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KIAMBU COUNTY BILLS, 2018

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THE KIAMBU COUNTY SKILLED LABOUR DATABASE BILL, 2018

A Bill for

AN ACT of the County Assembly of Kiambu to provide for a legal framework for the identification and registration of Skilled Professionals within the County and connected purposes

ENACTED by Kiambu County Assembly as follows—

PART I—PRELIMINARY

Short title and Commencement

1 This Act may be cited as The Kiambu County Skilled Labour Database Act, 2018

Interpretation

2 In this Act, unless the context otherwise requires—

“committee” means the Registration Committee

“constitution” means the Constitution of Kenya

“county” means Kiambu County

“county Government” means the County Government of Kiambu

“county Assembly” means The County Assembly of Kiambu

“executive member” means the County Executive Committee Member for the time being responsible for matters of youth, sports and social services

“skilled professional” Means any individual who is duly registered as such under the provisions of this Act

Object and Purpose of the Act

3 The object and purpose of this Act is to—

- (a) Identify skilled labour within the County,
- (b) establish a county database of skilled professionals,
- (c) establish a database for employers who may wish to employ skilled professionals located in the County,
- (d) assist job seekers to attain employment by easily being identified,
- (e) assist youth to get access to internship opportunities,
- (f) Establish the needs of the County in terms of Labour, and

- (g) provide a framework through which civic education and guidance and counselling may be given on career choices to the youth

Application of the Act

4 (1) This Act applies to all persons resident in the County, who may wish to acquire internship or employment with the County Government or any other legally established entity within the Country (within) which the County Government has been engaged

(2) Nothing in this Act shall be construed as contradicting the provision of the Constitution of Kenya or any Act of Parliament

PART II—ESTABLISHMENT OF THE SKILLED LABOUR REGISTRATION COMMITTEE

Establishment of The Skilled Labour Registration Committee

5 There is established in Kiambu County the Skilled Labour Registration Committee

Composition of the Committee

- 6 (1) The committee shall consist of—
- (a) the Executive Member who shall be the chairperson,
 - (b) the chief officer for the time being responsible for matters concerning youth, sports and social services who shall be the Secretary, and
 - (c) five members of staff at senior to middle management level from the department responsible for Youth, Sports and Social Services,

Quorum of the Committee

7 (1) Three members shall form a quorum for purposes of transacting the business of the Committee

PART III—FUNCTIONS OF THE COMMITTEE

Functions of the Committee

- 8 The functions of the Committee shall be to—
- (a) register of skilled professionals within the County,
 - (b) create, maintain and update a register of skilled professionals,
 - (c) create a physical and electronic register of skilled professionals,
 - (d) co-ordinate and conduct civic education on career guidance and counselling,

- (e) liaise with the National Employment Authority to have Skilled professionals registered with it, and
- (f) make reports based on (a), (b), (c) on the County's work force and needs

Reports of the Committee

9 The Committee shall from time to time, but at least once annually author a report to be submitted to the County Executive Committee Member containing the following—

- (a) number of registered professionals,
- (b) the labour needs within the County,
- (c) number registered with the National Employment Authority,
- (d) internships given,
- (e) level of implementation of the Act, and
- (f) recommendations

Tabling of report before the Assembly

10 (1) The report once submitted and approved by the County Executive Committee Member shall be tabled before the County Assembly

PART IV—APPLICATION

Procedure

11 (1) A person seeking employment or internship may register through application to the Committee

(2) The application shall be addressed to the Secretary and be submitted to the department for the time being responsible for youth affairs and social services

(3) Upon receipt of an application, the committee shall cause the name of the applicant to be registered in the register

Information Submitted

12 (1) An applicant shall at all times ensure that all information given to the Committee is factual

(2) The Committee shall not be responsible for false or inaccurate information submitted by an applicant

(3) An applicant who offers false or inaccurate information to the Committee commits an offence and shall be liable, on conviction, to a fine not exceeding Kenya shillings fifty thousand, or to imprisonment for a term not exceeding three months, or both

Register

13 (1) The Committee shall keep and maintain an up-to-date register of all job and internship seekers

(2) The register referred to under subsection (1) shall contain—

- (a) particulars of those seeking for employment,
- (b) academic qualifications of the job seekers,
- (c) work experience, if any, of the job seekers,
- (d) contact details of the job seekers,
- (g) details of whether the job seeker is living with any form of disability or challenge,
- (h) gender,
- (i) area of specialization, interest or qualifications, and
- (j) such other detail as the Committee may consider necessary

(3) The Committee shall not charge a fee or any form of charges to a Kenyan

Use of Data

14 (1) The Committee shall seek authorization from each particular person seeking employment or internship to share with prospective employers all or any particular details of the applicant contained in the register

(2) The consent and authorization obtained under subsection (1) shall be given to the Authority at the registration under section 11

(3) The Committee shall use the data obtained under this Act for—

- (a) securing employment and internship opportunities for the job seeker in both private and public sector, and
- (b) informing the National Government, through the National Employment Authority of the people registered within Kiambu under this Act

(4) Where the Committee wishes to use the data for any other purpose other than the purposes authorized under this Act, the Committee shall seek individual consent from the respective or affected job seeker

Protection of Information

15 (1) The Committee shall, at all times, take measures to ensure protection of data in its possession against abuse or any other adverse consequences

(2) The right to privacy and other constitutional and statutory rights of the persons seeking employment shall not be compromised

Prohibition from unauthorized use of data

16 (1) The Committee shall not use the data obtained under this Act for any other purpose other than the purpose authorized under this Act

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or imprisonment for a term not exceeding Kenya shillings three years, or both

Private Sector Vacancies

17 (1) Whenever a vacancy arises in the public service board, the relevant department shall convey details of the vacancy to the Committee

(2) Whenever a vacancy occurs, the appointing office shall give priority to the job seekers registered by the Committee who possess the qualifications or skills sought

(3) Subsection (2) notwithstanding, the County Government will still be required to advertise for vacancies where such need arises

Notification of Employment

18 (1) The Committee shall, on its own motion or through other means, establish the vacancies available in the private sector, informal sector or any other sector within the County

(2) Where the Authority establishes the existence of such vacancies, it shall—

- (a) upload such information to its website,
- (b) convey such information to the job seekers with qualifications that fit the specifications and qualifications required by the prospective employers, and
- (c) It shall be the responsibility of the applicant to make and tender their application upon receipt of the notification of a vacancy under this Act

Information on vacancies

19 (1) Upon successful interview and securing of employment by a person registered under this Act, the successful applicant shall communicate the same to the Committee in the prescribed manner

(2) The Committee shall maintain a record of all successful applicants who have secured employment under this Act

(3) The Committee shall update its records accordingly and remove an applicant who obtains employment from the register kept under section 11

PART V—MISCELLANEOUS PROVISIONS

Offences

20 A person who contravenes any provision of this Act to which no penalty has been prescribed commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings in the case of a natural person, and two million shillings in the case of a firm or body corporate, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment

Regulations

21 (1) The County Executive Committee Member may, in consultation with the Authority, make regulations for the better carrying into effect the provisions of this Act

(2) For the purposes of Article 94(6) of the Constitution—

- (a) the authority of the County Executive Committee Member to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and for the fulfillment of the objectives of this Act,
- (b) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act (Cap 2) and the Statutory Instruments Act (No 23 of 2013)

MEMORANDUM OF OBJECTS AND REASONS

The principal objective of this Bill is to provide a legal framework for the registration of the unemployed work force as well as identification of youth in need of internship within the County

Part I—provides for the preliminary provisions such as the short title, interpretation of words and the purpose of the Act

Part II—deals with the establishment of administrative framework (Establishment of the Committee)

Part III—provides for the functions of the Committee

Part IV—Provides for the application procedure

PART V—Provides for a penalty for contravening this Act and Regulations

Dated the 16th July, 2018

JULIUS MACHARIA TAKI,
Member of County Assembly