

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Tuesday, 4<sup>th</sup> August, 2020**

The House met at 10.28 a.m.

*[The Deputy Speaker (Hon. Museku) in the Chair]*

**PRAYERS**

**Hon. Deputy Speaker:** Is there quorum? There is no quorum. Can we get the bell ringing please? Hon. Moses do we have quorum? Thank you.

**PAPER LAID**

REPORT ON PETITION BY FLOWER CITY LIMITED WORKERS

**Hon. Deputy Speaker:** Hon. Members, under this Order, we have one business to be transacted by Hon. Francis Kalumu; is Hon. Francis Kalumu around? This is concerning labour committee or a Member of the labour committee. Do we have a member of the labour committee in the House? *Mheshimiwa* Constance Mbula can you please come and lay the Paper on behalf of Francis Kalumu. Table Clerk, was the Hon. Francis Kalumu aware that he had a Paper which he needed to lay; had he been informed?

**Hon. (Ms.) C. Nzioki:** Hon. Speaker, I have to go for my glasses outside. I do not know if the font is big enough to be read.

**Hon. Deputy Speaker:** Try. Look at it first.

**Hon. (Ms.) C. Nzioki:** Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today Tuesday, the 4<sup>th</sup> day of August, 2020; report of Labour, Public Service and ICT Committee report on the Petition by Flower City Limited workers. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Constance Mbula. Can I have a look at the Paper? Thank you.

**NOTICE OF MOTION**

REPORT ON PETITION BY FLOWER CITY LIMITED WORKERS

**Hon. Deputy Speaker:** Hon. Members, under this Order, we also have one business to be transacted again by Hon. Constance Mbula on behalf of Hon. Francis Kalumu. Hon. Constance.

**Hon. (Ms.) C. Nzioki:**

Hon. Speaker, that aware that Articles 1 and 2 of the Constitution of Kenya, 2010 stipulate that “(1) all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution; and (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 from the workers from Flower City Ltd;

Acknowledging that Standing Order 201(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 give notice of the motion that this Hon. House discusses and approves the Labour, Public Service and ICT Committee report on Petition by Flower City Limited workers.

Thank you Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Constance Mbula for that.

**STATEMENT**

BUSINESS FOR THE HOUSE FOR 4<sup>TH</sup> AUGUST, 2020

**Hon. Deputy Speaker:** Hon. Members, under this Order, we have one Statement to be made by Hon. Judas Ndawa, Member of the House Business Committee.

**Hon. Ndawa:** Thank you, Mr. Speaker, Sir. 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, 3<sup>rd</sup> August, 2020 to ballot business for the House pursuant to the provisions of Standing Order 151. The Committee balloted business as follows:

Tuesday, 4<sup>th</sup> August, 2020

*Morning at 10.00 a.m.*

- The Education Committee report on the public petition by Machakos County Vocational Training Centres Instructors regarding their

remuneration and welfare at their working stations by Hon. Daniel Kiilu, Chairperson, Education Committee.

- Report of Agriculture Committee on Petition by Donkey owners by Hon. Moses Mitaa, Chairperson, Agriculture Committee.

*Afternoon at 2.30 p.m.*

- Report of the Culture, Social Welfare and Tourism Committee on Petition by the Machakos Creative Artists Industry by Hon. Betty Nzioki, Chairperson, Culture and Tourism Committee.
- The 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.

Thank you, Mr. Speaker, Sir.

**Hon. Deputy Speaker:** Thank you, Hon. Judas Ndawa, Member of the House Business Committee for that report well presented.

### **MOTION**

#### **REPORT ON THE PUBLIC PETITION BY MACHAKOS COUNTY VOCATIONAL TRAINING CENTRES INSTRUCTORS**

**Hon. Deputy Speaker:** Hon. Members, under this Order, we have one business to be transacted by the Hon. Daniel Kiilu Chairperson Education committee or the Vice; I can see the Vice Chair is here. Hon. Hellen Ndeti, please go ahead.

**Hon. (Ms.) Ndeti:** Mr. Speaker, you will allow me to tell Members that I have a small cough so when I cough do not run away because I don't have coronavirus but I have some allergy.

**Hon. Deputy Speaker:** No problem; coughing is allowed.

**Hon. (Ms.) Ndeti:**

Hon. Speaker, that aware that Section 15 of the County Governments Act, 2012 provides that a person has a right to petition the County Assembly to consider a matter within its authority including enacting, amending or repealing any of its legislation;

Aware that the Assembly received a public petition by Machakos County Vocational Training Centres instructors regarding their remunerations and welfare at their working stations pursuant to the Standing Order 194;

Noting that, in conducting its investigations the committee met with key parties in relation to the petition, raised pertinent issues and also reviewed relevant documents from petitioners and Education Department including the State Department of Science and Technology under Ministry of Education, Science and Technology;

Mr. Speaker, I wish to move the motion that this Hon. House discusses and approves the report of Education Committee on Petition by Machakos County Vocational Training Centres instructors.

Thank you, Mr. Speaker. I call upon *Mheshimiwa* Alice Nzioka to second the motion.

**Hon. Deputy Speaker:** Thank you, Hon. Alice Nzioka.

**Hon. (Ms.) Nzioka:** Thank you, Mr. Speaker. I stand to second the motion.

**Hon. Deputy Speaker:** Thank you, Hon. Alice Nzioka. I see the Chair is here; he has arrived. Can she continue or will you read the report.

**Hon. Kiilu:** Thank you, Chai; she has my blessings to read the report.

**Hon. Deputy Speaker:** Thank you. Hon. Hellen, go ahead please.

**Hon. (Ms.) Ndeti:** Report on the public petition by Machakos county vocational training centres instructors regarding their remuneration and welfare at their working stations.

## *1.0 INTRODUCTION*

### *1.1 Preamble*

Mr. Speaker, a public petition by Machakos County Vocational Training Centres instructors was received by the Office of the Clerk of the County Assembly pursuant to Article 37 of the Constitution of Kenya, Section 15(1) of the County Governments Act, 2012 and Standing Order 194 of the County Assembly of Machakos Standing Orders, tabled before the County Assembly of Machakos and further committed to the Sectoral Committee on Education pursuant to Standing Order 201(1).

The petition was related on matters of remuneration and welfare for the Vocational Training Centres Instructor's at their working station. In conducting its investigations, the committee met with key parties in relation to the petition including; the petitioners and the Chief Officer Department of Education and Skill Training.

In addition, the committee raised pertinent issues in relation to the petition at a consultative meeting with the Chief Officer which was held on 16<sup>th</sup> April, 2020. The Committee also reviewed relevant documents from petitioners and Education Department including the State Department of Science and Technology under Ministry of Education, Science and Technology.

### *1.2 Mandate of the Sectoral Committee on Education*

The Assembly Sectoral Committee on Education is mandated, under the second schedule of the Machakos County Assembly Standing Orders to, "to handle all matters related to pre-primary education, village polytechnics, home craft centers and childcare."

### *1.3 Committee Membership*

The membership of the committee is composed of the following:

1. Hon. Daniel Kiilu -Chairperson
2. Hon. Hellen Ndeti -Vice Chairperson
3. Hon. Jane Nyawira -Member

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|---------------------------|---|
| 4. Hon. Phoebe Koki       | “ |
| 5. Hon. Geoffrey Kamulu   | “ |
| 6. Hon. Benedette Musyoka | “ |
| 7. Hon. Joseph Musau      | “ |
| 8. Hon. Francis Kalumu    | “ |
| 9. Hon. Alice Nzioka      | “ |
| 10. Hon. George King’ori  | “ |
| 11. Hon. Ikusya Kaloki    | “ |
| 12. Hon. Angela Munyasya  | “ |
| 13. Hon. Margaret Ndalana | “ |

#### *1.4 The Petition*

##### *A. Background to the inquiry*

The mandate of the County Assembly to consider any petition from members of the public is vested in Article 119 of the Constitution as read together with Section 15(1) of the County Governments Act which provides that, “a person has a right to petition the County Assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.”

The petition by Machakos County Vocational Training Centers’ Instructors was tabled before this Hon. House as per the Standing Order 194 and it was referred to the Assembly Committee on Education pursuant to Standing Order 201 of the Machakos County Assembly Standing Orders.

The petition was related to matters of remuneration for the Vocational Training Centers’ Instructors and their welfare at working station.

##### *B. Summary of issues raised in the petition*

A summary of issues raised by the petitioners with regard to matters of their remuneration and welfare at their working stations is provided below.

That the County Government of Machakos through the Department of Education has failed to:

1. Issue the 16 permanent and pensionable instructors with secondment and appointment letters to Machakos County Vocational Training Centres.
2. Promote the 16 permanent and pensionable instructors who have served in one job group from 2010 to date without promotion.
3. Issue the Vocational Training Centre Managers with letters confirming them as managers of those institutions.
4. Refurbish the existing buildings in the VTCs since most of the structures are in deplorable situation and also has failed to construct workshops and classes.

The petitioners further aver that they made the best efforts to have these matters addressed by relevant authorities all of which have failed to give a satisfactory response. Further, the petitioners aver that none of the issues raised in the petition is pending in any court of law or any other constitutional or legal body.

##### *C. Prayers to the Assembly*

In light of the above, the petitioners pray that the Assembly:

1. Engages the Department of Education and Social Welfare together with the Public Service Board with a view of addressing the aforementioned grievances.
2. Take any other appropriate action.

### *1.5 Acknowledgement*

I wish to thank the Education Committee Members for dedicating their time and energy to scrutinize the Petition and in preparation of this report. The Committee is equally grateful to the office of the Speaker and the Clerk of County Assembly for the support accorded as it discharged its mandate. Finally, I would like to thank the petitioners “Machakos County Vocational Training Centres Instructors forum” for finding time to attend to committee meeting to clarify issues stated in the petition.

## *2.0 LEGAL PROVISIONS RELATING TO THE PETITION*

### *2.1 Presentation of Petition*

Mr. Speaker, Article 37 of the Constitution of Kenya confers to the general public the right to peaceably and unarmed to assemble and present petitions to public authorities. Similarly, Article 119(1) of the Constitution of Kenya provides that every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.

In giving effect to this provision, Standing Order 201 of the County Assembly of Machakos Standing Orders enables members of the public to submit petitions directly, or through Members of the County Assembly with the consent of the Speaker, to the County Assembly on any matter within the authority of the County Assembly.

### *2.2 Invitation of Witnesses*

Article 195(1) of the Constitution of Kenya 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 and document in the possession or under the control of what 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 the Constitution of Kenya 2010.”

## *3.0 COMMITTEE INQUIRY ON THE PETITION*

### *3.1 Submissions on the petition*

Mr. Speaker, the petition was occasioned by the failure of the County Executive through the Department of Education to address issues related on matters of remunerations and welfare for the Vocational Training Centres Instructor’s at their working station. During its proceedings, the Committee:

- A. Held meetings with the following persons
  - i. Petitioners
  - ii. The Chief Officer – Department of Education
- B. Reviewed relevant documents from the petitioners and the department of Education.

### 3.2 Submissions by the Petitioner

The petitioners informed the committee that:

1. When the Department of Youth Training transferred to counties, it was clear that the fate of the seconded instructors went to the County Governments. They also said that it is now six years since devolution took place and the Department of Education has not followed precedence set by other Counties like Makueni which issued secondment letters to their devolved instructors.
2. That the instructors have served for ten years from 2010 in one job group without promotion to the next grade. The petitioners informed the committee that there exists a clear scheme of service for career progression and motivation for all instructors in vocational training Centres (formerly YPS) and the National Youth Service (NYS). In addition to the above, the petitioner informed the committee that the pension scheme for the sixteen (16) Instructors stopped from the year 2013 and some of these instructors would be retiring from next year (2021) and with such a situation, they may lack proper channels to claim their pension. The petitioner therefore requested for urgent intervention by Machakos County Assembly through Education Committee to urgently advice the County Public Service Board, Machakos County to promote the said instructor appropriately and backdate their salaries according to individual merits.
3. That most of the Vocational Training Centre of Machakos are still in deplorable situations although Machakos County Government has been setting aside a kitty for construction of new permanent buildings, workshops, classes, dormitories and others.

According to the petitioners, those funds have not been equitably distributed and there is a need to have an oversight team charged with the responsibility of monitoring and evaluating the processes of tendering, selection of contractors or suppliers and comparison on the building plans/design given with the actual quality of the work done on site.

4. That there is a serious shortage of instructors in all the institutions a situation which forced the Boards of Managements (BOMs) to engage unqualified instructors since they could not employ instructors whom they cannot pay. The petitioners said that in the inception of Machakos County government, the department of public service employed very many workers in different sectors but they never considered employment of instructors teaching in Vocational Training Centres, thus denying the BOM instructors chance as devolved entities.
5. The petitioners expected the County Government of Machakos to have passed a legislation concerning awarding of bursaries, subsidize tuition and examination fee to ease the trainees burden. The said legislation will help in transforming enrolment in Vocational Training Centres to 100 percent.
6. In Vocational Training Centres, members were informed that most of the managers are in job Group 'H' and 'J' and most of the instructors are in job group 'K and L' of which the vice versa should apply. In addition, the petitioners said that during the appointment of the said managers, education officers didn't consider one's seniority and experience as expected. Surprisingly, members were informed that someone can either be promoted to a manager or demoted from a manager to instructor anytime the office decides and that the transfers are done

without consideration on the subjects' one was training in the former institution. For instance, someone training in both carpentry/joinery and mason/ building can be replaced by someone teaching food science or ICT which are neither skills nor examinable courses.

### *3.3 Submission by the Chief Officer*

#### *3.31 On shortage of instructors*

The Chief Officer said that the Department has done a cabinet paper on instructor's gap analysis per each institution and forwarded the same to the County Cabinet for consideration and possible approval. The Chief Officer informed the members that currently, the department is in dire need of 200 instructors.

#### *3.32 On salary arrears*

The Chief Officer informed the committee that the salary arrears for the sixteen deployed instructors for the month of September 2014 and five months' salary arrears for instructors employed in July 2015 were all paid last December, 2019.

#### *3.33 On Infrastructure Development*

The Chief Officer informed Members that the County Government has initiated several development projects in Vocational Training Centres which includes construction of workshops and dormitories.

For instance, in 2018/2019 FY, the department commenced construction of twin workshops in Mbusyani, Kalukuni, Masii, Kyamutwii and MatuuVTC and it has also started construction of dormitories in Kituluni and Kyamutheke VTC. As of now, workshops in Matuu, Kalukuni and Mbusyani VCTs are complete and dormitory in Kyamutheke VTC is also complete.

#### *3.34 On secondment letters*

The Chief Officer informed members that following the transfer of Village polytechnics functions under Legal Notice No.137 of 9<sup>th</sup> August, 2013 as conveyed in the Kenya Gazette supplement No.116, the instructors were seconded to the County Government of Machakos vide a letter dated 28<sup>th</sup> May, 2015. However the State Department of Science and Technology under Ministry of Education, Science and Technology did not release their secondment letters until January, 2020. Upon receipt of the secondment letters, the Department of Education forwarded them to the respective officers.

#### *3.35 On Promotions for the Permanent and Pensionable Instructors*

The Chief Officer informed members that the department have been religiously appraising the instructors every year and recommended them for promotion to the Machakos County Public Service Board but efforts of the department has been hampered by the absence of budget line to factor in their promotion.

The Chief Officer therefore urged the committee to consider approving the budget for promotion of the instructors in the 2020/2021 financial year.

## **4.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS**



#### 4.1 Committee Observations

The committee considered the submissions from the petitioners versus the responses made by the Chief Officer Education Department after which the following observations were made:

1. That the 16 Vocational Training Officers who were seconded to Machakos County from the National Government have now served for 10 years from 2010 in one job group without promotion to the next grade and their salaries have also stagnated in their respective basic Job groups from July, 2014 to date.
2. Confirmation on payments of salary arrears; based on the evidence presented (annexed), the committee is satisfied that the Department of Education paid the salary arrears for the 16 deployed instructors for September, 2014 amounting to Ksh. 552,343 and five months' salary arrears for 56 instructors for July to November, 2015 amounting to Ksh. 6,905,919 were all paid last December, 2019.
3. That there is a serious shortage of instructors in all Vocational Training Centres a situation which has been forcing the BOMs to engage unqualified instructors and there was need to employ instructors to ensure that all courses were being offered.
4. Confirmation of secondment letters for the 16 devolved instructors; based on the evidence presented (annexed), the committee was satisfied that the department of Education forwarded the secondment letters to the 16 respective instructors and copies of the said letters were shared to the committee in the month of May, 2020.

#### 4.2 Committee Recommendations

Hon. Speaker, after consideration of the committee's observations, the committee came up with the following recommendations:

1. That the County Government through the Department of Education and Social Welfare should strictly adhere to the National policies on promotion of staff to higher grades by facilitating promotions of instructors in Vocational Training Centres concurrently with the individual arrears as summarized below;

S/No	Job Group as at 2010	Job Group as at July 2020
<b>I</b>	Job group H (CSG 12)	Job group K (CSG 10)
<b>ii</b>	Job group J (CSG 11)	Job group L (CSG 9)
<b>iii</b>	Job group K (CSG 10)	Job group M (CSG 8)
<b>iv</b>	Job group L (CSG 9)	Job group P (CSG 7)

2. Based on the response made by the Chief Officer "that the Department of Education did a cabinet paper on instructors' gap analysis of each Vocational Training Centre and forwarded the same to the County Cabinet for consideration and possible approval, the committee therefore recommends the County Government to employ instructors as per the need of each Centre by giving priorities to the instructors engaged by the Boards of Management.
3. That every trainee in Vocational Training Centers be considered for the award of bursaries subject to the applicable legal framework. This will help in promoting the objects of devolution as relates to promotion of social and economic development as stipulated in Article 174(f) of Constitution.

#### 5.0 Affirmation and Approval

Hon. Speaker, it is therefore my pleasant duty and privilege, on behalf of the Committee on Education to table this report on petition by Vocational Training Centres Instructors in this Hon. House for consideration and approval.

*(Applause)*

**Hon. Deputy Speaker:** Thank you very much, Hon. Hellen Ndeti for that report that has been well-read.

*(Question proposed)*

Hon. Francis Kioko Kalumu.

**Hon. Kalumu:** Thank you, Mr. Speaker. I would like to give my submissions in response to the report on the committee of education where I am a Member. I would like to quote several issues concerning the report the Petition and one would be the transition when the petitioners or the teachers were seconded from the Ministry of Science and Technology to the Counties at that time 2013. Mr. Speaker, you find that many things during that time never worked very well because the secondment did work and that is being implied well by some of the issues that have been handled right this year in May according to the Petition report.

Another thing is the stagnation of employees in one job group for more than 10 years which is demotivating to our employees of Machakos County. If you look at the report you will find that the petitioners are claiming that since they were seconded to Machakos County, they have never been upgraded from their grades where they were seconded with. So, it is something that needs to be looked at also and I think and because I was there and I contributed and I said that we need to focus on many things and not just upgrading the employees and also look at how we can even upgrade our services to the people because when you upgrade services and also the grades of employees, you motivate the people of Machakos even to give services and even corporate social responsibility to our people.

Again, Mr. Speaker, we have heard that we have no instructors in our Vocational Training which has forced the management of the vocational training to employ instructors who are not qualified. You find that the future of our youth lies squarely with what is put between the years and the tomorrow of our youth is at stake and I hear stories here and there in this County that we have ballooning wage bill and if you go back to the employees and a good example are the very important instructors, you find that we lack very important employees in our County yet if you come to this Assembly you will find that most of the budget goes to payment of salaries. Who are these people paid if we do not have instructors who can brighten the future of our people tomorrow?

The future of our students and the future of our girls and boys out there who do not make it to the University, is at stake. So, it is up to this Assembly to at least provide a budget to make sure that the next financial year, a budget is there to employ instructors for our vocational training. I will not dwell much on the instructors although it is a very crucial thing to handle because without instructors, it is like we are just building buildings and taking our students there to imparted with nothing because whoever is impacting his skills he is doing so with something that he does not have in his mind. So, we need at least skilled instructors who are qualified to

give and give and impact our youth with good knowledge to enable them to handle their future well.

The other thing which has been said by this Petition report is that there have been allocations of the refurbishment of buildings in our vocational trainings but the instructors have said very clearly that the money does not get to them and this one also goes together with another hearsay that all that we allocate in this House does not reach our department but we have given a very blind eye to that and the same case applies to the vocational training because we are not sure that whatever we allocate to this vocational training is given to them and now there is a confirmation that these vocational training do not receive their allocations. So, where are we? We are here and we are going nowhere if that is the habit. With that, I rest my case. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Francis. Hon. Cosmas Kieti.

**Hon. Kieti:** Thank you, Mr. Speaker, for giving me the chance. The issue about vocational training centers is very key and when we are addressing this issue we need to remember that we have a tomorrow which is very much defined and dependent on the technical and vocational training centers because the tomorrow that we are going to will need clothing, will need furniture, will need buildings, will need roads, We need people to repair our vehicles and we can only get these people through technical and vocational training centers.

The problem that our Vocational training centers are facing today may not be emanating from the society but very much from our leaders and the Governments of the day because we are all aware that without proper remuneration, it will always discourage service delivery and when these instructors are not well paid, it will mean that they will not deliver in their workplace as instructors and that will also discourage admissions in those institutions and what does that translate to? It will mean tomorrow, we are not going to get plumbers as it is at the moment.

You may go to some sub-locations or even locations and fail to get a plumber, you may go to some places and fail to get an expert of a given trade and this is as a result of what the Governments of the day have done by discouraging proper remuneration and proper lives in our institutions because most of the buildings are even dilapidated. They are in a poor state, those of you who have visited the VCTs in your places, the buildings are collapsing, there is no attention given even to the tools that are supplied to these centers and at the same time even where we have technical courses like mechanics, the workshops lack very essential things which the learners may require so that they enhance their skills and this also goes straight to discourage the instructor because if the instructor does not have the proper tools, is not well paid, then it means you will not be able to deliver.

So, we need to equip, to pay them well, we need to push the Governments to ensure that the centers are well equipped with the right tools and this, as a result, will encourage or will attract learners in those institutions and tomorrow we will not be in a position to lack key people whom we may need in our society. At the same time, the petitioner has cited issues to do with promotions which are also very key. If these instructors have lacked promotions in the previous past and even up to today and some of them it is very clear that they are retiring, it means they will go home with a very poor package or retirement benefits and that will go a long way to discourage other people from applying for the same jobs in future.

So, in order to improve our institutions, we need to pay the instructors well, we need to set some budgets so that these people are well taken care of, the workshops are well maintained,

tools are provided and then promotions are enhanced so that when these people are retiring, then you will find other people are willing to join or to be employed in the same institutions.

It is funny today and I was a teacher and none of my children has ever gotten an interest in becoming a teacher. Our children can see what is happening with their parents. So, you may find that even the teacher of an instructor none of his children may be willing to become an instructor in future and that will mean we are killing these skills that we will need tomorrow and that will mean that even the Agenda 4 of our Government which the Governments is emphasizing on, the issue about housing will be affected and also the issue about industrialization because all these people must come through those institutions.

So, as I talk now we are wearing masks, it is as a result of those technical institutions that we are having them because they are the ones who have produced them. So, we need to address this matter with the urgency that it requires so that those instructors are taken care of. Thank you, Mr. Speaker, for giving me the chance.

**Hon. Deputy Speaker:** Thank you. Hon. Moses Mitaa.

**Hon. Mitaa:** Thank you, Hon. Speaker, for granting me the opportunity. I want to also thank the committee on education for bringing to the Assembly the report or else on the Petition from these vocational trainers. Hon. Speaker, mine is to thank the petitioners first because they have brought forward some issues which can be addressed by this Hon. House. From it, we have learned that the VTCs are not evenly distributed across our County and I would request the Chairman through the Department of Education to ensure that at least in the 40 Wards we have in each ward a VTC functioning and well-equipped.

Another thing while at the same point is that I would request the same department to ensure that we harmonize whatever the VTCs are undertaking. A good example like from our Sub-county we have four Wards; we can identify what VTC at Kangundo Central Ward is offering and what another VTC at Kangundo West is offering so that we do not do the same thing in all the VTCs.

*(Applause)*

Now that we have a shortage of instructors, we can highlight for VTC at Kangundo Central Ward to offer plumbing and another one to offer something else so that Hon. Speaker, we might not strain on the instructors and also we provide these services or else these skills evenly so that whoever from my Ward is not interested in the skills which are offered in that VTC in my Ward can visit the neighboring VTC and get the services which he or she might be in need of.

Hon. Speaker, now this issue lies squarely on the Machakos County Public Service Board and I am very happy that this Assembly has facilitated smooth running of the County Public Service Board. So, Hon. Speaker, my plea to the Board, is to ensure that we recruit more instructors first of all and we recruit instructors and not just instructors but qualified instructors because as my colleague Hon. Kieti has stated, we need people who can train the best to our students because we need these skills.

Currently, we have run short of qualified people to undertake much of the development which is being run in our wards and we do not need to get outside our County to get people who can offer those services when our youth are idle at home. So, I beseech them, let us recruit and

now that we have been giving budgets to these departments, let them also ensure that we do not have shortage of these people because if we can take care of these VTCs, I am very sure very soon we will even be exporting skills outside Counties and that is a plus to our County. So, I think this is the right time, let us pick from where we have failed and move forward in the right direction. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Munyasya.

**Hon. (Ms.) Munyasya:** Thank you, Hon. Speaker. I stand to agree with most of my colleagues in the sense that we need Vocational Training Centers that are functional but Hon. Speaker, I would like to state that, we must also go back and see where the rain started beating us because we can discuss and discuss that we need these and that but my suggestion is, we need training institutions for these instructors because if we say we source for instructors and every other County is also suffering from instructors, we are just sourcing from nowhere.

Why don't we start from where the problem begins, we have very many youths in the villages because a higher percentage of youth do not make it to University. More than 80 percent of our youth are there languishing and they languish every year because every year there is a team of youth that qualify in their Form Four grades and when they do not make it to University, they are told that they are not successful people. That is one thing we need to get off their minds by having them appreciate that Vocational Training Institutions can make a difference in their lives and as leaders.

We are the ones to encourage these youth and how do we encourage them? We encourage them by showing them that it is not a lower grade, they are not lesser beings because they did not make it to University and once we sensitize them that way and start institutions where they can also be trained as trainers, we will be able to handle this big elephant by ensuring that our youth are trained and that they can also participate in building the Nation.

If you want to know the success of a Nation or a community, look at the faces of the youth. Our youth are desperate, our youth are into drugs, our youth are not able to earn their daily bread because they do not have a source of income and they feel desperate because when they do not make it to university they do not have anywhere to go. So let us look for a way of sensitizing our youth and of training trainers so that we have our own training institution from where we get these instructors. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. ...I will come back to you, chairman. Let me finish with.....Hon. Alice Nzioki. Sorry Hon. Alice Nzioka.

**Hon. (Ms.) Nzioka:** Thank you, Mr. Speaker. I take this opportunity to applaud the education committee for a job well done. Mr. Speaker, remember we have got two institutions which are devolved and that is ECDE and vocational training centers. Mr. Speaker, as a committee we went round the vocational centers, Mr. Speaker, if you just go you will see the status of the vocational centers and they are in pathetic situation. As a committee, as an Assembly and as a government we should pump a lot of money in these institutions.

Mr. Speaker, just go back to your local village and just look for a plumber you will not get one. You are supposed to go to another county a place like Nairobi or Kisumu, that is where you will get a plumber noting that we can get plumbers in our vocational training centers.

We should give morale to our youth because even when you see an advertisement in our newspapers looking for job you will see that a Diploma is needed, a graduate is needed but on top of that you will see that they need experience. So we should give our youth experience in our vocational centers and because it is in this Assembly we gave the department of education money. They should do the necessary in the vocational centers so that we can uplift the standards of our youth and the standards of our vocational training centers. Thank you very much.

**Hon. Deputy Speaker:** Thank you, Hon. Alice Nzioka. Hon. Judas Ndawa.

**Hon. Ndawa:** Thank you, Mr. Speaker, Sir. Mr. Speaker, I will start by congratulating the committee and more so the chairperson and the vice chair because I happen to have been invited to that committee when the report was being compiled. Mr. Speaker, I want to say that committee is very much committed to discharge its mandate and that is why we have before us a very elaborate and self-explanatory report. Having said that, I want to give my sentiments on the report and more so on the Petition which was brought by the petitioners. Mr. Speaker, I think this is the second petition I have ever handled in a committee. I handled the Petition in finance and this is the second Petition.

Mr. Speaker, what I am now learning is that a petition is becoming the easiest way of demanding for payment. Why am I saying so? Mr. Speaker, when we were handling the issue of finance, it was on payment. Before the report was tabled in this House, the payment had already been done. Mr. Speaker, it is now a replica. Most of the issues raised in this report in the Petition before the report has landed in the House those things have already been sorted. So that tells me now the easiest way of demanding for payment is Petition.

So what does that mean Mr. Speaker? Why were these issues not handled before the Petition was committed to the committee on education? Mr. Speaker, this is proof that the committee did its mandate or did its duties because when the Chief Officer was summoned by the committee and he was interrogated that is the time he went with speed to ensure that the issues are addressed. So Mr. Speaker, I want to congratulate the committee.

*(Laughter)*

Then the other issue that I want to say Mr. Speaker, I want to say like a certain place of house said we do not need an atomic bomb to blow the world. What we only need to do is only to dilute education. You dilute education somebody will go to become a doctor and because education has been diluted he is going to corrupt the instructors and maybe he is going to be awarded a degree in medicine so it means our people are going to be treated and they are going to die undergoing treatment; that is now diluting education.

Mr. Speaker, those who are doing masonry because of diluting education Mr. Speaker, they will construct these tall buildings and we will see them coming down because they were constructed by people who are not qualified. Mr. Speaker, somebody will go to an aviation school to be a pilot and because of diluting education and because of corruption that particular person will be declared a pilot and I am very sure within the first day of taking off, the flight will come down because of this. So Mr. Speaker, I want to say, let us be serious on issues of education. Let us offer quality education.

Mr. Speaker, the report is self-explanatory; how can a manager who is in job group H be in charge of an institution where we have instructors who have higher grade than him. That is

saying a Corporal in police force will be in charge of a station where we have Chief Officers. Will that work Mr. Chairman? It means there is a gap in the department. Let the truth be said there must be a gap in the department because I believe the department has details of every employee in the county or in that department. How do you allow a junior person to be in charge? That is exactly why we cannot identify the products of the institutions we have.

We have many institutions, we have Matuu vocational training center, we have Kalyamboo in Ikombe, we have another one in Mitaboni and we have another one in Mbusyani and many others. If you are told to bring products of those institutions, you will take a lot of time to get one and you may even miss to get one. We want to hear so and so was schooling in this institution. In politics we here so and so was schooling in Kabaa that is a product of Kabaa. We are not getting products of institutions that are owned by ourselves or the county. So Mr. Speaker, this is the high time we should ensure things are done the way they are supposed to be done.

Then the other issue, Mr. Speaker, I want to raise is that when this issue of coronavirus, came we changed the way we used to interrogate our officers. When we are interrogating them physically they talk oath of office so that whenever they give us false information we can sent them what we call perjury in law. Mr. Speaker, I request we also devise another method of having them take oath before they give their testimony because some of them are not telling us the truth.

Mr. Speaker, there is a question which was asked by the committee on education when we were interrogating the Chief Officer and up to date the answer has not been given. About the 16 instructors we were told there is a file of one particular employee which up to date has never been handed over from the national to the county government. So we asked ourselves why is that file...where is that file, why is the national holding the file up to date and the chairman is there no answer was given to that.

On the issue of BOM, board of management the law is very clear, they are supposed to be in office for only three years and after three years if they wish they can be reappointed but once that time lapses we are supposed to have new boards. The boards that we have currently were put in office before we were elected. Now we are more than three years in this Assembly so it means they are more than four years we talked about that with the Chief Officer and up to date we are not seeing any sign of something being done.

So Mr. Chairman it is the high time we request our Chief Officers and our CECMs to ensure that whatever is supposed to be followed is followed. The report also talks about the issuance of contracts in our vocational training centers. Mr. Speaker, I would request the House and also the committee to also investigate the projects that have been done in the vocational training centers to know exactly the directors of these companies which are getting these tenders. Let us know, there is what is called conflict of interest.

I cannot front my son to take a tender that will be breach of law. I cannot front my wife or my brother; the law is very clear during the time of tendering if you have interest you declare interest in time then you quit from your position. That is what the law says so I request that we also investigate.

Then the other issue that I will request is there are some projects which are being carried out in our institutions and if you follow you will hear that a tender was issued. If you make a follow up, you will find that it is the trainees of that particular institution who are doing the work. If the tender was given, then why are we using our trainees? It means somebody was



allocated a tender and he does not want to work, he wants the employees to work then he gets paid. That is another thing that we also need to investigate.

*(Applause)*

I want to give an example of a project in my ward that is Matuu vocational training center, we want to see whether there was a tender which was given to a contractor and whether the person who was given is the one who did the job. That is an investigation which should be done then Mr. Speaker, I want to say a graduate from these vocational training centers is far much better than a graduate from a university. Why am I saying so? These graduates have skills; those coming from our vocational training centers have skills but those who are coming from the universities have knowledge. Knowledge and skills are two different things, Mr. Speaker. You cannot eat knowledge but I believe you can eat and survive from the skills. If you qualify to be a good salonist you do not need any stock you just go to a small room, invite people and then you give service. If you are a mason, you can start working immediately.

So let us ensure that our vocational training centers are well taken care of and we request the instructors because we have seen the report that there is a gap of about 200 instructors in this report. Mr. Speaker, we are told that vocational training is free; I want to say this is not true, it is not free. Why am I saying is not free? We are being told there are monies that come from the national government through the county to the schools but these monies are not enough.

For instance, in Matuu vocational training center the parents of that institution are paying 14 instructors from their pockets. So if we say it is free and students are send home, those who are not boarding they normally pay Ksh. 6,800 per semester and those who are boarding they pay almost double of that. So if we say it is free why are paying Ksh. 6,800? Let us say vocational training centers are a cost shared function. There is cost sharing, the parents will give a little and the county will give the remainder.

Let us not say it is free because when you go to these public *barazas* and say it is free everybody will go there and the following day they are sent home then the people will say that we are not telling the truth. Mr. Speaker, I do not want to talk much I have given my sentiments and I want to say the committee did an excellent job. Thank you very much.

**Hon. Deputy Speaker:** Thank you, Hon. Judas. Can you show me the people outside; the Hon. Members who are sitting in the other chamber? I can see I have Hon. Dominic who wanted to contribute please?

**Hon. Ndambuki:** Thank you, Hon. Speaker, for the opportunity to contribute to today's debate and I want to thank the committee that sat and put together this report on a Petition that has been brought forward to this Assembly by vocational training centers' instructors. Hon. Speaker, we are in a dispensation where the government is keen on forming agenda that are driven by skills and these agenda are basically meant to empower our people Hon. Speaker, and only institutions that will empower our people through skills are vocational training centers.

If we do not take care of the instructors Hon. Speaker, then it means that we will not have people being fed to the mainstream industries. Where we are talking about production, where we are talking affordable housing, Hon. Speaker, and if we are to deal with these agenda and address them Hon. Speaker, then we will say that the market that is out there may not even have sufficient skills that are meant to attend to them. If we do not take care of the instructors now,



who model these people, who prepare them for the ready markets then Hon. Speaker, we will be failing.

As a County, Hon. Speaker, we are endowed with some of the resources that are needed and as we speak we have some projects that are in our area Hon. Speaker. Take for example the Housing projects that are in Mavoko, we also have techno city at Konza where we have ready markets for these skills. Hon. Speaker, what I am saying to say is we need to take care of instructors and as we take care of them we also need to address the issue of performance contracting where we put them to task to ensure that they teach our people, our young ones' skills that will benefit their future. Skills that will propel them to ready markets that are out there and that are waiting for them to be conditioned to those skills markets, Hon. Speaker.

As we talk about instructors Hon. Speaker, I will not fail to address the issue of equity where we have some vocational training institutions that have more than two instructors who are engaged on permanent and pensionable terms by the county government and where we have other institutions that have only the manager who is employed on permanent and pensionable terms. Hon. Speaker, if we could have equity or if resources could allow to have almost all instructors absorbed on permanent and pensionable terms, then now we would be tying now to push these institutions to be self-reliant and now we would put them to task as I had earlier on contributed where we are engaging them on performance contracting. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Dominic. Hon. Benedette Mueni also in the outside chamber.

**Hon. (Ms.) Mueni:** Thank you, Me. Speaker. I am a member in the committee. I am a Member in the Committee of education and we have done good work. Mine is to say that, the teachers in those training institutes are not well paid and instead of our children who fail to go to university instead of going to those schools, they go to Nairobi where their parents cannot afford to pay because the training institutions around our villages are not well taught.

When the boy or girl goes to Nairobi he or she becomes a thief instead of going to school and getting something. Therefore, I ask our county to do the necessary to the schools so that our children can get food for tomorrow. This is very unfair; when the money is given to the Education department, they do not pay the teachers; they just get the money and do their own work. Shame on them! These young people are suffering at home and I plead with the Executive and the Governor to check on that. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Bernadette. Hon. Geoffrey Kamulu and then the Chairman to conclude.

**Hon. Kamulu:** Thank you, Mr. Speaker. I also belong to this Committee and we saw how desperate the instructors were when they were coming to present their Petition. I applaud the department of education for paying them in arrears because by the time we engaged them, they had no salary. However, it is not fair to give people salary only to pay it in arrears, Mr. Speaker. So we are requesting the department to be paying the instructors in time.

Mr. Speaker, I also want to commend them because of awarding the secondment letters; when the instructors were with us, they were hanging in the middle and never knew where they belong. So, that question is answered because they have been given the letters and now they know they belong to the County.

Mr. Speaker I do not know how difficult it is to do the same, promote the instructors, pay them the difference in arrears because that will be fair. They promote them in arrears because the years they have stayed are many; so I am appealing that they promote them in arrears and also pay them the difference in arrears because if they do that they will be responding to their grievances.

About employment Mr. Speaker, in secondary schools, employment is done by Boards of Management (BOM). They vet those who have applied and recommend them for employment. If this can be copied, we will not get newcomers in our vocational training centres because those instructors working there under BOM and it is good that we note that they are really suffering. They do not get their salaries in time, it is in arrears, they do not know when they will be paid because maybe the parents are unable to pay the little which they are supposed to pay. So the county can also chip in and assist in giving them the monies the way the National Government is advocating that they will pay something to the teachers who are under BOMs. So, I think the same should be done in the vocational training centres so that we do not lose them. Then we employ those who have already sacrificed to offer services in those institutions without payment instead of somebody coming from outside yet you have the qualifications only to be replaced by somebody who has come fresh from school.

Mr. Speaker, we should also be focussing on free education through training in order to encourage the students to join the centres and it is good we make it free because today it is not free; they pay maybe in order to pay the instructors. Instead of talking of bursaries and so forth, let us make it free so that we can encourage our students to join them and have enough trainers in our institutions. Otherwise, Mr. Speaker, thank you very much.

**Hon. Deputy Speaker:** Thank you, can I have the Chair education; Hon. Kiilu and I am giving you the chance as a contributor, the Member to respond is still Hon. Hellen who is the vice chair education but Chair you can also handle the issues which have been raised and then we will get Hon. Hellen finalizing on the same.

**Hon. Kiilu:** It is okay, Thank you very much. Much has been said but first I would like to thank the Committee for its commitment and even when you look around Hon. Speaker, you will realize that the whole Committee is within the precincts, all of them are present. Secondly, I want to thank my vice chair for stepping in, I was on the way coming and had some challenges and she is equal to the task so thank you very much and I think that is how we are supposed to operate. When the boss is not there, the deputy should be equal to the task.

The other thing is that, although much has been said, I want to be very brief that as Hon. Ndawa, this is something we started dealing with a long time ago. Even the petitioners to say the truth were not willing to appear at the Committee. So we started by one then three, then six, then seven and finally we got all the information that we wanted.

I want to thank the Committee because when we summoned the Chief Officer to appear in the Committee, they were very much aggressive, they participated and asked many question. I think that is the reason why he went ahead and did that Cabinet Paper, paid the salaries because he saw that the Committee was serious and we were ready to make follow up. In fact, we told him in the committee that we were ready to make a follow up and see to it that all the issues are addressed. So I want to thank him because most of the issues were addressed.

*(Applause)*

On infrastructure, we agreed in every ward we need to have one fully-equipped vocational training centre. Such that those people with the notion that a vocational centre is just another local polytechnic and that is the reason why the government gave the announcement that no one will be allowed to join unless you are a Form Four plus and above and that is a step ahead. So, I want to appeal to the Members to support this report so that we can move forward.

One issue that has been mentioned by so many Members is the issue of instructors and as Hon. Ndawa has said, we cannot say that these institutions learning is free, it is not free because they are paying the instructors.

I had a feeling of how hard is it, because we just need trained instructors because when you read four, part three, you will realize the committee is saying the BOM are forced to employ unqualified instructors. Why should we do so and yet we have qualified people who are employed by this County. Why is it difficult to deploy these people if it plumbers, we have so many good people who are doing the plumping in the county. Why don't we deploy some to work as instructors in these Centers? That was my thinking.

But when we sit as a Committee and we engage the chief officer, we will come up with a conclusive answer. Thank you very much, Hon. Speaker, thank you Members and the Committee on Education.

**Hon. Deputy Speaker:** Thank you, Hon. Kiilu. Hon. Hellen, do you have anything to add on that?

**Hon. (Ms.) Ndeti:** I wish to thank the Members for contributing to the report and say the there is no nation which can develop without skills. If you check, at one point Singapore and Malaysia where at the same economic level with Kenya but they have gone ahead because one thing they did was to ensure that they tap the skills of their people so that before they started manufacturing industries, they had a pool of skills where they did not have to import people to come and do those jobs.

In Machakos County, we are very blessed because we have factories. It is only through tapping these skills of our youth that we can get our youth working in these factories that are already in our county or we get our youth to be self-reliant. I am going to say something that might not be very good but whenever there are elections, there are a lot rallies in Nairobi. Have you ever wondered why on a Monday or Tuesday, our former Prime Minister Raila Odinga always has very many people coming from the slum areas?

It is because most Luos skills were tapped, they are trained, they are the plumbers, the masons and the tailors of Nairobi and they are self-employed. So they can afford to leave their jobs and come and listen to their leader and even pay some money towards his campaign. So, as a county, let us tap the skills of our youth and get them to be self-employed. Thank you, very much Members.

**Hon. Deputy Speaker:** Thank you very much, Chair and your Vice.

*(Question put and agreed to)*

*(Applause)*

Hon. Members, before I conclude because time has moved, I want to make one or two comments. We really need to have the scheme of service as it has been recommended by the Committee implemented so that we can ensure that people are getting remunerated for the work they are doing. The scheme of service will also ensure what Hon. Ndawa was talking about does not happen. You cannot have a corporal in charge of a station which has an Inspector. You cannot have a P3 heading a school which has a P1 and that can only happen when you are not following the scheme of service which are there; both the salary schemes and the promotional grades. So that needs to be done.

To give you an example, I was with one of the government surveyors somewhere and I was surprised to learn from them that they earn Ksh. 18,000 and a village manager is earning Ksh. 45,000. Am I communicating? You have a university-trained surveyor who is doing surveying in the entire county earning Ksh. 18,000 and you have a village manager earning Ksh. 45,000.

So, there is need for us to look at the schemes of service for all the various levels of employment we have here and make sure that they are harmonized. It is not fair also to have an instructor who is teaching our students on skills an empowering them earning less than Ksh. 20,000 and again compare with a village manager earning Ksh. 45,000. Can you compare that to an instructor, somebody in the class teaching and is imparting knowledge in our people. So we need to ensure that those schemes of service are harmonized and put in a way that makes sense.

There is a Hon. Member who talked about each ward needs to have a vocational training centre; I am giving a challenge to the Chairman of Education Committee for my ward Mumbuni North ward, we do not have vocational training centre because the one which was there is at Mavivye which is in Machakos Central and there is a school called Bridge School, near Tumba and they closed the school and the owner is selling the school, the building and the land.

So it will be important maybe if the Committee could make a visit to that institution and see whether it can be converted into a vocational training centre because it has all the facilities in it. It was a school with students and now they want to dispose it off and if the committee can visit and see of the facility is fit enough to become a vocational training centre then we would be able to bring it to the attention of the Executive for the to go ahead and do that because that will give you classes and dormitories at the same time.

There is a Member who talked about Petitions; we do not have to wait for that, Hon. Ndawa. If we are working based on being prompted, the public have to bring a Petition to the Assembly for things to be implemented, then that is not the right way to go. We are supposed to be proactive, not reactive and we need to advise, through our various sectoral committees, to ensure that the various departments which we are doing oversight are proactive and not reactive. When we keep on reacting when things or a Petition is brought, it shows poor management and lack of planning in as far as the departments are concerned.

## ADJOURNMENT

**Hon. Deputy Speaker:** With that Hon. Members, thank you very much and this House is adjourned to 4th August, 2020 at 2.30 p.m.

The House rose at 12.10 p.m.