



Salaries & Remuneration
Commission

Rewarding productivity

PRESS STATEMENT

SRC'S Position on the Industrial Unrest in the Public Service

The current spate of strikes by key public sectors including the teaching fraternity and medical professions is a cause of great concern. The timing of the strikes and the manner in which Court orders have been defied and the strikes carried out, including use of violence and confrontational approach is a dangerous trend to take. It is also contrary to the spirit of the people who just the other day marked two years of the promulgation of the Constitution that brought a new dawn and hope of good governance for the benefit of people of Kenya.

The Commission is fully aware that the right to strike is enshrined in the new Constitution. But like all rights enshrined in the Constitution, limitation to those rights have also been enshrined in the Constitution and to this we make reference to Article 24 (1d) which requires that as a person exercises their rights they must ensure human dignity and that the enjoyment of the rights and the fundamental freedom by any individual does not prejudice the rights and fundamental freedoms of others.

We note with concern that the rights of the pupils and students of this country have been infringed on in the process of the strike, which to us is

a Constitutional violation. We also further observe with concern that the rights of patients have also been infringed.

When the Constitution was promulgated and subsequently celebrated by Kenyans, the desire was to have order in the management in all the affairs of the country. Allow me to draw you back to the period prior to the establishment of the Salaries and Remuneration Commission. The wage setting mechanisms, including determination of wage awards in the public sector exhibited inherent weaknesses, which included: Lack of clear instruments and accurate information to guide wage awards under collective bargaining agreements; Use of ad hoc commissions/committees to review and award public service wages; and lack of effective remuneration review framework to guide pay review in determination of awards at the national level.

This resulted in wage awards to sub-sectors of the public service without regard to their implications on other sectors of the service, macroeconomic stability, external competitiveness, effectiveness of service delivery and affordability of such awards. Allowing ourselves as a Country to go back to wage setting under striking mode is admitting that our Constitution is not good enough. It also pits the Country to a situation where decisions will be made without considering the critical factors other than the pressure currently being applied.

The people of Kenya clearly wanted to address the challenges of inequity and ensure fairness and transparency in remuneration and benefits in the public service. It is for this reasons that the Salaries and Remuneration Commission was established under Article 230(1) with a clear mandate as outlined in Article 230 (4) to:

- a. Set and regularly review the remuneration and benefits of all state officers (as defined under article 260 on Interpretation); and
- b. Advise the National Government and County Governments on the remuneration and benefits of all other public officers

and the principles for determining and advising on remuneration spelt out under Article 230 (5), namely:

- The need to ensure that the total public compensation bill is fiscally sustainable;
- The need to ensure that the public services are able to attract and retain the skills required to execute their functions
- The need to recognize productivity and performance
- Transparency and fairness

The Commission is particularly concerned that in the process of the strike facts have been distorted, due process of Collective Bargaining is not being comprehensively pursued, the issues of wage bill and the impact to the economy including the source of funding may not be critically analysed, and thus, the sustainability and the implication to the future generation.

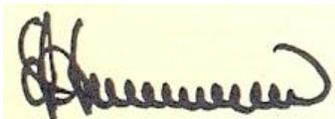
As a Commission we are not refusing the striking public servants from being awarded salary increases. We are however, advising that it be done in a rational manner allowing compliance to the Constitution and legal processes and analysis of the financial implication to avoid running the country on deficit.

We further advise that this is not the time to politicize or take advantage of the strike situation. We should exercise restraint and act responsibly and refrain from fueling industrial unrest. As a country let us seek to resolve these issues soberly knowing that the resource basket is one and that the budgetary allocation, which had components of public servants' (including teachers) salary was passed and voted by the legislature. We must therefore undertake:

- a thorough audit to determine and the nation be informed on what has been honoured in relation to the 1997 CBA and what is still pending
- analysis and identify the issues in the public universities and with the health personnel

- evaluation of the ability of the country to meet the demands of the striking workers; and
- an implementation strategy that will honour the subsequent agreements, ensure affordability and sustainability and contain the tradition of causing industrial unrest when the country is planning for general elections
- that in the case of the striking workers salary increase with budgetary implications be brought to the floor of the House for debate and passage.

In conclusion we are appealing to each and everyone of us to give due consideration to our decisions, positions and actions that we are taking over this matter and be able to account for the future. Let us make decision from an informed position and therefore allow the technocrats handle this matter objectively and rationally. We must also respect the systems and legal framework which is the bedrock of security, peace and stability in any country. As leaders the nation is demanding of us to be cautious and act with sagacity for the sake of the future generation.

A handwritten signature in black ink on a yellow background. The signature is cursive and appears to read 'Sarah J. C. Serem'.

Sarah J. C. Serem (Mrs.)

CHAIRPERSON

SALARIES AND REMUNERATION COMMISSION