

## COUNTY GOVERNMENT OF KISUMU



### COUNTY ASSEMBLY OF KISUMU

## **THE HANSARD**

### SECOND ASSEMBLY – FOURTH SESSION

Wednesday, 11<sup>th</sup> March, 2020

House met in the Main Chamber at 09:00 a.m.

(The Temporary Speaker (Hon. Seth Okumu) in the Chair)

### PRAYERS

**The Temporary Speaker** (Hon. Okumu): Thank you Hon. Members, I want to refer you to the provisions of County Assembly Standing Orders No. 32 (2), I want to request the Serjeant-at-Arms to ring the quorum bell for five minutes.

*(Quorum Bell is rung for five minutes)*

*(House resumes sessions after attaining the required quorum threshold)*

**The Temporary Speaker** (Hon. Okumu): Thank you Hon. Members, I want to request the Chief Whip if we have Quorum in the House.

**Chief Whip** (Hon. Misachi): Thank you Mr. Speaker. I can confirm that we have the required quorum to commence business.

**The Temporary Speaker** (Hon. Okumu): Thank you Hon. Members, I want to refer you to Standing Orders No. 30 and it states;

***Resumption of interrupted business***

**30.** Any debate interrupted under this Part shall on coming again before the County Assembly or the Committee, be resumed at the point where it was interrupted and any Member whose speech was so interrupted shall have the right to speak on such resumption for the remainder of the time available to him or her but if such Member does not avail himself or herself of this right, his or her speech shall be deemed to have been concluded.

Hon. Members, for that reason yesterday we were on motion and we are supposed to have a Committee Report from the Committee of Labour and Social Welfare on Promotion and Re-designation of Health Workers in Kisumu County by Hon. Beatrice Odongo and I want to direct from where she left.

**MOTION**

(RESUMPTION OF INTERRUPTED BUSINESS OF TUESDAY, 10<sup>TH</sup> MARCH, 2020)

REPORT FROM THE COMMITTEE OF LABOUR AND SOCIAL WELFARE ON  
PROMOTION AND RE-DESIGNATION OF HEALTH WORKERS IN KISUMU COUNTY  
BY HON. BEATRICE ODONGO

**Hon. Beatrice Odongo:****1 INTRODUCTION****1.1. Preamble****1.2. The Mandate and the Composition of the Committee**

The sectoral Committee of Labour and Social Services is established pursuant to the provisions of the Standing Orders No. 193 of the County Assembly of Kisumu which states that:

Standing Order No. 193.

(1) There shall be select Committees to be known as Sectoral Committees the Members of which shall be nominated by the County Assembly Business Committee in consultation with County Assembly parties at the commencement of every County Assembly.

**1.2. Legal Framework, and the Functions and Responsibilities of the Committee**

The committee's role is further anchored in the provisions of Kisumu County Assembly Standing Orders 193 (5)

(5) The functions of a Sectoral Committee shall be to-

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) study and review all County legislation referred to it;
- (d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (f) to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (*Committee on Appointments*) ; and
- (g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

### 1.3. The Composition of the committee

The committee as currently constituted comprises the following;

1	Hon. Beatrice Odongo	Chairperson
2	Hon. Consolata Ollows	Vice Chair
3	Hon. Vincent Jagongo	Member
4	Hon. Samson Ameso	Member
5	Hon. Jacktone Ogendo	Member
6	Hon. Jennipher Obonyo	Member
7	Hon. Prisca Misachi	Member
8	Hon. Florence Olang'o	Member
9	Hon. Habil Nyasuna	Member
10	Hon. Julius Genga	Member
11	Hon. Caren Muga	Member
12	Hon. Johnson Guya	Member
13	Hon. Benny Pete	Member
14	Hon. John Atieno	Member
15	Hon. Inviolata Adhiambo	Members

### 1.3. Committee Meetings

The committee held \_\_\_ meetings to deliberate on the issue of the proposed promotion and re-designation of Kisumu Health workers.

Committee also invited the representatives of the Kisumu County Public Service Board to appear before it to respond to the issues raised. The following members of the board appeared before the committee:

1. Babu Karan – Chairman, Kisumu County Public Service Board
2. Hesborn Hongo – Secretary, Kisumu County Public Service Board

### 1.4. Acknowledgement

The committee wishes to thank the Speaker of the County Assembly of Kisumu and the clerk of the Assembly for the goodwill extended to the committee to fulfill its mandates and to carry out its activities.

The committee also appreciates the role and contribution of all members of staff who have been instrumental during the whole process culminating in the production of this report.

## 2.0 THE PROPOSED PROMOTION AND RE-DESIGNATION OF KISUMU HEALTH WORKERS

### 2.1 Background

Mr. Speaker,

On \_\_\_\_\_, a petition/motion/notice was forwarded/read/given to the House regarding the matter of the promotion and re-designation of health workers in the employ of Kisumu County government.

There major concern of the above was with regard to the delay in the implementation of an agreed upon framework between health workers union representatives and the Kisumu Government over the matter of the promotion and re-designation of health workers. There was concern that the government of Kisumu County was renegeing on its commitment to the health workers and their representative.

The committee vide the letter Ref CAK/CGK/10/2019/052(Annex 1) of 23<sup>rd</sup>October, 2019 sought the input of the Kisumu County Public Service Board in the matter.

The Kisumu County Public Service Board responded to the committee on 28<sup>th</sup> October vide the letter Ref KCPSB/25/10/19 with the assurance that the issue of the promotion and re-designation of health workers was being attended and that the exercise was subject to the availability of funds. The board further indicated that the exercise would be carried out contingent to the running agreement between the County Government of Kisumu and the County Health Workers Union. Which agreement was signed on 26<sup>th</sup> September, 2019.

The committee not being satisfied with the response given by the board in the letter wrote to the board requesting them to appear before the committee on 29<sup>th</sup> October, 2019 in order to explain themselves further.

The Board obliged the committee and sent two representatives who appeared before the committee on 29<sup>th</sup> October, 2019.

Making appearance was the Chair of the Board, Mr. Babu Karan and the secretary to the board Mr. Hesborn Hongo.

## 2.2. Submission of Kisumu County Public Service Board

### 2.2.1. Promotion and Re-designation of Health Workers

The representative of the board explained to the committee the genesis and the status of the current prevailing stalemate on the promotion and re-designation of health workers in Kisumu County.

He presented to the committee the series of correspondence between the Board and the County Executive in the matter. The thetrail of correspondence is presented as below:

1. On 11<sup>th</sup> June, 2019, the County Secretary's wrote to the Public Service Board[correspondence Ref CGK/CS/HRM/PRL/06/19 (013)] while addressing the CEO/Secretary of the Board. The letter served to give notice on of promotion of 124 doctors.
2. Board Secretary's responded on the same date vide the letter Ref: KCPSB/06/11/2019 – informing the County Secretary that the correct addresseeon theissue of promotion was the Human Resource Advisory committee which was supposed to deliberate and adopt the proposed promotions before presenting them to the board for further action.
3. On 20<sup>th</sup> June, 2019, the County Secretary vide the letter Ref: GK/CS/HR/GEN/06/19 (024)requested for advisory on accelerated promotion of doctors.
4. On 20<sup>th</sup> June, 2019 County Secretary's letter Ref: GK/CS/HR/GEN/06/19 (026)forwarded the list of medical personnel scheduled for promotion as approved by the County Human Resource Advisory Committee

5. The County secretary in the letter of 10<sup>th</sup> July, 2019, Ref: GK/HRM/CS/PRL/07/2019 (020) confirmed to the Public Service Board that the funds for the promotion of doctors and all staff had been factored in the budget of FY 2019/2020 thus giving the Board the free-hand to initiate the promotion process for all workers.
6. County secretary letter of 10<sup>th</sup> July, 2019, Ref: GK/HRM/CS/PROM/07/2019 (028) addressed to the Secretary/CEO of the County Public Service Board. The letter addressed the issue of approved promotions for the various departments.
7. The Public Board Secretary's letter of 18<sup>th</sup> July, 2019 – Ref: KCPSB/29/07/2019 sought clarification over the establishment of Job group 'Q' and above which was a new category of Job groups in the list forwarded by the County Secretary of personnel to be considered for promotion.
8. The 10<sup>th</sup> July, 2019, the County Secretary communicated to the Public Service Board vide the letter GK/HRM/CS/PROM/08/2019 (001) objecting to the accelerated promotions with the additional recommendation that the board only allow for the promotions for employees for only one level upwards. This new instruction was informed by the specter of an unmanageable level of the wage bill that such accelerated wage bill would have generated if fully implemented yet the County management did not have the funds to cater for the increment in the new pay structures.
9. County secretary letter of 30<sup>th</sup> July, 2019, Ref: GK/HRM/CS/PROM/07/2019 (032) in response to the letter Board secretary letter of 18<sup>th</sup> July, 2019 regarding the establishment of Job Group 'Q'. The County Secretary indicated that the Executive had approved the structures for Job Group 'R' and above for the department of Health and Sanitation. The County Secretary however, informed the Board secretary that the Executive was yet to approve the structures for the positions for Job Q and below as the various county departments had not submitted their proposals for the same.
10. On 13<sup>th</sup> September, 2019, the County Secretary wrote communicated to the Public Service Board vide the letter Ref: CGK/HR/CS/GEN/9/2019/(009) informing the Public Service Board that the Executive could not implement fully the promotion and the re-designation of the health workers as recommended by the County Human Resources Advisory Committee. The County Secretary thus recommended the approval of 60 officers for re-designation while rejecting the re-designation of other one hundred and nine (109) officers.

### 2.2.2 Emerging Issues

In their submission before the committee, the chair and the secretary of the Kisumu County Public Service Board, further drew the attention of the committee to the following emerging issues:

The Board was not party to the haphazard and unstructured fashion in which the remuneration and promotion of workers in the health docket was being managed.

The board was a late entrant into the whole fray of the promotion and pay increment for workers in the health sector. The board was in most instances only being coopted into the matter after the signings of Collective Bargaining Agreement (CBA) between the County Government and the Workers Union or after court actions ordering the County Government to effect certain conditions or remuneration regime. The chairman of the board indicated that whenever the Board applied itself implementing the said agreements or court orders, they had to contend with the failure as the County Government was often not in position to implement the same when the financial implications were factored into the action.

The Board was often times not consulted by the various departments of the County Government in labour matters which naturally contributed to the challenges ensuing in the implementation of the labour actions so pursued by the departments without the input of the Board.

### 3 COMMITTEE OBSERVATIONS

Mr. Speaker,

Members,

1. On 26<sup>th</sup> September, 2019, the County Government of Kisumu signed a Collective Bargaining Agreement (CBA) with the representatives of health workers in Kisumu through their union. The agreement spelt out the details of remuneration, promotion and re-designation of the personnel working in the health sector under the employ of the Kisumu County Government. This CBA became the genesis of the petition against the county government of Kisumu for failing to implement a framework for the promotion and the re-designation of health workers in the county.
2. The committee sought to the input of the Kisumu County Public Service Board which is supposed to implement all recommendations and policies on remuneration as presented by the County Government.
3. During the committee's investigation of this matter was not made clear if the County Government presented to the Board the details and particulars of the CBA detailing the agreement between the health workers and the Kisumu County Government.
4. It was also apparent that the input of the Kisumu County Public Service Board was not sought during the drafting and the signing of the CBA.
5. The County Government refused to implement the above CBA for reason of there being no allocation in the budget for FY 2019/2020 to accommodate the increment in remuneration and the re-designation which had upward financial implications.

6. The County Government refused to implement the above CBA for reason of there being no allocation in the budget of FY 2019/2020 accommodating the increment in remuneration and the re-designation, all which had upward financial implications.
7. When signing the CBA with the health workers the County Government of Kisumu either deliberately due to willful ignorance or abject incompetence or cynical manipulation of the situation did not at any point consider that financial implications arising out of the signing an agreement which by its very nature engendered a certain amount of improvement in the workers remuneration regime.
8. The County Government and representatives failed to include the Kisumu County Public Service Board in all of its deliberations with the health workers but still went ahead to forward to them recommendations which they knew were not implementable.
9. There is an apparent lack of structured communication framework between the County Government of Kisumu executive and the other arms and departments of the county as is evinced in the uncoordinated and erratic communication between the County Secretary and the Board as well as the Health Department representatives.

#### 4 COMMITTEE RECOMMENDATIONS

The committee wishes to make the following recommendations:

THAT, the following persons appear before the committee in order to shed more light on the issues of the promotion and re-designation of health workers in Kisumu County.

- i) The County Secretary
- ii) The County Service Board - The Chair and the Secretary
- iii) CECM for Health

THAT, the appearance of the above is necessary to enable the committee to prepare a competent report that will be presented to his house for further action.

THAT, the committee liaises with the Health committee in order to investigate all the matters currently affecting the health sector in the county for the purposes of finding a lasting solution which if possible can even be legislated by this house to prevent future recurrence.

#### 5 CONCLUSION

Mr. Speaker, Members of the House

The issue of promotion and re-designation of health workers as has been presented by this report is but a small aspect of the runaway malaise that has infected the health sector in Kisumu County.

In fact, to borrow a medical expression, the health sector in Kisumu has been subjected to a systemic necrosis of its vital organs which has rendered its functions and operations acutely morbid and worryingly ineffectual.

Mr. Speaker,

As we are all aware, the right to good medical care is a fundamental right accorded to each citizen of this country in the Bill of Rights. To ensure that this right is effectively afforded to the citizenry of this country, medical care was devolved. The devolved units thus empowered and tasked with the onerous duty of ensuring the right to medical care is attended to without let or hindrance.

However, experience with the crisis in the health sector in Kisumu County has assumed a threat of existential proportions thereby curtailing the very rights of the people of Kisumu to access of medical care as enshrined in the constitution. So severe is the situation that a commentator lending his voice to the issue, referred to Kisumu as the 'sick county of Kenya'. It is not a flattering moniker or assignment.

Mr. Speaker, with the piloting of the Universal Health Care program in Kisumu, the general expectation of the people of Kisumu was that the persons in charge of managing the county's health affairs would respond by getting their act together to ensure that the UHC program is successful.

That the county cannot streamline its management of health workers affairs to effect promotion or re-designation of workers is a sad commentary on our abject unpreparedness towards handling the heightened demands of the UHC program.

It is also an indictment of our lack of fidelity to the requirements of the constitution which is the foundational operant guideline directing the need for universal provision of health care as a fundamental right.

We would be remiss in our duties as citizen of this county if we failed to address ourselves to this matter of the health crisis in the county with some germane alacrity and seriousness of purpose with the driven purpose of finding a lasting and implementable solution.

We would be tragically remiss as representatives of the people of Kisumu County if we failed to exercise our oversight mandate by not putting to task the parties entrusted with the management of health affairs of the county

Beginning with the search for solution to the intractable matter of health workers promotion and re-designation, this committee wishes to pursue further all the avenues that will ensure that all

stakeholders are roped-in in an all-inclusive platform which will address the challenges facing the health sector in the county.

The committee also commits itself to bringing to heel all the wayward officials of the county who have not applied themselves honorably or effectively to ensure that health matters are attended to with the deserved seriousness.

It is therefore my honor and privilege, on behalf of the Committee of Labour and Social Services to present this report before this Honorable House for consideration. May I call upon the Chief Whip, Hon. Misachi to second?

**Chief Whip** (Hon. Misachi): Thank you Mr. Speaker. I stand to second the report from the Committee of Labour and Social Welfare and I would like to state the following. That this is a detailed reports which was as a result of those meetings we held with the Chief Officers and the County Secretary a lot of things came out and I believe that when the CS was leaving it ended up to be an eye opener and we are moving in the right direction .

Mr. Speaker, being a member of this Committee I would support the Report and equally appeal to Members of this August House to adopt this report so that after that we can follow it to the letter by giving it to the Chair of Implementation to follow-up on our resolutions and those of the Board and those of the Chief Officers. I second.

**The Temporary Speaker** (Hon. Okumu): Thank you Hon. Members. The Sectoral Committee on Labour and Social Welfare has brought to this House the Report on the Status of Implementation of Promotions and Re-designation of Health Worker in Kisumu County for adoption. This report has been ably moved by the Chairperson and seconded by the Chief Whip. I now open this report for debate and adoption?

**The Temporary Speaker** (Hon. Okumu): Yes Hon. Samo.

**Hon. Samo:** Than you Mr. Speaker. I want to congratulate the Committee Chair of Labour and Social Services for a detailed report that has been read in this House.

However, Mr. Speaker, I would wish to encourage the Chair to look into sections that I tried to highlight to her yesterday which I believe has been omitted and very critical in this report. Mr. Speaker, we need to dig deep into the Health Sector. Somewhere, last year, towards the month of October, 2019 some of the nurses were given letters to commence working in this County in the Locum Status and the contracts were to run for one year. However, half of them were Re-designated to various places. Mr. Speaker, it is sad to note that as from October, 2019 to date they have not been paid their dues. Some of them are personally known to me because I remember of a nurse called Lameck who was working in Migori. He moved from Migori having

seen this opportunity moved to Kisumu. I just wanted to request the Chair to dig deep into this matter so that it be part of this good report.

Secondly, a good number which is the second half of what I am talking about were issued with letters but...

**The Temporary Speaker** (Hon. Okumu): Order!! Hon. Samo. You have brought a very important issue which I am inclined to believe is different from what is being discussed but I feel needs to be handled. I want to advice you that you bring it in the form of a Statement so that the Committee can tackle it differently so that they don't mix issues when responding to this report with a different statement.

**The Temporary Speaker** (Hon. Okumu): Please proceed Hon. Samo.

**Hon. Jagongo:** On a Point of Order. Thank you Mr. Speaker. I just to inform the House that this report was for a Joint Committee of Health and Labour. There are sections of this that will be tackled by the Labour Committee and there is the other section to be responded to by the Health Committee. So, the bit to be tackled by the Health Committee is coming up for hearing tomorrow. So, this report is in two parts because there are issues missing in the Labour Report which will be responded to by the Health Committee. Thank you.

**Temporary Speaker** (Hon. Okumu): Thank you Chair for Health for the clarification. Honourable Member for Kajulu Ward.

**Hon. Samo:** Thank you Mr. Speaker. I have been advised by the Chair of Health and I would wish to wait and see what will come on that. Otherwise, I would want to thank the Chair of Labour for bringing this report because we can now see the promotions that we were talking about. I hope the Finance will follow the same. We must solve the problems in the Health Department once and for all. I support the report. Thank you.

**Temporary Speaker** (Hon. Okumu): Yes Hon. Agolla.

**Hon. Agolla:** Thank you Mr. Speaker. I want to add my voice by supporting the report from the Labour Committee. As a County we are concerned on how best we can improve Health Sector. I want to commend the Labour Committee and this is the only way we can go as an Assembly. We have done our work of legislation by appropriating funds to take care of the Personal Emoluments and Promotions that has been taken by the Service Board. We believe staffs will be paid. A comprehensive report like this needs to be adopted and the County moves forward. I support.

**Temporary Speaker** (Hon. Okumu): Yes Hon. Chair Health Committee.

**Hon. Jagongo:** Thank you Mr. Speaker. I want to thank the Labour Committee for a job well done. I also want to echo my voice that looking at the report, it clearly shows that there a

problem with the flow of funds from the Finance Department to the Health Department and that has been an obstacle in the performance of work in the said department. I want to request this House to compel the Executive to implement the Kisumu County Health Bill, 2019.

The Bill clearly shows how the cash should flow and how service should be delivered. I believe if we put the report into practice, then, we shall be able to help a lot. I want to thank the Service Board for the good work and I want to urge them to promote the number that is remaining. I support. Thank you.

**Temporary Speaker** (Hon. Okumu): Yes Hon. Leader of Majority.

**Leader of Majority** (Hon. Onyango): Thank you Mr. Speaker. Thank you so much Mr. Speaker. Allow me to support this report and reiterate what my colleagues have said that this is a report that is so detailed. This is a report that tries to diagnose what has been ailing the Health Sector. I am happy the promotions have been done albeit late and I want to hope that the remaining cadres of the health staff that have not gotten their promotions will be worked on so that this frequent go slow in the health sector can be a thing of the past.

Mr. Speaker, I want to say that the Health Department is a very critical docket in our County because of the very important service that it offers to our people. The Chair while giving the report, did mention that the malice in the health sector is not just about the promotions and the re-designation. She did mention that malice is much deeper and it encompasses even the issue of structure of the Health Department so far as responsibilities are concerned. This is a matter that probably the Assembly needs to decide on because at times when you put two cockerels in a house then they will not stop to fight.

Mr. Speaker, the issue of the Chief Officers I don't know if it has now been dealt with because it was also reported that it is a source of conflict. I would wish that that be looked into so that we don't have two centers of power because the duty of the Chief Officer is very critical and if there is no proper flow of authority then that may continue to plunge us into chaos. It is very important that the department becomes sensitive of the health workers. If these people stop working even for a day then thousands of our people will suffer. At times these issues can be sorted amicably. We wish that the department develops more proactive approach in solving some of the issues that keeps on emerging.

Mr. Speaker, procrastination is a very bad thing. If these issues can be solved the way they come, then probably we would have not been witnessing the kind of go slows we are witnessing in the recent past. I hope we shall not be seeing the go slow again in the County because it portrays the County in very bad light. Otherwise, I would want to appeal to the Health personnel that, let them also take self-interest. Sometimes if there is a salary delay even for one month, then there is a go slow. We have got information that in the neighboring County of Kakamega, they had two months' salary delay and we never saw the go slow. Ours is a little bit too frequent. There are

ingredients that ignites this kind of go slow. Otherwise, the County must look into your welfare. Agreements that are signed must be honored. Yes, it is our rights but we must exhibit certain little of responsibility. Thank you.

**Temporary Speaker** (Hon. Okumu): Yes Hon. Ken Ooko.

**Hon. Ooko:** Thank you Mr. Speaker. I can hear Members praising the report but there are two areas I want to debate on. We have got Health Workers who have been contracted by County Government of Kisumu and I have a feeling that they should have been confirmed. Two, if you look at page eleven; it's about timely payment of salaries. I want to confirm that today is 11<sup>th</sup> March, 2020, these workers have not received their salaries. What is in the report should be implemented so that we don't experience any go slow. Thank you.

**The Temporary Speaker** (Hon. Seth Okumu): Thank you so much Hon. Ken. I want to refer you to a letter dated 28<sup>th</sup> February, 2020, and it says confirmation of Staff by the County Service Board, and it reads;

We refer to letter CGK/HRM/CS/APPT07/2019/21 dated 12<sup>th</sup> July, 2019 and Reference CGK/CS/HRM/GEN11/19023, dated 28<sup>th</sup> November 2019 of the above subject, forwarded here; Please find list of copies of Letters of Confirmation of 377 Health Workers for your further action attached. In this list, the letter is talking about Members confirmation list. Are you referring to this list or a different list from the confirmation list we are presented with in this Report? I need your clarification so that the chair is clear on what you intend for her to do after this.

**Hon. Genga:** Thank you very much Mr. Speaker. Which page are you referring to on the Report?

**The Temporary Speaker** (Hon. Okumu): I was referring to the last list of names.

**Hon. Genga:** Okay, what I am aware of is that there are health workers that were contracted for 3 months, then for 6 months, and later for 3 years but until today they have not been confirmed.

**The Temporary Speaker** (Hon. Okumu): Thank you. I think Honourable Chairperson; you have heard what has been said therefore, you can coordinate with Hon. Ken so that you follow up on that claim for clarity in order for these health workers to get what they rightfully deserve.

Before I give chance to Hon. Arao, I want to recognize the presence of Honourable Members from Kwale County Assembly as well as the Members of the Committee for Labour. I am yet to receive their names in details. Nevertheless, welcome to Kisumu County Assembly plenary session.

**Hon. Arao:** I want to be categorical in saying that this report on the Welfare of our Health Workers has been done with a lot of keenness. I commend the Committee for such a wonderful

job. However, I have some reservations on the same. Even as I support this report, I want to refer you to a time when we were visiting these hospitals when I realized that we only have very few areas that need improvement. Apart from the promotions, the health workers also need motivation. There were issues regarding statutory deductions, which some of these health workers raised on the fact finding. I think Kisumu County is doing well and with improvement on these minor issues for our staff or those working in the Health sector, there will be a reduction of strikes often witnessed. Another contentious issue was on late payment of salaries.

**The Temporary Speaker** (Hon. Okumu): Order Hon. Arao.

**Hon. Arao:** Mr. Speaker, kindly allow me to finish my submission

**The Temporary Speaker** (Hon. Okumu): Hon. Arao, could you please take your seat and listen to my guidance. Thank you. The Report we have is on Re-designation and Promotion of Health workers.

**Hon. Arao:** I know Mr. Speaker.

**The Temporary Speaker** (Hon. Okumu): Please take your seat Hon. Arao. Thank you. I want to guide Honourable Members. We have a Report on Promotion and Re-designation of Staff. I know that there are probably several issues you need to address but it is not in order to sneak them in the Report because it might make the Honourable Chair to omit them when she is answering. If you have other issues that you feel are affecting the Health Sector and need to be addressed by either the Labour or by the Committee for Health, let them be clearly stated. However, mixing up these issues with the Report on Re-designation and Promotion will give some Members an impression that we have actually solved them but that is false. Therefore, restrict your statements on the presented Report. Thank you and you can carry on Hon. Arao.

**The Temporary Speaker** (Hon. Okumu): Yes Hon. Chief Whip!

**Hon. Misachi:** *On a Point of Information.* Thank you Mr. Speaker. I want to inform the House that it is our concern as a Committee and as a House to iron out any little issue affecting our Health Department. We have even formed an Ad hoc Committee to help curb all these issues affecting Health rather than bringing them up on the presentation of the Report on Promotions and Re- designation. Thank you.

**The Temporary Speaker** (Hon. Okumu): I want to reiterate my guidance to Members that let us restrict our motion to the Re-designation and Promotions of the Health workers. Nevertheless, I want to give Hon. Arao a chance to finish his submission but if he feels otherwise then he can allow me to give the chance to another Honourable Member.

**Hon. Ojuok:** Thank you Hon. Speaker, Hon. Arao has given me his chance. Do you allow me to carry on?

**The Temporary Speaker** (Hon. Okumu): Please do Hon. Philemon Ojuok.

**Hon. Arao:** I have donated my time to you

**The Temporary Speaker** (Hon. Okumu): Thank you Hon. Arao for donating your time.

**Hon. Ojuok:** Thank you Mr. Speaker. I want to congratulate both the Committee and the House and urge that the House continues in this line. Coupled with that, I commend the leadership for the redirection about the oversight. My confession today is that; it does not need even super Governor to work on their own without the House and oversight because the County is too big to be handled without these other little offices. The House itself also needs Committees to help it run its dailies and further scrutiny. What I can say is that it is quite unfortunate that the Committee was only limited to the Promotions and the Re-designation. The Department of Labour has a number of issues to address and I want to specifically commend them on this Report on Promotions and Re-designation. However, I would want them to clarify for me the issue of Confirmation of Workers who have been on contract since the year 2013. In addition, there seems to be lack of Human Resource Policy in terms of Promotions and Re-designation due to the haphazard promotion of people; some being promoted after 2 years whereas others after 10 years and the like.

**The Temporary Speaker** (Hon. Okumu): What is it Leader of Majority? Are you standing on a on a point of order?

**Leader of Majority** (Hon. Onyango): On a Point of Information Mr. Speaker.

**The Temporary Speaker** (Hon. Okumu): Whom do you want to inform?

**Leader of Majority** (Hon. Onyango): *On a Point of Information.* I want to inform the House that there is the issue of Confirmation, which the Honourable Members have been talking about. However, when an employee is contracted, there is usually a Contractual Term, which can be a Permanent or Contractual employment. In the current trend of the Kenyan Government...

**Hon. Ojuok:** Mr. Speaker, I made reference that the issue is referred to a committee for the committee to relook at that particular thing. Relooking means even checking those things that we are talking about. It doesn't mean that if they go there and find those people who were on contracts and I want to say that I have done management and there is nowhere you can contract somebody from 2013 to date and I know that the Leader of Majority has been in management of a school for quite some time. I was just saying that going by the good report that the committee has done, they should look at that part because they were looking at people who are already

employed and promoted but there are people who have been existing there but they have never been confirmed for those years. Thank you.

**The Temporary Speaker** (Hon. Seth Okumu): Thank you Hon. Philemon. I just want to guide you once again that the contract period rest with the employer and the employee and it is true you can have people running contracts from 2013 to 2020 as long as there is an agreement between the employer and the employee. What you mean by confirmation is when somebody is on probation then they have to be confirmed as employees. Otherwise, with regards to the people that you are saying have not been confirmed it would be better if you give us the specifics to the Chairperson so that they know that this clinical officer in this particular ward/hospital has not been confirmed and we follow up. When it is done in general then it is for her to follow up because she doesn't have the specifics of these people. What do you want to clarify Hon. Philemon?

**Hon. Ojuok:** Hon. Speaker I think that some of these things when you are talking about on contracts then we need to take about them in contexts. We are not talking about contracts like those ones of Chebukati but we are talking of contracts of a nurse. The reason as to why I was raising that to the committee is because they have more mandates since they look into it a number of times. There is a serious human resource issue and I will bring a statement on the human resource audit.

**The Temporary Speaker** (Hon. Okumu): Thank you. Make it specific on either chadors or individuals so that they follow up.

**The Temporary Speaker** (Hon. Okumu): Yes Hon. Obonyo.

**Hon. Obonyo:** Thank you Mr. Speaker, I wish to request you to call the mover to reply.

**The Temporary Speaker** (Hon. Seth Okumu): Thank you Hon. Obonyo. Yes Hon. Beatrice Odongo.

**Hon. Beatrice Odongo:** Thank you Mr. Speaker. Allow me to appreciate the Hon. Members who have supported the report. I have three issues to make clear. As the Committee of Labour we are not yet done with our work. When we talk of doing the Promotions and the Re-designations there are finances attached to it and I can remember vividly well on our Monday sitting in the absences of our Finance CEC, there was a communication between the CEC Health and the CEC Finance that we are still waiting for the letters to be brought to us and I believe that immediately we get the communication which was for the reduction of the budget from Kshs 250 million to Kshs 91 million. When the letters will be brought then, it will be taken over by the Implementation Committee to look into it in terms of the finances that are involved in the Promotions and Re-designations.

Allow me to inform the Hon. Members that are worried about the nurses who were given the contracts but have not been deployed. We were promised by the County Secretary that they are working on it with regards to the issue of finances. It is also involved with the issue of the salaries that was at Kshs 250 million and reduced to Kshs 91 million just through an email. So we are yet to confirm it immediately we get the budget that states that the budget was Kshs 250 million and we get the email that was forwarded to the CEC Health by the CECM Finance. I think that at that time the Implementation Committee will be able to summon the CEC Finance to make more clarifications on why the budget was reduced and yet we have promotions and re-designations that have been done.

Last but not least, allow me to inform the Members that when we talk of issues of health there have all done what we have done today and I am so happy that the Ad hoc Committee is also working on a report that will be more comprehensive having all the issues that affect the Health Department. I believe that the report will be taken to the Implementation Committee to ensure that we have a solution to issues affecting our Health Sector. I want to refer to what Hon. Philemon has said that as a Committee of Labour we currently have three statements that concerns issues of the payroll and issues of the staffing at the County Government. I want to promise you that as a committee, we are working on it and we are in touch with the County Secretary and the relevant Human Resource Department so that we get good answers and issues to know on why people talk of ghost workers and people who have been contracted for 6 years. I think that as a committee we will be able to give the report by 24<sup>th</sup> March 2020.

Without saying much, I want to appreciate the whole House and I want to believe that with the Chairperson of Implementation Committee and it is just unfortunate that the Vice Chairperson has not taken oath of office; I would like to request that he be given Oath of Office to resume duties. I want to request them to ensure that even the list of workers who have been put here to be promoted and re-designated; let them ensure that all letters are picked because the County Secretary are 82 letter lying in his office. Those letters should be picked so that we curb the menace of people going to strike and there is a law and a policy for the National Government that says that the public service workers should be promoted after the every 3 years depending on their chadors. Thank you.

**The Temporary Speaker** (Hon. Okumu): Thank you Hon. Beatrice Odongo. Hon. Members the Sectoral Committee on Labour and Social Welfare has brought a report on the Status of the Implementation of the Proposed Promotion and Re-designation of Kisumu County Health workers for adoption through Hon. Beatrice Odongo, seconded by Hon. Misachi and debated by Hon. Members. I therefore want to put a question on the adoption of the same?

*(Question put and agreed to)*

**The Temporary Speaker** (Hon. Okumu): Hon. Members the report on the Status of the Implementation of the Proposed Promotions and Re-designations of Kisumu County Health Workers has been passed today Wednesday 11<sup>th</sup> March 2020 at 10:28 Hours.

Hon. Members as I had earlier said that we have visitors in the House and for the purposes of Hansard records I want to recognize them by name. These are Hon. Members from Kwale County with the Secretariat; Hon. Fatuma Masito, Hon. Bakari Simba, Hon. James Dawa, Hon. Juma Masudi, Hon. Anthony Odindo, Hon. Mishi Mayumbe and Hon. Melda Nyakiti. The secretariat consist of; Lucy Waweru, Makiri Makiri, Mwanahamisi Maulid, Steve Moti, Cindy Habe and Seid Nzao. Thank you so much for visiting the County Assembly of Kisumu. We would have wished to talk in Kiswahili but we struggle to speak in that language but I believe when you come in the afternoon we have three Hon. Members who are good in that language.

**The Temporary Speaker** (Hon. Okumu): Next Order!

#### ADJOURNMENT

**The Temporary Speaker** (Hon. Seth Okumu): There being no any other business to transact, the House stands adjourned to today 11<sup>th</sup> March 2020 at 2.30 p.m.

*(House rose at 10. 35 a.m.)*

**Addendum**

*Zablon Otiende – Head of Department*

*Edward Odanga – Hansard Reporter*

*Fanuel Okode – Hansard Reporter*

*Patrick Okoyo – Hansard Reporter*

*Jacklyne Otieno – Hansard Reporter*

*Denis Onyango – Hansard Reporter*