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23/4/25


REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025
PUBLIC PETITIONS COMMITTEE

REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO. 63 OF 2023 REGARDING FORMER
WORKERS OF BOHEMIAN FLOWERS LIMITED IN NAKURU COUNTY

APRIL, 2025

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 23 APR 2025	DAY: WED
TABLED BY:	CHAIR, PUBLIC PETITIONS Committee
CLERK-AT THE-TABLE:	P Muiga

Directorate of Legislative & Procedural Services
Clerk's Chambers
Main Parliament Buildings
NAIROBI

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ABBREVIATIONS AND ACRONYMS

KEPAWU	Kenya Planters Association Workers Union
ODCL	Oserian Development Company Limited
OFL	Oserian Flowers Ltd
TLPs	The Two Lakes Packing Services
TMC	The Manpower Company

CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 63 of 2023 regarding Former workers of bohemian flowers limited in Nakuru County. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Speaker of the National Assembly, The Rt. Hon. (Dr.) Moses F. M. Wetang'ula, EGH, MP on behalf of former employees of the bohemian flowers limited, Nakuru County.

The Committee conducted an inquiry on the dismissal of the petitioners by Bohemian Flowers Limited and concurs with the Labor Office that due process was not followed with regards to termination of service on the ground of redundancy based on provisions of section 40 of the Employment Act. The recommends that the Ministry of Labour and Social Protection assists the petitioners in their outstanding claims to obtain recourse for their un-procedural termination within sixty (60) days.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.



HON. KAGESI ERNEST OGESI KIVAI, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date.....22nd April 2025.

PART ONE

1 PREFACE

1.1 Establishment and Mandate of the Committee

The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:

- a) considering all public petitions tabled in the House;
- b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
- c) recommending whether the findings arising from consideration of a petition should be debated; and
- d) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

The Public Petitions Committee was first constituted in October 2022 and re-constituted in March 2025 and comprises the following Members:

Chairperson

Hon. Ernest Kivai Ogesi Kagesi, M.P.
Vihiga Constituency
Amani National Congress (ANC)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.
Turbo Constituency
United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency
Wiper Democratic Movement-Kenya (WDM-K)

Hon. Nimrod Mbithuka Mbai, M.P.
Kitui East Constituency
United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency
United Democratic Alliance (UDA)

Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
Dagoretti North Constituency
Orange Democratic Movement (ODM)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency
United Democratic Alliance (UDA)

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency
Wiper Democratic Movement-Kenya (WDM-K)

Hon. Bidu Mohamed Tubi, M.P.
Isiolo South
Jubilee Party (JP)

Hon. Bernrd Muriuki Nebart, M.P.
Mbeere South Constituency
Independent

Hon. John Bwire Okano, M.P.
Taveta Constituency
Wiper Democratic Movement-Kenya (WDM-K)

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency
Jubilee Party (JP)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency
Wiper Democratic Movement-Kenya (WDM-K)

Hon. Peter Irungu Kihungi, M.P.
Kangema Constituency
United Democratic Alliance (UDA)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency
United Democratic Alliance (UDA)

1.3 Committee Secretariat

The Public Petitions Committee was facilitated members of the secretariat:

Lead Clerk
Mr. Ahmed Kadhi
Principal Clerk Assistant II

Ms. Anne Shibuko
First Clerk Assistant

Ms. Miriam Modo
First Clerk Assistant

Mr. Willis Obiero
Clerk Assistant III

Ms. Isaac Nabiswa
Legal Counsel II

Ms. Patricia Gichane
Legal Counsel II

Mr. Martin Sigei
Research Officer III

Ms. Nancy Ouma
Research Officer III

Ms. Roselyne Njuki
Senior Serjeant-at-Arms

Mr. Calvin Karungo
Media Relations Officer III

Mr. Paul Shana
Serjeant-at-Arms

Mr. Peter Mutethia
Audio Officer

PART TWO

2 BACKGROUND OF THE PETITION

2.1 Introduction

1. Public Petition No. 63 of 2023 regarding Former workers of Bohemian Flowers Limited in Nakuru County was presented to the House on 5th December, 2023 by the by the Speaker of the National Assembly, Rt. Hon. (Dr.) Moses F. M. Wetang'ula, EGH, MP on behalf of former employees of the Bohemian Flowers Limited, Nakuru County.
2. The Petitioners cited unfair redundancy, summary dismissal and suspension from employment.
3. The Petitioners state that the management of Bohemian Flowers Limited based their dismissal criteria on a violent strike that had occurred at the premises, and which there were not part of.
4. The Petitioners further state that former workers sought for assistance with the Labour Office in Naivasha Sub County under Section 71 of the Employment Act on 19th April 2023, whose plights were unsuccessful. Immediately thereafter, the petitioners aver that their positions were advertised immediately after they were dismissed and recruitment done despite various correspondences between the Labour Office, Naivasha Sub County and the management of Bohemian Flowers Limited.
5. The Petitioners further aver that after dismissal it has become extremely impossible for them to access their pension scheme funds from Kenindia Assurance Company.
6. The Petitioners decry that the Bohemian Flowers Limited did not use payroll numbers on transmitting their wages and salaries but rather were being paid through biometric machines that have no back-up for purposes of identifications.
7. The Petitioner thus seeks the intervention of this House to investigate whether the whole process of summary dismissal and suspension from employment was done within the law and whether it was just and fair. Further, the Petitioners prays that this House makes appropriate recommendations it deems fit in addressing the circumstances raised in this Petition.

2.1 Petitioner's Prayers

8. The Petitioners prayed that the National Assembly through the Public Petitions Committee—
 - (i) Investigate whether due process contemplated in the law was followed referred in dismissing the employees as indicated in the petition; and
 - (ii) Recommends that the company honours the recommendations of the labour officer in Naivasha Sub County to pay any outstanding claims owned to the employees by the company.

PART THREE

3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 Petitioners

On Wednesday, 12th June, 2024, the Chairperson, Mr. Erick Kabuyefu accompanied by the former workers of Bohemian Flowers Limited, appeared before the Committee and submitted as follows—

9. The petitioners were about 589 employees of Bohemian Flowers Limited in Olkaria Ward, Naivasha Sub County, Nakuru County.
10. Following unlawful dismissal from employment, the petitioners lodged a complaint on the matter at Naivasha Sub County labour office under section 71 of the Employment Act, 2007 vide a letter dated 19th April 2023. The labour officer responded through a letter dated 4th May, 2023 inviting the management of Bohemian Flowers Ltd for a meeting.
11. On 18th May 2023 the Labour Officer chaired between the Senior management of Bohemian Flowers Limited and the petitioners at Naivasha Sub County labour office. At the meeting, it was agreed that tabulation of payment should reflect in the redundancy letter and a certificate of service be issued.
12. The petitioners contend that their freedom from slavery and servitude was violated as their employer wrote them letters in the month of December 2022 communicating that they would be on suspension and receive half pay based on resistance to utilize the biometric system and participating in a strike protesting the system.
13. The petitioners learnt of their dismissal via an advertisement of their positions by Bohemian Flowers Limited management.
14. It has become difficult for the employees to access their monthly deductions from the pension scheme.
15. The action of the respondents and the regulators has subjected them to a situation where their inherent human dignity is violated. They are unable to provide for their households and face challenges to secure alternative employment due to the suspension and summary dismissal record under Bohemian Flowers Limited.

Vide a letter dated 6th July 2023 to the Director, Bohemian Flowers Ltd., the Sub County Labour Officer in Naivasha communicated that in the meeting held on 18th May 2023, the following issues were highlighted—

16. *Poor Communication from Management:* Failure by the management to issue investigation report to workers who were sent away on suspension for participating in a strike. Instead, the management of Bohemian Flowers Ltd invited them to a disciplinary hearing whereby they did not produce

evidence- (according to the workers) implicating them for being involved in a strike. The workers were later issued with redundancy letters.

17. **Terminal dues:** The management paid the employees their terminal dues on the morning of that meeting, that is on 18th May 2023, after they lodged a complaint with the labour office. Their redundancy letters were back dated to 17th April 2023 before some of them had cleared with company, without the management forwarding to the Ministry of Labour list/numbers/names of the workers that their positions had been declared redundant and without issuing the workers their final tabulation letters and final pay slips.
18. **Pension scheme:** The management was not willing to assist the petitioners on how to access their contributions bearing in mind that the pension scheme was introduced to the workers by the management.
19. **Poor Human Resource Management:** The management of Bohemian Flowers Limited disowned the Human Resource policy that the workers made reference to. The same policy is displayed on the organisation's notice board. Further, the management has a tendency of summoning workers to appear or report to the Human Resource for disciplinary hearing/matters only to keep them a whole day waiting and worse still attend to them past official working hours, between 8 to 11 pm or are told to come back severally without being attended to.
20. In view of the above-mentioned grievances, the Labour Office recommended that the employee redundancy was constructive dismissal and consequently, advised the management either to pay them 12 months' salary compensation for unfair termination or reinstate them without prejudice under the Employment Act 2007 Section 49(1)(c), 3(a), (b).

3.2 Bohemian Flowers Limited

On 25th September, 2024, the the Head of Human Resource Management of Bohemian Flowers Limited, Ms. Loreen Kimiyu, appeared before the Committee and submitted as follows—

21. Bohemian Flowers Limited, located in Naivasha Sub- County, specializes in the cultivation and export of fresh cut flowers. The company took over Oserian Farm on 5th December, 2021. At the time, the labour force was managed by four different companies: The Manpower Company (TMC), Oserian Flowers Ltd (OFL), Oserian Development Company Limited (ODCL), and The Two Lakes Packing Services (TLPs), all of which supplied labour to Oserian Development Company Limited. Each labour provider supervised its own workforce, leading to significant disparities in terms and conditions of employment. The labour force was bloated, and there was no structured approach to managing it effectively.
22. Bohemian Flowers Ltd. had been operating for two years and nine months, employing a workforce of 3,100 persons.
23. The Petitioners, who are former workers of Bohemian Flowers Ltd, raised concerns which the company was already addressing through the Naivasha

Labour Office. However, Bohemian had not signed a certificate of disagreement at the Labor Office.

24. After Bohemian Flowers Ltd took over the workers of Oserian Farm in 2021, the workers were introduced to a biometric clock-in system, which raised some concerns. The company responded by educating and training workers on the system through printed materials. Employees were informed that clocking in and out via the biometric system was necessary since the payroll was directly linked to it, with no human intervention. In November 2022, some employees missed their salaries due to failure to clock in and out correctly, but the company continued training and planned to reimburse the deducted amounts.
25. Before the missing payments could be reimbursed, some workers went on strike on 5th December, 2022, causing significant property damage, including to the biometric machines. As a result, some workers were sent home. The Kenya Planters Association Workers Union (KEPAWU), representing the workers, declared the strike illegal as no notice had been issued. Despite this, the company proceeded to pay the deducted wages and reiterated the importance of using the biometric system.
26. The strike occurred because the workers felt the company was being too strict. However, some employees in the vast farm had been clocking in, sneaking away, and returning only to clock out, prompting the company to enforce strict monitoring of clocking in and out times to ensure accurate payroll records.
27. Despite continued resistance from the workers, the company maintained its stance, believing that adequate training and support had been provided for the new system.
28. Following the strike, it was decided that all biometric machines on the farm would be centralized at the company's main entrance, where workers arrived via the company bus.
29. After assessing the damage, the company suspended several employees suspected of incitement and initiated a disciplinary process, issuing show-cause letters. However, during this process, management decided to declare some redundancies due to business and market challenges, as the company planned to uproot flowers on its twenty (20) acres of land.
30. Consequently, the disciplinary process was halted, and some employees involved in the process were included in the redundancy. A notice was issued, and the Labour Office was informed. Employees who completed the disciplinary process received verdicts. Those found guilty were dismissed, while others continued their employment.
31. In selecting employees to join Bohemian Flowers Ltd., the company assessed departmental needs and declared redundant those with unresolved issues. Final dues were paid to all employees who were declared redundant.
32. In selecting the employees for redundancy, management was unable to apply first in last out principle as all the employees at that time had the same period

of employment, therefore the departmental labour requirements and conduct of the employee was used as a selection guide.

33. In May 2023, some employees reported the dispute to the Labour Office. The dispute resolution process was ongoing at the time the petition was presented. The organization received complaint letters by seventy (70) employees from the labour office in Naivasha. Final dues were paid to all the employees who were declared redundant.

Vide a letter dated 4th October 2024, Ms Loreen Kimuyu, Head of Human Resource on behalf of Bohemian Flowers Limited submitted as follows—

Whether Bohemian Flowers Limited failed to remit pension deductions for a period of one and a half years

34. Bohemian Flowers Limited started deduction of pension funds from the month of July 2022 and for the six (6) months up to December 2022). A lumpsum amount for the six (6) months was paid up on the 12th January 2023 to GA Life Insurance.
35. Upon reviewing documents from the accounts, it came to the attention of Bohemian Flowers Ltd. that funds for the sixth month (December) were not remitted earlier and therefore was paid on the due date, contrary to the allegations that the same were not remitted for a period of one and a half years. For context the company clarified as follows—
- a) Initially the plan was to join Bohemian Flowers Limited under Kenindia Insurance but this plan changed hence the process of registration and getting approvals from Kenya Revenue Authority (KRA) and Retirement Benefits Authority (RBA) took a longer period than expected.
 - b) Eventually Bohemian Flowers Limited joined the GA Life Insurance umbrella scheme which had less bottlenecks and deposited funds.
 - c) Within the five (5) months, no employee claimed his/her pension funds from GA Life Insurance Scheme and as a result they were not been paid. However, Bohemian Flowers Limited deposited the funds to GA Life Insurance Scheme.

Whether Oserian Development Company effected payments to the affected employees and whether the affected employees were absorbed under similar terms

36. Oserian Development Limited indeed effected payments to the employees who were declared redundant. Further upon the employee's absorption to Bohemian Flowers Limited they were absorbed in similar positions as previously held with Oserian Development Company.

Whether former Bohemian Flowers Limited employees participated in an illegal strike

37. Bohemian Flowers Limited is cognizant of the law regarding trade union actions and legal strikes as contained in the Employment Act, 2007 and Labor Relations, 2007. Section 46 of the Employment Act, 2007, contains unique provisions that protect an employee engaged in the lawful activities of a trade union.
38. Bohemian Flowers Limited wish to clarify that the strike that took place on 5th December 2022 was an illegal strike for failure to meet the requisite notice as required by law in terms of section 76 of the Labor Relations Act, 2007, which outlines the conditions under which strikes and lockouts are considered protected.
39. Notably, the aggrieved petitioners were unionized employees by Kenya Plantation and Agricultural Workers Union. The strike notice was not issued and Kenya Plantation and Agricultural Workers Union, which is the recognized union, was not privy to the strike. Unfortunately, the union officials did not document their views on the illegality of the strike.

3.3 Ministry of Labour and Social Protection

On 29th October 2024, the Cabinet Secretary for the Ministry of Labor and Social Protection Hon. (Dr.) Alfred Mutua, EGH submitted on the Petition as follows—

3.3.1 Background

40. Bohemian Flowers Limited is situated in Naivasha Sub-County and is in the business of growing and exporting of fresh cut flowers.
41. It acquired ownership and management of Oserian Development Company Limited on 5th December 2021, and absorbed all the 3000 Workers. The company adopted the biometric machines as a structured way of managing the huge labor force backed by the manual attendance registers that had been used by Oserian Development Company Limited.
42. In the month of November 2022, the company phased out the manual registers only retaining the biometric machines. This brought about numerous salary complaints.
43. According to the management many employees did not follow the simple steps of checking in and out to mark them present for the day. There were several absent days that were automatically deducted from their pay.
44. The workers faulted the biometric machines for failure to capture majority of the workers. They claimed that the machines were old, faulty and worn out and as a result recorded them absent. They claim the management went ahead and paid them November, 2022 salaries for the days captured without issuing pay slips to confirm the amount paid, as provided in the law.

45. On the 5th December, 2022, workers went on strike in protest which turned out to be violent and destructive. The management after the strike took stock of the damage caused and suspended several employees suspected of incitement. Show-cause letters were issued and disciplinary proceedings were initiated.

46. According to the workers, several cases were reported to the County Labor Office in Naivasha without success.

47. The Directorate of Labor in the Ministry of Labor and Social Protection became aware of the petition through social media and instituted investigations by summoning the subcounty Labor Officer and thereafter the employer.

48. After investigation the cases of petitioners were analyzed as follows—

No .	Name	Date of employment	Designation	Date of show-cause/suspension letter	Date of disciplinary hearing	Date of redundancy
1.	Julius Ondungu Oketch	5/12/2021	Supervisor	9/12/2022	10/2/2023	17/4/2023
2.	Enock Simiyu	5/12/2021	Pump operator	11/1/2023	20/2/2023	17/4/2023
3.	Reuben Muchana Masee	5/12/2021	Drip operator	11/1/2023	20/2/2023	17/4/2023
4.	Justus Ote Obiri	5/12/2021	Drip operator	11/1/2023	10/2/2023	17/4/2023
5.	Moses Juma Barasa	1/12/2021	Foreman	18/1/2023	13/2/2023	17/4/2023
6.	Eric K Zaakayo	5/12/2021	Foreman	19/1/2023	13/2/2023	17/4/2023
7.	Rodgers W. Wasike	5/12/2021	Manager	15/3/2023	To report to HR 22/3/2023	17/4/2023
8.	Joseph M. Gakuru	1/12/2021	Foreman	7/12/2022	9/2/2023	17/4/2023
9.	Mary N. Njau	1/12/2021	Forelady	7/12/2022	7/2/2023	17/4/2023
10	Nicholas O. Matara	5/12/2021	Drip operator	20/2/2023	20/2/2023	17/4/2023
11	Nancy A. Otieno	5/12/2021	Quality control	11/1/2023	21/2/2023	17/4/2023
12	Grace A. Onyino	5/12/2021	Forelady	7/12/2022	7/12/2023	17/4/2023
13	Njoroje	5/12/2021	Supervisor	17/12/2022	9/2/2023	17/4/2023

	Kamore					
14	John N. Kinyanjui		Drip operator	8/12/2022	20/2/2023	17/4/2023
15	Naomi K. Shivambo	5/12/2021	Forelady	18/1/2023	20/2/2023	17/4/2023
16	James O. Adero	5/12/2021	Foreman	19/1/2023	13/2/2023	17/4/2023
17	Isaiah Kangara	5/12/2021	Foreman	7/12/2022	9/12/2022	17/4/2023
18	Geoffrey N. Oganga	5/12/2021	Foreman	8/12/2022	10/12/2022	17/4/2023
19	Evans K. Liyai	5/12/2021	Foreman	18/1/2023	No date of hearing	17/4/2023
20	Nickson Kipkorir Ngeno	5/12/2021	Senior manager	27/1/2022	10/12/2022	17/4/2023
21	George N. Mwangi	1/12/2021	Supervisor	19/1/2023	21/2/2023	17/4/2023

49. The above workers were served with show-cause/suspension letters between December 2022 and January 2023 and were subjected to disciplinary hearings between February and March 2023 before being declared redundant on 17th April 2023.

3.3.2 Findings on the Petitioners

50. It was established that ten (10) workers from the above list reported their cases to the Sub-County Labor Office before petitioning Parliament, namely—

- (i) Erick Kabuyefu Zakayo
- (ii) Justus Ote Obiri
- (iii) Reuben Muchama Masese
- (iv) Mary Njambi Njau
- (v) Joseph Mukiria Gakuru
- (vi) Moses Juma Baraza
- (vii) Evans Kadenge Liyai
- (viii) Nicholas Ondieki Moatara
- (ix) John Ngige Kinyanjui
- (x) Geoffrey Ndege Kangara

51. The following ten (10) workers from the above list petitioned Parliament without reporting any cases at the Sub-County Labor office—

- (i) Julius Ondungu Okech
- (ii) Enock Simiyu Khwatenge
- (iii) Rodgers Wamalwa Wasike
- (iv) Nancy Awour Otieno
- (v) Grace Andeyo Onyino
- (vi) Kamore Njoroge

- (vii) Naomi Khandasi Shivambo
- (viii) James Ochieng Adera
- (ix) Isaiah Kangara
- (x) George Njuguna Mwangi

52. The management while declaring redundancies to the petitioners referred to an ongoing disciplinary process in regard to a violent strike that they actively participated in.

53. They were paid as follows—

- (i) Salaries up to and including 17th April 2023
- (ii) One-month notice
- (iii) 15 days of severance pay for every year worked
- (iv) Unutilized leave
- (v) Suspension (1/2 pay refund)

54. From the above findings it is evident that **the management did not follow due diligence in the process of terminating the services of the affected employees on account of redundancy.** It was recommended that all the twenty (20) workers be treated equally, that they be paid two (2) months salaries for unfair termination. The management tabulated and deposited their final dues at the County Labor Office in Nakuru.

55. As for Nickson Kipkorir Ngeno who was a Senior Manager, the management committed to negotiate with him and settle his case at their own level.

3.3.3 Workers in the Security Department

56. Apart from the above twenty-one (21) petitioners several other cases were reported to the Sub-County Labor Office in Naivasha.

57. These included seven (7) workers in the security department who were suspended from 7th February 2023 to 6th March 2023 and were required to report on 7th March 2023 at 11:00 a.m. for disciplinary hearings which unfortunately did not take place. The reason for suspension was to allow for investigation into various occurrences of theft within the firm. They were paid as follows—

- (a) Salaries up to and including 17th April 2023
- (b) One-month notice
- (c) 15 days of severance pay for every year worked
- (d) Unutilized leave
- (e) Suspension (1/2 pay refund)

58. The workers in the security department reported a case to the Sub-County Labor Office in Naivasha on unfair termination. The management replied they were part of the ongoing redundancies, reported to the local Labor Office, through redundancy notices dated 1st March 2023 and 3rd April 2023.

59. The Ministry established that the above employees were not subjected to disciplinary hearing. The letters produced by the management indicated they were declared redundant on 17th April 2023. While declaring their services redundant the letters made reference to “...ongoing disciplinary process following various occurrences of theft within the firm...”
60. Therefore, the management did not follow due diligence in the process of terminating the services of the affected employees.
61. It was recommended that each of the above seven (7) affected workers be paid two (2) months salaries for unfair termination. The management tabulated and deposited their final dues at the County Labor Office in Nakuru.

3.3.4 Summary Dismissal Cases

62. Forty-three (43) workers were issued with show-cause/suspension letters in January and February 2023 for insubordination. They were subjected to disciplinary hearings and dismissed for walking out of a meeting addressed by the General Manager.
63. Their final dues were tabulated as follows—
- (a) Days worked up to 10th February 2023
 - (b) Outstanding leaves as at 10th February 2023
 - (c) Any overtime/bonus worked and not paid
 - (d) Less any statutory deductions and outstanding claims (if any)
64. They received the above payments and did not follow up their cases at the Labor Office.
65. Some of the above forty-three (43) workers had worked for less than thirteen (13) months to qualify for compensation for unfair termination as per the provisions of section 45(3) of the Employment Act 2007.
66. It was agreed that the management compensate all the forty-three (43) with two-months’ salary as a mode of settling their cases. The payments were tabulated and deposited with the County Labor Office in Nakuru.
67. On 27th October 2023, the Kenya Plantation and Agricultural Workers Union reported a labor dispute to the Ministry pursuant to section 62(1) of the Labor Relation Act 2007. A conciliator was appointed and the case was ongoing regarding suspension/dismissal/termination of 400 employees. If the dispute is not resolved after conciliation, the aggrieved party may refer the dispute to the Employment and Labor Relations Court for arbitration.

PART FOUR

4 COMMITTEE OBSERVATIONS

Upon hearing from the Petitioners, Bohemian Flowers Ltd., and the Ministry of Labor and Social Protection, the Committee observed that—


68. The actions of Bohemian Flowers Limited of suspension of workers, initiating of disciplinary process and later halting it by declaring some of the employees redundant did not follow due process in the termination of the services of the affected workers contrary to the provisions of section 40 of the Employment Act, CAP 226.
69. The twenty-one (21) Petitioners were part of the former workers of Bohemian Flowers Limited dismissed by the company. The company alleged their involvement in inciting other workers to participate in strike leading to destruction of property. Out of the twenty-one (21) Petitioners, ten (10) reported cases at the subcounty Labor Office.
70. The Committee notes that the Ministry of Labour and Social Protection confirmed settlement of outstanding dues by Bohemian Limited as per the recommendations of the Labour Officer for some petitioners.
71. The introduction of the new biometric clock-in system linked to the payroll system by Bohemian Flowers Limited was the cause of the industrial action and a major concern for the former workers as they did not understand how it works and consequently resulted in reduction of their pay.
72. There was inadequate communication from Bohemian Flowers Limited to its workers regarding joining the new GA Life Insurance Scheme from Kenindia Assurance Company. This hindered the workers from claiming their pension funds from GA Life Insurance Scheme as they joined Bohemian Flowers Limited under Kenindia Assurance Company.

PART FIVE

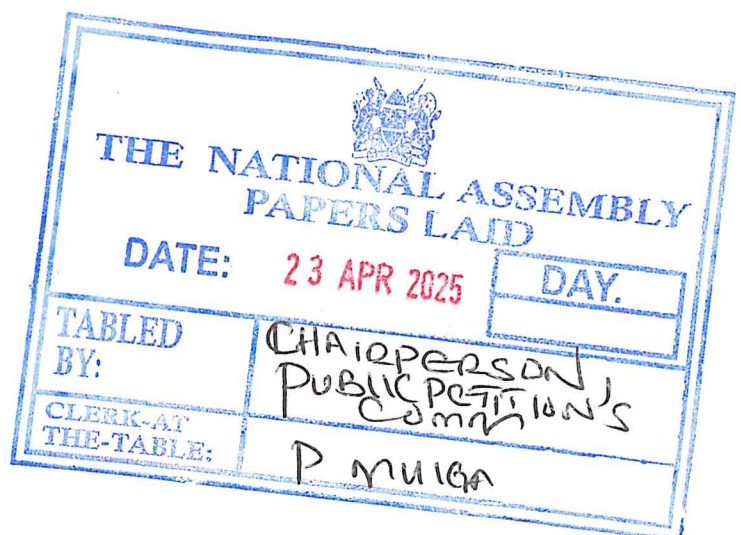
5 COMMITTEE RECOMMENDATIONS

73. Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

- (i) On the prayer that the Committee investigates whether due process contemplated in the law was followed in dismissing the employees as indicated in the petition, the Committee conducted an inquiry on the dismissal of the petitioners by Bohemian Flowers Limited and concurs with the Labor Office that due process was not followed with regards to termination of service on the ground of redundancy based on provisions of section 40 of the Employment Act.
- (ii) On the prayer that the company honours the recommendations of the labour officer in Naivasha Sub County to pay any outstanding claims owed to the employees by the company, the Committee recommends that the Ministry of Labour and Social Protection assists the petitioners in their outstanding claims to obtain recourse for their un-procedural termination within sixty (60) days.

Signed:  Date: 22nd April 2025

HON. ERNEST KIVAI OGESI KAGESI, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE





REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025
PUBLIC PETITIONS COMMITTEE

ADOPTION SCHEDULE
OF THE REPORT ON CONSIDERATION OF PUBLIC PETITION NO. 63 OF 2023
REGARDING FORMER WORKERS OF BOHEMIAN FLOWERS LIMITED IN NAKURU
COUNTY

DATE.....11-04-2025.....

We, the undersigned Honourable Members of the Public Petitions Committee, do hereby affix our signatures to this Report on the consideration of regarding **Former Workers of Bohemian Flowers Limited in Nakuru County** to confirm our approval and confirm its accuracy, validity and authenticity:

NO.	NAME	DESIGNATION	SIGNATURE
1.	Hon. Ernest Ogesi Kivai Kagesi, M.P.	Chairperson	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P.	Vice Chairperson	
3.	Hon. Patrick Makau King'ola, M.P.	Member	
4.	Hon. Nimrod Mbithuka Mbai, M.P.	Member	
5.	Hon. Joshua Chepyegon Kandie, M.P.	Member	
6.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	Member	
7.	Hon. Maisori Marwa Kitayama, M.P.	Member	
8.	Hon. Edith Vethi Nyenze, M.P.	Member	
9.	Hon. Bidu Mohamed Tubi, M.P.	Member	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	Member	
11.	Hon. Peter Mbogho Shake, M.P.	Member	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	Member	
13.	Hon. John Bwire Okano, M.P.	Member	
14.	Hon. Peter Irungu Kihungi, M.P.	Member	
15.	Hon. Sloya Clement Logova, M.P.	Member	

