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**REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY**

THIRTEENTH PARLIAMENT

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

FIRST REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

THE NATIONAL ASSEMBLY	
P. 7	
DATE: 06 JUL 2023	
DAY: Thursday	
TABLED BY:	Hon. Yussuf Haji, MP (Chairperson, National Cohesion & Equal opportunity)
CLERK-AT-THE-TABLE:	Joyce Kemetele

**DIRECTORATE OF AUDIT, APPROPRIATIONS AND
OTHER SELECT COMMITTEES
CLERKS CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI**

JULY 2023



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LIST OF ABBREVIATIONS AND ACRONYMS

ACA	- Anti-Counterfeit Authority
ASAL	- Arid and Semi-Arid Lands
CAK	- Communications Authority of Kenya
CDA	- Coast Development Authority
CEO	- Chief Executive Officer
KEBS	- Kenya Bureau of Standards
KEMRI	- Kenya Medical Research Institute
KenGen	- Kenya Generating Electricity Company
KENHA	- Kenya National Highways Authority
KenTrade	- Kenya Trade Network Agency
KMA	- Kenya Maritime Authority
KMFRI	- Kenya Marine and Fisheries Research Institute
KNSL	- Kenya National Shipping Line
KPLC	- Kenya Power & Lighting Company
NCPWD	- National Council for Persons with Disabilities
NGEC	- National Gender and Equality Commission
NCI	- National Cohesion and Integration
NSSF	- National Social Security Fund
PWD	- Persons with Disabilities
STEM	- Science Technology Engineering and Mathematics
TSC	- Teachers Service Commission

LIST OF ANNEXTURES

Annexure 1	-	Adoption List
Annexure 2	-	Minutes
Annexure 3	-	Submissions

CHAIRPERSON'S FOREWORD

In its meeting held on **Thursday, 23rd November 2022**, the Committee on National Cohesion and Equal Opportunity resolved to carry out an Inquiry into Employment Diversity in Public Institutions. To achieve its objectives the Committee resolved to sample fourteen (14) public institutions for its phase one report. Out of two hundred and sixty-three (263) parastatals, twenty-five (25) commissions, and twenty-two (22) Universities, the Committee randomly sampled thirteen (13) parastatals, one (1) commission, and one (1) university for the inquiry. Subsequently, the Committee invited the selected institutions to make submissions on various dates regarding their institutions on compliance to employment diversity as illustrated in this report.

The main objective of the inquiry is to assess the ethnic and diversity representation within the public institutions in Kenya. Specifically, the Committee requested the institutions to provide information regarding the following;

- (i) The current employees' composition in terms of ethnicity, age, and gender;
- (ii) Status of compliance with Article 54 (2) of the Constitution on composition of persons with disabilities in the institution;
- (iii) Composition of the governing body of the institution in terms of age, gender ethnicity and persons with disabilities;
- (iv) Composition of employees at Senior Management Level, Middle Level, and Low- Level Cadres in terms of ethnicity, age, gender and persons with disabilities;
- (v) The total number of employees in the institution before the passage of the new Constitution (August 2010) and their ethnic representation;
- (vi) The total number of staff employed in the last 3 mass recruitments and their representation in terms of ethnicity, age, gender and persons with disabilities;
- (vii) The ratio between the National population and employment proportion in the institution (underrepresentation and overrepresentation) based on 2019 National Population and Housing Census;
- (viii) The status of compliance of the institution with the Section 7 of the NCI Act, 2008 and Article 232 (1) (h) and (i) of the Constitution and the strategies the institution employed since the passage of the Constitution to ensure compliance with the Constitution and the Act;

- (ix) The challenges the institution has faced in its bid to enhance diversity of employees and the mitigation measures to curb the challenges;
- (x) Measures put in place, if any, to promote persons living with disabilities friendly working environment;
- (xi) The Institutional policy on recruitment; and
- (xii) Information on staff promotion in the past 5 years in terms of ethnicity, gender, age and persons with disabilities.

In its audit, the Committee observed that Article 232 of the Constitution of Kenya, 2010 expressly provides that the public service should be representative of the diverse Kenyan communities, however the Committee notes that since the enactment of the new constitution, public institutions have continued to carry out recruitments from over-represented communities. Further, there seems to be a positive correlation between the ethnic community of the previous heads of a public institution and the corresponding highest represented community in an institution. Additionally, most of the institutions that appeared before the Committee submitted that they do not receive applications from some communities or persons with disabilities hence their low representation. Despite the provisions of Article 54 (2) of the Constitution of Kenya, 2010 that requires that Persons with Disabilities should make up at least five per cent (5%) of the workforce, none of the institutions interviewed have complied.

Arising from the above the Committee in its meeting held on **Saturday 24th June, 2023**, made the following recommendations;

- i. Public institutions should develop policies that have clear strategies on how to ensure that under-represented groups (underrepresented ethnic communities, gender and Persons with Disabilities) are recruited into the institutions;
- ii. Heads of public institutions in regional institutions should come from a different community from the local community;
- iii. To enable wider reach to communities when making job advertisements, public institutions should consider using local vernacular stations in addition to newspaper dailies to advertise for job opportunities. Job Advertisements should also reach to the lowest administrative units such as wards. Further, all vacancies should be shared with institutions that work with special interest groups such as the National Council for Persons with Disabilities and the National Gender and Equality Commission;

- iv. Institutions should use the opportunity for the staff who exit the institution to recruit staff from underrepresented communities and groups;
- v. There is need to amend Section 7 of National Cohesion and Integration Act, 2008 to indicate *'that no public institution should have more than one fifth or twenty per cent (20%) of staff from the same ethnic group'*; and
- vi. The appointing body for Members of Boards or Councils should adhere to the requirements of Article 232 of the Constitution of Kenya, 2010 that requires that there should be diversity in public institutions.

The Committee wishes to thank the offices of the Speaker and the Clerk of the National Assembly for the support accorded to the members. On behalf of the Committee, and pursuant to Standing Order, 199 (6) it is my pleasant duty to table in the House the First Report on Ethnic Diversity Audit of Public Institutions in Kenya



HON. YUSSUF ADAN HAJI, M.P

CHAIRPERSON,

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

1.0 PREFACE

1. The Committee on National Cohesion and Equal Opportunity is established under the Standing Order 212C of the National Assembly.

1.1 Mandate of the Committee

2. The mandate of the Committee includes *inter alia*:
 - i. monitor and promote measures relating to policy and program initiatives in pursuit of peace and national cohesion;
 - ii. investigate, inquire into and report on all matters relating to inter community cohesion;
 - iii. monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons, including persons who are marginalized on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground;
 - iv. investigate, inquire into and report on all matters relating to discrimination and or marginalization of persons referred to under sub-paragraph(c);
 - v. make proposals to Parliament including legislative proposals for the protection, equalization of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (c); and
 - vi. examine the activities and administration of all state departments and statutory bodies in so far as they relate to the rights and welfare of the persons referred to under sub-paragraph (c).

1.2 Committee Membership

	Name	Constituency	Party
1.	Hon. Yussuf Adan Haji, DSM, MP. (Chairperson)	Mandera West	United Democratic Movement (UDM)
2.	Hon. Liza Chelule Chepkorir, MP. (Vice-Chairperson)	Nakuru (CWR)	United Democratic Alliance (UDA)
3.	Hon. Yusuf Hassan Abdi, MP.	Kamukunji	Jubilee Party (JP)
4.	Hon. Harrison Garama Kombe, MP.	Magarini	Orange Democratic Movement (ODM)
5.	Hon. Charles Kamuren, MP.	Baringo South	United Democratic Alliance (UDA)
6.	Hon. Charles Ong'ondo Were, MP.	Kasipul	Orange Democratic Movement (ODM)
7.	Hon. Edward Oku Kaunya, MP.	Teso North	Orange Democratic Movement (ODM)
8.	Hon. Joseph Samal Lomwa, MP.	Isiolo North	Jubilee Party (JP)
9.	Hon. Martin Peters Owino, MPH, MP.	Ndhiwa	Orange Democratic Movement (ODM)
10.	Hon. Eng. Paul Nzengu, MP.	Mwingi North	Wiper Democratic Movement Kenya (WDM-K)
11.	Hon. Agnes Mantaine Pareyio, MP.	Narok North	Jubilee Party (JP)
12.	Hon. Duncan Maina Mathenge, MP.	Nyeri Town	United Democratic Alliance (UDA)
13.	Hon. Fredrick Lusuli Ikana, MP.	Shinyalu	ANC Party
14.	Hon. Irene Nyakerario Mayaka, MP.	Nominated	Orange Democratic Movement (ODM)
15.	Hon. Jane Wangechi Kagiri, MP.	Laikipia (CWR)	United Democratic Alliance (UDA)
16.	Hon. Joseph Hamisi Denar, MP.	Nominated	ANC Party
17.	Hon. Joseph Iraya Wainaina, MP.	Nominated	United Democratic Alliance (UDA)
18.	Hon. Mary Maingi, MP.	Mwea	United Democratic Alliance (UDA)
19.	Hon. Monicah Muthoni Marubu, MP.	Lamu (CWR)	Independent
20.	Hon. Onesmus Ngogoyo Nguro, MP.	Kajiado North	United Democratic Alliance (UDA)
21.	Hon. Teresia Wanjiru Mwangi, MP.	Nominated	United Democratic Alliance (UDA)

1.3 Committee Secretariat

Mr. Abdifatah Bule
Clerk Assistant -Lead Clerk/Head of the Secretariat

Ms. Kathleen Nanzala
Clerk Assistant III

Ms. Isabella Mwembi
Clerk Assistant III

Ms. Audrey Andala
Legal Counsel II

Ms. Joanne Naneu
Research Officer III

Mr. John Ng'anga
Audio Officer

Ms. Sharon Cheruto
Hansard Reporter

Ms. Rinha Saineye
Media Relations Officer

Ms. Margaret Wanjiku Wainaina
Public Communications Officer

Ms. Peris Mokeira Kaburi
Sergeant-at-Arms

2.0 INTRODUCTION

3. The Committee in a bid to enhance equality and inclusion, resolved to carry out an Inquiry into Diversity in Public Institutions. To achieve its objectives the Committee resolved to sample fourteen (14) public institutions for its first report. Out of two hundred and sixty-three (263) Parastatals, twenty-five (25) Commissions and twenty-two (22) Universities, the Committee sampled fourteen (14) institutions for inquiry. The Committee held meetings and received submissions from the following public institutions:

- 1) Teachers Service Commission (TSC);
- 2) Anti-Counterfeit Authority (ACA);
- 3) National Social Security Fund (NSSF);
- 4) Kenya Bureau of Standards (KEBS);
- 5) Kenya National Shipping Line (KNSL);
- 6) Pwani University;
- 7) Kenya Maritime Authority (KMA);
- 8) Coast Development Authority (CDA);
- 9) Kenya Marine and Fisheries Research Institute (KMFRI);
- 10) Communications Authority of Kenya (CAK);
- 11) Kenya Trade Network Agency (KenTrade);
- 12) Kenya Medical Research Institute (KEMRI);
- 13) Kenya Generating Electricity Company (KenGen); and
- 14) Kenya National Highways Authority (KENHA).

3.0 The main objective of the inquiry is to assess the employment diversity representation within the public institutions in Kenya. Specifically, the inquiry sought the following:

- (i) the current employees' composition in terms of ethnicity, age and gender;
- (ii) status of compliance with Article 54(2) of the Constitution on composition of persons with disabilities in the institution;

- (iii) composition of the governing body of the institutions in terms of age, gender, ethnicity and persons with disability;
- (iv) composition of employees at senior management level, middle level and low-level cadres in terms of ethnicity, age, gender and persons with disability;
- (v) the total number of employees in the institution before the passage of the new Constitution (August 2010) and their ethnic representation;
- (vi) the total number of staff employed in the last three recruitments and their representation in terms of ethnicity, age, gender and persons with disability;
- (vii) the ratio between the national population and employment proportion in the institutions (underrepresentation and overrepresentation) based on 2019 National Population and Housing Census;
- (viii) the status of compliance of the institutions with the section 7 of the NCI Act, 2008 and Article 232 (1) (h) and (i) of the Constitution and the strategies the institutions have employed since the passage of the Constitution to ensure compliance;
- (ix) the challenges the institutions have faced in its bid to enhance diversity of employees and the mitigation measures to curb the challenge;
- (x) measures put in place, if any, to promote a friendly work environment for persons living with disabilities;
- (xi) the institutional policy on recruitment; and
- (xii) information on staff promotion in the past 5 years in terms of ethnicity, gender, age and persons with disabilities.

2.1 Employment Diversity in Public Institutions in Kenya

4. Employment diversity is an important value in an institution, where each employee is respected and valued for their differences. Kenya is committed to build and foster a fair and inclusive workplace which values diversity and encourages respect and dignity. The rationale for employment diversity in Kenya is guided by three (3) parameters which constitute of; ethnicity, gender and PWDs.

5. The Kenya Public Service comprises of employees from diverse ethnic communities and groups. There are 46 ethnic groups, a variety of races, marginalized and minorities groups and communities in Kenya (KNBS 2019). All these diverse groups contribute positively to the economic, political, social and cultural development of the country.
6. The 2010 Constitution was intended to transform the lives of marginalized groups such as women. Gender representation in the Public Service that is, the two-thirds gender rule, has been achieved in most of the institutions.
7. The representation of Persons with Disabilities (PWDs) in the Public Service is still very low against the Constitutional threshold of a minimum of 5%.
8. Every Public Service institution should therefore ensure fair and equitable representation of the diverse Kenyan ethnic communities including minorities & marginalized groups, women and PWDs proportionate to their national population size and line with the Constitution and other related Acts of Parliament as underscored below.

2.2 Legislative Frameworks on Diversity in Employment

2.2.1 The Constitution of Kenya, 2010

The Constitution of Kenya, 2010 provides the legal framework on employment and diversity in public institutions. The following are specific Articles in the Constitution on matters relating to employment diversity in the public sector;

- i. Article 54 (2) provides that the State shall ensure the progressive implementation of the principle that **at least 5% of the members** of the public in elective and appointive bodies are persons with disabilities.
- ii. Article 55 (b) provides that the State shall take measures, including **affirmative action** programmes, to ensure that the **youth** have opportunities to associate, be represented and participate in political, social, economic and other spheres of life.
- iii. Article 56 (c) provides that the State shall put in place **affirmative action** programmes designed to ensure that **minorities and marginalized** groups are provided with special opportunities for access to employment.

- iv. Article 232 (1) (i) provides for the values and principles of public service that includes affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of men and women; the members of all ethnic groups and persons with disabilities.

2.2.2 The National Cohesion and Integration Act (No. 12 of 2008)

Under section 7 of the Act;

All public establishments shall seek to represent **the diversity** of the people of Kenya in the employment of staff.

No public establishment shall have **more than one third** of its staff from the same **ethnic community**.

2.2.3 The Employment Act (No. 11 of 2007)

Under sections 5(2), & (3) of the Act;

Section 5(2) - an employer shall promote **equal opportunity** in employment and strive to eliminate discrimination in any employment policy or practice.

Section 5(3) - no employer shall **discriminate/harass** directly or indirectly, against an employee or prospective employee;

- a) on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status or HIV status;
- b) in respect of recruitment, training, promotion, terms & conditions of employment, termination of employment or other matters arising out of the employment.

2.2.4 The Labour Relations Act (No. 14 of 2007)

Section 5 (1) - no person shall discriminate against an employee or any person seeking employment for exercising any right conferred in this Act.

2.2.5 Persons with Disabilities Act (No. 14 of 2003)

Section 12 - No person shall deny a person with a disability access to opportunities for suitable employment.

- i. A qualified employee with a disability shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as able-bodied employees.
- ii. An employee with a disability shall be entitled to exemption from tax on all income accruing from his employment.

2.2.6 The Public Officer Ethics Act (No. 4 of 2003)

The Act seeks to create an environment that **nurtures respect for diversity**. It requires a public officer to discharge his or her duties in a professional manner and to treat the public and fellow public officers with courtesy and respect.

2.2.7 Public Service (Values & Principles) Act (No. 1A of 2015)

The Act gives effect to Article 232 of the Constitution. According to section 10 (1) of the Act, the public service, a public institution or an authorised officer shall ensure that public officers are appointed and promoted on basis of fair competition and merit.

2.2.8 The National Gender and Equality Act (No. 15 of 2011)

The Act established the National Gender and Equality Commission whose functions include, inter alia, promoting equality and freedom from discrimination and mainstreaming issues of gender, persons with disabilities and other marginalized groups in national development including development of affirmative action policies.

3.2.9 Public Service Recruitment and Training Policy (2005)

The policy provides for an overarching framework on recruitment, training, promotion and performance management in the public sector.

2.3 Comparative Analysis - Norway

9. Norway maintains the Nordic welfare system of universal social security, healthcare and education while promoting ideals of equality in all walks of life. It has made strides in achieving equality in all spheres of societal influence.

10. The ethnic and cultural diversity in Norway is greater than ever before. The population grew 1.3% in 2021 with immigration accounting for 72% of the growth. This means that the country's population which has passed the five (5) million mark has become more diverse.
11. Norway is one of the most **gender-equal countries** in the world in terms of economic participation and opportunity, educational attainment, health and survival and political empowerment. The **Legislative arm of the Government** in Norway has contributed immensely towards reforms for women's rights. The Storting amended the 1978 Gender Equality Act in 2002 which requires both **public and private sectors** of society to promote gender equality as opposed to public entities only. Furtherance of its equal rights effort in strengthening gender balance, the Norwegian Government passed a **resolution** in 2002 stipulating at **least 40% representation of both men and women** on the executive boards of all public joint stock companies and State-owned companies. In 2018, Norway adopted the **Equality and Anti-Discrimination Act** to improve the rights of workers, minorities and women.
12. In Norway, the employer's obligation to ensure proper working conditions for employees has been primarily regulated by **The Work Environment Act (WEA)** since 1977. However, the Work Environment Act (WEA) did not provide any protection for Persons with Disabilities (PWDs) against discrimination until 2004 when it incorporated stricter measures to oblige employers to adapt the workplace for Persons with Disabilities (PWDs). The most recent Work Environment Act (WEA) amendments of 2015 concerned temporary employment and working hours that were argued to ensure more flexibility and increase in the chances for Persons with Disabilities to enter working life. The Government's effort to implement the employment quota obligates public and private institutions to employ a 2% representation of employees with disabilities.

3.0 PUBLIC INSTITUTIONS SUBMISSIONS

3.1 TEACHERS SERVICE COMMISSION

13. The Teachers Service Commission is established under Article 237 (1) of The Constitution with the overall mandate of managing teacher's affairs.
14. Pursuant to its mandate, Commission's employees are categorized as:
- i. **The Teaching Staff:** The Commission has a work force of three hundred and forty-six thousand, seven hundred and sixty (346,760) teachers who are registered and undertaking teaching service in various public schools across the country. This includes both primary schools and post primary institutions; and
 - ii. **The Secretariat Staff:** Section 18 of the TSC Act empowers the Commission to establish a secretariat staff deployed at various administrative levels including the headquarters, county, and sub-county offices. The main function of the secretariat staff is to execute the implementation of the teacher management policies and the functions provided under the Constitution and the TSC Act.
15. The Chief Executive Officer (CEO) Dr. Nancy Macharia, appeared before the Committee on Friday, 3rd March 2023 and made the following submissions:

3.1.1 Submissions

I. The Current Employees' Composition in terms of Ethnicity, Age and Gender.

16. Table 1 below details the ethnicity analysis of both the teaching and secretariat staff.

Table 1: Ethnic Distribution of Teachers

	Ethnicity	Total
1.	Ajuran	55
2.	Bajun	406
3.	Basuba	248
4.	Boni-Sanye	234
5.	Borana	1200
6.	Burji	212
7.	Dasnach-Shangil	10

	Ethnicity	Total
8.	Degodia	576
9.	Dorobo	61
10.	Elmolo	15
11.	Embu	5700
12.	Foreigner	3
13.	Gabra	513
14.	Gosha	16
15.	Gureeh	59
16.	Hawiyah	9
17.	Kalenjin	59538
18.	Kamba	39807
19.	Kenya Arab	21
20.	Kenyan Asian	9
21.	Kenyan European	1
22.	Kikuyu	59010
23.	Kisii	30317
24.	Kuria	1464
25.	Luhya	52882
26.	Luo	40657
27.	Masai	5245
28.	Mbeere	1081
29.	Meru	22164
30.	Mijikenda	8745
31.	Murulle	14
32.	Njemps	24
33.	Ogaden	185
34.	Orma	180
35.	Other Kenyan	2311
36.	Pokomo	765

	Ethnicity	Total
37.	Pokot	3138
38.	Rendille	75
39.	Sakuye	28
40.	Samburu	1438
41.	Somali-So-Stated	932
42.	Swahili-Shirazi	256
43.	Taita	3248
44.	Taveta	188
45.	Teso	1067
46.	Tharaka	1295
47.	Turkana	1358
	TOTAL	346,760

17. The Commission's Secretariat establishment comprises of a total of two thousand, eight hundred and forty-two (2,842) Secretariat Staff deployed across the country from thirty-five (35) communities as shown in table 2 below.

Table 2: Ethnic Distribution of Secretariat Staff

	Ethnicity	Total
1.	Bajun	6
2.	Basuba	4
3.	Borana	49
4.	Burji	7
5.	Dorobo	4
6.	Embu	60
7.	Gabra	15
8.	Kalenjin	412
9.	Kamba	323
10.	Kikuyu	545
11.	Kisii	198

	Ethnicity	Total
12.	Kuria	10
13.	Luhya	318
14.	Luo	266
15.	Masai	39
16.	Mbeere	8
17.	Meru	198
18.	Mijikenda	37
19.	Njemps	1
20.	Other Kenyan	23
21.	Pokomo	10
22.	Pokot	14
23.	Rendille	6
24.	Samburu	88
25.	Somali	86
26.	Swahili-Shirazi	5
27.	Taita	72
28.	Taveta	3
29.	Teso	10
30.	Tharaka	7
31.	Turkana	18
	GRAND TOTAL	2842

18. The age distribution of teachers' ranges from twenty-one (21) years to sixty-five (65) years majority of them being youths within the age bracket of thirty (30) years to forty (40) years.

19. The age distribution of Secretariat staff ranges from twenty-two (22) years being the youngest employee to sixty-four (64) years representing the oldest employee as shown in table 3 below.

Table 3: Age Distribution of Secretariat Staff

Age	Total
22 years	3
23 years	3

Age	Total
24 years	2
25 years	5
26 years	15
27 years	12
28 years	16
29 years	21
30 years	19
31 years	36
32 years	32
33 years	50
34 years	55
35 years	59
36 years	58
37 years	45
38 years	68
39 years	60
40 years	93
41 years	69
42 years	112
43 years	93
44 years	158
45 years	94
46 years	127
47 years	117
48 years	161
49 years	122
50 years	134
51 years	106
52 years	144

Age	Total
53 years	163
54 years	132
55 years	118
56 years	96
57 years	91
58 years	64
59 years	74
60 years	10
61 years	3
63 years	1
64 years	1
GRAND TOTAL	2842

20. Of the two thousand, eight hundred and forty-two (2,842) Secretariat, 54% are women while 46% are men.

II. Status of Compliance with Article 54 (2) of the Constitution on Composition of Persons with Disabilities in the Institution.

21. The data of PWDs in the Commission is as follows:

- i. **Teaching Staff** ; as at January 2023, four thousand, nine hundred and seven (4,907) teachers are persons living with disability which represents 1.41% of the total teachers employed by the Commission.
- ii. **Secretariat Staff** ; The Commission has a total of one hundred and twenty(120) Secretariat Staff with various forms of disabilities which represents 4.22% of the Secretariat Staff.

III. Composition of the Governing Body of the Institution in terms of Age, Gender, Ethnicity and Persons with Disabilities.

22. The Commission is composed of a chairperson and eight (8) other Commissioners/Members. None of the Commissioners fall under the category of Persons with Disabilities (PWDs). Their demographic data is as shown in table 4 below.

Table 4: Composition of the TSC Board

Rank	Age	Gender	Ethnicity
Chairman	55	Male	Embu
Deputy Chairperson	43	Female	Somali
Commissioner	69	Male	Kikuyu
Commissioner	62	Female	Mijikenda
Commissioner	59	Male	Luo
Commissioner	59	Male	Gabra
Commissioner	58	Male	Teso
Commissioner	53	Female	Kalenjin
Commissioner	45	Female	Luhya

IV. Composition of Employees at Senior Management Level, Middle Level and Low-Level Cadres in terms of Ethnicity, Age, Gender and Persons with Disabilities.

a) Teaching Staff

23. Senior management in the teaching sector comprises of heads of teaching institutions and their deputies both at primary and post primary level. Currently the Commission has thirty-seven thousand, two hundred and forty-three (37,243) primary school teachers and sixteen thousand, one hundred and twenty-eight (16,128) post primary teachers at senior management level coming from various ethnic backgrounds as shown in table 5 below.

Table 5: Ethnic Distribution of Teachers in Senior Management Level

	Ethnicity	No. of Primary School Teachers	No. of Post Primary School Teachers
1.	Bajun	38	3
2.	Basuba	43	16
3.	Boni-Sanye	7	1
4.	Borana	190	37
5.	Burji	24	5
6.	Dasnach-Shangil	2	0
7.	Degodia	82	30

	Ethnicity	No. of Primary School Teachers	No. of Post Primary School Teachers
8.	Dorobo	3	0
9.	Elmolo	2	0
10.	Embu	571	332
11.	Foreigner	0	0
12.	Gabra	54	8
13.	Gosha	1	0
14.	Gureeh	15	2
15.	Hawiyah	4	1
16.	Kalenjin	6159	2063
17.	Kamba	5122	1950
18.	Kenya Arab	2	0
19.	Kenyan Asian	2	1
20.	Kenyan European	0	0
21.	Kikuyu	5159	3493
22.	Kisii	2430	1323
23.	Kuria	200	34
24.	Luhya	4653	2736
25.	Luo	4500	2055
26.	Masai	1082	98
27.	Mbeere	164	69
28.	Meru	2134	1029
29.	Mijikenda	1301	213
30.	Murulle	4	1
31.	Njemps	5	2
32.	Ogaden	80	16
33.	Orma	30	2
34.	Other Kenyan	800	194
35.	Pokomo	150	21

	Ethnicity	No. of Primary School Teachers	No. of Post Primary School Teachers
36.	Pokot	682	81
37.	Rendille	17	1
38.	Sakuye	3	0
39.	Samburu	250	34
40.	Somali-So-States	226	42
41.	Swahili-Shirazi	10	3
42.	Taita	338	108
43.	Taveta	17	3
44.	Teso	133	27
45.	Tharaka	114	43
46.	Turkana	440	51
	TOTAL	37243	16128

24. Majority of teachers at senior management level are within the age bracket of fifty (50) years to fifty-eight (58) years.

25. Out of the fifty-three thousand, three hundred and seventy-one (53,371) teachers at senior management level, thirty-four thousand, nine hundred and twelve (34,912) are male while eighteen thousand, four hundred and fifty-nine (18,459) are female. Accordingly, female teachers represent 35% of the total teachers at senior management level.

26. A total of one thousand, two hundred and sixty-eight (1,268) teachers at senior management level are persons living with disability.

27. TSC has a total of fifty-nine thousand, four hundred and twenty-four (59,424) teachers at middle level comprising of senior teachers in primary schools and senior masters in post primary schools. The ethnic distribution of these teachers is as shown in table 6 below.

Table 6: Ethnic Distribution of Teachers in the Middle Level Management

Ethnicity	No. of Primary School Teachers	No. of Post Primary School Teachers
Ajuran	0	2
Bajun	45	9

Ethnicity	No. of Primary School Teachers	No. of Post Primary School Teachers
Basuba	29	10
Boni-Sanye	7	5
Borana	127	59
Burji	29	13
Dasnach-Shangil	0	0
Degodia	45	9
Dorobo	3	0
Elmolo	1	0
Embu	866	365
Gabra	31	19
Gosha	1	0
Gureeh	11	4
Hawiyah	0	0
Kalenjin	7196	1878
Kamba	5036	1726
Kenya Arab	1	2
Kenyan Asian	0	0
Kenyan European	1	0
Kikuyu	8941	5202
Kisii	3413	1449
Kuria	204	30
Luhya	4900	2800
Luo	4200	1500
Masai	577	63
Mbeere	206	60
Meru	2890	1000
Mijikenda	1478	191
Murulle	0	0
Njemps	1	0

Ethnicity	No. of Primary School Teachers	No. of Post Primary School Teachers
Ogaden	35	13
Orma	20	2
Other Kenyan	629	135
Pokomo	132	17
Pokot	304	73
Rendille	9	2
Sakuye	3	3
Samburu	129	38
Somali-So-Stated	106	53
Swahili-Shirazi	24	8
Taita	480	104
Taveta	5	4
Teso	139	23
Tharaka	103	37
Turkana	133	26
TOTAL	42490	16934

28. Majority of teachers at the middle level are women at 58.6%. Notably, the age distribution of teachers at this level indicate that majority are within the age bracket of forty-four (44) to fifty-seven (57) years.
29. One thousand, three hundred and nineteen (1,319) teachers at this level live with various forms of disability.
30. Low level cadre carries the majority of teachers currently standing at two hundred and thirty-three thousand, nine hundred and sixty-five (233,965) teachers. These comprises of teachers at grades B5 and C1 for primary school teachers and grades C3 and C2 for secondary school teachers. Their ethnic distribution is shown in table 7 below.

Table 7: Ethnic Distribution of Teachers at Low Level Cadre

Ethnicity	No. of Primary School Teachers	No. of Post Primary School Teachers
Ajuran	0	11
Bajun	172	139
Basuba	95	55
Boni-Sanye	118	96
Borana	480	318
Burji	84	57
Dasnach-Shangil	5	3
Degodia	249	161
Dorobo	35	20
Elmolo	5	7
Embu	2341	1435
Foreigner	2	0
Gabra	232	169
Gosha	10	4
Gureeh	15	12
Hawiyah	2	2
Kalenjin	24144	17198
Kamba	16532	9969
Kenya Arab	6	10
Kenyan Asian	1	5
Kenyan European	0	0
Kikuyu	21540	14628
Kisii	11293	10409
Kuria	684	312
Luhya	21943	15707
Luo	16574	11663
Masai	2651	774

Ethnicity	No. of Primary School Teachers	No. of Post Primary School Teachers
Mbeere	354	228
Meru	8891	6180
Mijikenda	4386	1176
Murulle	4	5
Njemps	13	3
Ogaden	33	8
Orma	68	58
Other Kenyan	823	272
Pokomo	376	69
Pokot	1242	707
Rendille	28	18
Sakuye	10	9
Samburu	714	303
Somali-So-Stated	292	213
Swahili-Shirazi	157	54
Taita	1641	577
Taveta	112	47
Teso	500	245
Tharaka	570	467
Turkana	555	180
TOTAL	139982	93983

31. At this gender level, women outnumber men by six thousand, six hundred and seventy-five (6,675).

32. The age distribution of teachers at this level is as shown in table 8 below.

Table 8: Age Distribution of Teachers at Low Level Cadre

Age	No. of Teachers
21 years	6
22 years	42
23 years	186
24 years	686
25 years	1,476
26 years	3,456
27 years	4,855
28 years	7,607
29 years	8,982
30 years	10,157
31 years	9,703
32 years	12,111
33 years	13,685
34 years	14,726
35 years	13,738
36 years	14,567
37 years	11,808
38 years	12,341
39 years	10,495
40 years	10,073
41 years	6,668
42 years	7,399
43 years	6,254
44 years	7,148
45 years	4,977
46 years	5,126
47 years	3,929
48 years	4,510

Age	No. of Teachers
49 years	3,219
50 years	2,740
51 years	1,864
52 years	2,261
53 years	2,594
54 years	2,857
55 years	2,381
56 years	2,167
57 years	2,716
58 years	2,087
59 years	2,168
60 years	87
61 years	30
62 years	27
63 years	28
64 years	27
65 years	1
TOTAL	233,965

33. The distribution of persons living with disability is as follows: physical – one thousand, two hundred and ninety-two (1,292); visual – eight hundred and seventeen (817); hearing – one hundred and fifty (150); mental – thirty-four (34); multiple – nineteen (19); and speech – eight (8).

b) Secretariat Staff

34. Senior Management level at the Secretariat comprises of employees at TSC Grades 1 to 6. The Commission has three hundred and eight (308) secretariat employees at senior management level from various ethnic communities of whom 41% are female and 59% are male as shown in table 9 below.

Table 9: Ethnic Distribution at Senior Management Level

Ethnicity	No. of Staff
Ajuran	1
Basuba	1
Degodia	5
Embu	9
Gureeh	1
Kalenjin	46
Kamba	34
Kikuyu	49
Kisii	22
Kuria	1
Luhya	34
Luo	37
Masai	2
Meru	28
Mijikenda	2
Njemps	1
Other Kenyan	11
Pokomo	2
Pokot	3
Samburu	3
Somali-So-Stated	4
Taita	6
Taveta	1
Teso	1
Tharaka	1
Turkana	3
GRAND TOTAL	308

35. Gender distribution of the secretariat staff at senior management level is 59% male and 41% female.
36. Majority of Secretariat staff at senior management level are within the age bracket of fifty-one (51) to sixty-four (64) years.
37. Out of the three hundred and eight (308) secretariat staff, twenty-one (21) of the officers are persons living with different forms of disability.
38. TSC has a total of one thousand and seventy-seven (1,077) secretariat staff at the middle management level (TSC grade 7 & 8) out of which 59% are female and 41% are male.
39. One thousand and seventy-seven (1,077) staff are from various ethnic background as shown in table 10 below.

Table 10: Distribution of Secretariat Staff in Middle Level Management

Ethnicity	No. of Staff
Ajuran	1
Borana	14
Burji	4
Degodia	8
Dorobo	1
Embu	26
Gabra	3
Gureeh	5
Kalenjin	131
Kamba	127
Kikuyu	316
Kisii	76
Kuria	2
Luhya	103
Luo	72
Masai	19
Mbeere	2
Meru	89

Ethnicity	No. of Staff
Mijikenda	8
Ogaden	2
Other Kenyan	8
Pokomo	3
Pokot	3
Rendille	2
Samburu	14
Somali-So-Styled	15
Taita	16
Taveta	1
Teso	1
Turkana	5
GRAND TOTAL	1077

40. At this level, the youngest employee is of age twenty-seven (27) years while the oldest is of age sixty (60) years.

41. A total of fifty-three (53) employees at middle level management are persons living with various forms of disability.

42. Majority of the Secretariat staff at the Commission fall within the low-level cadres currently standing at one thousand, four hundred and fifty-seven (1457) staff members. The grade comprises of TSC grade nine (9) to fourteen (14). Their ethnic communities are as shown in table 11 below.

Table 11: Ethnic Distribution of Secretariat Staff at Low Level Cadre

Ethnicity	No. of Staff
Ajuran	3
Bajun	6
Borana	35
Burji	3
Degodia	7
Dorobo	1

Ethnicity	No. of Staff
Embu	25
Gabra	12
Gureeh	4
Kalenjin	233
Kamba	167
Kikuyu	337
Kisii	100
Kuria	5
Luhya	115
Luo	107
Masai	18
Mbeere	4
Meru	81
Mijikenda	17
Pokomo	5
Pokot	6
Rendille	4
Samburu	71
Somali-So-States	17
Swahili-Shirazi	3
Taita	50
Taveta	1
Teso	6
Tharaka	4
Turkana	10
Grand Total	1457

43. The age distribution ranges from twenty-two (22) years (youngest employee) to sixty-three (63) years (oldest employee).

44. The Commission has achieved gender parity in low level management where women are 54% and men 46%.

45. Further, the Commission has employed one hundred and twenty (120) staff who are persons living with disability at the low management level.

V. The Total Number of Employees in the Institution before the Passage of the New Constitution (August 2010) and their Ethnic Discrimination.

46. Prior to the passage of the Constitution in 2010, the Commission had a total of two hundred and fifty-seven thousand, seven hundred and sixty-nine (257,769) teachers employed from various ethnic communities as shown in table 12 below.

Table 12: Ethnic Distribution of Teachers Employed Before August 2010

Ethnicity	Total
Ajuran	32
Bajun	134
Basuba	227
Boni-Sanye	4
Borana	657
Burji	95
Degodia	267
Dorobo	7
Elmolo	1
Embu	4,563
Foreigner	32
Gabra	136
Gosha	2
Gureeh	34
Hawiyah	8
Kalenjin	38,253
Kamba	30,134
Kenya Arab	9
Kenyan Asian	6

Ethnicity	Total
Kenyan European	2
Kikuyu	51,432
Kisii	20,333
Kuria	994
Luhya	40,521
Luo	29,065
Masai	3,322
Mbere	929
Meru	15,441
Mijikenda	6,921
Murulle	1
Njemps	10
Ogaden	250
Orma	81
Other Kenyan	4,838
Pokomo	824
Pokot	1,727
Rendille	37
Sakuye	10
Samburu	812
Somali-So-Stated	537
Swahili-Shirazi	51
Taita	2,725
Taveta	55
Teso	762
Tharaka	479
Turkana	1,009
Total	257769

47. The Secretariat has an establishment of two thousand, five hundred and eleven (2,511) staff from the ethnic communities shown in table 13 below.

Table 13: Ethnic Distribution of Secretariat

	Ethnicity	No. of Teachers
1.	Bajuni	2
2.	Borana	41
3.	Burji	6
4.	Degodia	11
5.	Dorobo	1
6.	Embu	58
7.	Gabra	8
8.	Gureeh	7
9.	Kalenjin	360
10.	Kamba	300
11.	Kikuyu	600
12.	Kisii	221
13.	Kuria	6
14.	Luhya	237
15.	Luo	150
16.	Maasai	41
17.	Mbeere	7
18.	Meru	212
19.	Mijikenda	22
20.	Njemps	1
21.	Ogaden	1
22.	Other Kenyans	5
23.	Pokomo	3
24.	Pokot	5
25.	Rendille	6

	Ethnicity	No. of Teachers
26.	Sakuye	1
27.	Samburu	90
28.	Somali-so stated	13
29.	Taita	70
30.	Taveta	3
31.	Teso	2
32.	Tharaka	4
33.	Turkana	17
	Total	2511

VI. The Total Number of Staff Employed in the Last 3 Mass Recruitments and their Representation in terms of Ethnicity, Age, Gender and Persons with Disabilities.

48. Between July 2021 and July 2022, the Commission has employed twenty-four thousand, and nineteen (24,019) teachers from diverse ethnic backgrounds as shown in table 14 below.

Table 14: Ethnic Distribution of Teachers in the Last 3 Mass Recruitments

Ethnicity	Jan 20	Jul 21	Jul 22	Total
Kalenjin	464	1,722	2,298	4,484
Luhya	460	1,429	1,844	3,733
Kikuyu	549	1,231	1,713	3,493
Luo	357	1,157	1,571	3,085
Kamba	374	1,012	1,528	2,914
Kisii	241	857	1,174	2,272
Meru	154	485	757	1,396
Mijikenda	66	182	277	525
Masai	48	137	207	392
Embu	44	97	151	292
Taita	30	67	129	226
Pokot	19	75	125	219
Samburu	11	42	77	130

Ethnicity	Jan 20	Jul 21	Jul 22	Total
Kuria	18	49	57	124
Turkana	3	33	71	107
Tharaka	6	26	43	75
Teso	7	25	36	68
Degodia	2	38	19	59
Bajun	10	20	26	56
Borana	6	22	26	54
Mbere	8	22	23	53
Other Kenyan	7	18	23	48
Gabra	5	19	14	38
Somoli-So-State	2	18	13	33
Basuba	2	11	12	25
Boni-Sanye	4	14	6	24
Pokomo	-	10	9	19
Taveta	1	12	4	17
Swahili-Shirazi	1	6	9	16
Orma	2	6	4	12
Burji	-	3	3	6
Dorobo	-	3	1	4
Njemps	-	4	-	4
Gosha	-	1	2	3
Ajuran	-	1	1	2
Hawiyah	-	1	1	2
Ogaden	-	-	2	2
Dasnach-Shangil	1	-	-	1
Elmolo	-	-	1	1
Gureeh	-	1	-	1
Kenya Arab	-	-	1	1
Kenyan Asian	-	1	-	1

Ethnicity	Jan 20	Jul 21	Jul 22	Total
Rendille	-	-	1	1
Sakuye	-	-	1	1
Grand Total	2,902	8,857	12,260	24,019

49. The gender distribution of these teachers is summarized in table 15 below.

Table 15: Gender Distribution of Teachers Recruited between Jul-21 And Jul-22

Gender	Jul 21	Jan 22	Jul 22
Male	4583	1398	6255
Female	4274	1504	6005

50. The age distribution of these teachers is as shown in table 16 below.

Table 16: Age Distribution of Teachers in the Last 3 Mass Recruitments

Age	Jan 22	Jul 21	Jul 22
22 years	1	4	12
23 years	6	18	47
24 years	21	70	167
25 years	52	158	297
26 years	116	403	645
27 years	188	564	818
28 years	218	874	1,187
29 years	271	944	1,317
30 years	312	1,006	1,406
31 years	280	869	1,155
32 years	334	880	1,178
33 years	285	839	1,058
34 years	227	696	851
35 years	165	460	578
36 years	138	350	454
37 years	74	197	277

Age	Jan 22	Jul 21	Jul 22
38 years	68	156	228
39 years	42	104	176
40 years	23	57	132
41 years	13	45	54
42 years	22	39	90
43 years	11	28	35
44 years	13	39	39
45 years	6	23	29
46 years	5	17	17
47 years	4	9	5
48 years	3	3	1
49 years	2	2	1
50 years	1	1	2
51 years	-	-	1
52 years	1	1	2
53 years	-	1	1

51. A total of sixty (60) teachers were persons living with various forms of disability as summarized in table 17 below.

Table 17: PWDs Recruited in the Last 3 Years

Year	Mental	Physical	Visual
Jan 22	0	3	0
Jul 21	1	26	27
Jul 22	0	1	2

VII. The Ratio between the National Population and Employment Proportion in the Institution (Underrepresentation & Overrepresentation) – Based on 2019 National Population and the Act.

52. Tables 18 & 19 below show the ratio between the national population and employment proportion for Secretariat Staff and Teachers respectively.

Table 18: Ratio between National Population and Employment Proportion (Secretariat Staff)

Ethnicity	Total Staff	National Proportion %	Employment Proportion %	Over/Under Representation
Kikuyu	545	17.1	19.20	2.10
Kalenjin	412	13.4	14.50	1.10
Kamba	323	9.8	11.37	1.57
Luhya	318	14.3	11.20	-3.10
Luo	266	10.7	9.40	-1.30
Kisii	198	5.7	6.97	1.27
Meru	198	4.2	6.97	2.77
Samburu	88	0.61	3.10	2.49
Taita	72	0.71	2.53	1.82
Embu	60	0.84	2.11	1.27
Borana	49	0.42	1.72	1.30
Masai	39	2.5	1.37	-1.13
Somali	86	5.8	3.03	-2.77
Mijikenda	37	5.2	1.30	-3.90
Turkana	18	2.1	0.63	-1.47
Gabra	15	0.23	0.53	0.30
Other Kenyan	23	1.54	0.81	-0.73
Pokot	14	0.86	0.49	-0.37
Pokomo	10	0.27	0.35	0.08
Kuria	10	0.67	0.35	-0.32
Teso	10	0.87	0.35	-0.52
Burji	7	0.06	0.25	0.19
Bajun	6	0.24	0.21	-0.03
Mbere	8	0.44	0.28	-0.16
Rendille	6	0.16	0.21	0.05
Tharaka	7	0.46	0.25	-0.21

Ethnicity	Total Staff	National Proportion %	Employment Proportion %	Over/Under Representation
Swahili-Shirazi	5	0.29	0.18	-0.11
Taveta	3	0.05	0.11	0.06
Dorobo	4	0.11	0.14	0.03
Basuba	4	0.36	0.14	-0.22
Njemps	1	0.01	0.04	0.03
Grand Total	2842	100	100.08	

Table 19: Ratio between National Population and Employment Proportion (Teachers)

Ethnicity	Total Staff	National Proportion %	Employment Proportion %	Over/Under Representation
Kalenjin	59,538	17.191	13.4	3.791
Kikuyu	59,010	16.8966	17.1	-0.2034
Luhya	52,882	15.142	14.3	0.842
Kamba	39,807	11.6845	9.8	1.8845
Luo	40,657	11.6415	10.7	0.9415
Kisii	30,317	8.6808	5.7	2.9808
Meru	22,164	6.3463	4.2	2.1463
Mijikenda	8,745	2.504	5.2	-2.696
Embu	5,700	1.6922	0.84	0.8522
Masai	5,245	1.5018	2.5	-0.9982
Taita	3,248	0.93	0.71	0.22
Pokot	3,138	0.9025	0.86	0.0425
Other Kenyan	2,311	0.845	1.54	-0.695
Samburu	1,438	0.4232	0.61	-0.1868
Kuria	1,464	0.4192	0.67	-0.2508
Turkana	1,358	0.3966	2.1	-1.7034
Tharaka	1,295	0.382	0.46	-0.078
Borana	1,200	0.3468	0.42	-0.0732

Ethnicity	Total Staff	National Proportion %	Employment Proportion %	Over/Under Representation
Mbeere	1,081	0.3095	0.44	-0.1305
Teso	1,067	0.3055	0.87	-0.5645
Somali	932	0.2669	5.8	-5.5331
Pokomo	765	0.219	0.27	-0.051
Degodia	576	0.1649		0.1649
Gabra	513	0.1469	0.23	-0.0831
Bajun	406	0.1163	0.24	-0.1237
Swahili-Shirazi	256	0.0733	0.29	-0.2167
Basuba	248	0.071	0.36	-0.289
Boni-Sanye	234	0.067		0.067
Burji	212	0.0607	0.06	0.0007
Taveta	188	0.0538	0.05	0.0038
Ogaden	185	0.053		0.053
Orma	180	0.0515		0.0515
Rendille	75	0.0215	0.16	-0.1385
Dorobo	61	0.0175	0.11	-0.0925
Gureeh	59	0.0169		0.0169
Ajuran	55	0.0157		0.0157
Sakuye	28	0.008		0.008
Njemps	24	0.0069	0.01	-0.0031
Kenya Arab	21	0.006		0.006
Gosha	16	0.0046		0.0046
Elmolo	15	0.0043		0.0043
Murulle	14	0.004		0.004
Dasnach-Shangil	10	0.0029		0.0029
Hawiyah	9	0.0026		0.0026
Kenyan Asian	9	0.0026		0.0026
Foreigner	3	0.0009		0.0009

Ethnicity	Total Staff	National Proportion %	Employment Proportion %	Over/Under Representation
Kenyan European	1	0.0003		0.0003
Total	346,760	100		100

VIII. The Status of Compliance of the Institution with the Section 7 of the NCI Act, 2008 and Article 232 (1) (h) and (i) of the Constitution and the Strategies the Institution Employed since the Passage of the Constitution to ensure Compliance with the Constitution and the Act.

53. The CEO submitted that the Commission has undertaken various initiatives such as progressive affirmative action to promote inclusivity and diversity. The Commission has achieved ethnic balance at various stages of appointment in that there is no representation of more than one third of its staff coming from the same ethnic community. Further, with regards to gender balance male teachers are more than female teachers by 1%. On the other hand, female staff at the secretariat are more than their counterparts by 8%. Additionally, employees with disability are at 4.22% for secretariat staff and 1.41% for teaching staff.

54. The Commission has employed the following strategies:

- i. Development of the Human Resource Policies and Procedures Manual, which provides guidelines on the management of different aspects of staff, including but not limited to recruitment, promotion, deployment, training, remuneration, discipline and exit from service.
- ii. Embracing fair competition and merit as the basis of appointments and promotions by advertising for vacant positions in its staff establishment, conducting employment interviews, selecting and appointing staff.
- iii. Development and review of its policies to ensure realization of the constitutional aspirations on gender balance, fair competition, and merit, and employment of persons with disability.
- iv. Allocating recruitment vacancies equally across all the counties to ensure that there is regional balance in the recruitment process.
- v. The Commission through its advertisements for recruitment and promotion positions invites and/or encourages persons with disability to submit their applications for the positions.

IX. The Challenges the Institution has faced in its bid to enhance Diversity of Employees and the Mitigation Measures to curb the Challenges.

Challenges

i. Subject Combination

- Sometimes, job specifications and the technical ability of employees are oblivious to the criteria on ethnic and gender balance, age and disability. In highly technical areas, the emphasis is often on the professional qualifications a candidate holds as opposed to the considerations of age, gender, ethnicity, or disability.
- For instance, during recruitment and posting of teachers at post-primary institutions key consideration is the Applicant's subject combination. It is noted that majority of female teachers and PWDs tend to avoid science subject combination.

ii. Insecurity in some parts of the Country

- Insecurity hinders learning which in turn results to the general disparity in competency levels amongst population in different parts of the country. This is reflected in the employment proportion of communities from relatively stable areas.

iii. Lack of pedagogy training amongst PWDs Applicants

- Majority of PWDs do not have the requisite training in pedagogical skills. They only possess certificate in diploma special education. This disadvantages them during the recruitment process as they lack training in the required pedagogical skills.

Mitigation Measures

i. Affirmative action

- TSC continues to employ Affirmative action where possible, in all its employee recruitments. In this regard, TSC initiates policy and administrative steps to consider the peculiar circumstances that ameliorate incapacities that relate to age, gender, ethnicity or disability. For instance, during recruitment, communities from ASAL areas are given additional 5% slots. Also, the selection and interviewing tools/scorecard provides for enhanced score/mark in the affected areas.

ii. Decentralization of Recruitment and Teacher Management process

- The Commission has decentralized the recruitment process in that interviews are done at the county levels. This is to ensure that the Commission achieves a national outlook its ethnic population representation.

X. Measures put in place, if any, to promote Persons Living with Disabilities Friendly Working Environment.

55. The Commission has over the years implemented following measures:

- i. The Commission has negotiated 2012-2025 CBA with teacher unions where among others, the CBA provides for payment of disability guide allowance to teachers who are blind, deaf and those confined to wheelchairs;
- ii. The Commission has incorporated sliding doors with sensors, lifts and ramps in its buildings to ease movement for staff who are physically disable;
- iii. The Commission premises have washrooms suitable for PWD in every floor and wash-hand sink at the entrance of the building; and
- iv. The Commission has trained its staff on sign language to facilitate service delivery to speech impaired teachers.

XI. Evidence on how the Institution Conducts its Recruitment Process as required by the Law.

56. The Commission has promoted a total of one hundred and twenty-six thousand, seven hundred and eighteen (126,718) teachers in the last five (5) years both competitively and on common cadre promotions from different ethnic backgrounds as shown in table 20 below.

Table 20: Ethnic Distribution of Teachers Promotion in the Last 5 Years

Ethnicity	2017/18	2018/19	2019/20	2020/21	2021/22
Kalenjin	2,943	1,437	546	9,124	7,761
Luhya	2,662	1,302	594	9,066	6,522
Kikuyu	3,364	1,159	489	7,817	5,472
Luo	2,295	1,043	462	6,419	4,943
Kamba	2,148	1,015	422	6,850	4,581
Kisii	1,624	800	377	4,812	4,051
Meru	1,200	493	236	3,293	2,483
Mijikenda	429	198	39	1,952	945
Embu	287	133	51	912	623
Masai	233	106	36	782	681
Pokot	145	61	15	564	590
Taita	137	71	18	673	419

Ethnicity	2017/18	2018/19	2019/20	2020/21	2021/22
Other Kenyan	299	91	7	433	357
Samburu	83	40	10	228	235
Kuria	89	37	9	255	183
Turkana	83	47	10	170	224
Tharaka	36	35	19	220	203
Borana	84	33	14	192	166
Somoli-So-Stated	91	32	11	140	165
Teso	71	22	3	186	121
Mbere	60	27	8	161	110
Pokomo	37	22	2	188	94
Gabra	27	14	2	81	84
Degodia	28	10	3	48	85
Bajun	7	11	3	58	72
Swahili-Shirazi	17	9	4	76	37
Burji	11	5	2	46	33
Basuba	18	6	1	46	21
Boni-Sanye	4	4	4	38	42
Taveta	3	6	1	34	47
Ogaden	27	3	1	30	23
Orma	6	4	2	21	19
Rendille	7	3	1	17	14
Gureeh	1	-	-	11	21
Ajuran	4	2	1	11	10
Kenya Arab	1	1	2	8	6
Dorobo	4	-	-	9	3
Sakuye	-	1	1	5	6
Gosha	-	-	-	4	6
Njemps	1	-	-	2	4
Hawiyah	2	-	-	2	2

Ethnicity	2017/18	2018/19	2019/20	2020/21	2021/22
Kenyan Asian	-	-	-	2	2
Murulle	-	-	-	1	2
Dasnach-Shangil	-	-	-	-	2
Elmolo	-	-	-	-	2
Foreigner	-	1	-	-	-
Kenyan European	-	-	-	-	1
Grand Total	18,568	8,284	3,406	54,987	41,473

57. The gender distribution of the promoted teachers is as summarized in table 21 below.

Table 21: Gender Distribution of Teachers Promoted in the Last 5 Years

Gender	2017/18	2018/19	2019/20	2020/21	2021/22
Female	8569	3618	1331	29262	19800
Male	9999	4666	2075	25725	21673

58. Table 22 below details the teachers living with various forms of disability who were promoted in the last 5 years.

Table 22: PWDs Promoted in the Last 5 Years

Year	Hearing	Mental	Multiple	Physical	Speech	Visual
2017/18	8	1	-	82	1	35
2018/19	4	-	1	24	-	16
2019/20	1	-	-	14	-	10
2020/21	31	4	7	275	-	174
2021/22	32	5	1	244	-	145

59. On Tuesday, 25th May 2023, the Committee held meeting again with the Chief Executive Officer, TSC on recently recruited teachers. The CEO submitted an interim report of twenty thousand, nine hundred and ninety-nine (20,990) teachers out of the thirty-six thousand (36,000), the Commission intends to recruit. The Committee sought the composition of the newly recruited teachers in term ethnicity, gender, age and person living with disabilities.

I. Ethnic Distribution of the newly recruited teachers

60. Table 23 below shows the ethnic distribution of the newly recruited teachers.

Table 23: Ethnic Distribution of the Newly Recruited Teachers

	Ethnicity	No. of Teachers
1.	Bajun	35
2.	Basuba	6
3.	Boni-Sanye	6
4.	Borana	45
5.	Burji	7
6.	Degodia	9
7.	Dorobo	2
8.	Elmolo	1
9.	Embu	232
10.	Gabra	17
11.	Kalenjin	4048
12.	Kamba	2899
13.	Kenya Arab	1
14.	Kikuyu	2913
15.	Kisii	1737
16.	Kuria	108
17.	Luhya	3187
18.	Luo	2576
19.	Masai	461
20.	Mbeere	25
21.	Meru	1220
22.	Mijikenda	500
23.	Murulle	1
24.	Ogaden	2
25.	Orma	5
26.	Pokomo	18

	Ethnicity	No. of Teachers
27.	Pokot	312
28.	Rendille	2
29.	Sakuye	2
30.	Samburu	93
31.	Somali	43
32.	Swahili-Shirazi	11
33.	Taita	232
34.	Teso	105
35.	Tharaka	56
36.	Turkana	73
	TOTAL	20990

II. Age Distribution of the newly recruited teachers

61. The age distribution of the recruited teachers ranges between the ages of 21 years to 56 years with the majority being of 28years.

III. Gender distribution of the newly recruited teachers

62. The Commission recruited eleven thousand nine hundred and sixty-four (11,964) male and thousand and twenty six (9,026) female teachers translating to 56.8% and 43.2% respectively.

IV. Distribution of teachers living with various forms of disability

63. The Commission recruited all the persons with disability who applied for recruitment totaling to two hundred and twenty nine (229) teachers.

64. Table 24 below shows the distribution of teachers living with various forms of disability.

Table 24: Distribution of teachers living with various form of disability

Type of Disability	Number of Teachers
Albinism	2
Epilepsy	12
Hearing Impairment	40
Mental Impairment	2
Physical Disabilities	120

Visual Impairments	53
Total	229

3.1.2 Committee Observations

65. The Committee made the following observations:

- i. Majority of TSC teachers are from three (3) communities namely, Kikuyu at 17.02%, Kalenjin at 17.17% and Luhya at 15.25%. In the Secretariat in TSC, majority of the staff members are from two (2) communities namely Kikuyu at 19.18% and Kalenjin at 14.50%;
- ii. Out of the two thousand eight hundred and forty-two Secretariat Staff in TSC, 54% are women and 46% are men achieving the two thirds gender rule;
- iii. The Commission has a youth representation of 37.47% among the teaching staff, showing it has fairly accorded employment opportunities to the youth in line with Article 55 (c) of the Constitution. However, among the Secretariat staff, the youth representation is at 9.5%;
- iv. TSC has not complied with Article 54 (2) on the 5% threshold of Persons with Disabilities (PWDs) employment since it is at 1.41% for the Secretariat staff. In the Teaching staff, TSC is slightly below the required threshold since it's representation is at 4.22%;
- v. The Commission has eighteen thousand, four hundred and fifty-nine (18,459) female staff members out of the fifty-three thousand, three hundred and seventy-one (53,371) represented in the Senior Management Level;
- vi. Before the passage of the 2010 Constitution, 50.51% of TSC employees were still from three ethnic groups namely, Kikuyu, Luhya and Kalenjin;
- vii. In the ratio between National population and employment proportion of the Teaching staff, the Kalenjin community is overrepresented with a variance of 3.79% while in the Secretariat staff, the Meru community is overrepresented with a variance of 2.77%;
- viii. Promotions done in TSC in the last five (5) years, the Kalenjin, Kikuyu, Luhya and Luo communities dominate at fourteen thousand seven hundred and ninety-five translating to 61.59% out of the twenty-four thousand and nineteen promoted.

3.1.3 Committee Recommendations

66. The Committee made the following recommendations:

- i. TSC should work closely with National Council for Persons with Disabilities (NCPWD) and share their job advertisements in order to reach more Persons with Disabilities;

- ii. The Commission should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and Persons with Disabilities (PWDs);
- iii. TSC should employ affirmative action measures towards recruiting all the forty-six (46) ethnic groups since they are based in every region in the Country.

3.2 ANTI-COUNTERFEIT AUTHORITY

67. Anti-Counterfeit Authority (ACA) was established under the Anti-Counterfeit Act 2008 as a State Corporation with the mandates to enlighten and inform the public on matters relating to counterfeiting, combat counterfeiting, trade and other dealings in counterfeit goods, devise and promote training programs to combat counterfeiting and coordinate with national, regional or international organizations involved in combat counterfeiting. ACA is a state corporation under the Ministry of Investment, Trade and Industry.

68. The Chief Executive Officer (CEO) Dr. Robi Mbugua Njoroge, appeared before the Committee on Saturday, 4th March 2023 and provided evidence as per the following submissions:

3.2.1 Submissions

I. The Current Employees' Composition in terms of Ethnicity, Age and Gender.

69. Table 25 below details the composition of employees at ACA in terms of ethnicity.

Table 25: Composition of ACA Employees in terms of Ethnicity

	Ethnicity	No. of Staff	%
1.	Gabra	2	1.9
2.	Kalenjin	12	11.4
3.	Kamba	12	11.4
4.	Kikuyu	19	18.1
5.	Kisii	9	8.6
6.	Luhya	9	8.6
7.	Luo	14	13.3
8.	Masai	1	1.0
9.	Meru	5	4.8
10.	Mijikenda	4	3.8

11.	Pokomo	1	1.0
12.	Pokot	2	1.9
13.	Samburu	1	1.0
14.	Somali	8	7.6
15.	Taita	2	1.9
16.	Turkana	4	3.8
	Total	105	100.0

70. Table 26 below details the composition of employees at ACA in terms of age.

Table 26: Composition of ACA employees in terms of Age

Age	No. of Staff	%
20-30	13	12.4
31-40	50	47.6
41-50	34	32.4
51-60	8	7.6
Total	105	100

71. Table 27 below details the composition of employees at ACA in terms of gender.

Table 27: Composition of employees at ACA in terms of Gender

Gender	No. of Staff	%
Female	32	30.48
Male	73	69.52
Total	105	100

II. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

72. ACA has not been in compliance with this provision however from the last recruitment in 2022, the Authority appointed one (1) officer living with disability as an affirmative action. However, the Authority is committed to fully comply with this provision in the current and subsequent recruitments.

III. Composition of the Governing Body of the Institution in terms of Age, Gender, Ethnicity and Persons with Disability.

73. The Board of Directors as per Section 6 of the Anti-Counterfeit Act, 2008, governs the Authority. The Composition of the Board of Directors is as shown in table 28 below.

Table 28: Composition of the Board of Directors

Name	Role	Age	Gender	Ethnicity	PWD
Josphat Kabeabea	Chairman	48	Male	Meru	None
Anthony Mwangi	Member	49	Male	Kikuyu	None
Joel Bett	Member	45	Male	Kalenjin	None
Bernard Njiraini	Member	52	Male	Kikuyu	None
Oliver Konje	Member	59	Male	Luo	None
Scholastica Mbilo	Member	43	Female	Kamba	None
Magdalene Munyao	Member	47	Female	Kamba	None
Dr. Robi Mbugua	ED/CEO	49	Male	Kikuyu	None

IV. Composition of Employees at Senior Management Level, Middle Level and Low-Level Cadres in terms of Ethnicity, Age, Gender and Persons with Disability.

74. Tables 29, 30 and 31 show the composition of employees at Senior Management Level in terms of Ethnicity, Age and Gender.

Table 29: Composition of ACA employees at Senior Management Level in terms of Ethnicity

Ethnicity	No. of Staff	%
Kikuyu	3	27%
Kalenjin	1	9%
Kamba	1	9%
Mijikenda	1	9%
Somali	1	9%
Kisii	1	9%
Turkana	1	9%
Luo	1	9%

Luhya	1	9%
Total	11	100%

Table 30: Composition of ACA employees at Senior Management Level in terms of Age

Age	Number of Staff	Percentage
20-30	0	0
31-40	2	18.2
41-50	7	63.6
51-60	2	18.2
Total	11	100

Table 31: Composition of employees at Senior Management Level in terms of Gender

Gender	Number of Staff	Percentage
Male	8	72.7
Female	3	27.3
Total	11	100

75. Tables 32,33 & 34 show the composition of employees at Middle Level Management in terms of Ethnicity, Age and Gender.

Table 32: Composition of employees at Middle Management Level in terms of Ethnicity

Ethnicity	No	%
Kikuyu	2	10%
Kalenjin	4	20%
Luhya	2	10%
Kisii	1	5%
Luo	5	25%
Meru	1	5%
Taita	2	10%
Kamba	2	10%
Somali	1	5%
Total	20	100%

Table 33: Analysis in terms of Age

Age	Number of Staff	Percentage
20-30	0	0%
31-40	8	40%
41-50	10	50%
51-60	2	10%
Total	20	100%

Table 34: Analysis in terms of Gender

Gender	Number of Staff	Percentage
Male	13	65%
Female	7	35%
Total	20	100%

76. Tables 35,36,37 & 38 show the composition of employees at Low Level Cadre in terms of Ethnicity, Age, Gender and PWDs.

Table 35: Analysis in terms of Ethnicity

Ethnicity	No. of Staff	%
Kikuyu	14	19%
Kalenjin	9	12%
Kamba	9	12%
Meru	4	5%
Mijikenda	3	4%
Somali	6	8%
Kisii	7	9%
Luo	8	11%
Luhya	6	8%
Gabra	2	3%
Samburu	1	1%
Maasai	1	1%

Pokomo	1	1%
Turkana	3	4%
Total	74	100%

Table 36: Analysis in terms of Age

Age	Number of Staff	Percentage
20-30	13	17.6
31-40	40	54.1
41-50	17	23.0
51-60	4	5.4
Total	74	100

Table 37: Analysis in terms of Gender

Gender	Number of Staff	Percentage
Male	22	30%
Female	52	70%
Total	74	100%

Table 38: Composition of PWDs

Total Number of Staff	Percentage	Type of Disability
1	0.95%	Speech

V. The Total Number of Employees in the Institution before the Passage of the New Constitution (August 2010) and their Ethnic Representation.

77. ACA was operationalized in June 2010 and table 39 below shows the staff employed before August 2010.

Table 39: ACA Employees before August 2010

Ethnicity	Number of Staff	Percentage
Kalenjin	19	35.2
Kamba	9	16.7
Kikuyu	10	18.5

Ethnicity	Number of Staff	Percentage
Kisii	2	3.7
Luhya	1	1.9
Luo	4	7.4
Meru	3	5.6
Somali	3	5.6
Taita	1	1.9
Turkana	2	3.7
Total	54	100.0

VI. The Total Number of Staff Employed in the Last Three Mass Recruitments and their Representation in terms of Ethnicity, Age, Gender and Persons with Disability.

78. The Authority has undertaken 2 mass recruitments in 2019 and 2022 as shown in tables 40,41,42,43 44 & 45 below. No PWDs were recruited.

Table 40: Ethnicity Recruitment in 2019

Ethnicity	Number of Staff	Percentage (%)
Kikuyu	8	16.66667
Kalenjin	5	10.41667
Kamba	5	10.41667
Luhya	5	10.41667
Luo	4	8.333333
Teso	1	2.083333
Meru	4	8.333333
Maasai	1	2.083333
Somali	3	6.25
Mijikenda	4	8.333333
Pokomo	1	2.083333
Gabra	1	2.083333
Samburu	1	2.083333
Turkana	1	2.083333

Ethnicity	Number of Staff	Percentage (%)
Kisii	2	4.166667
Taita	1	2.083333
Kuria	1	2.083333
Total	48	100

Table 41: Age Recruitment in 2019

Age	Number of Staff	Percentage
20-30 years	22	46%
31-40 years	22	46%
41-50 years	4	8%
51- 60 years	0	0%
Total	48	100%

Table 42: Gender Recruitment in 2019

Gender	Number of Staff	Percentage
Female	15	31%
Male	33	69%
Total	48	100%

Table 43: Ethnicity Recruitment in 2022

Ethnicity	Number of Staff	Percentage (%)
Kikuyu	5	36
Kalenjin	1	7.1
Kamba	1	7.1
Luhya	1	7.1
Luo	1	7.1
Meru	1	7.1
Somali	1	7.1

Mijikenda	1	7.1
Kisii	2	14.3
Total	14	100

Table 44: Age Recruitment in 2022

Age	Number of Staff	Percentage
20-30 years	4	29%
31-40 years	6	43%
41-50 years	4	29%
51- 60 years	0	0%
Total	14	100%

Table 45: Gender Recruitment in 2022

Gender	Number of Staff	Percentage
Female	5	36%
Male	9	64%
Total	48	100%

VII. The Ratio between the National Population and Employment Proportion in the Institution (Underrepresentation and Overrepresentation) based on 2019 National Population and Housing Census.

79. Table 46 below shows the ratio between the national population and employment proportion in ACA.

Table 46: The Ratio between the National Population and Employment Proportion

Ethnicity	Country Wide Percentage	Ethnicity in ACA	Variance	Status
Gabra	0.3	1.9	1.6	Over representation
Kalenjin	13.37	13.3	-0.07	Normal representation
Kamba	9.81	11.4	1.59	Over representation
Kenyan Somali	5.85	7.6	1.75	Over representation

Kikuyu	17.13	18.1	0.97	Normal representation
Kisii	5.68	8.6	2.92	Over representation
Luhya	14.35	8.6	-5.75	Under representation
Luo	10.65	13.3	2.65	Over representation
Masai	2.5	1	-1.5	Under representation
Meru	4.15	4.8	0.65	Normal representation
Mijikenda	5.23	3.8	-1.43	Under representation
Pokomo	0.24	1	0.76	Normal representation
Samburu	0.7	1	0.3	Normal representation
Taita	0.72	1.9	1.18	Over representation
Turkana	2.14	3.8	1.66	Over representation

VIII. The Status of Compliance of the Institution with the Section 7 of the NCI Act, 2008 and Article 232 (1) (h) And (i) of the Constitution and the Strategies the Institution has Employed since the Passage of the Constitution to Ensure Compliance.

80. The Chief Executive Officer submitted that the strategies implemented by the Authority to ensure compliance include the following:

- i. The Authority has included a diversity policy statement in its approved Human Resource policies and procedures manual, 2021. This policy is observed during the recruitment process.
- ii. The Authority shares advertisements on recruitment with the National Council for Persons with Disability.
- iii. Implement affirmative action during recruitment on marginalised communities and communities with under representation in the Authority.

IX. The Challenges the Institution has faced in its bid to Enhance Diversity of Employees and the Mitigation Measures to curb the Challenge.

81. The Authority has experienced the following challenges:

- i. Majority of the job applications received for job adverts are from few communities in Kenya.
- ii. Lack of minimum qualifications by applicants from the marginalised communities.

82. The mitigation measures include:

- i. Sharing of advert on vacant position with the Community leaders and associations especially in communities where the Authority has an under representation.
- ii. Development of a standalone diversity policy to accommodate affirmative action in diversity during recruitment.

X. Measures put in place, if any, to Promote a Friendly Work Environment for Persons Living with Disabilities.

83. The Authority has put in place the following measures:

- i. Establishment and operationalization of Disability Mainstreaming Committee.
- ii. Formulation of Disability Mainstreaming Action Plan to ensure that staffs are informed on disability related aspects and to empower persons with disabilities.
- iii. Sensitization and training of staff on service provision to persons with disabilities.
- iv. Establishment of structures and systems that ensure persons with disabilities access information and services, e.g.; Train staff on sign language, avail materials in Braille, ramps, signage, guides, accessible toilets, lifts with visual, audio and ductile features, non-slippery floor surface, disability friendly vehicles & walkways, accessible parking.
- v. Ensuring progressive realization of attaining the 5% on all recruited personnel in appointments, employment/promotion for persons with disabilities.
- vi. Ensuring that there is no discrimination in advertising, interviewing, recruitment, volunteerism, internships, training & promotions of PWDs.

3.2.2 Committee Observations

84. The Committee made the following observations:

- i. Only sixteen (16) out of the forty-six (46) ethnic groups have been employed in ACA contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. At Senior Management Level, only nine (9) ethnic groups are represented namely; Kikuyu, Kalenjin, Kamba, Mijikenda, Somali, Kisii, Turkana, Luo and Luhya;
- ii. Majority of employees at the Authority are from four (4) communities namely, Kikuyu at 18.10%, Luo at 13.30%, Kalenjin at 11.40% and Kamba at 11.40%;
- iii. The Authority has a youth representation of 60% showing it has accorded employment opportunities to the youth in line with article 55 (c) of the Constitution;

- iv. The Authority has seventy-three (73) male staff and thirty-two (32) female staff translating to 69.52% and 30.48% respectively, achieving the required two thirds gender rule;
- v. ACA has not complied with Article 54 (2) on the 5% threshold of Persons with Disabilities (PWDs) employment since it is at 0.9%;
- vi. The Authority has only three (3) female staff members out of eleven (11) in the composition at Senior Management Level;
- vii. Before the passage of the 2010 Constitution, the Authority had only ten (10) ethnic groups with the Kalenjin community dominating at 35.2%. ACA has since increased the number of ethnic groups to sixteen (16) reducing the representation of Kalenjin to 11.4%; and
- viii. In the ratio between National population and employment proportion, the Kisii community is overrepresented with a positive variance of 2.92%.

3.2.3 Committee Recommendations

85. The Committee made the following recommendations:

- i. ACA should expand the scope of the job advertisements which will enable it to reach more ethnic groups;
- ii. The Authority should work closely with the National Council for Persons with Disabilities (NCPWD) on job advertisements in order to reach more Persons with Disabilities (PWDs);
- iii. ACA should employ affirmative action measures in employment to enhance diversity representation of all the forty-six (46) ethnic groups in the Authority, in line with Article 232 of the Constitution; and
- iv. ACA should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and Persons with Disabilities (PWDs).

3.3 NATIONAL SOCIAL SECURITY FUND

86. National Social Security Fund (NSSF) is a service organization which exists for the public good. It offers social protection to all Kenyan workers in the formal and informal sectors. NSSF registers members, receives their contributions, manages funds of the scheme, processes and ultimately pays out the benefits to eligible members or dependents.

87. The Acting Chief Executive Officer (CEO) Mr. David Ndolo Mwangangi, appeared before the Committee on Tuesday, 7th March 2023 and provided evidence as per the following submissions:

3.3.1 Submissions

I. The Current Employees' Composition in terms of Ethnicity, Age and Gender.

88. Tables 47, 48 & 49 below detail the number of officers in NSSF in terms of ethnicity, age and gender.

Table 47: NSSF Staff Composition by Ethnicity

	Ethnicity	No. of Officers
1.	Bajun	1
2.	Elmolo	1
3.	Nubi	1
4.	Samburu	1
5.	Suba	1
6.	Kuria	2
7.	Mbeere	2
8.	Rendille	2
9.	Swahili	2
10.	Taveta	2
11.	Njemps/Ilchamus	3
12.	Pokomo	6
13.	Borana	8
14.	Teso	9
15.	Turkana	11
16.	Embu	17
17.	Taita	22
18.	Meru	23
19.	Maasai	24
20.	Mijikenda	25
21.	Kenyan Somali	40
22.	Kisii	81
23.	Kikuyu	135
24.	Luhya	136

	Ethnicity	No. of Officers
25.	Luo	145
26.	Kamba	191
27.	Kalenjin	199
	Total	1090

Table 48: NSSF Staff Composition by Age

Age	No. of Staff
25-29	9
30-34	76
35-39	110
40-44	119
45-49	207
50-54	324
55-59	232
60-64	13
Total	1090

Table 49: NSSF Composition by Gender

Gender	No. of Staff
Female	541
Male	549
Total	1090

II. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

89. Table 50 below details the staff composition of persons with disability in NSSF.

Table 50: NSSF Staff Composition of PWDs

Status	No. of Staff
Disabled	50
Not disabled	1040
Total	1090

III. Composition of the Governing Body of the Institution in terms of Age, Gender, Ethnicity and Persons with Disability.

90. Table 51 below shows the composition of the governing body of NSSF.

Table 51: NSSF Board Members

Name	Body Representing	Gender	Disability	Age	Ethnicity
Anthony Muriuki Munyi	Independent	Male	None	52	Kikuyu
Dr. Isaac Kaberia Kubai	Independent	Male	None	43	Meru
Dr. Milkah Kimonda Chebii	Independent	Female	None	59	Kalenjin
FCPA Dr. Anne E. Owuor	FKE	Female	None	64	Luo
Mr. Isaac Mbingi Okello	COTU	Male	None	59	Luhya
Ms. Rose Auma Omamo	COTU	Female	None	59	Luo
Hon. Geoffrey E. Kaituko	Government Principal Secretary, State Department for Labour & Skills Development	Male	None	49	Turkana
Mr. Amos Cheptoo	Government Alternate to Principal Secretary The National Treasury	Male	None	53	Kalenjin

IV. Composition of Employees at Senior Management Level, Middle Level And Low-Level Cadres in terms of Ethnicity, Age, Gender And Persons with Disability.

91. Tables 52,53,54 & 55 below detail the staff composition of Senior Management Level in terms of gender, age, disability and ethnicity.

Table 52: NSSF Gender Composition at Senior Management Level

Gender	
Male	Female
7	5

Table 53: NSSF Age Composition at Senior Management Level

Age	Count
	Grade 1-4
25-29	-
30-34	-
35-39	-
40-44	2
45-49	1
50-54	5
55-59	4
60-64	-
Total	12

Table 54: Disability Status at NSSF Senior Management Level

Status	No. of Staff
Disabled	0
Not disabled	12
Total	12

Table 55: Ethnicity in NSSF Senior Management Level

Ethnicity	Count
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	Grade 1-4
Kalenjin	2
Kamba	1
Kikuyu	1
Kisii	1
Luhya	2
Luo	5
Total	12

92. Tables 56,57, 58 & 59 below show the staff composition of Middle Level Management in terms of gender, age, disability and ethnicity.

Table 56: Gender Composition in NSSF Middle Level Management

Gender	
Male	Female
293	264

Table 57: Age Composition in NSSF Middle Level Management

Age	Count
	Grade 5-6
25-29	-
30-34	54
35-39	75
40-44	63
45-49	99
50-54	152
55-59	108
60-64	6
Total	557

Table 58: Disability Status at NSSF Middle Level Management

Status	No. of Staff
Disabled	21
Not disabled	536
Total	557

Table 59: Ethnicity at NSSF Middle Level Management

Ethnicity	Count
	Grade 5-6
Bajun	1
Basuba	1
Borana	4
Elmolo	1
Embu	11
Kalenjin	118
Kamba	87
Kenyan Somali	18
Kikuyu	67
Kisii	45
Kuria	1
Luhya	78
Luo	67
Maasai	12
Mbeere	2
Meru	10
Mijikenda	6
Njemps	1
Nubi	1
Pokomo	3
Rendille	2

Ethnicity	Count
	Grade 5-6
Samburu	1
Swahili	2
Taita	6
Taveta	2
Teso	4
Turkana	6
Total	557

93. Table 60, 61, 62 & 63 below details the staff composition of low-level cadres in terms of gender, age, disability & ethnicity.

Table 60: NSSF Gender Composition at the Low-level cadre

Gender	
Male	Female
278	243

Table 61: NSSF Age Composition at the Low-level cadre

Age	Count
	Grade 7-8
25-29	-
30-34	54
35-39	75
40-44	63
45-49	99
50-54	152
55-59	108
60-64	6
Total	557

Table 62: Disability Status at the NSSF low level cadre

Status	No. of Staff
Disabled	28
Not disabled	493
Total	521

Table 63: Ethnicity at the Low Level Cadre NSSF

Ethnicity	Count
	Grade 7-8
Borana	4
Embu	6
Kalenjin	79
Kamba	103
Kenyan Somali	22
Kikuyu	67
Kisii	35
Kuria	1
Luhya	56
Luo	73
Maasai	12
Meru	13
Mijikenda	19
Njemps	2
Pokomo	3
Taita	16
Teso	5
Turkana	5
Total	521

V. The Ratio between the National Population and Employment Proportion in the Institution (Underrepresentation and Overrepresentation) based on 2019 National Population and Housing Census.

94. Table 64 below shows the ratio between the National Population and Employment Proportion.

Table 64: Ratio between the National Population and Employment Proportion

Ethnic Community	Total	Total % Proportionate Representation	No. of Officers	% Representation in NSSF	% Variance
Bajun	91,422	0.19	1	0.09	-0.11
Borana	276,236	0.59	8	0.05	-0.54
Elmolo	1,104	0.00	1	0.09	0.08
Embu	404,801	0.86	17	1.48	0.62
Kalenjin	6,358,113	13.51	199	17.32	3.81
Kamba	4,663,910	9.91	191	16.62	6.71
Kenyan Somali	2,780,502	5.91	40	3.48	-2.43
Kikuyu	8,148,668	17.31	135	11.75	-5.56
Kisii	2,703,235	5.74	81	7.05	1.31
Kuria	313,854	0.67	2	0.17	-0.49
Luhya	6,823,842	14.50	136	11.84	-2.66
Luo	5,066,966	10.77	145	12.62	1.85
Maasai	1,189,522	2.53	24	2.09	-0.44
Mbeere	195,250	0.41	2	0.17	-0.24
Meru	1,975,869	4.20	23	2.00	-2.20
Mijikenda	2,488,691	5.29	25	2.18	-3.11
Njemps/Ilchamus	32,949	0.07	3	0.26	0.19
Nubi	21,319	0.05	1	0.09	0.04
Pokomo	112,075	0.24	6	0.52	0.28
Rendille	96,313	0.20	2	0.17	-0.03

Ethnic Community	Total	Total % Proportionate Representation	No. of Officers	% Representation in NSSF	% Variance
Samburu	333,471	0.71	1	0.09	-0.62
Suba	157,787	0.34	1	0.09	-0.25
Swahili	56,074	0.12	2	0.17	0.05
Taita	344,415	0.73	22	1.91	1.18
Taveta	26,590	0.06	2	0.17	0.12
Teso	417,670	0.89	9	0.78	-0.10
Turkana	1,016,174	2.16	11	0.96	-1.20
Total	47,067,376	100	1090	100	

VI. The Status of Compliance of the Institution with the Section 7 of the NCI Act, 2008 and Article 232 (1) (h) And (i) of the Constitution and the Strategies the Institution has Employed since the Passage of the Constitution to Ensure Compliance.

95. The CEO submitted that the Fund is still on course regarding compliance with Section 7 of NCI Act, 2008 and article 232 (1) (h) and (i) of the Constitution.

96. Some of the strategies the Fund has put in place are as follows:

- i. The Fund has developed a recruitment policy and procedure that is strictly adhered to.
- ii. Sending a copy of job advertisement to the NCPWD to inform them of the vacancies and importance of attaching a copy of the Disability Card to the job application by the applicants.
- iii. Emphasizing on the need to attach copies of ID as a requirement during applications.

VII. The Challenges the Institution has faced in its bid to Enhance Diversity of Employees and the Mitigation Measures to curb the Challenge.

97. The Fund has faced the following challenges in its bid to enhance diversity of employees:

- i. Failure by job applicants to indicate their PWD status.
- ii. Few or no applications from minority ethnic groups.
- iii. Regional balance is not easy since job applicants may not attach copies of National ID.
- iv. Ethnicity is also not easy to determine since some communities share names.

98. Some of the mitigation measures the Fund has put in place are as follows:
- i. Ensuring that there is a recruitment policy and procedure in place and that it is strictly adhered to.
 - ii. Emphasizing on the need to attach copies of ID as a requirement during applications.
 - iii. Sending a copy of job advertisement to the NCPWD.

VIII. Measures put in place, if any, to Promote a Friendly Work Environment for Persons Living with Disabilities.

99. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. Training of four (4) staff members in Kenya Sign Language at the University of Nairobi. The course commenced from 2nd May, 2022 and is still ongoing.
- ii. A budget of Kshs. 1,000,000 has been set aside for 9 PWDs for a monthly assistant allowance of Kshs. 10,000.
- iii. Wheelchairs have been bought for customers who are PWDs and have been strategically placed at Hill Branch for ease of movement.
- iv. The procurement department ensures that tenders are allocated to PWDs as evidenced in the AGPO report.
- v. Ramps were erected at the entrance of Block c that is next to Prisons perimeter wall by 30th October, 2022.
- vi. Conversion of documents in braille and the service charter is in large prints for ease of reference.

3.3.2 Committee Observations

100. The Committee made the following observations:

- i. Only twenty-seven (27) out of the forty-six (46) ethnic groups have been employment in NSSF contrary to the provisions of article 232 (1) (h) and (i) of the Constitution. At Senior Management Level, only six (6) ethnic groups are represented namely; Kalenjin, Kamba, Kikuyu, Kisii, Luhya and Luo;
- ii. Majority of employees at the Fund are from three (3) communities namely, Kalenjin at 18.27%, Kamba at 17.52% and Luo at 13.30%;
- iii. The Fund has five hundred and forty-one (541) female staff and five hundred and forty-nine (549) male staff translating to 50.37% and 49.63% respectively, achieving the two thirds gender rule;

- iv. NSSF has an aging population with the majority of the staff being between the ages of 45-65 years at 71.20%. The youth representation at the Fund is very low at 7.80%.
- v. The Fund's Persons with Disabilities (PWDs) employee representation is slightly below the required 5% threshold of Persons with Disabilities (PWDs) employment since it is at 4.6%;
- vi. NSSF has five (5) female staff members out of twelve (12) in the composition at Senior Management Level and;
- vii. In the ratio between National population and employment proportion, the Kamba community is overrepresented with a positive variance of 6.71%.

3.3.3 Committee Recommendations

101. The Committee made the following recommendations:
- i. The Fund should work closely with the National Council for Persons with Disabilities (NCPWD) on job advertisements in order to reach more Persons with Disabilities (PWDs);
 - ii. The Fund should come up with a tenable succession plan to replace staff that exit due to natural attrition. The plan should detail increasing the youth representation at the Fund.
 - iii. NSSF should expand the scope of the job advertisements which will enable it to reach more ethnic groups;
 - iv. NSSF should employ affirmative action measures in employment to enhance diversity representation of all the forty-six (46) ethnic groups in the Authority, in line with Article 232 of the Constitution; and
 - v. The Fund should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and Persons with Disabilities (PWDs).

3.4 KENYA BUREAU OF STANDARDS

102. Kenya Bureau of Standards (KEBS) is the Government agency for the provision of Standards, Metrology and Conformity Assessment (SMCA) services since its inception in 1974. Over that period its main activities have grown from the development of standards and quality control for a limited number of locally made products in the 1970's to the provision of more comprehensive Standards development, Metrology and Conformity Assessment, Training and Certification services.

103. The Chief Executive Officer, Lt. Col (Rtd) Bernard N. Njiraini, appeared before the National Cohesion and Equal Opportunity Committee on Thursday, 16th March 2023 and provided evidence as per the following submissions:

3.4.1 Submissions

I. The Current Employees' Composition in terms of Ethnicity, Age and Gender.

104. Table 65 below shows the employees composition in terms of ethnicity, age, management level and gender.

Table 65: KEBS Employees Composition

Ethnicity	Gender		Management Levels			Age	
	Female	Male	Lower	Middle	Senior	35 & above	Youth
Borana		2	2			1	1
Embu	2	11	9	4		8	5
Gabra		1	1				1
Ilchamus/ Njemps		1	1				1
Kalenjin	61	104	114	46	5	120	45
Kamba	48	59	61	44	2	93	14
Kenyan Asian	1		1				1
Kikuyu	73	118	118	66	7	151	40
Kisii	35	60	78	15	2	63	32
Kuria	2	1	2	1		1	2
Luhya	60	67	79	44	4	111	16
Luo	50	98	88	54	6	129	19
Maasai	5	9	12	2		6	8
Mbeere	1	2	3			2	1
Meru	18	29	36	9	2	26	21
Mijikenda	14	18	29	3		23	9
Nubian	1		1			1	

Ethnicity	Gender		Management Levels			Age	
	Female	Male	Lower	Middle	Senior	35 & above	Youth
Orma		1	1				1
Rendille	1			1		1	
Samburu	1		1				1
Somali	13	36	42	5	2	27	22
Suba		3	1	1	1	2	1
Swahili	3	1	2	2		2	2
Taita	13	4	14	3		13	4
Taveta	2		2			1	1
Teso		2	2				2
Turkana	1	2	3				3
Total	405	629	703	300	31	781	253

II. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

105. KEBS has 14 employees who are living with disabilities out of 1034 employee population as at February, 2023. Efforts to progressively comply with this requirement has been made through encouraging persons with disability to apply.

III. Composition of the Governing Body of the Institution in terms of Age, Gender, Ethnicity and Persons with Disability.

106. Table 66 below shows the composition of the governing body.

Table 66: National Standards Council Composition

Name	Gender	Age	Ethnicity	PWDs
Dr. Jeremiah Kamau Kinyua	Male	49	Kikuyu	No
Eng. Simiyu Wabwile	Male	49	Luhya	No
Mr. John Njera	Male	56	Luo	No
Mr. Gilbert Langat	Male	51	Kalenjin	No

Name	Gender	Age	Ethnicity	PWDs
Lt Col (Rtd.) Bernard Njiraini	Male	52	Kikuyu	No
Patricia Okune	Female	60	Luhya	No
Francis Kuria Karu	Male	59	Kikuyu	No
Grace Nyabonyi Momanyi	Female	35	Kisii	No
Stephen Kipkosgei Yego	Male	54	Kalenjin	No
Shallow Abdullahi Yahya	Male	47	Somali	No

IV. Composition of Employees at Senior Management Level, Middle Level And Low-Level Cadres in terms of Ethnicity, Age, Gender And Persons with Disability.

107. Table 67 below shows the employees' composition management level as per gender and disability.

Table 67: Employees' Composition Management Level per Gender and Disability

Management Level	Job Grade	Gender		PWD		Total
		Female	Male	None	PWD	
Lower Level	7,8,9,10,11	272	431	694	9	703
Middle Level	4,5,6	126	174	296	4	300
Senior Level	1,2,3	7	24	30	1	31
Grand Total		405	629	1020	14	1034

V. The Total Number of Employees in the Institution before the Passage of the New Constitution (August 2010) and their Ethnic Representation.

108. KEBS employees as at March 2010 were eight hundred and fifty (850) as shown in table 68 below.

Table 68: Employees before the Passage of the New Constitution

Ethnicity	No. of Staff
Borana	1
Embu	7
Kalenjin	96

Ethnicity	No. of Staff
Kamba	107
Kikuyu	182
Kisii	90
Kuria	1
Luhya	134
Luo	155
Maasai	2
Meru	21
Mijikenda	19
Nubian	1
Somali	15
Suba	2
Swahili	1
Taita	14
Taveta	2
Total	850

VI. The Total Number of Staff Employed in the Last Three Mass Recruitments and their Representation in terms of Ethnicity, Age, Gender and Persons with Disability.

109. Table 69 below shows the previous 3 mass recruitments as per gender and PWD.

Table 69: Last three Mass Recruitments in KEBS as per Gender & PWD

Gender		PWD	
Female	Male	No	Yes
34	65	97	2
26	41	67	
13	20	33	
73	126	197	2

110. Table 70 below shows the last 3 mass recruitments as per ethnicity.

Table 70: Last 3 Mass Recruitments as per Ethnicity

Ethnicity	April 2022	Aug 2019	Jan 2018	Grand Total
Borana	1			1
Embu	1	2		3
Gabra	1			1
Ilchamus/Njemps	1			1
Kalenjin	11	10	8	29
Kamba	5	5	1	11
Kikuyu	23	9	4	36
Kisii	5	5	8	18
Kuria	2			2
Luhya	5	8		13
Luo	7	8	3	18
Maasai	3	3	1	7
Mbeere	1	1		2
Meru	15	5	1	21
Mijikenda	4	1		5
Orma	1			1
Samburu	1			1
Somali	5	8	5	18
Suba		1		1
Swahili	1		1	2
Taita	2	1	1	4
Teso	2			2
Turkana	2			2
Grand Total	99	67	33	199

VII. The Ratio between the National Population and Employment Proportion in the Institution (Underrepresentation and Overrepresentation) based on 2019 National Population and Housing Census.

111. Table 71 below shows the ratio between the National Population and Employment proportion at KEBS based on NPHC.

Table 71: Ratio between the National Population and Employment proportion

Ethnicity	No. of Staff at KEBS	% Representation in KEBS	% Proportionate Representation in the National Population	% Variance
Borana	2	0.19	0.58	-0.39
Embu	13	1.26	0.85	0.41
Gabra	1	0.10	0.3	-0.20
Ilchamus/Njemps	1	0.10	0.34	-0.24
Kalenjin	165	15.96	13.37	2.59
Kamba	107	10.35	9.81	0.54
Kenyan Asian	1	0.10	0.1	-0.00
Kikuyu	191	18.47	17.13	1.34
Kisii	95	9.19	5.68	3.51
Kuria	3	0.29	0.66	-0.37
Luhya	127	12.28	14.35	-2.07
Luo	148	14.31	10.65	3.66
Maasai	14	1.35	2.5	-1.15
Mbeere	3	0.29	0.41	-0.12
Meru	47	4.55	4.15	0.40
Mijikenda	32	3.09	5.23	-2.14
Nubian	1	0.10	0.04	0.06
Orma	1	0.10	0.34	-0.24
Rendille	1	0.10	0.2	-0.10
Samburu	1	0.10	0.71	-0.61
Somali	49	4.74	5.85	-1.11
Suba	3	0.29	0.33	-0.04
Swahili	4	0.39	0.12	0.27

Ethnicity	No. of Staff at KEBS	% Representation in KEBS	% Proportionate Representation in the National Population	% Variance
Taita	17	1.64	0.72	0.92
Taveta	2	0.19	0.06	0.13
Teso	2	0.19	0.89	-0.70
Turkana	3	0.29	2.14	-1.85

VIII. The Status of Compliance of the Institution with the Section 7 of the NCI Act, 2008 and Article 232 (1) (h) And (i) of the Constitution and the Strategies the Institution has Employed since the Passage of the Constitution to Ensure Compliance.

112. The CEO submitted that KEBS has progressively increased representation of ethnic groups from eighteen (18) in 2010 to twenty-seven (27) in 2023. Further, all KEBS employees are treated with fairness and just in all administrative operations guided by existing policies.

IX. The Challenges the Institution has faced in its bid to Enhance Diversity of Employees and the Mitigation Measures to curb the Challenge.

113. KEBS is majorly a technical institution in need of recruitments of engineers, chemists, microbiologists, physicists among other technical fields. Despite efforts while sourcing for candidates in the mentioned fields, the response from applicants who are from marginalized and minority communities and persons with disability is still low thus talent pools attracted. This is being mitigated by attachments and internship programs with the Ministry of Public Service.

X. Measures put in place, if any, to Promote a Friendly Work Environment for Persons Living with Disabilities.

114. The measures put in place at KEBS are as follows:
- i. Main entrance: the signages are clear for the visual impaired and connectivity to offices is good.
 - ii. Pathways: the pathways are wide with accommodative service for persons with disabilities. The connectivity to the main roads is well done thus accessible.
 - iii. Drop off areas: There is a drop off area that is visible from the main entrance.

- iv. Ramps: ramps are accessible because they are in the right gradient. This promotes independence for persons using assistive devices like wheelchairs, crutches etc. for mobility.
- v. Corridors: the corridors are wide enough for those using wheelchairs, crutches and guides for mobility. This enables them to maneuver around with ease. When there is an emergency, wide corridors accommodate people including those with assistive devices.
- vi. Stairs: They are well done, intermediate handrails installed. Persons with visual impairment can use the stairs themselves without being guided which is a plus for their mobility.
- vii. Reception area: it is accessible as the reception desk and sitting area can be accessed with ease.
- viii. Washrooms: accessible washroom for PWD is in place.
- ix. Library: it is composed of standard materials; the books are bought according to request and the standards are sold through the website.
- x. Job advertisement: job adverts were done and encouraged PWD to apply.

XI. Information on Staff Promotion in the past 5 years in terms of Ethnicity, Gender, Age and Persons with Disabilities.

115. Table 72 and 73 below details the information on staff promotion in the past 5 years as per ethnicity and gender.

Table 72: Staff Promotions in terms of Ethnicity in KEBS

Ethnic Group	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Borana	0	0	0	0	0
Embu	1	0	1	0	4
Gabra	0	0	0	0	0
Ilchamus/Njemps	0	0	0	0	0
Kalenjin	7	19	8	22	21
Kamba	10	18	15	7	8
Kenyan Asian	0	0	0	0	0
Kikuyu	10	14	11	14	8
Kisii	5	12	7	12	18
Kuria	0	0	0	0	0
Luhya	8	9	12	11	9
Luo	9	15	10	11	11

Ethnic Group	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Maasai	1	3	1	0	3
Mbeere	0	1	0	0	0
Meru	7	1	8	5	4
Mijikenda	2	7	2	6	2
Nubian	0	0	0	0	1
Orma	0	0	0	0	0
Rendille	0	0	0	0	0
Samburu	0	0	0	0	0
Somali	2	5	3	8	3
Suba	0	0	0	0	0
Swahili	0	0	0	0	1
Taita	2	2	3	2	1
Taveta	0	1	1	1	0
Teso	0	0	0	0	0
Turkana	0	1	0	0	0
Total	64	108	82	99	94

Table 73: KEBS Staff Promotions in terms of Gender

Female	35	45	41	48	44
Male	29	63	41	51	50
Total	64	108	82	99	94

3.4.2 Committee Observations

116. The Committee made the following observations:

- i. Only twenty-seven (27) out of forty-six (46) ethnic groups have been employed in KEBS contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. At Senior Management Level, only nine (9) ethnic groups are represented namely Kalenjin, Kamba, Kikuyu, Kisii, Luhya, Luo, Mijikenda, Somali and Suba;
- ii. Majority of KEBS employees are from three (3) communities namely, Kalenjin at 15.96%, Kikuyu at 18.47% and Luo at 14.31%;

- iii. KEBS has six hundred and twenty-nine (629) male staff members and four hundred and five female staff members translating to 60.83% and 39.17% respectively, achieving the two thirds gender rule;
- iv. KEBS has a youth representation of 24.47%; showing it has not accorded employment opportunities to the youth in line with Article 55 (c) of the Constitution;
- v. KEBS has not complied with article 54 (2) on the 5% threshold of Persons with Disabilities (PWDs) employment since it is at 1.4%;
- vi. KEBS has only seven (7) female staff members out of the twenty-four (24) represented in the composition of employees at Senior Management Level;
- vii. Before the passage of the 2010 Constitution, KEBS had only eighteen (18) ethnic groups with the Kikuyu community dominating at 21.41%. KEBS has since increased the number of ethnic groups to twenty-seven (27) reducing the representation of Kikuyu to 18.47%;
- viii. In the ratio of between National population and employment proportion, the Luo community is overrepresented with a positive variance of 3.66%; and
- ix. Promotions done in KEBS in the last five (5) years, the Kalenjin, Kamba, Kikuyu, Luo and Kisii communities dominate at three hundred and two (302) translating to 67.56% out of the four hundred and forty-seven (447) employees promoted.

3.4.3 Committee Recommendations

117. The Committee made the following recommendations:
- i. KEBS should work closely with the National Council for Persons with Disabilities (NCPWD) on job advertisements in order to reach more Persons with Disabilities (PWDs);
 - ii. The Institution should expand the scope of the job advertisements which will enable it to reach more ethnic groups;
 - iii. KEBS should employ affirmative action measures in employment to enhance diversity representation of all the forty-six (46) ethnic groups in the Authority, in line with Article 232 of the Constitution; and
 - iv. KEBS should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and Persons with Disabilities (PWDs).

3.5 KENYA NATIONAL SHIPPING LINE (KNSL)

118. Kenya National Shipping Line (KNSL) was established in the late 1988 by the Kenyan Government and operates from its head office in Mombasa.

119. The Acting Managing Director Mr. Joseph Juma, appeared before the Committee on Friday, 14th April 2023 and made the following submissions;

3.5.1 Submissions

I. The Current Employees' Composition in terms of Ethnicity, Age and Gender.

120. Tables 74, 75 and 76 below show the staff composition by ethnicity at KNSL.

Table 74: Staff Composition by Ethnicity

No.	Ethnicity	No. of Staff
1.	Kalenjin	1
2.	Kamba	4
3.	Kikuyu	2
4.	Mijikenda	1
5.	Luhya	4
6.	Luo	6
7.	Meru	1
8.	Total	19

Table 75: Staff Composition by Age

Age (Years)	Number of Staff
18 – 30	0
31 – 35	4
36 – 40	5
41 – 45	4
46 – 50	3
51 – 55	2
56 – 60	1
Total	19

Table 76: Staff Composition by Gender

Gender	No. of Staff
Male	14
Female	5
Total	19

II. Composition of the Governing Body of the Institution in terms of Age, Gender, Ethnicity and Persons with Disability.

121. KNSL Board is composed of nine (9) members who are aged over fifty (50) years, eight (8) are male and one (1) female and the ethnicity composition is illustrated in table 77 below:

Table 77: KNSL Board

Ethnicity	No. of Staff
Kalenjin	2
Kamba	1
Kisii	1
Taita	2
Non-Kenyans	3
Total	9

III. Composition of Employees at Senior Management Level, Middle Level and Low-Level Cadres in terms of Ethnicity, Age, Gender and Persons with Disability.

122. Tables 78,79 & 80 below show the staff composition at Senior, Middle & Low Management Levels in KNSL.

Table 78: Analysis by Ethnicity

Ethnicity	Management Staff	Non-Management Staff
Kalenjin	0	1
Kamba	1	3
Kikuyu	1	1
Mijikenda	0	1
Luhya	1	3

Ethnicity	Management Staff	Non-Management Staff
Luo	1	5
Meru	1	0
Total	5	14

Table 79: Analysis by Age

Age (Years)	Management Staff	Non-Management Staff
18 – 30	0	0
31 – 35	0	4
36 – 40	1	4
41 – 45	1	3
46 – 50	1	2
51 – 55	1	1
56 – 60	1	0
Total	5	14

Table 80: Analysis by Gender

Gender	Management Staff	Non-Management Staff
Male	4	10
Female	1	4
Total	5	14

IV. The Total Number of Employees in the Institution before the Passage of the New Constitution (August 2010) and their Ethnic Representation.

123. Table 81 below shows the total number of employees in KNSL before the passage of the New Constitution.

Table 81: Total No. of Employees Prior To August 2010

Ethnicity	No. of Staff
Kalenjin	1
Kamba	2
Kikuyu	2

Mijikenda	2
Luhya	1
Luo	8
Meru	1
Total	17

V. The Total Number of Staff Employed in the Last Three Mass Recruitments and their Representation in terms of Ethnicity, Age, Gender and Persons with Disability.

124. KNSL has employed only three staff members in the last five years. Among the three staff, two are from Kamba community and one from Luhya ethnicity. They are all male aged thirty (30), (34) and fifty (55) years and none is a Person with Disability (PWD).

VI. The Ratio between the National Population and Employment Proportion in the Institution (Underrepresentation and Overrepresentation) based on 2019 National Population and Housing Census.

125. Table 82 below shows the ratio between the National population and employment proportion in KNSL.

Table 82: Ratio between the National Population & Employment Proportion

Ethnicity	No. of Staff	% Proportionate Representation in the National population	% Proportionate Representation in KNSL	Underrepresentation / Overrepresentation
Kalenjin	1	13.37	6.25	7.12
Kamba	4	9.81	25	(15.19)
Kikuyu	2	17.13	12.5	4.63
Mijikenda	1	5.23	6.25	(1.02)
Luhya	4	14.35	25	(10.65)
Luo	6	10.65	37.5	(26.85)
Meru	1	4.15	6.25	(2.1)

VII. The Status of Compliance of the Institution with the Section 7 of the NCI Act, 2008 and Article 232 (1) (h) And (i) of the Constitution and the Strategies the Institution has Employed since the Passage of the Constitution to Ensure Compliance.

126. The Managing Director submitted that KNSL continues to ensure compliance with Article 232 (1) (h) and (i) of the Constitution on representation of Kenya's diverse communities and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of men and women; the members of all ethnic groups and persons with disabilities.

VIII. The Challenges the Institution has faced in its bid to Enhance Diversity of Employees and the Mitigation Measures to curb the Challenge.

127. The Institution has a low staff population of 19 members and the Company is undergoing restructuring. This has limited the recruitment, promotion and training of staff members.

IX. Measures put in place, if any, to Promote a Friendly Work Environment for Persons Living with Disabilities.

128. The Managing Director submitted that KNSL has been working closely with National Council of Persons with Disabilities (NCPWD), Mombasa, on sensitization of staff on ways to provide service to Persons with Disabilities (PWDs). KNSL has trained customer care staff on sign language interpretation, translated the service charter into Braille and registered in the National Council of Persons with Disabilities NCPWD's career portal for ease of access on any job opportunities. The Company leased premises have a ramp and elevators for ease of access of the company services.

3.5.2 Committee Observations

129. The Committee made the following observations:
- i. Only seven (7) out of the forty-six (46) ethnic groups have been employed in KNSL contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. At Senior Management Level, five (5) ethnic groups have been represented namely; Kamba, Kikuyu, Luhya, Luo and Meru;
 - ii. Majority of KNSL employees are from three (3) ethnic groups namely, Luo at 31.58%, Luhya at 21.05% and Kamba at 21.05%;
 - iii. The institution has fourteen (14) male staff members and five (5) female staff members translating to 73.68% and 26.32% respectively, not achieving the required two thirds gender rule;

- iv. The Shipping Line has a low youth representation at 28.57%; showing it has not accorded employment opportunities to the youth in line with Article 55 (c) of the Constitution;
- v. KNSL has not complied with Article 54 (2) on the 5% threshold of Persons with Disabilities (PWDs) employment since there is no employee living with Disability;
- vi. KNSL has only one (1) female staff member out of five (5) in the composition at Senior Management Level;
- vii. Before the passage of the 2010 Constitution, KNSL still had seven (7) ethnic groups with the Luo community dominating at 73.68%. The institution has since retained the number of ethnic groups but has managed to reduce the representation of the Luo community; and
- viii. In the ratio between the National population and employment proportion, the Kalenjin community is overrepresented with a positive variance of 7.12%.

3.5.3 Committee Recommendations

130. The Committee made the following recommendations:
- i. KNSL should expand the scope of the job advertisements which will enable it to reach more ethnic groups;
 - ii. KNSL should employ affirmative action measures in employment to enhance diversity representation of all the forty-six (46) ethnic groups in the Authority, in line with Article 232 of the Constitution;
 - iii. The Institution should work closely with the National Council for Persons with Disabilities (NCPWD) on job advertisements in order to reach more Persons with Disabilities (PWDs); and
 - iv. KNSL should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and Persons with Disabilities (PWDs).

3.6 PWANI UNIVERSITY

131. Pwani University is a public university in the Kilifi County in Kenya which was established on 23rd August 2007. Prior to the award of a charter, the university was a constituent college of Kenyatta University.
132. The Vice Chancellor Prof. Mohammed S Rajab, appeared before the on Friday, 14th April 2023 and made the following submissions:

3.6.1 Submissions

I. The Current Employees' Composition in terms of Ethnicity, Age and Gender.

133. Table 83 below illustrates the ethnic representation at Pwani University as at 31st March, 2023.

Table 83: Ethnic Representation

No.	Ethnic Group	No.	Percentage %
1.	Kenyan Arab	2	0.465
2.	Bajuni	1	0.232
3.	Baluchi	2	0.465
4.	Kalenjin	14	3.256
5.	Kamba	36	8.372
6.	Kikuyu	47	10.93
7.	Kisii	6	1.4
8.	Luhya	66	15.348
9.	Luo	47	10.930
10.	Meru	3	0.697
11.	Mijikenda	144	33.488
12.	Pokomo	4	0.93
13.	Rendille	1	0.232
14.	Somali	2	0.465
15.	Swahili	11	2.557
16.	Taita	38	8.84
17.	Taveta	2	0.465
18.	Teso	1	0.232
19.	Non-Kenyans	3	0.697
	Total	430	100

134. Pwani University consists of both teaching and non-teaching members of staff. The retirement age for teaching members of staff is seventy or seventy-five (70/75) years and that of non-teaching staff is sixty (60) years and sixty-five (65) years for Persons with Disabilities (PWDs). Table 84 below shows the staff representation by age.

Table 84: Staff Representation by Age

Age	No.	Percentage %
20-29	6	1.4
30-39	93	21.63
40-49	156	36.28
50-59	123	28.6
60 & above	52	12.09
Total	430	100

135. Table 85 below illustrates the staff representation by gender.

Table 85: Staff Representation by Gender

Gender	No. of Staff	Percentage %
Female	158	36.74
Male	272	63.26
Total	430	100

II. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

136. The number of Persons with Disabilities (PWDs) at Pwani University stands at 1% as indicated in table 86 below:

Table 86: Composition of Persons with Disabilities (PWDs)

Gender	No. of Staff	Percentage %
Female	2	0.465
Male	2	0.465
Total	4	1

III. Composition of the Governing Body of the Institution in terms of Age, Gender, Ethnicity and Persons with Disability.

137. Table 87 below indicates the composition of the members of the University Council.

Table 87: University Council

Name	Position	Gender	Ethnicity	Age	Persons with Disabilities
Prof. Mohamed Said Rajab	CEO/VC	Male	Swahili	63	None
Dr. Samuel Ochola	Chairperson	Male	Luo	81	None
Dr. Samuel M. Nyanchae	Independent Member	Male	Kisii	56	None
Benard Iria	Independent Member	Male	Kikuyu	61	None
Noor Dahir Yusuf	Independent Member	Male	Somali	32	None
Renee Muthoni Kariuki	Independent Member	Female	Kikuyu	34	None
Nerreah Olick	Alternate Member	Female	Luo	49	None

IV. Composition of Employees at Senior Management Level, Middle Level and Low-Level Cadres in terms of Ethnicity, Age, Gender and Persons with Disability.

138. Table 88 below indicates the ethnic composition of Vice Chancellor and Deputy Vice Chancellors.

Table 88: Vice & Deputy Chancellors Ethnic Representation

Ethnic Group	No.
Swahili	1
Luhya	1
Mijikenda	2
Total	4

139. Table 89 below shows the ethnic representation of staff at Senior Management Level.

Table 89: Ethnic Representation at Senior Management Level

Ethnic Group	No.
Baluchi	1
Bosutu	1
Kalenjin	3
Kamba	5
Kikuyu	8

Ethnic Group	No.
Kisii	1
Luhya	14
Luo	8
Meru	1
Mijikenda	21
Pokomo	1
Somali	1
Swahili	5
Taita	3
Ugandan	1
Total	74

140. Table 90 below illustrates the staff representation by gender at Senior Management Level.

Table 90: Gender Representation at Senior Management Level

Gender	No. of Staff	Percentage (%)
Female	16	21.63
Male	58	78.37
Total	74	100

141. Table 91 below shows the age representation at Senior Management Level.

Table 91: Age Representation at Senior Management Level

Age Range	Number
20-29	0
30-39	5
40-49	21
50-59	29
60 & above	19
Total	74

142. Table 92 below shows the middle level management staff ethnic representation as at 31st March, 2023.

Table 92: Staff Ethnic Representation at Middle Level Management

Ethnic Group	Number
Bajuni	1
Baluchi	1
Kalenjin	7
Kamba	18
Kenyan Arabs	1
Kikuyu	25
Kisii	3
Luhya	38
Luo	27
Meru	1
Mijikenda	33
Pokomo	2
Rendille	1
Rwandese	1
Somali	1
Swahili	5
Taita	18
Taveta	2
Total	78

143. Table 93 below illustrates the staff representation by gender at Middle Level Management.

Table 93: Gender Representation at Middle Level

Gender	No. of Staff	Percentage %
Female	64	34.59
Male	121	65.41
Total	185	100

144. Table 94 below shows staff representation by age at Middle Level Management.

Table 94: Age Representation at Middle Level Management

Age Range	Number	Percentage %
30-39	37	20
40-49	71	38.38
50-59	56	30.27
60 & above	21	11.35
Total	185	100

145. Table 95 below shows the lower cadre staff ethnic representation as at 31st March, 2023.

Table 95: Staff Ethnic Representation at Lower Cadre

Ethnic Group	Number	Percentage %
Kalenjin	5	3
Kamba	13	7.8
Kenyan Arabs	1	0.6
Kikuyu	14	8.38
Kisii	2	1.2
Luhya	12	7.2
Luo	12	7.2
Meru	1	0.6
Mijikenda	88	52.70
Pokomo	1	0.6
Taita	17	10.1
Teso	1	0.6
Total	167	100

146. Table 96 below shows the staff representation by gender at lower cadre.

Table 96: Gender Representation at Lower Cadre

Gender	No. of Staff	Percentage %
Female	77	46.11

Gender	No. of Staff	Percentage %
Male	90	53.89
Total	167	100

147. Table 97 below shows the staff representation by age at lower cadre.

Table 97: Age Representation at Lower Cadre

Age Range	Number	Percentage %
20-30	6	3.593
30-39	51	30.539
40-49	64	38.323
50-59	38	22.754
60 & above	8	4.791
Total	167	100

148. Table 98 below shows the representation of Persons living with Disabilities as at 31st March, 2023.

Table 98: PWDs Representation

Ethnic Group	Number	Management Level	Age
Kalenjin	1	Middle Level	42
Luo	1	Lower Cadre	32
Mijikenda	1	Lower Cadre	48
Mijikenda	1	Lower Cadre	60
Total	4		

V. The Total Number of Employees in the Institution before the Passage of the New Constitution (August 2010) and their Ethnic Representation.

149. Table 99 below shows the staff ethnic representation prior to August 2010.

Table 99: Ethnic Representation Prior to August 2010

Ethnic Group	Number	Percentage %
Baluchi	2	0.87

Ethnic Group	Number	Percentage %
Bosutu	1	0.43
Kalenjin	7	3.04
Kamba	13	5.65
Kikuyu	22	9.57
Kisii	3	1.3
Luhya	28	12.17
Luo	23	0.43
Meru	1	0.43
Mijikenda	99	43.04
Pokomo	1	0.43
Somali	1	0.43
Swahili	11	4.78
Taita	18	7.83
Total	230	100

VI. The Total Number of Staff Employed in the Last Three Mass Recruitments and their Representation in terms of Ethnicity, Age, Gender and Persons with Disability.

150. Tables 100 to 103 below show the total number of staff employed in the last three (3) mass recruitments at Pwani University.

Table 100: Staff Employed in the Last Three Mass Recruitments

Period of Employment	Total No. of Staff Employed	Percentage %
January to March 2022	6	26.09
July to September	6	26.09
January 2023	11	47.82
Total	23	100

Table 101: Ethnicity Representation

Ethnic Groups	No. of Staff	Percentage %
Chonyi	2	8.7
Duruma	1	4.35

Ethnic Groups	No. of Staff	Percentage %
Giriama	1	4.35
Kamba	3	13.04
Kikuyu	5	21.74
Luhya	4	17.40
Luo	4	17.40
Meru	1	4.35
Rendille	1	4.35
Swahili	1	4.35
Total	23	100

Table 102: Age Representation

Age	No. of Staff	Percentage %
25-30	5	21.75
31-35	3	13.04
36-40	7	30.43
41-50	7	30.43
Above 50	1	4.25
Total	23	100

Table 103: Gender Representation

Gender	No. of Staff	Percentage %
Female	6	26.08
Male	17	73.92
Total	23	100

VII. The Ratio between the National Population and Employment Proportion in the Institution (Underrepresentation and Overrepresentation) based on 2019 National Population and Housing Census.

151. Table 104 below shows the ratio between National population and employment in the institution based on 2019 National Population and Housing Census.

Table 104: Ratio between the National Population and Employment Proportion

Ethnic Community	Total Population (2019 Census)	% Proportionate Representation in the National Population	No. of Officers in Pwani University	% Proportionate Representation in Pwani University	% Variance
Bajuni	91422	0.19	3	0.003281486	0.186718514
Kalenjin (Arror, Cherangany, Endo, Endorois, Keiyo, Kipsigis, Lembus, Marakwet, Nandi, Ogiek, Pokot, Sabaot/Kony/Bong'omek, Samor, Senger, Sengwer, Terik, Tugen)	6358113	13.37	14	0.000220191	-13.3697798
Kamba	4663910	9.81	36	0.000771885	-9.80922811
Kenyan Somali (Kenyan Somali – so stated, Ajuran, Degodia, Gureeh, Hawiyah, Leysan, Murulle, Ogaden)	2780502	5.85	2	7.1929505	-5.84992807
Kikuyu	8148668	17.13	47	0.000576781	17.12942322
Kisii	2703235	5.68	6	0.000221956	5.679778044
Luhya (Abakhenye, Bakhayo, Banyala, Banyore, Batsotso, Batura, Bukusu, Idakho, Isukha, Kabras, Kisa,	6823842	14.35	66	0.000967197	-14.3490328

Ethnic Community	Total Population (2019 Census)	% Proportionate Representation in the National Population	No. of Officers in Pwani University	% Proportionate Representation in Pwani University	% Variance
Marachi, Maragoli, Marama, Samia, Tachoni, Tiriki, Wanga)					
Luo	5066966	10.65	47	0.000927577	10.64907242
Meru	1975869	4.15	3	0.000151832	- 4.149848168
Mijikenda (Chonyi, Digo/Wafundi/Wasakwa, Duruma, Giriama, Jibana, Kambe, Kauma, Rabai, Ribe)	2488691	5.23	144	0.005786174	- 5.224213826
Pokomo	112075	0.24	4	0.003569039	- 0.236430961
Rendille	96313	0.2	1	0.001038281	- 0.198961719
Swahili (Amu, Barawa, Chitundi, Jomvu, Mnyoyaye/Muyeyaya, Mvita, Ngarer, Pate, Siu, Vumba, Wachangamwe, Wafaza, Wakatwa, Wakilifi, Wakilindini, Wamtwapa, Washaka, Watangana, Watikuu	56074	0.12	12	0.021400292	-0.09859970
Taita	344415	0.72	38	0.011033201	-0.70896679
Taveta	26590	0.06	2	0.007521625	-0.05247837

Ethnic Community	Total Population (2019 Census)	% Proportionate Representation in the National Population	No. of Officers in Pwani University	% Proportionate Representation in Pwani University	% Variance
Teso	417670	0.88	1	0.000239423	0.879760577
Kenyan Arabs	59021	0.12	2	0.003388624	0.116611376
Non-Kenyans	463562	0.97	2	0.000431442	0.969568558

VIII. The Status of Compliance of the Institution with the Section 7 of the NCI Act, 2008 and Article 232 (1) (h) And (i) of the Constitution and the Strategies the Institution has Employed since the Passage of the Constitution to Ensure Compliance.

152. The Vice Chancellor submitted the status of compliance is as follows:
- i. Pwani University is an equal opportunity employer whereby female candidates and Persons with Disabilities are encouraged to apply during recruitment.
 - ii. Pwani University sensitizing staff and students on the National values and principles of Governance and submitting the reports annually.
 - iii. By educating workers about discrimination in the workplace by dealing with any complaints of discrimination promptly and confidentially.
 - iv. By developing policies and enforcing/implementation of the policies in order to avoid discrimination e.g., code of conduct.
 - v. By submitting reports to the National Integration Commission quarterly and annually.

IX. The Challenges the Institution has faced in its bid to Enhance Diversity of Employees and the Mitigation Measures to curb the Challenge.

153. Pwani University faces the following challenges in its bid to enhance diversity of employees and mitigation measures to curb the challenges:

Challenges	Mitigation
Recruitment of Persons with Disabilities (PWDs) to comply with the 5% rule	Encouraging Persons with Disabilities (PWDs) to apply by stating it in the advertisements and

	sharing the vacant positions with the National Council of Persons with Disabilities (NCPWD)
Attraction of professional areas whereby few members of staff apply.	By placing the advertisements in the daily newspapers and the website in order to attract a big pool.
Labour turnover brought about by the location of the University.	Retention of members of staff by offering competitive salaries and other benefits.

X. Measures put in place, if any, to Promote a Friendly Work Environment for Persons Living with Disabilities.

154. The University has put in place the following strategies;
- i. Accessible website.
 - ii. Accessibility of buildings.
 - iii. Kenya sign language.
 - iv. Accessible parking.
 - v. Accommodation for staff or students living with disabilities.
 - vi. Advertisement and recruitment.

3.6.2 Committee Observations

155. The Committee made the following observations:
- i. Only nineteen (19) out of the forty-six (46) ethnic groups have been employed in University contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution;
 - ii. Majority of Pwani University employees are from four (4) ethnic groups namely, Mijikenda at 33.49%, Luo at 10.93%, Luhya at 15.35% and Kikuyu at 10.93%;
 - iii. The University has one hundred and fifty-eight (158) female staff members and two hundred and seventy-two (272) male staff members translating to 36.74% and 63.26% respectively, achieving the required two thirds gender rule;
 - iv. Majority of the staff at the University is aged above 50 years, with 42% representation. The University has a youth representation of 23.02%; showing it has not accorded employment opportunities to the youth in line with Article 55 (c) of the Constitution;

- v. Pwani University has not complied with Article 54 (2) on the 5% threshold of Persons with Disabilities (PWDs) employment since it is at 1%;
- vi. The University has sixteen (16) female staff members out of seventy-four (74) in the composition at Senior Management Level;
- vii. Before the passage of the 2010 Constitution, the University had fourteen (14) ethnic groups with the Mijikenda community dominating at 43.04%. The University has since increased the number of ethnic groups to nineteen (19) reducing the representation of the Mijikenda to 43.04%; and
- viii. In the ratio between the National population and employment proportion, the Kikuyu community is overrepresented with a positive variance of 17.129%.

3.6.3 Committee Recommendations

- i. The University should expand the scope of the job advertisements which will enable it to reach more ethnic groups;
- ii. Pwani University should employ affirmative action measures in employment to enhance diversity representation of all the forty-six (46) ethnic groups in the Authority, in line with Article 232 of the Constitution;
- iii. The University should work closely with the National Council for Persons with Disabilities (NCPWD) on job advertisements in order to reach more Persons with Disabilities (PWDs); and
- iv. Pwani University should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender, youth and Persons with Disabilities (PWDs).

3.7 KENYA MARITIME AUTHORITY

156. Kenya Maritime Authority (KMA) was set up in June 2004 as the semi-autonomous agency in charge of regulatory oversight over the Kenyan maritime industry.
157. The Acting Director General Mr. John Omingo, appeared before the Committee on Saturday, 15th April 2023 and made the following submissions;

3.7.1 Submissions

I. The Current Employees' Composition in terms of Ethnicity, Age and Gender.

158. The Authority's ethnic representation is as table 105 below with a representation of twenty-four (24) ethnic communities.

Table 105: Ethnic Representation

No.	Ethnic Community	Total Staff	% Representation
1.	Bajuni	5	4.2
2.	Basuba	2	1.68
3.	Chonyi	7	5.88
4.	Digo	12	10.08
5.	Duruma	1	0.84
6.	Embu	2	1.68
7.	Giriana	3	2.52
8.	Kamba	11	9.24
9.	Kambe	1	0.84
10.	Keiyo	2	1.68
11.	Kikuyu	8	6.72
12.	Kipsigis	4	3.36
13.	Kisii	7	5.88
14.	Luhya	11	9.24
15.	Luo	19	15.97
16.	Maasai	1	0.84
17.	Meru	2	1.68
18.	Nandi	3	2.52
19.	Rabai	3	2.52
20.	Swahili	2	1.68
21.	Taita	8	6.72
22.	Teso	1	0.84
23.	Tugen	3	2.52
24.	Turkana	1	0.84
	Total	119	100

159. Table 106 below shows age representation in Kenya Maritime Authority.

Table 106: Age Representation

Age Group	Total Staff
29-33	15
34-38	25
39-43	35
44-48	19
49-54	13
55-60	9
61 & above	3
Total	119

160. Table 107 below shows the representation in terms of gender.

Table 107: Gender Representation

Gender	Total Staff	% Representation
Female	45	37.82
Male	74	62.18
Total	119	100

II. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

161. Table 108 below illustrates the representation of Persons with Disabilities (PWDs) in the Authority.

Table 108: PWD Representation

Number	No. of Staff
Total staff employed	119
Total PWDs employed	4
% Representation	3.36%

III. Composition of the Governing Body of the Institution in terms of Age, Gender, Ethnicity and Persons with Disability.

162. There is a newly appointed governing body that is yet to officially report to the Authority however, table 109 below shows of the officers currently in office.

Table 109: Governing Body

Age	Gender	Ethnicity	PWD	Total
45	Male	Kamba	None	1
50	Male	Digo	None	1
53	Male	Kamba	None	1

163. Table 110 shows the representation of the newly appointed board members per gender and disability status.

Table 110: Gender & Disability Status

Gender	PWD	Total
Female	None	2
Male	None	3

IV. Composition of Employees at Senior Management Level, Middle Level and Low-Level Cadres in terms of Ethnicity, Age, Gender and Persons with Disability.

164. The tables below show the ethnic, age, gender and Persons with Disabilities at all management levels in the Authority.

Table 111: Ethnic Representation

Ethnic group	Senior Management (KMA 1-3)	Middle Level (KMA 4)	Lower Cadres (KMA 5-10)	Total
Bajuni	0	2	3	5
Basuba	1	0	1	2
Chonyi	1	2	4	7
Digo	1	1	10	12
Duruma	0	0	1	1

Ethnic group	Senior Management (KMA 1-3)	Middle Level (KMA 4)	Lower Cadres (KMA 5-10)	Total
Embu	0	0	2	2
Giriama	0	0	3	3
Kamba	1	2	8	11
Kambe	0	0	1	1
Keiyo	1	0	1	2
Kikuyu	1	1	6	8
Kipsigis	1	1	2	4
Kisii	0	1	6	7
Luhya	2	3	6	11
Luo	3	5	11	19
Maasai	0	0	1	1
Meru	0	1	1	2
Nandi	0	1	2	3
Rabai	1	0	2	3
Swahili	0	1	1	2
Taita	0	1	7	8
Teso	0	0	1	1
Tugen	0	1	2	3
Turkana	0	0	1	1
Total	13	23	83	119

Table 112: Age Representation

Age Groups	Senior Management (KMA 1-3)	Middle Level (KMA 4)	Lower Cadres (KMA 5-10)	Total
29-33	0	0	15	15
34-38	2	2	21	25

39-43	2	9	24	35
44-48	3	5	11	19
49-54	1	3	9	13
55-60	4	3	2	9
61 & above	1	1	1	3
Total	13	23	83	119

Table 113: Gender Representation

Gender	Senior Management (KMA 1-3)	Middle Level (KMA 4)	Lower Cadres (KMA 5-10)	Total
Female	3	7	35	45
Male	10	16	48	74
Total	13	23	83	119

Table 114: PWD Representation

PWDs	Senior Management (KMA 1-3)	Middle Level (KMA 4)	Lower Cadres (KMA 5-10)	Total
Female	0	0	1	1
Male	1	1	1	3
Total	1	1	2	4

V. The Total Number of Employees in the Institution before the Passage of the New Constitution (August 2010) and their Ethnic Representation.

165. Table 115 below shows the total number of employees in the Authority prior to August 2010, including their ethnic representation.

Table 115: Total No. of Employees before the Passage of the New Constitution

Ethnic Community	Total Staff
Basuba	1

Ethnic Community	Total Staff
Chonyi	3
Digo	4
Embu	1
Giriama	2
Kamba	6
Kambe	1
Keiyo	1
Kikuyu	9
Kipsigis	3
Kisii	5
Luhya	5
Luo	15
Meru	2
Nandi	2
Rabai	2
Swahili	2
Taita	3
Total	67

VI. The Ratio between the National Population and Employment Proportion in the Institution (Underrepresentation and Overrepresentation) based on 2019 National Population and Housing Census.

166. Table 116 below illustrates the gender ratio between National population and employment proportion in the Authority.

Table 116: Gender Ratio between National Population and Employment Proportion in KMA

Gender	2019 National Population	Employment Proportion in KMA
Female	24,014,716	45
Male	23,548,056	74

Intersex	1,524	0
Total	47,564,296	119

VII. The Status of Compliance of the Institution with the Section 7 of the NCI Act, 2008 and Article 232 (1) (h) And (i) of the Constitution and the Strategies the Institution has Employed since the Passage of the Constitution to Ensure Compliance.

167. The Director General submitted that Kenya Maritime Authority has not employed more than one third of its staff from the same ethnic community. The Authority also strives to provide equal opportunities to men, women and Persons with Disabilities (PWDs).

VIII. The Challenges the Institution has faced in its bid to Enhance Diversity of Employees and the Mitigation Measures to curb the Challenge.

168. The Authority faces challenges during its recruitment drive in that the Authority rarely receives application documents from some of the ethnic communities in Kenya while other applicants fail to meet the required criteria hence making it impossible to consider the applicants for the job without favor. The mitigation measures include but not limited to encouraging all the qualified candidates to apply for the advertised jobs.

IX. Measures put in place, if any, to Promote a Friendly Work Environment for Persons Living with Disabilities.

169. The following are measures put in place to promote a friendly work environment for Persons with Disabilities (PWDs);

- i. Provision of ramps on walk ways.
- ii. Disability friendly washrooms.
- iii. Reserved parking for PWDs.
- iv. Lifts in the newly constructed KMA towers.

X. Information on Staff Promotion in the past 5 years in terms of Ethnicity, Gender, Age and Persons with Disabilities.

170. Table 117 below shows the information on staff promotion in the Authority.

Table 117: Staff Promotion in the past five years

Ethnic Community	Gender	Age	Disability Status
Tugen	Female	35	None
Luo	Male	41	None
Kikuyu	Male	42	None
Rabai	Male	52	PWD
Luo	Male	54	None

3.7.2 Committee Observations

171. The Committee made the following observations;

- i. Only twenty-four (24) out of the forty-six (46) ethnic groups have been employed in the Authority contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. Only ten (10) ethnic groups have been represented at Senior Management Level namely; Basuba, Chonyi, Digo, Kamba, Keiyo, Kikuyu, Kipsigis, Luhya, Luo and Rabai;
- ii. Majority of KMA employees are from three (3) ethnic groups namely, Digo at 10.08%, Luo at 15.97% and Kamba at 9.24%;
- iii. KMA has forty-five (45) female staff members and seventy-four (74) male staff members translating to 37.82% and 62.18% respectively, achieving the required two thirds gender rule;
- iv. Majority of the staff at the Authority is aged below 40 years, showing that the Authority has fairly accorded employment opportunities to the youth in line with Article 55 (c) of the Constitution;
- v. The Authority has not complied with Article 54 (2) on the 5% threshold of Persons with Disabilities (PWDs) employment since it is at 3.36%;
- vi. KMA has only three (3) female staff members out of the thirteen (13) represented in the composition of employees at Senior Management Level;
- vii. Before the passage of the 2010 Constitution, KMA had eighteen (18) ethnic groups with the Luo community dominating at 22.39%. The Authority has since increased the number of ethnic groups to twenty-four (24) reducing the representation of the Luo to 15.97%.

3.7.3 Committee Recommendations

172. The Committee made the following recommendations:

- i. The Authority should expand the scope of the job advertisements which will enable it to reach more ethnic groups;
- ii. KMA should employ affirmative action measures in employment to enhance diversity representation of all the forty-six (46) ethnic groups in the Authority, in line with Article 232 of the Constitution;
- iii. The Authority should work closely with the National Council for Persons with Disabilities (NCPWD) on job advertisements in order to reach more Persons with Disabilities (PWDs); and
- iv. KMA should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and Persons with Disabilities (PWDs).

3.8 COAST DEVELOPMENT AUTHORITY

173. Coast Development Authority (CDA) is a state corporation established by an Act of Parliament No. 20 of 1990 (Cap 449), revised in 1992 with the mandate to provide integrated development planning, coordination and implementation of projects and programmes within the whole of Coast region.

174. The Managing Director, Mr. Mohamed Keinan Hassan Ph.D., OGW appeared before the Committee on Saturday, 15th April 2023 and made the following submissions;

3.8.1 Submissions

I. The Current Employees' Composition in terms of Ethnicity, Age and Gender.

175. Table 118 below shows the staff composition in terms of ethnicity and gender.

Table 118: Ethnic & Gender Composition

No.	Ethnicity	Gender		No. of Staff	Percentage
		Male	Female		
1.	Mijikenda	39	17	56	42.86
2.	Taita	9	8	17	12.78
3.	Kenyan Somali	7	4	11	8.27
4.	Kikuyu	4	5	9	6.77
5.	Luhya	3	5	8	6.02

6.	Kalenjin	4	3	7	5.26
7.	Pokomo	5	2	7	4.51
8.	Kamba	1	3	4	3.01
9.	Luo	2	2	4	3.01
10.	Kisii	1	2	3	2.26
11.	Orma	2	-	2	1.5
12.	Taveta	1	-	1	0.75
13.	Swahili	-	1	1	0.75
14.	Bajuni	-	1	1	0.75
15.	Wailwana/Malakote	1	-	1	0.75
16.	Meru	1	-	1	0.75
	Total	80	53	133	100

176. Table 119 below shows the staff composition in terms of age.

Table 119: Age Composition

Ethnicity	Age				Total
	20-30	31-40	41-50	51-60	
Mijikenda	3	8	23	22	56
Taita	-	3	4	10	17
Kenyan Somali	2	3	5	1	11
Kikuyu	2	4	1	2	9
Luhya	1	1	5	1	8
Kalenjin	-	4	2	1	7
Pokomo	-	3	2	2	7
Kamba	-	2	1	1	4
Luo	-	2	2	-	4
Kisii	-	2	-	1	3
Orma	1	-	-	1	2
Taveta	-	-	1	-	1
Swahili	-	1	-	-	1

Ethnicity	Age				Total
	20-30	31-40	41-50	51-60	
Bajuni	-	-	1	-	1
Wailwana/Malakote	-	-	1	-	1
Meru	-	-	1	-	1
Total	9	33	49	42	133

II. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

177. The Authority has engaged two (2) staff members living with disability. This translates to 1.50% of the total staff population.

III. Composition of the Governing Body of the Institution in terms of Age, Gender, Ethnicity and Persons with Disability.

178. Table 119 below shows the composition of the governing body.

Table 119: Governing Body

Name	Position	Age	Gender	Ethnicity	Disability
Mzee Mwinyi Mzee	Chairman	35	Male	Kauma	No
Ricky W. Kambi	Member	43	Male	Rabai	No
Dorcas Jibrán	Member	54	Female	Taita	No
Ikhwan Omar Bwanaadi	Member	25	Male	Bajuni	No
Bibi Salim Masha	Member	34	Female	Digo	No
Tosha George Amuma	Member	42	Male	Pokomo	No
Robert Mue Kisyula	Member	57	Male	Kamba	No
Benson Muema Kilonzo	Member	59	Male	Kamba	No

179. In addition to the above independent Board members, the Authority has representation from the following offices;

- i. The National Treasury and Economic Planning.
- ii. State Department for the ASALS and Regional Development.
- iii. The Regional Commissioner – Coast.

- iv. Ministry of Water, Sanitation and Irrigation.
- v. Inspectorate of State Corporations.
- vi. Ministry of Agriculture & Livestock Development.

IV. Composition of Employees at Senior Management Level, Middle Level and Low-Level Cadres in terms of Ethnicity, Age, Gender And Persons with Disability.

180. The Senior Management Level is comprised of fifteen (15) officers with a representation of 60% female and 40% male, including one (1) Person living with Disability as shown in table 120 below.

Table 120: Senior Management Level

Ethnicity	No. of Staff	Ratio %	Gender		Age				PWD
			Male	Female	20-30	31-40	41-50	51-60	
Kenyan Somali	2	13	2	-	-	1	-	1	-
Taita	2	13	-	2	-	-	-	2	-
Meru	1	7	1	-	-	-	1	-	-
Mijikenda	4	27	1	3	-	-	2	2	-
Kikuyu	1	7	1	-	-	-	-	1	-
Luhya	1	7	-	1	-	-	1	-	1
Kalenjin	3	20	1	2	-	1	1	1	-
Kisii	1	7	-	1	-	-	-	1	-
Total	15	100	6	9	-	2	5	8	1

181. The Middle Level Management is comprised of forty (40) staff members with a ratio of 30% male and 70% female as shown in table 121 below.

Table 121: Middle Level Management

Ethnicity	No. of Staff	Ratio %	Gender		Age				PWD
			Male	Female	20-30	31-40	41-50	51-60	
Kikuyu	5	13	-	5	2	3	-	-	-
Mijikenda	12	30	4	8	-	3	4	5	-
Kamba	1	3	-	1	-	1	-	-	-
Swahili	1	3	-	1	-	1	-	-	-
Taita	4	10	1	3	-	2	-	2	-

Ethnicity	No. of Staff	Ratio %	Gender		Age				PWD
			Male	Female	20-30	31-40	41-50	51-60	
Kenyan Somali	6	15	3	3	2	1	3	-	-
Kalenjin	3	8	2	1	-	2	1	-	-
Luo	1	3	-	1	-	-	1	-	-
Bajuni	1	3	-	1	-	-	1	-	-
Pokomo	2	5	1	1	-	1	1	-	-
Kisii	1	3	-	1	-	-	1	-	-
Luhya	3	8	1	2	1	-	2	-	-
Total	40	100	12	28	5	14	14	7	-

182. The Lower-Level Cadre is comprised of seventy-eight (78) members of staff with a ratio of 41% male and 59% female as shown in table 122 below.

Table 122: Lower-Level Cadre

Ethnicity	No. of Staff	Ratio %	Gender		Age				PWD
			M	F	20-30	31-40	41-50	51-60	
Taita	11	14	8	3	-	1	4	6	-
Mijikenda	40	51	6	34	3	4	18	15	-
Luhya	4	5	2	2	-	1	3	-	-
Kamba	3	4	1	2	-	1	1	1	-
Kenyan Somali	3	4	1	2	-	1	2	-	-
Taveta	1	1	1	-	-	-	1	-	-
Kalenjin	1	1	1	-	-	1	-	-	-
Pokomo	5	6	4	1	-	2	1	2	-
Kikuyu	3	4	3	-	-	1	1	1	-
Kisii	1	1	1	-	-	1	-	-	-
Orma	2	3	2	-	1	-	-	1	-
Wailwana/Malakote	1	1	1	-	-	1	-	-	-
Luo	3	4	1	2	-	2	1	-	1

Ethnicity	No. of Staff	Ratio %	Gender		Age				PWD
			M	F	20-30	31-40	41-50	51-60	
Total	78	100	32	46	4	16	32	26	1

V. The Total Number of Employees in the Institution before the Passage of the New Constitution (August 2010) and their Ethnic Representation.

183. The Authority had a total of one hundred and four (104) employees prior to August 2010 in the ratio of 59% male and 41% female as tabulated in table 123 below.

Table 123: Number of Employees Prior to August 2010

Ethnicity	No. of Staff	Ratio %	Gender	
			Male	Female
Bajuni	2	2	-	2
Kalenjin	2	2	1	1
Kamba	3	3	-	3
Kenyan Somali	8	8	6	2
Kikuyu	3	3	2	1
Kisii	1	1	-	1
Luhya	3	3	-	3
Luo	2	2	-	2
Mijikenda	58	56	39	19
Orma	1	1	1	-
Pokomo	4	4	3	1
Taita	16	15	8	8
Taveta	1	1	1	-
Total	104	100	61	43

VI. The Ratio between the National Population and Employment Proportion in the Institution (Underrepresentation and Overrepresentation) based on 2019 National Population and Housing Census.

184. Table 124 below indicates the Authority's ratio between the National population and employment proportion.

Table 124: Ratio

Ethnic Community	Total Population (2019 Census)	% Proportionate Representation in the National Population	No. of Officers in the Authority	% Proportionate Representation in the Authority	Variance
Bajuni	91,422	0.19	1	0.75	Overrepresentation
Kalenjin (Arror, Cherangany, Endo, Endorois, Keiyo, Kipsigis, Lembus, Marakwet, Nandi, Ogiek, Pokot, Sabaot/Kony/Bong'omok, Samor, Senger, Sengwer, Terik, Tugen)	6,358,113	13.37	7	5.26	Underrepresentation
Kamba	4,663,910	9.81	4	3.01	Underrepresentation
Kenyan Somali (Kenyan Somali (so stated), Ajuran, Degodia, Gurreh, Hawiyah, Isaak, Leysan, Murule, Ogaden, Corner Tribes)	2,780,502	5.85	11	8.27	Overrepresentation
Kikuyu	8,148,668	17.13	9	6.77	Underrepresentation
Kisii	2,703,235	5.68	3	2.26	Underrepresentation
Luhya (Abakhenye)	6,823,842	14.35	8	6.02	Underrepresentation
Luo	5,066,966	10.65	4	3.01	Underrepresentation

Ethnic Community	Total Population (2019 Census)	% Proportionate Representation in the National Population	No. of Officers in the Authority	% Proportionate Representation in the Authority	Variance
Meru	1,975,869	4.15	1	0.75	Underrepresentation
Mijikenda (Chonyi, Digo/Wafundi/Wasakwa, Duruma, Giriama, Jibana, Kambe, Kauma, Rabai, Ribe)	2,488,691	5.23	57	42.86	Overrepresentation
Pokomo	112,075	0.24	6	4.51	Overrepresentation
Orma (Galla, Wardei)	158,993	0.33	2	1.5	Overrepresentation
Swahili (Amu, Barawa, Chitundi, Jomvu, Munyoyaya/Muyeyaya, Mvita, Ngare, Pate, Siu, Vumba, Wachangamwe, Wafaza, Wakatwa, Wakilifi, Wakilindini, Wamtwapa, Washaka, Watangana, Watikuu)	56,074	0.12	1	0.75	Overrepresentation
Taita	344,415	0.72	17	12.78	Overrepresentation
Taveta	26,590	0.06	1	0.75	Overrepresentation
Walwana/Malakote	21,774	0.05	1	0.75	Overrepresentation

VII. The Status of Compliance of the Institution with the Section 7 of the NCI Act, 2008 and Article 232 (1) (h) And (i) of the Constitution and the Strategies the Institution has Employed since the Passage of the Constitution to Ensure Compliance.

185. The Managing Director submitted that the status of compliance in the Authority is as follows;
- i. The Authority has employed staff from diverse communities from all regions in Kenya.
 - ii. The Authority is domiciled in the Coast region where the Mijikenda community is dominant.
 - iii. All vacancies for the Authority are advertised in the public domain and are filled competitively.
 - iv. The employment terms for the Authority is guided by the approved Human Policy Resource Instruments and the Employment Act.
 - v. The Authority recruitment process is fair and transparent and persons are appointed purely on merit after a successful recruitment process. The Authority strictly adheres to the Public Service Code of Regulation.
 - vi. The Authority's gender is split into male: female ratio of 60.2% and 39.8% respectively which is within the threshold defined in the Constitution.
 - vii. The Authority has employed two (2) staff members living with disabilities.

VIII. The Challenges the Institution has faced in its bid to Enhance Diversity of Employees and the Mitigation Measures to curb the Challenge.

186. The Authority is facing the following challenges in its bid to enhance diversity of employees;
- i. Budgetary constraints.
 - ii. Insecurity in project areas affects deployment of staff in the affected areas.

IX. Measures put in place, if any, to Promote a Friendly Work Environment for Persons Living with Disabilities.

187. The Authority has put in place the following measures;
- i. Ensure accessibility to the office by construction of ramps and well-equipped washrooms.
 - ii. Encourage them to enhance skills by allowing them time off for self-sponsored courses.
 - iii. Provided orthopedic chair for Persons with Disabilities.
 - iv. Implemented tax waiver as per regulations.
 - v. Translation of service charter to Braille.
 - vi. Reserved parking.

X. Information on Staff Promotion in the past 5 years in terms of Ethnicity, Gender, Age and Persons with Disabilities.

188. Table 125 below shows the information on staff promotion in the Authority.

Table 125: Staff Promotion in the past Five Years

Ethnicity	No. of Staff	Ratio %	Gender		Age				PWD
			Male	Female	20-30	31-40	41-50	51-60	
Mijikenda	14	40	9	5	-	2	5	6	-
Taita	4	11	3	1	-	-	-	4	-
Kenyan Somali	4	11	2	2	1	1	2	-	-
Kikuyu	2	6	-	2	-	2	-	-	-
Luhya	1	3	-	1	-	-	1	-	-
Kalenjin	2	6	1	1	-	1	1	-	-
Kamba	2	6	-	2	-	1	-	1	-
Luo	2	6	-	2	-	-	2	-	-
Kisii	2	6	1	1	-	2	-	-	-
Swahili	1	3	-	1	-	1	-	-	-
Bajuni	1	3	-	1	-	-	1	-	-
Total	35	100	16	19	1	10	12	11	-

3.8.2 Committee Observations

189. The Committee made the following observations:

- i. Only sixteen (16) out of forty-six (46) ethnic groups have been employed in CDA contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. At Senior Management Level, only eight (8) ethnic groups are represented namely; Somali, Taita, Meru, Mijikenda, Kikuyu, Luhya, Kalenjin and Kisii;
- ii. Majority of CDA employees are from the Mijikenda community at 42.86% contrary to the provisions of Section 7 (2) of the National Cohesion and Integration Act 2008;
- iii. The Authority has eighty (80) male employees and fifty-three (53) female employees translating to 60.15% and 39.85% respectively, achieving the required two thirds gender rule;

- iv. The Authority has a youth representation of 31.58%; showing it has fairly accorded employment opportunities to the youth in line with Article 55 (c) of the Constitution
- v. CDA has not complied with Article 54 (2) on the 5% threshold of Persons with Disabilities (PWDs) employment since it is at 1.5%;
- vi. The Authority has nine (9) female staff members out of fifteen (15) in the composition at Senior Management Level;
- vii. In the ratio of National population and employment proportion, the Mijikenda community is greatly overrepresented with a positive variance of 37.63%; and
- viii. Promotions done in the last five (5) years at CDA, fourteen (14) employees from the Mijikenda community were promoted translating to 40% and no Person with Disability (PWD) was promoted.

3.8.3 Committee Recommendations

- i. The Authority should employ affirmative action measures in employment to enhance diversity representation of all the 46 ethnic groups in the institution, in line with Article 232 of the Constitution. The Institution should use the next recruitment to employ more ethnic groups;
- ii. The Authority should work closely with the National Council for Persons with Disabilities (NCPWD) on job advertisements in order to reach more Persons with Disabilities (PWDs);
- iii. CDA should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and Persons with Disabilities (PWDs).

3.9 KENYA MARINE AND FISHERIES RESEARCH INSTITUTE

- 190. Kenya Marine and Fisheries Research Institute (KMFRI) is a state corporation body established in 1979 under the Science and Technology Act (Cap 250), which has since been repealed by the Science, Technology and Innovation Act, No. 28 of 2013.
- 191. The Chief Executive Officer, Prof. James Njiru PhD, appeared before the Committee on Saturday, 15th April 2023 and made the following submissions.

3.9.1 Submissions

I. The Current Employees' Composition in terms of Ethnicity, Age and Gender.

192. KMFRI's workforce is five hundred and sixty-four (564) staff members of which three hundred and eighty (380) are male and one hundred and eighty-four (184) are female. The tables below show the gender, ethnicity, age and Persons with Disabilities representation in the Institute.

Table 126: Gender Representation

Gender	No. of Employees	Percentage %
Male	380	67.4
Female	184	32.6
Total	564	100

Table 127: Ethnic Representation

No.	Ethnic Community	No. of Employees	Percentage %
1.	Kisii	224	39.7
2.	Luo	130	23
3.	Mijikenda	46	8
4.	Kikuyu	43	8
5.	Kamba	22	4
6.	Luhya	31	5
7.	Kalenjin	18	3
8.	Meru	17	3
9.	Taita	11	2
10.	Turkana	5	1
11.	Bajuni	3	0.5
12.	Kenyan Somali	4	0.7
13.	Pokomo	2	0.3
14.	Swahili	3	0.5
15.	Basuba	1	0.2
16.	Embu	1	0.2
17.	Nubian	1	0.2
18.	Taveta	2	0.3
	Total	564	100

Table 128: Age Representation

Age Range	Male	Female	Total
60 & above	18	4	22
51-59	187	81	268
41-50	118	63	181
31-40	54	34	88
30 & below	3	2	5
Total	380	184	564

II. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

193. KMFRI has seventeen (17) employees with disabilities representing 3% of which eleven (11) are male and six (6) are female as shown in table 129 below.

Table 129: PWD Representation

Category	Female	Male	Total	Percentage %
PWDs	6	11	17	3
Other Staff	178	369	547	97
Total	184	380	564	100

III. Composition of the Governing Body of the Institution in terms of Age, Gender, Ethnicity and Persons with Disability.

194. The tables below illustrate the composition of governing body in terms of age, gender, ethnicity and Persons with Disabilities.

Table 130: Age Representation

Age Range	Male	Female	Total
60 & above	3	0	3
51-59	1	0	1
41-50	2	0	2
31-40	0	0	0
30 & below	0	0	0
Total	6	0	6

Table 131: Gender Representation

Gender	Number
Male	6
Female	0
Total	6

Table 132: Ethnicity Representation

Ethnicity	Number
Mijikenda	1
Luhya	2
Taita	1
Meru	1
Kikuyu	1
Total	6

Table 133: PWD Analysis

Category	Number
PWDs	0
Others	6
Total	6

IV. Composition of Employees at Senior Management Level, Middle Level And Low-Level Cadres in terms of Ethnicity, Age, Gender And Persons with Disability.

195. The tables below show the composition of employees at Senior, Middle and Low-Level cadres in the Institute.

Table 134: Senior Management Level based on Age

Age Range	Total
60 & above	10
51-59	14
41-50	9
31-40	0

30 & below	0
Total	33

Table 135: Senior Management Level based on Gender

Gender	Number
Male	26
Female	7
Total	33

Table 136: Senior Management Level based on Ethnicity

Ethnicity	Number
Kamba	2
Kikuyu	6
Kisii	6
Luhya	3
Luo	12
Meru	2
Mijikenda	1
Taita	1
Total	33

Table 137: Senior Management Level based on PWD

Category	Number
PWDs	1
Others	32
Total	33

Table 138: Middle Management Level based on Age

Age Range	Total
60 & above	10
51-59	51

Age Range	Total
41-50	58
31-40	45
30 & below	4
Total	168

Table 139: Middle Management Level based on Gender

Gender	Number
Male	105
Female	63
Total	168

Table 140: Middle Management Level based on Ethnicity

Ethnicity	Number
Embu	1
Kalenjin	5
Kamba	12
Kikuyu	19
Kisii	49
Taveta	1
Taita	6
Somali	2
Luhya	14
Meru	8
Mijikenda	17
Luo	33
Bajuni	1
Total	168

Table 141: Middle Management Level based on PWDs

Category	Number
PWDs	5
Others	163
Total	168

Table 142: Low-Level Cadre based on Age

Age Range	Total
60 & above	5
51-59	200
41-50	120
31-40	38
30 & below	0
Total	363

Table 143: Low-Level Cadre based on Gender

Gender	Number
Male	249
Female	114
Total	363

Table 144: Low-Level Cadre based on Ethnicity

Ethnicity	Number
Kenya Somali	2
Pokomo	2
Nubian	1
Mijikenda	28
Meru	7
Luo	85
Luhya	14
Kisii	169

Kikuyu	18
Kamba	8
Kalenjin	13
Swahili	3
Bajuni	2
Suba	1
Taita	4
Taveta	1
Turkana	5
Total	363

Table 145: Low-Level Cadre based on PWDs

Category	Number
PWDs	11
Others	352
Total	363

V. The Total Number of Employees in the Institution before the Passage of the New Constitution (August 2010) and their Ethnic Representation.

196. Table 146 below shows the gender representation in KMFRI prior to the passage of the Constitution.

Table 146: Gender representation prior to the passage of the 2010 Constitution

Gender	Number	Percentage %
Male	616	72
Female	238	28
Total	854	100

Table 147: Ethnicity composition prior to the passage of the 2010 Constitution

Ethnicity	No. of Employees	Percentage %
Kisii	317	37.1

Ethnicity	No. of Employees	Percentage %
Luo	280	32.8
Kamba	47	5.5
Kikuyu	44	5.2
Mijikenda	38	4.4
Luhya	37	4.3
Kalenjin	30	3.5
Meru	15	1.8
Taita	12	1.4
Turkana	11	1.3
Njemps	8	0.9
Suba	6	0.7
Pokomo	2	0.2
Swahili	2	0.2
Embu	1	0.1
Nubians	1	0.1
Somali	1	0.1
Taveta	1	0.1
Teso	1	0.1
Total	854	100

VI. The Total Number of Staff Employed in the Last Three Mass Recruitments and their Representation in terms of Ethnicity, Age, Gender and Persons with Disability.

197. There has been a freeze in mass recruitment in the Institute by the Government in the last five (5) years. However, KMFRI replaced the staff who exited with thirty-three (33) officers in specialized and professional areas as shown in the tables below based on ethnicity, age, gender and Persons with Disabilities (PWDs).

Table 148: No. of Employees Recruited based on Ethnicity

Ethnicity	Number	Percentage %
Mijikenda	9	27.3

Ethnicity	Number	Percentage %
Meru	6	18.2
Luo	4	12.1
Luhya	4	12.1
Taita	2	6.1
Taveta	1	3.0
Kisii	1	3.0
Kamba	2	6.1
Kalenjin	1	3.0
Kikuyu	3	9.1
Total	33	100

Table 149: No. of Employees Recruited based on Age

Ethnicity	Number	Percentage %
60 & above	0	0.0
51-59	2	6.1
41-50	7	21.2
31-40	16	48.5
30 & below	8	24.2
Total	33	100

Table 150: No. of Employees Recruited based on Gender

Male	Female	Total
25	8	33

Table 151: No. of Employees Recruited based on PWD

Male	Female	Total
2	1	3

VII. The Ratio between the National Population and Employment Proportion in the Institution (Underrepresentation and Overrepresentation) based on 2019 National Population and Housing Census.

198. Table 152 below shows the ratio between the National population and employment proportion in KMFRI.

Table 152: Ratio between the National Population and employment proportion

Ethnic Community	Total National Population	No. of Employees	Percentage % in KMFRI	National Representation Percentage %	Variance
Kisii	2,203,235	224	39.7	5.68	Overrepresentation
Luo	5,066,966	130	23	10.65	Overrepresentation
Mijikenda	2,488,691	46	8	5.23	Overrepresentation
Kikuyu	8,148,668	43	8	17.13	Underrepresentation
Kamba	4,663,910	22	4	9.81	Underrepresentation
Luhya	6,823,842	31	5	14.35	Underrepresentation
Kalenjin	6,358,113	18	3	13.37	Underrepresentation
Meru	1,975,869	17	3	4.14	Underrepresentation
Taita	344,415	11	2	0.72	Overrepresentation
Turkana	1,016,174	5	1	2.14	Underrepresentation
Bajuni	91,422	3	0.5	0.19	Overrepresentation
Somali	2,780,502	4	0.7	5.85	Underrepresentation
Pokomo	112,075	2	0.3	0.24	Overrepresentation
Swahili	56,074	3	0.5	0.12	Overrepresentation
Basuba	157,787	1	0.2	0.33	Underrepresentation
Embu	404,801	1	0.2	0.85	Underrepresentation
Nubian	21,319	1	0.2	0.04	Overrepresentation
Taveta	26,590	2	0.3	0.06	Overrepresentation
Mbeere	195,250	1	0.2	0.41	Underrepresentation

VIII. The Status of Compliance of the Institution with the Section 7 of the NCI Act, 2008 and Article 232 (1) (h) And (i) of the Constitution and the Strategies the Institution has Employed since the Passage of the Constitution to Ensure Compliance.

199. The Chief Executive Director submitted that KMFRI has not fully complied with section 7 of the NCI Act.

XI. The Challenges the Institution has faced in its bid to Enhance Diversity of Employees and the Mitigation Measures to curb the Challenge.

200. KMFRI faces the following challenges in a bid to enhance diversity:

- i. The issue of ethnic imbalance in KMFRI is historical, employees recruited by the Institute management in the early years after KMFRI was founded in 1979 are still in service.
- ii. The current freezing of employment by the government has also contributed to the Ethnic imbalances.

201. The mitigation measures to curb these challenges include the following;

- i. The employees are gradually exiting through natural attrition.
- ii. KMFRI has been addressing the historical staffing imbalances through affirmative action whenever replacing the officers who exit the service.
- iii. KMFRI conducts its recruitment process competitively through advertisements in widely circulated public newspapers and the official web site. The open recruitment policy is aimed at affording equal opportunities to all Kenyan people.
- iv. The Institute also uses affirmative action to grant opportunities to the disadvantaged groups for example, while shortlisting for recruitment, the Institute gives preference to persons with disabilities considering minimum requirements for the advertised positions.
- v. During advertisement, a copy of the advert is also placed in the National Council for Persons with Disabilities (NCPWDs) portal (FUZU) for ease of access to the advert and application by Persons with Disabilities (PWDs) for consideration.

XII. Measures put in place, if any, to Promote a Friendly Work Environment for Persons Living with Disabilities.

202. The Institute has put in place the following measures;
- i. KMFRI has a total of seventeen (17) members of staff with disabilities and registered with the National Council for persons with disabilities (NCPWD).
 - ii. To assist in dealing with various issues associated with disability mainstreaming at the work place, KMFRI management has documented a work place disability mainstreaming policy version 2020
 - iii. The management has also constituted an eight-member committee to assist in effectively addressing requirements of PWDs at the work place of which the chairman Dr. Melkzadeck Osore is a PWD.
 - iv. The Institute management has constructed ramps in strategic places where required to ensure smooth movement by PWDs especially those on wheel chairs including the customers to easily access KMFRI services.
 - v. Hand rails have also been mounted on all staircases to support movement by PWDs to access KMFRI services in offices on the upper floors of KMFRI offices.
 - vi. On the new MOSC building, both the ground and upper floor offices are served by two lifts for ease of movement by PWDs to access KMFRI services. One of the lifts is spacious enough to accommodate a person on a wheel chair.
 - vii. On the old building where there are no lifts, the Institute management has designated a PWD service room on the ground floor near the reception where PWDs are easily served.
 - viii. As a matter of priority, the Institute management has also installed a service bell at the MOSC building gate at a reasonable height for PWDs.
 - ix. The Institute management has also purchased the following items and are readily available at the MOSC building gate room for use by PWD visitors when required that is, wheel chair, walking frame and crouches.
 - x. All PWD employees in KMFRI earn tax free salaries in accordance with the government of Kenya requirements.
 - xi. KMFRI has also invested in sign language interpretation by training one of her employees Ms. Rael Obara in sign language interpretation thereby reducing costs of hiring a sign language interpreter whenever required.

- xii. The Institute management has also translated its service charter in to braille to accommodate customers with vision challenges. The service charter has also been translated into sign language to accommodate customers with hearing challenges.
- xiii. Customized and user-friendly washrooms are also in place for use by PWD employees and customers.

3.9.2 Committee Observations

203. The Committee made the following observations:

- i. Only eighteen (18) out of forty-six (46) ethnic groups have been employed in KMFRI contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. At Senior Management Level, only eight (8) ethnic groups are represented namely; Kamba, Kikuyu, Kisii, Luhya, Luo, Meru, Mijikenda and Taita;
- ii. Majority of KMFRI staff are from only two (2) communities namely, Kisii at 39.70% and Luo at 23%;
- iii. Out of the five hundred and sixty-four Staff in KMFRI, three hundred and eight (380) are male staff members and one hundred and eighty-four (184) are female staff members translating to 67.4% and 32.6% respectively, achieving the two thirds gender rule;
- iv. Majority of the employees in the Institute are above 40 years old, meaning that the Institute has an aging population. The Institute has a youth representation of 16.49%;
- v. KMFRI has not complied with Article 54 (2) on the 5% threshold of Persons with Disabilities (PWDs) employment since it is at 3%;
- vi. KMFRI has only seven (7) female staff members out of twenty-six (26) in the composition of employees at Senior Management Level;
- vii. Before the passage of the 2010 Constitution, KMFRI had nineteen (19) ethnic groups with the Kisii community dominating at 37.1%. The Institute has since reduced the number of ethnic groups to eighteen (18) and increasing the representation of the Kisii community to 39.7%; and
- viii. In the ratio between National population and employment proportion of the KMFRI staff, the Kisii community is greatly overrepresented with a positive variance of 34.02%.

3.9.3 Committee Recommendations

204. The Committee made the following recommendations:

- i. KMFRI should work closely with National Council for Persons with Disabilities (NCPWD) and share their job advertisements in order to reach more Persons with Disabilities (PWDs);
- ii. The Institute should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and Persons with Disabilities (PWDs);
- iii. The Institute should come up with a succession plan to replace the employees that are about to exit through natural attrition;
- iv. KMFRI should employ affirmative actions and measures towards recruiting all the forty-six (46) in line with Article 232 of the Constitution; and
- v. KMFRI should expand their scope of the job advertisements which will enable it to reach more ethnic groups.

3.10 COMMUNICATIONS AUTHORITY OF KENYA

205. Communications Authority of Kenya was established in 1999 by the Kenya Information and Communications Act (KICA), 1998 with the mandate to regulate the telecoms, postal/courier services and manage frequency spectrum.

206. The Director General, Mr. Ezra Chiloba appeared before the Committee on Tuesday 25th April, 2023 and made the following submissions;

3.10.1 Submissions

I. The Current Employees' Composition in terms of Ethnicity, Age and Gender.

207. The tables below show the current employment composition in the Authority in terms of ethnicity, age and gender.

Table 153: Representation by Ethnicity

No.	Ethnicity	Number	Percentage %
1.	Borana	1	0.4
2.	Digo	2	0.81
3.	Embu	6	2.43

No.	Ethnicity	Number	Percentage %
4.	Gabra	2	0.81
5.	Kalenjin	48	19.43
6.	Kamba	19	7.69
7.	Kenyan Arabs	2	0.81
8.	Kenyan Somali	2	0.81
9.	Kikuyu	48	19.43
10.	Kisii	14	5.67
11.	Luhya	46	18.62
12.	Luo	23	9.31
13.	Maasai	7	2.83
14.	Meru	14	5.67
15.	Mijikenda	1	0.4
16.	Nubian	2	0.81
17.	Pokomo	1	0.4
18.	Pokot	2	0.81
19.	Samburu	1	0.4
20.	Taita	5	2.02
21.	Tharaka	1	0.4
	Total	247	100

Table 154: Age Analysis

Age	Number	Percentage %
50-59	70	28.34
40-49	60	24.29
30-39	113	45.75
20-29	4	1.62
Total	247	100

Table 155: Gender Analysis

Gender	Number	Percentage %
Female	112	45.34
Male	135	54.66
Total	247	100

II. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

208. Table 156 below illustrates the composition of PWDs in the Authority.

Table 156: PWD representation

Category	Number	Percentage %
PWDs	4	2
Non-PWDs	243	98
Total	247	100

III. Composition of the Governing Body of the Institution in terms of Age, Gender, Ethnicity and Persons with Disability.

209. The Governing body of the Authority has twelve (12) Board Directors with a female to male ratio of 33:67 as shown in the tables below.

Table 157: Composition by Ethnicity

Ethnicity	Number	Percentage %
Kuria	1	8.33
Kalenjin	2	16.67
Kamba	1	8.33
Kikuyu	3	25
Kisii	1	8.33
Luo	2	16.67
Maasai	1	8.33
Meru	1	8.33
Total	12	100

Table 157: Composition by Gender

Gender	Number	Percentage %
Female	4	33.33
Male	8	66.67
Total	12	100

Table 158: Age Analysis

Age Group	Number	Percentage %
60-69	3	25
50-59	2	16.67
40-49	6	50
30-39	1	8.33
Total	12	100

IV. Composition of Employees at Senior Management Level, Middle Level And Low-Level Cadres in terms of Ethnicity, Age, Gender And Persons with Disability.

210. The Authority has nine (9) staff in Senior Management with a female to male ratio of 11:89 with the composition of ethnic, gender and gender as shown in the tables below.

Table 159: Ethnicity representation at Senior Management Level

Ethnicity	Number	Percentage %
Luhya	1	11.11
Digo	1	11.11
Kalenjin	3	33.33
Kamba	2	22.22
Meru	1	11.11
Tharaka	1	11.11
Total	9	100

Table 160: Gender Representation at Senior Management Level

Gender	Number	Percentage %
Female	1	11.11
Male	8	88.89
Total	9	100

Table 161: Age Representation at Senior Management Level

Age Group	Number	Percentage %
50-59	8	88.89
40-49	1	11.11
Total	9	100

211. The Authority has fifty-one (51) staff in Middle Management with a female to male ratio of 33:67 with the composition of ethnic, gender and age shown in the tables below.

Table 162: Ethnicity at Middle Level Management

Ethnicity	Number	Percentage %
Embu	2	3.92
Gabra	1	1.96
Kalenjin	12	23.53
Kamba	2	3.92
Kenyan Somali	1	1.96
Kikuyu	7	13.73
Kisii	2	3.92
Luhya	12	23.53
Luo	7	13.73
Meru	4	7.84
Taita	1	1.96
Total	51	100

Table 163: Gender at Middle Level Management

Gender	Number	Percentage %
Female	17	33.33
Male	34	66.67
Total	51	100

Table 164: Age Analysis at Middle Level Management

Age Group	Number	Percentage %
50-59	21	41.18
40-49	18	35.29
30-39	12	23.53
Total	51	100

212. The Authority has one hundred and forty-five (145) technical staff with a female to male ratio of 54:46 as shown in the tables below.

Table 165: Ethnicity composition

Ethnicity	Number	Percentage %
Borana	1	0.69
Digo	1	0.69
Embu	2	1.38
Gabra	1	0.69
Kalenjin	26	17.93
Kamba	13	8.97
Kenyan Arabs	2	1.38
Kenyan Somali	1	0.69
Kikuyu	32	22.07
Kisii	11	7.59
Luhya	25	17.24
Luo	13	8.97
Maasai	3	2.07

Ethnicity	Number	Percentage %
Meru	7	4.83
Mijikenda	1	0.69
Nubian	1	0.69
Pokomo	1	0.69
Pokot	2	1.38
Samburu	1	0.69
Taita	1	0.69
Total	145	100

Table 166: Gender Representation

Gender	Number	Percentage %
Female	78	53.79
Male	67	46.21
Total	145	100

Table 167: Age Analysis

Age	Number	Percentage %
50-59	27	18.62
40-49	27	18.62
30-39	88	60.69
20-29	3	2.07
Total	145	100

213. The Authority has a total staff of forty-two support staff with a female to male ratio of 38:62 with the various compositions represented in the tables below.

Table 168: Ethnicity Composition

Ethnicity	Number	Percentage %
Embu	2	4.76
Kalenjin	7	16.67

Ethnicity	Number	Percentage %
Kamba	2	4.76
Kikuyu	9	21.43
Kisii	1	2.38
Luhya	8	19.05
Luo	3	7.14
Maasai	4	9.52
Meru	2	4.76
Nubian	1	2.38
Taita	3	7.14
Total	42	100

Table 169: Gender Representation

Gender	Number	Percentage %
Female	16	38.1
Male	26	61.9
Total	42	100

Table 170: Age Analysis

Age	Number	Percentage %
50-59	14	33.33
40-49	14	33.33
30-39	13	30.95
20-29	1	2.38
Total	42	100

V. The Total Number of Employees in the Institution before the Passage of the New Constitution (August 2010) and their Ethnic Representation.

214. Table 171 below shows the total number of staff prior to August 2010 in the Authority

Table 171: Total Number of Staff Prior to August 2010

Ethnicity	Number	Percentage %
Borana	1	0.69
Digo	1	0.69
Embu	3	2.08
Gabra	1	0.69
Kalenjin	32	22.22
Kamba	17	11.81
Kenyan Arabs	2	1.39
Kenyan Somali	1	0.69
Kikuyu	36	25
Kisii	6	4.17
Luhya	21	14.58
Luo	14	9.72
Maasai	1	0.69
Meru	3	2.08
Nubian	1	0.69
Taita	4	2.78
Total	144	100

VI. The Total Number of Staff Employed in the Last Three Mass Recruitments and their Representation in terms of Ethnicity, Age, Gender and Persons with Disability.

215. The Authority has had three (3) major recruitments in the financial years 2013/14, 2015/16 and 2017/18 as shown in the tables below.

Table 172: Ethnicity (2013-2014)

Ethnicity	Number	Percentage %
Embu	1	2.44
Kalenjin	4	9.76
Kamba	3	7.32
Kenyan Somali	1	2.44
Kikuyu	5	12.20

Ethnicity	Number	Percentage %
Kisii	6	14.63
Luhya	8	19.51
Luo	8	19.51
Meru	2	4.88
Pokot	2	4.88
Taita	1	2.44
Total	41	100

Table 173: Gender (2013-2014)

Gender	Number	Percentage %
Female	18	43.9
Male	23	56.1
Total	41	100

Table 174: Age (2013-2014)

Age Group	Number	Percentage %
50-59	2	4.88
40-49	8	19.51
30-39	31	75.61
Total	41	100

Table 175: PWDs (2013-2014)

Category	Number	Percentage %
PWDs	1	2.44
Non-PWDs	40	97.56
Total	41	100

Table 176: Ethnicity (2015-2016)

Ethnicity	Number	Percentage %
Embu	1	1.69
Kalenjin	7	11.86

Ethnicity	Number	Percentage %
Kamba	3	5.08
Kikuyu	14	23.73
Kisii	4	6.78
Luhya	16	27.12
Luo	3	5.08
Maasai	2	3.39
Meru	4	6.78
Nubian	1	1.69
Pokomo	1	1.69
Samburu	1	1.69
Taita	2	3.39
Total	59	100

Table 177: Gender (2015-2016)

Gender	Number	Percentage %
Female	31	52.54
Male	28	47.46
Total	59	100

Table 178: Age (2015-2016)

Age Group	Number	Percentage %
50-59	8	13.56
40-49	12	20.34
30-39	38	64.41
20-29	1	1.69
Total	59	100

Table 179: PWDs (2015-2016)

Category	Number	Percentage %
PWDs	1	1.69

Non-PWDs	58	98.31
Total	59	100

Table 180: Ethnicity (2017-2019)

Ethnicity	Number	Percentage %
Digo	1	2.44
Embu	2	4.88
Gabra	1	2.44
Kalenjin	9	21.95
Kamba	4	9.76
Kikuyu	8	19.51
Kisii	2	4.88
Luhya	5	12.20
Luo	4	9.76
Maasai	2	4.88
Meru	3	7.32
Total	41	100

Table 181: Gender (2017-2019)

Gender	Number	Percentage %
Female	19	46.34
Male	22	53.66
Total	41	100

Table 182: Age (2017-2019)

Age	Number	Percentage %
50-59	2	4.88
40-49	7	17.07
30-39	29	70.73
20-29	3	7.32
Total	41	100

Table 183: PWDs (2017-2019)

Category	Number	Percentage %
PWDs	2	4.88
Non-PWDs	39	95.12
Total	41	100

VII. The Ratio between the National Population and Employment Proportion in the Institution (Underrepresentation and Overrepresentation) based on 2019 National Population and Housing Census.

216. Table 184 below shows the ratio between National population and employment proportion in the Authority.

Table 184: Ratio between National population and employment proportion

Ethnicity	CA Population Ratio		National Population based on 2019 National Population & Census		Status
	Number	Percentage %	National population	Percentage %	+ve/Zero/-Ve Deviation from % Population Ratio
Borana	1	0.4	276,236	0.6	0.2
Digo	2	0.81	409,595	0.9	0.0
Embu	6	2.43	404,801	0.9	-1.6
Gabra	2	0.81	141,200	0.3	-0.5
Kalenjin	48	19.43	6,358,113	13.4	-6.1
Kamba	19	7.69	4,663,910	9.8	2.1
Kenyan Arabs	2	0.81	59,021	0.1	-0.7
Kenyan Somali	2	0.81	2,780,502	5.8	5.0
Kikuyu	48	19.43	8,148,668	17.1	-2.3
Kisii	14	5.67	2,703,235	5.7	0.0
Luhya	46	18.62	6,823,842	14.4	-4.3
Luo	23	9.31	5,066,966	10.7	1.3

Ethnicity	CA Population Ratio		National Population based on 2019 National Population & Census		Status
	Number	Percentage %	National population	Percentage %	+ve/Zero/-Ve Deviation from % Population Ratio
Maasai	7	2.83	1,189,522	2.5	-0.3
Meru	14	5.67	1,975,869	4.2	-1.5
Mijikenda	1	0.4	2,488,691	5.2	4.8
Nubian	2	0.81	21,319	0.0	-0.8
Pokomo	1	0.4	112,075	0.2	-0.2
Pokot	2	0.81	778,408	1.6	0.8
Samburu	1	0.4	333,471	0.7	0.3
Taita	5	2.02	344,415	0.7	-1.3
Tharaka	1	0.4	220,015	0.5	0.1

VIII. The Status of Compliance of the Institution with the Section 7 of the NCI Act, 2008 and Article 232 (1) (h) And (i) of the Constitution and the Strategies the Institution has Employed since the Passage of the Constitution to Ensure Compliance.

217. The Director General submitted that the Authority is in compliance with Article 232(1) of the Constitution of Kenya and Section 7 of the NCI Act, 2008. The Authority has embraced diversity in employment (The face of Kenya). In terms of ethnic diversity, no ethnic community is above 1/3 of the staff complement.

IX. The Challenges the Institution has faced in its bid to Enhance Diversity of Employees and the Mitigation Measures to curb the Challenge.

218. The Authority has faced the following challenges:

- i. Until the year 2022, the Authority was operating under an old organization structure and staff establishment that was more than ten (10) years therefore limiting progress in addressing some of the gaps in human resources policies and practices.

- ii. During the human resource reform process, the Authority faced litigation which in most cases delayed implementation of the programme.
219. The Authority employs various strategies to enhance its compliance with the requirement on diversity of employees. These strategies include advertising job vacancies in newspapers of wide circulation and liaising with the National Council for Persons with disabilities (NCPWDs) to ensure circulation of adverts among Persons with Disabilities (PWDs). Under the new Human Resource Instruments, the Authority aims to employ affirmative actions in some cases to ensure a more balanced representation across the board.

X. Measures put in place, if any, to Promote a Friendly Work Environment for Persons Living with Disabilities.

220. The Authority has put in place the following measures:
- i. Provided a ramp facility at the access point of its headquarter building.
 - ii. Set aside designated car parking space for Persons with Disabilities (PWDs).
 - iii. Provided accessible lavatory for Persons with Disabilities (PWDs).
 - iv. Supported employees living with different forms of disabilities by providing a motorized wheel chair, hearing aids, an artificial arm and special orthopedic chairs.

XI. Information on Staff Promotion in the past 5 years in terms of Ethnicity, Gender, Age and Persons with Disabilities.

221. The tables below show the staff promotion in the past five (5) years in terms of ethnicity, gender and Persons with Disabilities (PWDs).

Table 185: Ethnicity of the staff promoted in the past five years

Ethnicity	Number	Percentage %
Embu	1	1.49
Gabra	1	1.49
Kalenjin	13	19.4
Kamba	5	7.46
Kenyan Somali	1	1.49
Kikuyu	9	13.43

Ethnicity	Number	Percentage %
Kisii	7	10.45
Luhya	13	19.40
Luo	10	14.93
Meru	4	5.97
Pokot	2	2.99
Taita	1	1.49
Total	67	100

Table 186: Gender Analysis

Gender	Number	Percentage %
Female	31	46.27
Male	36	53.73
Total	67	100

Table 187: Age Analysis

Age	Number	Percentage %
50-59	9	13.43
40-49	21	31.34
30-39	36	53.73
20-29	1	1.49
Total	67	100

Table 188: PWDs

Category	Number	Percentage %
PWDs	1	1.49
Non-PWDs	66	98.51
Total	67	100

3.10.2 Committee Observations

222. The Committee made the following observations:

- i. Only twenty-one (21) out of the forty-six (46) ethnic groups have been employed in the Authority contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. Only six (6) ethnic groups have been represented at Senior Management Level namely; Luhya, Digo, Kalenjin, Kamba, Meru and Tharaka;
- ii. Majority of CA employees are from three (3) communities namely, Kalenjin at 19.43%, Kikuyu at 19.43% and Luhya at 18.62%;
- iii. The Authority has one hundred and twelve (112) female staff members and one hundred and thirty-five (135) male staff members translating to 45.34% and 54.66% respectively, achieving the required two thirds gender rule;
- iv. The Authority has a youthful population with the majority aged below 40years. The youth representation is 47.37%; showing it has fairly accorded employment opportunities to the youth in line with Article 55 (c) of the Constitution
- v. The Authority has not complied with Article 54 (2) on the 5% threshold of Persons with Disabilities (PWDs) employment since it is at 2%;
- vi. The Authority has only one (1) female staff member out of the nine (9) represented in the composition of employees at Senior Management Level;
- vii. Before the passage of the 2010 Constitution, the Authority had sixteen (16) ethnic groups with the Kalenjin community dominating at 22.22%. The Authority has since increased the number of ethnic groups to twenty-one (21) reducing the representation of the Kalenjin to 19.43%;
- viii. In the ration between national population and employment proportion, the Kalenjin community is overrepresented with a positive variance of 6.1%.

3.10.3 Committee Recommendations

223. The Committee made the following recommendations:

- i. Communications Authority should work closely with National Council for Persons with Disabilities (NCPWD) and share their job advertisements in order to reach more Persons with Disabilities (PWDs);
- ii. The Authority should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and Persons with Disabilities (PWDs);

- iii. The Authority should employ affirmative actions and measures towards recruiting all the forty-six (46) in line with Article 232 of the Constitution; and
- iv. The Authority should expand their scope of the job advertisements which will enable it to reach more ethnic groups.

3.11 KENYA TRADE NETWORK AGENCY

224. Kenya Trade Network Agency (KenTrade) is a State corporation under the National Treasury that was established in January 2011 under Legal notice No. 6 of 2011 to establish, implement and manage the National Electronic Single Window System (Kenya TradeNet System).

225. The Acting Chief Executive Officer, Mr. David Ngarama appeared before the Committee on Thursday 27th April, 2023 and made the following submissions;

3.11.1 Submissions

I. The Current Employees' Composition in terms of Ethnicity, Age and Gender.

226. The tables below show the current employment composition in terms of ethnicity, age and gender.

Table 189: Ethnic composition

Ethnicity	No. of Employees	Percentage %
Borana	1	1
Embu	4	4
Gabra	1	1
Kalenjin	5	6
Kamba	6	7
Kenyan Somali	1	1
Kikuyu	27	30
Kuria	1	1
Kisii	5	6
Luhya	16	18
Luo	9	10

Ethnicity	No. of Employees	Percentage %
Maasai	2	2
Meru	6	7
Mijikenda	2	2
Pokot	1	1
Samburu	1	1
Turkana	1	1
Taita	1	1
Total	90	100

Table 190: Age Analysis

Age	No. of Employees
20-24	1
25-29	11
30-34	14
35-39	20
40-44	24
45-49	7
50-54	11
55-59	2

Table 191: Gender Representation

Gender	No. of Employees	Percentage %
Female	43	48
Male	47	52
Total	90	100

II. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

227. Table 192 below illustrates the composition of Persons with Disabilities (PWDs)

Table 192: PWDs Composition

No. of Employees	90
No. of Employees with Disabilities	2
Percentage %	2.2

III. Composition of the Governing Body of the Institution in terms of Age, Gender, Ethnicity and Persons with Disability.

228. The tables below show the composition of the governing body in terms of age, gender, ethnicity.

There is no Person with Disability represented in the governing body.

Table 193: Age Analysis

Age	No. of Directors
40-44	1
45-49	1
50-54	1
55-59	3
Over 60	1

Table 194: Gender Representation

Gender	No. of Directors	Percentage %
Female	2	29
Male	5	71
Total	7	100

Table 195: Ethnic Representation

Ethnicity	No. of Directors	Percentage %
Kalenjin	1	14
Kikuyu	2	29
Kisii	1	14
Luo	1	14

Ethnicity	No. of Directors	Percentage %
Meru	1	14
Samburu	1	14
Total	7	100

IV. Composition of Employees at Senior Management Level, Middle Level and Low-Level Cadres in terms of Ethnicity, Age, Gender and Persons with Disability.

229. The tables below show the composition of employees at Senior Management Level.

Table 196: Ethnic Representation

Ethnicity	No. of Employees	Percentage %
Kikuyu	11	42
Luhya	5	19
Luo	4	15
Taita	1	4
Gabra	1	4
Maasai	1	4
Borana	1	4
Kamba	1	4
Meru	1	4
Total	26	100

Table 197: Age Analysis

Age	No. of Employees
30-34	1
35-39	1
40-44	15
45-49	2
50-54	6
55-59	0

Table 198: Gender Representation

Gender	No. of Employees	Percentage %
Female	1	46
Male	14	54
Total	26	100

230. The tables below show the composition of employees at lower-level cadre.

Table 199: Ethnic Representation

Ethnicity	No. of Employees	Percentage %
Embu	4	6
Kalenjin	5	8
Kamba	5	8
Kenyan Somali	1	2
Kikuyu	16	25
Kuria	1	2
Kisii	5	8
Luhya	11	17
Luo	5	8
Maasai	1	2
Meru	5	8
Mijikenda	5	3
Pokot	1	2
Samburu	1	2
Turkana	1	2
Total	64	100

Table 200: Age Analysis

Age	No. of Employees
20-24	1
25-29	11

Age	No. of Employees
30-34	14
35-39	16
40-44	11
45-49	3
50-54	5
55-59	2

Table 201: Gender Representation

Gender	No. of Employees	Percentage %
Female	32	50
Male	32	50
Total	64	100

Table 202: PWDs

No. of Lower Cadre Employees	64
No. of Employees with Disabilities	2
Percentage %	3

V. The Total Number of Staff Employed in the Last Three Mass Recruitments and their Representation in terms of Ethnicity, Age, Gender and Persons with Disability.

231. The tables below show the composition of staff recruited in the past one (1) year by ethnicity, age, gender and PWDs.

Table 203: Ethnic Representation

Ethnicity	No. of Employees	Percentage %
Embu	1	4
Kalenjin	2	7
Kamba	2	7
Kikuyu	8	30
Kuria	1	4

Ethnicity	No. of Employees	Percentage %
Kisii	2	7
Luhya	5	19
Luo	1	4
Maasai	1	4
Meru	2	7
Samburu	1	4
Turkana	1	4
Total	27	100

Table 204: Age Analysis

Age	No. of Employees
20-24	1
25-39	11
30-34	7
35-39	3
40-44	5
Total	27

Table 205: Gender Representation

Gender	No. of Employees	Percentage %
Female	11	41
Male	16	59
Total	27	100

Table 206: PWDs

No. of Employees Recruited	27
No. of Employees with Disabilities	1
Percentage %	4

VI. The Ratio between the National Population and Employment Proportion in the Institution (Underrepresentation and Overrepresentation) based on 2019 National Population and Housing Census.

232. Table 207 below shows the ratio.

Table 207: Ratio between National population and employment proportion

Ethnicity	No. of Employees	KenTrade %	Census %	Under/Over Representation
Embu	4	4.44	0.86	3.58
Kalenjin	6	6.67	13.51	-6.84
Kamba	6	6.67	9.91	-3.24
Kenyan Somali	1	1.11	5.91	-4.80
Kikuyu	27	30.00	17.31	12.69
Kuria	1	1.11	0.67	0.44
Kisii	5	5.56	5.74	-0.18
Luhya	16	17.78	14.50	3.28
Luo	9	10.00	10.77	-0.77
Maasai	2	2.22	2.53	-0.31
Meru	6	6.67	4.20	2.47
Mijikenda	2	2.22	5.29	-3.07
Samburu	1	1.11	0.71	0.40
Turkana	1	1.11	2.16	-1.05
Taita	1	1.11	0.73	0.38
Gabra	1	1.11	0.30	0.81
Borana	1	1.11	0.50	0.61

VII. Information on Staff Promotion in the past 5 years in terms of Ethnicity, Gender, Age and Persons with Disabilities.

233. The tables below show the staff promotion in the past five (5) years in terms of ethnicity, gender age and disability status.

Table 208: Ethnicity Representation

Ethnicity	No. of Employees	Percentage %
Embu	2	6
Kalenjin	3	9
Kamba	2	6
Kenyan Somali	1	3
Kikuyu	11	34
Kisii	2	6
Luhya	5	16
Luo	2	6
Meru	1	3
Mijikenda	2	6
Borana	1	3
Total	32	100

Table 209: Gender Representation

Gender	No. of Employees	Percentage %
Female	19	59
Male	13	41
Total	32	100

Table 210: Age Analysis

Age	No. of Employees
20-24	0
25-29	0
30-34	6
35-39	8
40-44	11
45-49	13
50-54	4
55-59	1

Table 211: PWDs

No. of Promoted Employees	32
No. of Employees with Disabilities	1
Percentage %	3

3.11.2 Committee Observations

234. The Committee made the following observations:

- i. Only eighteen (18) out of the forty-six (46) ethnic groups have been employed in KenTrade contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. At Senior Management Level, only nine (9) ethnic groups have been represented namely; Kikuyu, Luhya, Luo, Taita, Gabra, Maasai, Borana, Kamba and Meru;
- ii. Despite being established after the promulgation of the 2010 Constitution and passage of the NCI Act, the Agency has more than a third (42%) of its staff from one ethnic group (Kikuyu);
- iii. The Agency has forty-three female employees and forty-seven male employees translating to 48% and 52% respectively, achieving the required two thirds gender rule;
- iv. The Agency has a youth representation of 51.11% showing it has accorded employment opportunities to the youth in line with Article 55 (c) of the Constitution;
- v. KenTrade has not complied with Article 54 (2) on the 5% threshold of Persons with Disabilities in employment since it is at 2.2%;
- vi. The Agency has only one (1) female staff member out of fourteen (14) in the composition of employees at Senior Management Level;
- vii. In the ratio between National population and employment proportion, the Kikuyu community is overrepresented with a positive variance of 12.69%; and
- viii. Promotions done in KenTrade in the past five (5) years, the Kikuyu and Luhya communities dominate at sixteen translating to 50% out of the thirty-two employees promoted.

3.11.3 Committee Recommendations

235. The Committee made the following recommendations:

- i. KenTrade should work closely with National Council for Persons with Disabilities (NCPWD) and share their job advertisements in order to reach more Persons with Disabilities (PWDs);

- ii. The Agency should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and Persons with Disabilities (PWDs);
- iii. The Agency should employ affirmative actions and measures towards recruiting all the forty-six (46) in line with Article 232 of the Constitution; and
- iv. KenTrade should expand their scope of the job advertisements which will enable it to reach more ethnic groups.

3.12 KENYA MEDICAL RESEARCH INSTITUTE

236. Kenya Medical Research Institute (KEMRI) is a State Corporation established in Kenya in 1979 through the Science and Technology (Repealed) Act, Cap 250 of the Laws of Kenya operated under the Science Technology and Innovation Act, 2013 as the national body responsible for carrying out research in human health in Kenya. Currently, KEMRI operates under Legal Notice No. 35 of March 2021.

237. The Acting Director General, Prof. Elijah Songok appeared before the Committee on Friday 5th May, 2023 and made the following submissions;

3.12.1 Submissions

I. The Current Employees' Composition in terms of Ethnicity, Age and Gender

238. The current staff establishment of the Institute is one thousand nine hundred and seventy-seven (1,977) and an in-post of eight hundred and seventy-five (875) staff. Table 318 below shows the staff distribution by ethnicity

Table 212: Composition in terms of Ethnicity

No.	Ethnicity	Total	Percentage
1.	Bajuni	1	0.11
2.	Borana	5	0.57
3.	Embu	17	1.94
4.	Indian	1	0.11
5.	Kalenjin	125	14.29
6.	Kamba	80	9.14
7.	Kikuyu	226	25.83
8.	Kisii	71	8.11

No.	Ethnicity	Total	Percentage
9.	Kuria	10	1.14
10	Luhya	103	11.77
11	Luo	132	15.09
12	Maasai	11	1.26
13	Meru	31	3.54
14	Mijikenda	25	2.86
15	Pokomo	1	0.11
16	Samburu	2	0.23
17	Somali	10	1.14
18	Taita	9	1.03
19	Teso	14	1.60
20	Turkana	1	0.11
	Total	875	100

239. Table 213 shows the staff distribution in terms of age.

Table 213: Age Distribution

Age	Number	Percentage %
18-30	42	5
31-40	153	17
41-50	382	44
51-60	276	32
61 and above	22	3
Total	875	100

240. Table 214 below shows the gender distribution.

Table 214: Gender Distribution

Gender	Total	Percentage %
Female	387	44

Male	488	56
Total	875	100

II. Status of Compliance with article 54 (2) of the Constitution on Composition of Persons with Disabilities in the Institution

241. KEMRI has a total of sixteen (16) members of staff of Persons with Disabilities as shown in table 215 below. The percentage of Persons with Disabilities is 1.8%.

Table 215: PWD Composition

Gender	Total	Percentage %
Female	6	38
Male	10	62
Total	16	100

III. Composition of the Governing Body of the Institution in terms of Age, Gender, Ethnicity and Persons with Disabilities.

242. There are nine (9) members in the governing structure of the Institute as Board Directors. None of the governing members are Persons with Disabilities. The tables below show the distribution in terms of gender, age and ethnicity.

Table 216: Gender Distribution

Gender	Total	Percentage
Female	5	56
Male	4	44
Total	9	100

Table 217: Age Distribution

Age	Number
18-30	0
31-40	1
41-50	1
51-60	1

61 and above	6
Total	9

Table 218: Ethnicity Distribution

Ethnicity	Total	Percentage %
Somali	1	11
Luo	1	11
Kikuyu	2	22
Kalenjin	2	22
Taita	1	11
Kamba	1	11
Embu	1	11
Total	9	100

IV. The Composition of Employees in Senior Management, Middle Level and Lower Cadres in terms of Age, Gender, Ethnicity and Persons with Disabilities.

243. The employees are distributed in various levels from KMR 12 to KMR 1. There are forty-five (45) members of staff at Senior Management Level which is from KMR 3 to KMR 1 as shown in the tables below.

Table 219: Senior Management Ethnic Distribution

Ethnicity	Number	Percentage %
Bajuni	1	2.2
Borana	1	2.2
Embu	2	4.4
Kalenjin	4	8.9
Kamba	5	11.1
Kikuyu	13	28.9
Kisii	2	4.4
Luhya	5	11.1
Luo	7	15.6
Meru	2	4.4

Taita	3	6.7
Total	45	100

Table 220: Gender Distribution at Senior Management Level

Gender	Total	Percentage
Female	16	65
Male	29	35
Total	45	100

Table 221: Age Distribution at Senior Management Level

Age	Number
18-30	0
31-40	0
41-50	18
51-60	21
61 and above	6
Total	45

244. The Middle Management Level is from KMR 5 and KMR 4 and has two hundred and twenty-three (223) members of staff. There are three (3) Persons with Disabilities at this level. The tables below show the staff distribution in terms of ethnicity, age and gender.

Table 222: Ethnicity

Ethnicity	Total	Percentage %
Borana	1	0.5
Embu	4	1.9
Indian	1	0.5
Kalenjin	24	11.2
Kamba	21	9.3
Kikuyu	58	27.0
Kisii	18	7.9

Ethnicity	Total	Percentage %
Kuria	1	0.5
Luhya	33	14.9
Luo	37	14.9
Maasai	4	1.9
Meru	7	2.8
Mijikenda	7	3.3
Samburu	1	0.5
Somali	1	0.5
Taita	1	0.9
Teso	3	1.4
Turkana	1	0.5
Total	223	100

Table 223: Age Distribution

Age	Number	Percentage %
18-30	3	1.4
31-40	27	11.0
41-50	120	53.4
51-60	60	26.5
61 and above	13	8.2
Total	223	100

Table 224: Gender Distribution

Gender	Total	Percentage %
Female	100	45
Male	123	55
Total	223	100

245. The Lower cadre has six hundred and seven members of staff (607) and is from KMR 12 and KMR 6. The gender distribution for lower cadre is three hundred and thirty-six (336) male staff and two hundred and seventy-one (271) female staff making a total of six hundred and seven (607). There are nine (9) Persons with disabilities at this level. The tables below show the ethnic and age distribution as summarized below.

Table 225: Ethnic Distribution

Ethnicity	Total	Percentage %
Borana	3	0.4
Embu	11	2.0
Kalenjin	97	16.5
Kamba	54	7.6
Kikuyu	155	27.2
Kisii	51	8.7
Kuria	9	1.0
Luhya	65	9.9
Luo	88	14.9
Maasai	7	0.8
Meru	22	3.6
Mijikenda	18	2.8
Pokomo	1	0.2
Samburu	1	0.2
Somali	9	1.6
Taita	5	0.4
Teso	11	2.2
Total	607	100

Table 226: Age Distribution

Age	Number	Percentage %
18-30	39	7.0
31-40	126	23.1

41-50	244	39.8
51-60	195	29.8
61 and above	3	0.2
Total	607	100

V. The Total number of Employees in the Institution before the Passage of the New Constitution (August 2010) and their Ethnic Representation.

246. There was a total of one thousand one hundred and five (1,105) prior to 2010 as shown in table 227 below.

Table 227: Ethnic Distribution

Ethnic Community	Number	Percentage %
Borana	1	0.1
Embu	19	1.7
Indian	1	0.1
Kalenjin	146	13.2
Kamba	86	7.8
Kikuyu	295	26.7
Kisii	68	6.2
Kuria	10	0.9
Luhya	192	17.4
Luo	154	13.9
Maasai	4	0.4
Meru	43	3.9
Mijikenda	29	2.6
Samburu	5	0.5
Somali	28	2.5
Swahili	2	0.2
Taita	6	0.5
Teso	15	1.4
Turkana	1	0.1

Ethnic Community	Number	Percentage %
Total	1105	100

VI. The Total number of Staff Employed in the Last Three Mass Recruitments and their Representation in terms of Ethnicity, age, Gender and Persons with Disabilities.

247. The Institute recruited a total of one hundred and forty-seven (147) staff and one Person with Disability. The tables below show the summary of staff as per the gender, ethnicity and age.

Table 228: Gender Distribution

Gender	Total	Percentage %
Female	65	44
Male	82	56
Total	147	100

Table 229: Ethnic Distribution

Ethnicity	Total	Percentage %
Bajuni	1	0.5
Borana	1	0.5
Embu	4	2.2
Kalenjin	17	14.3
Kamba	15	8.2
Kikuyu	34	22.5
Kisii	12	7.1
Kuria	2	1.1
Luhya	16	12.1
Luo	26	18.1
Maasai	1	1.1
Meru	4	2.2
Mijikenda	9	6.6
Samburu	1	0.5
Somali	3	1.6
Teso	1	0.5
Total	147	100

Table 230: Age Distribution

Age	Number	Percentage %
18-30	32	22
31-40	67	45.5
41-50	39	26.5
51-60	6	4
61 and above	3	2
Total	147	100

VII. The Ratio between the National Population and Employment Proportion in the Institution (Underrepresentation and Overrepresentation) based on 2019 National Population and Housing Census.

248. Table 231 below show the ratio between the National population and employment proportion.

Table 231: Ratio between National population and employment proportion

Ethnicity	Total	Percentage %	% Proportionate Representation in the National Population (2019 Census)	Variance %
Bajuni	1	0.11	0.194	0.08
Borana	5	0.57	0.587	0.02
Embu	17	1.94	0.86	-1.08
Indian	1	0.11	0.101	-0.01
Kalenjin	125	14.29	13.509	-0.78
Kamba	80	9.14	9.909	-0.77
Kikuyu	226	25.83	17.13	-8.70
Kisii	71	8.11	5.743	-2.37
Kuria	10	1.14	0.667	-0.48
Luhya	103	11.77	14.498	2.73
Luo	132	15.09	10.765	-4.32
Maasai	11	1.26	2.527	1.27

Ethnicity	Total	Percentage %	% Proportionate Representation in the National Population (2019 Census)	Variance %
Meru	31	3.54	4.198	0.66
Mijikenda	25	2.86	5.288	2.43
Pokomo	1	0.11	0.238	0.12
Samburu	2	0.23	0.708	0.48
Somali	10	1.14	5.907	4.76
Taita	9	1.03	0.732	-0.30
Teso	14	1.60	0.887	-0.71
Turkana	1	0.11	2.159	2.04
Total	875	100	100	

VIII. The Challenges the Institution has faced in its bid to Enhance Diversity of Employees and the Mitigation Measures to curb the Challenges.

249. The Institute faces the following challenges;
- i. Budgetary constraints for structural adjustment of buildings and proper work environment.
 - ii. There is low uptake in terms of applications for Persons living with disability when adverts are placed.
250. KEMRI has put in place the following mitigation measures;
- i. There is need to rationalize funds allocation and lobby with the government and KEMRI partners.
 - ii. There is emphasize on sensitization of staff on issues of diversity.

IX. Measures put in place, if any, to Promote a Friendly Work Environment for Persons Living with Disabilities.

251. The Institute has put in place the following measures;
- i. The Institute has created ramps, which allow a wheel chair to move with ease.
 - ii. There are allotted parking spaces for Persons living with disability.
 - iii. The washrooms which are friendly to Persons living with disability have been set up.

X. Information on Staff Promotion in the past Five years in terms of Ethnicity, Gender, Age and Persons with Disabilities.

252. The Institute has promoted a total of one hundred and ninety-seven (197) and ensuring placement of staff in critical positions as summarized in the tables below. One Person with Disability was promoted.

Table 232: Gender Distribution

Gender	Total	Percentage %
Female	90	46
Male	107	54
Total	197	100

Table 233: Age Distribution

Age	Total
18-30	1
31-40	26
41-50	114
51-60	50
61 and above	6
Total	197

3.12.2 Committee Observations

253. The Committee made the following observations: -

- i. Only twenty (20) out of the forty-six (46) ethnic communities have been employed in KEMRI contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. At Senior Management Level, only eleven (11) ethnic communities are represented namely; Bajuni, Borana, Embu, Kalenjin, Kamba, Kikuyu, Kisii, Luhya, Luo, Meru and Taita;
- ii. Majority of employees at the Institute are from four (4) communities namely Kikuyu at 25.83%, Kalenjin at 14.29%, Luo at 15.09% and Luhya at 11.77%;

- iii. The Institute has three hundred and eighty-seven (387) female employees and four hundred and eighty-eight (488) male employees translating to 44% and 56% respectively, achieving the required two thirds gender rule;
- iv. Majority of the employees at KEMRI are aged above 40 years, meaning that the Institute has an aging population. KEMRI has a youth representation of 22% showing it has not accorded employment opportunities to the youth in line with Article 55 (c) of the Constitution;
- v. KEMRI has not complied with Article 54 (2) on the 5% threshold of Persons with Disabilities in employment since it is at 1.8%;
- vi. The Institute has sixteen (16) female staff members out of forty-five (45) in the composition of employees at Senior Management Level; and
- vii. In the ratio between National population and employment proportion, the Kikuyu community is overrepresented with a positive variance of 8.70%.

3.12.3 Committee Recommendations

254. The Committee made the following recommendations: -

- i. KEMRI should work closely with National Council for Persons with Disabilities (NCPWD) and share their job advertisements in order to reach more Persons with Disabilities (PWDs);
- ii. The Institute should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and Persons with Disabilities (PWDs);
- iii. The Institute should employ affirmative actions and measures towards recruiting all the forty-six (46) in line with Article 232 of the Constitution; and
- iv. KEMRI should expand their scope of the job advertisements which will enable it to reach more ethnic groups.

3.13 KENYA ELECTRICITY GENERATING COMPANY

255. Kenya Electricity Generating Company (KenGen) is the leading electric power generating company in East Africa. KenGen was incorporated in 1954 under the Kenyan Companies Act as Kenya Power Company (KPC) with the mandate to generate electricity through the development, management and operation of power plants.

256. The Acting Chief Executive Officer, Mr. Abraham Serem appeared before the Committee on Wednesday 10th May, 2023 and made the following submissions;

3.13.1 Submissions

I. The Current Employees' Composition in terms of Ethnicity, Age and Gender.

257. KenGen has a total of two thousand six hundred and two (2,602) staff members. The employees' composition in terms of ethnicity, age and gender is shown in the tables below.

Table 234: Ethnicity

No.	Ethnic Group	Levels								Total	Percentage %
		0	1	2	3	4	5	6	7		
1.	Arab				2	1	6		2	11	0.42
2.	Bajuni					2	2		3	7	0.27
3.	Borana						4			4	0.04
4.	Duruma						1			1	1.54
5.	Embu				2	4	14	3	17	40	0.04
6.	Gabra						1	28		1	16.91
7.	Kalenjin	1	1	8	23	46	202	12	131	440	9.53
8.	Kamba		1	4	18	34	92	38	87	248	27.79
9.	Kikuyu		2	10	48	73	323	7	229	723	5.61
10.	Kisii			2	12	16	69		40	146	0.08
11.	Kuria						1	15	1	2	8.30
12.	Luhya			3	20	30	74	20	74	216	11.80
13.	Luo		2	5	25	40	109	6	106	307	
14.	Maasai				4	7	30	1	77	124	4.77
15.	Mbeere				1	2	12	5	17	33	1.27
16.	Meru			3	2	18	35	3	20	83	3.19
17.	Mijikenda		1	1	2	13	30		22	72	2.77
18.	Dorobo					1				1	0.04
19.	Nubian				1		1			2	0.08
20.	Oromo				1		1			2	0.08

No.	Ethnic	Levels							Total	Percentage	
21.	Pokomo						4		1	5	0.19
22.	Samburu					2	2	1	3	8	0.31
23.	Somali				3	1	20	6	11	41	1.58
24.	Suba					1	4		4	9	0.35
25.	Swahili								1	1	0.04
26.	Taita			1	4	3	26	2	18	54	2.08
27.	Teso						6		1	7	0.27
28.	Turkana					1	7	1	5	14	0.54
	Total	1	7	37	168	295	1076	148	870	2602	

Table 235: Age

Age Group	No. of Employees
18-35	710
36-45	1030
46-55	570
Over 55	292
Total	2602

Table 236: Gender

Gender	No. of Employees
Male	1916
Female	686
Total	2602

II. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

258. Table 237 below shows the composition of Persons with Disabilities in KenGen.

Table 237: PWDs

Category	No. of Employees	Percentage %
PWD	44	1.69
Others	2558	98.31
Total	2602	100

III. Composition of the Governing Body of the Institution in terms of Age, Gender, Ethnicity and Persons with Disability.

259. The tables below show the composition of the governing body in KenGen. The Governing body has no Person with Disability.

Table 238: Age

Designation	Age
Chairman	56
Director 1	58
Director 2	72
Director 3	61
Director 4	58
Director 5	62
Director 6	45
Director 7	58
Director 8	41
Director 9	64
Representative of Inspectorate of State Corporation	54
Alternate Director 1	53
Alternate Director 2	53
Average Age	57

Table 239: Gender

Gender	No. of Directors
Male	10
Female	3
Total	13

Table 240: Ethnicity

Ethnic Group	Chairman	Director	Alternate Director	Representative of Inspectorate of State Corporation	Total
Kalenjin		1			1
Maasai		2			2
Kikuyu		4	1		5
Kisii					1
Luhya		2		1	3
Meru			1		1
Total	1	9	2	1	13

IV. Composition of Employees at Senior Management Level, Middle Level And Low-Level Cadres in terms of Ethnicity, Age, Gender And Persons with Disability.

260. The tables below show the composition of employees at Senior, Middle and Low-Level Managements.

Table 241: Ethnicity

Ethnic Group	Senior Level	Middle Level	Lower Level
Arab	2	7	2
Bajuni	3	4	
Borana		4	
Duruma		1	
Embu	17	21	2

Ethnic Group	Senior Level	Middle Level	Lower Level
Gabra		1	
Kalenjin	131	276	33
Kamba	87	138	23
Kikuyu	229	434	60
Kisii	40	92	14
Kuria	1	1	
Luhya	74	119	23
Luo	106	169	32
Maasai	77	43	4
Mbeere	17	15	1
Meru	20	58	
Mijikenda	22	46	5
Dorobo		1	4
Nubian		1	
Oromo		1	1
Pokomo	1	4	1
Samburu	3	5	
Somali	11	27	3
Suba	4	5	
Swahili	1		
Taita	18	31	5
Teso	1	6	
Turkana	5	9	
Total	870	1519	213

Table 242: Age

Level	No. of Employees	Average Age
Senior Mgt	213	47.4
Middle Mgt	1519	40

Level	No. of Employees	Average Age
Lower Level (Unionisable)	870	44.2
Total	2602	43.87

Table 243: Gender

Level	Male	Female	Total	Male %	Female %
Senior Mgt	164	49	213	77.00	23.00
Middle Mgt	1046	473	1519	68.86	31.14
Lower Level (Unionisable)	706	164	870	81.15	18.85
Total	1916	686	2602	73.64	26.36

Table 244: Persons with Disabilities

Level	PWD	Total No. of Staff	Percentage %
Senior Mgt	3	213	1.4
Middle Mgt	24	1519	1.6
Lower Level (Unionisable)	17	870	2.0
Total	44	2602	1.7

V. The Total Number of Employees in the Institution before the Passage of the New Constitution (August 2010) and their Ethnic Representation.

261. Table 245 below shows the total number of employees before the passage of the Constitution and their ethnic representation in KenGen.

Table 245: Ethnicity

Ethnic Group	No. of Staff Employed since 2010	KenGen Status %	National Status %	Variance
Bajuni	3	0.17	0.19	-0.02
Borana	3	0.17	0.58	-0.41
Dorobo	1	0.06	0.05	0.01
Embu	22	1.21	0.85	0.36

Ethnic Group	No. of Staff Employed since 2010	KenGen Status %	National Status %	Variance
Kalenjin	331	18.27	9.81	8.46
Kamba	146	8.06	13.38	-5.32
Kenyan Arabs	2	0.11	0.12	-0.01
Kenyan Somali	21	1.16	5.85	-4.69
Kikuyu	575	31.73	17.14	14.59
Kisii	82	4.53	5.69	-1.16
Kuria	1	0.06	0.66	-0.60
Luhya	135	7.45	14.36	-6.91
Luo	261	14.40	10.66	3.74
Maasai	106	5.85	2.50	3.35
Mbeere	11	0.61	0.41	0.20
Meru	49	2.70	4.16	-1.46
Mijikenda	20	1.10	5.24	-4.14
Pokomo	4	0.22	0.24	-0.02
Rendille	1	0.06	0.20	-0.14
Samburu	3	0.17	0.70	-0.53
Swahili	1	0.06	0.12	-0.06
Taita	25	1.38	0.72	0.66
Teso	2	0.11	0.88	-0.77
Turkana	7	0.39	2.14	-1.75
Total	1812			

VI. The Total Number of Staff Employed in the Last Three Mass Recruitments and their Representation in terms of Ethnicity, Age, Gender and Persons with Disability.

262. The tables show the number of employees recruited in KenGen. One of the employees recruited in the last three recruitments was a Person with Disability.

Table 246: Employees Recruited in the Last Recruitments

Position	No. of Employees
Accountant IV	19
Chief Officer, Quality	1
Communication Officer IV-Graphic Design	1
Finance Manager, Management Accounting	1
Finance Manager, Revenue & Treasury Mgmt	1
Senior Engineer- Quality & Safety	3
Senior Accountant	15
Senior Communication Officer	2
Senior Officer, Quality & Safety	2
Senior System Analyst - SAP FICO	1
Senior Systems Analyst-SAP HCM	1
Supply Chain Assistant	1
Supply Chain Assistant II	7
Supply Chain Officer IV	24
Total	79

Table 247: Composition in Terms of Ethnicity and Gender

Ethnicity	Female	Male	Total
Borana	1		1
Embu		1	1
Gabra		1	1
Gurreh	1		1
Islam		1	1

Ethnicity	Female	Male	Total
Kalenjin		10	10
Kamba	2	4	6
Kenya Arab	1		1
Kikuyu	8	1	9
Kisii	4	3	7
Luhya	4	4	8
Luo	4	3	7
Maasai	4	2	6
Mbeere		3	3
Meru	3	1	4
Mijikenda	1	3	4
Samburu	3		3
Somali	2	1	3
Taita	1		1
Turkana		2	2
Total	39	40	79

Table 248: Age

Age Group	No. of Employees
18-35	55
36-45	22
46-55	2
Total	79

VII. The Ratio between the National Population and Employment Proportion in the Institution (Underrepresentation and Overrepresentation) based on 2019 National Population and Housing Census.

263. Table 249 below shows the ratio.

Table 249: Ratio between National Population and Employment Proportion

Ethnic Group	No. of Staff	% of Staff	% of National Statistics	Variance	Remarks
Bajuni	7	0.27%	0.19%	0.08%	Overrepresented
Borana	4	0.15%	0.58%	-0.43%	Underrepresented
Embu	40	1.54%	0.85%	0.69%	Overrepresented
Gabra	1	0.04%	0.30%	-0.26%	Underrepresented
Kalenjin	440	16.91%	13.38%	3.53%	Overrepresented
Kamba	248	9.53%	9.81%	-0.28%	Underrepresented
Kenyan Arab	11	0.42%	0.12%	0.30%	Overrepresented
Kenyan Somali	41	1.58%	5.85%	-4.27%	Underrepresented
Kikuyu	723	27.79%	17.14%	10.65%	Overrepresented
Kisii	146	5.61%	5.69%	-0.08%	Underrepresented
Kuria	2	0.08%	0.66%	-0.58%	Underrepresented
Luhya	216	8.30%	14.36%	-6.06%	Underrepresented
Luo	307	11.80%	10.66%	1.14%	Overrepresented
Maasai	124	4.77%	2.50%	2.27%	Overrepresented
Mbeere	33	1.27%	0.41%	0.86%	Overrepresented
Meru	83	3.19%	4.16%	-0.97%	Underrepresented
Mijikenda	73	2.77%	5.24%	-2.47%	Underrepresented
Dorobo	1	0.04%	0.05%	-0.01%	Underrepresented
Nubian	2	0.08%	0.04%	0.04%	Overrepresented
Orma	2	0.08%	0.33%	-0.25%	Underrepresented
Pokomo	5	0.19%	0.24%	-0.05%	Underrepresented
Samburu	8	0.31%	0.70%	-0.39%	Underrepresented
Suba	9	0.35%	0.33%	0.02%	Overrepresented
Swahili	1	0.04%	0.12%	-0.08%	Underrepresented
Taita	54	2.08%	0.72%	1.36%	Overrepresented

Ethnic Group	No. of Staff	% of Staff	% of National Statistics	Variance	Remarks
Teso	7	0.27%	0.88%	-0.61%	Underrepresented
Turkana	14	0.54%	2.14%	-1.60%	Underrepresented
Total	2602				

VIII. The Status of Compliance of the Institution with the Section 7 of the NCI Act, 2008 and Article 232 (1) (h) And (i) of the Constitution and the Strategies the Institution has Employed since the Passage of the Constitution to Ensure Compliance.

264. Table 250 shows the status of compliance in KenGen.

Table 250: Status of Compliance

Demographics	2010	2023
Ethnic Communities	24	27
Female	24%	26%
Male	76%	74%
PWD	26	44

IX. The Challenges the Institution has faced in its bid to Enhance Diversity of Employees and the Mitigation Measures to curb the Challenge.

265. Table 251 below shows the challenges and mitigation measures in KenGen.

Table 251: Challenges & Mitigation Measures

Challenge	Mitigation
Increasing demand for employment opportunities by the local communities surrounding our installations	We continue to sensitize the communities that no special consideration shall be extended to them and therefore need to apply for open opportunities and compete with other Kenyans when these opportunities arise
Fewer women in technical fields compared to men	We are currently mobilized it's female Engineers & Scientists to sensitize girls in

	secondary schools to take up STEM courses
	We have also taken Affirmative action in raising the number female employees in technical roles
Low number of persons living with disability applying for jobs	We have signed up to NCPWD's FUZU portal to post our adverts in order to increase outreach

X. Measures put in place, if any, to Promote a Friendly Work Environment for Persons Living with Disabilities.

266. KenGen has put in place the following measures;
- i. Ramps for ease of access into the buildings as well as the lavatories.
 - ii. We have accessible website and software's for PWDs.
 - iii. A policy on Gender mainstreaming was embossed to enable the blind to read.
 - iv. Accessibility audits in several of our operational areas were carried out to establish areas of improvement within the organisation.
 - v. We have increasingly trained employees in sign language hence communication with the deaf employees has tremendously improved.
 - vi. Disability assistance allowance paid to employees who are deaf, blind and on wheelchairs.

XI. Information on Staff Promotion in the past 5 years in terms of Ethnicity, Gender, Age and Persons with Disabilities.

267. The tables below show the information on staff promotion in KenGen. Twenty-nine (29) employees out of the one thousand one hundred and eighty-six (1,186) were Persons with Disabilities.

Table 257: Ethnicity and Gender

Ethnic Group	Female	Male	Total No. of Employees Promoted
Arab	0	3	3
Bajuni	0	2	2
Borana	0	1	1
Embu	10	12	22

Ethnic Group	Female	Male	Total No. of Employees Promoted
Kalenjin	47	148	195
Kamba	24	78	102
Kikuyu	105	274	379
Kisii	20	35	55
Kuria	0	1	1
Luhya	26	71	97
Luo	33	130	163
Maasai	7	16	23
Mbeere	2	7	9
Meru	14	26	40
Mijikenda	0	28	28
Ndorobo	1	0	1
Nubian	0	1	1
Oromo	0	1	1
Somali	4	17	21
Suba	0	4	4
Swahili	1	0	1
Taita	5	23	28
Teso	0	2	2
Turkana	0	7	7
Total	299	887	1186

Table 258: Age

Age Group	No. of Employees
18-35	103
36-45	468
46-55	371

Age Group	No. of Employees
over 55	244
Total	1186

3.13.2 Committee Observations

268. The Committee made the following observations:-

- i. Only twenty-eight (28) out of the forty-six (46) ethnic communities have been employed in KenGen contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. At Senior Management Level, twenty-two (22) ethnic communities are represented namely; Arab, Bajuni, Embu, Kalenjin, Kamba, Kikuyu, Kisii, Kuria, Luhya, Luo, Maasai, Mbeere, Meru, Mijikenda, Pokomo, Samburu, Somali, Suba, Swahili, Taita, Teso and Turkana.
- ii. Majority of employees at the Company are from three (3) communities namely Kikuyu at 27.79%, Kalenjin at 16.91%, and Luo at 11.80%;
- iii. The Company has six hundred and eighty-six (686) female employees and one thousand nine hundred and sixteen (1,916) employees translating to 26% and 74% respectively, slightly below the required two thirds gender rule;
- iv. KenGen has a youth representation of 27.29%; showing it has not fairly accorded employment opportunities to the youth in line with Article 55 (c) of the Constitution
- v. KenGen has not complied with Article 54 (2) on the 5% threshold of Persons with Disabilities in employment since it is at 1.69%;
- vi. The Company has forty-nine (49) female staff members out of two hundred and thirteen (213) in the composition of employees at Senior Management Level; and
- vii. In the ratio between National population and employment proportion, the Kikuyu community is overrepresented with a positive variance of 10.65%.

3.13.2 Committee Recommendations

269. The Committee made the following recommendations:-

- i. KenGen should work closely with National Council for Persons with Disabilities (NCPWD) and share their job advertisements in order to reach more Persons with Disabilities (PWDs);
- ii. The Company should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and Persons with Disabilities (PWDs);
- iii. The Company should employ affirmative actions and measures towards recruiting all the forty-six (46) in line with Article 232 of the Constitution; and
- iv. KenGen should expand their scope of the job advertisements which will enable it to reach more ethnic groups.

3.14 KENYA NATIONAL HIGHWAYS AUTHORITY

270. Kenya National Highways Authority (KENHA) is a statutory body established under the Kenya Roads Act of 2007 and inaugurated in September 2008. KENHA is responsible for the development, rehabilitation, management and maintenance of all National Trunk Roads comprising of Class S, A and B roads.

271. The Director General, Eng., Kungu Ndungu appeared before the Committee on Wednesday 10th May, 2023 and made the following submissions:

3.14.1 Submissions

I. The Current Employees' Composition in terms of Ethnicity, Age and Gender.

272. The tables below show the employees' composition at KENHA in terms of ethnicity, age, gender and Person with Disabilities.

Table 259: Ethnic Representation

No.	Ethnic Community	Permanent Staff	Percentage %
1.	Kikuyu	128	24.16
2.	Luo	96	19.33
3.	Kalenjin	79	14.68
4.	Luhya	57	10.78
5.	Kisii	43	8.18
6.	Kamba	38	7.43

No.	Ethnic Community	Permanent Staff	Percentage %
7.	Meru	22	4.28
8.	Somali	12	2.42
9.	Maasai	9	1.86
10.	Mijikenda	8	1.67
11.	Taita	7	1.67
12.	Teso	3	0.56
13.	Embu	3	0.56
14.	Kuria	2	0.37
15.	Mbeere	2	0.37
16.	Suba	2	0.37
17.	Njemps	1	0.19
18.	Rendille	1	0.19
19.	Sabaot	1	0.19
20.	Tharaka	1	0.19
21.	Pokot	1	0.19
22.	Borana	1	0.19
23.	Gabra	1	0.19
24.	Pokot	1	0.19
	Total	519	100

Table 260: Age

Above 60	60-55	54-50	49-45	44-40	39-35	34-30	29-25	24-20	20 and Below	TOTAL
2	54	54	78	99	111	90	31	0	0	519

Table 261: Gender

Gender	Employees	Percentage
Male	350	67.44%
Female	169	32.56%
Total	519	100%

II. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

273. Table 262 shows the composition of employees in KENHA of Persons with Disabilities.

Table 262: PWDs

Gender	Employees	Total	Percentage %
Male	10	350	2.9
Female	1	169	0.6
Total	11	519	2.1

III. The Total Number of Employees in the Institution before the Passage of the New Constitution (August 2010) and their Ethnic Representation.

274. Table 263 below shows the composition of employees in KENHA before the passage of the 2010 Constitution.

Table 263: Ethnicity

No.	Ethnic Group	Employees	Percentage %
1.	Kikuyu	70	24.31
2.	Luo	62	21.53
3.	Kalenjin	42	14.58
4.	Luhya	38	13.19
5.	Kisii	26	9.03
6.	Kamba	24	8.33
7.	Somali	5	1.74
8.	Taita	2	0.69
9.	Meru	8	2.78
10.	Maasai	1	0.35
11.	Mijikenda	5	1.74
12.	Swahili	1	0.35
13.	Njemps	1	0.35
14.	Embu	1	0.35

No.	Ethnic Group	Employees	Percentage %
15.	Turkana	1	0.35
16.	Borana	1	0.35
	Total	288	100

IV. The Total Number of Staff Employed in the Last Three Mass Recruitments and their Representation in terms of Ethnicity, Age, Gender and Persons with Disability.

275. The tables below show the number of employees recruited in KENHA from 1st September, 2010 to 25th February, 2021.

Table 263: Ethnicity

Ethnic Group	Employees	Percentage %
Kikuyu	125	26.7094
Luo	97	20.7265
Kalenjin	66	14.25
Luhya	50	11.03
Kamba	36	8.05
Kisii	27	5.06
Meru	21	4.6
Somali	13	2.07
Mijikenda	8	1.84
Maasai	7	1.38
Taita	5	1.15
Embu	3	0.46
Kuria	2	0.46
Teso	2	0.35
Swahili	1	0.23
Borana	1	0.35
Sabaot	1	0.35
Rendille	1	0.35

Ethnic Group	Employees	Percentage %
Gabra	1	0.35
Suba	1	0.35
Total	468	100

Table 264: Gender

Gender	Total	Percentage %
Male	330	69.66
Female	138	30.34
Total	470	100

V. The Ratio between the National Population and Employment Proportion in the Institution (Underrepresentation and Overrepresentation) based on 2019 National Population and Housing Census.

276. Table 265 below shows the ratio between National population and employment proportion in KENHA.

Table 265: Ratio

Ethnic Group	Permanent Staff	Percentage %	Country Ethnic Representation
Kikuyu	128	24.16	17.13
Luo	96	19.33	10.58
Kalenjin	79	14.68	12.9
Luhya	57	10.78	13.97
Kisii	43	8.18	5.77
Kamba	38	7.43	10.19
Meru	22	4.28	4.34
Somali	12	2.42	6.25
Maasai	9	1.86	2.2
Mijikenda	8	1.67	5.15

Ethnic Group	Permanent Staff	Percentage %	Country Ethnic Representation
Taita	7	1.67	0.72
Teso	3	0.56	0.89
Embu	3	0.56	0.85
Kuria	2	0.37	0.68
Mbeere	2	0.37	0.18
Suba	2	0.37	0.01
Njemps	1	0.19	0.09
Rendille	1	0.19	0.16
Sabaot	1	0.19	0.44
Tharaka	1	0.19	0.01
Pokot	1	0.19	0.46
Borana	1	0.19	0.01
Gabra	1	0.19	0.42

VI. The Challenges the Institution has faced in its bid to Enhance Diversity of Employees and the Mitigation Measures to curb the Challenge.

277. KENHA has faced the following challenges;

- i. Dismal participation of the targeted group in external recruitment.
- ii. Shortage of skills and competence from the targeted groups.
- iii. Inherent inequities in the engineering profession.

278. The Authority has a proposed recommendation to enhance sensitization in order to increase diversity at the National level.

VII. Measures put in place, if any, to Promote a Friendly Work Environment for Persons Living with Disabilities.

279. KENHA has put in place the following measures;

- i. KENHA has improved accessibility to the workplace.
- ii. The Authority trained officers stationed at the Corporate Communications customer care desk on sign language to assist in communicating with all stakeholders.

- iii. KENHA's service charter has been on a friendly braille for ease of access of information by Persons With Disabilities.

3.14.2 Committee Observations

280. The Committee made the following observations:-

- i. Only twenty-four (24) out of the forty-six (46) ethnic communities have been employed in KENHA contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution.
- ii. Majority of employees at the Authority are from four (4) communities namely Kikuyu at 24.16%, Luo at 19.33%, Kalenjin at 14.68%, and Luhya at 10.78%;
- iii. The Authority has one hundred and sixty-nine (169) female employees and three hundred and fifty (350) male employees translating to 32.56% and 67.44% respectively, achieving the required two thirds gender rule;
- iv. KENHA has a youth representation of 23.31%; showing it has not fairly accorded employment opportunities to the youth in line with Article 55 (c) of the Constitution
- v. The Authority has not complied with Article 54 (2) on the 5% threshold of Persons with Disabilities in employment since it is at 2.1%; and
- vi. In the ratio between National population and employment proportion, the Kikuyu community is overrepresented with a positive variance of 6.83%.

3.14.3 Committee Recommendations

281. The Committee made the following recommendations:-

- i. KENHA should work closely with National Council for Persons with Disabilities (NCPWD) and share their job advertisements in order to reach more Persons with Disabilities (PWDs);
- ii. The Authority should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and Persons with Disabilities (PWDs);
- iii. KENHA should employ affirmative actions and measures towards recruiting all the forty-six (46) in line with Article 232 of the Constitution; and
- iv. The Authority should expand their scope of the job advertisements which will enable it to reach more ethnic groups.

4.0 ANALYSIS ON ETHNICITY, GENDER, YOUTH AND PERSONS LIVING WITH DISABILITY

282. This section provides a summary of the institutions assessed during the inquiry in terms of:-

- i. The ethnic Community with the highest number of employees per agency in comparison with the 2019 National Population and Housing Census;
- ii. Persons living with disabilities representation
- iii. Gender distribution; and
- iv. Youth representation.

4.1 Ethnic Community Representation

283. The table below shows the ethnic Community with the highest number of employees per agency in comparison with the 2019 National Population and Housing Census report: -

Table 266: Ethnic community with the highest representation per agency

	Institution	Ethnic Community	Percentage of Employees %	Percentage Nationally as per the 2019 Census Report %	Variance
1.	Teachers Service Commission (TSC)	Kalenjin	17.17	13.51	Overrepresented +3.66
2.	Anti-Counterfeit Authority (ACA)	Kikuyu	18.10	17.13	Overrepresented +0.97
3.	National Social Security Fund (NSSF)	Kalenjin	18.26	13.51	Overrepresented +4.75
4.	Kenya Bureau of Standards (KEBS)	Kikuyu	18.47	17.13	Overrepresented +1.34
5.	Kenya National Shipping Line (KNSL)	Luo	31.58	10.77	Overrepresented +20.81
6.	Pwani University	Mijikenda	33.49	5.29	Overrepresented +28.20
7.	Kenya Maritime	Luo	15.97	10.77	Overrepresented

	Institution	Ethnic Community	Percentage of Employees %	Percentage Nationally as per the 2019 Census Report %	Variance
	Authority (KMA)				+5.20
8.	Coast Development Authority (CDA)	Mijikenda	42.86	5.29	Overrepresented +37.57
9.	Kenya Marine and Fisheries Research Institute (KMFRI)	Kisii	39.70	5.74	Overrepresented +33.96
10.	Communications Authority of Kenya (CAK)	Kikuyu	19.43	17.13	Overrepresented +2.30
		Kalenjin	19.43	13.51	Overrepresented +5.92
11.	Kenya Trade Network Agency (KenTrade)	Kikuyu	30	17.13	Overrepresented +12.87
12.	Kenya Medical Research Institute (KEMRI)	Kikuyu	25.83	17.13	Overrepresented +8.70
13.	Kenya Generating Electricity Company (KenGen)	Kikuyu	31.73	17.13	Overrepresented +14.59
14.	Kenya National Highways Authority (KENHA)	Kikuyu	24.16	17.13	Overrepresented +7.03

284. As presented in the table above, KENTRADE has 30% representation of one ethnic community which is the Kikuyu at 30%, despite having been established after the promulgation of the Constitution of Kenya, 2010.

285. Further, it has been noted in the table above that five (5) institutions have been dominated by the Kikuyu ethnic community; two (2) other institutions by the Kalenjin; two (2) agencies by the Luo, two (2) other by the Mijikenda and one (1) institution by the Kisii community.

286. The Communication Authority of Kenya has been dominated by both the Kikuyu and Kalenjin communities at 19.43% each.

4.2 Compliance with Article 54 (2) of the Constitution of Kenya, 2010.

287. Out of the fourteen (14) institutions sampled, none has met the 5% minimum threshold in the representation of Persons with Disabilities as stated in the Constitution. NSSF has the highest representation at 4.5% while KNSL reported no representation as indicated in the table below:

Table 267: PWD Percentages per Agency

	Institution	PWDs Percentage %
1.	Teachers Service Commission (TSC)	1.41
2.	Anti-Counterfeit Authority (ACA)	0.95
3.	National Social Security Fund (NSSF)	4.59
4.	Kenya Bureau of Standards (KEBS)	1.35
5.	Kenya National Shipping Line (KNSL)	0
6.	Pwani University	1.0
7.	Kenya Maritime Authority (KMA)	3.36
8.	Coast Development Authority (CDA)	1.50
9.	Kenya Marine and Fisheries Research Institute (KMFRI)	3.0
10.	Communications Authority of Kenya (CAK)	2.0
11.	Kenya Trade Network Agency (KenTrade)	2.0
12.	Kenya Medical Research Institute (KEMRI)	1.80
13.	Kenya Generating Electricity Company (KenGen)	1.69
14.	Kenya National Highways Authority (KENHA)	2.10

4.3 Compliance with the two-thirds gender rule.

288. Twelve (12) out of fourteen (14) institutions have adhered to the two-thirds gender rule except KNSL and KenGen as outlined in the table below;

Table 268: Gender Representation per Agency

	Institution	Gender	
		Male %	Female %
1.	Teachers Service Commission (TSC)	50.80	49.20
2.	Anti-Counterfeit Authority (ACA)	69.52	30.48
3.	National Social Security Fund (NSSF)	50.37	49.63
4.	Kenya Bureau of Standards (KEBS)	60.83	39.17
5.	Kenya National Shipping Line (KNSL)	73.68	26.32
6.	Pwani University	63.26	36.74
7.	Kenya Maritime Authority (KMA)	62.18	37.82
8.	Coast Development Authority (CDA)	60.15	39.85
9.	Kenya Marine and Fisheries Research Institute (KMFRI)	67.40	32.60
10.	Communications Authority of Kenya (CAK)	54.66	45.34
11.	Kenya Trade Network Agency (KenTrade)	52	48
12.	Kenya Medical Research Institute (KEMRI)	56	44
13.	Kenya Generating Electricity Company (KenGen)	74	26
14.	Kenya National Highways Authority (KENHA)	67.44	32.56

289. However, in the Senior Management Level, it is noted that only six (6) institutions have complied with the two-thirds gender rule whereby KERRA has the lowest representation of women in Senior Management at 10%.

4.4 Compliance with Article 55 (c) of the Constitution of Kenya, 2010.

290. Only six (6) institutions have accorded equal opportunities in employment to the youth. NSSF has the least representation of the youth at 7.8%. This is shown in the table below:

Table 269: Youth Percentage Representation per Agency

	Institution	Youth Percentage representation (20-35 years)
1.	Teachers Service Commission (TSC)	37.47
2.	Anti-Counterfeit Authority (ACA)	60
3.	National Social Security Fund (NSSF)	7.80
4.	Kenya Bureau of Standards (KEBS)	24.47
5.	Kenya National Shipping Line (KNSL)	28.57
6.	Pwani University	23.02
7.	Kenya Maritime Authority (KMA)	33.61
8.	Coast Development Authority (CDA)	31.58
9.	Kenya Marine and Fisheries Research Institute (KMFRI)	16.49
10.	Communications Authority of Kenya (CAK)	47.37
11.	Kenya Trade Network Agency (KenTrade)	51.11
12.	Kenya Medical Research Institute (KEMRI)	22
13.	Kenya Generating Electricity Company (KenGen)	27.29
14.	Kenya National Highways Authority (KENHA)	23.31

5.0 GENERAL OBSERVATIONS

291. The Committee during its Sitting held on Saturday, 24th June 2023 made the following observations:

- (1) The information received from the public institutions are indicative of skewed composition of civil servants and a huge ethnic imbalance in employment with few ethnic communities dominantly overrepresented;
- (2) There was a consistent pattern of exclusion of some communities among all institutions that appeared before the Committee and in most institutions, it is visible that some communities have been excluded from employment at all cadres which is causing acrimony in the country. The discourses of exclusion and marginalization are responsible for continued lack of cohesion and unity among Kenyan communities;
- (3) The findings of the audit report demonstrate that lack of cohesion in Kenya is a major issue and therefore requires resource-based interventions. Addressing inequalities in the civil service requires strong political will and commitment and demands of the recognition that Kenya as a nation is far more important than any single ethnic community. It is only by taking a pro-active political solution and deploying resources to the relevant segments of the Kenyan society that we shall create a “One Kenya, One People” and be able to recognize our diversity as a resource;
- (4) Public institutions do not play a role in deployment of staff through central postings and this has created unequal distribution of employees across the various institutions;
- (5) There is lack of affirmative action to ensure re-distribution of the staff above the legal threshold to other institutions to ensure equity;
- (6) Public institutions have focused more on meritocracy thereby ignoring gender, ethnic and regional balance to achieve the face of Kenya;
- (7) Article 232 of the Constitution of Kenya, 2010 expressly provides that the public service should be representative of the diverse Kenyan communities, however the Committee notes that since the enactment of the new constitution, public institutions have continued to carry out recruitments from over-represented communities;

- (8) Most of the institutions that appeared before the Committee submitted that they do not receive applicants from some communities or persons with disabilities hence their low representation;
- (9) Despite the provisions of Article 54 (2) of the Constitution of Kenya, 2010 that requires that Persons with Disabilities should make up at least five per cent (5%) of the workforce, none of the institutions interviewed have complied;
- (10) Majority of the regional institutions have the local community as the majority community; however, it is also worth noting that local communities are mostly found in the lower cadre jobs which have a low pay and are therefore less likely to attract communities from far flung areas;
- (11) There was a freeze on employment in most public institutions which made it hard to bring in new employees despite some institutions being understaffed. However, institutions are allowed to replace employees who exit either through natural attrition or otherwise;
- (12) Section 7 of the National Cohesion and Integration Act, 2008 obligates all public establishments to ensure representation of Kenya's diversity *by having no more than one third of staff from the same ethnic group*. It is worth noting that the Kikuyu ethnic community has the highest representation in the country at seventeen per cent (17%) of the national population. The Committee proposes to amend this section of the Act by having no more than one fifth of staff so as to reflect the proportion of ethnic representation in the country; and,
- (13) Board Members of public institutions are not recruited in the same manner as employees and are mostly nominees/ representatives of various groups, however it worth noting that composition of Board Members come from highly represented communities in the country and there is usually very little diversity within the Board.

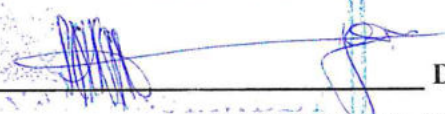
6.0 GENERAL RECOMMENDATIONS

292. The Committee during its Sitting held on Saturday, 24th June 2023 made the following recommendations:

- (1) All public institutions should liaise with the Public Service Commission through the Directorate of Personnel Management as the central posting authority to affirmatively correct the anomaly of their staff establishment so as to comply with Section 7 (2) of the National Cohesion and Integration Act, 2008;
- (2) The National Cohesion and Integration Act, 2008 should be amended to compel the head of the civil service to quarterly report to Parliament on the staff establishment with specific emphasis on how ethnic and marginalized groups are represented;
- (3) All public institutions should affirmatively operationalize Article 56 (2) of the Constitution that provides for the promotion of representation of marginalized groups in their staff establishments. Affirmative actions should be used in the recruitment through a deliberate head-hunting policy for the marginalized groups because some of these communities have internalized the logic of self-exclusion and therefore do not apply for jobs even when they are qualified due to long periods of marginalization;
- (4) Due to historical injustices, the Government should engage in accelerated affirmative actions by rapidly building the human capital stock in the marginalized areas through establishment of schools, improvement of communication and infrastructure;
- (5) Public institutions should not rely only on the print media to advertise for vacant positions but should make deliberate efforts to ensure that the information reaches the lowest units of administration;
- (6) All public institutions should introduce the idea of addressing ethnic inequalities approach in the public service as a benchmark in performance contracting to guide regular review of how each institution is addressing the problem;
- (7) Redeployment of staff to other institutions should be undertaken to ensure that all the communities are well represented in the civil service;
- (8) There is need to develop and implement policies that would reduce the inequalities in the civil service. In this respect, there should be a proposed amendment of the National Cohesion and

Integration Act, 2008 to be in proportion with the latest 2019 census report as the national population percentage of any ethnic community;

- (9) Public institutions should develop policies that have clear strategies on how to ensure that under-represented groups that is, under represented ethnic communities, gender and Persons with Disabilities are recruited into the institutions;
- (10) Heads of public institutions in regional areas should come from a different community from the local community;
- (11) To enable wider reach to communities when making job advertisements, public institutions should consider using local vernacular stations in addition to newspaper dailies to advertise for job opportunities. Job Advertisements should also go to the lowest administrative units such as wards. Further, all vacancies should be shared with institutions that work with special groups such as the National Council for Persons with Disabilities and the National Gender and Equality Commission;
- (12) Public institutions should use the opportunity for the staff who exit the institution to recruit staff from under represented communities and groups;
- (13) There is need to amend the Section 7 of National Cohesion and Integration Act, 2008 to indicate 'that no public institution should have more than one fifth or twenty per cent (20%) of staff from the same ethnic group'. The Committee to follow through with the amendment in the proposed National Cohesion and Integration Bill 2023; and
- (14) The appointing body for Members of Boards or Council should adhere to the requirements of Article 232 of the Constitution of Kenya, 2010 that requires that there should be diversity in public institutions.

SIGNATURE: 		DATE: <u>5/07/2023</u>
HON. YUSSUF ADAN HAJI, MP		
CHAIRPERSON,		
COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY		
DATE: <u>06 JUL 2023</u>	Thursday	
TABLED BY:	Hon. Yussuf Haji, (Chairperson, National Cohesion and Equal Opportunity)	
CLERK AT THE TABLE:	Joyce Kemmerelle	

ANNEXURE 1

ADOPTION LIST

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