

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Wednesday, 24th, February, 2016**

The house met at 10.17 a.m.

*(The Speaker (Mr. Mung'ata) in the Chair)***PRAYERS****PETITION****MAVOKO INSPECTORATE OFFICERS**

Hon. Speaker: Hon. Members, I am in receipt of a petition by Mavoko Inspectorate offices on salary arrears, not having been issued with deployment letters, poor working conditions and discrimination. I direct that that petition will be committed to the committee of labor.

NOTICE OF MOTION**COST SHARING FORMULA ON TRACTOR PROGRAMME**

Hon. Muli: Thank you, Mr. Speaker. I wish to give notice of the following motion; that this Hon. House discusses and approves that the county government comes up with a reasonable cost-sharing formula on tractor programme to make it sustainable. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Notice is issued. Proceed.

MOTION**VIOLATION OF HUMAN RIGHTS IN ATHI RIVER STEEL PLANT***(Hon. Itumo on 18.02.2016)**(Resumption of Debate on the Motion tabled on 18.02.2016)*

Hon. Speaker: You can proceed and present the report you mentioned last week.

Hon. Itumo: Thank you, Mr. Speaker. I would like to present the report. The report is on violation of human rights in industries in Machakos County.

PREAMBLE

Mr. Speaker, Sir, Article 41 (1) and 41(2) of the Constitution of Kenya states that every person has the right to fair labour practices such as fair remuneration, reasonable working conditions, to form, join or participate in the activities and programmes of a trade union and to go on strike. The committee received complaints about poor working conditions from employees in industries in Mavoko Sub-County through their area Members of County Assembly. The committee resolved to visit the industries in Mavoko to investigate the matters raised by the workers.

MANDATE OF THE COMMITTEE

Mr. Speaker, Sir, the Justice and Legal Affairs committee is established as per Standing Order No. 190 under the second schedule that underlines the functions of the committee to include all matters related to constitutional affairs, the administration of law and justice including the elections, ethics, integrity and anti-corruption, human rights and intergovernmental relations.

COMMITTEE MEMBERS

Mr. Speaker, Sir, the committee on Justice and Legal Affairs is comprised of the following members;

- | | |
|--------------------------------|-------------------|
| 1. Hon. Joseph Itumo | -Chairperson |
| 2. Hon. Justus Kimata | -Vice Chairperson |
| 3. Hon. Jacinta Luka | -Member |
| 4. Hon. Alphonse Wambua | “ |
| 5. Hon. Alex Kamitu | “ |
| 6. Hon. Festus Ndeto | “ |
| 7. Hon. Raphael Mutuku | “ |
| 8. Hon. Justus Katumo | “ |
| 9. Hon. Winston Kanui | “ |
| 10. Hon. (Ms.) Magdalene Ndawa | “ |
| 11. Hon. Felix Ngui | “ |
| 12. Hon. (Ms.) Ann Wairimu | “ |

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13. Hon. (Ms.) Mary Ndinda “

COMMITTEE VISIT

Mr. Speaker, Sir, some of the complaints of the workers that were channeled to the committee through their area MCAs were:

1. Poor working conditions.
2. Noise pollution.
3. Poor remuneration that is poor pay.

Mr. Speaker, Sir, the committee resolved to visit some of the industries in Mavoko Sub-County to check on the allegations made. The committee identified Athi Steel Plant Limited for the visit because of time constraints.

FINDINGS

Mr. Speaker, Sir, the committee visited Athi Steel Plant and found out the following:-

1. The company has employed about 500 staff, most of them being youth and the employees are categorized in 12 groups depending on the work they do.
2. The employees are either on permanent terms or on six to twelve month contract which is renewable. Those on contract are about 150 while the rest are on permanent terms. The company has no casual workers.
3. The staff deployed at the hot areas work for 12 hours in 3 hours shifts from 7 a.m. to 7 p.m. therefore, they actively work in the hot section for six hours per day.
4. The workers are exposed to very poor working conditions such as:-
 - a) In the production section, the workers work under extremely hot temperatures due to the heaters. The workers handle hot bars from one area to the other using long tong-shaped metals. Due to the extreme heat, the workers have improvised cooling system by tying sacks around their legs to avoid burns from the hot metal. Since water easily vaporizes, someone has to pour cold water on the sacks worn by these workers at regular intervals to maintain the cooling.
 - b) Most of the workers in this section lack proper protective gears such as glasses to protect their eyes, helmets for their heads, and appropriate foot wear.
 - c) The employees are also exposed to noise pollution because of the running machines especially in the production section.

- d) In the moulding section, the workers mix clay and other substances with bare hands and feet. They do not have protective goggles for their eyes, or mask to cover their mouth yet the section is dusty. This poses even more danger since one may inhale harmful gases and impurities.
5. There was a Collective Bargaining Agreement (CBA) between Athi River Steel Plant Limited and Kenya Engineering Workers Union, which the committee obtained a copy for further interrogation.
 6. The workers, who work in the places of painting or places where chemicals are being processed, informed the committee that they are not supplied with milk.
 7. The HR informed the committee that initially, remuneration for the staff was pegged on a two-year collective bargaining agreement (CBA) signed between the company and the Kenya Engineering Workers Union (KEWU). KEWU has representatives working with the company but currently the company was using the Legal Notice No.117 of 2015 in determining the minimum wages for the employees since the prescribed wages were higher than those contained in the CBA. The lowest paid category of worker is group A earned an average basic salary of Ksh. 12,500 and Ksh. 3,500 as house allowance. In addition, employees were entitled to an annual paid leave with a travelling allowance of Ksh. 3000 and a one day off duty per week. Those who forfeit their leave were compensated with an amount of money equivalent to one month salary.
 8. Further, the HR informed the committee that company contributes money for the medical scheme with National Health Insurance Fund and has insurance as per Work Injury and Benefit Act (WIBA) that caters for injuries while on duty by referring the workers to Athi River Medical Service for treatment.
 9. The CBA currently in use expired on 31st December, 2015. The company has scheduled to negotiate with KEWU on 23rd February, 2016 for new terms.

COMMITTEE OBSERVATIONS

Mr. Speaker, Sir, the committee observed that most of employees working in the company had no protective clothing and those who had, were in bad condition. The workers working in the places of spray-painting or places where chemicals were being processed were not supplied with milk.

Mr. Speaker, Sir, the committee noted that the company was not adhering to the Collective Bargaining Agreement between the Company and the Union of representing the staff working in the Athi River Plant. The CBA provided that workers, who work in the places of painting or places where chemicals were being processed, should be supplied with milk. In

addition, as per the CBA, the company was supposed to issue the workers with protective clothing and equipment to the workers once in a year.

Mr. Speaker, Sir, Section 71 (1) of the Occupational Safety and Health Act No.15 Of 2007 guards the safety of workers in their working stations in terms of the hand tools used in work places which should comply with the prescribed safety and health hazards and Section 82 (2) of the same act guards against an employee engaging in manual handling or transportation of loads which by reasons of their nature are likely to cause the employee to suffer bodily injury. The employees, in this case, were not guarded against handling hot metal since the tongs were dangerous and a small mistake would lead to serious burns. The Act proposed that machines or other gadgets should be used to handle such dangerous metals instead of human beings.

Further, Mr. Speaker, Sir, Section 101 (1) and 101 (2) of the occupational safety and health Act No. 15 of 2007 states that the employer shall provide and maintain for the use of employees in any work place involving suitable protective appliances including where necessary, suitable gloves, foot wear, goggles and head coverings.

Mr. Speaker, Sir, the Eighth Schedule of occupational safety and health Act further provides the processes which require the provision of suitable goggles or effective screens. These processes are; dry grinding of metals or articles of metal applied by hand to a revolving wheel or disc driven by mechanical power and welding or cutting of metals by means of an electrical oxyacetylene or similar process. The committee observed that most of the workers lacked these vital protective gears and those who had they were in bad condition.

Moreover, Mr. Speaker, Sir, Section 89(2), 89 (3) and 89 (4) of occupational safety and health Act 15 of 2007, guides on the control of air pollution, noise and vibrations. Vibrations transmitted to the human body through solid structures, is harmful to health. The levels of pollution should be assessed and if they exceed the recommended levels, measures should be put in place to control the pollution. When the committee visited the company, it noted that the measures in place were minimal thus exposing the employees to more harm.

Mr. Speaker, Sir, the committee noted the CBA between the company and the workers union was expiring on 31st December, 2015. The committee was informed that a new CBA for 2016 and 2017 would be drawn at the expiry of the current one. The committee calls upon the stakeholders to review the terms of the employees with a view of improving all the sections.

RECOMMENDATIONS

Mr. Speaker, Sir, based on the above findings, the committee on Justice and legal affairs recommends the following:-

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1. The company should provide machines or gadgets to handle hot bars of metal from one area to another instead being handled by human beings manually.
2. The company should provide proper protective working gears for the workers such as eye glasses, helmets and proper working foot wear in all the appropriate sections.
3. The protective working gears for the workers should be replaced regularly as the need arises and not once a year as provided by the CBA.
4. The committee recommends that the company should follow the laws put in place to protect the employees from any form of noise pollution or against inhalation of harmful gases and impurities.
5. The committee recommends that the company supplies milk to these workers as per the CBA.
6. The committee also recommends that the company should come up with ways of motivating the employees.

CONCLUSION

Mr. Speaker, Sir, the committee requests for more time to conduct more visits to the quarries and other targeted industries to find out whether the situation is different. Mr. Speaker, Sir, the committee requests for more time to conduct more visits in the quarries and other(inaudible) industries to find out if the situation is different.

This will enable the committee to compile a comprehensive report on the issues affecting our people working in industries in Mavoko sub-county and other parts of Machakos County. The committee urges sharing of this report with Athi River Steel Plant limited in an endeavor to ensure that the employees' welfare was improved.

Mr. Speaker, Sir, the Committee on Justice and Legal Affairs 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 visits. I wish to express my appreciation to the members of the committee who sacrificed their time to participate in this exercise and in the preparation of this report.

Mr. Speaker Sir, it is therefore my humble duty, on behalf of the justice and legal affairs committee to table this report for adoption by this honorable house. Thank you, Mr. Speaker. I now call upon Hon. Mary Ndinda to second this report.

Hon. (Ms.) Ndinda: Thank you, Mr. Speaker, Sir. I stand to second this report and I say that it should be adopted by the whole House because after visiting the Athi River Steel plant, there are several things which we discovered mind you, these are our people, these are our

children, these are our fathers and this situation was pathetic. Number one, we discovered there was poor working condition and in this area, there are several things which are violated.

Number one, we discovered that the production section, the workers were working under very extremely hot temperature and they were exposed to such temperature for more than six hours and they had nothing or they did not have any protective measures. In fact, what we discovered is that they themselves had improvised a cooling system by tying sacks around their legs and someone else taking water with a bucket and pouring on them. This was a serious abuse of human rights.

Secondly, there were no protective measures especially for the people who are working with the chemicals and machines. They did not have gloves, others who were exposed to heat and temperatures, did not have goggles to cover their eyes, and this issue, in fact, we discovered it was pathetic. The other issue, Mr. Speaker, Sir, the workers who were working in the places of painting and in chemicals were supposed to be provided with milk even they told us they were promised but none of them was given a packet of milk to drink of which it was going to affect their health.

In fact, you can say although they appeared to be healthy and normal, something was happening in their bodies because they are inhaling that chemical and later, maybe after many years, they could come up with diseases or illness like TB or cancer of which this one is because of the violation of human rights. Bottom line, Mr. Speaker, Sir, I stand to second that this report be adopted by the white House. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Hon. Chairperson, Legal affairs committee, the report is properly laid and is available for debate. I invite contributions. Yes, Hon. Mutuku from Mavoko.

Hon. M. Mutuku: Thank you, Mr. Speaker. Mr. Speaker, Sir, first and foremost let me applaud the Chairperson and his Committee for the work well done. Mr. Speaker, as the area Hon. Member of that Ward, in the report, he kept the true position of what really what happens in those steel industries among others. Mr. Speaker, Sir, I would like to go straight to the recommendations and I would like to say, in the recommendations, they are up to date and I like each mechanism to be put in place and, probably, if this particular industries which are violating the working conditions for the employees, if they can be given at least ultimatum to comply as per the recommendations.

Mr. Speaker, Sir, it has been a tradition for the employees who work in this particular industries, they work probably with one or two years then the management tells you, that you cannot continue working there. Often, the reason is always they are not provided with good working conditions and the management are always aware they cannot allow you to continue working there for more than three years because at the end of the three years, you will be a burden to the company so they lay you off.

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Once they lay you off, you have no choice other than going home and die. Mr. Speaker, Sir, in view of that, I would like, if possible, the way the report has really highlighted, it has to be shared by all the companies which are within Mavoko Sub-County and also in Machakos County at large and with that, we will end up saving our people who are working in this particular companies. Thank you.

[Mr. Speaker left the Chair]

Temporary Deputy Speaker (Mr. Raphael Mutuku) takes over the Chair

Hon. Temporary Deputy Speaker: Thank you. Hon. Benedete Mueni

Hon. (Ms.) Mueni: Thank you, Mr. Speaker, Sir. I stand to support the report. I think you can see how our people are suffering when they are working in these industries. Even many of them they do not finish five years, they die and they leave their wives who are suffering very much because even they cannot make their children to go to school. So, I think our County has to go seriously in these factories and they make sure our people are taken care of. I think Mr. Speaker, Sir, there is no need of going on with this report, it is already, by itself, well done. So, I think you can put the question and we go to another thing. Thank you, Mr. Speaker, Sir.

(Applause)

Hon. Temporary Deputy Speaker: Thank you. Hon. Veronica Mativo

Hon. (Ms.) V. Mbithe: Thank you, Mr. Speaker. I stand here to support this report because I personally I have experiences. I have gone to these companies before and I have seen the way our people suffer. In fact, one thing that made me to be a member of this House, it is because of those people of those factories. They made me to be almost a woman rights activist because I would go there and cause a lot of trouble but my trouble would get nowhere. It would need very little fruits.

Mr. Speaker, our people suffer. If you meet them after work, you can shed tears. Those people are heavily dehydrated, they are poorly paid, and their health standards are very low nobody knows what happens inside there. These are foreigners who come to invest here in our County, most of them are Asians and themselves cannot allocate their own people or their own race to do the kind of work they subject pour people to. In fact, most of the Asians are in offices but our people are there suffering.

Surely, this Hon. House, shall we watch our people suffer? A big percentage of our electorates are suffering. They are in poverty, they have no choice other than working in these

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factories. What this Hon. House used to do is to adopt this report, is to support this report so that these investors are put on toes and facilitate the right kind of atmosphere for our workers. Thank you, Mr. Speaker, Sir.

Hon. Temporary Deputy Speaker: Hon. Joseph Muli.

Hon. Muli: Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, first let me applaud the Chairperson for legal affairs committee and the members for the good work which they have done, Mr. Speaker. Mr. Speaker, we have heard the Chairperson requesting and their committee they be given more time so that they can investigate more on what is going on within those industries. Mr. Speaker, even the Hon. Members from those areas where those industries are, have already witnessed the report which has been brought to this House is properly true and the truth of the matter. As the Chairperson was presenting this report, Mr. Speaker, even I read the mood of the Hon. Members, this is very pathetic, Mr. Speaker.

In fact, those who we call our brothers, our sisters who are there and I wonder if this situation, is as what has been presented to this House, Mr. Speaker, this is a report which should be supported and approved unanimously without objection and we request the relevant offices to react with speed. So, I also wonder, if the retirement of the workers who are within these industries, there is death. (??) The issue of health, Mr. Speaker, is worrying.

Mr. Speaker, it seems that within almost all the industries which are even within our County, they have the same scenario and we request, with your intelligence, Mr. Speaker, that the committee, let it be sent out to bring more and more details and let a direction be taken as fast as possible because it is very shameful to have in this House, these Hon. Members, representing the people of our Wards in our County and with that situation on the ground. Therefore, Mr. Speaker, I stand to support this report. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Alice Nzioka.

Hon. (Ms.) Nzioka: Asante Bw. Spika, kwa kunipa nafasi. Nimesimama kuunga mkono hiyo ripoti imeletwa, Bw. Spika, hizo viwanda ambavyo ziko Athi River, nimetembea wakati mwingi sababu mimi ni mkaazi Athi River. Bw. Spika, nina mshangao mkubwa wacha uchunguzi ambao wanafanya, kiwanda kama kiwanda cha Devki, wakati mmoja tulitembea kwenye hicho kiwanda na aliyekua Mbunge wa Kathiani Mheshimiwa Wavinya Ndeti, mfanyikazi mmoja katika hicho kiwanda sababu, Bw. Spika, ukitembea utakuta mtu amesimamishwa kama kijiti ama kikingi. Kazi yake ni kusukuma vyuma ndani ya moto na kuna mtu kando amewekwa kumrushia maji na vile anamrushia ndivyo hivyo unaona moshi. Kwa bahati mbaya, mmoja wao alijaribu kuweka hicho chuma akachukuliwa na mashini yote.

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Akasiagwa kabisa akapotea na hao wahindi vile alisyagwa wakaficha hizo nyama wakaficha, na imekua ni tabia, watu wetu hasa sehemu za Athi River, wamepoteza maisha yao sana kwenye hizi factory ama hivi viwanda. Bw. Spika, kuna vyama ambavyo vimewekwa vya wafanyekazi, mmoja wao akijitekeza vizuri ili kuwatetea wafanyikazi anashikwa. Najua wengi karibu watu sita wameshikwa kwa ajili ya kuunda hizi chama za wafanyikazi kuwatetea.

Bw. Spika, wenye viwanda ambavyo shamba ziko Athi River, wanatumia wafanyikazi wetu vibaya. Bw. Spika, ni jukumu letu kama Bunge na maagizo ambayo yameletwa na hio kamati, tufuate na tuone kwamba tumelipa wafanyikazi wetu ambao wako kwenye hizo viwanda. Bw. Spika, imekua mazoea, hasa kwa wenye viwanda ambavyo sio watu wametoka Kenya. Wametoka nchi za ng'ambo, wamekua mazoea kuwatumia wafanyikazi wetu vibaya.

Bw. Spika, ni mshangao, utakuta mtu amefanya kazi hizi miaka yote na amefanya kazi miaka kama kumi na mwenye kiwanda akiangalia vizuri aone kuna pesa unaweza dai ukitoka, unatafutia tu kosaa ndogo unafutwa. Ie kazi yote umefanya, utumishi wote ambao umefanya kwa hicho kiwanda unapoteza. Bw. Spika, hio kamati ilifanya kazi nzuri na mimi naunga mkono wapatiwe muda zaidi sababu walifika robo, kazi wamefanya ni robo.

Watembee sana kuona wajue kwamba wananchi wetu katika Kaunti ya Machakos amabao wanafanya kazi, hasa kwa viwanda vya Athi River, iishe. Hizo viwanda wanatumia watu wetu vibaya na sisi kama watetezi tumekuja hapa ni kwa ajili ya kuwatetea waliotuchagua. Bw. Spika, tushikane kama bunge, tupitische maagizo ambayo yametolewa na tuchukue hatua mbele kuona kwamba wafanyikazi ambao wako viwanda, hasa Athi River, wamepatiwa, wametunzwa, wamewekwa kwa hali ambayo ni nzuri. Bw. Spika, naunga mkono hiyo ripoti na wabunge wenzangu tushikane mkono pamoja ilitupitische. Asante.

Hon. Temporary Deputy Speaker: Hon. Muinde

Hon. Muinde: Thank you, Mr. Speaker, Sir. First, I will take this opportunity to congratulate the committee for bringing to this House their first report which is comprehensive and with well thought out. Mr. Speaker, one of our roles it to represent the people who for voted to this House. When our people are happy, we are also happy. When our people are in problems, we need to fight for their own rights. Mr. Speaker, this Committee has gone put to gather information about violation of human rights in industries in Machakos County, most specifically the industries in Mavoko Sub-County. By chance, we only chose to go to Athi River Steel Company and I want to tell you, Mr. Speaker, I am one among the people who is suddenly arrived from humble beginnings. I have happened to work as a casual laborer in one of the firms, not in Machakos Sub-County or in Machakos County but in Thika.

Most of these farms, which are foreign-owned, violate human rights and the working conditions are very pathetic. The pay package, I started at a time when for eight hours, we were working for Ksh. 64 and if you happened to work for extra two hours, you will have an over time

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of Ksh. 10 per hour. That meant you get Ksh. 84. Perhaps, Ksh. 100 was better then. We are talking about the year 1982. But comparatively, even to-date, we are witnessing a kind of a new form of slavery where our people are being used as slaves to work for foreign firms.

Mr. Speaker, this House will not be doing its work if it cannot fight for our people. Mr. Speaker, sometimes this month, there was a motion that was brought to this House by Hon. Member from Muthwani, where he proposed a policing unit, an authority, a department so to speak, that will check on pollution, noise, air and water pollution. More specifically, since these things are happening in Mavoko Sub County, it is my thinking that after the committee of legal affairs finishes its report, that we must have structures of formation of that department so that policing may be made by that authority, an Executive arm, so that we save our people.

These are people who are being baked, by the end of the day, as they walk home, they are half-baked, if not half-roasted. We need to fight for them. We need to have them get a better pay. We need to share this report with the management of this company and other similar companies because the trade is similar. Mr. Speaker, you realize that the reward for labour is wages. Our people can only supply labour because they are poor but are not even remunerated while the entrepreneurs, the owners of capital of these companies, the business men are getting the profits. Although I may be accused of not using parliamentary language, it is equivalent to raping our people.

Mr. Speaker, I urge this House not only to adopt this report but to also to ensure that something is done. The committee on implementation should do something once we adopt this report and as a Committee on implementation does something that will also ensure that a department manned by the Executive Arm is formed that will ensure that our people are not used as slaves by these entrepreneurs while in the name of encouraging investment in Machakos, they are coming for cheap labour in Machakos, at the expense of our people. Mr. Speaker, I support this report in totality and urge Members to be serious and ensure that they do something to save our people. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Alexander Kathinzi.

Hon. Kathinzi: Thank you, Mr. Speaker. I want to congratulate the Chairperson in this Committee and also congratulate the Chairperson, Hon. Mr. Speaker, Sir, for recognizing my name. I have come to realize my name has been misused. I have been called Alex. My name is Alexander Kathinzi.

(Laughter)

Mr. Speaker, this report has reminded me one thing, which has been, 10 years ago and in my sales department, Executive sales department in all steel industries, Athi Steel

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Mills.....(inaudible) all these steel industries and what has been written in this report, Mr. Speaker, is the actual scenario in all the industries except my newly-opened factory whereby I am working with my locals.

(Applause)

Mr. Speaker, I think this report should be handled with a lot of keenness and indeed when you check properly on the side of recommendations, the Chairperson has requested that they be given authority to go round all the factories. But they might not get a detailed picture but its good they move round so that they can see what has been done in Athi River, it is copy pasted in Kitengela, it is copy pasted here in Machakos Town and even in other working environment. Even the salesmen who handle this unloading of these steel products, Mr. Speaker, these people have been misused.

When you go to this special issue, on page 18, the legal notice, No. 16, it is written very well and signed by Raychelle Omamo, the Cabinet Secretary for labour, social security and Services. Mr. Speaker, when you go to these factories these rates are never followed. They are just put in the Human Resource office and people are just told ‘no, the company is not employing people directly.’ There is a middle man between the management of the company and the employees. Maybe you can go there, you are given that authority to be employing people and these people are being misused.

So, these rates are being paid to the contractor and then the contractor slashes down these payments to this people while they are languishing in poverty. Mr. Speaker, this is an issue where you need to move with speed and I request the Chairperson and his committee, I would like to officially invite them. Come any time of the day and see how I am treating my young boys. This will be a very good example, the way these people should be treated, should be given milk after every session of their work because steel comes out with a lot of chemicals, with a lot of smoke, with a lot of dangers, some of them, Mheshimiwa Itumo and Mheshimiwa Alice Nzioka.

People are crushed while working and they are told ‘today, you are going for an early break at 10 o’clock,’ so that they can clean that mess. So these are the issues which are at hand and I think Hon. Chairperson, Legal affairs committee, I think this should be treated as the report of the year 2015/16.

(Applause)

It is touching matters of the livelihood of our people. So, I support this document in totality and I request also, with a lot of respect, members to treat this document with a lot of

keenness. Kindly pass through this document over and over again when you are discussing issues with your people. Kindly tell them ‘this is your right.’ Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Peter Nzioki.

Hon. Nzioki: Asanti Bw. Spika. Kwanza nashukuru kwa kunipa hii nafasi, Bw. Spika. Na simama kupongeza kamati ya leba ambayo ilienda kuchunguza justice, kamati ya justice ambayo inaongozwa na mheshimiwa Itumo kwa kaza nzuri ambayo imefanywa. Mheshimiwa, ningependa kuuliza hivi; ili kuwasaidia watu wetu ambao wanafanya kazi kwa ma kampuni ambayo yako Athi River na kwingine, hii kamaiti isikae chini ili tuendelee hivyo hivyo ili tuweze kuleta uhamasisho kwenye hizi kampuni zetu.

(Applause)

Bw. Spika, mimi nilianza kufanya kazi ya kibarua na wakati mmoja, Bw. Spika, nilihajiriwa kwa kampuni ambayo ilikua inabeba chumvi. Bw. Spika, tukapewa kazi ya kutoa chumvi kwenye bogi na tuliwekelea chumvi kwa mabega siku yote. Bw. Spika, siku ya pili haungeweza kuwekelea hiyo chumvi hapa, kulikua kumebanbuka na kulijua kuchungu. Na tulipo sema hatuwezi kufanya hiyo kazi siku ya pili, sisi sote tulifutwa kwa sababu mhindi alikuja, akasema ‘kama hawa hawataki kufanya kazi, mimi sitaki kuandika watu hawataki kufanya kazi, kama hawawezi kazi, waende nyumbani. Kwenda kabisa.’ And we went.

Sasa, Bw. Spika, nauliza hivi, nasema hivi. Kampuni nyingi ambazo zinafanya kazi na zinatafuta pesa kwenye nchi yetu wanatatengeneza pesa nyingi sana na wanapunja watu wetu. Wanawalipa vibaya na namna ya kufanya kazi sio nzuri. Bw. Spika, ningependa tuunge mkono hii ripoti na nauliza hii kamati iende nje tena, ichunguze ili tuweze kujua zaidi ni makampuni yapi ambayo yanafanya hivi. Na nikimalizia, Bw. Spika, ningependa kumuuliza rafiki yangu Bw. Mheshimiwa Kathinzi, uchukue wakati huu unawafanyia wafanyi kazi vizuri, aendelee hivyo hivyo mpaka mwisho wa kampuni yake. Asante, Bw. Spika.

(Applause)

Hon. Temporary Deputy Speaker: Hon. Willy Mutiso Kasimu.

Hon. Kasimu: Thank you, Mr. Speaker. I want to congratulate the Hon. Chairperson for the good work he has done with his committee. Mr. Speaker, Sir, it is true that there are industries in Kenya, this is what they are doing to our Kenyans and one Hon. Member Kangundo has always been wondering what are we doing as an assembly, as a County Government of Machakos. We are witnessing crimes against humanity and that is the only member, I think, can

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fit the situation that our workers are going through. What can we do, Mr. Speaker, as a House? Hon. Itumo and his committee will go to all the industries in this country or in Machakos County and like Hon. Kathinzi has said, they will soon find there is same situation which has been happening and something has to be done yesterday and not tomorrow, even today is not enough, it is yesterday.

We have to save our people and the issue in this country, I am sorry, Mr. Speaker, there have been many in these industries they are abusing their workers and abusing their working conditions so something should be done. As a House, we have to come to the conclusion of this but later again, because many years from today, the generation after us, will ask the first assembly Machakos, the steps they took after Hon. Itumo brought the report in this House that was adopted and properly laid in this House. We must take action, Mr. Speaker. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Yes Hon. Dominic Maitha, then we hear the chairperson.

Hon. Maitha: Thank you Mr. Speaker, for catching my eye. I want to applaud the committee of justice and legal affairs for a credible report that has been tabled before this House today and actually that touches the lives of our brothers and sisters out there who are suffering and who have become stressed because no one is ready to listen to them. Mr. Speaker, I need to be guided to some great extent but somebody said or once said ‘charity begins at home.’ So as going through the Order Paper, Mr. Speaker, there is a petition by County workers who have not been paid their salaries, who are working under very poor conditions and here we are discussing a report that we want to go and discuss issues out there and the enemy within, is not yet sorting our problems.

I think we will be doing a lot of injustice, Mr. Speaker, if we can go and compel people out there to implement the law and we as lawmakers are not implementing the law to our people. Mr. Speaker, protect me. It is not irrelevant, Mr. Speaker, it is ironical. So, Mr. Speaker, I think in as much as I support this report, the same workers we are going to fight for out there in this factories, are sharing, have got brothers and sisters who are working in the County Government, probably, and Mr. Speaker, I want to tell you if we go and push Devki, for example as reported, to implement what we are saying here, then they will say ‘but we always hear county staff complaining every now and then they have not been paid their salaries, they have not been given the necessary allowances---

Hon. Temporary Deputy Speaker: Can we hear the point of order. Hon. Wilson Kasimu.

POINT OF ORDER

Hon. Kasimu: Mr. Speaker, Sir, there is a report before the House, today, and that report has been brought by Hon. Itumo. I would urge Hon. Dominic, if he has another report concerning the workers of this county government, to come with that report but to seek the report that is in front of the House, he is out of order. Thank you, Mr. Speaker, Sir.

Hon. Temporary Deputy Speaker: Point of order sustained. Contain yourself to the report.

Hon. Maitha: Mr. Speaker, I do not want to be a sycophant because if the Hon. Deputy Majority Leader does not find sense in whatever I am talking about, sometime somewhere will find sense in it. Mr. Speaker, the Hon. Chairperson has mentioned the issue of quarries. 80 per cent of all the ballast crashed in quarries belongs to my area. The situation there is extremely wanting. NEMA provisions and environmental safety issues are not being respected, Mr. Speaker, Sir. I wish to welcome the committee of environment, the committee of justice and legal affairs to visit my quarries and find how my people are treated. They are exposed to dust 24/7. The blasters are not giving my people time to sleep and most worrying is the level of dust that emanates from the quarries, Mr. Speaker.

So we need to follow up all through and I wish to invite the committee to visit my quarries so that as we go through such, that by the time we write a report as we also adopt the report that has been laid, we can be sure of the situation. Mr. Speaker, I cannot ignore what the report has said. Our people are being subjected to poor working inhuman conditions. Investors are coming in Kenya to reap, leave our people poor, dead and they go back fully monied.

This is evidence, Mr. Speaker, the factories they have started within two to three years time, the factories have expanded to more than other(inaudible). Does that mean that factory is not making money? It is making money at the expense of our own people and, Mr. Speaker, if you see this report, there is a section that there is a government gazette notice that was issued by the acting minister for labor Raychelle Omamo, Mr. Speaker. If you even see the salary rates in that gazette notice, Mr. Speaker, it seems quite unfair and I will believe this assembly can set a precedence by petitioning even the minister herself, because someone for example, you see salary for a lorry driver is coming to a total of about Ksh. 10,000, Mr. Speaker, and that driver is exposed to so many risks.

So it is the National Government that also needs to work on some of these issues, Mr. Speaker. When you mention a driver like the ones operating taxis in Machakos County are getting Ksh. 10,000, then what do you expect? These drivers work long hours, they experience a lot of risks in terms of accidents, and this and that and they get peanuts. So the National

Government also needs to be petitioned to review those rates because when we go to these factories sometimes, they work under the guidance of the National Government.

So what we need to do is to enforce because it is salaries and that person is on a certain grade and National Government has said that person needs to be paid Ksh. 5,000 then the employer, unless that person is human enough, cannot pay more than Ksh. 5,000, Mr. Speaker. So I think we need to be guided by that and even though the report, let us move forward and make sure the law is honored. The major problem, Mr. Speaker, with these factories is heavy corruption.

When we send government or senior government labor officers to visit those companies, there is nothing they do. All they can afford to do is sit with the management, get some little coins out of bribes, and then they stand and leave. So, I think this assembly needs to enforce that and whatever resolution and recommendations we are going to come up with, then we need to do a follow up. Within, like three months, we know have things improved. Otherwise, we can discuss and pass the report but nothing is being done. So the best justice we can do to our people is to ensure that as per the recommendations of the report and even other recommendations that maybe can come up, as time goes, then we adopt them and ensure that they are implemented.

Otherwise, we will have done a lot of injustice to our people, our brothers and sisters and we will find that even the next two to three years to come, Mr. Speaker, and especially Mavoko Sub-County, we might not be having people to vote and votes is our survival. We might not be having fathers to take care of their kids and families. So, we are going to subject our people to such kind of inhumane acts, if we are not going to adopt this report. So, Mr. Speaker, as I wind up, I request the committees that I have requested to visit my quarries in Katani, to see the kind of inhumanity that our people are being subjected to and then we can come up with a comprehensive report.

I even think, Mr. Speaker, statements ought to be given out so that message can be passed to these factories that are operating and subjecting our people to a lot of in humane acts, that they can read from that script and I am sure, Mr. Speaker, we will have done justice to our people. I recommend the committee once more and welcome it to the requisitions that I have made. Thank you.

Hon. Temporary Deputy Speaker: Thank you. We will hear Hon. Alex Kamitu, one minute before we hear the chairperson.

Hon. Kamitu: Thank you very much, Mr. Speaker, Sir. In fact, Mr. Speaker, Sir, much has been said. The report is very clear. It is a self-explanatory report but right now, we need a lot of explanations because as I said, it is a self-explanatory report but it is really to the point. There is need for this assembly, not even as a follow up, we now must go for action. What am I saying, Mr. Speaker? Mr. Speaker, Sir, if you are not aware, last week, members of the parliamentary

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group in Central Province sat down with their professionals from those areas to look for the welfare of their people. I think, Mr. Speaker, Sir, in relationship with what the good committee of justice has done, this is now the time that we should come up with a forum. We have issues like human rights in Machakos County, where the human rights institutions in the central government and we have got our own(inaudible).

We have got the labor institution in Machakos County and we have the labor institutions in the central government. Now that this report has appeared before the members, we have members who have even mentioned that they will actually.....(inaudible) and on the same condition that some of our members explained, then what else because ,basically, you have heard from the members who have worked a number of days in those factories, what else. A plan of action should be now brought.

The assembly now should come up with a plan of action. We are now supposed to be seeing it moving. We are supposed now to incorporate religious groups, human rights groups and even the media so that now Kenya knows that within Machakos County Assembly, they have noticed that we have our electorate, we have our Kenyans who are suffering. Let me put it in a light, that we cannot entertain slavery within our county. Now that we have noticed, we should have a plan in action. Thank you Mr. Speaker, Sir.

Hon. Temporary Deputy Speaker: Thank you we can hear the chairperson, one minute before we conclude.

Hon. Itumo: Once more, thank you, Mr. Speaker and as we have heard, this maybe also the report of the year. Mr. Speaker, before I just applaud the members who just supported this particular report, Mr. Speaker, you realize that is(inaudible) and Mr. Speaker, this people I can say, Mr. Speaker, are very much brutal and do not have the sense of humanity, Mr. Speaker. When we were visited this particular company especially this.....(in audible) where the member has just come from, Mr. Speaker, I was touched because I saw some of us especially, Hon. Ladies who really wept. It was a very touching one Mr. Speaker.

I also tend to realize the reason why those employees are not visiting their parents at home, Mr. Speaker, because the way they are paid they cannot afford the fare to go and visit their parents back at home, Mr. Speaker. Mr. Speaker, this is a report that is supposed to be treated with seriousness because it touches issues of humanity where people are being mistreated, Mr. Speaker, and they are just undermined, Mr. Speaker. Now that the mood of the House is on the positive side, Mr. Speaker, I will urge you to allow even this committee to carry on with its mandate and continue with coming up with reports from different companies, Mr. Speaker.

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I now want to applaud the members for showing positive goodwill towards this particular report, Mr. Speaker. Thank you so much members and I am very much happy for having supported this report. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Members, I see we are all in support of the report and I proceed to grand the committee on justice and legal affairs leave that you proceed with your work and provide this House with a comprehensive report.

Hon. Itumo: Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Members, the report that we are about to adopt is a comprehensive report but and if adopted, it will take care of the rights of our people.

(Question put and agreed to)

The committee on implementation should take up the matter and ensure that the report is implemented within the shortest time possible. Let us proceed.

ADJOURNMENT

Hon. Temporary Deputy Speaker: There being no other, the House adjourns to afternoon.

The House rose at 11.25 a.m.