

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 11th August, 2020

The House met at 10.19 a.m.

[The Temporary Deputy Speaker (Hon. Mwikali) in the Chair]

PRAYERS

(Quorum Bell rung)

Hon. Temporary Deputy Speaker: Serjeant at Arms, kindly stop the bell and we will proceed with the Assembly today. Thank you, Hon. Members.

COMMUNICATION FROM THE CHAIR
VIGOROUS DEBATING

Hon. Temporary Deputy Speaker: Hon. Members, I take this opportunity to welcome you to the deliberation of today and invite you to contribute vigorously to the business we have for today; therefore feel at home, free and please continue to deliberate for the welfare of this Assembly. Mr. Clerk, proceed.

PAPERS LAID

Hon. Temporary Deputy Speaker: Under this Order, we have Papers to be laid by two Hon. Members and I request Hon. Moffat Maitha to lay your Paper.

REPORT ON STUDY VISIT TO MOSHI MUNICIPAL COUNCIL, TANZANIA

Hon. Maitha: Madam Speaker, I beg to lay the following Paper on the Table of the Assembly today Tuesday 11th August, 2020; the report of the sectoral Committee on Justice and Legal Affairs on the study visit to Moshi Municipal Council, United Republic of Tanzania. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Moffat Maitha, Chairperson Justice and Legal affairs Committee. I take this opportunity to welcome Hon. Daniel Kiilu, Chairperson *ad hoc* Committee to lay the Paper. Hon. Mbivya, you are holding brief for Hon. Daniel Kiilu?

Hon. (Ms.) Mwendu: Yes, Madam Speaker.

Hon. Temporary Deputy Speaker: Please welcome to lay the Paper.

Hon. (Ms.) Mwendu: Can I do it from here?

Hon. Temporary Deputy Speaker: I would request you to come down.

Hon. (Ms.) Mwende: Okay.

(Hon. (Ms.) Mwende moved to the dispatch box)

REPORT ON CASA AND EALASCA GAMES 2019

Hon. (Ms.) Mwende: Thank you, Madam Speaker. Hon. Speaker, I wish to lay the following Paper on the floor of the House today, 11th August, 2020; the report of *ad hoc* committee on CASA and EALASCA games 2019. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Irene for holding brief for Hon. Kiilu, you are very smart and you have done a smart job.

(Applause)

Thank you, Hon. Members, for appreciating the lady. Mr. Clerk, proceed to the next order

NOTICE OF MOTIONS

Hon. Temporary Deputy Speaker: Thank you. On this Order we have got a notice of motion by Hon. Moffat Maitha.

REPORT ON STUDY VISIT TO MOSHI MUNICIPAL COUNCIL, TANZANIA

Hon. Maitha:

Madam Speaker, that aware that the objects of devolution of government as provided in Article 174(a)(b) and (c) of the Constitution includes to promote democracy and accountability in the exercise of power, foster national unity by recognizing diversity and give to the people the powers of self-governance with a view to enhance their participation in decision making processes at all levels of government;

Aware that benchmarking is one of the most efficient tools democratic legislatures and organizations such as parliaments can adopt with specific focus on identifying, analyzing and adopting best practices and implementing the best results to improve their operations and performance;

Further aware that the objective of study visit to Moshi Municipal Council in Republic of Tanzania was to enable the Committee appraise itself with the leadership structure, role and operations of the Moshi Municipal Council in administration of law and justice, get an understanding of the challenges faced by the council in discharging its mandate, the policies and laws enacted to address the challenges among others;

I wish to give the notice of the motion that this Hon. House discusses and approves the Justice and legal Affairs committee report on educational study visit to Moshi Municipal Council in the Republic of Tanzania.

Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Moffat Maitha. I call upon Hon. Irene who is holding brief for Hon. Daniel Kiilu to please proceed with the next Notice of Motion.

REPORT ON CASA AND EALASCA GAMES 2019

Hon. (Ms.) Mwende: Thank you, Madam Speaker.

Hon. Speaker, that aware that sports have been perceived by many as a tool of socialization and reflection of the culture of the people;

Further aware that, Paragraph 4(h) of Part 2 of the Fourth Schedule of the Constitution gives one of the functions and powers of the County Governments as cultural activities, public entertainment and public amenities, including among others sports and cultural activities and facilities;

Informed that on 3rd July, 2019, through the communication of the Speaker and pursuant to Section 14(1)(b) of the County Governments Act 2012, an *ad hoc* committee comprising of seven Hon. Members was read in the House;

Remembering that the second edition of CASA games was held from 26th September to 6th October, 2019 in Eldoret, Uasin Gishu County the theme of the sports being 'sports and culture as a means to national cohesion;'

Aware that the *ad hoc* committee was tasked to oversee the full implementation of the CASA program for 2019 including team practice, budgeting, provision of equipment and the actual competition of the various teams;

Cognizant that the committee facilitated the full implementation of the CASA and EALASCA games as tasked by the House and subsequently compiled a report;

Hon. Speaker, I wish to give Notice of Motion that this Hon. House discusses and approves the report of *ad hoc* committee on CASA and EALASCA games 2019.

Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Irene; you have done a very great job and we appreciate you Hon. Lady. Mr. Clerk, proceed.

STATEMENT

BUSINESS FOR THE HOUSE FOR 11TH TO 25TH AUGUST, 2020

Hon. Temporary Deputy Speaker: On this order we have got House Business Committee (HBC) report that ought to have been given by Hon. Judas Ndawa and I am not able to see him and I am told any other Member of the same committee and I understand that Hon. Hellen Ndeti will hold brief on the Statement by the HBC. *Mheshimiwa* Hellen Ndeti please, proceed.

Hon. (Ms.) Ndeti: Thank you, Madam Speaker. Hon. Speaker, I stand under Standing Order 41(2)(a); where during the Statement Hour, a Member of the House Business Committee designated by the Committee for that purpose shall for not more than ten minutes, present and lay on the Table, a statement informing the House of the business coming before the House.

Hon. Speaker, the House Business Committee met on Monday, 10th August, 2020 to review and ballot business for the House pursuant to the provisions of the Standing Order 151. The Committee balloted business as follows:

Tuesday, 11th August, 2020

Morning at 10.00 a.m.

Report of Labour, Public Service and ICT Committee on petition by Flower City Ltd Workers by Hon. Francis Kalumu, Chairperson, Labour, Public Service and ICT Committee.

Afternoon at 2.30 p.m.

Report on educational study visit to Moshi by Justice and Legal Affairs Committee by Hon. Moffat Maitha, Chairperson, Justice and Legal Affairs Committee.

Tuesday, 18th August, 2020

Morning at 10.00 a.m.

Report of Committee on Selection on Nomination of Members to Committees by Hon. Mark Muendo, Chairperson, Selection Committee.

Afternoon at 2.30 p.m.

- Report of Agriculture Committee on Petition by Donkey owners by Hon. Moses Mitaa, Chairperson, Agriculture Committee.
- Response to a statement requested by Hon. Dominic Ndambuki (MCA, Kathiani Central Ward) by Hon. Cosmus Masesi, Chairperson, Health and Emergency Services on:
 1. What the department of health and emergency services was doing to ensure that the CHVs were paid their stipend and arrears without delays.
 2. Whether the department of health and emergency services had an existing policy on terms of engagement of the community health or CHVs.

Tuesday, 25th August, 2020

Morning at 10.00 a.m.

Report of *ad hoc* committee on CASA games 2019 by Hon. Daniel Kiilu, Chairperson CASA *ad hoc* committee.

Hon. Temporary Deputy Speaker: Thank you, Helen Ndeti for that great presentation. Mr. Clerk.

MOTION

REPORT ON PETITION BY FLOWER CITY LIMITED WORKERS

Hon. Temporary Deputy Speaker: For this motion...order! Hon. Members. On that motion report of labor, public service and ICT committee petition by Flower City Limited workers by Hon. Francis Kalumu, chairperson committee on labor. I am informed Hon. Christine Koki will be holding brief for the chairman on this report. Hon. Christine Koki?

Hon. (Ms.) C. Koki: Thank you, Madam Speaker. I am standing in for Hon. Francis Kalumu who is the chairperson of the labor committee.

Hon. Speaker, that aware that Article 1 and 2 of the Constitution of Kenya, 2010 stipulates that

(1) All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution.

(2) The people may exercise their sovereign power either directly or through their democratically elected representatives;

Further, aware that Standing Order 195 and 196 gives the definition of a Petition and the procedure of submission of a Petition;

Hon. Speaker, aware that the County Assembly received a petition through the Office of the Clerk of the County Assembly from the workers from Flower City Ltd; acknowledging that Standing Order 20(1) provides that every Petition presented or reported pursuant to this part, shall stand committed to the relevant Sectoral Committee;

Cognizant of the fact that the petition was committed to the Labour, Public Service and ICT Committee to consider and table a report on the petition to this House pursuant to Standing Order 201(2);

Hon. Speaker, Aware that the Committee on Labour, Public Service and ICT considered the petition and compiled a report;

Hon. Speaker, I wish to move a motion THAT, this honorable house discusses and approves the Labour, Public Service and ICT Committee report on petition by Flower City Ltd workers.

At this point Hon. Speaker, I would like to call my seconder Hon. Rozina

Hon. Temporary Deputy Speaker: Thank you, Hon. Christine; take a seat Hon. Christine. Thank you, Hon. Christine and welcome Hon. Rozina.

Hon. (Ms.) Kanini: Thank you, Madam Speaker. I do second the motion. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Rozina. Hon. Christine please proceed with your motion.

Hon. (Ms.) C. Koki: Thank you, Hon. Speaker. I am standing in for Hon. Francis Kalumu, the chairperson of this committee. This is the report of labour, public service and ICT committee on Petition by Flower City Company Limited workers.

1.0 INTRODUCTION

1.1 Preamble

Hon. Speaker, the Assembly received a petition through the Office of the Clerk of the County Assembly pursuant to Standing Order 194 from workers of Flower City Ltd. The petitioner's main prayer was that the Assembly intervenes to have the management of the flower farm pay their salary arrears and remit their statutory deductions to NHIF and NSSF.

On 13th November, 2019 the petition by workers of Flower City Ltd was tabled in the House and pursuant to Standing Order No. 201 committed to the Labour, Public Service and ICT Committee.

1.2 Mandate of the Committee

Hon. Speaker, the Labour, Public Service and ICT committee is established pursuant to Standing Order 190 and the second schedule of the Standing Orders define its mandate as follows; all matters relating to Labour, trade union relations, manpower or human resource planning, information, communication and technology.

1.3 Committee Membership

Hon. Speaker, the Labour, Public Service and ICT Committee as currently constituted comprises of the following Hon. Members:

- | | | |
|-----|------------------------|-------------|
| 1. | Hon. Francis Kalumu | Chairperson |
| 2. | Hon. Alex Kamitu | Member |
| 3. | Hon. Christine Koki | |
| 4. | Hon. Constance Nzioki | |
| 5. | Hon. Irene Mbivya | |
| 6. | Hon. Jacinta Luka | |
| 7. | Hon. Joshua Nzuki Muli | |
| 8. | Hon. Justus Katumo | |
| 9. | Hon. Nicholas Mutuku | |
| 10. | Hon. Paul Nyanzi | |
| 11. | Hon. Rozina Kanini | |
| 12. | Hon. Dominic Ndambuki | |

1.4 The Petition

Hon. Speaker, the petition by workers of Flower City Ltd was submitted pursuant to Section 15(1) of the County Governments Act which provides that, “a person has a right to petition a County Assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.” The petition was tabled in the House as per Standing Order 194 and referred to the Committee pursuant to Standing Order 200. The petitioners' grievances were:

1. Delayed salaries from the month of April, 2019 to October, 2019.
2. Unfair termination of employment.
3. Non-remittance of statutory deductions.
4. Low wages.
5. Victimization of workers committee members and union leaders.

Hon. Speaker, after deliberations and consultations with the petitioner's, their prayer to the County Assembly is that the Assembly assists them to have their statutory deductions remitted to the relevant bodies and be paid their salary arrears.

1.5 Acknowledgement

Hon. Speaker, the Committee is grateful to the Office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the Committee sittings and facilitating the Committee in handling this petition. I wish to express my appreciation to the Honorable Members of the Committee who sacrificed their time to participate in the activities of the Committee and in preparation of this report.

2.0 LEGAL FRAMEWORK

2.1 Presentation of Petitions

Hon. Speaker, Article 37 of the Constitution of Kenya, 2010 provides that every person has the right, peaceably and unarmed to present petitions to public authorities. In addition, Section 15(1) of the County Governments Act provides that, a person has a right to petition a County Assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.

2.2 Invitation of Witnesses

Hon. Speaker, Article 195 (1) of the Constitution of Kenya, 2010 provides that, a County Assembly or any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information.

Further, Section 18 of the County Assemblies Powers and Privileges Act provides that, “a County Assembly or its committees may invite or summon any person to appear before it for the purpose of giving evidence or providing any information, paper, book, record or document in the possession or under the control of that person and, in this respect, a County Assembly and its committees shall have the same powers as the High Court as specified under Article 195 of Constitution of Kenya 2010.

3.0 COMMITTEE INQUIRY ON THE PETITION

3.1 Committee Inquiry on Petition

Hon. Speaker, the petition was occasioned by the failure of the Flower City Ltd management, which is a flower farm located in Yatta Sub-County, Kithimani ward, to pay salaries and remit statutory deductions as required. To gather information on the petition, the Committee requested information from the following persons:

- (i) The petitioners
- (ii) The management of Flower City Ltd

3.2 Submissions by the Petitioner

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Hon. Speaker, the petitioners appeared before the Committee and stated as follows:

1. Delayed salaries: That they have not received any salary from the company for seven months, since April, 2019. This is despite the Company signing a memorandum of Understanding and a return to a return to work formula witnessed by the Machakos County Labour Officer. (*annexed*)
2. Non-remittance of statutory deductions: The Company is required by law to make statutory deductions for contribution towards the workers' social security fund and National Hospital Insurance Fund respectively. It has however not only failed to make the employers contributions required under the social security Fund, but has also deducted the amounts from their salaries but fraudulently failed to remit the same to the relevant government agencies. This has set the employees back as they are unable to access affordable healthcare using the hospital Insurance Fund.
3. Low wages: Salaries of workers in the Agriculture Wages council under the ministry of Labour and Social protection are so low and cannot afford the workers in the sector decent and dignified living. The current minimum wage for unskilled workers in the sector stands at Ksh. 6,736, as per the Agriculture wages order, 2018. In light of the high cost of living and inflation in the country, the amount cannot decently sustain them and their families.
4. Unfair termination of employment: In exercise of unmatched impunity, the company has subjected them to modern day slavery in violation of their right not to be subjected to slavery or servitude guaranteed under Articles 25 and 39 of the Constitution of Kenya, 2010. They have had their employment terminated via text messages and by verbal messages delivered to them by the company. This was in violation of the termination of employment procedure outlined under Section 55 of the Employment Act No.11 of 2007 as read with Section 4 of the Fair Administrative Act.

3.3 Submissions by the Human rights commission and County Labour officer

Hon. Speaker, the Committee noted that the petitioners had previously lodged their grievances with the Kenya Human rights commission and made the following observations and recommendations:

1. Flower City Ltd was in violation of the petitioner's human rights guaranteed under Articles 3,10,19,20,25(b) of the Constitution of Kenya, 2010 and should be held to account for the violations by:
 - a) Being compelled to reinstate the workers who were unfairly terminated from employment and in the alternative, compensate them for unfair termination.
 - b) Being compelled to pay all its employees their salary arrears.
 - c) Being compelled to contribute and remit all the National Social Security Fund and National Hospital Insurance Fund payments to date.
 - d) Being compelled to cater for the economic loses and setbacks occasioned to the petitioners including interest and penalties accrued on defaulted loans.
 - e) Flower City Ltd operational license should be revoked until it is certified by an audit, to be complaint with all statutory requirements especially with respect to the welfare of workers.

Hon. Speaker, the committee noted that the petitioners had also previously lodged their complaint with the office of the Deputy County Commissioner, whereby the management of the company was summoned and after discussions a return to work formula was agreed upon. Unfortunately, the workers reported back to the same office with other labour related issues after which the deputy County Commissioner forwarded the matter to the Machakos County labour officer.

The County labour Officer proceeded to invite the two parties (workers and the management) to discuss the complaint and further signed a memorandum of Agreement. (*See attached*)

3.4 Committee visit to the company and meeting with the management

Hon. Speaker, efforts to reach to the management of Flower City Ltd were futile and when the committee visited the physical address of the company, it was noted that it had since closed its doors and was in the process of being acquired by another company.

4.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

4.1 Committee Observations

Hon. Speaker, the Committee made the following observations during its inquiry on this petition:

1. That the petitioners are employees of flower city ltd; this was verified by the appointment letters that the petitioners presented.
2. That the petitioners had previously lodged their grievances with the Kenya Human Rights Commission, Office of the Deputy County Commissioner and Machakos County labour office and each had made its recommendations.(Annexed)
3. That flower city ltd despite making statutory deductions from the employees pay slips, they did not remit them as required by law; this was established by analyzing the monthly payslips and the records at the National Social Security Fund and the National Hospital Insurance Fund.
4. The committee also noted that the petitioner's had salary arrears dating back to April 2019. The petitioners also informed the committee that the procedure of terminating their contracts was not followed as some were terminated through text messages.
5. That Flower City Ltd has since closed its doors and in the process of being acquired by another company.

4.2 Committee Recommendations

Hon. Speaker, the Committee makes the following recommendations as per the prayers of the petitioners:

1. That, recognizing that Flower City Ltd is in the process of being acquired by another company, and that notwithstanding, it is noted that acquiring a company entails transferring all the assets and liabilities, then this committee recommends that the statutory deductions and salaries arrears which are in essence part of the liabilities of the Company should be facilitated.
2. That the registrar of companies by virtue of receipt of this report should suspend the said acquisition until such a time when the assembly notifies that the petitioners have been paid their dues.
3. That audit of the company's financial books should be audited with an objective of verifying whether the company has been in compliance with financial ethics.
4. That in consultation with the petitioners, they advised the committee to focus on two prayers; salary arrears and non-remittance of statutory deductions. This was informed by the fact that the company had since shut down and was in the process of being acquired by another company.
5. The committee agrees with the recommendations provided by the Kenya Human Rights Commission and as such the company should abide by them.

5.0 CONCLUSION

Hon. Speaker, pursuant to Section 15(1) of the County Governments Act which provides for a person's right to petition the County Assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation" the committee urges the citizens of Machakos County to present their grievances to the County Assembly and stop suffering in silence.

Hon. Speaker, it is therefore my pleasant duty and privilege, on behalf of Labour, Public Service and ICT Committee to table this report on Petition by Flower City Ltd workers in this Hon. House for consideration and approval. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: I thank you, Hon. Christine Koki.

(Question proposed)

Hon. Hellen Ndeti.

Hon. (Ms.) Ndeti: Thank you, Madam Speaker. I wish, first of all, to take this opportunity to thank our committee for a good report well-written and for highlighting all these labor issues that are affecting our people in this flower company. I am also very disappointed at the same time to learn that we have companies in our county that are paying our people a salary of Ksh. 6,000. I thought this is something that is long gone, even our domestic workers do not earn Ksh. 6,000. This flower companies are mostly owned by either foreigners or people who have got money; I am sure they do the flower farming, export and get money but they do not plough it back to the most important resource which is the human beings or the human resource and it is very unfortunate.

The other thing I have noted is that we need to know that these flower firms also are very good at damaging our environment because of the chemicals they use in those flower farms. I can only say that the Machakos labor office should take this petition very seriously by understanding the grievances from the employees and by ensuring that their dues and especially the statutory dues that were deducted from their salaries and were never being remitted the concerned, bodies should make sure that this money is paid before the company changes hands.

So, I think members we should really contribute to this motion and ensure that our people get what is due to them. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Hellen Ndeti. Hon. Robert Kisini.

Hon. Kisini: Thank you, Madam Speaker. I want to applaud the committee for the good recommendations and observations, which they did; we have heard it very well and we have heard that there was a lot of unfairness for the workers who have really been mistreated. Seven months without getting salary is very unfair, not remitting deductions is also very unfair and then the victimization such that when you are seen to be questioning why, you are sent home through SMS. Madam Speaker that is very bad, very unfair in today's Kenya and more especially at Machakos.

Yes, we have many flower farms in our county and I think workers are all mistreated. In my ward, we have many who are there and it is the same scenario. Madam Speaker, I want to applaud then committee for sticking to it that even before the new owner acquires this company that everything is suspended until these workers grievances are taken care of; that they are paid their salaries, that their deductions are forwarded and that those who have been sent home through SMS are reinstated.

If not so, the new owner who is going to buy this company should be compelled to pay these workers. Madam Speaker I want to request the House as per the committee recommendations that we take care of those people who are being mishandled through such employment. As Hon. Hellen has said that we can just imagine somebody is working in a company and is paid Ksh. 6,736; that is like mishandling and misusing because what can Ksh. 6,000 do and even so that money is not good. I think it is good to say that these companies come here to make money, to extort our workers, to misuse them, and as a House I think we are not going to allow that one.

So, Madam Speaker, I want to go by the recommendation that this House sets a precedence to the others who are misusing, who are mishandling our young people, our youth in Machakos and we should send a very strong message by passing this report and say that they should all be paid their dues and the increments of those salaries should go by the labor remuneration. I think this Petition reached here because maybe the labor office had not settled, the human rights had not settled it. So, as a House

because they have cried to us, let us set precedence and pass this report so that these people can be paid. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Robert Kisini. Hon. Justus Katumo.

Hon. Katumo: Thank you, Madam Speaker. I want first to congratulate the committee and the mover of this motion and report they have done a good job. I am a member in that committee and I remember in the process of writing this report, we invited some of the employees the petitioners who came and explained themselves but we failed to get the owners of that flower farm and they could not give their side of the story. Madam Speaker, there is one thing that we must say; in trying to go through the prayers of these workers or employees of this Flower City company, is not an isolated case. I think this is a general case of many of our companies and employees around Machakos.

Madam Speaker, we must understand we have received several prayers, petitions on the same where there is a lot of intimidation of the workers and generally we can see modern day slavery where you are intimidated, you are paid low salaries. Actually you are given low wages that the work that you do, the turnover that you do every day and this is not right. In fact, every employee has a right and I believe in the closest that we find in our labor laws and especially when we invited the labor officers in Machakos; the minimum wage that is supposed to be paid is not that Ksh. 6,000 and few coins above.

I think that is not enough money to work for and I think the minimum wage has gone even beyond Ksh. 10,000 and therefore we find it very interesting that still now these workers are paid low wages and they don't receive even that low wages by end of every month.

I want to support one of the recommendations that says that we should, as a committee, as a House and as the County Government of Machakos make sure that there is no change over until the matters are settled, those employees are given their dues, their arrears and everything is put clear. Madam Speaker I think we have cases even in Mavoko in those steel plants where workers work under very bad environment and still they are not paid and they are given low wages.

I think we should, I don't know how we should approach this to make sure that our residents are given what is due to them and they are protected in their workplace. We cannot continue just to discuss but we need to do something to make sure that.....I do not know whether a County can do legislation to make sure that we have a minimum wage and the environment is safe and secure for our workers because I believe everybody needs that comfort, deserves a better work environment, deserves a better pay for the work done and therefore I think this committee has done a good job to highlight the plight of our workers and especially down there.

We have seen that these flower farms, when you push them they relocate. The other time we went to this other farm along Mombasa Road around Daystar; they moved and we wanted to understand why workers were complaining and therefore they relocated, the exchange hands and then it becomes very difficult and I think there are also authorities involved to make sure that things are done in secrecy and therefore we should unfold all these things to make sure our Machakos residents do not suffer in the process of trying to fend for themselves and their families. Madam Speaker, I support. Thank you.

(Applause)

Hon. Temporary Deputy Speaker: Thank you, Hon. Justus Katumo. Hon. Constance Mbula.

Hon. (Ms.) C. Nzioki: Thank you, Madam Speaker. I want to congratulate the committee for the good work that is well done, I am a Member of that Committee and we have tried to come up with that report and it was just like our brothers and sisters are suffering there because even with that little salary, they do not receive it. Consider also the little salary has deductions like NHIF,

NSSF and the rest but ask yourself, what are they supposed to get after that and which is not even available to them.

Madam Speaker, I think this is a mockery in the highest order in Machakos because as much as we say these flower firms are giving jobs to our children, those jobs are not paid for so our children have become slaves and when you go to complain nobody listens to you. Madam Speaker, there is so much that we did not want to put into that report because of insecurities and some other things because if one goes to ask for a job there and especially for women, our sisters, our mothers, you must bribe, you are supposed to sleep with somebody there, whoever is called a supervisor so that you get the job. A job that you have been misused to get and once you get it you are not paid so what are we doing, Madam Speaker?

I would wish such flower farms wherever they are with this kind of behavior, the Government should cancel all those trading licenses and find elsewhere because as we say, many of them are foreigners and you wonder why they are not able to do those kinds of businesses in their home areas because in their home areas there is no time to bribe, there is no time to do away with workers without paying them, there is no time to look at people like they are animals and so, Madam Speaker, I recommend everything that the committee did and I wish this House to approve so that we can move with speed to save our sisters and brothers, our children so that they can earn a living.

Madam Speaker, if this flower farm was not paying way before when there was no COVID-19, what about today? The same people are suffering beyond reach; there is no money, no jobs and so what do they eat? Even look at ourselves, as much as we are MCAs and we are earning, we still have somewhere we feel pinched because of this coronavirus and so thinking about those flower farm workers and let us do something on a very serious note to get them out of this corrupt flower farms. If possible, they should go and trade at their places of birth. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Constance Mbula. Hon. Annastaciah, Kibauni Ward.

Hon. (Ms.) Mutuku: Thank you, Hon. Speaker. I stand to support the report and I am also standing with the Hon. Members on what they have said about the report on flower farms. I want to say that there is a lot of impunity in flower farming companies and I have a lot of complaints from some women who are working in some of the companies who come from Kibauni and working in some areas and some companies in Athi River and others Kitengela.

Hon. Speaker, I want to request the County Government to provide lawyers to support this fellow Kenyans who are suffering because of poor management of the companies. I understand that the law is very clear, the County Government and the National Government should protect these employers and I would also request the Ministry of Labor to revoke the licenses of those companies that are working poorly and do not care about our people.

(Applause)

Hon. Speaker, we know that kind of impunity is in so many companies and even misusing women and I want to stand and support that, women should be protected by the Government because if you do not sleep with either a Manager or a supervisor, you cannot enjoy your working environment at all. Even for those who get pregnant go on maternity leave empty-handed because the companies do not pay and yet you have been working for years in that company.

So, I would like to request the County Government to chip in and to make sure that the work environment for those people is properly managed and because the Hon. Members have said much, I stand to support the report. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you so much, Hon. Annastaciah, for that serious debate. Hon. Johana.

Hon. Munyao: Thank you, Madam Speaker. I stand to support the report by the committee of labor regarding the mistreatment of our County residents in some of the companies which are located within the County. Madam Speaker, I want to echo the words of one of the Hon. Members that, we come up with a legislation that will govern the operations of some of these companies and especially our engagement with them regarding how our youths are supposed to be engaged and what are the terms of engagement.

Madam Speaker, in any work set up, there is a point of entry and the terms of reference and terms of engagement whenever one enters in any working institution; issues like the levels of wages, issues of the mandatory leaves which are well outlined in some of the labor laws. It should not be a question of request or maybe it should not be treated as if it is a privilege but it is a right that workers are given proper and conducive working environment and that workers are paid in consideration with the cost of living and also workers are given the rightful days which they are supposed to either go on leave and maybe even the hours they are supposed to be working.

Madam Speaker, there are some companies where you find workers going beyond the recommended working hours per day, they are never maybe paid overtime, they are never given any consideration on the extra hours done and therefore just translates to just mere mistreatment. So, Madam Speaker, we want to demand that an audit to be done for all the companies within Machakos County to determine or establish what could be happening. Maybe we could be going through some neo-colonialism, we could be having our youths, our ladies, our brothers, our sisters suffering in some of these companies and maybe when they shout that now leads to some victimization.

So, unless we have an umbrella policy which is put in place to make sure that there is order in some of the companies or all the companies in the County, we may find that in the long run when we thought that the companies are meant to empower our people, there are avenues of discrimination, there are avenues of mistreatment, there are avenues of maybe disabling our people.

So, Madam Speaker, I stand to support the report by that committee and insist that we need to bring some order in the operations of these companies working within Machakos County. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Johana Munyao. May I now call the Mover to reply?

Hon. (Ms.) C. Koki: Thank you, Madam Speaker. I take this opportunity to thank all the Hon. Members for their healthy contribution towards this Motion and it is quite evident that the mood of this House is that we protect our people from companies that have such motives as intimidation and taking advantage of our people. Madam Speaker, these are the people's representatives and I am very delighted to know that they are not agreeing with the deeds of impunity and intimidation done by those companies.

So, it is the high time that we condemn these deeds with the strongest terms possible and move with speed. If it is legislation to govern those companies, it is my request as well as the request of the other Hon. Members that we do the legislation to govern them and to limit or to prohibit them from manipulating our people.

Madam Speaker, I would also like to thank the Hon. Members of the committee for their research and the recommendations, for their observations and for their commitment to delivering this report today. So, I think also it is good to take note that in as much as we are very much willing to invite investors in our County because our County is very rich, we should also caution the investors that our people should not be taken for granted and should not be taken for a ride, we care

for them, we love them, we value them and they should be given the dignity that they deserve. Thank you, Madam Speaker.

(Applause)

Hon. Temporary Deputy Speaker: Thank you, Hon. Christine Koki.

(Question put and agreed)

(Applause)

Thank you, Hon. Members, for the serious and passionate debate about your people, you have stood with your sons and daughters, with the mothers of this land and I am sure they are not regretting sending you to this Hon. House.

ADJOURNMENT

Hon. Temporary Deputy Speaker: Now this House is adjourned to the 11th day of August, 2020 at 2.30 p.m. Thank you.

The House rose at 11.39 a.m.