Approved for tabling in the House.

SNA
17/5/2022

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT– SIXTH SESSION

THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

REPORT ON THE PUBLIC SERVICE INTERNSHIP BILL, 2021 *(NATIONAL ASSEMBLY BILL NO. 25 OF 2021)*

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 18 MAY 2022 | O.B.Y. P.M.
TABLED BY: HON. PETER MWATHI
CHAIR, ADMINISTRATION & NATIONAL SECURITY
CLERK-AT THE-TABLE: CHRISTINE NDIRITU

DIRECTORATE COMMITTEESERVICES
THE NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI

MAY, 2022

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CHAIRPERSON'S FOREWARD

The Public Service Internship Bill was read for a First time on 10th August 2021 and subsequently committed to the Departmental Committee on Administration and National Security for review and reporting to the House pursuant to the provisions of Standing Order 127 (1) (4) and 216 (C). The Bill seeks to establish a legal framework for the regulation of internship programmes within the public service.

In compliance with the provisions of Article 118 of the Constitution and National Assembly Standing Orders 127(3), the Committee, through local daily newspapers of 12th August, 2021 published an advertisement inviting the public to submit memoranda on the Bill. The Committee received submissions from Hon. Naisula Lesuuda, MP, and State Department for Public Service, Public Service Commission, Engineers' Board of Kenya, National Employment Authority and the National Youth Council.

The report contains the analysis of the public submissions on the Bill, written submissions received from the public noting general comments in support the Bill, and the list of theindividuals and institutions that submitted their memoranda and participated in the public hearing.The report further contains the signed list of Members who attended the sitting which consideredand adopted the report on Friday 12th March 2022, a copy of the newspaper advertisements of 12th August, 2021 together with copies of letters inviting various stakeholders.

May I take this opportunity to thank and commend Committee members for devotion and commitment to duty, the Speaker, and the Clerk of the national Assembly for providing leadership and direction, and finally the Committee Secretariat for exemplary performance in the provision of technical and logistical support. Further, the Committee wishes to express gratitude to the stakeholders who made submissions on the bill.

On behalf of the Departmental Committee on Administration and National security and under the provisions of Standing Order 199(6), it is my pleasant privilege and duty to present to this House the Report of the Committee on its consideration of the Public Service Internship Bill, 2021.

HON. PETER MWATHI, CBS, MP

(CHAIRPERSON)

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

1.0 PREFACE

The Departmental Committee on Administration and National Security was constituted on 14th December 2017 pursuant to provisions of Standing Orders 216(1).

1. The Committee executes its mandate in accordance with the provisions of Standing Order 216 (5), from which it draws its mandate to, *inter alia*;

   a) investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments; and
   b) study and review all legislation referred to it;
   c) To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204.

2. In executing its mandate, the Committee oversees the following Ministries and Departments:

   i) The Ministry of Interior and Coordination of National Government
      a) State Department of Interior
      b) State Department of Border Control, Immigration and Registration of Persons.
      c) State Department of Correctional Services
   ii) The National Police Service Commission
   iii) The Independent Policing Oversight Authority
   iv) The Public Service Commission

3. According to Schedule II of the Standing Orders, the Committee is mandated to conduct oversight : (correct)
   i) National Security;
   ii) Police Services;
   iii) Home Affairs;
   iv) Public Administration;
   v) Public Service,
   vi) Prisons;
   vii) Immigration

2.0 COMMITTEE MEMBERS

Chairperson
Hon. Peter Mwathi, CBS, M.P.
Limuru Constituency
Jubilee Party

Vice-Chairperson
Hon. FatumaGedi, CBS, MP
Wajir County
Jubilee Party

Hon. Jeremiah Lomurukai, MP
Loima Constituency
ODM Party

Hon. Abdi Shurie, MP
Balambala Constituency
Jubilee Party

Hon. (Dr.) Tecla Tum, MP
Nandi County
Jubilee Party

Hon. Aduma Owour, MP
Nyakach Constituency
ODM Party

Hon. Kaluma Peter, MP
Homa Bay Town Constituency
ODM Party

Hon. Halima Mucheke, MP
Nominated Member
Jubilee Party

Hon. Wmbugu Munene, MP
Kirinyaga Central Constituency
Jubilee Party

Hon. Col. (Rtd) Geoffrey King'ang'i, MP
Mbeere South Constituency
Jubilee Party

Hon. (Dr.) Makali Mulu, MP
Kitui East Constituency
Jubilee Party

Hon. Oku Kaunya, MP
Teso North Constituency
ANC Party

Hon. Nimrod Mbai, MP
Kitui East Constituency
Jubilee Party

Hon. Dr. Mishra Swarup, MP
Kesses Constituency
Jubilee Party

Hon. Ngunjiri Wambugu, MP
Nyeri Town Constituency
Jubilee Party

Hon. Marselimo Arbelle, MP
Laisamis Constituency
Jubilee Party

Hon. Peter Masara, MP
Suna West Constituency
Independent Party

Hon. Rozaah Buyu, MP
Kisumu County
ODM Party

COMMITTEE SECRETARIAT

Mr. Adan Sora Gindicha
Senior Clerk Assistant
Head of Secretariat

Mr. Joshua Ondari
Clerk Assistant

Ms. Brigitta Mati
Legal Counsel

Mr. Edison Odhiambo
Fiscal Analyst

Mr. Joseph Okongo
Media Officer

Delvin Onyancha
Research/Policy Analyst

Mr. Josphat Bundotich
Serjeant-at-Arms

Ms. Eva Kaare
Serjeant-at-Arms

Rodgers Kilungya
Audio Recording Office

3.0 OVERVIEW OF THE PUBLIC SERVICE INTERNSHIP BILL

4. The principal object of this Bill is to establish a legal framework for the regulation of internship programmes within the public service. Article 55 of the Constitution provides that the State shall take measures, including affirmative action programmes to ensure that the youth have access to inter alia relevant education, training and employment.

5. The Bill seeks to ensure the provision of a monthly stipend, insurance and other entitlements to persons engaged in internships within the public service for the duration of the internship programme. The provision of stipend to interns is necessary as the interns contribute to the manpower of the organization by offering their professional skills as apprentices.

6. Part I of the Bill provides for the preliminary provisions, which includes the short title and interpretation of terms as used in the Bill. This Part also provides for the guiding principles as well as the institutions and persons to whom the Act shall apply.

7. Part II of the Bill provides for the recruitment of interns. This Part sets out the procedure for the recruitment of interns, the entitlements of interns as well as the respective roles and responsibilities of interns and public service institutions.

8. Part III of the Bill provides for the provisions on delegated powers, and gives the Cabinet Secretary the power to make regulations for purposes of the better carrying out of the provisions of the Act.

9. Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms This Bill delegates legislative powers to the Cabinet Secretary, but it does not limit fundamental rights and freedoms.

4.0 PUBLIC PARTICIPATION

4. In compliance with the provisions of Article 118 of the Constitution and National Assembly Standing Orders 127(3), the Committee, through local daily newspapers of 12th August, 2021 published advertisements inviting the public to submit memoranda on the Bill. Further, the Committee heard from the Hon. Naisula Lesuuda, MP who sponsored the Bill, State Department for Public Service, Public Service Commission, Engineers' Board of Kenya, National Employment Authority and the National Youth Council.

Hon. Naisula Lesuuda, MP

5. The principal object of the Bill is to establish a legal framework for the regulation of internship programmes within the public service. Article 55 of the Constitution provides that the State shall take measures, including affirmative action programmes to ensure that the youth have access to *inter alia* relevant education, training and employment;

6. The Bill seeks to ensure the provision of a monthly stipend, insurance and other entitlements to persons engaged in internships within the public service for the duration of the internship programme. The provision of stipend to interns is necessary as the interns contribute to the manpower of the organization by offering their professional skills as apprentices;

7. Part I of the Bill provides for the preliminary provisions, which include the short title and interpretation of terms as used in the Bill. This Part also provides for the guiding principles as well as the institutions and persons to whom the Act shall apply;

8. Part II of the Bill provides for the recruitment of interns. This Part sets out the procedure for the recruitment of interns, the entitlements of interns as well as the respective roles and responsibilities of interns and public service institutions;

9. Part III of the Bill provides for the provisions on delegated powers, and gives the Cabinet Secretary the power to make regulations for purposes of the better carrying out of the provisions of the Act;

10. Decentralization of the internship program was necessary for the better management of interns. Advertisement for recruitment of the interns should however be centralized and that interns be subjected to code of conduct like public officers.

Public Service Commission and State Department for Public Service

11. In the year 2016, the Commission developed an internship policy to guide Ministries, Departments and Agencies (MDAs) in the management of Internship programmes. The Commission subsequently monitored the implementation of the policy and with time noted that whereas the policy was intended to provide for the uniform management of internship programmes across all MDAs, there were numerous challenges that hampered the attainment of the Commission's goal on the same;

12. Arising from the foregoing, the Commission resolved to centralize **the management of the internship** programme. The Commission's decision was for the purpose of-

    i) Providing equal internship opportunity to the youth from all ethnic communities, men and women, persons with disabilities and marginalized communities therefore thereby ensuring the right to equality and freedom from discrimination;
    ii) Guaranteeing transparency and accountability in the recruitment of interns;
    iii) Ensuring the application of uniform norms and standards in the management of interns;
    iv) Enhancing employability chances of young college graduates by exposing them to the appropriate work environment that was correctly aligned to their training thus enabling them to acquire practical skills required by the job market;
    v) Inculcating public service values and ethos in young graduates from where public service could recruit in the future;
    vi) Inculcating national values to make interns patriotic, upright and honest citizens; and
    vii) Giving hope to the youth and keeping them occupied in meaningful engagements that provide a workplace experience that enhances their chances of employment even in the private sector.

The Commission's decision to centralize the management of the internship programme in the public service was presented to and discussed with the Committee which approved the proposal and ensured the provision of a budget to manage the programme;

Having looked at the proposal, the Commission noted the following-

The proposal was a replica of the Public Service Commission Policy. The policy gave guidelines on the management of interns. The Commission developed the policy through a participatory process that involved stakeholders;

The proposal placed the management of internship programme under the Cabinet Secretary responsible for matters related to labour which was unrelated to the management of interns. This was a misplacement of the internship programme. The programme gave internship a training opportunity to gain skills in their area of training;

Clause 6 of the proposal had decentralized the management of internship programme to MDAs with a provision for delegation of the function to a body, officer or authority. This reverses the gains attained by centralized system introduced system introduced by the Commission;

Decentralization gave each MDA the power to individually advertise internship opportunities. This wouldn't be cost effective. A centralized system provided a pooled advertisement that caters for internship needs in all MDAs thereby saving on the cost of advertising;

Decentralization would be affecting funding of internship programme and risked diversion of funds to other purposes; and

Article 232(1)(g), (h) and (i) of the Constitution provides for competition and merit subject to representation of Kenya's diverse communities and subject to affording equal opportunities to men and women, members of all ethnic groups and persons with disabilities. The provision in the constitution would be impossible to comply with a centralized internship programme as each MDA would be

catering for its needs individually whereas a centralized system caters for the global picture nationally.

Engineers' Board of Kenya, National Employment Authority and the National Youth

Insertion of new paragraphs after clause 8(1) (l):

(m) Maintain database of all interns for all cohorts
(n) Give first priority to their own trained intern for employment upon the available contract or permanent recruitment.

Justification: In order to achieve the objective of increasing the chances of employability of the interns as stipulated in clause 5(2) (a) which provides unemployed graduates with appropriate skills which requires practical hands-on experience to improve their chances of employment.

Observation: Having a database with the information of all interns that have worked for the particular institution is a wise suggestion. Giving priority for interns who have performed well and conducted themselves ina disciplined manner is sagacious. Therefore, it is our legal opinion that these proposals should be adopted and incorporated into the bill by way of amendments.

Proposal to amend clause 6(3)(b) to read as follows:

The Advertisement specified in sub-section (2) shall contain all relevant information pertaining to internship including-

(a) Total number of interns per area of specialization

Insertion of new clause 6(8) (d) to read as follows:

Conduct recruitment of interns on the basis of merit which should include;-

i) Appropriate academic profession.

ii) Year of graduation.

iii) Regional balance.

iv) Consideration of people with disabilities (PWDs) and from arid and semi-arid lands (Asal).

Observation: This proposal adds little value to the bill because clause 6(3)(b) of the billalready provides that The Advertisement specified in sub-section (2) shall contain all relevant information pertaining to internship including:-

a) The areas of specialization required;
b) Total number of interns required;
c) Duration of the internship; and
d) Deadline for submission of applications

The aforementioned clause caters for the suggestion of the stakeholder.

For purposes of effectiveness of an internship programme, the public service institutionshall—

(a) Conduct the recruitment of interns based on merit.

It is our legal opinion that after the word 'merit' the criteria provided by the stakeholder should be included.

Proposal to amend Clause 12 (b) and (c) to read as follows:
(b) Maternity or paternity leave as stipulated in the public service human resource policy manual.
(c) Subsistence allowance as per the public service Salary manual

Observation: This proposal is good because it includes the requirement for the entitlements to be in accordance with the Public Service Human Resource Policy Manual.

Proposal to amend clause 13 to read as follows:

An internship period shall be valid for any period as may be determined by a person in charge of public service institution but such internship period shall not be less than six months and not more than twelve months.

Observation: This proposal is partly okay because it sets the minimum period for which an intern must be engaged to 6 months. However, the final part of maximum 12 months should be deleted and be left open.

Proposal to amend clause 14(1) (a) to read as follows:
Absence from the public service institution on a working day without an official permission or reasonable cause for a period exceeding forty-eight hours.

Observation: Increasing the time-period from 24 hours to 48 hours is okay because it is a reasonable period.

Proposal to add clause 15 to part II

15. (1) The public service institution and partners shall endeavor to achieve 100% transition of the interns after a complete internship program so that skills attained during the program is put into practice. This may be achieved by either;-

a) Absorbing a greater number of interns to the various departments or,

b) Placing them on legal contract or probation on agreeable terms and conditions.

(2) In the case of absorption, it shall be done in phases and shall take into consideration the factors such as;-

a) Availability of vacancies,

b) Budgetary provision and availability of funds,

c) Interns' performance during internship and Cohort served.

Justification: To allow part II to only have clause 16.

Observation: This proposal will motivate interns to work extra hard to fulfil their obligations and secure positive performance. 100% transition is welcome so that it helps to curb increasing rate of unemployment. It will also help in ensuring that the skills and knowledge that the interns have acquired from the period of internship are utilized foreffective delivery of services of the institution they were attached to.

Proposal to change the name of the bill to The Internship Bill of 2021.

Justification: To allow for future development of policy, controlling how private players treat and engage interns, protecting them from unscrupulous private institutions and companies.

Observation: the title of the bill should remain the Public Service Internship Bill, 2022 to address the objectives of the bill and inform players that the bill is to regulate internship in the public sector.

Proposal to amend section 7(3)(b) to read as follows:

'if they have practiced in their area of study for a period of 5 years or more."

Observation: Clause 7(3) (b) reads that a person shall not be eligible for internship if the person—

b) Has been evicted from formal employment through removal or resignation.

Consider including this provision:

1. Interns shall be entitled to allowances for any official duty assigned to them outside office or to meetings held within the office, which attract allowances, whether scheduled or impromptu.
2. Subject to clause 1 the adherence to the following clauses shall be mandatory and the supervising authority shall therefore not;
    a) In a bid to avoid expenditure on interns' allowances, engage unqualified persons in the capacity of the intern's professional training in place of the interns themselves.
    b) Allow any persons to attach themselves on the duties assigned to the interns, who are not appropriate or qualified to accompany the interns in a bid to attract allowances to themselves and/or to divert the interns' allowances to themselves.
    c) Fail to award the interns their respective allowances for work they have done and which the authority benefits from.
    d) By any means reduce the allowances stipulated by the interns' contracts and shall not pay them any less than the number of days of engagement.
    e) Delay the payment of the interns, their respective allowances especially within the time frame within which they are to execute the duties assigned to them outside the office or for attending meetings which attract allowances even within the office.

    All allowances shall therefore be issued before a scheduled engagement or meeting attracting allowances or immediately after an impromptu meeting or out of office professional engagement either on site or on return to the office before close of business for such a working day. Refer to article 5b) on the mode of payment of allowances.

Observation: This proposal is already covered in clause 12(1)(c) and with the necessary amendments as proposed by the stakeholder previously, then there is no need to insert this

clause. As long as the interns will receive allowances in accordance with the public service human resource policy manual, then it is very good.

Insertion of a new clause
All institutions both private and public shall ensure that they do not refuse to welcome applications every year for internships and to recruit interns for purposes of learning and skill development for a period of at least 12 months.

Observation: Clause 6 of the Bill already provides as follows:

"A person in charge of a public service institution shall identify and declare all internship opportunities available within the public service institution."

Clause 8(1)(c) already provides that for purposes of an effectiveness programme, every public service institution shall—

(c) Identify and declare all internship opportunities available whenever they arise.

Therefore, the requirement for a new clause already proposing what is in the bill is unnecessary.

Insertion of a new clause
All interns shall be confirmed based on satisfactory performance, and shall not be denied conferment to permanent employment unless they are 'beyond reasonable doubt', proven to be grossly incompetent in execution of their work.
Observation: This is provided for in the proposed clause on 100% transition which we (indicate who) have recommended for it to be incorporated in the bill.

Insertion of a new clause
Denying interns conferment on ethnic and tribal basis shall be considered an infringement of the rights of such interns, and shall be punishable as per existing law on unfair treatment, and as other laws after this act shall prescribe.

Observation: This is a good proposal and should be adopted. This is because it is unconstitutional for any person or organ to discriminate against any person in the conferment of employment opportunities. The proposal should be expanded to cater for other grounds which if used by a public service institution to deny an intern employment when available will amount to infringement of the intern's rights. These include age, and personality.

Insertion of new clause
The hiring authorities or entities shall set aside a budget for the remuneration of interns based on their professional training and set starting levels (i.e. entry level job group). The following clauses shall be taken under this article. They are that;

a) The hiring authority shall not take less than three interns every year regardless of the workload they are experiencing at the time of such recruitment.

b) There shall be a budget for interns' allowances set aside to ensure the smoothest of process in the payment of interns' allowances via bank account/ wired transactions such as mobile money transfer..

Observation: The proposal for a public service institution to only hire three interns every year will be curtailing the discretion of the hiring authority to hire as and when need arises. Sub clause (b) is already catered for in the bill in clause 8(1) (b) which provides that for purposes of effectiveness of an internship programme, every public service institution shall—

(b) Plan and budget for internship programmes.

Insertion of new clause

a) Interns with a Bachelor's degree shall not be paid less than Kshs.30, 000, and shall be entitled to allowances amounting to Kshs. 4,000 per day, or more based on the difficulty of the professional task they are engaged in, but shall not exceed Kshs.9,000 per day. Technical courses such as those of the built environment among other technical courses shall attract the maximum of Kshs.9, 000 in allowances for sensitive and critical professional projects they are engaged in.

b) Interns with lower qualifications than a Bachelor's degree, shall not be paid less than Kes.15,000 , and shall be entitled to allowances amounting to Kshs.2,000 per day, or more based on the difficulty of the professional task they are engaged in, but shall not exceed Kshs.5000 per day. Technical courses such as those of the built environment among other technical courses shall attract the maximum of Kshs.5,000 in allowances for sensitive and critical professional projects they are engaged in. Technical courses such as those of the built environment among other technical courses shall attract the maximum of Kshs.5,000 in allowances for sensitive and critical professional projects they are engaged in.

Observation: This proposal is very good. It allows for sufficient remuneration of interns to enable them carry out their activities in an effective manner.

Insertion of new clause

Interns who feel comfortable under their current terms of engagement, such as medical interns amongst other interns, based on their profession's standards and guidelines on the same, may continue to be remunerated as per those existing guidelines as they may present higher remuneration but may still enjoy the right to the safeguards in terms of conferment upon permanent employment and protection of intern rights under this Bill.

Observation: The insertion of this new clause is unnecessary because it divides the interns in terms of classification of their professions. The remuneration of interns is already addressed in the bill and the numerous proposals suggested by the stakeholders.

Interns shall enjoy 30 leave days for the period within which they are on internship, but may not take them all at once, leaves may be taken at least a month apart from each other. In case of an emergency warranting the taking of all 30days at once or more, the intern shall write justifying compellingly, the reasons for such a manner of leave Proposal to remove the limitation period of internship from 12 months to the time provided in the Internship Policy.

Justification: Rule 3(1)(a)(iii) requires graduate engineers inter alia to have attained practical experience

in engineering field for a period of not less than 3 years so as to qualify for registration as a professional engineer.

Observation: The issue of leave is already provided for in the bill. Further, with the incorporation of the proposal mentioned earlier that the leave be in accordance with the Public Service Human Resource Policy Manual, then there is no need to have this proposal by the stakeholder. In our opinion, this is a good proposal and the maximum period in which an intern can serve should be left open. It should not be capped at 12 months. The justification availed by the Engineers Board of Kenya is representative of the many other professions. Let the public service institution engage interns in accordance with the requirements and objectives of the internship.

Insertion of new clause

The need to harmonize the stipend being proposed by the PSC and what the market rate is paying for internship.

Justification: The current stipend being paid to interns as set out in the Public Service Commission guidelines is too low to sustain graduate engineers who are enrolled into the internship programme. Hence there is high attrition rate from the internship programme with the graduates moving away from engineering jobs to elsewhere so as to sustain themselves. This has an overall effect on the number of engineers that the country has to handle its development projects. Proposal to ensure priority is given to the trained PWD interns and a direct transition granted after successful completion of internship.

Observation: There is need for a consistent minimum amount to be paid to public service interns to create some stability. The proposal to increase the salary should apply to all interns if need be.

Insertion of new clause
Consider including a provision to provide for several improvements to be made, which include; providing conducive work environment and devices such as computer devices and fitting working tables, wheelchairs and guides for the Persons with disability (PWD) interns.
Clause 8(1)(f) of the bill provides that for purposes of effectiveness of an internship programme, every public service institution shall— (f) provide the necessary facilities to enable the interns to acquire the required skills and knowledge.

Observation: The above provision, as broad as it is, will cater for the concerns of the stakeholder in wanting to have improvements at the workplace made for interns.

Insertion of new clause
Consider including clear guidelines to be provided to all MDAs to ensure interns are also involved in field work and qualify for perdiems.
Justification: This will allow for more work exposure and less financial constraints during internship.
Observation: This provision is already provided for in the bill.

Insertion of new clause
Consider including a provision to ensure full transition of public service interns to public service employment.

Justification: In reference to recent entry level jobs advertised by the Public Service Commission, it is evident that former Public Service interns are being side-lined during shortlisting and this raises a lot of concern as to why interns are not being given added advantage during the process. The PSC should borrow a leaf from TSC which gives interns an upper hand during recruitment. Ministries are currently facing serious shortage in human resource, whereby most offices are crippled, recording very low productivity as majority of employees are over the age of 50 years and most of them lack modern skills and the zeal to work hard and fast. Absorbing interns will fill the gap as they are already trained and have hands-on experience. This practice will also increase efficiency and cut unnecessary costs as far as recruitment is concerned.

Observation: This has already been addressed above.

Insertion of new clause

Consider including a provision that guides how interns should be engaged in office work especially with regard to remote work.

Justification: Most interns faced a myriad of challenges especially from March last when Covid19 stroke the country and as a result some interns did not get adequate experience as some offices were closed down. As a preemptive measure, clear legal provisions should be put in place to guide how interns should be engaged as they work from home.

Observations: This is a good proposal that should be adopted. A clause providing that interns can work from home on certain days is highly welcome.

5.0 COMMITTEE OBSERVATIONS

In considering the Public Service Internship Bill, 2021, the Committee made the following observations:-

The proposal was a replica of the Public Service Commission Policy. The policy gave guidelines on the management of interns. The Commission developed the policy through a participatory process that involved stakeholders;

The proposal placed the management of internship programme under the Cabinet Secretary responsible for matters related to labour which was unrelated to the management of interns. This was a misplacement of the internship programme. The programme gave internship a training opportunity to gain skills in their area of training;

Clause 6 of the proposal had decentralized the management of internship programme to MDAs with a provision for delegation of the function to a body, officer or authority. This reverses the gains attained by centralized system introduced system introduced by the Commission;

Decentralization gave each MDA the power to individually advertise internship opportunities. This would not be cost effective. A centralized system provided a pooled advertisement that caters for internship needs in all MDAs thereby saving on the cost of advertising;

Decentralization would be affecting funding of internship programme and risked diversion of funds to other purposes.

6.0 COMMITTEE RECOMMEMNDATIONS

The Committee having considered the Public Service Internship Bill, 2021 in accordance with the provisions of Article 118 of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, recommends that the Bill should not proceed since the provisions it seeks to introduce are already provided for in the National Employment Authority Act and Public Service Internship Policy. Further, the Committee has proposed a more comprehensive Bill (The Public Service Human Resource Management Bill, 2022) to cater for internship in government as a whole.

Signed.....**Date**....12/05/2022.....

HON. PETER MWATHI, CBS, M.P.
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

REPUBLIC OF KENYA

NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

ATTENDANCE SCHEDULE- ADOPTION

DATE: 11.03.2022

TIME: 2.30pm

VENUE: TAMARIND HOTEL. NAIROBI

AGENDA: ADOPTION OF THE REPORT ON THE PUBLIC SERVICE INTERNSHIP BILL, 2021

NO.	NAME	SIGNATURE
1.	Hon. Peter Mwathi, CBS,MP - Chairperson	
2.	Hon. Fatuma Gedi, CBS, MP - Vice Chairperson	Virtual
3.	Hon. George Peter Kaluma, MP	
4.	Hon. Dr. Makali Mulu, MP	
5.	Hon. Aduma Owuor, MP	
6.	Hon. Dr. Tecla Chebet Tum, MP	
7.	Hon. Halima Mucheke, MP	Virtual
8.	Hon. Marselino Malimo Arbelle, MP	
9.	Hon. Nimrod Mbithuka Mbai, MP	
10.	Hon. Ngunjiri Wambugu, MP	

11.	**Hon. Abdi Omar Shurie, MP**	
12.	**Hon. Col (Rtd) Geoffrey Kingangi, MP**	
13.	**Hon. Peter Masara, MP**	
14.	**Hon. Oku Kaunya, MP**	
15.	**Hon. Rozaah Buyu, MP**	Virtual
16.	**Hon. Jeremiah Lomurukai, MP**	
17.	**Hon. William Chepkut, MP**	
18.	**Hon. Swarup Mishra, MP**	
19.	**Hon. Wambugu Munene, MP**	Virtual

Signed.....Date.....
Adan Gindicha,
Senior Clerk Assistant,
Departmental Committee on Administration and National Security.

Signed.....Date.....
Peter Chemweno,
Director, Directorate of Departmental Committee Services

MINUTES OF THE 12TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON FRIDAY, 11TH MARCH, 2022 AT 2.00 P.M. IN TAMARIND TREE HOTEL, NAIROBI.

PRESENT

1. Hon. Peter Mwathi, CBS, MP – Chairperson
2. Hon. Fatuma Gedi, CBS, MP - Vice-Chairperson
3. Hon. Peter Kaluma, MP
4. Hon. Dr. Makali Mulu, MP
5. Hon. Aduma Owour, MP
6. Hon. Dr. Tecla Tum, MP
7. Hon. Halima Mucheke, MP
8. Hon. Rozaah Buyu, MP
9. Hon. William Chepkut, MP
10. Hon. Wambugu Munene, MP
11. Hon. Oku Kaunya, MP
12. Hon. Col(Rtd) Geoffrey Kingangi, MP

ABSENT WITH APOLOGIES.

1. Hon. Marselino Arbelle, MP
2. Hon. Abdi Shurie, MP
3. Hon. Ngunjiri Wambugu, MP
4. Hon. Dr. Swarup Mishra, MP
5. Hon. Peter Masara, MP
6. Hon. Nimrod Mbithuka Mbai, MP
7. Hon. Jeremiah Lomurukai, MP

IN ATTENDANCE-

COMMITTEE SECRETARIAT

1. Mr. Adan Gindicha - Senior Clerk Assistant
2. Mr. Joshua Ondari - Clerk Assistant
3. Ms. Brigitta Mati - Legal Counsel
4. Ms. Delvin Onyancha - Research Assistant Officer
5. Ms. Eva Kaare - Serjeant-At-Arms

MIN No. 27/2022:- PRELIMINARIES AND COMMUNICATION FROM THE CHAIRPERSON

The Chairperson called the meeting to order at 2.25 pm with a word of prayer.

The agenda was adopted after being proposed by Hon. Dr. Tecla Chebet Tum, MP and seconded by Hon. Godfrey Kingaangi, MP.

MIN No. 29/2022:- **ADJOURNMENT**

There being no other business to transact, the Chairperson adjourned the meeting at four o'clock. The next meeting will be by notice.

Signed.....

Chairperson

Date.....15/03/2022.....

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FIFTH SESSION

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

In the Matter of Article 118(1)(b) of the Constitution
and
In the Matter of Consideration by the National Assembly of
The Public Service Internship Bill (National Assembly Bill No.25 of 2021)

PUBLIC PARTICIPATION (SUBMISSION OF MEMORANDA)

'suant to Article 118(1) (b) of the Constitution and Standing Order 127(3) of the National Assembly ınding Orders, the Clerk of the National Assembly hereby invites members of the public and relevant keholders to submit memoranda on the **Public Service Internship Bill (National Assembly Bill No. 25) 21.**

e Bill, sponsored by the Hon. Naisula Lesuuda, M.P. (Member for Samburu West) ***seeks to establish egal framework for the regulation of internship programmes within the Public Service.***

e Bill underwent the First Reading pursuant to Standing Order 127(3) on 10th August 2021 and was mmitted to the Departmental Committee on Administration and National Security for consideration.

pies of the Bill are available at the National Assembly Table Office, or on **www.parliament.go.ke/the-tional-assembly/house-business/bills.**

e memoranda may be addressed to the **Clerk of the National Assembly, P.O. Box 41842-00100, ıirobi;** hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi;** or emailed to **erk@parliament.go.ke**; to be received **on or before Wednesday 25th August , 2021 at 5.00 p.m.**

MICHAEL R. SIALAI, CBS
CLERK OF THE NATIONAL ASSEMBLY

12th August 2021

REPUBLIC OF KENYA

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MICHAEL R. SIALAI, CBS
CLERK OF THE NATIONAL ASSEMBLY

12th August 2021

PUBLIC SERVICE INTERNS ASSOCIATION MEMORANDUM OF SUBMISSIONS

Dated this 20th day of August,2021

The Public Service Interns Association hereby submits the following observations and/or proposals in relation to the Public Service Internship Bill, Bill No. 25 of 2021 ("**the Bill**") as stipulated herein under:-

INTRODUCTION

In reference to public notice dated 11th august 2021 of the national assembly (Twelfth parliament – fifth session) by the departmental committee on administration and national security, the National Assembly proposes to enact the Public Service Internship Bill, Bill No. 25 of 2021 ("**the Bill**") pursuant to the provisions of Article 118 (1) (b) of the Constitution.

Accordingly in line with the public participation principle as enunciated in the Constitution We, as the public Service Interns Association proposes the following adjustments/amendments as follows:-

PART I- PRELIMINARY

Clause 5 (2) (a) of the Bill states that;-

This act applies for the following categories of persons eligible for the internship

(a) Unemployed graduates with appropriate skills who requires practical hands-on experience to **improve their chances of employment**.

In order to obtain this objective (a) cited above we propose that a new sub-Clause '**m and n**' Which should be inserted immediately after sub-clause 8(1) (l) that should state;-

(m) Maintain database of all interns for all cohorts

(n) Give first priority to their own trained intern for employment upon the available contract or permanent recruitment.

PART II – RECRUITMENT OF INTERNS

Clause 6 (3) (b) Reads;-

The Advertisement specified in sub-section(2)shall contain all relevant information pertaining to internship including:-

(b) Total number of interns required.

We propose that it reads;

Total number of interns per area of specialization.

And subsequent to sub Clause 8 (d) we proposed that there be an insertion of the following provisions, immediately after the Sub-clause (d)

(d) Conduct recruitment of interns on the basis of merit which should include;-

i) Appropriate academic profession.

ii) Year of graduation.
iii) Regional balance.
iv) Consideration of people with disabilities (PWDs) and from arid and semi-arid lands (Asal).

In the Clause 12 (b) and (c) our proposal is that it reads.

(b) Maternity or paternity leave *as stipulated in the public service human resource policy manual.*

(c) Subsistence allowance as *per the public service Salary manual*

Clause 13. We propose that it reads;-

An internship period shall be valid for any period as may be determined by a person in charge of public service institution but such internship period *shall not be less than six months* and not more than twelve months.

It is our proposal that Clause 14 (1) (a) is substituted and replaced with the following provisions:-

(a) Absence from the public service *institution on a working day* without *an official* permission or reasonable cause for a period exceeding *forty eight* hours.

We also seek to add a clause 15 to part II so that part III only contains clause 16. The clause would thus read as;-

15.(1) The public service institution and partners shall endeavor to achieve **100%** transition of the interns after a complete internship program so that skills attained during the program is put into practice. This may be achieved by either;-

(a) Absorbing a greater number of interns to the various departments or,

(b) Placing them on legal contract or probation on agreeable terms and conditions.

(2) In the case of absorption, it shall be done in phases and shall take into consideration the factors such as;-

(a) Availability of vacancies,

(b) Budgetary provision and availability of funds,

(c) Interns performance during internship and Cohort served.

Appendix.

It's our prayer that the above recommendations shall be adopted into the bill as stated. otherwise we acknowledge the effort put by the parliament to put this noble bill to become law. Sincere gratitude to Hon Naisula Lesuuda M.p (member for Samburu West) with her legal team for drafting the comprehensive bill.

Listed below is the committee that drafted this memoranda.

1. Nicholas Polo- Chairperson.
2. Fransis Mwaura – Legal and Nairobi region representative
3. Dancun Mokua – Nyanza region representative.
4. Patrick Mwangi – Central region representative.
5. Benjamin Maitano Basil – Cohort II and rift valley representative
6. Caroline Jesire Kipchilim – People with disability representative.
7. Leonard Owino Oduor – western region representative.
8. Lilian Mweni – Eastern region representative.

Special request;

We humbly request for a session with the parliamentary committee administration and national security to explain some of the issues that could not be articulated on this document due to the specificity nature of the bill. We remain vigilant for your further guidance. Kind regards.

PUBLIC SERVICE INTERNSHIP ASSOCIATION,

EMAIL: internspsc@gmail.com

MOBILE: 0722703885

TO,

CLERK OF THE NATIONAL ASSEMBLY,

P.O BOX 41842-00100,

NAIROBI.

24th AUGUST 2021

Dear Sir,

REF: PUBLIC SERVICE INTERNS ASSOCIATION MEMORANDUM SUBMISSIONS

In reference to public notice dated 11th august 2021 of the national assembly (Twelfth parliament – fifth session) by the departmental committee on administration and national security.

For the matter of article 118 (1) (b) of the constitution titled **"the public service internship bill"** – Bill no 25 of 2021;-

We as the public service interns association therefore give our public participation by sincerely requesting for the following clauses to be adjusted as follows;-

PART I- PRELIMINARY

Clause 5 (2) (a) which states that;-

This act applies for the following categories of persons eligible for the internship

(a) Unemployed graduates with appropriate skills who requires practical hands-on experience to **improve their chances of employment.**

For the matter of improving chances of employment we seek for an insertion in clause 8 (1) a new part labelled **'m and n'** that should state;-

(m) Maintain database of all interns for all cohorts

(n) Give first priority to their own trained intern for employment upon the available contract or permanent recruitment.

PART II – RECRUITMENT OF INTERNS

Clause 6 (3) (b) Reads;-

Total number of interns required.

We seek to make it read;

Total number of interns per area of specialization.

Clause 8 (1) (b)

Should be followed with items under it as stated below.

(b) Conduct recruitment of interns on the basis of merit which should include;-

i) Appropriate academic profession.
ii) Year of graduation.
iii) Regional balance.
iv) Consideration of people with disabilities (PWDs) and from arid and semi-arid lands (Asal).

Clause 12 (b), (c) we seek that it reads.

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It's our prayer that the above recommendations shall be adopted into the bill as stated otherwise we acknowledge the effort put by the parliament to put this noble bill to become law. Sincere gratitude to Hon Naisula Lesuuda M.P (member for Samburu West) and her legal team for drafting the comprehensive bill.

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Special request;

We humbly request for a session with the parliamentary committee administration and national security to explain some of the issues that could not be articulated on this document due to the specificity nature of the bill. We remain vigilant for your further guidance.

Regards,

Nicholas Polo (0722703885)

PSIA chairperson.

National Youth Council

"Sauti Ya Vijana"

INTERNSHIP

Presented by:

Roy Sasaka Telewa, CHRP(K) MCIPS, MKISM

Chief Executive Officer

National Youth Council

INTRODUCTION

NYC MANDATE

The National Youth Council is the legally established organization to champion for youth empowerment pursuant to the NYC Act No. 10 of 2009. NYC is also tasked with:

- **Coordinating** activities being undertaken by the youth
- **Lobbying** for legislation on issues; promoting the inclusion of the youth agenda in public policy.
- **Promoting** youth representation in decision-making bodies and promoting government empowerment initiatives targeting youth
- Act as a '**voice and bridge**' to ensure that the government and other policy-makers are kept informed of the views and aspirations of the youth.

Object Of The Bill

The object of this Bill is to establish a legal framework for the regulation of internship programs within the public service. The enactment of the Bill will go a long way to ensuring the actualization of Article 55 of the Constitution.

Under **Section 3(b)**, the Act speaks of empowerment of the youth and is in direct congruence with the Kenya Youth Development Policy priority aspirations of;

i. Realization of a healthy and productive youth population

ii. Building qualified and competent youth workforce for sustained development

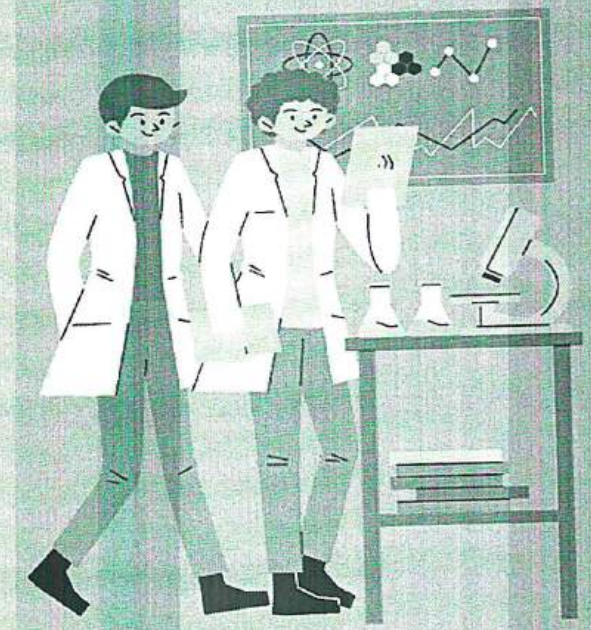
iii. Creating opportunities for youth to earn decent and sustainable livelihoods

iv. Developing youth talent, creativity, and innovation for wealth creation

v. Promoting and developing entrepreneurial culture among the youth through access to subsidized loans, training, mentorship, internships, attachments, business incubation, and partnerships

- NYC presents its views on the Bill as the organization mandated to be the youth voice and the institution tasked with championing the implementation of the KYDP across the country.

Why Internships Are Important



Internships offer students a hands-on opportunity to work in their desired field.

An internship can be an excellent way to "try out" a certain career.

In some colleges, internships also count towards course credit.

Positive Developments From The Bill

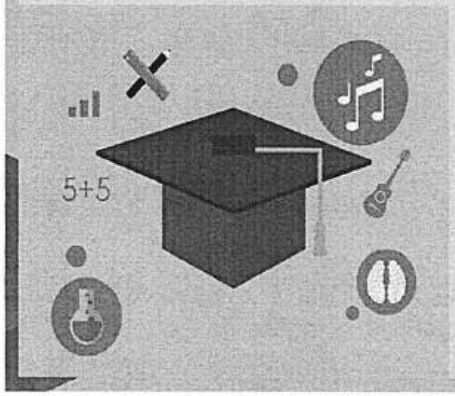
NOTABLE OBSERVATIONS

Section 5(2) is commendable as it highlights the people eligible for internship and paragraph (c) recognizes eligibility of TVET graduates.

Section 7(1) This provision is comprehensive and prevents exploitation of the internship process and eliminates bias in the recruitment process by barring renewals of internship contracts of interns.

Section 8(1)(c) this provision gives flexibility to the public service institution since they will recruit the necessary number of interns on a need basis

Section 8(1)(i) this provision is a laudable proposal that will ensure relevance of the entire internship program.



Suggested Improvements

Section 6(3)(c) The internship period should not be less than six months and not more than 12 months.

Section 8(1)(g) different institutions have different budgets and as such it will be difficult to streamline the stipends paid to interns as some institutions and counties have bigger financial muscles compared to others. We recommend a specified range in a regulation and should not go below the minimum wage.

Recommendation: We recommend a specified range in a regulation and should not go below the minimum wage.

Section 8(1)(j) the monitoring and evaluation may not be standardized if done by different institutions.

Recommendation we suggest that the monitoring and evaluation tools to be standardized.

(suggested Improvements Contd.)

Section 8(1)(k) There will be a challenge in streamlining the reporting

Recommendation: We propose to have this reporting done to the CPSB and PSC.

Section 10 As discussed in the previous slides different ministries and agencies have different budgetary allocations, hence there will be a challenge in streamlining the stipend owing to interns in different institutions.

Recommendation: As proposed the stipend range be provided in the regulations and should not go below the minimum wage

Section 14(1)(a) We view the 24 hour timeframe be a bit punitive.

Recommendation: we suggest a review to at least 48 hours.

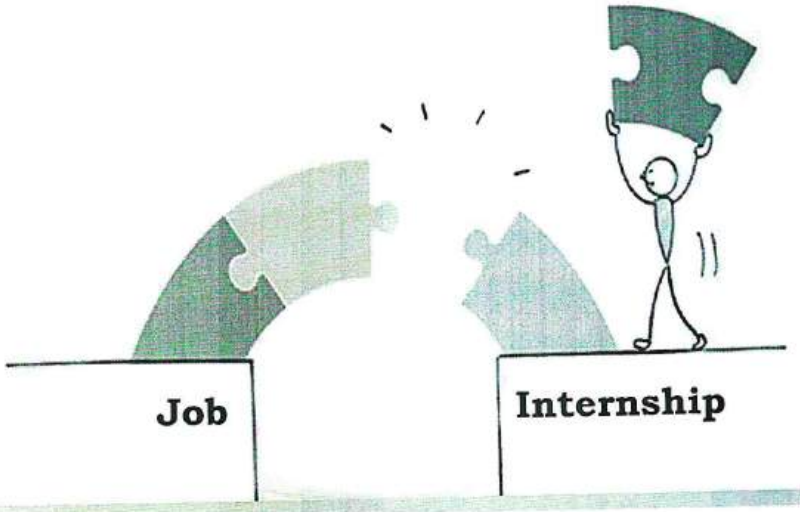
Section 14(2) We view thirty days as being too long for an internship role

Recommendation we propose that the period be set to at most 7 days.

TRANSITIONAL PROVISION

In addition to the recommendations set forth herein, we propose that this Bill should also consider introducing a transition clause on what happens after internship;

- The public service institution should endeavor to find means of achieving 100 percent transition after completion of the internship programme. This can be done either through the absorption of interns or placing them on probation on agreeable terms and conditions.
- Creation of a database of all interns after the internship period and/or to offer interns first priority consideration in case of future job opportunities. This can be achieved through issuing an interview marking criteria that favors previous interns in the public service institutions. The database can also be shared to National Employment Authority and Public Service Commission.



Conclusion Remarks

It is worth noting that some public service institutions have internship policies that guide their internship programs. Similarly, at county level we have the following counties that have in place youth internship policies: Nyeri, Laikipia, Nakuru among others. Other public service institutions with an internship policy include Kenya National Library Services, Clinical officers, among others. As such it would be prudent to onboard these stakeholders in developing the National Internship Policy.

NATIONAL YOUTH COUNCIL

"Sauti Ya Vijana"

National Youth Council

Thank You