

MEMO

*Rt. Hon. Speaker
You may approve.
2009A
31/05/18*

TO: The Speaker
THRO': The Clerk
THRO': The Senior Deputy Clerk
FROM: Director Committee Services
Forwarded and recommended for approval for tabling
DATE: Wednesday 30th May 2018

THE SENATE
RECEIVED
1 MAY 2018
SENIOR DEPUTY CLERK
EJ 31/5/18

SUBJECT: TABLING OF A PETITION REPORT ON THE 2013-2017 COLLECTIVE BARGAINING AGREEMENT FOR THE UNIVERSITY ACADEMIC STAFF (UASU)

The Senate Standing Committee on Education is established under Standing Order No. 212(3), and the Second Schedule of the Standing Orders of the Senate. The Committee is mandated to "consider all matters related to education and training".

Following a Petition submitted to the Senate on 30th November 2017, on the 2013-2017 Collective Bargaining Agreement (CBA) for the University Academic Staff (UASU) and committed to the Standing Committee on Education, the Committee considered the report and adopted it on 30th May, 2018.

This is to request your approval for the tabling of the report.

*Approved
31/05/2018*

Njenga Njuguna

PARLIAMENT OF KENYA



THE SENATE

PAPERS LAID	
DATE	06/06/2018
TABLED BY	Chairman
COMMITTEE	Education
CLERK AT THE TABLE	Alien

12th PARLIAMENT

STANDING COMMITTEE ON EDUCATION

A PETITION REPORT ON THE 2013-2017 CBA FOR THE UNIVERSITY
ACADEMIC STAFF

MAY, 2018

ACRONYMS AND ABBREVIATIONS

1. CBA Collective Bargaining Agreement
2. IPUCCF Inter-Public Universities Councils consultative forum
3. KUSU Kenya Universities Staff Union
4. KUDHEIHA Kenya Union of Domestic Hotels, Educational
Institutions, Hospital and Allied workers
5. UASU Universities Academic Staff Union
6. Committee Senate Standing Committee on Education

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1. PREFACE

Mr. Speaker Sir,

The Senate Standing Committee on Education is established pursuant to the Standing Order No. 212(3) and the Second Schedule of the Standing Orders of the Senate. The Committee is mandated to “*consider all matters related to education and training.*”

Membership of the Committee

The Membership of the Committee is as follows:-

- | | |
|----------------------------------|-------------------|
| 1. Sen. (Dr.) Christopher Langat | -Chairperson |
| 2. Sen. (Prof.) Margaret Kamar | -Vice Chairperson |
| 3. Sen. Mohammed Yusuf Haji | -Member |
| 4. Sen. (Prof.) Samson Ongeru | -Member |
| 5. Sen. (Dr.) Agnes Zani | -Member |
| 6. Sen. Okongo Omogeni | -Member |
| 7. Sen. (Dr.) Getrude Musuruve | -Member |
| 8. Sen. Mary Seneta | -Member |
| 9. Sen. John Nderitu Kinyua | -Member |

Mr. Speaker Sir,

On Thursday 30th November, 2017, the Speaker of the Senate, pursuant to Standing Orders 220(1)(a), and 226(1) reported to the Senate that a petition had been submitted, through the Clerk, by Muga K. ‘Olale-National Chairman UASU, Dr. Constatine Wasonga- National Secretary General UASU and Mr. Joseph Mberia- National Vice-Chairman UASU, concerning the implementation of the 2013-2017 UASU CBA on the Universities Academic staff. The petition met the threshold as provided for in Standing Order 223 of the Senate. The Petition was committed to the Standing committee on Education.

The petitioner drew the attention of the Senate to the following-

- a) That, on 13th March 2017, the Inter-Public Universities Councils Consultative Forum (IPUCCF) and the Universities Academic Staff Union (UASU) signed the 2013 – 2017 Collective Bargaining Agreement

(CBA), bringing to an end a period of industrial unrest in the Kenyan public universities;

- b) That, as required by law, the CBA was subsequently registered with the Employment and Labour Relations Court;
- c) That, following the said Agreement, the National Treasury availed the sum of Kshs.10 Billion through the Ministry of Education, Science and Technology, towards funding implementation of the CBA, including payment of arrears going back to the year 2013;
- d) That, despite this, only three of the 31 public universities are implementing the CBA, while the rest of the public universities continue to pay academic staff salaries and allowances at the rate of the previous 2010 – 2013 CBA;
- e) That, additionally, most public universities do not remit statutory deductions such as income tax, pension contributions, NSSF and NHIF, despite these being deducted from the respective employees' income; and
- f) That, these factors have led to law retention and massive brain drain of academic staff to foreign countries or other sectors, which is detrimental to the higher education sector in the country.

Mr. Speaker Sir,

The petitioner's prayer was that the Senate of the Republic of Kenya-

- i) Urgently facilitate appropriation of funds to enable implementation of the 2013 – 2017 CBA, as well as payment of the employers' pension component both under the 2010 – 2013 and 2013 – 2017 CBAs; and
- ii) Urgently intervene to have the 2017 – 2021 CBA for universities academic staff concluded.

Following the tabling of the petition and in line with the Standing Order No. 226 (2), the Speaker noted that the Petition stands Committed to the Standing Committee on Education and table a report in the House within 60 days.

ACKNOWLEDGEMENTS

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the Senate for the facilitation and support extended to the Committee during the entire process of consideration of the petition and report writing.

The Committee further appreciates the co-operation extended to it by the Petitioners, the Ministry of Education, Science and Technology, IPUCCF, and Vice-Chancellors Committee, during the consideration of the petition.

I also thank Members of the Standing Committee on Education for their patience, endurance and hard work in their endeavor to address the concerns raised in the petition.

Mr. Speaker, Sir,

On behalf of the Committee, I now have the honour and pleasure to present pursuant to the provisions of standing order 227 to the House a report addressed to the Petitioner.

Signed 

CHAIRPERSON

SEN. (DR.) CHRISTOPHER LANG'AT

Date: 30/5/18

2. COMMITTEE ACTIONS AND SITTINGS

Arising from this ruling, the Committee held a total of two (2) sittings to consider both oral and written representations from the Petitioners.

I. MEETING WITH THE PETITIONERS HELD ON 8TH MARCH, 2018.

The following are some of the observations that were raised by the Petitioners:

1. Currently the terms and conditions of service for universities' academic staff, comprising Professors, Associate Professors, Senior Lecturers, Lecturers, Assistant Lecturers, Tutorial Fellows and Graduate Assistants; were contained in an already expired 2013-2017 Collective Bargaining Agreement (CBA). The 2013-2017 CBA expired on 30th June 2017.
2. The Government had adjusted the terms and conditions of service for public workers, except university staff, by implementing Collective Bargaining Agreements (CBAs) for the period 2017-2021 or through other salary harmonization interventions.
3. Academic staff in public universities had however been discriminatively left out of any review of terms and conditions of employment including basic salaries, housing allowances, housing mortgage schemes, car loan schemes, among others, at levels comparable to what other public sector employees enjoy.
4. The pay structure of academic staff was characterized by distortions, large salary overlaps, stagnation within current grades, and poor career progression plans leading to low retention of human resources and massive brain drain from public universities to other sectors.
5. Academic staff in Kenyan Public Universities are overworked and underpaid, with detrimental effects on staff morale, research, teaching and innovation outputs.

6. Unless the situation was remedied there would be an impending collapse of the higher education sector in Kenya.
7. There were outstanding Pension arrears from the previous CBAs.
8. Lack of access to housing mortgages and car loan schemes.
9. Statutory and voluntary remittances had been deducted from university staff but not remitted to the relevant bodies such as NHIF, NSSF and KRA
10. The medical scheme for the members of the unions was dysfunctional.
11. The retirement age was not standard.
12. The IPUCCF and the Ministry of Education did not give a counter offer i.e they are not ready to negotiate with the petitioners.
13. The Vice-Chancellors' committee was not keen to honour the internal CBAs as only three universities effected the same.
14. The Salaries and remuneration Commission made it difficult to negotiate engaging in a silent agreement with the universities indicating that universities did not have capacity to negotiate.
15. Appointment and promotion criteria was not conducted in a professional manner.

COMMITTEE OBSERVATIONS;

1. A member needed clarification on why there was always a strike every year from UASU and why they would return to work even before the government honored the CBA.
2. The need for UASU to be sensitive to the students plight was emphasized.
3. Whether UASU sought the court/ or other intervention and UASU denied having petitioned another body.
4. The need to bring everyone on the negotiating table was emphasized.
5. The issue of whether promotion would accrue to members of the academic staff on leave of absence.
6. The university students needed to continue with their studies.

7. Uasu was ready to negotiate with the Ministry of Education.
8. There was need for a physical head count as most universities were inflating the number of workers. This was to facilitate hiking of the capitation to the said universities. The reality was that staff were few in most public universities.
9. The Education Committee was ready to meet with the other stakeholders in bid of a lasting solution.

II. MEETING WITH THE CABINET SECRETARIES FOR EDUCATION AND NATIONAL TREASURY, OFFICIALS OF VICE CHANCELLORS COMMITTEE AND IPUCCF ON UASU PETITION HELD ON 12TH APRIL 2018

The Committee was unable to meet with the two cabinet secretaries from the Ministries of Education and Treasury and the officials of IPUCCF and the Vice Chancellors Committee who had attended the meeting. These stakeholders met with the National Assembly committee on Education and as such, the Senate Education Committee resolved to stop prosecuting further with the UASU Petition, and to have the matter resolved by the National Assembly Education Committee since the petition had been served to the Members of Education Committees in both Houses.

The Committee further proposed that in the event that the petitioners were not satisfied with the resolution given by the National Assembly Education Committee, they were free to appeal to the Senate Education Committee.

3. RECOMMENDATIONS AND WAY FORWARD

The Committee made the following recommendation following its findings:-

The Committee established that the same Petition had been tabled and committed to the National Assembly Education Committee and thus resolved to have the National Assembly Committee prosecute the matter and in case the Petitioners were not satisfied with the National Assembly Education Committee's execution, they were free to petition the Senate once again for a review of the same:

ANNEXTURE

1. Copy of Petition
2. Copies of the 4th and 7th sittings minutes
3. Report adoption list

INTERNAL MEMO

TO: Senior Deputy Clerk (MA)

THRO': Director, L & P Services
Forwarded for approval and signature of HULT

THRO': Deputy Director, L & P Services (ZM)
Reviewed & Forwarded Mosele 13.11.17

THRO': Principal Clerk Assistant, L & P Services



after was made 13/11/2017

FROM: Second Clerk Assistant

DATE: 13th November, 2017

RE: PETITION BY UNIVERSITIES ACADEMIC STAFF UNION (UASU) REGARDING THE 2013 - 2017 COLLECTIVE BARGAINING AGREEMENT (CBA) FOR UNIVERSITIES ACADEMIC STAFF


I have reviewed the captioned petition, and confirm that it complies with requirements set out in the Petition to Parliament (Procedure) Act (No. 22 of 2012) and Senate Standing Orders on the form of a public petition.

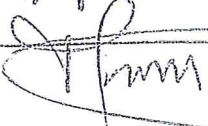
Consequently, it is proposed that the Petition be admitted for presentation before the Senate.

Enclosed in this regard are-

- a) draft acknowledgment letter addressed to the Petitioners; and
- b) draft presentation summary for the Speaker.


CHARLES MUNYUA

Rt. Hon. Speaker
You may approve.

15/11/17

Approved

17/11/2017

① The clerk

Forwarded for your approval and forwarding to the Hon. speaker.


19/11/17

PETITION BY THE UNIVERSITIES ACADEMIC STAFF UNION (UASU)
REGARDING THE 2013 – 2017 COLLECTIVE BARGAINING AGREEMENT (CBA)
FOR UNIVERSITIES ACADEMIC STAFF

Honourable Senators,

1. Pursuant to Standing Orders 220 (1) (a) and 224(2) (b), I hereby report to the Senate that a petition has been submitted, through the Clerk, by the Universities Academic Staff Union (UASU), regarding a Collective Bargaining Agreement (CBA) between the Universities' Academic Staff Union (UASU) and the Inter- Public Universities Councils Consultative Forum (IPUCCF).

2. As you are aware, under Article 119(1) of the Constitution, and I quote:-

“Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.”

3. The salient issues raised in the said Petition are as follows:-

(a) THAT, on 13th March 2017, the Inter-Public Universities Councils Consultative Forum (IPUCCF) and the Universities Academic Staff Union (UASU) signed a Collective Bargaining Agreement (CBA) for the academic staff in public universities for the period 2013 – 2017, bringing to an end a period of industrial unrest in the Kenyan public universities;

b) THAT, as required by law, the CBA was subsequently registered with the Employment and Labour Relations Court;

c) THAT, following the Agreement, the National Treasury availed a sum of Kshs. 10 Billion, through the Ministry of Education, Science and Technology, towards funding the implementation of the CBA, including payment of arrears backdated to the year 2013;

d) THAT, despite this, only three of the 31 public universities are implementing the CBA, while the rest of the public universities continue to pay academic staff salaries and allowances at the rate of the previous 2010 – 2013 CBA;

e) THAT, additionally, most public universities habitually fail to remit statutory deductions such as income tax, pension contributions, NSSF and NHIF, despite the same being deducted from the respective employees' income; and

f) THAT, the foregoing factors have led to low retention and massive brain drain of academic staff to foreign countries or other sectors, which is detrimental to the higher education sector in the country.

4. The Petitioners therefore pray that the Senate investigates this matter and makes appropriate recommendations thereon. Among the proposals made by the Petitioners are that the Senate -

i) Urgently facilitate the appropriation of funds to enable implementation of the 2013 – 2017 CBA, as well as payment of the employers' pension component, both under the 2010 – 2013 and 2013 – 2017 CBAs; and

ii) Urgently intervene to have the 2017 – 2021 CBA for universities academic staff concluded.

5. Honourable Senators, pursuant to Standing Order 226, I shall now allow comments, observations or clarifications in relation to the petition for not more than thirty minutes.

[after comments by Senators]

6. Honourable Senators, pursuant to Standing Order 226(1), the Petition should be committed to the relevant Standing committee for consideration; in this case, the Committee on Education, Information, Communication and Technology. I direct that, once committees are constituted, the Petition be committed to the said Committee.

7. In terms of Standing Order 226(2), the Committee is required, in not more than sixty days from the time of reading the Prayer, to respond to the Petitioner by way of a Report addressed to the Petitioner, and laid on the Table of the Senate. The period of sixty days will start running from the date of constitution of the committee.

8. I thank you.

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: csenate@parliament.go.ke



Clerk's Chambers
The Senate
Parliament Buildings
P. O. Box 41842 -00100
Nairobi, Kenya

PARLIAMENT
OFFICE OF THE CLERK OF THE SENATE

Ref. SEN./12/1/PETITIONS / No.8 (1)/2017

13th November, 2017

The Petitioners,
C/o Dr. Constantine Wasonga,
Secretary General,
Universities Academic Staff Union (UASU),
P.O. Box 30198 - 00100,
NAIROBI.
Tel: 0721 947715/ 0739 366023
Email: uasunational@yahoo.com

Dear

Petitioners,

RE: PETITION REGARDING THE 2013 - 2017 COLLECTIVE BARGAINING
AGREEMENT (CBA) FOR UNIVERSITIES ACADEMIC STAFF

This is to acknowledge, with thanks, receipt of your Petition to the Senate on the above subject matter.

Having reviewed the Petition in terms of Standing Order 220(3) of the Senate Standing Orders, I wish to advise that the same complies with the law and the Senate Standing Orders on the form of a public petition and is, therefore, admissible.

The Petition is being processed for reporting by the Speaker to the Senate, pursuant to the Standing Orders.

Mr. Lawrence Amolo, Principal Clerk Assistant (Tel. No. 0722529898 and email amolo@parliament.go.ke), is the officer responsible for facilitating this matter.

Yours

sincerely,

M. A. MOHAMED,
SENIOR DEPUTY CLERK,
FOR: CLERK OF THE SENATE

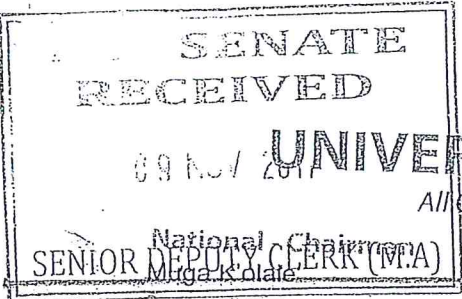
149

@Mr. Amolo

Please deal.

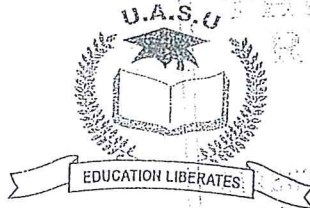
9/11/17

29/11/17



UNIVERSITIES' ACADEMIC STAFF UNION

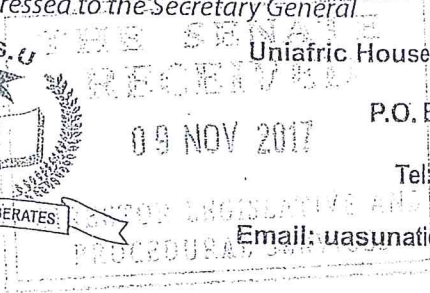
All Correspondence should be addressed to the Secretary General



National Chairman
Muga K. Olathe

Secretary General
Dr. Constantine Wasonga

National Treasurer
Dr. Janepha K. Kumba



Uniafric House, 3rd Floor Rm 301
Koinange Street
P.O. Box 30198 - 00100
Nairobi, Kenya
Tel: +254 721 947 715
+254 739 366 023
Email: uasunational@yahoo.com

PETITION CONCERNING THE 2013-2017 CBA FOR UNIVERSITIES ACADEMIC STAFF

(Brought under the Constitution of Kenya 2010, Articles 37, 94, 95 and 96; and the Standing Orders)

TO: The Clerk, Senate

WE, the undersigned and humble Petitioners, representing members of Universities' Academic Staff in all the public universities of Kenya



DRAW the attention of the House to the following:

- On 13th March 2017, the Inter-Public Universities Councils Consultative Forum (IPUCCF) and the Universities' Academic Staff Union (UASU) signed the 2013-2017 Collective Bargaining Agreement (CBA). The CBA was subsequently registered by the Employment and Labour Relations Court.
- The conclusion of the 2013-2017 CBA brought an end to a period of industrial unrest and ushered in harmony in the Kenyan public universities.
- This honourable Senate was instrumental in facilitating a solution to the labour turmoil when it invited UASU on 28th February 2017.
- To fund the arrears under the 2013-2017 CBAs, the National Treasury through the Ministry of Education, Science and Technology (MoEST), availed Kenya Shillings Ten Billion (KSh. 10, 000,000,000.00).
- The KSh. 10 billion covered arrears of basic salary and house allowance for all public university workers represented by the Universities'

Handwritten notes: Please review deal. 9/11/17

Handwritten notes: review 19/11/2017

Petition Concerning the 2013-2017 CBA for Universities Academic Staff to Parliament.

Academic Staff Union (UASU), Kenya Universities Staff Union (KUSU) and the Kenya Union of Domestic, Hotels, Educational Institutions, Hospital and Allied Workers (KUDHEIHA); who number approximately thirty thousand (30,0000).

- The 2013-2017 CBA is effective from 1st July 2013 to 30th June 2017, but remains in force until its 2017-2021 successor CBA is concluded. This means university staff are entitled to earn basic salary and house allowance at the rates specified in the 2013-2017 CBA until a successor CBA is in place.
- However 28 out of 31 public universities continue to pay academic staff basic salary and house allowance at the rates of the previous 2010-2013 CBA, below the levels in the 2013-2017 CBA.
- The failure to pay basic salary and house allowance at the levels of 2013-2017 CBA is in clear breach of the terms and conditions of service for the academic staff, comprising Professors, Associate Professors, Senior Lecturers, Lecturers, Assistant Lecturers, Tutorial Fellows and Graduate Assistants.
- Furthermore a number of public universities do not remit statutory deductions such as pension contributions, income tax, NSSF and NHIF deductions, as well as co-operative society deductions, insurance premiums, union dues and bank loan instalments deducted from employee income.
- Academic staff in Kenyan Public Universities are overworked and underpaid, with detrimental effects on staff morale, research, teaching and innovation outputs.
- The poor pay structure of academic staff leads to low retention of human resources and massive brain drain from public universities to foreign countries or other sectors.
- Unless the situation is remedied there is an impending collapse of the higher education sector in Kenya.

THAT:

- The academic staff in all public universities represented by the Universities' Academic Staff Union (UASU) and the Inter-Public Universities Council Consultative Forum (IPUCCF) negotiated, signed and registered in the Employment and Labour Relations Court a CBA for the period 2013-2017.
- That, following industrial action by UASU and subsequent intervention by the Cabinet Secretary, Ministry of Education, KSh. 10 billion was availed for the 2013-2017 CBA cycle to cover arrears of basic salary and house allowance for all public university workers represented by UASU, KUSU and KUDHEIHA.
- In July 2017, five out of thirty-one universities implemented basic salary and house allowance at the levels specified in the 2013-2017 CBA. Of the five universities two (JKUAT and Karatina) have since reverted to the previous pay level. Currently, the only compliant universities are: Jaramogi Oginga Odinga University of Science and Technology, Chuka University and Machakos University.
- Considering that lecturers and professors are among the most poorly paid and overworked in the country, the failure to implement the 2013-2017 CBA has condemned academic staff to a life in poverty.
- That UASU has made all efforts to get IPUCCF and the Ministry of Education to implement the 2013-2017 CBA rates but in vain.
- In further breach of the Return To Work Formula signed by IPUCCF and UASU on 13 March 2017, the majority of the public universities have failed to conclude the Internal Local University 2013-2017 CBAs that make provisions for medical scheme, leave entitlements, commuter allowance and other working conditions for academic staff.
- In particular, the medical scheme has collapsed at virtually all public universities leaving academic staff and their dependents without access to health care services.
- In further violation of the Return To Work Formula the public universities have failed to jump start the 2017-2021 CBA negotiations, which when concluded would prevent future recurrence of similar labour unrests. Other public sector employees such as the civil servants, teachers and doctors already have 2017-2021 CBAs.

- The severe breach of the 2013-2017 CBA has pushed UASU to resort to avoidable industrial action; with detrimental effects on the higher education sector and student learning.

THAT:

- The issues in respect of which the petition is made are not pending before any court of law.

REASONS WHEREFORE your humble petitioners PRAY that Parliament:

- (i) urgently intervene and facilitate appropriation of funds to enable implementation of the 2013-2017 CBA;
- (ii) urgently intervene and facilitate appropriation of funds for the employers' pension component of the 2013-2017 CBA;
- (iii) urgently intervene and facilitate appropriation of funds for the employers' pension component of the 2010-2013 CBA;
- (iv) urgently intervene so that the internal 2013-2017 CBAs are completed; and
- (v) urgently intervene so that the 2017-2021 CBA is negotiated.

and your PETITIONERS will ever Pray.

DATED at NAIROBI this 8th day of November 2017

SIGNED BY:

[Handwritten Signature]

Dr. Constantine Wasonga, Ph.D
National Secretary General, UASU
ID No. 10407519

[Handwritten Signature]

Muga K'Olale
National Chairman, UASU
ID No. 8963953

[Handwritten Signature]

Joseph Mutuura Mberia
National Vice Chairman, UASU and
Co-Chairman of CBA Joint
Negotiation Committee
ID No. 3462364

Petition Concerning the 2013-2017 CBA for Universities Academic Staff to Parliament.

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- ⇒ Promotion
- ⇒ Retirement Age
- ⇒ Staffing Decision
- ⇒ Scrutinize
- ⇒ Medical Schemes
- ⇒ University Council
- ⇒ Ag Vice Chancellors
- ⇒ Promotion Criteria

MINUTES OF THE 4TH SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON THURSDAY, 8TH MARCH, 2018 AT COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDING AT 10:00 AM.

PRESENT

1. Sen. (Dr.) Christopher Lang'at - **Chairperson**
2. Sen. Mohammed Yusuf Haji
3. Sen. Getrude Musuruve
4. Sen.(Dr.) Zani Agnes
5. Sen. Mary Seneta
6. Sen. Okongo Omogeni
7. Sen. Nderitu John Kinyua
8. Sen.(Prof.) Samson Ongeru

ABSENT WITH APOLOGY

1. Sen. (Prof.) Margaret Kamar - **Vice Chairperson**

IN ATTENDANCE

1. Mr. Joseph Mwangi
2. Ms. Marale Sande
3. Ms. Josephine Kusinyi
4. Ms. Farhiya Ibrahim
5. Ms. Njeri Manga

THE SENATE SECRETARIAT

- Clerk Assistant
- Senior Research Officer
- Principal Legal Counsel
- Principal Sergeant At Arms
- Media Relations Officer

IN ATTENDANCE

1. Mr. Muga K'olale
2. Mr. C. Wasonga
3. Mr. James Magoka
4. Dr. Joab Kinzi
5. Ms. Njoki Ndung'u
6. Mr. Muiga Rugara
7. Mr. Mohammed Mwachiti
8. Dr. Charles Mukhwaya
9. Dr. Janepha Kumba
10. Prof. George Osanjo
11. Mr. Cyprian Ombati

REPRESENTING THE PETITIONERS

- UASU National Chairman
- UASU National Secretary General
- UASU
- KUSU
- UASU
- UASU
- UASU
- KUSU
- UASU
- UASU
- UASU

MIN.NO. 20/2018

- PRELIMINARIES

The chair called the meeting to order at 10:27a.m and the meeting started with a word of prayer.

MIN.NO. 21/2018

- ADOPTION OF AGENDA

The agenda of the meeting was adopted unanimously by the members as follows;

AGENDA

1. Preliminaries
 - a. *Prayer*
2. Adoption of agenda
3. Meeting with the Petitioners/UASU officials on 2013-2017 CBA petition
4. Any other Business
5. Date of the next meeting

MIN.NO. 22/2018

- MEETING WITH THE PETITIONERS

The secretariat briefed Members on the Petition on the 2013-2017 Collective Bargaining Agreement (CBA) and thereafter the petitioners joined.

The Chairman led in the introduction of both parties and welcomed the Chairman UASU Mr. Muga K'olale to make his presentation.

Chairman UASU Mr. Muga K'olale remarks:

He gave a history of the collective bargaining agreements and pointed out that:

1. Currently the terms and conditions of service for universities' academic staff, comprising Professors, Associate Professors, Senior Lecturers, Lecturers, Assistant Lecturers, Tutorial Fellows and Graduate Assistants; were contained in an already expired 2013-2017 Collective Bargaining Agreement (CBA). The 2013-2017 CBA expired on 30th June 2017.
2. The Government had adjusted the terms and conditions of service for public workers, except university staff, by implementing Collective Bargaining Agreements (CBAs) for the period 2017-2021 or through other salary harmonization interventions.

3. Academic staff in public universities had however been discriminatively left out of any review of terms and conditions of employment including basic salaries, housing allowances, housing mortgage schemes, car loan schemes, among others, at levels comparable to what other public sector employees enjoy.
4. The pay structure of academic staff was characterized by distortions, large salary overlaps, stagnation within current grades, and poor career progression plans leading to low retention of human resources and massive brain drain from public universities to other sectors.
5. Academic staff in Kenyan Public Universities are overworked and underpaid, with detrimental effects on staff morale, research, teaching and innovation outputs.
6. Unless the situation was remedied there would be an impending collapse of the higher education sector in Kenya.
7. There were outstanding Pension arrears from the previous CBAs.
8. Lack of access to housing mortgages and car loan schemes.
9. Statutory and voluntary remittances had been deducted from university staff but not remitted to the relevant bodies.
10. Dysfunctional medical scheme
11. Retirement age was not standard
12. The IPUCCF and the Ministry of Education did not give a counter offer i.e they are not ready to negotiate with the petitioners.
13. The Vice-Chancellors' committee are not keen to honour the internal CBAs as only three universities effected the same.
14. The Salaries and remuneration Commission made it difficult to negotiate engaging in a silent agreement with the universities indicating that universities did not have capacity to negotiate.
15. Appointment and promotion criteria was not professional.

Members Reaction and responses.

1. A member needed clarification on why there was always a strike every year from UASU and why they would return to work even before the government honored the CBA.

2. The need for UASU to be sensitive to the students plight was emphasized.
3. Whether UASU sought the court intervention.
4. The need to bring everyone on the negotiating table was emphasized.
5. The issue of whether promotion would accrue to members of the academic staff on leave of absence.

WAY FORWARD

1. The students needed to continue with their studies.
2. Uasu was ready to negotiate with the Ministry of Education.
3. There was need for a physical head count as most universities were inflating the number of workers. This was to facilitate hiking of the capitation to the said universities. The reality was that staff were few in most public universities.
4. The Education Committee was ready to meet with the other stakeholders in bid of a lasting solution.

MIN.NO. 23/2018

ANY OTHER BUSINESS

There was no other business.

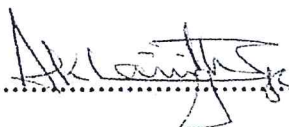
MIN.NO. 24/2018

ADJOURNMENT AND DATE OF NEXT

MEETING

The Chairperson adjourned the meeting at 1:11pm. The next meeting was to be on 15th March ,2018.

SIGNED.....



(CHAIRPERSON; SEN. (DR.) CHRISTOPHER LANG'AT ANDREW, M.P.)

DATE.....

30/05/18

MINUTES OF THE 7TH SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON THURSDAY, 12TH APRIL, 2018 AT COUNTY HALL, MINI CHAMBERS BREAK OUT ROOM AT 9:00 AM.

PRESENT

- 1) Sen. (Dr.) Christopher Lang,at - **Chairperson**
- 2) Sen. (Prof.) Margaret Kamar - **Vice Chairperson**
- 3) Sen. (Prof.) Samson Ongeru
- 4) Sen. Okong'o Omogeni
- 5) Sen. Getrude Musuruve
- 6) Sen. Mohammed Yusuf Haji
- 7) Sen. Mary Seneta

ABSENT WITH APOLOGY

- 1) Sen. (Dr.) Zani Agnes
- 2) Sen. John Nderitu

IN ATTENDANCE

THE SENATE SECRETARIAT

- 1) Mr. Joseph Mwangi - Clerk Assistant
- 2) Ms. Marale Sande -Senior Research Officer
- 3) Mr. Boniface Mbithi -Sergeant at Arms

MIN.NO. 41/2018 PRELIMINARIES

The chair called the meeting to order at 9:47 a.m.

MIN.NO. 42/2018 ADOPTION OF AGENDA

The agenda of the meeting was adopted by all members present as follows-

1. Preliminaries
 - a. *Prayer*
2. Adoption of agenda
3. Meeting with the Cabinet Secretaries Ministries of Education, National Treasury on UASU CBA 2017-2021 Petition.
4. Any other Business
5. Adjournment/Date of the next meeting

MIN.NO. 43/2018 MEETING WITH THE CABINET SECRETARIES FOR EDUCATION AND NATIONAL TREASURY ON UASU PETITION.

The Committee was unable to meet with the two cabinet secretaries who had honored the committee's invitation, and as such it resolved to stop

prosecuting further the UASU Petition as the same petition had been served to the Members of the Education Committee in the National Assembly.

The Committee further proposed that in the event that the petitioners were not satisfied with the verdict given by the National Assembly Education Committee, they were free to appeal to the Senate.

MIN.NO. 44/2018 ANY OTHER BUSINESS

There was no other business.

MIN.NO. 45/2018 ADJOURNMENT AND DATE OF NEXT MEETING

There being no any other business, the Chairman adjourned the meeting at 10:14 am





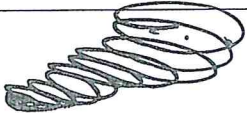
The next meeting was to be called by notice.

SIGNED.....

(CHAIRPERSON; SEN. (DR.) CHRISTOPHER LANG'AT ANDREW, M.P.)

DATE.....30/05/18.....

**ADOPTION OF THE REPORT ON THE 2013-2017 CBA FOR THE
UNIVERSITY ACADEMIC STAFF PETITION 30.05.18**

NO.	NAME	DESIGNATION	SIGNATURE
1.	Sen. (Dr.) Christopher Langat	Chairman	
2.	Sen. (Prof.) Margaret Kamar	Vice-Chairperson	
3.	Sen. Mohammed Yusuf Haji	Member	
4.	Sen. (Prof.) Samson Ongeru	Member	
5.	Sen. (Dr.) Agnes Zani	Member	
6.	Sen. Mary Seneta	Member	
7.	Sen. Getrude Musuruve	Member	
8.	Sen. Okongo Omogeni	Member	
9.	Sen. Nderitu John Kinyua	Member	

