

TEACHERS SERVICE COMMISSION



64TH KNUT ANNUAL DELEGATES' CONFERENCE, 2024

ROLE OF TSC IN NURTURING CORDIAL LABOUR RELATIONS

SALUTATIONS:

- The Chief Guest,
- The National Chairman, Kenya National Union of Teachers (KNUT)
- Secretary General, Kenya National Union of Teachers (KNUT)
- The National Treasurer, Kenya National Union of Teachers (KNUT)
- The Leadership, Kenya Secondary School Heads Association (KESSHA)
- The Leadership, Kenya Primary School Heads Associations(KEPSHA)
- The Leadership, Kenya Women Teachers Association(KEWOTA)
- The Leadership, Special School Heads Association of Kenya (SSHAK)
- Teachers.
- Invited Guests.
- Delegates
- Ladies and Gentlemen,

INTRODUCTION

1. I am extremely excited to be part of this great annual congregation of the Top organ of the Kenya National Union of Teachers. At the outset, I wish to thank the KNUT leadership for inviting me to this critical event in the Union's annual calendar.
2. This occasion is significant since it brings to the fore the significant role played by the trade unions in articulating the interest and shaping the welfare of employees. Teachers and the teaching profession remain the most cardinal calling in our society. It is this profession that has made the world what it is today. It is for that reason that I am here to celebrate with you the milestones that we have collectively achieved as a teaching service.
3. In the wake of the 2010 Constitution, labour rights have not only been recognised as fundamental rights but also imprinted into the supreme law of the land. As a result, trade unions have been accorded a new impetus with profound responsibility to champion the rights of their members within the contours of the Constitution.
4. Being bound by the Constitution, the TSC has had to align its operations, practices and traditions to conform to the emerging labour rights. Needless to say, Labour Relations play a crucial role in fostering harmony at the work place. Unions play a crucial role in labour relations by representing the interests of workers and advocating for their rights. However, as the saying goes **"it takes two to tango"**, the unions cannot exist in isolation. They have to exist side by side with the employers. It is this symbiotic relationship that KNUT has cultivated since its registration on 4th December, 1957.

5. In my own assessment, looking back from where we started, and applying my evaluation skills a teacher and in my own independent judgment, **you have done well as a union**. You indeed deserve a standing ovation.
6. Allow me to mention, for the record, three fundamental achievements that stand out for you.
 - a) First, **the clamour for establishment of a single employer in in the 1960s that culminated in to the establishment of the TSC.**
 - b) Secondly, **during the Constitution of Kenya review process, KNUT ensured that TSC was elevated to an Independent Constitutional Constitution with clear constitutional mandate.**
 - c) Lastly, in the advocacy for members' welfare, KNUT stands out above all other unions in Kenya to have consistently advocated for the rights of its members. You have done this using different strategies. Some civil, others not. But as they say, the end justifies the means.

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7. I now turn to the theme of my presentation, **"The role of the TSC in nurturing cordial labour relations"**. As you are aware, TSC is the largest employer in the public sector in east and central Africa. The Commission is largely, the market leader in terms of employee management in the public sector in Kenya consuming the largest budget in terms of public wage bill.

8. It is, therefore, incumbent on the TSC to take the lead role in nurturing, championing and fostering cordial labour relations with its social partners and other stakeholders. Personally, I consider this as a duty and a cardinal obligation.
9. More importantly, the TSC is in charge of the most vulnerable sub-sector of our society. **Our school going children.** Article **53 (2)** of the Constitution provides that a child's best interest is of paramount importance in every matter concerning the child. The TSC is, therefore, required to promote and uphold the best interest of the child while exercising their functions.
10. The Commission has had to explore a balancing act intended to nurture cordial labour relations with its social partners to facilitate cohesion, harmony and peaceful co-existence in the teaching subsector. This has been achieved through various ways including:

a) Recognition of the unions in the teaching service. The entry point of cordial industrial relations is the signing of the Recognition agreement. KNUT and TSC signed the first Recognition Agreement in 1968. The same was reviewed in 2021 to align it to the provisions of the 2007 labour laws and the 2010 Constitution. Early this year, KNUT proposed further amendments on the instrument. To this end, in view of our commitment to foster harmonious industrial relations, the Commission appointed a technical team to meet the KNUT's team and deliberate on the proposed amendments. The process is ongoing and parties have generated the first draft to be submitted to the appointing authority for approval. I am confident the process will be concluded early in the year.

b) Institutionalisation of collective bargaining in the teaching

service: Collective bargaining is the cornerstone of industrial relations. Collective bargaining develops better understanding between the employer and the employees. To achieve this objective, the Commission has institutionalized collective bargaining in the teaching service which has led to the signing and implementation of two 4 year cycle CBAS. The **2017 -2021 CBA** at a cost of **Sh54 Billion** and the **2021-2025 CBA** at a cost of **Sh18 Billion**. The Commission is currently waiting for your Memorandum to commence the **2025-2029** CBA. The Ball is in your Court.

c) Embracing Social dialogue. The Commission has spearheaded the use of social dialogue in discussing topical issues relating to teacher welfare. This year alone, TSC has had exclusive consultations with KNUT more than 10 times. This excludes informal meetings that I have had with the SG and other leaders in the union. On this end, allow me to thank KNUT for sponsoring some of the retreats we have had. One of the topical issues we subjected to social dialogue was the promotion of **36,000** teachers when you alleged that the list of promoted teachers included those who had exited service. I dispatched a team of Directors for a 6-day retreat with KNUT to address the union concerns. At the end of the retreat, KNUT conceded that the exercise was conducted in a transparent manner. I thank your leadership for the feedback I received during the retreat.

d) Development of responsive governance structures: In 2015, the Commission made a deliberate decision to restructure its

organisational set-up to infuse governance structures that are responsive, articulate and coherent to anchor, nurture and enhance cordial industrial relations. In doing so, the Commission, created a fully-fledged directorate to deal with labour and industrial relations. This strategic directorate coordinates all union matters on a full time basis under very close consultations with the CEO under the general guidance of the Commission's Board. As a result labour and industrial matters are now handled efficiently, promptly and with the attention that they deserve.

- e) **Enhancement of institutional capacity:** Specialized knowledge and skills is needed to excel in nurturing robust industrial and employment relations. To achieve this key goal, the Commission has invested in a comprehensive programme targeted to acquire the specialised knowledge and skills needed to excel in industrial and employment relations.
- f) **Embracing Alternative Dispute Resolutions as a means of managing collective grievances.** The Commission is steadfast in its commitment to have all disputes settled through bipartite negotiations with the Union. The Commission and KNUT demonstrated this leadership recently when there was an issue of the implementation of the final phase of the CBA. KNUT showed leadership and adopted alternative method of dispute resolution. This ensured industrial harmony in the teaching sector which has in turn facilitated continuous implementation of curriculum in our schools.

11. Commendably, the good labour relations that we have nurtured between the Commission and KNUT has led to the realisation of the following milestones in the public teaching sector:

- a) Introduction of performance management in the teaching service: The Commission rolled out Teacher Performance Appraisal and Development (TPAD) in all schools' country targeting over 300,000 teachers. Through this process, all teachers have been successfully appraised each term of the year. The teacher appraisal system has enhanced teacher performance as demonstrated through increased teacher-learner contact time, effective lesson preparation, time management, the use of teaching and learning materials in curriculum delivery.
- b) **Seamless implementation of the CBC and CBA:** Due to cordial industrial relations, the Commission working together with KNUT and other stakeholders has retooled over 300,000 teachers to equip them with the requisite content, skills, competences, values and attitudes to implement the new curriculum and Assessment.
- c) **Institutionalisation of TIMEC:** A Teacher Induction, Mentorship, and Coaching (TIMEC) Policy has been developed to institutionalise the induction, mentorship and coaching programme. A total of 56,519 teachers have been sensitised on the programme. The Commission also has built capacity of 1,712 field officers, 28,741 Board of Management (BOMs) and 38,354 heads of institutions in management of teacher conduct.

- d) **Promotion of teachers:** As you are aware grades B5 and C1 form a common establishment for P1 certificate holders, C1-C2 for Diploma Teachers and C2-C3 for graduate teachers. Upon completion of three years of satisfactory service, these teachers are automatically promoted in the common cadre establishment. Accordingly, the Commission has promoted **168,389** on Common Cadre and **73,902** under competitive promotions respectively between 2018-2023. Currently, the Commission is processing applications for the 5,690 advertised posts and will shortly advertise another **19,000** vacancies for promotion.
- e) **Recruitment of teachers:** Since 2022/2023 financial year, the Commission has been able to employ **76,000** teachers to address the teacher shortage in Kenya. Out of the 76,000, **20,000** have been engaged as interns while **56,000** teachers are serving under permanent and pensionable terms of service. These teachers will report to their schools in January 2025.
- f) **Mental health:** The Commission through its wellness unit and other partners has ensured that necessary support is accorded to teachers in need of this service.

12. On behalf of the Commission, I wish to assure the Union and the entire teaching fraternity in Kenya that the TSC shall continue to do what it takes to ensure that we further foster and strengthen industrial relations with the teacher unions so as to leverage on the benefits of good industrial relations.

13. As I conclude, I take this opportunity to once again thank the Union for their zeal in not only representing their members but also defending the workspace in the teaching service. I implore upon the Union to continue serving your Members as you have always done through embracing the spirit of negotiations.

14. Finally, I now turn to myself. Sincerely, I have no words to express my most profuse appreciation to KNUT for your utmost professionalism with which you have dealt with me over the last nine years. As I approach the tail-end of my 10-year service as Secretary and CEO of the TSC, I can only look back with an incredible tinge of satisfaction over our enviable work relationship in office. I wish you the very best as you work to elevate the teaching profession to even higher standards.