



PRESS RELEASE

PRESS STATEMENT BY THE CABINET SECRETARY MINISTRY OF LABOUR AND SOCIAL PROTECTION HON, SIMON CHELUGUI ON THE THREAT OF INDUSTRIAL ACTION BY HEALTH WORKERS.

FOR IMMEDIATE RELEASE – 3rd December, 2020.

Good Afternoon Members of the Press,

I would like to comment on the current situation in our health sector following the 21 Days strike notice issued by the Three Unions representing the workers in the Health sector.

This is a development that is worrying because Health workers play an integral part in managing and containing the Covid-19 pandemic.

Since COVID-19 was first confirmed in Kenya on 12th March, 2020, Kenya has reported **85,130** confirmed cases of COVID-19 with **1,484** deaths among them Health workers. (MOH)

Article 43 (1a) of the constitution of Kenya guarantees every person the right to the highest attainable standard of health which includes the right to healthcare services. To achieve this the constitution obliges the state to take legislative, policy and other measures, including setting the necessary standards. The constitution places the onus on the Government to realize the right to health to the greatest extent possible within its resources.

As the Cabinet secretary in charge of labour, I have a duty of making sure that there is industrial harmony in our country in all sectors including the health sector and make sure that there is maintenance of Industrial harmony we give our frontline medical workers the best possible environment to work, more so now that we are facing the covid-19 pandemic. Health workers are **KEY** frontline workers.

The Government has already made effort in mitigating the effects of covid-19 on the health workers and in the process resolved some of the grievances raised by the Unions. My PS has had several engagements with his counterpart from Health and I have personally engaged the CS Health Hon Mutahi Kagwe and I am pleased to state that the Ministry of Health has ordered the release of PPEs for use by Health workers.

On the lack of comprehensive medical cover, MOH has engaged NHIF to offer comprehensive Medical scheme for all Health workers at National and County Governments. We are now calling on the various County Governments to expedite the implementations of this.

The MOH has been given an ok to have the PPEs at KEMSA released for use by the Health workers.

Therefore, I would like to state the following:

Unions representing Health workers namely: The Kenya Medical practitioners, Pharmacists and Dentists Union KMPDU, Kenya National Union of Nurses (KNUN) and Kenya Union of Clinical officers (KUCO) issued a strike notice.

The issue in dispute was:

- a) The lack of comprehensive medical cover by the National Health Insurance Fund for all health workers in Kenya;
- b) Lack of adequate compensation mechanisms for the motivation and welfare of health workers including risk allowances;
- c) Severe shortages of critical health staff to run ICUs and isolation facilities;
- d) Unemployment of thousands of health workers despite the critical and acute need during this pandemic period;
- e) Lack of provision of adequate and quality PPEs;
- f) Lack of priority testing of health workers for COVID-19 despite the high risk of infection that they face;
- g) Long standing labour disputes in some counties which have resulted in poor health service delivery.e.g Laikipia and Kirinyaga.

- h) Delayed salaries, and failures by County Governments to remit statutory deductions, welfare contributions, bank loans and trade union dues in a timely manner, thus causing pecuniary embarrassment to health workers, and limiting their access to credit facilities;
- i) Lack of guaranteed access to treatment and care for health workers through specially designated isolation and ICU facilities;
- j) Lack of adequate training and capacity building for health workers particularly in the counties;
- k) Unfair and exploitative employment terms for health workers on contract;
- l) Undue intimidation and harassment of health workers, especially those who have tested positive for COVID 19 etc.

Upon receipt of the strike notice:

1. The ministry convened a meeting a tri-partite meeting on **2nd December, 2020** to deliberate on the various grievances that were raised by the three Unions.

It was noted that some of the issues raised were of policy in nature and required the input of other stakeholders beyond the Ministry of Labour, Health and the Council of Governors. Some of the issues are being addressed by the two conciliation committees I appointed under the Ministry namely conciliation committees on Nurses and Conciliation committees on Clinical officers. The rest raised can be resolved if the parties embrace dialogue.

2. Arising from yesterday's meeting in the \ministry with the Unions and the employers, it became apparent that there is need for establishment of a multi-agency committee to look into the grievances by health

workers on a continuous basis. The proposed committee comprises of the following: -

- i. Ministry of Labour and Social Protection to chair
- ii. Ministry of Health
- iii. National Treasury
- iv. Public Service Commission
- v. Salaries and remuneration committee
- vi. Council of Governors
- vii. State law office
- viii. Federation of Kenya employers
- ix. Central organization of trade unions

This committee will be domiciled in the Ministry of Labour.

3. A technical team comprising of officials from the Ministry of Labour and representative of the three trade unions was set up to map out the issues raised in the strike notices and determine which institution is best placed to address them comprehensively. This team will be meeting in the Ministry of Labour from this morning until the exercise is complete. The team will also develop a matrix on the same for my further action.
4. Meanwhile, the Ministry is setting up a conciliation committee to look at those issues which can be quickly addressed by employers. The committee is expected to file its report as soon as it completes its work to me and the employers for further action.
5. I wish reiterate that the government is committed to addressing the issues raised by health care workers and therefore call upon the unions

to sit down with their employers and deliberate on their grievances in good faith so as to find an amicable solution to the current crisis. I also wish to take this opportunity to thank the unions for honoring my invitation yesterday and encourage them to continue with the same spirit as we jointly look for a lasting solution to their grievances.

6. Finally, I wish to call upon the unions to suspend their planned strike on 7th December, 2020 as the government works round the clock to address their grievances.

I would like to reiterate that as a Government we are committed to assist the parties reach an amicable solution to the issues in dispute.

In the meantime, the Ministry urges the unions to be patient because we are dealing with a matter that is complex and one that requires a multi sectoral and multi stakeholders approach. We are also urging all parties to be committed to social dialogue so as to not only avert any suffering by the patients but to find an amicable solution that will restore industrial harmony. Remember we all have a moral obligation in protecting the lives of our citizens especially now that we are facing a Pandemic.

Hon. Simon K. Chelugui

CABINET SECRETARY

Thank you