stand to join my colleagues in supporting this very progressive Bill by Hon. Lesuuda. We thank her for bringing this Bill to the Floor of the House.

Hon. Temporary Speaker, one of the things that I like about this Bill is that it seeks to introduce a proper process and structure on how internship is managed in this country, specifically in the public service sector. I would like to mention some of the clauses that I find very progressive.

Clause 6 is on the declaration of opportunities. Clause 8 talks about a management committee of internship and Clause 11 states that interns should be provided with a personal accident insurance cover that is valid for the period of internship. These are very progressive clauses because they speak directly to the management of internships. They will ensure that the human resource departments in the public service give interns specific protection in terms of the cover and that the procedure within which it has been laid down is properly followed because it is now covered in the Bill. This will also ensure that we avoid cherry-picking when it comes to internship procedures where each department decides on its own on how to manage the interns. The issue of interns will be centrally managed.

However, there is something I feel we should borrow from the private sector on how they manage internships and trainees. In the private sector, they not only have internships for graduates, but they also have management trainees. This is especially practiced in the banking industry. By doing that, they recruit fresh graduates who are also trained to be in the management space. Right now, if one wants to get into a management job, one of the conditions is that you must have 10 years of working experience. I also encourage our young people to quickly get into the management space so that, they are not only employed as clerks, but they also get an opportunity to be actual managers within the working space. This is something that the public service sector should borrow from the private sector so that we encourage more and more young people to get into management space as early as we can.

Hon. Temporary Speaker, there are young parliamentarians in the current Parliament. They did not wait until they were much older to be here. We should encourage young people to get into leadership spaces as early as they can. I would like us to borrow the best practice from countries like England, China and Thailand, on how they run their internship programmes. There is an automatic absorption of interns. I hope that in future, when this Bill becomes more progressive and the structures are engraved in our public service, the interns will be given first priority in absorption into permanent and pensionable positions.

The other thing that I would like to encourage is that after graduation, we adopt the first-in, first-out criterion in employment. This means that the people who graduate first are considered before the younger ones. Currently, most advertisements for internship positions indicate preference for interns aged between 18 and 24 years and yet, there are Kenyans who did not have an opportunity to go to college immediately. They joined higher learning institutions, when they could afford it. They do not get these opportunities because they are

considered too old. We need to consider all graduates, even those who do not graduate at a young age.

I will stop here so that one more Member can have a chance to speak. I support the Bill. I hope that Members will not have too many amendments during the Committee of the whole House because that may water down Hon. Lesuuda's initial intention.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Member for Kacheliba, Hon. Titus Lotee.

Hon. Titus Lotee (Kacheliba, KUP): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this very important Bill. I thank my colleague and Member for Samburu West for coming up with this very progressive Bill.

The way interns are recruited and managed currently in this country requires such a progressive Bill. Before I even talk about the internship proposal in the Bill, I wish to join my colleagues in condemning the Teachers Service Commission (TSC) for the heinous act that it has done to the intern teachers. This demonstrates to the public that interns are not protected by any law. They are under-looked by everybody in the society. When 742 intern teachers went to the streets to picket as provided for by the Constitution that covers every Kenyan - including them - they were fired. In the teaching fraternity, the intern teachers are not the only ones who have ever demonstrated. I know that teachers on permanent and pensionable terms demonstrate several times to express their reservations to their employer. However, they have never been sacked unilaterally like the intern teachers. Therefore, this law will definitely protect internship in future. In that stroke, I ask TSC to reconsider hiring back those intern teachers because they are protected by our Constitution. Article 37 of the Constitution allows every Kenyan to picket.

Two, the way the interns are currently recruited is based on who you know. There is the aspect of '*mambo ya kujwana*'. If I am a managing director, chief executive or a director somewhere, I would have my relatives come in as interns with the intention to employ them after some time. That is what is happening currently. If you go to many offices, you will find that the directors and all the interns under them are relatives or close family friends. That is one way of ensuring that the people who do not have connections in this country never get employment opportunities.

Who will employ people from your constituency who do not have big people in offices here? Who would take them first as interns? This law will have to cover that so that the people from Kacheliba Constituency, where I come from, who have neither directors nor chief executive officers, can get equal opportunities like the rest.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Lotee.

Hon. Titus Lotee (Kacheliba, KUP): Yes.

The Temporary Speaker (Hon. Farah Maalim): Hon. Lotee, you will have seven minutes when the House resumes.

ADJOURNMENT

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, the time being 1.00 p.m., this House stands adjourned until today, Wednesday, 12th June 2024 at 2.30 p.m.

The House rose at 1.00 p.m.

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