

Emerging Challenges with Collective Bargaining Agreements In Kenya: The Introduction of Salary and Remuneration Commission Through The Constitution of Kenya 2010

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Abstract : The Kenyan Constitution 2010 introduced various commissions to devolve the powers that were previously centralized through the imperial Presidency. One of the commissions that directly determine the levels of remuneration and terms of service of Kenyan workers is the Salary and Remuneration Commission (SRC). Article 230 of the Kenyan Constitution 2010 mandates this commission to regularly review the remuneration and benefits of all the state officers and to advise the national and county governments on the remuneration and benefits of all other public officers. At the same time, article 54 of the Kenyan Labor Relations Act 2007 provides for the recognition of trade unions and collective bargaining agreements. The emerging challenges, therefore, originate from the conflicts of the mandate of the Salary and Remuneration Commission, whose advice is almost adopted as the order and this undermines the outcome of the Collective Bargaining Agreements. This has seen so many trade unions in Kenya being rendered irrelevant. This research paper is therefore going to sample the various trade unions of Kenya to assess the challenges that result from the position of the Salary and Remuneration Commission. We will also extend it by purposively sampling several trade unions in Africa to determine how they handle such challenges. The results from this paper will be useful to the Kenyan Lawmakers and Africa at large and may inform them to consider reviewing the laws and acts that relate to the trade unions for prosperity.

Keywords : salary, remuneration, collective, bargaining, labor laws

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