



OFFICIAL HANSARD REPORT

COUNTY ASSEMBLY OF BOMET

THIRD COUNTY ASSEMBLY

ASSEMBLY DEBATES

DAILY HANSARD

The Assembly met at the Main Assembly Chamber,

Dr. Joyce Laboso Centre at 2:30 p. m

Third County Assembly- First Session

Thursday, 23rd February, 2023

(The Assembly met at 2:30 p. m in the

County Assembly Mini Chamber at County Assembly Buildings)

[Hon. Speaker (Hon. C. Korir) in the Chair]

PRAYER

PETITIONS

Non–Payment of Gratuity to the County Assembly Ward Staff of the Second Assembly

Hon. P. Langat (Merigi Ward, IDEPENDENT): Hon. Speaker, I beg to give the first report of the Committee on County Petitions on Petition No. 2 of 2022 on non-payment of gratuity to the Ward staff of the Second Assembly.

Hon. Speaker, the Committee’s mandate is derived from the provisions of the Standing Order No. 200 (3) which provides that the Committee shall consider and report on all public petitions presented to the Assembly.

In considering the Petition, the specific prayer of the petitioners of the County Assembly was to implore on the County Assembly to expeditiously and amicably resolve the matter and approve gratuity forward staff who diligently and dutifully discharged their services in the ward offices. They requested to be treated like the previous employees who served in the First Assembly.

Hon. Speaker, the approaches that were taken by the Committee in considering the petition include;

The Committee observed that it would be important to verify the facts alleged in the petition.

The Committee, therefore, resolved to conduct an inquiry on the issues raised in the petition. In this regard, the Committee received the petition on 18th October, 2022 after being Tabled and committed to the Committee and further met the petitioners on 22nd November, 2022.

Thereafter, the Committee invited the County Assembly Clerk on 24th November, 2022 to shed more light on the issues raised and assist the Committee to prepare a comprehensive report.

The Committee’s observations include;

1. Indeed, the ward staff who served during the Second Assembly were not paid gratuity.

2. Their letters of appointment were silent on the issue of gratuity but reference was made to the Bomet County Assembly Ward Offices Regulations, 2017 as governing regulations.
3. The total salaries payable to the Ward staff in every Ward was Kshs. 57, 000.
4. The Regulation No. 19 (1) of the Bomet County Assembly Ward Offices Regulations, 2017 provided that a Member shall initiate recruitment of all the ward office staff and determine their terms of employment and salary scale in consultation with the board.
5. That further Regulation No. 19 (3) of the Bomet County Assembly Ward Offices Regulations, 2017 provided that notwithstanding the provisions of sub-section (1), the staff recruited shall not be paid house allowance, overtime allowance or any *honoraria* and shall not be entitled to any gratuity at the end of the contract period.
6. That the said employees were contributing the National Social Security Fund.
7. That the said ward staff did not formerly engage the County Assembly Service Board on the issue of gratuity.

Hon. Speaker, this is the recommendation made by the Committee;

That the Committee having investigated the matter in accordance with its mandate under the Standing Order No. 200 (3) recommend as follows;

That on the prayer for payment of gratuity, the former ward staff of the Second Assembly, the Committee recommends that the Bomet County Assembly Service Board is not obligated to pay any gratuity to the said staff based on the provisions of Regulation 19(3) of the Bomet County Assembly Ward Offices Regulations, 2017 which provides that the said employees are entitled to any gratuity at the end of their contract period.

Thank you.

(The Member laid the Report of the Petition)

Hon. Speaker (Hon. C. Korir): Hon. Member, I must congratulate you. You did a good job. I now give the Members to give their comments on that petition. I shall allow only 10 minutes.

Leader of Majority (Hon. P. Kirui, MCA Ndanai/Abosi Ward, UDA): Hon. Speaker, I thank the Committee for their report. The report clearly indicated that the terms of engagement were clear. I, therefore, support it because it was well-researched.

Hon. N. Kibet (Kapletundo Ward, UDA): Hon. Speaker, I am a Committee Member. In their letters of appointment, there was nowhere that it was indicated that they were supposed to be paid gratuity. The allocated amount of Kshs. 57, 000 was utilized in totality.

However, in the future, their letters of appointment should expressly indicate that they are not entitled to any gratuity to avoid such petitions.

QUESTIONS AND STATEMENTS

The Status of the Vocational Training Centres in the County

Hon. S. Changmorik (Longisa Ward, UDA): Hon. Speaker, pursuant to the Standing Order No. 49 (2) (1), I wish to seek a question from the Chairperson of the Committee on Education, Youth and Sports on the status of the Vocational Training Centres in the county. In his response, the Chairperson should indicate the following:

1. The total number of vocational training colleges in the county, the number of instructors, and the principles running them.
2. The number of students each vocation training college have.
3. The course offered in these institutions.
4. How often are elections of Board of Managements held and when was the last hold such elections
5. Who are the signatories for the accounts of these centres?

Thank you.

(The Member laid the Question)

Hon. Speaker (Hon. C. Korir): I direct that the Committee on Education, Youth and Sports to look in to the question and report in the next 14 days.

The Total Number of County Casual Workers in the County Government of Bomet.

Hon. D. Kirui (Ndaraweta Ward, UDA): Hon. Speaker, pursuant to the Standing Order No. 49(2), I wish to seek a question from the Chairperson of the Committee on Labour and Public Service on the number of casual workers working in the County Government of Bomet.

Hon. Speaker (Hon. C. Korir): Kindly Table the question.

(The Member laid the Question)

Hon. Speaker (Hon. C. Korir): I direct that the Committee on Labour and Public Service to sit and report in the next 14 days.

Hon. D. Kirui (Ndaraweta Ward, UDA): Hon. Speaker, I am requesting the report to be presented within seven days.

Hon. Speaker (Hon. C. Korir): I thought you were asking for the number of casual labourers.

Hon. D. Kirui (Ndaraweta Ward, UDA): Hon. Speaker, yes.

Hon. Speaker (Hon. C. Korir): Then, it can be tomorrow. Do you want it tomorrow?

Hon. D. Kirui (Ndaraweta Ward, UDA): Hon. Speaker, if it is possible, yes.

Hon. Speaker (Hon. C. Korir): Anyway, as soon as possible but not later than next week on Wednesday.

COUNTY ASSEMBLY ICT POLICY

Hon. M. Manyei (Nominated MCA, UDA): Hon. Speaker, pursuant to the Standing Order No. 49 (2), I wish to seek a question from the Chairperson of the Committee on e-Government and Innovation on whether the County Assembly has a policy on ICT and the measures the County Assembly has put in place to embrace the digitization of systems in the County Assembly.

Hon. Speaker (Hon. C. Korir): The Chairperson on e-Governance and Innovation can easily obtain the answer by tomorrow afternoon.

Hon. D. Kirui (Ndaraweta Ward, UDA): Hon. Speaker, yes. Most obliged.

WATER SHORTAGE IN KIPRERES, SIGOR AND CHEBUNYO WARDS

Hon. P. Mutai (Sigor Ward, UDA) Hon. Speaker, pursuant to the Standing Order No. 49 (2), I wish to seek a question from the Chairperson of the Committee on Energy, Environment, Water and Natural Resources concerning Mara and Amalo Rivers which serve the residents of Kiprerres, Sigor and Chebunyo Wards within our County. Currently, the residents of the said wards are facing water shortage due to drying up of the said rivers. The said situation has arisen due to diversion of water upstream for irrigation in large farms including Lelala and Borini Farms in Narok County. In the reply, the Chairperson should state;

1. Whether the County Executive Department of Energy, Environment, Water and Natural Resources is aware that the rivers is completely dry while the residents are suffering.
2. Whether the large farms undertaking irrigation upstream met all the legal requirements before they were allowed to utilize water from the said river.
3. Whether there are any measures that the county government have put in place in collaboration with the Nakuru, Kericho and Narok counties to ensure equitable and sustainable utilization of shared natural resources.
4. The steps that have been taken by the county government to address the issue of water shortage with the Narok County Government.

(The Member laid the Question)

Hon. Speaker (Hon. C. Korir):

Hon. W. Kiprotich (Chepchabas Ward, UDA): Thank you Hon. Speaker. I wish to bring to the attention of the Assembly under the order of Statements and Questions which permits us to discuss the statements pertaining to the issue that is in the media and in the families. I have a statement to seek pertaining the expose by BBC news Africa on sexual exploitation by multi-national tea company. I am deeply shocked and saddened by the revelation by the BBC Africa eye documentary on sexual harassment, exploitation and abuse of female employees by senior managers and supervisors of Ekaterra; formerly Unilever and James Finlays tea companies. These grievous allegations fly contrary to the allegations to the laws of Kenya, particularly

articles 25, 27, and 28 as read together with sections 4, 6, and 23 of the Sexual Offenses Act. The allegations also violate the mandatory provisions of the Employment Act. I wish to state that women's rights must be observed and respected by all and that any form of sexual harassment is uncalled for, in this age and era. As the elected member representing Chepchas Ward where some of these companies are domiciled, I strongly condemn these actions and hereby demand that the concerned multinational companies to immediately commence disciplinary action against those involved in this area and report the same to this Assembly through the County Executive Committee Member (CECM) for Gender, Culture and Social Services. I also urge the relevant government agencies to expedite and comprehensively investigate these allegations and ensure that all the perpetrators are brought to book.

Finally, I call upon the Department of Gender, Culture and Social Services to immediately identify the affected victims and offer the necessary guidance and counseling to alleviate further suffering.

Hon. Speaker, give me a minute to reiterate on this before I table. It is common knowledge in the world that there is an expose that was done by BBC and at this juncture. We would like to ask our local journalists that we need not wait for journalists from overseas to come all the way to find these particular acts, if they have any information about it.

Mr. Speaker, we cannot keep silent about this, this Assembly has to rise up to the occasion and also discuss on it. I has also been discussed elsewhere, even in the National Assembly and I saw it not fit, that we can only see this and let it go. Mr. Speaker, some of these things that were done whether it is molestation, harassment, or whether it is forced; whatever it is, Mr. Speaker, it is only sweet, when it's not happening to your sister, mother, your wife or your daughter. Mr. Speaker, we are grown-ups here and I want to believe that our children are part and parcel of those particular individuals who are seeking employment in these multinational firms. Our mothers are the same, our sisters the same and our wives the same. If we keep quiet, and these things are happening, then we are doing an injustice to the people who elected us to serve. I want to believe Mr. Speaker that in these law enforcement agencies and the Department of Gender, Social Services and Culture are supposed to work hand in hand with this particular statement that I am seeking so that at least they can be able to have those particular individuals. I am trying to imagine, Mr. Speaker, that when the expose was done, despite the fact that the journalists were able to cover up those women who were speaking, I want to believe Mr. Speaker, if that was your wife, you can identify the voice. If that was your mother, you can identify the voice, if that was your daughter, you can easily identify the voice. What is now happening in those families? Families are breaking up psychologically. Those people are

tortured. I wanted to know what the Department of Gender, Culture and Social Services are taking into consideration. Mr. Speaker, I will give this statement and it will be upon you to dictate the time and if possible. Members who want to contribute to this be given some minutes. Thank you.

Hon Speaker (Hon. C. Korir): Thank you very much for your contribution to the matter that is with us and globally. Hon. Members I give 5 minutes for you to make comments.

Hon. P. Ronoh (Kipsonoi Ward, UDA): Hon. Speaker, I rise to contribute to the Statement brought up by the Hon. Member for Chepchabas Ward in making a demand to the relevant department to lead the way in condemning the barbaric act meted on women in the said tea estate. Hon. Speaker, I did watch the expose, not only on BBC but also on CNN. It's not only embarrassing but it also depicts the current situation out there.

Mr. Speaker, there are serious cases of unemployment, and not only our daughters or the female gender that is vulnerable and susceptible but also the male gender is equally molested. We are giving Ekaterra this opportunity to do business on our soil. When we promulgated the constitution of Kenya 2010, we obligated ourselves to respect international treaties, including those signed by our forefathers when we were not yet born and one of them is that we were supposed to hold our treaties, including land leases by Unilever and the Finley. They should be culpable on vicarious liabilities. The top-level management should take responsibility for the acts of their staff or their subordinates.

Mr. Speaker, as the committee responds to the question, I would really be interested to look at the part where the management of the tea estate is affected including those who sojourn in London, and the high cities of this world get to the floor of this Assembly.

Mr. Speaker, our mothers go to the tea estates to look for employment, because they have no other wise. In fact, the tea Bushes sit on where their houses should be. The tea bushes sit on where their supposed farms where food crops should be grown. Now we've given them the opportunity to rip on the fertility of our soil and get money for their businesses. But instead of doing us justice, they are exposing our mothers and children and daughters to molestation and acts that are not good. I want to ask the chair for Gender, Culture and Social Services to move with speed and engage the necessary authorities and if possible, prepare suit in courts of law to bring them to book. Mr. Speaker, I beg to support and still ask for a comprehensive statement on the same. Thank you, Mr. Speaker.

Hon. R. Cheptoo (Rongena/Manaret Ward, UDA): Thank you very much hon. Speaker, I must thank the hon. Kiprotich for this statement. This is a serious gender based violence and I must condemn this act that happened Ekaterra with the strongest possible. I know there are very

many women who have gone through these serious issues and they remain silence. I must say we want to tell all the women and even men who have been molested, that they should come out and open up. It is not only those in multinational companies that suffer the same fate but we are also aware of some private companies and even public institutions, where most of the women and even men are going through serious issues like these.

The Department of Gender, Culture and Social Services should carry out investigations in our county so that in case there are some issues like these, they we can be easily be identified and the necessary action should be done.

Thank you so much.

Hon. E. Rotich (Mogogosiek Ward, UDA): Thank you very much, Mr. Speaker for this opportunity. I wish to thank hon. Kiprotich for bringing this issue to the floor of this Assembly. I stand to really support the Statement. What happened in Ekaterra is traumatizing. It reflects the kind of society that we have, where people in power take advantage of their subjects. It is so unfortunate, Mr. Speaker, what is happening in our region. The opportunity given to those investors to assist and develop our place but instead they have misused that opportunity. The arm of government takes up the matter so that it becomes a lesson to others who have the same behavior. I know it may have happened not only in Eksterra, but gender-based violence is everywhere. It is happening in so many public offices, and even in the private sector as we witnessed in the multinational firms. We are asking that the full force of the law should apply here so that our women, our sisters, and our children, should be left in the hands of those of their bosses in courts. When I saw the expose I was shocked at the extent that people go to use their positions and offices in the wrong way.

Mr. Speaker, as we discuss this, we wish that the county Assembly of Bomet petition those victims to be compensated because it touches on their health and people spreading disease with their knowledge of the same. We wish to say that this was so bad, and it should never occur again. Thank you very much, Mr. Speaker.

D. Speaker (Hon. L. Rotich): Mr. Speaker, I also wish to register my disappointment and my displeasure regarding what was exposed. It is an act which we condemn the leadership of this company and we were surprised that our children; both men and women are undergoing such harassment in their workplaces. I call upon all the bodies which are involved in covering these sexual harassments to be on their toes and bring all the perpetrators to book. I would wish that what was exposed was enough evidence. The people mentioned should be arrested and charged in the court of law. I know that it is something not good. On behalf of the leadership of Bomet, county, and Bomet Assembly at large, we would wish to apologize to our people who have

undergone such harassment without even our knowledge that we are very sorry. I wish the statement which was raised could be directed to the Department of the Directorate of Criminal Investigations (DCI) in our county so that they should also carry out their independent investigations. Other entities providing employment services in our county should also be investigated to mitigate such incidences. Thank you.

Hon E. Mibei (Nominated MCA, UDA): Thank you, Mr. Speaker. I also want to applaud most of the members in condemning with the strongest terms possible. I went through this expose and I was shocked that they are typical elderly men like, my husband. These are people who have children. These are people who steal from our employees. I'm wondering if one of the daughters was their daughters. I also empathize with the women and the wives of these predators. These are old men. We know some of them. Therefore, as a woman, I urge the men whether young or old, to carry themselves with dignity. Women take care of their children but do not know what the husbands are doing outside there.

If you are a woman whose husband does that, you should expose him. As leaders in this county, we need to carry ourselves with dignity. As mothers, we carry a big shame.

Hon. Speaker, I urge the authorities to arrest these old men and prosecute them. They should be taken behind bars for life. Some women might have been infected with Sexually Transmitted Diseases because of that. Therefore, the multinational companies should be put to task to compensate the victims. They are making huge profits from the leased land for our community yet the same people that look for jobs there are molested.

I call upon women to liaise with the CEC for Gender, Culture and Social Services to come forth and call for a press conference. We should also demonstrate to show solidarity against Gender Based Violence in this county.

Hon. Speaker, I heard a woman who said they give in in order to get a daily bread. I am the Chairperson of Women Caucus and I request for more funds to be able to empower more women. They are giving in to the sexual demands of these predators because they do not have what to give to their children.

I support the statement.

Speaker (Hon. Cosmas Korir): Hon. Monica.

Hon. M. Manyei (Nominated MCA, UDA): Hon. Speaker, thank you. Today, in our committee, we discussed the same. We were supposed to meet with the Chief Officer (CO) on Gender, Culture and Social Services but she was away. Before Tuesday or Wednesday, we will have a response.

The problem is that we have not passed the Gender-Based Violence (GBV) Policy. However, we shall push for it and do what is needed of us.

Speaker (Hon. C. Korir): Hon. Members, that brings to a close the contribution of that matter. Today, it was scheduled that the Chairperson on Committee on Agriculture, Livestock and Fisheries shall give a statement on a question that had been asked by Hon. D. Busienei on the outbreak of rabies in Sotik Sub-County where one Brian Kipkoech of Kipajit Sub-Location was bitten by an infected dog and Simon Langat from the Kibori village in the same sub-location lost a cow bitten by an infected dog.

Is the Chair ready?

Hon. P. Ronoh (Kipsonoi Ward, UDA): Hon. Speaker, I wish to seek leave until Tuesday when the report will be ready. We have had enough deliberations but we are refining it.

Speaker (Hon. C. Korir): Hon. Chairperson and the Member of that committee, the question was asked four months ago. Yesterday, I directed that if any committee is given a question to answer, it should be answered within a stipulated time and if it exceeds that, it means the Chair has no capacity to lead that committee to doing their mandate.

Therefore, I am putting you on notice. This is the last notice. By Tuesday, let us have that report. Similarly, to all the Chairs, endeavor to answer questions within the time frame.

Thank you.

ADJOURNMENT

Speaker (Hon. C. Korir): Hon. Chairperson, there being no other business, this Assembly is adjourned to Tuesday, 28th February, 2023 at 2: 30 p.m.

(The Assembly rose at 4. 00 p.m.)