



COMMUNICATION WORKERS UNION OF KENYA

**REPORT OF THE
CENTRAL JOINT COUNCIL SUB- COMMITTEE OF THE
KENYA BROADCASTING CORPORATION
AND THE
COMMUNICATION WORKERS UNION OF KENYA
ON ISSUES THAT LED TO THE STRIKE ON
2ND AUGUST, 2017**

NOVEMBER 2017

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BACKGROUND INFORMATION

Following a strike called by the union (COWUK) on 2nd August 2017 and subsequent intervention by the Cabinet Secretary for Labour, a Return to Work formula was drawn to address issues giving rise to the strike. While other issues were resolved immediately, it was agreed that a CJC sub-committee be appointed to look into the following outstanding issues:-

- Unfair Promotions/ Stagnation on salary grades within the Corporation
- Confirmation of contracted employees into permanent employment.

It is against this backdrop that this sub-committee was constituted to establish the veracity or otherwise of these allegations and prepare a report for the CJC Committee for adoption and further action by the Management.

The following persons were appointed as members of the CJC sub-Committee:-

- | | | | |
|----|------------------|---|--------|
| 1. | Margaret Ochieng | - | Member |
| 2. | Rachael Nakitare | - | Member |
| 3. | Pamela Mogaka | - | Member |
| 4. | Elisha Odero | - | Member |
| 5. | Isaac Sasuri | - | Member |
| 6. | Alex Mbathi | - | Member |
| 7. | Daniel Mwenda | - | Member |

ACRONYMS

COR	Code of Regulations
TOR	Terms of Reference
CJC	Central Joint Council
CBA	Collective Bargaining Agreement
KBC	Kenya Broadcasting Corporation
COWU(K)	Communication Workers Union of Kenya

CJC SUB-COMMITTEE MEMBERS

- | | | |
|---------------------|---|-------------------|
| 1. Margaret Ochieng | - | Chairperson |
| 2. Rachael Nakitare | - | Member |
| 3. Elisha Odera | - | Member |
| 4. Alex Mbathi | - | Member |
| 5. Daniel Mwenda | - | Member |
| 6. Pamela Mogaka | - | Joint Secretaries |
| 7. Isaac Sasuri | - | |

ACKNOWLEDGEMENT

This Committee wishes to thank the Management of KBC for facilitating the work of the Committee, and other members of staff who co-operated and assisted the Committee by providing useful information.

The Committee also acknowledges the immense contribution of the Human Resource Department who played a crucial role in this assignment.

1.0 INTRODUCTION

- 1.1 Kenya Broadcasting Corporation is a state corporation established by an Act of parliament CAP 221 of the laws of Kenya to provide independent and impartial broadcasting services of information, education and entertainment in English, Kiswahili and in such other languages that the corporation may decide.

The core mandate of the Corporation is to transmit objective, informative and educative and entertaining content to the public through high quality broadcasts

Specific aims include;

- Increased understanding among the people on the government development policies and strategies
- Impart knowledge on the process of effective communication with key publics
- Promote an effective approach to the use of radio and television as tools for National Development

- 1.2 COWU is a registered trade union organization with a recognition agreement with KBC and mandated to represent workers regarding their terms and conditions of employment.

2.0 TERMS OF REFERENCE

- **Promotions**
Check on cases of stagnation on maximum salary scales
Check on cases of stagnation on promotions
- **Short -Term Contracted Staff**
Define their roles in the corporation
Recommend on how best they can be utilized
Explore possibilities of their absorption into regular employment

3.0 SCOPE

In its work, the Committee was guided by and adhered to the TOR but was also careful not to ignore relevant information that came up in the course of its work.

4.0 METHODOLOGY

The Committee adopted the following methodology in undertaking the assignment:

4.1 Primary Methodology

- Face-to-face interviews with various members of staff in order to get their side of the story concerning unfair promotions and stagnation on grades
- The concerned staff produced documents related to stagnation on maximum salary scales and on promotions

- Collected data on short term contracted employees (Artists)

4.2 Secondary Methodology

- Perusal of relevant files which included personnel files.
- An analysis of the Corporation's approved staff establishment.
- Reference to the provisions of the Constitution, the Labour laws and Regulations, Parties' CBA and COR governing promotions and contractual agreements.

5.0 FINDINGS AND OBSERVATIONS

5.1 Findings

5.1.1 Unfair Promotions /Salary Stagnations

- i) Employees interviewed complained that some promotions are based on relationships with the heads of departments i.e. nepotism, tribalism, corruption etc
- ii) The employees' promotion panels are biased.
- iii) Some departments have had no promotions for as long as 10 years i.e. technical, production (both TV and Radio), directorate, corporate planning, research and development while others have had more than three promotions.
- iv) Lopsided promotions – e.g. a team trained at KIMC during the year 2004/2005 have had some promoted for more than three times since then while others haven't.
- v) Some employees have stagnated in the same grade for a long time, others as far back as 1989(28 years). *See sample in Annex 1 and 2.*
- vi) It was also established that quite a number of employees have stagnated on Maximum salary scales of their job group.
- vii) Salary stagnation over the years has affected the final terminal dues (pension)
- viii) There are incidences where employees have been given acting appointments of higher responsibilities without any financial gain.
- ix) Some employees have been promoted with no monetary gain.
- x) There are no specific grades established for heads of FM stations.

- xi) Appraisals ratings are mere routines and are not taken into consideration during promotions.
- xii) There is intimidation of employees by their seniors whenever they ask for their rights.
- xiii) The Corporation is not adhering to the provisions of COR when undertaking the promotions.
- xiv) It was found that there are cases where employees were given incremental credits and later withdrawn after a few months without any reason. *See sample in Annex 3.*
- xv) The Corporation is not adhering to the provisions of the CBA on acting appointments and promotions.
- xvi) Upon perusal of the current establishment, the committee found that there are 260 vacancies across the departments as at October 2017. *See Annex 4*
- xvii) Due to the perceived biasness in the promotion panel, most employees have given up and do not apply for the advertised positions.

5.1.2 Short Term contracted staff

- i) It was established that there were 178 contracted employees at KBC as at end of October, 2017. *See Annex 5.*
- ii) Some of the contracted employees have been in service of the Corporation for more than 10 years.
- iii) Contracted employees provide essential services to the Corporation.
- iv) Previously, contracts were renewed automatically after 3 months, which is not the case currently.
- v) Many of the contracted employees are highly qualified.

5.2 Observations

5.1.1 Unfair Promotions /Salary Stagnation

- a) The Committee received primary evidence from various members of staff who categorically stated that they had stagnated in job grades for several years. This seemed to be common especially on members who had served the Corporation for a long time. Some had surpassed the job group ceiling and moved to the next job group rates through yearly increment.

- b) Though some members of staff claimed that interview panels were biased, it was not possible to establish this.
- c) Some of the files also revealed discipline cases which the committee attributed to the failure of promotion however this should not be used to deny one due promotion.
- d) Some Heads of Departments are not proactive in forwarding deserving promotion cases to relevant authority. (See Annex 6)
- e) Some of the advertisements for promotion positions are tailor made to suit specific candidates.
- f) Some heads of departments are not adhering to the departmental structure while filling up vacant positions.
- g) The high turnover of especially heads of department at Radio and Technical Departments has affected staff upward mobility because they don't follow the existing departmental structure due to lack of institutional memory.

6. CHALLENGES

- Inconsistent information from some staff members
- Lack of co-operation in giving information by some members of staff
- Fear of intimidation especially by contracted staff

7. RECOMMENDATIONS

Having gone through the findings, the committee recommends the following:-

i. Stagnation on the maximum of salary scales

On reaching the maximum salary of a particular grade, one should automatically be moved to the next salary level

ii. Unfair promotions

- a) Promotion panels should be composed of at least two interviewers from the interviewee's department.
- b) Promotion panels should adhere to all the provisions of the COR on promotions.
- c) Human resource department as the custodian of the staff establishment must take a proactive role in identifying vacancies and subsequent advertisement without bias.
- d) The staff establishment should be reviewed to assign (set) specific grades for the heads of FM stations.

- e) Employees who have stagnated on the same grade for over 10 years be promoted on merit to the next grades
- f) The departments that have lagged behind in promotions be given priority in the next promotions
- g) Those who act continuously for 6 months should be confirmed to the positions automatically as provided for in the parties' CBA.
- h) The 260 vacancies identified in the staff establishment should be filled immediately.

iii. Contracted Employees

On the issue of contracted employees, the committee recommends as follows:-

- a) Those contracted employees who have served the Corporation for over 5 years should be given first priority on the permanent employment.
- b) The positions (vacancies) that will be created by promotions be taken up by the contracted employees.
- c) The contracted employees who are currently in service be retained until the end of this exercise i.e. until the promotions are done and all vacancies filled.

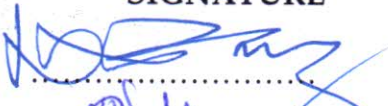
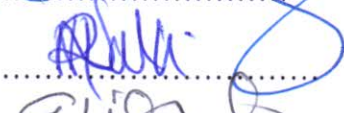

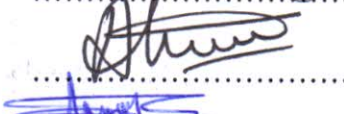



8. CONCLUSION

To appreciate the significant role played by the Human Resources in driving and achieving the Corporation's strategic objectives, to ensure staff retention and to avoid any strike related disturbances, management should be proactive in motivating all employees to ensure staff retention by provision of fair and equitable treatment, timely and fair promotions and provision of opportunities for advancement and growth.

Management should also be open about its actions and intentions where all procedures are transparent. Communication should be enhanced so that all employees are aware of the current status as far as their upward mobility is concerned.

The national values and principles of governance such as accountability, transparency, democracy, non-discrimination and equality are enshrined in the Constitution of Kenya and the Corporation is obligated to adhere to the same in all its actions.

Certification by the Adhoc Committee Members

	NAME	SIGNATURE	DATE
1.	Margaret Ochieng		11/12/2017
2.	Rachael Nakitare		11/12/2017
3.	Elisha Odera		11/12/2017
4.	Alex Mbathi		11/12/2017
5.	Daniel Mwenda		11/12/17
6.	Pamela Mogaka		11/12/17
7.	Isaac Sasuri		11/12/2017