



COUNTY GOVERNMENT OF KISUMU
COUNTY ASSEMBLY OF KISUMU
P.O BOX 86-40100, KISUMU

THIRD ASSEMBLY – SECOND SESSION
COMMITTEE ON LABOUR AND SOCIAL WELFARE SERVICES

COMMITTEE REPORT

ON

**THE PETITION BY MR. WILLIAM ODIDI ONDIGO AGAINST RABUOR SUB
COUNTY HOSPITAL ON THE MATTER OF ILLEGAL DISMISSAL WITHOUT PAY.**

SEPTEMBER, 2023.

Directorate of Committee Services
The County Assembly of Kisumu,
KISUMU.

TABLE OF CONTENTS

PREFACE	3
Background Information	3
Acknowledgement	5
1.1 INTRODUCTION	6
1.2 Background Information	6
1.2 Overview of the Petition	7
Statements of the Petitioner	7
The Project	8
1.3 Issues for Determination	8
1.4 Procedure Adopted	8
2.1 LEGAL FRAMEWORK AND LITERATURE REVIEW ON THE PETITIONS	9
2.1 The Constitution of Kenya 2010	9
2.2 The County Governments Act no. 17 of 2012	9
2.3 Employment Act, 2007 (Amendments 2012, 2014, 2022)	10
3.1 SUBMISSIONS BY STAKEHOLDERS	11
3.1 Raburu Sub County Hospital Management	11
3.2 Mr. William Ochi Ochi (Petitioner)	12
4.1 COMMITTEE FINDINGS	13
5.1 COMMITTEE RECOMMENDATIONS	15

PREFACE

Background Information

Mr. Speaker and Hon. Members,

Right to petition as enshrined in the Constitution of Kenya 2010/ County Governments Act 2012/
Standing Orders No. 210 of Kisumu County Assembly Standing Orders

On the 9th March, 2023, the County Assembly of Kisumu received a petition from one Mr. William Odidi Ondigo and it sought the indulgence of the County Assembly in addressing allegations against Rabuor Sub County Hospital in the matter of illegal dismissal without pay. The petition was reviewed and tabled before this House on 6th April 2023 after which it stood committed to the Committee on Labour and Social Welfare for legislative processing.

The committee has comprehensively reviewed, analyzed and legislatively processed the petition including but not limited to hearing from and receiving both oral and written submissions from the relevant stakeholder and petitioner. This report is therefore a documentation of the findings and recommendations of the committee in its quest to offer solutions to the prayers put forward by the petitioners.

Mr. Speaker and Hon. Members,

The Committee on Labour and Social Welfare is established pursuant to Standing Order No. 193 of the Kisumu County Assembly Standing Orders and is mandated to oversight over all matters relating to labour, trade union relations, manpower or human resource planning, gender, social welfare and National Youth Service.

Committee Membership

As is constituted by this House, the committee on Labour and Social Welfare is currently made up of the following members;

	Name	Designation
1.	Hon. Zack Okoyo	Chairperson
2.	Hon. Ken Ooko	Vice Chairperson
3.	Hon. Alice Wajewa	Member
4.	Hon. Benson Adegga	Member
5.	Hon. Eunice Alandoh	Member
6.	Hon. Mildred Ajumbo	Member
7.	Hon. Emily Oginga	Member
8.	Hon. Seth Kanga	Member
9.	Hon. Mickey Ochieng'	Member
	Secretariat	Designation
1.	Pst. David Ochieng'	Senior Clerk Assistant
2.	Oguta Chrispine	Clerk Assistant
3.	Raphael Juma	Researcher
4.	Jesca Otieno	Hansard Reporter
5.	Zackary Nyalalo	Sergeant –at- Arms

Acknowledgement

Mr. Speaker and Hon. Members,

The Committee wishes to thank the offices of the Speaker and the Clerk of the Assembly for the support extended to it in conducting its meetings and investigations. The Committee also thanks the petitioners and Rabuor Sub County Hospital management for their valuable indulgence in the matter.

It is now my pleasant duty to present this Report of the Committee on Labour and Social Welfare Services on the Petition by Mr. William Odidi Ondigo on the matter of illegal dismissal without pay.

Signature Date.....

HON. ZACK OKOYO

MCA, & CHAIRPERSON, COMMITTEE ON LABOUR AND SOCIAL WELFARE

1.0 INTRODUCTION

1.1 Background Information

Mr. Speaker and Hon. Members,

Pursuant to Article 119 of the Constitution of Kenya, Section 15 of the County Governments Act No.17 of 2012, and the County Assembly of Kisumu Standing Order No. 209, 210(1)(a), the Office of the Clerk received a petition from Mr. William Ondigo on the matter of illegal dismissal without pay. The petition which was signed on the 9th of March 2023, prayed that the County Assembly of Kisumu intervenes so that the petitioner be paid a total of Kshs. 130,000 (*Kenya Shillings one hundred and thirty thousand only*) owed to him by the hospital before his contract was terminated.

Mr. Speaker and Hon. Members,

Pursuant to Standing Orders No. 217(1) of the County Assembly Standing Orders, the petition was committed to the Sectoral Committee on Labour and Social Welfare Services for legislative processing and reporting. Consequently and in line with Standing Order No. 217 (2), this report now-in constitutes the response of the County Assembly of Kisumu on the petition by one Mr. William Odidi Ondigo on the matter of illegal dismissal without pay by Rabuor Sub County Hospital.

1.2 Overview of the Petition

Statements of the Problem

Mr. Speaker and Hon. Members,

The committee herein unpacks the petition, incidences and grievances presented before it.

The petition (*attached as annexure 01*), drew the attention of the Assembly to the following issues;

1. THAT the petitioner was appointed by the County department of Health and Sanitation on a three (3) months contract as a casual ambulance driver on 1st October, 2021 and was attached at Rabuor Sub County Hospital on a salary scale of Kshs. 13,000 (Kenya Shillings Thirteen Thousand only) per month.
2. THAT on Friday 14th October, 2022 the petitioner received a text message from the hospital administrator, Mr. Julius Kauma, informing him that the ambulance he was operating on, had developed a mechanical problem and that they would get back to him once the issue is resolved.
3. THAT the petitioner disregarded the text message as it was not an official communication as required by law, and that he continued to report to work until 31st November, 2022.
4. THAT there ensued confrontation between the hospital and the petitioner after which the hospital issued him with a termination letter which was backdated to read 2nd November, 2022. The letter only came after an order from Rabuor Police Station instructing the hospital to do so.
5. THAT until 9th March, 2023 the hospital management had neither paid nor made any effort to pay the petitioner his salary for ten months amounting to Kshs. 130, 000 despite his quest to them on the same.
6. THAT in December 2022, the petitioner sought the help of the department of Labour to have the issue addressed and his dues paid. And that the department of Labour promised to get back to him but has never up to the date of this petition.
7. AND that the issues raised in the petition are not before any court of law, constitutional or legal body.

The Prayers

Mr. Speaker and Hon. Members,

The petition requested the intervention of the County Assembly of Kisumu to grant the following prayer:

- THAT the County Assembly of Kisumu intervenes so that the petitioner be paid a total of Kshs. 130,000 (*Kenya Shillings one hundred and thirty thousand only*) owed to him by the hospital before his contract was terminated.

1.3 Issues for Determination

Hon. Speaker, based on the grievances advanced by the petitioner and the prayer put forth for consideration in the petition, the committee isolates the following as the key issues for determination in this matter;

- i. Whether Rabuor Sub County Hospital indeed owes the petitioner Kshs. 130, 000 (*Kenya Shillings one hundred and thirty thousand*) as indicated in the petition.
- ii. Whether the issues raised in the petition are before any court of law, constitutional or legal body.

1.4 Procedure Adopted

Mr. Speaker and Hon. Members,

In its quest to provide solutions to the prayer of the petitioner, the committee sort audience with Rabuor Sub County Hospital management on the same. The committee reviewed and also analyzed all the relevant literature, regulations and or legislations regarding employee remunerations and other related literature. The petitioner was also given an opportunity to give his oral and additional submissions on the petition before finalization and report writing.

2.0 LEGAL FRAMEWORK AND LITERATURE REVIEW ON THE PETITIONS

Mr. Speaker and Hon. Members,

The committee therefore files the following legal framework and literature review on the petition and the issues raised by the petitioner as guidance to the procedures and decision of the committee on the matter.

2.1 The Constitution of Kenya 2010

- I. **Right to petition:** Article 37 of the Constitution of Kenya 2010 entitles every person with the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and *to present petitions to public authorities*. This therefore allows the petitioners to petition the County Assembly on any issues including but not limited to the issues advanced in the foregoing petition.
- II. **On Labour relations** and the grievances advanced by the petition:
 - a. Article 30 (2) of the Constitution of Kenya 2010 provides against servitude, slavery and forced labour.
 - b. Article 41 provides for fair labour practices including; the right to fair remuneration, reasonable working conditions, to form, join and participate in activities of trade unions.
 - c. Article 162 provides for establishment of a judicial system for employment and labour relations.

2.2 The County Governments Act no.17 of 2012

- I. **Right to Petition:**
 - a. Section 15 of the County Governments Act No. 17 of 2012 bestows upon the citizens the right to petition the County Assembly to consider any matter within its authority including but not limited to enacting, amending or repealing any of the county assembly laws.
 - b. Section 88 of the County Governments Act No. 17 of 2012 provides for the right of citizens to petition the County Government on any matter within its functions.

- c. Section 89 of County Governments Act No. 17 of 2012 bestows upon the County Government agencies the duty to respond to petitions expeditiously.
- d. Second schedule of County Governments Act 2012 provides for the inclusion of various issues on how to address petitions for inclusion in County Assembly Standing Orders.

II. Employment and Labour Relations

- a. Section 55 of the Act makes provisions incidental to the promotion of the values and principles referred to in Articles 10 and 232 of the Constitution, efficiency, quality and productive services for the people of the county; institutions, systems and mechanisms for human resource utilization and development in a manner that best enhances service delivery by county public service institutions; and address staff shortages and barriers to staff mobility between counties; amongst others.

2.3 Employment Act, 2007 (Amendments 2012/ 2014/ 2022)

Provides various provisions relevant to the issues raised in the petitions including but not limited to; Sections 4& 5 on prohibitions against forced labour and discriminations in employment; Section 7 terms of service; Section 15 of employees rights; Section 17& 18 on salaries and wages and when the same are due; Part V on rights and duties in employment; and Section 87 on complaints between employees and employers.

Hon. Speaker, the committee relied on, but not limited to, the foregoing legal framework while processing the petition.

3.0 SUBMISSIONS BY STAKEHOLDERS

3.1 Rabuor Sub County Hospital Management

Mr. Speaker and Hon. Members,

The committee on 27th April, 2023, through the office of the Clerk invited Rabuor Sub County Hospital Management to respond to issues raised in the petition. (*Annexure 02*)

Consequently the committee on 18th May, 2023, met Rabuor Sub County Hospital Management to deliberate on the petition. The following hospital representatives appeared before the committee:

- | | |
|----------------------------|--|
| 1) Mr. Peter Apunda Otieno | - Chairperson (Rabuor Sub County Hospital Board) |
| 2) Mr. Godwin Okumu | - Facility in Charge |
| 3) Miss. Elizabeth Oloo | - Facility Administrator |

The hospital management in their response to the issues raised in the petition submitted the following before the committee:

(i) THAT both the facility in charge and the facility administrator are new in office (2 months old) and were not present as at the time the issues raised in the petition transpired.

(ii) THAT the issues raised in the petition had been presented and is still live before the Ministry of Labour (Kisumu County Labour Offices) and an evidentiary document referenced ML/KC/LD64/NM/2022 adduced before the committee. (*Annexure 03*)

(iii) THAT through an agreement between the petitioner and Rabuor Sub County Hospital before the County Labour Office, the petitioner had been paid a sum of Kshs. 26,000 out of the total Kshs. 130,000 owed to him by the hospital and an evidentiary document referenced ML/KC/CFS/NM/2023 submitted before the committee. (*Annexure 04*)

(iv) THAT the hospital already presented a payment plan for the wages owed to the petitioner before the aforementioned agreement and the first quarter of the plan is already settled. AND that the Hospital Administration committed to pay the pending wages immediately

the facility receives the quarterly recurrent allocations from the County Government of Kisumu treasury and evidence adduced before the Committee in a letter referenced RSCH/CW/23/11/22/VOL 1/229. *(Annexure 05)*

3.2 Mr. William Odidi Ondigo (Petitioner)

Mr. Speaker and Hon. Members,

The committee in a meeting dated 27th April 2023, while deliberating on the petition resolved to invite one Mr. William Odidi Ondigo in a letter referenced REF: CAK/CGK/PET. /VOL. 2 *(Annexure 06)* to shed more light on the petition before the committee.

Subsequently on Thursday, 18th May, 2023, the petitioner appeared before the committee and submitted the following:

- (i) THAT the hospital owes him a total of Kshs. 130,000 up to the date he filed the petition (9th March, 2023).
- (ii) THAT he received a text message from the hospital administrator on Friday 14th October, 2022 instructing him that the ambulance he was operating on had developed a mechanical problem and that the hospital would get back to him once the issue is resolved, which he disregarded as unofficial communication.
- (iii) THAT he sought the help of Labour Department to have the issue addressed and his dues paid but did not materialize to the date of this petition.
- (iv) THAT to date 9th March, 2023, the issues raised herein are not before any court of law, constitutional or legal body.

4.0 COMMITTEE FINDINGS

Mr. Speaker and Hon. Members,

Pursuant to analysis of the foregoing submissions from various stakeholders, literature reviews and legal frameworks, the Committee makes the following findings on each of the issues for determination;

Whether Rabuor Sub County Hospital Owes the Petitioner Kshs. 130, 000 (*Kenya Shillings one hundred and thirty thousand*) as indicated in the petition

- i. THE Committee noted that the petitioner was indeed owed a total sum of Kshs. 130,000 (*Kenya Shillings one hundred and thirty thousand*) by Rabuor Sub County Hospital as at the time of dismissal and not the date of this petition.
- ii. THE Committee further noted that the petitioner misrepresented facts both in the petition and while appearing before the committee on the question of the amount owed to him by the Hospital AND that on 13th January 2023, the petitioner received a sum of Kshs. 26,000 from the hospital therefore the amount owed to him by the hospital as at 9th March 2023 (date of the petition) is Kshs. 104, 000 and not Kshs. 130,000 as indicated in the prayer.

Whether the issues raised in the petition are before any court of law, constitutional or legal body.

Mr. Speaker and Hon. Members,

- i. The Committee noted that the petitioner misrepresented facts before it as to whether the matter raised in the petition is a live before any legal or constitutional body AND that the matter raised in the petition was presented before the department of Labour (Kisumu Offices) and subsequently a conciliation meeting between the Petitioner and Rabuor Sub County Hospital Management was held at the Labour Office Kisumu on 30th November, 2022 as from 11:17am to 12:34pm.
- ii. The Committee also noted that out of the conciliation meeting, Rabuor Sub County Hospital Management committed before the Labour office a payment plan for the wages owed to the petitioner and consequently adduced the commitment before the committee indicating that the first quarter of the payment plan was already settled.

- iii. The committee further noted that on 13th January, 2023, before the Conciliator, one Mr. Nimrod Mwinali of the department of Labour, the hospital out of the aforementioned conciliation meeting paid the petitioner a total sum of Kshs. 26,000.
- iv. AND that the amount owed to the petitioner as at the date of this petition is Kshs. 104, 000 and not Kshs. 130,000 as alluded in the petition.

5.0 COMMITTEE RECOMMENDATIONS

Mr. Speaker and Hon. Members,

Based on the a foregoing findings, the committee makes the following recommendations with respect to the prayer by the petitioner;

THAT the County Assembly of Kisumu intervenes so that the petitioner be paid a total of Kshs. 130,000 (*Kenya Shillings one hundred and thirty thousand only*) owed to him by the hospital before his contract was terminated.

The Committee declines this prayer for the following reasons:

- i. **THE** matter raised in the petition is still a live before the department of labour (Kisumu offices), a constitutional body AND that the County Assembly of Kisumu with respect to separation of powers and independence of constitutional offices cannot intervene on a matter that is a live before any other legal or constitutional entity.
- ii. **THE** Petitioner misled the committee, in the petition and while appearing before it that the hospital owes him a total of Kshs. of 130,000 and has not paid him any amount since termination of his contract, CONTRARY to the fact that he received Kshs. 26,000 from the hospital as payment of the first quarter of the payment plan agreed between the petitioner and the hospital management before the department of Labour.

Mr. Speaker and Hon. Members,

While the committee decline the prayer of this petition on the basis that the matter is still a live before a constitutional body, the committee notes that the petitioner is indeed owed a total of Kshs. 104,000 as at the date of this petition. Therefore the Committee further recommends:

- i. **THAT** the hospital management to dully oblige to the payment plan submitted before this committee and the Labour offices to clear the wages owed to the petitioner AND that the petitioner to follow up the matter to its conclusion at the department of Labour (Kisumu Offices).

ANNEX 01

THE CLERK,
KISUMU COUNTY ASSEMBLY
P.O. BOX 86 40100
KISUMU

9th March, 2023



**PETITION TO THE COUNTY ASSEMBLY OF KISUMU AGAINST
RABUOR SUB COUNTY HOSPITAL IN THE MATTER OF ILLEGAL
DISMISSAL WITHOUT PAY.**

I, the undersigned;

A citizen of Kenya and a resident of Kobura ward in Nyando sub county.

Draw the attention of the Kisumu County Assembly to the following;

THAT I was appointed by the County department of Health and Sanitation on a three (3) months contract as a casual ambulance driver on 1st October, 2021, and was attached at Rabuor Sub County Hospital on a salary scale of Kshs. 13,000 (Kenya Shillings Thirteen Thousand only) per month.

THAT the contract letter indicated that my contract can be terminated or renewed after the three months or early.

THAT during the interview prior to the contract, I was made aware that the salary could delay for up to three months or more.

THAT my contract was renewed every three months and I was able to serve the hospital for up to 31st November, 2022.

THAT all that time I worked and carried out my duties diligently and within the terms and conditions as was prescribed in the contract.

THAT on Friday 14th October, 2022 I received a text message from the Administrator, Mr. Julius Kauma, informing me that the ambulance, which I was operating on, had developed a mechanical problem and that they would get back to me once the issue is resolved.

THAT I disregarded the text message as it was not an official communication as is required by law. I continued to report to work until 31st November, 2022.

THAT there ensued confrontation between the hospital and I after which the hospital issued me with a termination letter which was backdated to read 2nd November, 2022. The letter only came after an order from Rabuor police station instructing the hospital to do so.

THAT until today, the hospital management has neither paid nor made any effort to pay my salary for ten (10) months amounting to Kshs. 130,000 (*Kenya Shillings one hundred and thirty thousand only*) despite my quest to them over the same.

THAT in December, 2022, I sought the help of the department of Labour to have the issue addressed and my dues paid. They promised to get back to me but that has not materialized to this day.

THAT the issues raised herein are not before any court of law, constitutional or legal body.

NOW HEREOF, your humble petitioner prays;

THAT the County Assembly intervenes so that I be paid the Kshs. 130,000 (*Kenya shillings one hundred and thirty thousand only*) owed to me by the hospital before my contract was terminated.

Your humble petitioner will ever pray.

SIGNED

.....

MR. WILLIAM ODIDI ONDIGO

ID NO. 24975172

TEL: 0728426634

COUNTY GOVERNMENT OF KISUMU

Telegram: "Health Kisumu"

Mobile: 0736245939

When replying please quote:



Rabuo Sub-County Hospital,

P.O. Box 26-40132,

RABUOR- KENYA.

Email: rabuorsubcountyhospital@gmail.co

DEPARTMENT OF HEALTH AND SANITATION

RSCH/REC/VOL 1/223

25TH OCTOBER, 2022.

TO WHOM IT MAY CONCERN.

Dear Sir /Madam,

RECOMMENDATION FOR WILLIAM ODIDI ONDIGO – DRIVER I... ID. NO. 24975172.

I am writing this letter to recommend Mr. William Odidi Ondigo for the position of a driver. In my view he is most appropriate for this role. He was hired on a three-month terminal contract as a casual worker at our facility for a period of one year.

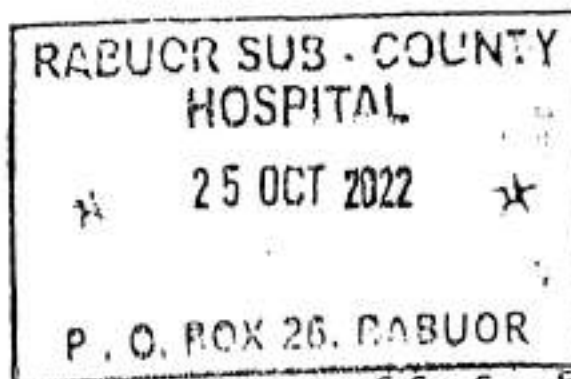
From my personal observation, I find William to be an extremely reliable person. He has the necessary qualifications to apply for the role as a driver.

As an employee he has the best customer service, problem - solving attitude, efficiency and time management. I believe that he is going to be a valuable asset for your organization. Generally, his performance in the said period was highly commendable. I therefore recommend that the above applicant meets the target and is a potential to be tapped. I wish him all the best for any position that he takes up in the future.

Best regards,

Thams

HEALTH ADMINISTRATIVE OFFICER,
RABUOR SUB COUNTY HOSPITAL.



N.B// This recommendation serves only for the purpose intended and may NOT validate any omissions or commissions of human resource regulations.

Telegram: "Health Kisumu"
Mobile: 0780348897
When replying please quote:



Rabuor Sub-County Hospital,
P.O. BOX 26-40132,
RABUOR- KENYA
Email: rabuorsubcounty@gmail.com

DEPARTMENT OF HEALTH AND SANITATION

REF: RSCH/CW/ST.1C/171

1ST OCTOBER, 2021.

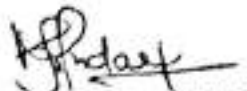
Mr. William Odidi Ondigo
M/no.0728426634
Id/No. 24975172

RE: OFFER OF APPOINTMENT AS CASUAL AMBULANCE DRIVER.

Am glad to inform you of Rabuor Sub County Hospital Management Teams' decision to offer you an appointment as a casual ambulance driver at Rabuor Sub County Hospital effective 1st October, 2021 to 31st December, 2021: This is after you successfully passed the interview which was conducted on

Salary attached to this position is Kshs. 13,000/= (Thirteen Thousand Shillings only) per month.

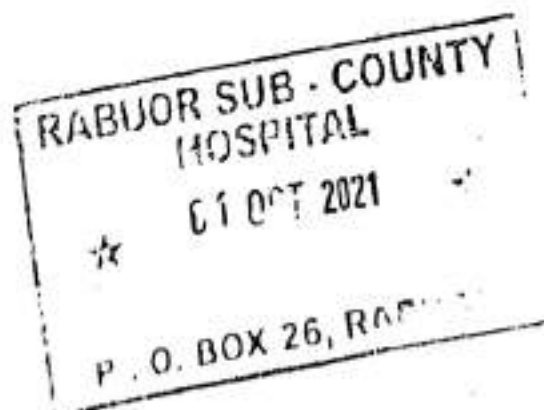
The contract can be terminated or renewed after 3 months or early. Be reminded during our interview you were informed that the salary can delay up to 6 months or more.


JOYCE M. ODIAMBO

Health Administrative Officer

For: FACILITY INCHARGE

RABUOR SUB COUNTY HOSPITAL



CC: Medical Officer of Health

Nyando Sub County

P.O. BOX 169

AHERO

COUNTY GOVERNMENT OF KISUMU

Telegram: "Health Kisumu"
Tel:
Mobile: 0780348897
Fax:
When replying please quote:



Rabuo Subcounty Hospital
P.O. Box 16-40132,
RABUOR - KENYA
email: rabuorsubcountyhospital@gmail

DEPARTMENT OF HEALTH AND SANITATION

REF: RSCH/CW/ST.1C/VOL. 1/179

Date: 1st January, 2022

Mr/Mrs/Miss William Odidi Ondigo
ID/No 24975172

Dear Sir/Madam

REF: EXTENSION OF CONTRACT FOR CASUAL WORKERS.

This is to inform you that your contract has been extended with effect from
1st January 2022 to 31st March 2022

We thank you for the good services you have been rendering to the facility.

Thank you.

JOYCE M. ODHIAMBO

HEALTH ADMINISTRATIVE OFFICER

RABUOR SUB COUNTY HOSPITAL

I hereby accept the appointment as casual worker subject to the terms of this letter upon signing of declaration which is binding to me.

Casual Workers' sign
Date: 1st January 2022

COUNTY GOVERNMENT OF KISUMU

Telegram: "Health Kisumu"

Mobile: 0736245939

When replying please quote:



Rabuo Sub-County Hospital,

P.O. Box 26-40132,

RABUOR- KENYA.

Email: rabuorsubcountyhospital@gmail.com

DEPARTMENT OF HEALTH AND SANITATION

REF:RSCH/CW/ST.1C/VOL.1/3/29/2022

Date 1/04/2022

Mr/Mrs/Miss William Odidi Odigo.
ID/No 2497572.

Dear Sir/Madam,

REF: EXTENSION OF CONTRACT FOR CASUAL WORKERS.

This is to inform you that your contract has been extended with effect from
1/4/2022 to 30/6/2022.

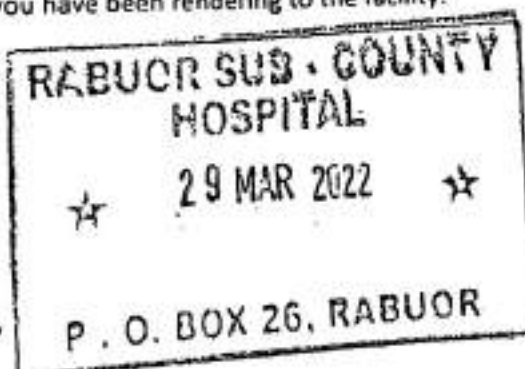
We thank you for the good service you have been rendering to the facility.

Thank you.


JULIUS A. KAUMA

HEALTH ADMINISTRATIVE OFFICER,
RABUOR SUB COUNTY HOSPITAL.

Cc; Med. Supt - RSCH



I hereby accept the appointment as a casual worker subject to the terms of this letter upon signing of declaration which is binding to me.

Casual Worker's Sign


Date 1/4/2022

COUNTY GOVERNMENT OF KISUMU

Telegram: "Health Kisumu"

Mobile: 0736245939

When replying please quote:



Rabuo Sub-County Hospital,

P.O. Box 26-40132,

RABUOR- KENYA.

Email: rabuorsubcountyhospital@gmail.co

DEPARTMENT OF HEALTH AND SANITATION

REF: RSCH/CW/ST.1C/3/29/2022

DATE: 1/01/2022

Mr/Mrs/Miss William Indigo
ID No. 24975172

Dear sir/madam,

REF: EXTENSION OF CONTRACT

This is to inform you that your contract has been extended with effect from

1/7/2022 to 30/09/2022.

We thank you for the good service you have been rendering to the facility.

Thank you.

JULIUS A. KAUMA

HEALTH ADMINISTRATIVE OFFICER

RABUOR SUB-COUNTY HOSPITAL

Cc, Med. Supt – RSCH

I hereby accept the appointment as a casual worker subject to the terms of this letter upon signing of declaration which is binding to me.

Casual workers sign [Signature] Date: 1/01/2022

09:41

48%

< Admin Rabuor
+254723320720



Friday, 14 October 2022



Hi William, your phone has been off throughout, kindly we've had mechanical problems with the facility Ambulance of late. We need to fix this issue once, immediately this is done, we'll consider calling you back.
Thanks

17:07



County Assembly of Kisumu OFFICE OF THE CLERK

REF: CAK/CGK/RSCH/VOL 1

Date: 08/5/2023

ROBERT O. ONKWARE,
MEDICAL SUPERINTENDENT,
RABUOR SUB COUNTY HOSPITAL

Dear Sir,

**RE: INVITATION OF THE BOARD OF RABUOR SUB-COUNTY HOSPITAL TO
APPEAR BEFORE THE COMMITTEE ON LABOUR AND SOCIAL WELFARE
SERVICES.**

Pursuant to Section 18 of the County Assemblies Powers and Privileges Acts, 2017 read together with Standing Order No. 197 of the Kisumu County Assembly Standing Orders, the County Assembly and its committees have the powers to invite or summon any person to appear before it to provide evidence, information or documents in the possession or under control of that person.

The Labour and Social Welfare Services Committee received and is interrogating a petition from Mr. William Odidi Ondigo on the matter of illegal dismissal without pay from the service of Rabuor Sub-County Hospital where he alleges to have been engaged on temporary employment terms.

The purpose of this letter is to invite Board Chair, Secretary and Hospital Administrator of Rabuor Sub-County Hospital to appear before the committee on Thursday 18th May 2023 as from 10:30am to answer to the issues raised in the petition. Kindly submit a detailed written response and any other supporting documents to the committee on or before 17th May 2023 for prior perusal.

Kindly expedite.

OWEN OJUOK
CLERK OF THE ASSEMBLY
Cc.

Hon. Speaker - Kisumu County Assembly
Hon. Zack Okoyo - Committee Chairperson



ANNEX 03

REPUBLIC OF KENYA
MINISTRY OF LABOUR
DEPARTMENT FOR LABOUR

COUNTY LABOUR OFFICE
UHURU STREET, HAKI HOUSE
P.O. BOX 1209 - 40100
KISUMU

When replying please quote

Ref.: ML/KC/LD64/NM/2022

Date: 4/11/2022

ADMINISTRATION
RABUOR SUB-COUNTY HOSPITAL
RABUOR, KISUMU

Dear sir/madam,

Registration/Identification No. 24976172 Name William Odidi Ondigo
You had employed him/her as an Ambulance Driver w.e.f. 1/10/2021 on a
monthly/daily wage of Kshs. 13,000/- and that you terminated his
services on 14/10/2022 without lawful cause. He therefore claims:
Salary arrears - Kshs. 130,000/-
Any other legal dues

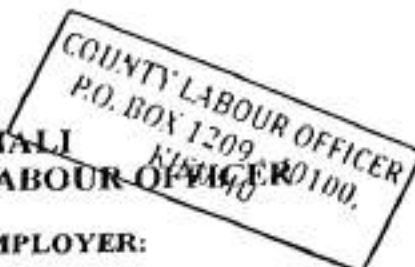
If this is correct, I shall be grateful if you will settle this matter within the next seven (7) days by giving this Office a copy of the settlement agreement.

If it is incorrect, may I please have your comments in the next seven (7) days from the date hereof.

Yours faithfully,


NIMROD MWIMALI

For: COUNTY LABOUR OFFICE



COMMENTS BY EMPLOYER:

FOR: LABOUR OFFICE USE ONLY



ANNEX 04

REPUBLIC OF KENYA
MINISTRY OF LABOUR
DEPARTMENT FOR LABOUR

Mobile: 70934703

When rep: issue quote

Ref.: ML/C/CFS/NM/2022 2023

COUNTY LABOUR OFFICE
UHURU STREET, HAKI HOUSE
P.O. BOX 1209 - 40100
KISUMU

Date:

RECEIPTIFICATE OF FINAL SETTLEMENT

This is to certify and confirm that..... has
today received a sum of Kshs.....being final dues deposited
by.....in respect of.....

This is to further confirm that the complainant.....
has no further claims against the employer.

RECEIVED BY: Name.....

Signature.....

PAID BY: Name.....

Signature.....

WITNESSED BY:.....

Dated:-this.....day of.....20.....

ANNEX 05

COUNTY GOVERNMENT OF KISUMU

Telegram: " alth Kisumu"

Mobile: 073 45939

When reply please quote:



Rabuo Sub-County Hospital,

P.O. Box 26-40132,

RABUOR- KENYA.

Email: rabuorsubcountyhospital@gmail.co

DEPARTMENT OF HEALTH AND SANITATION

RSCH/CV 23/11/22/VOL 1/229

23RD NOVEMBER, 2022.

THE COUNTY LABOUR OFFICER,

PO BOX : 09 - 40100,

KISUMU.

Dear Sir / Madam,

RE: PAYMENT OF WAGES FOR WILLIAM ODIDI ONDIGO ... ID. NO. 24975172.

Pursuant to the letter notifying the termination of contract dated 2/11/2022, Ref: No. RSCH/CW 2/11/22 Vol. 223, the above named casual worker (driver I) had accrued wages of Kshs.130, 0 from January 2022 to October 2022 (which was occasioned by delays in disbursement of funds to Counties from the national treasury).

This Administration commits to pay the pending wages immediately the facility receives the quarterly current allocation from the County Government of Kisumu treasury, which is the mandated authority to release funds. Hope this will amicably settle the matter within the County Labour Officer's letter Ref No. ML/KC/LD64/NM/2022 dated 4/11/2022 and subject to contract letter dated 1st October, 2021, Ref. No. RSCH/CW/ST.1C/171.

- B get for 1st Quarter (Recurrent Allocation for 2022/2023) Paid.
- B get for 2nd, 3rd, & 4th Quarter (Recurrent Allocation for 2022/2023) Pending
- B get for 1st, 2nd, 3rd & 4th Quarter (Recurrent Allocation for 2023/2024)..... Pending

Best Regd	RABUOR SUB-COUNTY HOSPITAL
Rabuo A	Administration, 23 NOV 2022
Rabuo S	County Hospital.
P	P.O. BOX 26. RABUOR
CC: CHAC	Kisumu county

COUNTY LABOUR OFFICER
KISUMU
Received: 30/11/2022
430

MOH Nyando Sub county,

Board Chair - Rabour sub county Hospital.



County Assembly of Kisumu

OFFICE OF THE CLERK

REF: CAK/CGK/PET. /VOL. 2

William Odidi Ondigo,

Date: 08/05/2023

+2547 28426 634

Petitioner.

Dear Sir.

RE: INVITATION TO APPEAR BEFORE THE COMMITTEE ON LABOUR AND SOCIAL WELFARE SERVICES.

Pursuant to Section 18 of the County Assemblies Powers and Privileges Acts, 2017 read together with Standing Order No. 197 of the Kisumu County Assembly Standing Orders, the county assembly and its committees have the powers to invite or summon any person to appear before it to provide evidence, information or documents in the possession or under control of that person.

The Labour and Social Welfare Services Committee received and is interrogating the petition you sent to the County Assembly of Kisumu in the matter of illegal dismissal without pay at Rabuor Sub County Hospital.

The purpose of this letter is to invite you to appear before the committee in a meeting scheduled for Thursday 18th March, 2023 at exactly 10.00am in the Assembly Chambers and also submit to the committee any other supporting documents to the petition before or on the date of the meeting.

Kind regards.

OWEN OJUOK

CLERK OF THE ASSEMBLY





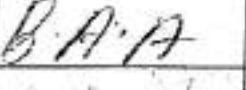
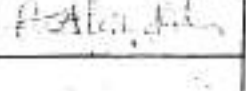
Cc.

Hon. Elisha Oraro- Speaker of the County Assembly

Hon. Zack Okoyo - Committee Chairperson

ADOPTION SCHEDULE

We the undersigned members of the Labour and Social Welfare Services Committee having read this Report, we hereby affirm that this is the true deliberation of the Committee:

NO.	NAME	DESIGNATION	SIGNATURE
1.	Hon. Zack Okoyo	Chairperson	
2.	Hon. Ken Ooko	Vice- Chairperson	
3.	Hon. Emily Oginga	Member	
4.	Hon. Seth Kanga	Member	
5.	Hon. Alice Wajewa	Member	
6.	Hon. Benson Adega	Member	
7.	Hon. Eunice Alendoh	Member	
8.	Hon. Mildred Ajurnbo	Member	
9.	Hon. Mickey Chheng	Member	