



UNIVERSITIES' ACADEMIC STAFF UNION (UASU)

THE TECHNICAL UNIVERSITY OF KENYA CHAPTER

All correspondence to be addressed to the Chapter Secretary

Secretary: *Jacob Musembi*

Chairman: *Fred Sawenja*

Treasurer *Njeri Gatere*

MINUTES OF UASU TU-K CHAPTER 11th ANNUAL GENERAL MEETING HELD ON 12TH NOVEMBER 2020 AT THE MAIN HALL 11 am

Agenda

1. Preliminaries
2. Adoption of the Agenda
3. Apology
4. Confirmation of Minutes of the 10th AGM.
5. Matters Arising
6. Chairman's Remarks
7. Chapter Secretary's Report
8. Treasurer's Report, Auditors Report, and Proposed 2021 Budget
9. Trustee's Report
10. Deliberations and Resolutions
11. A.O.B
12. Date of The Next AGM

PRESENT

- | | |
|-------------------|----------------------|
| 1. Jacob Musembi | Secretary |
| 2. Sawenja Fred | Chairman |
| 3. Naomi Kinanu | Treasurer |
| 4. Peter Githinji | Vice Chairman |
| 5. Njeri Gatere | Deputy Secretary |
| 6. James Thiong'o | Organizing Secretary |

- | | |
|---------------------|---------------------|
| 7. Jane Esese | Assistant Treasurer |
| 8. Peter Wanjau | Trustee |
| 9. Dr. Ronald Sungu | Trustee |
| 10. Sarah Ngure | Trustee |

In attendance

- | | |
|------------------------|-------------------------------|
| 1. Eng. Muiga Rugara | National Organising Secretary |
| 2. Ms. Eunice Wangithi | Kirugu and Associates |

Min 1/12 Nov/ 2020: Preliminaries

The Chairman called the meeting to order at 11:10 am. Dr. Sungu led opening prayers.

The Chairman introduced the officials and welcomed members to the forum.

Min 2/12 Nov/ 2020: Introduction and Adoption of the Agenda

The Chairman introduced the agenda of the day. It was adopted for deliberation proposed by: Shadrack Asuke -SBMS and seconded by: Eng. Wenslaus Wanyama - SEEE.

Min 3/12 Nov/2020: Apologies

The Chairman requested members to register any apologies at the registration desk. See Appendix 1.

Min 4/12 Nov/2020: Confirmation of Minutes of The Previous AGM Held On 21st November 2019

The minutes were confirmed as an actual record of the deliberations of the previous meeting.

Proposed by: Dr. Murerwa Tabitha SBMS and seconded by bro. Kwenga Japheth- SHITE

Min 5/12 Nov/ 2020: Matters Arising

The Chairman took members through the minutes.

Min 6/22/Nov/ 2019 Chairman Remarks:

A member sought clarification on the national CBA. The Chairman clarified that the status of the NCBA was the prerogative of the national office.

Min7/21 Nov/ 2019 National Secretary Generals Remarks

It was observed that some members had already retired **(1st item on page 6)**.

The CS noted that the Corporate Trustee would be hosted online during the meeting at noon, and he would respond to pension matters.

He then reiterated that the position of the pension scheme would be made clear by Octagon during the meeting.

Page 5

A member sought to know what the University owed the Union in terms of pension and union dues. The Chairman informed members that the information would be read in the report and presented by the corporate trustee.

Page 7 on chapter secretary's report 2013/2017 CBA

The Chairman noted that the negotiations for 2013-2017 had been completed by last year before the COVID-19 pandemic. However, the processes had been delayed as the management term had expired. The chapter secretary had earlier on paid a courtesy call to the VC and deliberated on the matter.

2017-2021 NCBA.

The Chairman reported that UASU received Ksh. 6.6 Bn from the government.

Many universities reported surpluses. However, the matter was still in court.

TUK staff were still receiving old salaries as TUK management was yet to receive capitation from the ministry (2.2bn portion as expected)

2012-2013 CBA.

The secretary noted that TUK management owed members arrears of commuter allowance raised from 9000-14000.

That the arrears be captured during the 2013-2017 CBA negotiations, the outstanding arrears be computed. The total outstanding amount **ksh. 129,587,489.**

Pg. 8 Financial remittances.

Mwalimu Sacco.

A member sought to know about the status of the Sacco deductions from the members.

The Chairman noted there was an improvement on Mwalimu remittances as the balance stood at Ksh. 12.5m from previously Ksh. 175m. Management had written to Mwalimu requesting a grace period due to COVID-19 Pandemic.

The Chairman reiterated that members ought to be receiving their refunds from management accruing from the Sacco deductions.

A member noted there was a need for TUK to release information on what had been paid to Mwalimu so that all members would be aware of their financial position.

Union dues. A member inquired if members would obtain individual contribution statements.

The SG noted that it would not be possible because what appears on the payslip is not what the TUK finance office remits. Cheques from 2019 were still lying in the office. The national office had taken the matter to court.

Medical scheme. A member sought to know the position on the memorandum of understanding between TUK management and various hospitals.

It was also noted that TUK management made no refund of the medical expenses hence the need to seek a solution on the medical issue through a resolution.

The Chairman noted that TUK has an MOU with several hospitals where a member can be admitted and payment made later.

The NHIF remittances were up to date.

However, the Chairman noted that where a member is far away from the hospitals listed on the MOU, they would not get any medical assistance unless they pay for themselves.

A member noted that the scheme is functional though characterized by discrimination issues.

A member noted that they were not happy with the medical facility (clinic) hence needed a timeline on getting information on the medical scheme. The Chairman promised to pursue the matter with Dr. Kodhek after the meeting.

FTSE

A member noted that the FTSE issue was still unresolved. Some staff members received their pay promptly while having arrears since 2014. That payment was discriminatory.

Pg12. Deliberations and Resolutions

A member noted the need to upgrade the NHIF cover so that members can receive better services. Under the current situation, university staff is received by the NHIF office as a pauper. UASU office to push for a better medical scheme.

Chairman response: medical scheme is a local CBA issue. Each University has its scheme. However, as we advance 2021-there proposals that the National office would undertake a medical scheme nationally

Pg. 13. Staff welfare is coordinated and run by staff.

The Chairman noted that in December 2019, NDC, the welfare matter was deliberated, and it was agreed that members could proceed and form the scheme.

The TUK union facilitated the steering welfare committee headed by Mr. Okallo.

The committee met the UASU-TUK CS and Chairman and presented their report, which could be submitted for approval by members. He requested the UASU officials to chat the way forward.

Chairman response: They attended two of their meetings, and no report was given to officials. A committee noted that the committee should present the report to the UASU officials for deliberation.

-The CS clarified that the welfare committee was to draft an interim constitution – but this was not done. He urged members to make a resolution on the matter in the AGM.

A member observed that welfare existed already in TUK, and members can strengthen it too.

A member retaliated that all was not lost as the welfare committee could still complete the formation process.

Min 6/12 Nov /2020: Chairman's report

The Chairman thanked members for attending the meeting both physically and virtually. He noted that God had protected members during this time of the Covid-19 pandemic. He informed members that the elections would take place between Jan-March 2021. He reiterated that the role of the Union is to safeguard the interests of its members. Therefore members need to support the Union.

Allow me to remind ourselves of some important roles of Unions in Academic Institutions such as ours.

1. Union Benefits

Unions enable academic staff members to safeguard their work environment (teaching and research) by pooling their strengths. United in Liberty, alone we are powerless.

Unions should provide members with crucial information about the institution that would be unavailable without the resources provided by member dues.

Unions enhance the legislative influence and political impact of the academic community by maintaining relations with National and County governments, as well as collaborating with other labor organizations centers.

2. The Calling

The challenges faced in the delivery of our mandate should not dampen our spirits.

We should all keep faith and trust in the struggle to Liberate the academic community from labor injustices in the country.

The threat posed by SRC on the value of the academic worker remains real, and we should all be vigilant to protect our jobs from devaluation by SRC.

UASU can do more for its members, but it all depends on how we embrace the spirit of collectivism without standing aside and pointing fingers or joining the oppressor.

He urged members to keep the focus on the objectives of the Union and guard against threats to our unity from within and without.

Min 7/12 Nov/2020: Chapter Secretary's Report

The chapter secretary recognized the presence of the National organizing secretary, brother Muiga. He also recognized the presence of Ms. Eunice Wangithi from the audit office, Kirugu, and Associates. He also welcomed UASU members to the AGM and commended them for turning up, given that this was an extraordinary time due to the COVID-19 pandemic.

At the chapter level, we successfully negotiated to completion the 2013-2017 CBA. The Union is working round the clock to get the CBA implemented. The arrears from 2012-2013 CBA have not been forgotten either. Management and the three unions have documented every detail. It is important to note that the delay in negotiating and fully implementing the CBAs is due to the lethargy and stubbornness of the management.

The fight for the 2017-2021 CBA at the National front has been a grueling battle in and out of courts. The National Secretary-General and team have ensued a long battle in courts, culminating in part payment of the 2017-2021 CBA. The wrong implementation of the CBA must never demoralize us members, but instead, it should double our reliance.

Dear members, as we reflect on the status of the staff pension scheme. The sponsor and RBA entered into several agreements on how the delayed and current deductions would be remitted, but the sponsor reneged. The Union pressurized RBA culminating with the dissolution of the board of trustees, and RBA moved to court. The court eventually ruled that a corporate trustee runs the pension scheme. The Union got involved in the sourcing for the corporate trustee. Today we have Octagon Financial Services Ltd as our corporate trustee and CoopTrust as the fund managers.

In 2019, there has been a positive change in the time the salary is released, payment of statutory dues, and loan deductions. After direct and productive engagement between the Union and management, this resulted in better reorganization at the finance department.

However, a lot needs to be done because of the huge pending claims, ranging from medical, gratuity to Full Time Staff Equivalent (FTSE).

The issue of inadequate capitation and or income-generating activities remains under the purview of the employer. The Union will continue playing its role by offering well thought out advice even without an invitation.

Therefore any pending claims, delayed bank loan deductions, insurance premiums, pension, HELB, and statutory deductions are injustices the Union condemns in the strongest terms.

Comrades, it has been difficult to run the union affairs of the chapter due to inconsistent remittance by the employer of union dues. The National office moved to court, which ruled in favor of the Union and ordered the University to pay all the pending deductions and the suit's cost. There has been little change in union dues remittance even with the order, and the next course of action will be for the Union to legally enforce the orders of the court.

Leadership is for those that can endure, suffer and sacrifice for the benefit of members. It is now twenty-three months and counting without honoraria. Allow me to sincerely thank all the current officials for being true servants of the members. Thus far, they have truly sacrificed.

2019 had many issues directly affecting individual members. These ranged from disciplinary, grief, sickness, and promotions to social matters. The Union fought and succeeded in saving many colleagues with disciplinary cases. I am happy to report that two colleagues from SMBS who had endured a lot of unjustified victimization eventually got back to work.

Further, the Union won many other disciplinary cases, and the affected colleagues are today on the payroll.

Additionally, the Union has continuously been engaging management to expedite all promotions that are due. To that end that Graduate Assistants and Tutorial Fellows did get the opportunity for an interview, and largely, all promotions sailed through. Many more interviews and promotions happened across all the other cadres.

In grief, the Union always rallies members, supports the bereaved family, and ensures the employer participates fully to give the departed comrade a decent send-off. He thanked members have always responded whenever called upon.

May that spirit of brotherhood and sisterhood continues to thrive for the common good.

Comrades, 2021 is an election year. He implored with members to elect officials to the office for the good of the Union.

He pleaded to those vying; to not have smear campaigns. To leave empty rhetoric to others out who are least educated.

He thanked members for being supportive through the years.

We look forward to continued friendship and cooperation

Min 8/12 Nov/ 2020 Remarks from the Director of Octagon Financial Services

Octagon was appointed in 2019 as the corporate trustee of TUK. Their primary role is to safeguard members' assets.

An assessment shows that the assets are under KCB as the scheme's custodian and Coop Trust fund manager. Assets- money contributed by the University- they sought the services of a financier to determine the 100 million Kshs.

Contribution per member- has taken some time to compute. They had had a meeting to determine the member's contribution. He informed the members that computations were ongoing.

An actuary and auditor were appointed to determine how much each member is owed. To enable payment of those that have retired or passed on.

Discussions after Octagon's presentation

A member sought to know the time limit to pay pension money and have their statements.

Responses The auditor's report would take a maximum of two to three weeks hence expected response by early December 2020.

The University is obligated to pay any amounts owed, and if not, the legal process would be pursued. This would be done by RBA that has already taken the matter to court. This may call for scheme liquidation, and the recovery may be a long process.

Members felt that there was a need for them to be sensitized on pension matters.

K.C.B. is the custodian of the trust fund, while Corporate trust is the Fund manager

Alexander Forbes (Zamara), the Pension administrator, is required to organize AGMs and give statements.(they had led down the scheme).

The Union hopes that the current corporate trustee will perform better.

A member sought to know who appoints the pension administrators as they keep on changing names hence losing their credibility.

Another member sought to know how long the appointed trustee has been in the office since nothing has been done up to date.

A member wanted to know if members could utilize their money under current management through mortgages.

Members also wanted to know what Alexander Forbes has done so far since it has been there for a long time

A member also noted that TUK was not remitting money to Alexander Forbes.

Chairman's response

The council appointed Coop trust as the fund manager

RBA ended up taking the trustee to court

The pension scheme has been on the recovery path

Octagon has a three-year contract from 2019. They have appointed an actuary and an auditor.

The Chairman noted that Octagon would give a comprehensive report on whether our money is safe. The CS reiterated that UASU would do its part.

A member questioned why the CS report reported Ksh thirty-eight million unpaid union dues while the treasurer's report read approximately Ksh. Forty-seven million. Members reiterated the need for teamwork in the union office.

The Chairman clarified that the amount was forty million and not forty-seven million as mentioned by the member. The discrepancy could have been caused by having the two reports written at different times.

Members sought to know the status of the case in court over the remittances. They expressed concerns that the Union operated without funds. It was proposed the need for the office to separate the union dues from the national office dues.

Min 9/12 Nov/ 2020: Treasurer's Report And Proposed 2020 Budget

The treasurer welcomed the members to the AGM and thanked God for keeping us safe.

She invited the auditor to present the audited report from Kirugu and associates.

The treasurer of UASU is mandated to administer the Union's funds under the provisions of our union constitution (Article 10(f)), labor relations No.65 of 6th June 2014 Registrar of Trade Unions guidelines.

Kirugu and Associates audited the union funds.

A monthly subscription fee from every member at the rate of 2% of the basic pay is the primary source of income.

The collection of union dues remains inconsistent. Consequently, UASU's national office petitioned the Employment and Labor Relations Court at Nairobi (cause no. 112 of 2019) on 2nd July 2019. Some of the reliefs sought in the suit are as listed below:

- a) Kshs.39,504,097.05 for April, May, July to December 2015; January to April, July to December 2016; January to October and December 2017; January to June, September and December 2018, and January to May 2019.

- b) An order compelling the respondent to remit monthly union dues to the Petitioner deducted from all members of the Union following section 50 of the Labor Relations Act.
- c) The Court does issue a declaration that the respondent is in breach of the Petitioner's right under Article 41 of the Constitution and the Labor Relations Act.
- d) Damages for breach of the Petitioner's constitutional rights
- e) Any other further order the court may deem fit to grant in the circumstances
- f) Cost of the suit

The judge ruled that the respondent (TUK) will therefore pay the Petitioner's legal fees in addition to making remittances of any outstanding union dues.

Non- remittance negatively affected most of the planned activities of the Union, such as training and capacity building, furnishing the office, etc. There is concern that this non-remittance of funds weakens the Union because planned activities cannot be executed on time. Additionally, the current chapter office honoraria and other allowances have been in arrears since December 2018.

The reaction of Members to Audit Report

A member sought to know why the 2019 deficit had not been reflected in the report.

The auditor noted this was reflected in the cash flow statement on pg—20 bottom.

Bro Patricio Njeru proposed the Audit report and Sis. Jacinta Kimuyu seconded.

Proposed budget,

The treasurer took members through the proposed 2021 budget.

Pros.

- i. That Benevolent vote head was well spent under the prevailing Covid 19 pandemic
- ii. A member noted a high level of improvement in the budget preparation.

However, for future budget preparations;

- i. There is a need to clarify the budget item description to save time in explaining to members.

ii. More funds be allocated to the benevolent kitty.

Chapter CS informed members that when amending the budget, members should consider the issue of non-remittance that hampers operations.

The budget was approved with some amendments. Sis. Jacinta Kimuyu proposed and Bro. Orina Ogato seconded it.

Min 10/12 Nov/2020: Trustee report

The chapter trustee presented their report. They noted a high level of non-remittance, including the union dues. The office was satisfied that the officials did well under the prevailing circumstances. *See the trustee's report pg. 24 and 25*

1.0 Introduction

The chapter has approximately 700 members, and it is a closed shop.

2.0 Mandate of the Chapter Trustees

Chapter Trustees are to oversee funds and assets of the Union as provided for in the UASU constitution. Their work is to liaise with the Chapter executive committee to ensure that union finances and funds are used to achieve the Union's objectives.

3.0 Finances

The chapter has all the requisite signatories to the bank account. The signatories are treasurer, chapter chairman, chapter secretary, and trustee.

Kirugu and Associates have audited the chapter accounts appointed by the National Delegates Conference as required under Article 18.

The trustees note that, while the Union has strived to achieve its goals for the year, TUK management's challenges remain concerning non-remittance of subscription dues. The chapter liabilities amount to approximately Kshs. 8,957,000, which includes responsibility allowance and office rent, and utilities.

4.0 Property {Facility/ Equipment}

The chapter offices are located on Tom Mboya Street Philadelphia House 4th floor. The lease was renewed for another three years, from 1 November 2019 TO 31 October 2022.

Remarks From The National Organizing Secretary Eng. Muiga Rugara

The national organizing secretary stated that he attended the AGM to be in solidarity with union members. He passed apologies for the national officials who were engaged in other national union duties.

He noted that most universities had issues with management over non-remittances. For instance, KU had medical issues with management, UON College of Health Services had their strenuous clinical allowances stoppage. Egerton and Kisii University received a partial salary (60%), but Kisii had resumed full payment.

The NOS informed members that the national SG was unwell at the time.

He highlighted UASU-TUK successes where he had participated

- i. Strike launch in 2017
- ii. Disciplinary case representing the NSG in 2019
- iii. The 2019 AGM.

He noted that TUK AGMs are some of the most attended AGMs as compared to other AGMs in other Kenyan universities. He urged members to develop an interest in union matters.

The NOS noted that the national office had been following up the matters of pension and remittances in TUK, and the options they were considering were; freezing the accounts or auctioning the assets

He noted that TUK is one of the universities where members are suspended over primary disciplinary cases

He explained to members the status of the national CBA and urged them to prepare for January 2020 strike to put pressure on universities to honor the CBA full if need be. He was optimistic that universities would win the matter in court for the 2017-2021 CBA. He commended the TUK officials for their resilience in union matters and thanked the members.

Min 11/12 Nov/2020: Deliberations and resolutions

The chapter secretary took members through deliberations, and the resolutions were as follows:

1. UASU TU-K 2021 Chapter Elections

The CS guided Members on the nomination of the electoral board to oversee the 2021 elections. He clarified that those interested in vying for various positions would not be nominated to the board. Members proposed that a seven-member team be selected from the ten nominees to serve as an electoral board. The following names were proposed;

1. Japheth Kwenga-SHHE
2. Winnie Tubei- SHHE
3. Samson Ayugi- SGSS
4. Bancy Ngwiri-SBMS
5. Margret Okumbe-SCAM
6. Peter Ndangili- SCMS
7. Sam Njuki –SICS
8. Orina Ogato- SCAM
9. Shadrack Asuke- SMBS

2. The 2017-2021 NCBA

Members Resolved that they would abide by the upcoming NDC decisions.

3. The Local CBA 2013 -2017

The CS informed members that KUDHEIHA had completed their negotiations while KUSU was yet to complete the negotiations. UASU had completed their negotiations, and only the signing was pending.

Members resolved that the Local CBA 2013-2017 must be signed failure to which members will proceed to industrial action- Picket. That a 21-day notice be given.

That if the picket does not bear fruit, members to proceed to a strike. Other unresolved issues such as unpaid claims to be incorporated.

Another strike notice would be given, and within the 21 days' notice, UASU Executive to engage management. Response from management would be expected within 7days, and if none, members to proceed on strike.

Resolution: All members go on strike. The CS to consult the National Office over the matter of strike.

However, members noted the need for appropriate timing when organizing the strike. The Union needs to consider the university calendar and the scheduled activities at that time of the strike to be successful.

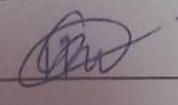
Min 12/12 Nov/ 2020: AOB

1. Members need a decent facility outside the University to seek medical help away from the students.
2. Gratuity: Staff need not apply for their gratuity on the expiry of their contract as payment by management ought to be done automatically. Ideally, the last month's salary should incorporate gratuity.
3. There is a need for book allowance and teaching resources to enable lecturers to undertake online classes.
4. There are many challenges that both lecturers and students are facing regarding online classes.
5. CUE guidelines need to be followed to avoid delays in promotion.
6. The Chairman invited members for lunch at JADILI House.

Min 13/12 Nov/ 2020: ADJOURNMENT

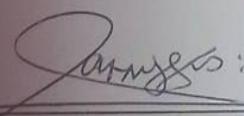
There being no other business, the meeting ended at 5 pm with a word of prayer by Sis. Sarah Nguire.

Signed for Circulation

Signature  Date 19/11/2021

Name JACOB MUSEMBI

Chapter Secretary

Signature  Date: 19.11.2021

Name: SAWENJA W. FRED

Chairman

Confrimed by:

Signature: _____ Date: _____

Name: _____

Chapter Secretary