

Central Organization of Trade Unions (Kenya)

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PRESS RELEASE

RE: UNFOUNDED CLAIMS BY MAJORITY LEADER ADAN DUALE ON COTU (K) MEMBERSHIP TO NSSF BOARD OF TRUSTEES

The Central Organisation of Trade Unions, Kenya (COTU (K)), takes great exception to the erroneous, misleading and unformed statement made by the Majority Leader in Parliament, Hon. Adan Duale during the vetting exercise for Cabinet Secretaries and which claims have equally been reported in the local dailies.

The unfortunate statement made by the Majority Leader clearly attests to the usual obsession by certain forces in positions of power with the operations of the National Social Security Fund (NSSF) and indeed this was witnessed when this very section of forces in government took power in 2013 with the then Labour Minister ceasing to be a Minister of Labour and instead being the Cabinet Secretary for NSSF in a move that resulted into protracted court battles that were all won by workers under COTU (K) simply because the Cabinet Secretary was operating with impunity and outside the law.

For the record, the new NSSF Act No. 45 of 2013 came into force towards the end of the year 2013 and after a long and unwarranted court battles pitting the then Cabinet Secretary and COTU (K), the Secretary General together with the Executive Director of the Federation of Kenya Employers, (FKE) were appointed to the serve on the NSSF Board of Trustees for Three (3) years through a Gazette Notice dated 16th September, 2015 by the then Acting Cabinet Secretary, Hon. Amb. Raychel Omamo.

The move came following an irregular and illegal decision by the previous Cabinet Secretary, Kambi Kazungu to revoke the appointment of both in a Gazette Notice dated 11th July, 2014 despite the existence of a Court Order barring him from interfering with the operation of NSSF. Equally, the law does not operate retrospectively hence you cannot claim the law that came into force in 2013 would apply to the Board of Trustees membership previously.

From the foregoing, and as read together with the provisions of the new NSSF Act No. 45 of 2013 under the Second Schedule on Transition Provisions Sec. (7), COTU (K) Secretary General and the Executive Director of FKE are serving their first term in office as members of the NSSF Board of Trustees and remain eligible for re-appointment for a second term under the Act in order to serve their two full terms.

It is regrettable that the Majority Leader has opted to rely of here says and innuendos in his discharge of duties and it is even more dangerous that unlike under the previous Constitutional provisions, he is the person charged with the responsibility to answer questions in parliament on behalf of Cabinet Secretaries and with the attitude that he has already exhibited with blatant ignorance of the law and his willingness to operate on the very periphery of these provisions, it is time the country demanded that the holder of the office be a person with a legal background in order to ably and reliably advise parliament on such very important provisions in Law.

The only interest that the Secretary General of COTU (K) holds at NSSF is to protect and guard against the workers' pension funds and no other. The NSSF Board of Trustees comprises of a total membership of nine (9) with Government holding majority of five (5) including appointing the Chairman and both employers and workers hold a minority of four (4) and let the Majority Leader keep off the latter's choice of who represents them at the NSSF since this is a workers' fund meant to support them in old age.



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SECRETARY GENERAL