



Salaries & Remuneration
Commission
Rewarding productivity

PRESS RELEASE

WIN FOR SRC AS COURT OF APPEAL UPHOLDS SRC'S MANDATE ON REMUNERATION AND BENEFITS FOR PUBLIC OFFICERS IN STATE CORPORATIONS

Wednesday, 5 March 2025, Nairobi: The Court of Appeal has overturned a ruling by the Employment and Labour Relations Court (ELRC), affirming the jurisdiction of the Salaries and Remuneration Commission (SRC) on the determination of remuneration and benefits for public officers in all State corporations, including the National Social Security Fund (NSSF).

In its judgment delivered on 28 February 2025, the appeals court concluded that NSSF employees are public officers subject to SRC's mandate under Article 230 of the Constitution of Kenya, 2010, setting aside the lower court's decision that had declared SRC's Circular of 4 July 2012, inapplicable to State corporations.

"In reaching the conclusion that the employees of the NSSF are not subject to the requirements of the Salaries and Remunerations Commission Act and regulations, we find that the Employment and Labour Relations Court misapprehended the Constitution and the law, and in so doing, arrived at the wrong decision, as a consequence of which it is necessary to interfere with that decision," the ruling stated in part.

The case dates to 2016, when NSSF, the Kenya Union of Commercial Food and Allied Workers, and the Attorney General challenged SRC's directive regulating salary negotiations at NSSF. The lower court initially ruled in favour of the respondents, however, SRC appealed, arguing that its constitutional mandate to oversee the remuneration of public officers was curtailed.

Judges Asike Makhandia, Agnes Kalekye Murgor, and Sankale ole Kantai allowed the appeal, reinforcing that SRC has the constitutional mandate to regulate the remuneration of public officers in State corporations. The court affirmed that as long as salaries in State corporations are drawn from *"Parliament through the annual national budget or funds retained by the State Corporation for purposes of defraying expenses as empowered by an Act of Parliament..."*, all remuneration and benefits must be determined by SRC.

The judgment clarifies SRC's mandate on remuneration and benefits at both the national and county government levels, cementing SRC's oversight as provided for in the Constitution and SRC Act, 2011.

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Attached: Appeals Court Judgement.

About the Salaries and Remuneration Commission

The Salaries and Remuneration Commission (SRC) is established under Chapter 12, Article 230 of the Constitution of Kenya, 2010. SRC's mandate is to: a) Set and regularly review the remuneration and benefits of all State officers; and, b) Advise the national and county governments on the remuneration and benefits of all other public officers.

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