



Salaries & Remuneration
Commission

Rewarding productivity

PRESS STATEMENT

CURRENT INDUSTRIAL UNREST IN THE PUBLIC SERVICE

Attention is drawn to the current industrial threats/action in the Public Service.

As you are aware, one of the constitutional mandates of the Salaries and Remuneration Commission as provided under **Article 230 (4b)** is to:

“Advise the National and County Governments on the remuneration and benefits of all other public officers”.

The Teaching Service, the University Lecturers and Workers and the Health Personnel, employed by: the Teachers Service Commission; respective Public University Councils; and the Public Service Commission, respectively and who are represented in labour relations by: the Kenya National Union of Teachers (KNUT); Kenya Union of Post Primary Education Teachers (KUPPET); University Academic Staff Union (UASU); University Non-Teaching Staff Union (UNTESU); Kenya Union of Domestic Hotels, Education, Institutions, Hospitals and Allied Workers (KUDHEIHA); and Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU), are public officers as defined by Constitution of Kenya 2010 under **Article 260**.

The Salaries and Remuneration Commission in giving advice on remuneration and benefits for public officers, is required by the Constitution to take into consideration several factors, one of them being due process of Collective Bargaining. The Commission has however, observed with concern that the respective parties in the industrial action have so far not demonstrated compliance with the process of collective bargaining as provided in the legislation. In July, 2012 the Commission provided the Public Service including Unions the guidelines giving parameters to be

followed in addressing remuneration and benefits reviews. As of 29th August, 2012 the Salaries and Remuneration Commission advised the parties to duly engage in Collective Bargaining process following which the Commission would give appropriate advice.

Whereas the Salaries and Remuneration Commission appreciates that **Article 37** of the Constitution provides that:

“Every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket and to present petition to Public Authorities” and under **Article 41 (2d) that:**

“Every worker has the right to go on strike”,

The Commission however, maintains that it is equally important that the spirit and other provisions in the Constitution is adhered to namely: **Article 2 (5 and 6)** on compliance with the International Law, Treaties and Conventions in this case provisions of International Labour Organization (ILO) Convention 98 of 1949 and 154 of 1981 on Collective Bargaining; **Article 41 (5)** providing for the right to engage in collective bargaining and **Article 230 4(b)** providing that the Commission give advice on remuneration and benefits.

The Commission is convinced that Kenyans in passing this Constitution were clear on how they wish to be governed and as a result, **Article 2 (1)** of the Constitution provided that:

“every person has an obligation to respect, uphold and defend the Constitution”.

Industrial unrest is costly to the country as it hurts our economy. It is also bruising to the people of Kenya specifically the youth and the children. The Commission therefore, would be the last institution to be silent on a grave matter such as industrial unrest or action by the public officers or violate the provisions of the Constitution in handling the matter.

The Salaries and Remuneration therefore, urges the parties involved to exhaust all the avenues provided for addressing the matter. The Commission also wants to reiterate its counsel and advise the respective parties in the industrial action to uphold the Constitution and follow due process provided in the legislation for Collective Bargaining. Consequent to which the Commission will provide appropriate advice

taking cognizance of the provisions of the Constitution under **Article 230 (5 a, c and d)** namely:

“(a) The need to ensure that the total public compensation bill is fiscally sustainable;

(b) The need to recognize productivity and performance; and

(c) Fairness and transparency.”

Sarah J. C. Serem (Mrs.)

CHAIRPERSON

SALARIES AND REMUNERATION COMMISSION