



## **REMARKS BY**

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## **DURING**

**COTU (K) 53RD INTERNATIONAL LABOUR DAY  
CELEBRATIONS  
AT UHURU PARK GROUNDS NAIROBI**

**ON**

**TUESDAY, 1<sup>ST</sup> MAY, 2018**

- Labour Day is an important internationally celebrated day when workers exercise and demonstrate their common interests and international solidarity. I do welcome this opportunity to speak to our country's workforce that is predominantly made up of young people today.
- Those of you who were born after our struggle in 1963 should know about the struggles for our independence. We should never take for granted the rights and opportunities we enjoy today, which were denied to most of our grandparents. Africa, Latin America and Asia's freedom was fought and won by the trade union movement.
- Those who championed for our independence were leaders like Makhan Singh, Aggrey Minya, Fred Kubai, Bildad Kaggia, Pio Gama Pinto, Clement Lubembe, Sam Muhanji, Gitu Kahengeri and Maina Macharia who are both still with us, Chege Kibachia, Vicky Wachira, Ochola Ogaye Mark'Anyengo, Muiruri wa Karanja who was jailed for eight years as well as Tom Joseph Mboya who eventually internationalized our struggle and fight for freedom among others.
- They supplemented in the then efforts being made by Mzee Jomo Kenyatta, Jaramogi Oginga Odinga, the leader of the armed revolution army Dedan Kimathi, General China, Muindi wa Mbingu, Paul

Ngei, Masinde Muliro, Elijah Masinde and so many others.

- These leaders, including former President Daniel arap Moi who was himself a founder member of the Kenya National Union of Teachers, KNUT, must never be forgotten.

### **Our unity as a nation**

- As early as March 2017, COTU (K) called on His Excellency the President Uhuru Kenyatta to reach out to the opposition leader Hon. Raila Amolo Odinga with a view to arresting the heightened political temperatures in the country before we go for elections in the month of August.
- Apparently, our calls were ignored and this culminated into Kenya losing over 100,000 jobs between August and November 2017.
- However, we are glad that the two leaders finally undertook the now famous hand-shake in March. This move immediately restored the much needed stability in our economic, political and social spheres and saw our shilling appreciate.
- Our Labour Day Theme this year was formulated based on the resolve that the two leaders will read

it and hear and that is why it states '**Let us Reason together for Sustainable Economic Growth and Job Security**'.

## **Sustainable Jobs**

- The only way we can create sustainable jobs, eradicate poverty and build a more prosperous and equal society is through a radical restructuring of our economy. We should stop over-reliance on the export of our raw materials to an economy founded on modern manufacturing industry as advocated for by the President in his four Agenda namely Manufacturing, Housing, Universal Health Care and Food Security.
- More importantly, The President in his Jamhuri Day Speech to the Nation at Kasarani Stadium at our 54<sup>th</sup> Independence Day of which I attended emphasized that '**Political stability and harmonious Labour Relations are the bedrock on which we will achieve a robust manufacturing sector**'. We thank you for that wonderful speech and direction Your Excellency and we at COTU (K) believe in that.

## **The notion any job is better than none**

- We should all reject the notion that “any job is better than none” that even if it delivers no training, pays less, creates poverty and it indirectly enslaves the worker must be taken.
- Your Excellency, we are opposed to that notion, look what is happening at James Finlay Company in Kericho, Oserian Flower Company in Naivasha, Karebe Gold Mining in Nandi County, Rtz Company, among others where permanent jobs are literally turn into casual, and false companies are formed by employers and turned into Headquarters of exploitation through outsourced cheap Labour.
- Your Excellency, Your Government must act with speed and stop this abuse and exploitation of Labour as perpetuated by these unscrupulous employers.

### **Social dialogue**

- The government must support Social partners that is the Federation of Kenya Employers, FKE, The Central Organization of Trade Unions, COTU (K) and the Ministry of Labour on behalf of government and empower these social partners to handle all Industrial Relations related disputes.

- This will help in minimizing strikes both within the Public and Private Sectors instead of coming up with punitive and unconstitutional amendments in our existing legislation which will attract protracted misunderstanding between workers and the Government. Your Excellency this is not necessary.

### **Need to reason together**

- The major cause of Kenya's disunity is tribalism
- However, Kenyans want equity and fair sharing of our national resources and jobs for all.
- At national and executive level, we appeal for your indulgence and listen to what can bring peace by allowing for the Referendum to amend the current Constitution and provide more space in leadership equity even if it means also revisiting geographical and political rearrangements. This is the time to do it as you enjoy marvelous and wonderful political stability.

### **Corruption**

- This is the biggest single threat to our democracy and peace.

- Theft, fraud, extortion and forgery cost the country almost 610 Billion annually which is equivalent of a third of our state budget.
- Kindly Your Excellency during this time of your legacy, deal firmly with this menace, you have all our support (Kenyatta Market).

### **Run down Institutions**

- I recently visited our August House, the National Assembly building (Parliament) and when one of the Young Honorable Member of Parliament for Saboti Hon. Caleb Amisi took me and my colleagues to the Restaurant for a cup of tea, Your Excellency I could not believe my eyes, everything in that Restaurant is dilapidated and I had to take my Cup of tea while standing. Kindly support the Speaker of the National Assembly to overhaul our parliamentary facilities.

### **National Hospital Insurance Fund, (NHIF)**

- COTU (K) supports the government's move to offer free maternity care as well as universal health care cover for all our secondary school going children through the NHIF.

- However, Your Excellency, as workers we are opposed to any move meant to lump all these covers under one Account with workers monthly Statutory Contributions as such arrangements are likely to be abused where workers contributions may end up being diverted to other accounts if the issue of capacity at NHIF is not fully addressed.
- I want to take this opportunity to thank the CEO Mr. Geoffrey Mwangi for the good work he is doing at NHIF but Your Excellency he requires your direct protection and assistance in order to keep off cartels.

### **National Social Security Fund, (NSSF)**

- The NSSF, remains one of the few institutions where the Chief Executive Officer continues to discharge his duties in acting capacity now for a record close to four years and without a substantive Chairman because of various invested interests.
- The law is clear on one's acting in a vacant position.
- I appeal to the Government to put off those with various interests to live the NSSF Board of Trustees to fully discharge its duties without interference.



- This is also being extended to the NHIF Board that the Social Partners should be kicked out. The question always remains why the contributors who make this two funds formidable should be kicked out. (NSSF Audited Report by Ernest and Young).

### **Amendments to the Employment and Labour Relations Acts**

- COTU (K) opposes any amendments to both the Employment Act 2007 and the Labour Relations Act 2007 that are geared towards eroding what workers achieved in our national Constitution Chapter 6 Article 41 Paragraphs 2 (d) on the Right to Strike and 5 on the Right to Collective bargaining both of which appear in the Bill of Rights which requires wider consultations with Social Partners and a referendum for amendments.
- The laws are not bad your Excellency, World over in all United Nations Agencies including the ILO, the practice is to support effective dialogue engagement in any Industrial dispute as opposed to introduction of punitive registration.
- Your Excellency this will not work, and always before you appoint any person to be in-charge of industrial relations practice in this country, let your

government consult widely including engaging COTU (K) and FKE and we will be able to propose to you an effective industrial relations practitioner who is capable of engaging workers and employers time to time on behalf of the Government and will minimize the strikes that we are witnessing particularly in the Public Sectors.

### **Ministry of Labour and Social Security's Capacity**

- We are faced with the critical problem of aging and retiring officers at the Ministry, we lack enough labour officers, we lack Labour Inspectors, Occupational Health and Safety experts as well as Factory inspectors and this has left workers to be exploited in every area of their work unchecked.
- Kindly let your government increase budgetary allocation to this tripartite Ministry.
- We also appeal to the government to rescind the law that allows Employment Bureaus which have turned this country into a big shame through trafficking of Persons from Kenya to Arabic Countries where our young women are turned into slaves, sexually molested and harassed, impregnated and put in jails and those who are luck are deported back to Kenya but most of them don't

make it as they die in unclear circumstances and brought back in coffins.

- This is a big shame to this country, let us remain poor proud.

### **National Industrial Training Authority, (NITA)**

- NITA, has and continues to contribute immensely to the training and building of capacity for workers.
- However, COTU (K) is concerned and remains totally opposed to any attempts to transfer NITA as a training Authority to any other Ministry as advocated for by some government officers who don't understand the work of NITA.
- Instead we need to devolve NITA to all the forty seven Counties.

### **Minimum Wages Proposals for 2018**

- Kenya's Economy grew up by 5.8% in 2017 as compared to 5.4% in 2016; such economic improvements were supported by strong macroeconomic environment and great Sectoral improvements in Agricultural, real Estate, Construction, Finance and Insurance.

- The last revision of Minimum wages were increase by 18% in 2017
- However, in 2016 there were no adjustments despite workers suffering from erosion of their purchasing powers by the rising cost of living although Your Excellency you removed taxation on retirement benefits, bonus and overtime performed for those earning below Kshs. 100,000 but to-date, this good gesture from you has not been gazetted as ordered by Your Excellency, see how your directives are not seriously taken.

### **Wages differential**

- With the above factors in mind COTU (K) is kindly proposing a Minimum Wage increase again of 18% that will compensate low income earners for their erosion of purchasing power for the low income bracket earners bearing in mind that if workers cannot buy goods and services, our country cannot spear economic growth and create more employment.

### **Off-the-cuff Remarks**

- List of Unity team announce by the President

- Council of Governors not inviting COTU (K)
- Goons attacking Nairobi Business Association Chairman, Timothy Muriuki
- KONZA City- No more allocation or Publicity.
- Decongest Nairobi City and surrounding counties. Have fast moving trains connecting towns like Muguga, Kikuyu, Limuru, Juja and Kiambu and on the other side connect Machakos and Kajiado.
- I Thank you

Ends.