

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION (2025)

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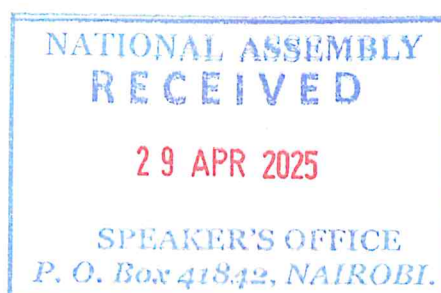
## COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

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### THIRD REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

DIRECTORATE OF AUDIT, APPROPRIATIONS AND  
GENERAL PURPOSE COMMITTEES  
CLERKS CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

APRIL 2025



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## **CHAIRPERSON'S FOREWORD**

The Report contains a record of proceedings of the Committee on Employment Diversity Audit in Public Institutions which follows its deliberations, review and evaluation of submissions from Lake Victoria South Water Works Development Agency, Rivatex East Africa Limited, Moi Teaching and Referral Hospital, Lake Victoria North Water Works Development Agency, Kenya Industrial Estates, Kenya Medical and Supplies Authority and Kenya Medical and Training College.

This audit reflects our unwavering commitment to foster a public service that is inclusive, representative and reflective of diversity. Kenya is home to forty-six (46) ethnic communities, each contributing uniquely to our national identity. Pursuant to Article 232 of the Constitution, the promotion of equality in employment within public institutions is a legal obligation and a cornerstone for unity, stability and sustainable development.

While significant strides have been made towards gender balance through Constitutional provisions such as the two-thirds gender rule, our findings have highlighted persistent challenges in achieving meaningful diversity. Regrettably, ethnic imbalances remain pervasive across all sampled institutions, revealing deeply entrenched biases and systemic inequalities. It was observed that institutions have consistently concentrated staff representation from dominant ethnic communities, marginalizing minority groups and therefore undermining the principles of fairness and inclusion.

Further, the audit revealed consistent non-compliance with the Constitutional provisions that require at least 5% representation of Persons with Disabilities (PWDs). This alarming oversight signifies not only a breach of the Constitutional mandate but suggests the persistence of institutional environments perceived as inaccessible or unwelcoming to PWDs. Additionally, youth representation in public institutions remains disappointingly low, raising serious concerns about succession planning and the collective responsibility to engage the younger generation in public service roles.

Although commendable efforts have been made in achieving gender representation, the disproportionate placement of women in lower cadre jobs calls into question the depth of commitment towards gender parity and women's empowerment. It is evident from the findings

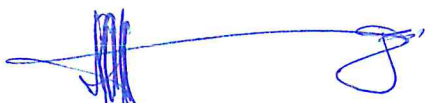
that real inclusion is yet to be fully achieved, and further targeted initiatives are necessary to elevate women into influential and decision-making positions.

A recurring challenge highlighted by the institutions is the limited applications from marginalized communities and PWDs. However, it is the Committee's view that such outcomes reflect inadequate affirmative action policies and initiatives. It is imperative for institutions to proactively foster a culture of inclusivity, actively reach out to marginalized groups and remove structural barriers impeding their full participation. Furthermore, promotional practices consistently favored dominant communities, reinforcing structural biases and limiting career advancement opportunities for minority ethnic groups.

Therefore, the Committee recommends stringent oversight mechanisms, regular diversity audits, clear succession planning frameworks and targeted affirmative action programs as essential corrective measures. Public institutions must be held accountable for actively transforming their recruitment, employment and promotional policies to reflect the true spirit of our Constitution. We must continuously strive for a public sector that values and appreciates diversity as a strength.

On behalf of the Committee, I wish to sincerely thank the Office of the Speaker, the Clerk of the National Assembly, the Committee Secretariat and all the institutions that participated in this audit for their cooperation and contributions. Our collective commitment towards inclusivity will undoubtedly enhance cohesion, mutual respect and trust among all Kenyans.

It is my profound honour, to table this Report on Employment Diversity Audit for consideration by the National Assembly in accordance with Standing Order 199 (6).



**HON. YUSSUF ADAN HAJI, DSM, CBS, M.P**

**CHAIRPERSON,**

**COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY**



## LIST OF ABBREVIATIONS AND ACRONYMS

<b>AHRC</b>	- Australian Human Rights Commission
<b>APSC</b>	- Australian Public Service Commission
<b>APS</b>	- Australian Public Service
<b>CEO</b>	- Chief Executive Officer
<b>CHRAGG</b>	- Commission for Human Rights and Good Governance
<b>CSOs</b>	- Civil Society Organizations
<b>EEC</b>	- Employment Equity Commission
<b>ID</b>	- Identification Card
<b>KEMSA</b>	- Kenya Medical Supplies Authority
<b>KIE</b>	- Kenya Industrial Estates
<b>KMTC</b>	- Kenya Medical Training College
<b>LVNWWDA</b>	- Lake Victoria North Water Works Development Agency
<b>LVSWWDA</b>	- Lake Victoria South Water Works Development Agency
<b>MTRH</b>	- Moi Teaching and Referral Hospital
<b>NCIC</b>	- National Cohesion and Integration Commission
<b>NCPWD</b>	- National Council for Persons with Disabilities
<b>NGEC</b>	- National Gender and Equality Commission
<b>PSC</b>	- Public Service Commission
<b>PWD</b>	- Persons with Disabilities
<b>SRC</b>	- Salaries and Remuneration Commission
<b>WCHG</b>	- Web Content Accessibility Guidelines
<b>WGEA</b>	- Workplace Gender Equality Agency

## **1.0 PREFACE**

1. The Committee on National Cohesion and Equal Opportunity is established under the Standing Order 212C of the National Assembly.

## **1.1 Mandate of the Committee**

2. The mandate of the Committee includes *inter alia*:
  - i. monitor and promote measures relating to policy and program initiatives in pursuit of peace and national cohesion;
  - ii. investigate, inquire into and report on all matters relating to inter community cohesion;
  - iii. monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons, including persons who are marginalized on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground;
  - iv. investigate, inquire into and report on all matters relating to discrimination and or marginalization of persons referred to under sub-paragraph(c);
  - v. make proposals to Parliament including legislative proposals for the protection, equalization of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (c); and
  - vi. examine the activities and administration of all state departments and statutory bodies in so far as they relate to the rights and welfare of the persons referred to under sub-paragraph (c).

## 1.2 Committee Membership

	Name	Constituency	Party
1.	The Hon. Yussuf Adan Haji, DSM, CBS, MP - <b>Chairperson</b>	Mandera West	United Democratic Movement (UDM)
2.	The Hon. Charles Ong'ondo Were, MP. – <b>Vice Chairperson</b>	Kasipul	Orange Democratic Movement (ODM)
3.	The Hon. Yusuf Hassan Abdi, MP.	Kamukunji	Jubilee Party (JP)
4.	The Hon. Liza Chelule Chepkorir, MP.	Nakuru (CWR)	United Democratic Alliance (UDA)
5.	The Hon. Antony Njoroge Wainaina, MP.	Kieni	United Democratic Alliance (UDA)
6.	The Hon. Charles Kamuren, MP.	Baringo South	United Democratic Alliance (UDA)
7.	The Hon. Edward Kaunya Oku, MP.	Teso North	Orange Democratic Movement (ODM)
8.	The Hon. Muthoni Marubu, MP.	Lamu (CWR)	Independent
9.	The Hon. Joseph Samal Lomwa MP.	Isiolo North	Jubilee Party (JP)
10.	The Hon. Joshua Oron Odongo, MP.	Kisumu Central	Orange Democratic Movement (ODM)
11.	The Hon. Martin Peters Owino , MP.	Ndhiwa	Orange Democratic Movement (ODM)
12.	The Hon. Eng. Paul Nzengu, MP.	Mwingi North	Wiper Democratic Movement Kenya (WDM-K)
13.	The Hon. Rahab Wachira Mukami, MP.	Nyeri	Jubilee Party (JP)
14.	The Hon. Agnes Pareyio Mantaine, MP.	Narok North	Jubilee Party (JP)
15.	The Hon. Dick Maungu Oyugi, MP.	Luanda	Democratic Action Party Kenya (DAP-K)
16.	The Hon. Duncan Maina Mathenge, MP.	Nyeri Town	United Democratic Alliance (UDA)
17.	The Hon. Jane Njeri Maina, MP.	Kirinyaga (CWR)	United Democratic Alliance (UDA)
18.	The Hon. Fredrick Lusuli Ikana, MP.	Shinyalu	ANC Party
19.	The Hon. (Dr.) Joseph Iraya Wainaina OGW, MP.	Nominated	United Democratic Alliance (UDA)
20.	The Hon. Joseph Hamisi Denar, MP.	Nominated	ANC Party

	Name	Constituency	Party
21.	The Hon. Jackson Lekumontare Lentoijoni, MP.	Samburu East	Kenya African National Union (KANU)

### 1.3 Committee Secretariat

Ms. Naserian Lotuai  
**Clerk Assistant I**

Ms. Kathleen Nanzala  
**Clerk Assistant III**

Mr. Alex Amwata  
**Hansard Reporter**

Ms. Audrey Andala  
**Legal Counsel II**

Ms. Peter Atsiaya  
**Media Relations Officer**

Ms. Joanne Naneu  
**Research Officer III**

Ms. Lilian Aluga  
**Public Communications Officer**

Mr. John Ng'anga  
**Audio Officer**

Mr. Luka Mutua  
**Sergeant-at-Arms**

## 2.0 INTRODUCTION

3. The Committee in a bid to enhance equality and inclusion, resolved to carry out an Inquiry into Diversity in Public Institutions. To achieve its objectives the Committee resolved to sample seven (7) public institutions for its fourth report. The Committee held meetings and received submissions from the following public institutions:

- 1) Lake Victoria South Water Works Development Agency (LVSWWDA)
- 2) Rivatex East Africa Limited
- 3) Moi Teaching and Referral Hospital (MTRH)
- 4) Lake Victoria North Water Works Development Agency (LVNWWDA)
- 5) Kenya Industrial Estates (KIE)
- 6) Kenya Medical and Supplies Authority (KEMSA)
- 7) Kenya Medical and Training College (KMTC)

4. The main objective of the inquiry was to assess the employment diversity representation within the public institutions in Kenya. Specifically, the institutions provided information based on the following issues:

- (i) The current employees' composition in terms of ethnicity, age and gender;
- (ii) Status of compliance with Article 54(2) of the Constitution on composition of persons with disabilities in the institution;
- (iii) Composition of employees at senior management level, middle level and low-level cadres in terms of ethnicity, age, gender and persons with disability;
- (iv) The ratio between the national population and employment proportion in the institutions (underrepresentation and overrepresentation) based on 2019 National Population and Housing Census;
- (v) The challenges the institutions have faced in its bid to enhance diversity of employees and the mitigation measures to curb the challenges;
- (vi) Measures put in place, if any, to promote a friendly work environment for persons living with disabilities; and



- (vii) Information on staff promotion in the past 5 years in terms of ethnicity, gender, age and persons with disabilities.

### 3.0 Employment Diversity in Public Institutions in Kenya

- 5. Kenya is a highly ethnically diverse Country with forty-six (46) communities. Employment in public institutions often reflects diversity with efforts made to ensure representation from various ethnic backgrounds.
- 6. In the recent years, Kenya has made progress in promoting gender diversity in public institutions, by implementing policies and initiatives to increase participation of women in leadership positions and other roles within the Government organizations. Affirmative action measures such as the two-thirds gender rule have been put in place to promote gender balance in public institutions.
- 7. Despite all these efforts, there are still challenges in achieving full employment in public institutions. Some of these major challenges include political patronage, nepotism, regional and ethnic tensions as well as resistance to change that led to slow pace of implementing diversity policies.
- 8. Significant efforts are still required to ensure that public institutions adequately represent the nation's diverse demographics and foster a culture of equal opportunities. This endeavor requires sustained commitment and collaborative efforts from both Government entities and Civil Society Organisations (CSOs) to ensure a more inclusive and representative governance structure in Kenya.

### 4.0 Legislative Frameworks on Diversity in Employment

#### 4.1.1 The Constitution of Kenya, 2010

- 9. The Constitution of Kenya, 2010 provides the legal framework on employment and diversity in public institutions. The following are specific Articles in the Constitution on matters relating to employment diversity in the public sector;
  - i. **Article 54 (2)** provides that the State shall ensure the progressive implementation of the principle that **at least 5% of the members** of the public in elective and appointive bodies are persons with disabilities.
  - ii. **Article 55 (b)** provides that the State shall take measures, including **affirmative action** programmes, to ensure that the **youth** have opportunities to associate, be represented and participate in political, social, economic and other spheres of life.

- iii. *Article 56 (c)* provides that the State shall put in place **affirmative action** programmes designed to ensure that **minorities and marginalized** groups are provided with special opportunities for access to employment.
- iv. *Article 232 (1) (i)* provides for the values and principles of public service that includes affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of men and women; the members of all ethnic groups and persons with disabilities.

#### 4.1.2 The National Cohesion and Integration Act, (CAP 7N)

10. *Section 7* states the following;

- i. All public establishments shall seek to represent **the diversity** of the people of Kenya in the employment of staff.
- ii. No public establishment shall have **more than one third** of its staff from the same **ethnic community**.

#### 4.1.3 The Employment Act, (CAP 226)

11. *Sections 5(2), & (3)* provides as follows;

- i. Section 5(2) states that an employer shall promote **equal opportunity** in employment and strive to eliminate discrimination in any employment policy or practice.
- ii. Section 5(3) states that no employer shall **discriminate/harass** directly or indirectly, against an employee or prospective employee;
  - a) on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status or HIV status;
  - b) in respect of recruitment, training, promotion, terms & conditions of employment, termination of employment or other matters arising out of the employment.

#### 4.1.4 The Labour Relations Act, (CAP 233)

12. *Section 5 (1)* states that no person shall discriminate against an employee or any person seeking employment for exercising any right conferred in this Act.

#### **4.1.5 The Public Officer Ethics Act, (CAP 185B)**

13. This Act seeks to create an environment that **nurtures respect for diversity**. It requires a public officer to discharge his or her duties in a professional manner and to treat the public and fellow public officers with courtesy and respect.

#### **4.1.6 Public Service (Values & Principles) Act, (CAP 185A)**

14. This Act gives effect to Article 232 of the Constitution. According to section 10 (1) of the Act, the public service, a public institution or an authorized officer shall ensure that public officers are appointed and promoted on basis of fair competition and merit.

#### **4.1.7 The National Gender and Equality Act, (CAP 7K)**

15. This Act established the National Gender and Equality Commission whose functions include, inter alia, promoting equality and freedom from discrimination and mainstreaming issues of gender, persons with disabilities and other marginalized groups in national development including development of affirmative action policies.

#### **4.1.8 Public Service Recruitment and Training Policy, (2005)**

15. This policy provides an overarching framework on recruitment, training, promotion and performance management in the public sector.

### **5.0 Comparative Analysis**

17. This comparative analysis features Kenya alongside Australia, Tanzania and Namibia demonstrating how each country approaches employment diversity within public institutions, particularly targeting the disadvantaged groups such as marginalized communities, women, youth and Persons with Disabilities (PWDs).

<b>Aspect</b>	<b>Kenya</b>	<b>Australia</b>	<b>Tanzania</b>	<b>Namibia</b>
Legal Framework	-Constitution of Kenya, 2010 – Articles 27, 54, 55 & 56. -Public Service (Values and	-Australian Human Rights Commission Act, 1986 ensures protection against discrimination. -Workplace Gender Equality Act, 2012	-Constitution of the United Republic of Tanzania (1977, amended) -Persons with Disabilities Act	-Constitution of Namibia (1990) – Articles 10 & 23 prohibit discrimination and promote affirmative action

Aspect	Kenya	Australia	Tanzania	Namibia
	Principles) Act, 2015. -National Cohesion and Integration Act, 2008.	mandates gender equity in employment. -Disability Discrimination Act, 1992 requires reasonable accommodation for PWDs.	(2010) -Employment and Labour Relations Act (2004)	-Affirmative Action (Employment) Act (1998) -Labour Act (2007)
Policies and Regulations	-Affirmative action policies enforced by the Public Service Commission (PSC). -Gender Mainstreaming Policies.	-Commonwealth Diversity and Inclusion Strategy, 2021-2025. -Australian Public Service (APS) Employment Principles mandating inclusivity.	-National Employment Policy -National Disability Mainstreaming Strategy - National Gender Policy	-National Employment and Labour Policy -National Policy on Disability -Gender Sectoral Plan and Affirmative Action measures
Implementation Mechanisms	- Enforcement of the two-thirds gender rule and 5% disability employment threshold - Targeted internship and mentorship programs for youth - Diversity quotas	- Mandatory gender equality reporting for employers - APS wide targets for PWDs and minority hiring -Indigenous Employment Programs and Graduate Schemes	-Use of performance contracts in public service -Mainstreaming gender and disability in HR manuals -Community sensitization and awareness campaigns	-Affirmative Action compliance certificates for institutions -Gender and disability focal persons in ministries -Public-private sector collaboration for



Aspect	Kenya	Australia	Tanzania	Namibia
	applied in recruitment by PSC			inclusive recruitment
Relevant Agencies	-National Cohesion and Integration Commission (NCIC). -National Gender and Equality Commission (NGEC). -National Council for Persons with Disabilities (NCPWD). Public Service Commission (PSC).	-Australian Human Rights Commission (AHRC). -Workplace Gender Equality Agency (WGEA). -Australian Public Service Commission (APSC) - Diversity and Inclusion Unit.	-President's Office – Public Service Management and Good Governance -Commission for Human Rights and Good Governance (CHRAGG) -National Council for People with Disabilities	-Employment Equity Commission (EEC) - Office of the Prime Minister – Public Service Commission -National Disability Council of Namibia
Monitoring and Evaluation	-Regular Parliamentary oversight. -PSC and NGEC conduct annual monitoring and reporting on diversity targets and implementation.	-Annual APS Diversity Census conducted by the APSC. -AHRC Annual Reports to Parliament on discrimination and diversity matters. -WGEA Annual Gender Equality Scorecard.	-CHRAGG reports on equality and rights violations -Sectoral performance reports -Annual public service workforce reviews	-Annual Affirmative Action Reports by the EEC -Labour force surveys and compliance audits -Reports to Parliament on employment equity
Notable Achievements	-Increase in women's	-Significant improvement in	-Increased participation of	- Notable progress in integrating



Aspect	Kenya	Australia	Tanzania	Namibia
	<p>representation in public offices due to Constitutional affirmative actions.</p> <p>-Enhanced visibility and employment access for marginalized communities.</p>	<p>gender equality with systematic monitoring.</p> <p>-High level of transparency and accountability through mandatory diversity reporting.</p>	<p>women in the civil service</p> <p>- Steady inclusion of PWDs through legal mandates</p> <p>-Growing investment in youth employment schemes</p>	<p>marginalized groups into public service</p> <p>-Regular compliance reporting from public institutions</p> <p>-Structured affirmative action improving representation</p>
Ongoing challenges	<p>-Persistent ethnic/regional disparities despite affirmative action policies.</p> <p>-Limited enforcement and monitoring capacity affecting compliance.</p> <p>-Stigma and accessibility challenges limiting full inclusion of PWDs.</p>	<p>-Underrepresentation of Indigenous Australians in senior public sector roles despite existing initiatives.</p> <p>-Slow progress on disability employment targets.</p> <p>-Challenges in fully integrating culturally diverse populations into senior public positions.</p>	<p>-Inconsistent enforcement of policies</p> <p>-Limited employment access for youth in rural areas</p> <p>-Persistent stigma against PWDs</p>	<p>-Slow advancement of women into senior roles</p> <p>-Enforcement gaps in private-public implementation</p> <p>-Need for stronger disaggregated data systems</p>

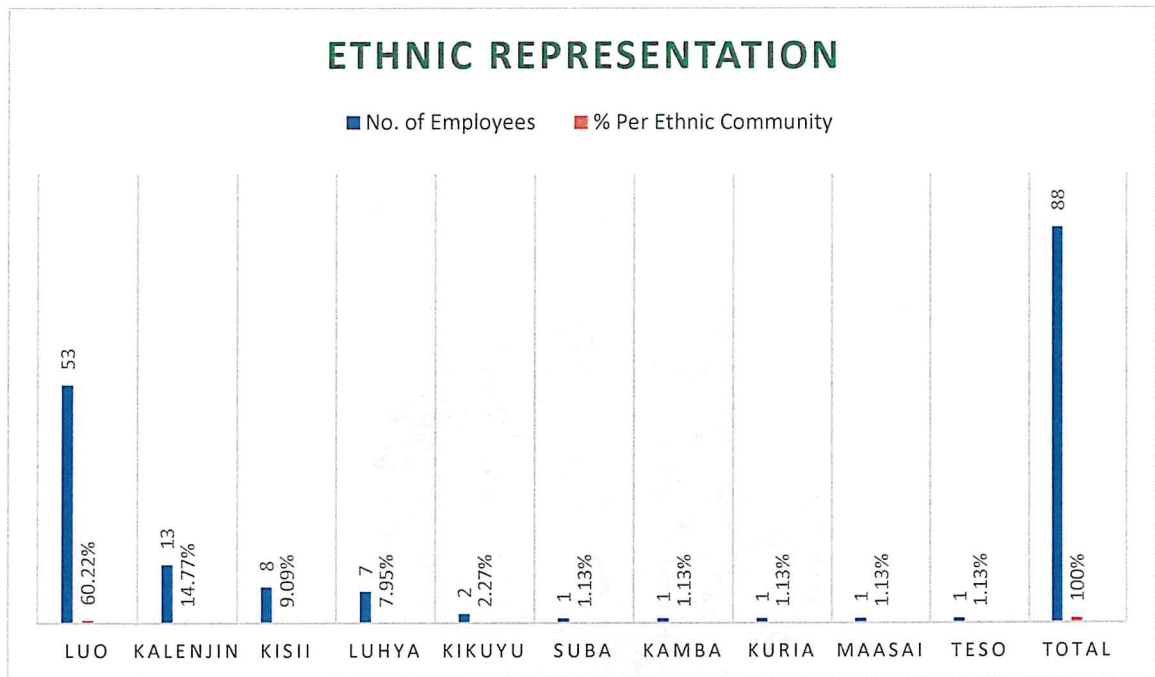
### Lessons Drawn from Australia, Tanzania and Namibia

- Kenya should track and publish diversity data more consistently, following Australia's lead to clearly measure progress and identify areas needing attention.

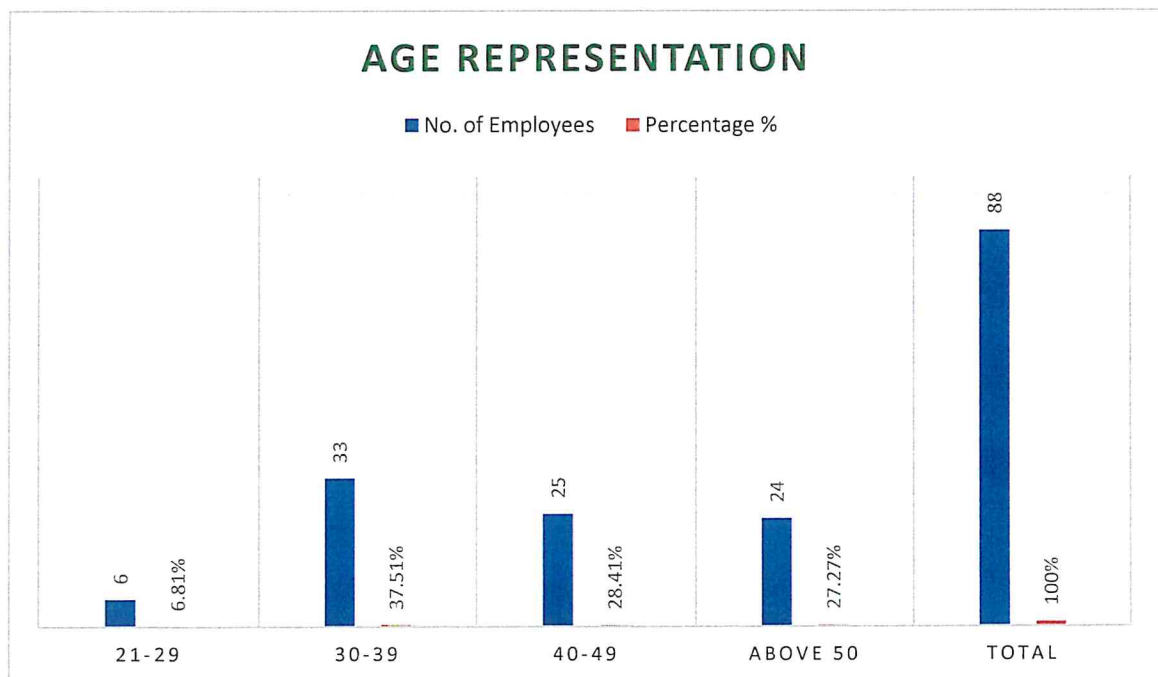
19. We should tie diversity targets to performance evaluations as done in Tanzania, to ensure public institutions are accountable for inclusive hiring.
20. We should strengthen and empower oversight institutions taking inspiration from Namibia, to ensure diversity policies are enforced across all sectors.
21. Kenya should invest in changing public attitudes toward inclusion, by promoting awareness and leadership-driven advocacy, as seen across all three countries.

**1. LAKE VICTORIA SOUTH WATER WORKS DEVELOPMENT AGENCY**

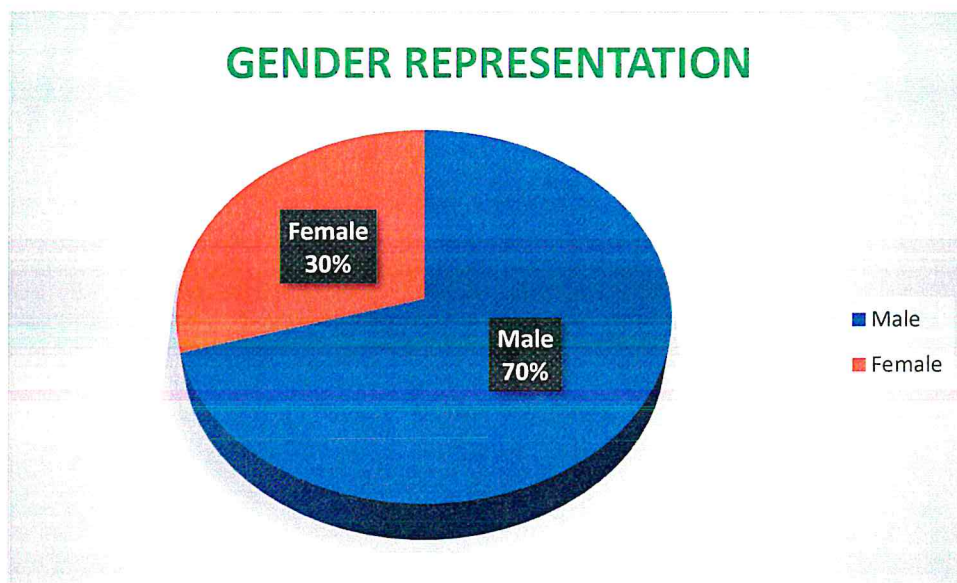
22. The Lake Victoria South Water Works Development Agency (LVSWWDA) is one of the nine Water Works Development Agencies established under the Ministry of Water, Sanitation and Irrigation through the Water Act 2016. The Agency was established on 3<sup>rd</sup> May, 2019 vide Legal Notice No. 28 as a State Corporation. It covers eight (8) counties which include:- Bomet, Homabay, Kericho, Kisii, Kisumu, Migori, Nyamira and Siaya Counties.
23. The Chief Executive Officer (CEO) Ms. Jackline Kemunto, appeared before the Committee on Friday, 22<sup>nd</sup> November 2024 and made the following submissions:
24. Currently, the Agency has an in-post of eighty-eight (88) employees. Only ten (10) out of the forty-six (46) ethnic groups have been employed in LVSWWDA contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. Majority of the staff are from one (1) community namely, Luo at 60.22%. In Senior Management, only four (4) out ten (10) ethnic communities are represented.



25. The Agency has a youth representation of only 6% comprising of staff aged between 21-29 years, showing it has not fairly accorded employment opportunities to the youth in line with Article 55 (c) of the Constitution.



26. LVSWWDA has sixty-two (62) male staff members and twenty-six (26) female staff members translating to 70% and 30% respectively, achieving the required two thirds gender rule.



27. The Agency has employed only four (4) staff members who are Persons with Disabilities (PWDs) translating to 4.5% which slightly falls short of the requirements stipulated in Article 54(2) of the Constitution.

28. In the last three (3) recruitment cycles, LVSWWDA hired a total of fifteen (15) employees with the Luo community making up the majority of nine (9) members, representing 60% of the recruits. Out of the fifteen (15) employees, eleven (11) were male and four (4) were female, and none were PWDs.

#### **Challenges faced in promoting diversity**

- i. The Government's initial staffing policy restricted recruitment mainly to the dominant local ethnic community, limiting diversity within the Agency.
- ii. Response by members of other communities other than the dominant one in the region on advertised posts has been very low and none-competitive thus making it difficult for the diversity on ethnic orientation.
- iii. Recruitment of staff has also been suspended/slowed down by the Government in order to manage the recurrent budget.

- iv. Staff recruited at inception going forward were mostly young people and for about 15 years, the Agency did not have staff retiring from service hence there was no opportunity for new recruitment.
- v. Persons from distant communities rarely apply for advertised vacancies within the Agency.

**Mitigation measures to curb the challenges**

- i. Encouraging other communities to apply for advertised posts by putting a rider that ‘ applicants from the minority groups are encouraged to apply.’
- ii. Filling future vacancies with persons from non-dominant communities.
- iii. The Agency has been competitively employing its staff by considering qualified candidates from non-dominant communities thus reducing the percentage of the dominant community.
- iv. Replacement of retiring staff with preference given to candidates from non-dominant communities. The Agency will reduce the percentage of the dominant community from 60.22% to about 50% in the next five (5) years.
- v. LVSWWDA has an approved staff establishment of one hundred and fifty-three (153) employees, currently, it has a staff establishment of eighty-eight (88) employees leaving a variance of sixty-five (65). This provides an avenue to address the ethnic diversity requirement once the moratorium on recruitment is lifted.

**Measures put in place to enhance work environment for PWDs**

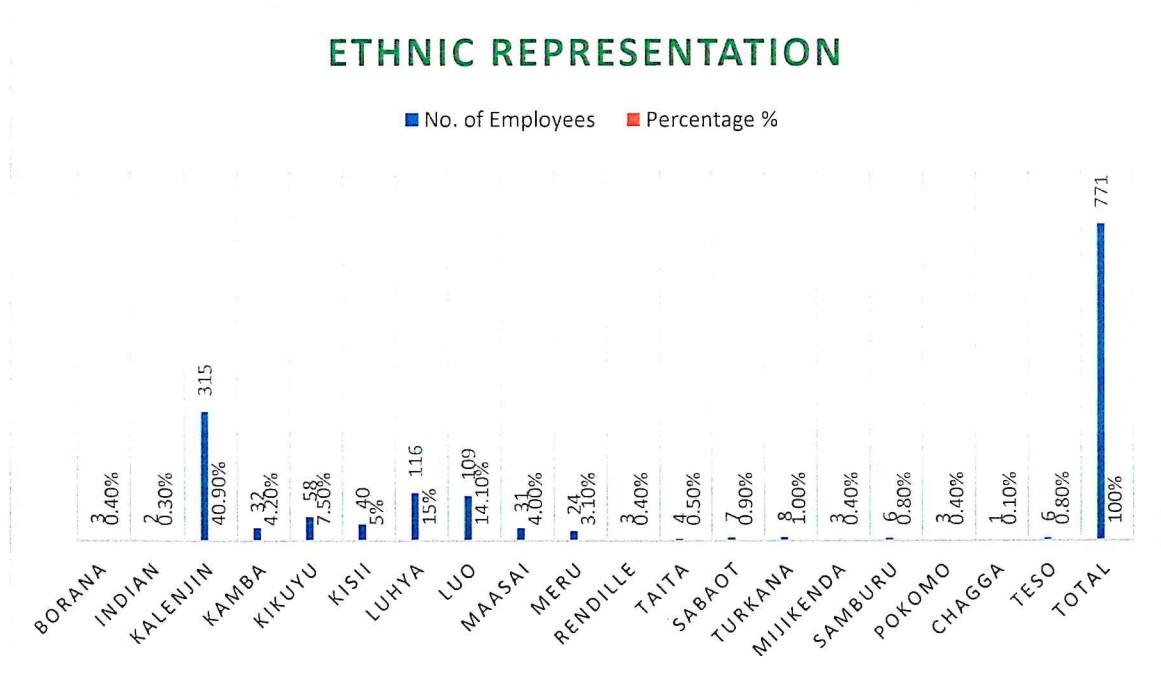
- i. LVSWWDA has constructed permanent ramps within the institution to ease movements for PWDs to access services of the Agency.
- ii. It has procured wheelchairs and crutches to support movement of PWDs.
- iii. The Agency has a Service Charter in braille both in English and Kiswahili.
- iv. PWD washrooms are available for their use.
- v. Swing doors and handrails have been installed in washroom facilities for easier access by PWDs.
- vi. Signages have been put in place to direct PWDs to access ramps.
- vii. The Agency has facilitated training of two (2) staff on Kenya sign language.
- viii. Staff have been sensitized on disability mainstreaming.
- ix. LVSWWDA’s website has been upgraded to conform to Web Content Accessibility Guidelines (WCHG) on accessibility for PWDs.



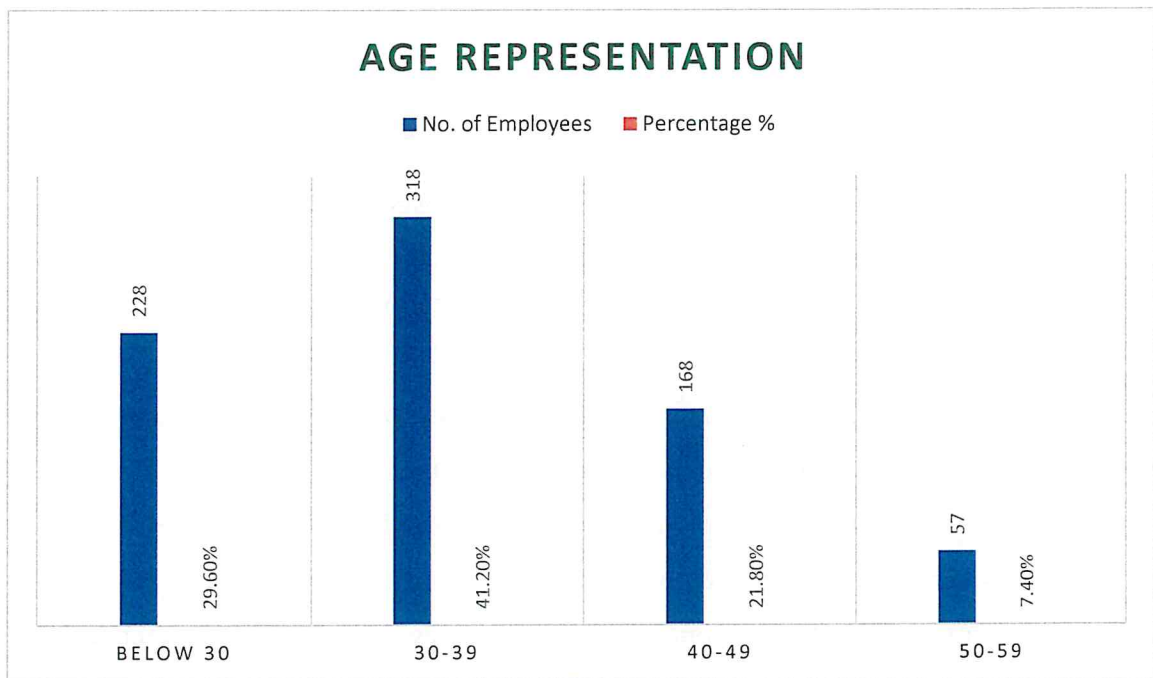
- x. When placing advertisement on daily newspapers, the Agency includes a rider that, “Women, minority group and PWDs are encouraged to apply.”

## 2. RIVATEX EAST AFRICA LIMITED

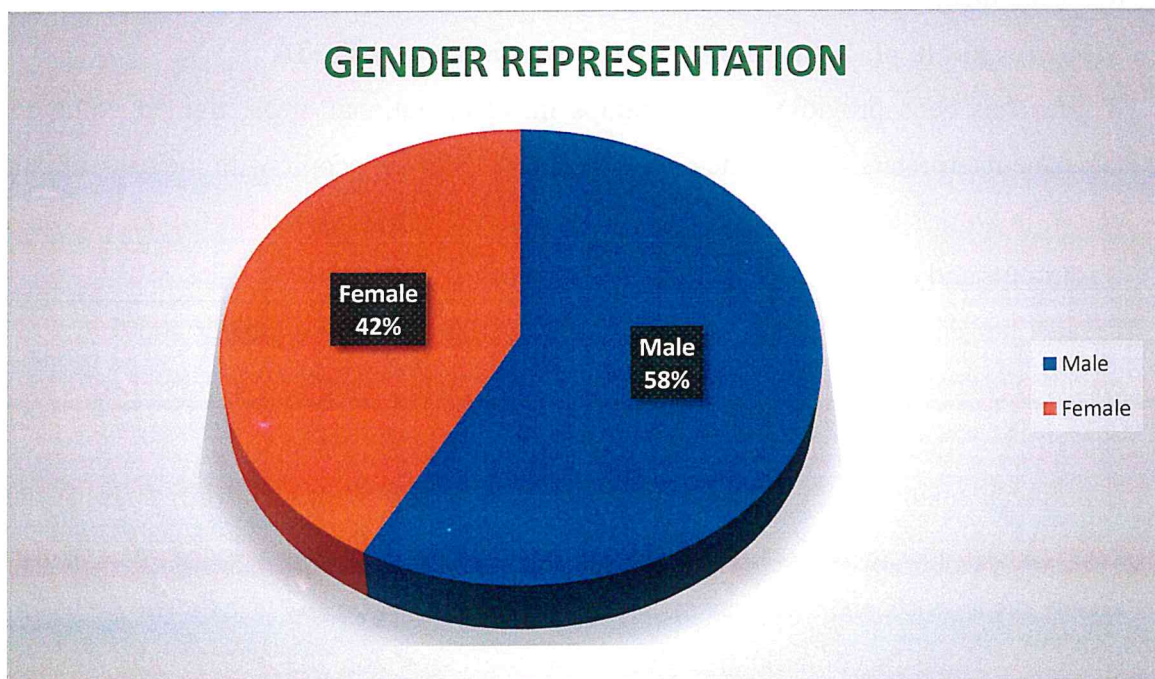
29. Rivatex East Africa Limited is reputed as the home of quality textile products both locally and globally. It is fully owned by Moi University and was incorporated on 16<sup>th</sup> August with the objective of utilizing the facility for training, research, extension and commercial purposes.
30. The Chief Executive Officer (CEO) Prof. Thomas Kipkurgat EBS, appeared before the Committee on Friday, 22<sup>nd</sup> November, 2024 and provided evidence as per the following submissions:
31. Currently, Rivatex has an in-post of seven hundred and seventy-one (771) employees. Only nineteen (19) out of the forty-six (46) ethnic groups have been employed in the Institution, contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. Majority of the staff are from one (1) community namely, Kalenjin at 40.9%. At Senior Management, only seven (7) out of the nineteen (19) ethnic communities in the Company are represented.



32. In analysis of the age composition, majority of the staff fall between the age bracket of 30-39 years with three hundred and eighteen (318) employees translating to 41.2%.



33. Rivatex has four hundred and forty-seven (447) male staff members and three hundred and twenty-four (324) female staff members translating to 58% and 42% respectively, achieving the required two thirds gender rule.



34. The Institution has employed only twenty-seven (27) staff members who are Persons with Disabilities (PWDs) translating to 3.5% which falls short of the requirements stipulated in Article 54(2) of the Constitution.

35. In the ratio between the National population and employment proportion, the Kalenjin community is over-represented with a positive variance of 27.35%.

36. Promotions done in Rivatex in the past five (5) years, the Luhya and Luo communities have dominated at 22% and 12% respectively out of the sixty (60) employees that got promoted.

**Challenges faced in promoting diversity**

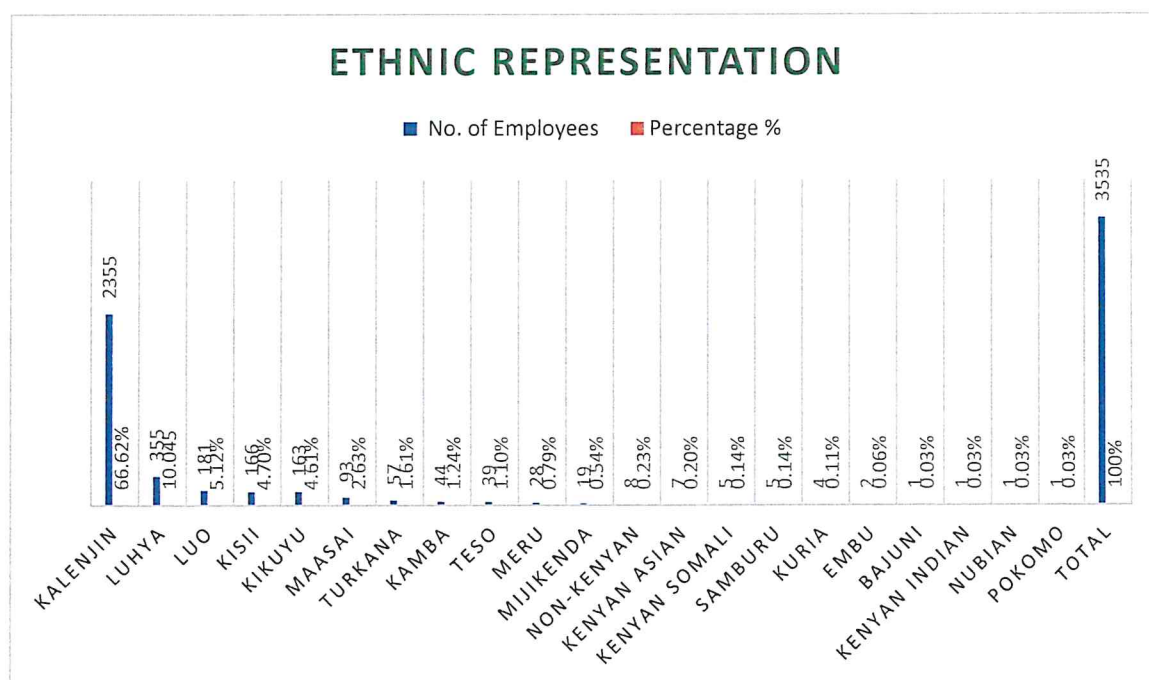
- i. The nature of textile production requires physically fit workers, making it tough to accommodate PWDs.
- ii. Despite advertising efforts, there are very few job applications from marginalized communities and PWDs. In some instances, some applicants don't attach ID cards making it hard to confirm their regional or ethnic diversity while others do not indicate their PWD status.
- iii. Some of the marginalized communities experience obstacles such as access to information, infrastructure, cultural and economic challenges preventing them from attending job interviews.
- iv. Since the Company has been undergoing modernization, it has been facing a challenge in offering competitive remuneration package, which has been an impediment to potential employees who may not be willing to relocate or leave their families and earn meagre salaries that may not be able to sustain them.

**Measures put in place to enhance work environment for PWDs**

- i. Rivatex has been providing access ramps in all operational areas, trained volunteers as sign language interpreters to facilitate communication, ensuring people with mobility impairments are placed in work stations easily accessible. Providing accessible parking spots, having accessible washrooms and established a Disability Committee.
- ii. Rivatex has developed and disaggregated data of PWDs by age, gender and forms of disability, ensure physical improvements of public facilities for accessibility, accessibility of information, capacity building and carried out an accessibility audit for PWDs.
- iii. It has been sending a copy of job advertisements to NCPWD to inform them of the available vacancies. It also publicizes the vacancies in a medium accessible to PWDs and use of public communication channels such as the local dailies, radio, company website etc.,
- iv. Rivatex ensures accommodative interview processes for the PWDs and upon successful recruitment, it provides an induction programme tailored to fully suit PWDs.
- v. It provides work-related devices or equipment that allow employees with disabilities participate fully in the workplace.

### 3. MOI TEACHING AND REFERRAL HOSPITAL

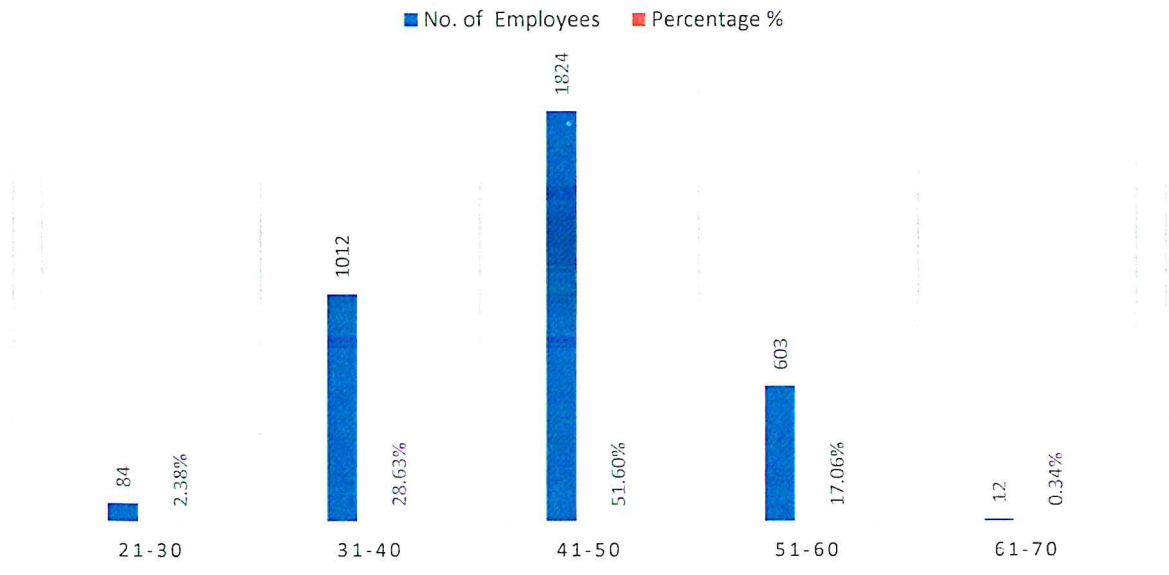
37. Moi Teaching Referral Hospital (MTRH) is a Multi-Specialty International teaching and referral hospital serving Kenya, parts of Eastern Uganda, South Sudan, Northern Tanzania and Democratic Republic of Congo with a population of twenty-five (25) million. It started in 1917 with a bed capacity of sixty (60) catering mainly for the health needs of Africans and later served as a District Hospital before attaining referral status through Legal Notice No. 78 of 12<sup>th</sup> June, 1998 under the State Corporations Act, CAP 446; updated/amended through Legal Notice No. 56 of 18<sup>th</sup> April, 2002 and Legal Notice No. 40 of 1<sup>st</sup> March, 2021.
38. The Chief Executive Officer, Dr. Philip Kirwa, appeared before the National Cohesion and Equal Opportunity Committee on Friday, 22<sup>nd</sup> November 2024 and made the following submissions:
39. Currently, MTRH has an in-post of three thousand, five hundred and thirty-five (3,535) employees. Only twenty-one (21) out of forty-six (46) ethnic groups have been employed in MTRH contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. Majority of the staff are from one (1) community namely, Kalenjin at 66.62%. At Senior Management Level, only twelve (12) out of the twenty-one (21) ethnic groups in the Hospital are represented.





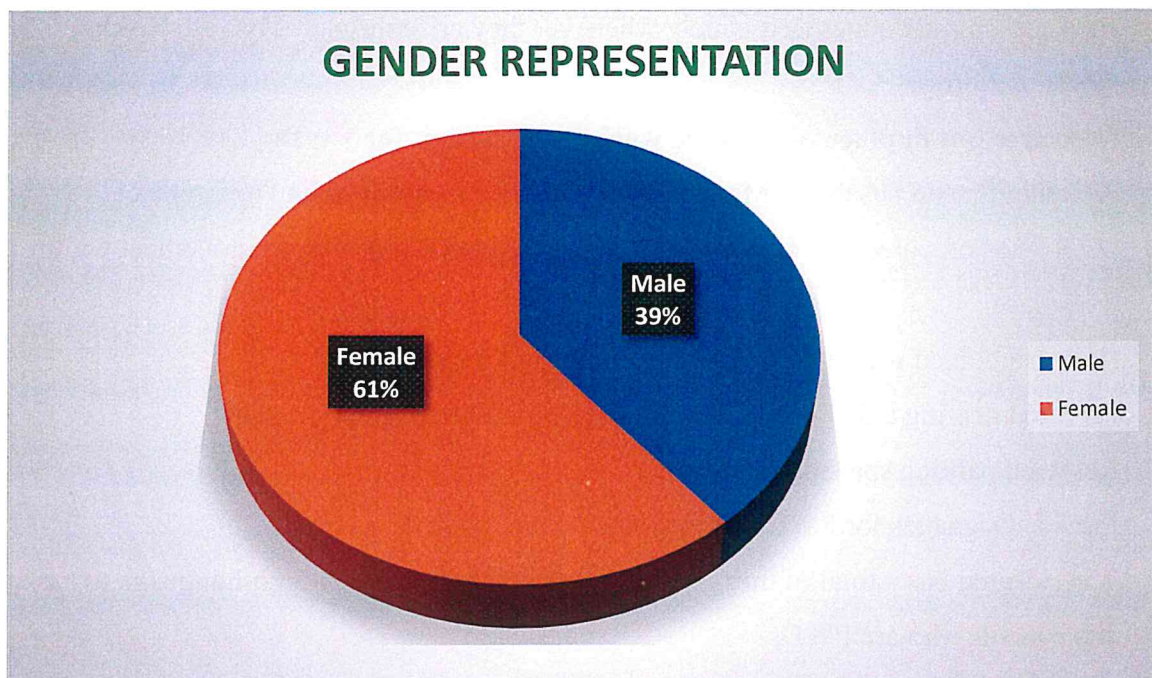
40. In analysis of the age composition, majority of the staff fall between the age bracket of 41-50 years with one thousand eight hundred and twenty-four (1,824) employees translating to 51.6%.

### AGE REPRESENTATION



41. MTRH has one thousand, three hundred and seventy-nine (1,379) male staff members and two thousand, one hundred and fifty-six (2,156) female staff members translating to 39% and 61% respectively, achieving the two thirds gender rule.





42. The Hospital has employed one hundred and sixteen (116) staff members who are Persons with Disabilities (PWDs) translating to 3.28% which falls short of the requirements stipulated in Article 54(2) of the Constitution.

43. In the ratio between the National population and employment proportion, the Kalenjin community is over-represented with a positive variance of 53.25%.

44. Promotions done in MTRH in the last five (5) years, the Kalenjin community dominate at 59.04% out of the eighty-three (83) employees promoted.

#### **Challenges faced in promoting diversity**

- i. MTRH low cadre jobs formed a bulk of the staffing population due to low salary at the formative stage. As a result, most of the applicants during this time were from the local community.
- ii. Most of the lower cadre advertisements did not attract applications from diverse backgrounds due to low salary and devolution.
- iii. Some prospective employees from marginalized areas did not take up appointments and when they accepted, they only stayed for a short stint before they resign their positions.

#### **Mitigation measures to curb the challenges**

- i. It no longer engages casuals.
- ii. There is a security of tenure i.e., employees upon successful service on six (6) months probationary period are confirmed in appointment.

- iii. Job vacancies are advertised widely whenever they arise through MyGov, Hospital's website and media platforms.

**Measures put in place to enhance work environment for PWDs**

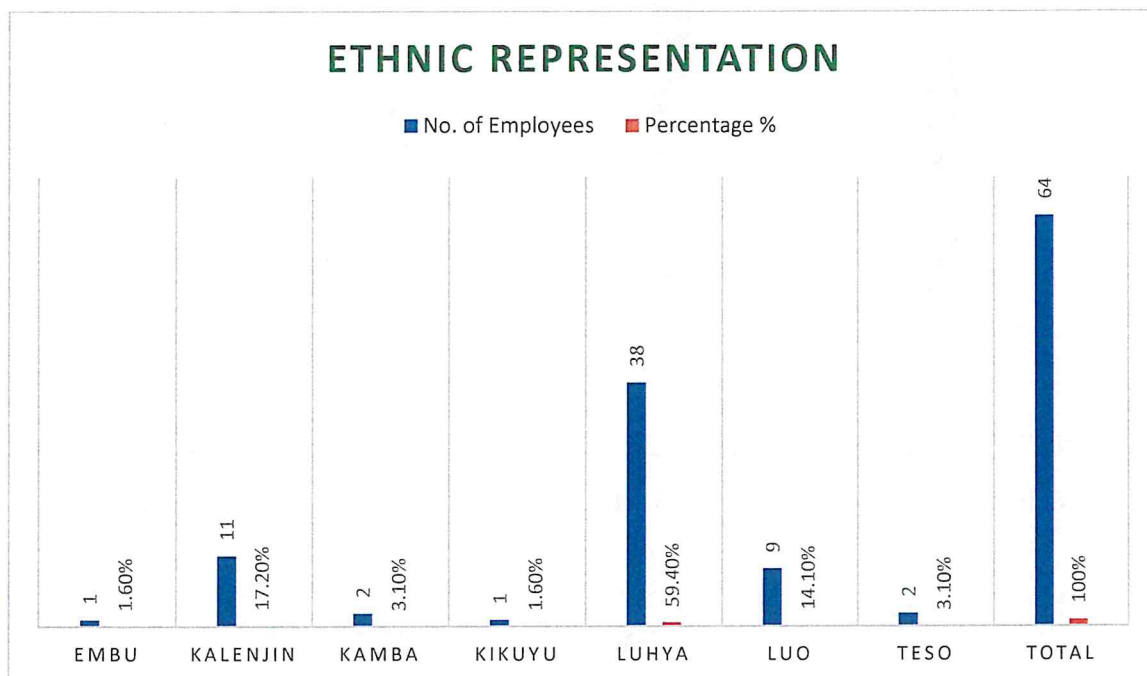
- i. A Committee on Disability Mainstreaming has been appointed and put in place.
- ii. MTRH has procured six (6) motorized wheelchairs to PWDs to ease movement within and outside workplace.
- iii. Procured guided walking stick for one blind staff member.
- iv. Procured hearing aids for seven (7) members with hearing impairment.
- v. Reserved parking space for PWDs.
- vi. Provided signages for PWDs on the use of ramps.
- vii. The Hospital has a total of thirty (30) staff members trained on Sign Language to assist both staff and patients who are PWDs.
- viii. Corporate Service Delivery Charter in braille.
- ix. Implementation of the Personal Guide to Public Officers Living with Disability Circular Ref. SRC/TS/DRRPS/3/26 VOL. V (88) and SRC/TS/NCPWD/3/18(80) payable as part of remuneration to the PWDs.
- x. Accelerated promotion for a staff member under PWD.
- xi. User friendly toilets for PWDs.
- xii. Facilitation of per diem allowance and transport for PWD staff members going for assessment, certificates renewal and tax exemption certificates.
- xiii. Training opportunities.
- xiv. PWDs support in medication after medical cover exhaustion.

**4. LAKE VICTORIA NORTH WATER WORKS DEVELOPMENT AGENCY**

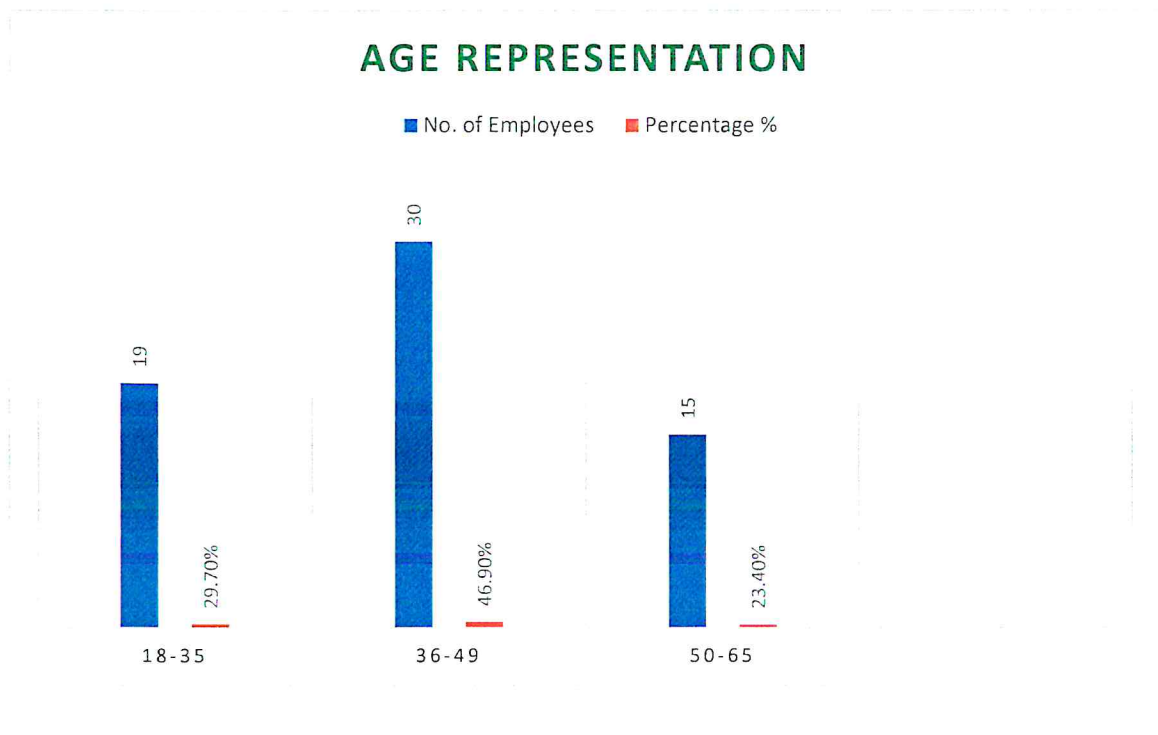
45. Lake Victoria North Water Works Development Agency (LVWWDA) is one of the nine Water Works Development Agencies established under the Water Act 2016, Legal Notice No. 28 of 26th April, 2019 amended with variations and modifications made through Legal Notice No. 5 of 4th February, 2020, as part of the reforms which sought to improve governance and service provision in the Water Sector.

46. The Chief Executive Officer, Mr. Joel Wamalwa, appeared before the Committee on Friday, 22<sup>nd</sup> November 2024 and made the following submissions:

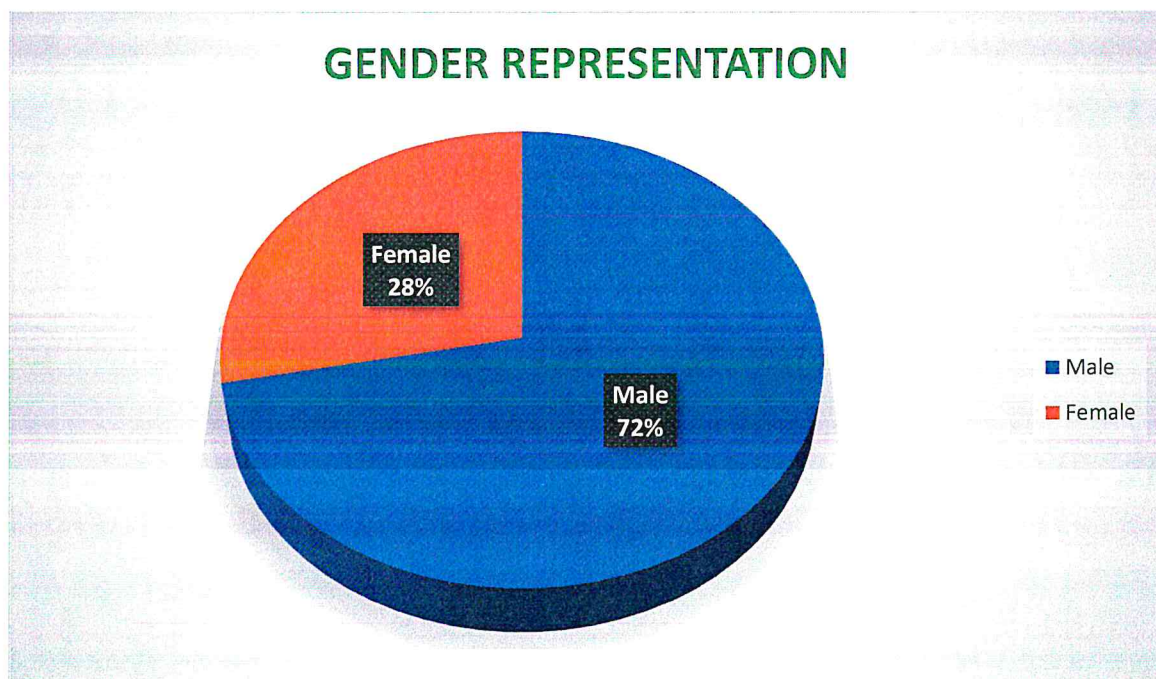
47. Currently, LVNWWDA has an in-post of sixty-four (64) employees. Only seven (7) out of forty-six (46) ethnic groups have been employed in the Agency contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. Majority of the staff are from one (1) community namely, Luhya at 59.4%.



48. In analysis of the age composition, majority of the staff fall between the age bracket of 36-49 years with thirty (30) employees translating to 46.9%.



49. LVNWWDA has forty-six (46) male staff members and eighteen (18) female staff members translating to 72% and 28% respectively, not achieving the required two thirds gender rule.





50. The Agency has employed only one PWD translating to 1.56% which falls short of the requirements stipulated in Article 54(2) of the Constitution.

51. Promotions done in LVNWWDA in the last five (5) years, the Luhya community dominated at 66.7% out of the nine (9) employees promoted.

#### **Challenges faced in promoting diversity**

- i. Inadequate/completely no applications by women on certain positions advertised by the Agency i.e., the position of CEO has to be readvertised due to unavailability of a female applicant.
- ii. Inadequate/completely no applications by PWDs on certain positions advertised.
- iii. Inadequate skills and competencies by women and PWDs for technical positions that is the core mandate of LVNWWDA.
- iv. Cultural beliefs and practices hence inadequate/no applications from the minority groups and people from diverse cultures.
- v. Low salaries as a result of low recurrent allocation hence inability to get diverse applicants.

#### **Mitigation measures to curb the challenges**

- i. Affirmative action on gender inclusivity during recruitment process.
- ii. Emphasis on inclusivity and equal opportunity during advertisement and recruitment process.
- iii. Uploading all advertisements to the NCPWD portal for ease of access.
- iv. Increased recurrent allocation.

#### **Measures put in place to enhance work environment for PWDs**

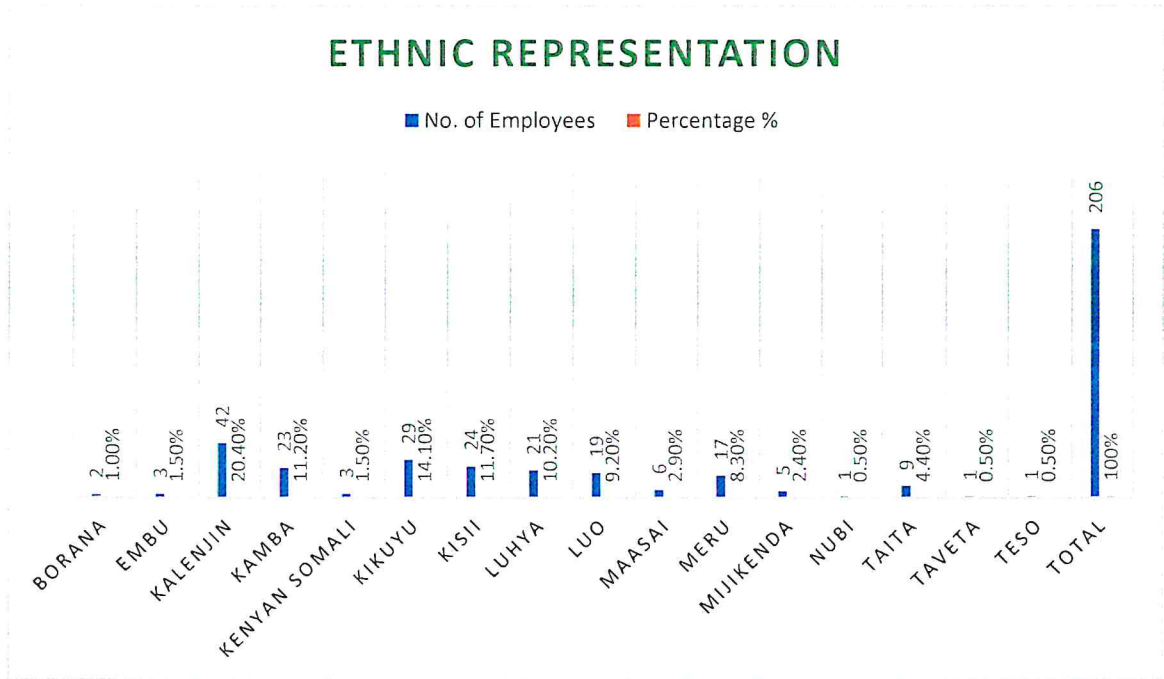
- i. Development of Disability Mainstreaming Policy.
- ii. Appointment/establishment of Disability Mainstreaming Committee.
- iii. Training of Committee on Disability Mainstreaming.
- iv. Uploading of job adverts in NCPWD portal.
- v. Ensuring website conformity and accessibility.
- vi. Training staff on sign language.
- vii. Development of Service Charter in braille.
- viii. Provision of wheel chair.
- ix. Provision of a ramp.
- x. Provision of accessible parking.
- xi. Undertaking Accessibility and Usability Audit to enhance compliance and safe work environment.
- xii. Development of service Charter in large print.



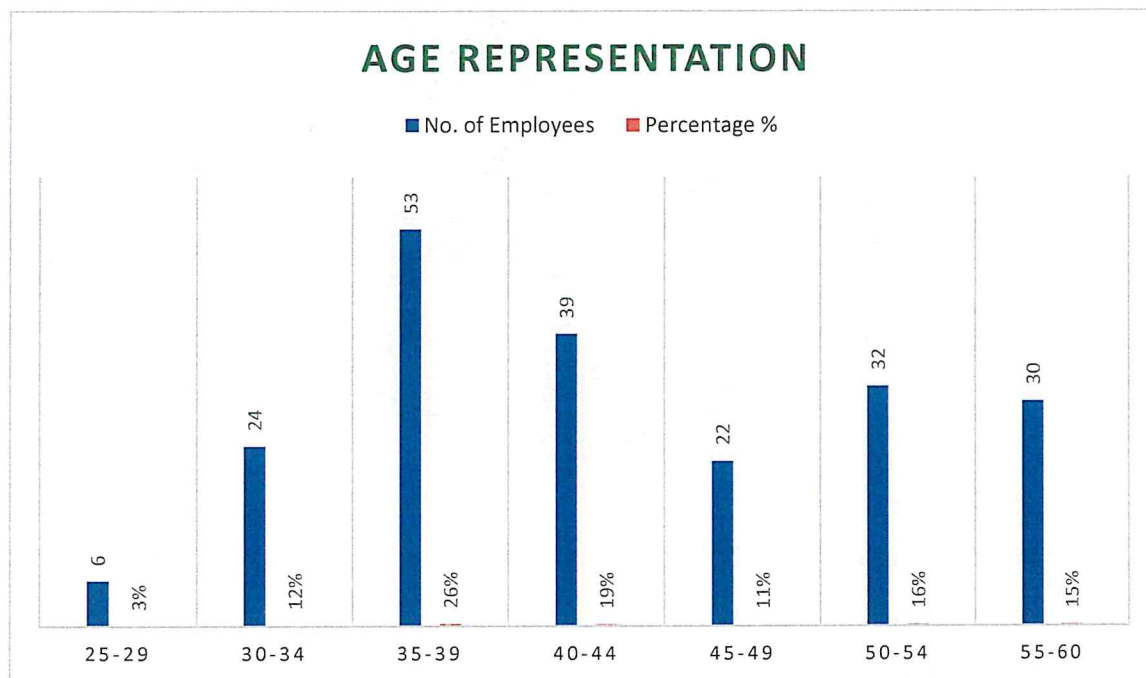
- xiii. Development of Service Charter in Audio.
- xiv. Provision of internship and attachment opportunities to PWDs.
- xv. Corporate Social Responsibility to PWD Association e.g., Kakamega Amputee Football Association.

### 5. KENYA INDUSTRIAL ESTATES

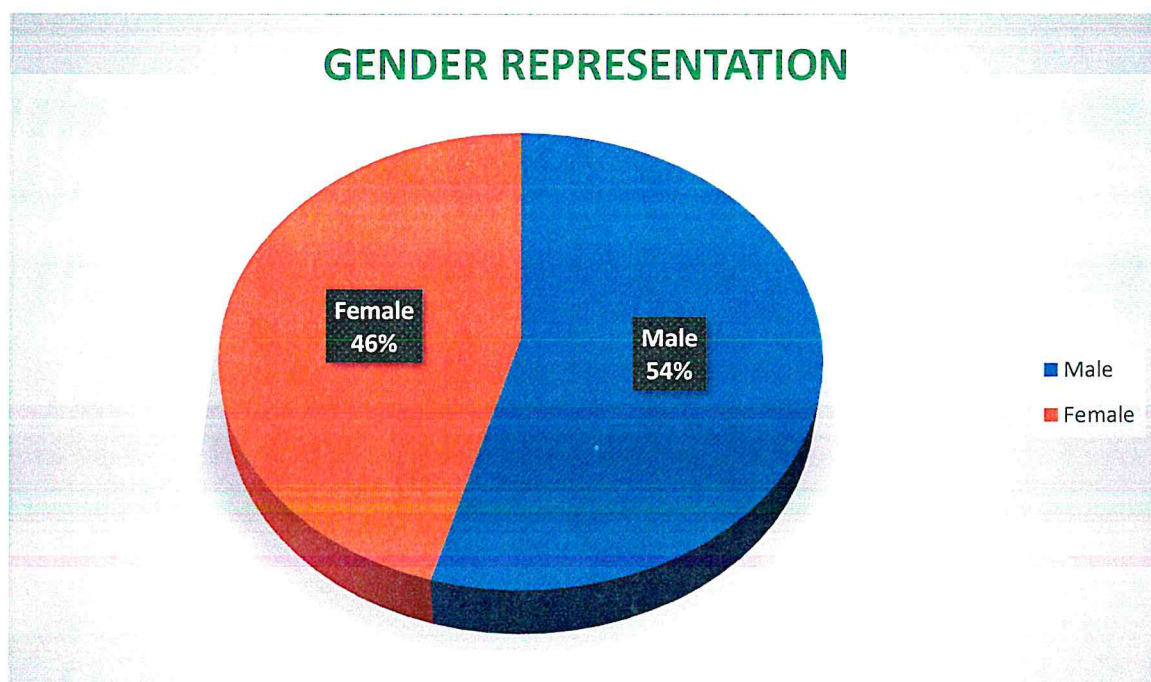
52. Kenya Industrial Estates (KIE) is a Government owned Development Finance Institution (DFI) within the Ministry of Cooperatives and Micro, Small and Medium Enterprises Development with the mandate to promote industrialization in Kenya through development and growth of Small and Medium Enterprises (SMEs).
53. The Acting Chief Executive Officer (CEO), CPA Charles Mativo, appeared before the Committee on Thursday, 17<sup>th</sup> September 2024 and made the following submissions:
54. Currently, KIE has an in-post of two hundred and six (206) employees. Only sixteen (16) out of the forty-six (46) ethnic groups have been employed in KIE contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. Majority of the staff are from one (1) community namely, the Kalenjin at 20.4%. At Senior Management Level, only seven (7) out of the sixteen (16) ethnic groups are represented.



55. In analysis of the age composition, majority of the staff fall between the age bracket 35-39 years with fifty-three (53) employees translating to 26%.



56. KIE has one hundred and twelve (112) male staff members and ninety-four (94) female staff members translating to 54% and 46% respectively, achieving the required two thirds gender rule.



57. KIE has employed only two (2) PWDs translating to 0.97% which falls short of the requirements stipulated in Article 54 (2) of the Constitution.

58. In the ratio between the National population and employment proportion, the Kalenjin community is over-represented with a positive variance of 7.03%.

59. Promotions done in KIE in the last five (5) years, the Luo community dominated at 25% out of the twenty-four employees promoted.

#### **Challenges faced to promote diversity**

- i. Budgetary constraints.
- ii. Employment freeze.

#### **Mitigation measures to curb the challenges**

- i. Lobbying for more resources to expand operations across the country.
- ii. Reviewing human resource instruments to allow for recruitment/replacement of staff.

#### **Measures put in place to enhance work environment for PWDs**

- i. Accessibility and mobility.
- ii. Compensation and taxation.
- iii. Duty and responsibility allocation.
- iv. Retirement
- v. Policies against discrimination.
- vi. Sensitization of staff on PWDs.

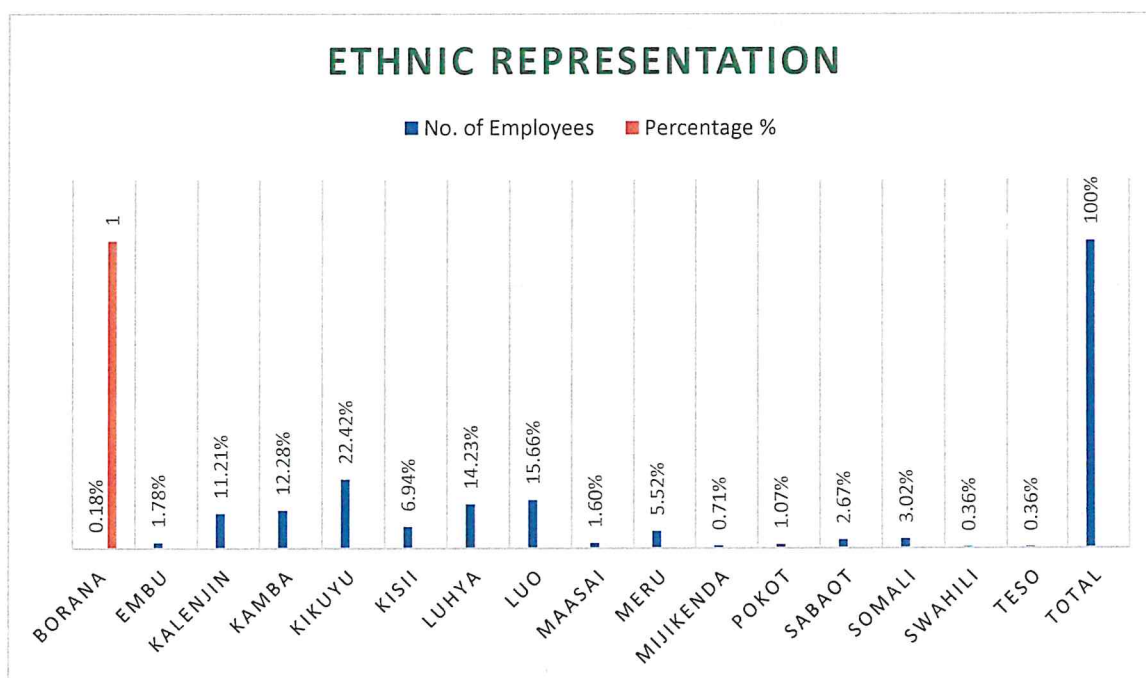
- vii. Disability Mainstreaming champion.
- viii. Records on disability.
- ix. Recruitment.

## 6. KENYA MEDICAL SUPPLIES AUTHORITY

60. Kenya Medical Supplies Authority (KEMSA) is a State Corporation under the Ministry of Health, established through the KEMSA Act No. of 2013.

61. The Acting Chief Executive Officer (CEO) Dr. Andrew Mulwa, appeared before the Committee on Thursday, 18<sup>th</sup> April 2024 and made the following submissions:

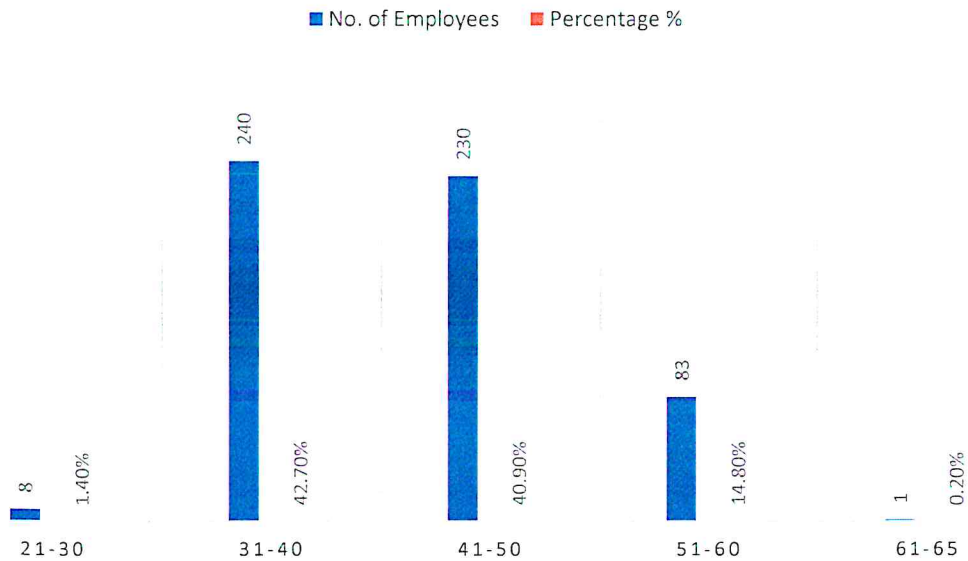
62. Currently, KEMSA has an in-post of five hundred and sixty-two (562) employees. Only sixteen (16) out of the forty-six (46) ethnic groups have been employed in the Authority contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. Majority of the staff are from one (1) community namely, Kikuyu at 22.42%. At Senior Management Level, only nine (9) out of the sixteen (16) ethnic groups are represented.



63. In analysis of the age composition, majority of the staff fall within the age bracket of 31-40 years with two hundred and forty (240) employees translating to 42.7%.

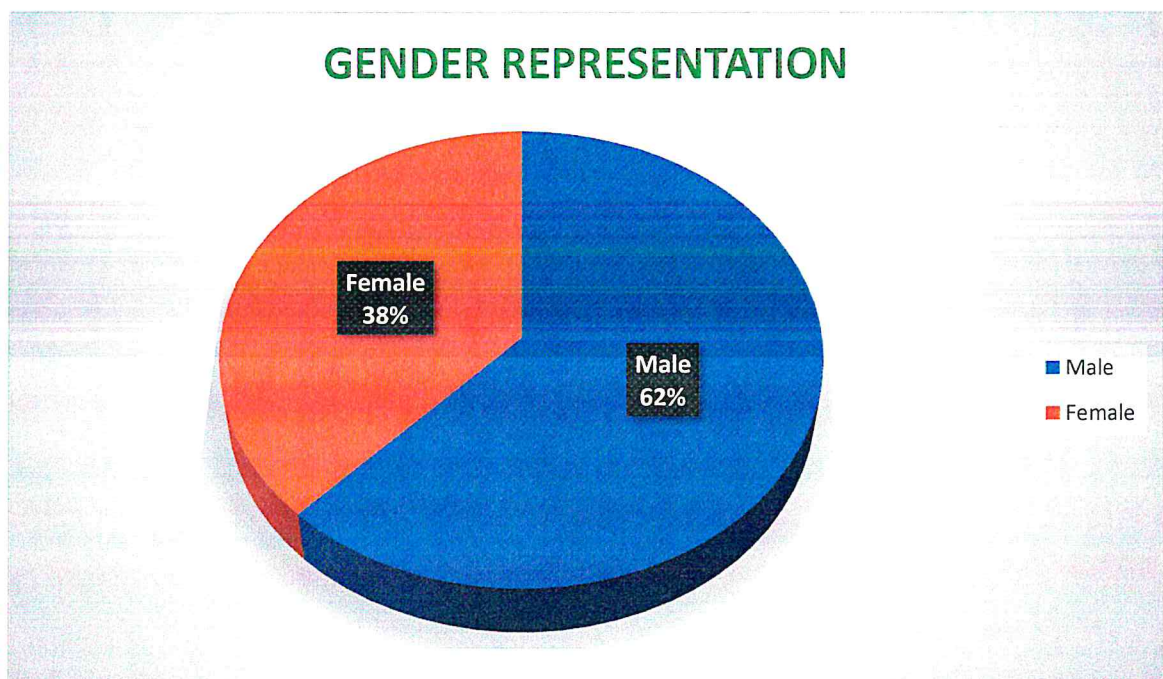


## AGE REPRESENTATION



64. KEMSA has three hundred and forty-nine (349) male staff members and two hundred and thirteen (213) female staff employees translating to 62% and 38% respectively, achieving the two thirds gender rule.

## GENDER REPRESENTATION





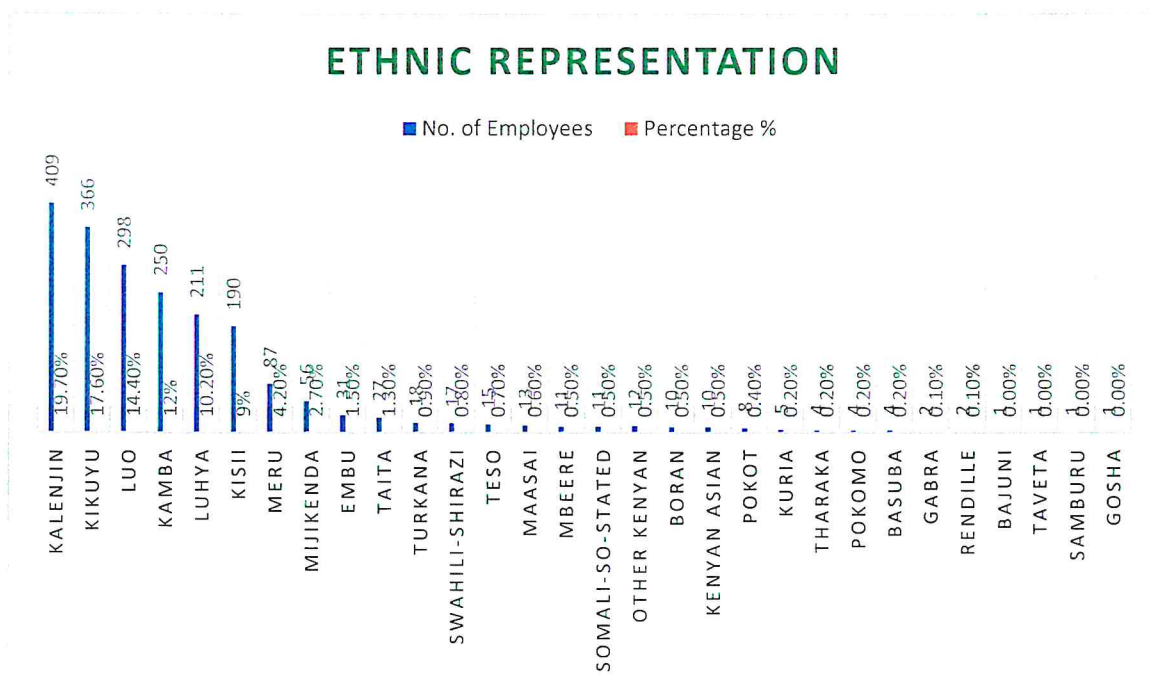
65. The Authority has employed only twelve (12) PWDs translating to 2.1% which falls short of the requirements stipulated in Article 54 (2) of the Constitution.
66. In the ratio between National population and employment proportion, the Sabaot community is over-represented with a positive variance of 4.31%.
67. Promotions done in KEMSA in the last five (5) years, the Luo community dominated at 23.3% out of the two hundred and sixty-two (262) employees promoted.
68. KEMSA faces the challenge of limited establishment which impedes its ability to recruit additional personnel to meet diversity requirements fully. The Authority plans on mitigating this challenge by actively engaging in enhancing the efficiency of its Human Resource Instruments.

**Measures put in place to enhance work environment for PWDs**

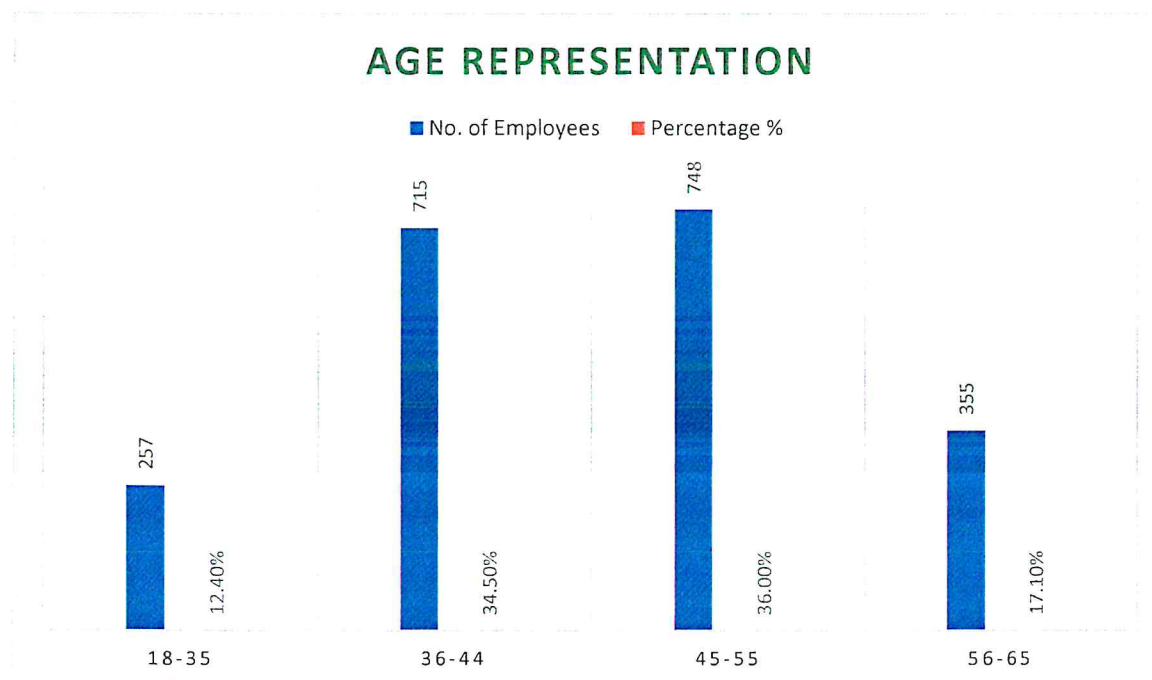
- i. It has prioritized accessibility for PWDs by implementing ramps, lifts and essential utilities.
- ii. KEMSA's subsequent recruitments will prioritize PWDs.
- iii. The Authority's warehousing operations are undergoing modernization and mechanization, which will facilitate the employment of more individuals with disabilities in warehouse settings.

**7. KENYA MEDICAL TRAINING COLLEGE**

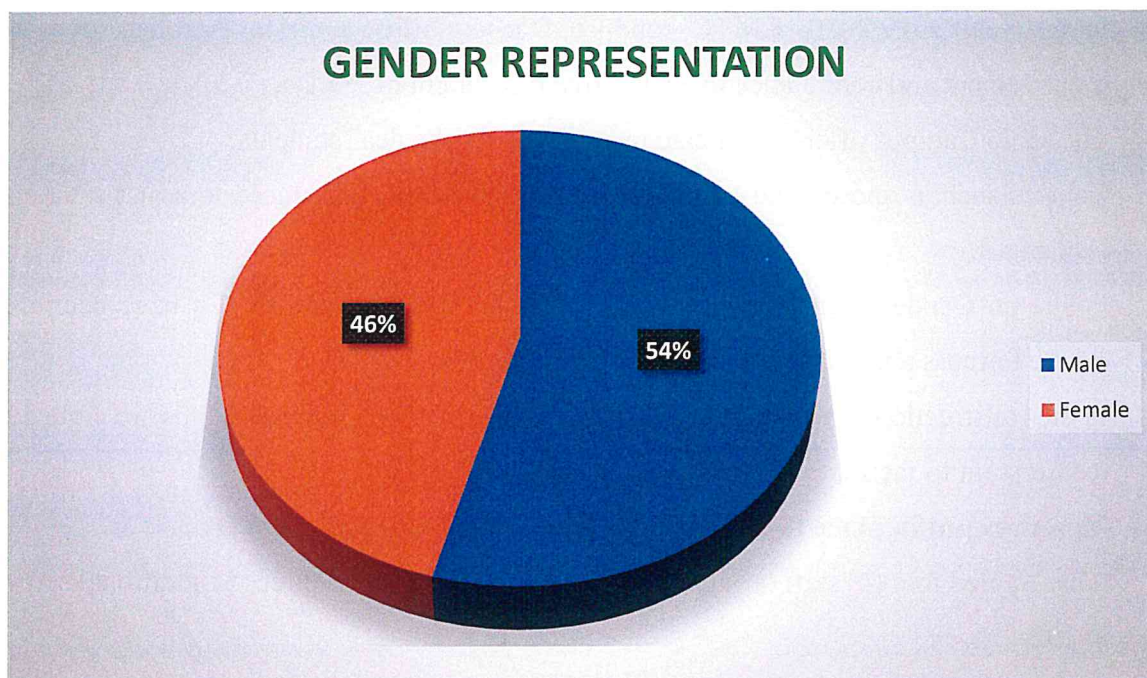
69. The Kenya Medical Training College (KMTTC) is a State Corporation established under Section 3 of the KMTTC Act (Cap 261) of the Laws of Kenya and falls under the Ministry of Health.
70. The Chief Executive Officer (CEO), Dr. Kelly Oluoch appeared before the Committee on Friday, 1<sup>st</sup> March 2024 and made the following submissions:
71. Currently, KMTTC has an in-post of two thousand and seventy-five (2,075) employees. Thirty (30) out of forty-six (46) ethnic communities which is contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. Majority of the staff are from one (1) community namely, the Kalenjin at 19.7%. At Senior Management Level, only seven (7) out of the thirty (30) ethnic communities are represented.



72. In analysis of the age composition, majority of the staff fall within the age bracket of 45-55 years with seven hundred and forty-eight (748) employees translating to 36%.



73. KMTC has employed one thousand, one hundred and twenty-six (1,126) male staff members and nine hundred and forty-nine female staff members translating to 54% and 46% respectively, achieving the two thirds gender rule.



74. The College has employed forty-one (41) PWDs translating to 2% which falls short of the requirements stipulated in Article 54 (2) of the Constitution.

75. In the ratio of National population and employment proportion, the Kalenjin community is greatly overrepresented with a positive variance of 6.3%.

76. Promotions done in the last five (5) years at KMTC, the Kikuyu community dominated at 19.6% out of the nine hundred and sixty (960) employees promoted.

#### **Challenges faced in promoting diversity**

- i. Lack of enough funding to recruit from marginalized areas following the freezing of employment from public service.
- ii. Lack of requisite qualifications during recruitment.
- iii. Lack of students with hearing disabilities who are interested in taking up the certificate in nutrition course established at the Molo campus.

#### **Mitigation measures to curb the challenges**

- i. KMTC has created an office for resource mobilization to source for funding.

- ii. The College in a bid to mainstream PWDs liaises with NCPWD during advertisements of any job openings.
- iii. It has established a Disability Mainstreaming Desk and Committee that ensures the welfare of PWD.
- iv. In the year 2019/2020, KMTC conducted accessibility audit to establish areas that require improvement and compliance to enable free movement of PWDs.
- v. The Molo Campus offers certificate in nutrition for the deaf students.
- vi. Courses such as speech and language therapy have been introduced to assist students with such challenges.
- vii. Policy on Gender Mainstreaming, Gender Based Violence and PWDs have been developed to ensure fairness and inclusion in the College activities.
- viii. In the construction of new buildings in the College, features such as ramps are embedded as a key requirement to facilitate the movement of PWDS.

**Measures put in place to enhance the work environment for PWDs**

- i. It has trained four (4) staff on sign language and has sponsored three (3) additional staff for training in 2024.
- ii. KMTC has institutionalized affirmative action programmes to ensure PWDS are mainstreamed.
- iii. PWDs are considered during trainings.
- iv. Provision of ramps, lifts, toilets and reserved parking for PWDS.
- v. Service charter has been translated to braille and sign language.
- vi. Provision of friendly furniture e.g., orthopedic chairs.
- vii. The College in liaison with the NCPWD advertises job openings to Fuzu.com to enhance access by PWDs.

## 6.0 GENERAL OBSERVATIONS

77. Arising from the submissions made, the Committee made the following observations: That

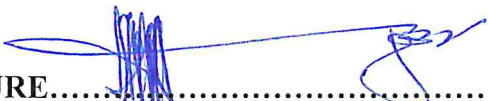
- 1) All public institutions sampled in the report reveal **significant ethnic imbalances** by having concentrated **staff representation from a single ethnic community**, with MTRH having the **highest representation** of the **Kalenjin community** at **66.62%**. This demonstrates lack of inclusivity, potentially alienating minority and marginalized communities.
- 2) **None** of the reviewed institutions have **successfully complied** with the Constitutional mandate stipulating the **requirement of at least 5% representation of Persons with Disabilities (PWDs)**, with KIE having the **lowest representation** at **0.97%**. This not only suggests a compliance issue but also as an environment potentially perceived as unwelcoming to PWDs.
- 3) Some of the institutions reported extremely **low representation of the youth** indicating systemic barriers preventing the young people from accessing employment opportunities in the public sector, with KEMSA having the **lowest youth representation** at **1.4%**. This **undermines Article 55 of the Constitution** which stipulates the commitment to youth inclusion and also severely impacts succession planning.
- 4) Most institutions **meet the two-thirds gender rule** except LVNWWDA with a **representation of women at 28%**. Furthermore, **women remain disproportionately concentrated in lower cadre jobs** reducing their influence and visibility in decision-making roles. This raises concerns about gender parity and empowerment within these public institutions.
- 5) Institutions reported **limited applications from marginalized communities** yet there appears to be **insufficient affirmative actions** to encourage greater participation from these groups. This highlights institutional inertia and entrenches systemic inequalities.
- 6) Data on **promotions** consistently showed a **preference for dominating communities** within institutions, with LVNWWDA having the **highest representation** of the **Luhya community** at **66.7%**. This **limits career advancement opportunities** for minority ethnic groups embedding structural inequalities within public sectors.



## 7.0 GENERAL RECOMMENDATIONS

78. The Committee made the following recommendations: That within **six (6) months** of the adoption of this report:-

- 1) Public institutions that fail to show improvement in recruitment compliance within a year of appearing before the Committee should have their CEOs held accountable. Legal action should be initiated in line with Articles 10, 27, 56 and 232 of the Constitution, the Public Officer Ethics Act, CAP. 185B and the Leadership and Integrity Act, CAP. 185C.
- 2) The Public Service Commission (PSC) should prepare regular quarterly reports and annual audits to assess how public institutions reflect ethnic diversity, and submit to the National Cohesion and Equal Opportunity Committee for reviewing, tracking progress and ensuring that all Kenyan communities are fairly represented and included in public sector.
- 3) The National Council for Persons with Disabilities (NCPWD) should conduct semi-annual audits to evaluate the representation and inclusion of PWDs within public institutions, and present the reports to the National Cohesion and Equal Opportunity Committee for oversight and guidance.
- 4) Public institutions need to work closely and proactively with NCPWD, developing effective recruitment strategies and initiatives aimed at achieving full compliance and inclusion of PWDs across public sectors.
- 5) The Public Service Commission (PSC) should establish clear, transparent and standardized criteria for employee promotions to eliminate biases favouring dominant communities. This will create an equitable promotion system where all employees regardless of their community background, have equal and genuine opportunities for career advancement based solely on merit and qualifications.

SIGNATURE..........DATE 29/04/2025.....

HON. YUSSUF ADAN HAJI, DSM, CBS M.P

CHAIRPERSON, COMMITTEE ON NATIONAL COHESION AND EQUAL  
OPPORTUNITY

