

TANGAZA COLLEGE
THE CATHOLIC UNIVERSITY OF EASTERN AFRICA.

THE DEPARTMENT OF PASTORAL STUDIES.

**THE IMBALANCE/DISBALANCE OF WAGE
PAYMENT AS A SOURCE OF POVERTY AND MANY
CRIMES IN KENYA.**

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*This is a Long Essay Submitted in fulfilment of the
requirements for the Degree of Bachelor of Arts in Religious
Studies.*

JANUARY, 2003.

NAIROBI- KENYA.

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Acknowledgements:

First and foremost, I would like to extend my sincere thanks to all who have played a role in my formation. In this regard, I am particularly grateful to my parents; Narcis and Mary who have accompanied me throughout my formative journey. I also thank the Lecturers and the entire Staff of Tangaza College who made me to benefit much from their expert guidance.

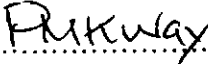
I would like to convey my sincere thanks to all my confreres, the Spiritans of the Scholasticate Community for their assistance and brotherly deeds of kindness I experienced during my studies. To all my friends to whom I am indebted for their insights, influence, suggestions, love and sharing both in my education.

Finally, my sincere thanks go to my moderator, Rev. Dr. Kawasonga Marcellus, lecturer at the Catholic University of Eastern Africa (CUEA), whose understanding, expert guidance and correction have gone a long way towards the realisation of my efforts. May God bless you. Amen.

KWAY Peter C.S.Sp

STUDENT'S DECLARATION.

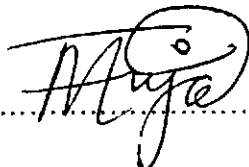
I, the undersigned, declare that this long essay is my original work achieved through my personal reading, scientific research method and critical reflections. It is submitted in partial fulfilment of the requirements for the Degree of Bachelor of Arts in Religious Studies. It has never been submitted to any other college or university for academic credit. All sources have been cited in full and acknowledged.

Signed:..........

Name of Student:.....KWAY PETER MASHAKA C.S.SP.....

Date:.....29. 01. 2003.....

This long essay has been submitted for examination with my approval as the college supervisor.

Signed:..........

Name of Supervisor:.....REV. DR. MARCELLUS KAWASINGA.....

Date:.....29. 01. 2003.....

DEDICATION.

This little humble piece of work is dedicated to African workers who are living under poor condition because of low wages/salary. For them and for all those who share their painful experience, we continue to pray for strength and hope that this problem may one day come to an end.

ABBREVIATIONS:

AMECEA: Association of Member Episcopal Conference of Eastern Africa.

Ksh: *Kenya Shillings.*

MP: *Member of Parliament.*

Gen: *Genesis.*

Col: *Colossians.*

\$: *USA Dollar.*

SN: *Sunday Nation.*

USA: *United States of America.*

AFER: *African Ecclesial Review.*

CHAPTER ONE.

General Introduction:

1.0.0. The background of the study.

The Disbalance of wage payment is a very common phenomenon, which has led to poverty and many crimes in Africa. This is evident in the review of the literature generated by the African Economic Research Consortium (AERC), which was published between the years 1980 - 1998. This research has shown that poverty rates in Africa are exceptionally high and the situation is still deteriorating. For example, in the mid 1990, the mean headcount ratio for the whole region was 53%, with rural urban poverty rates of 56% and 43% respectively. Again, inequality in the distribution of income is also large, with a mean grade of 49%. In some Countries like Kenya, rural poverty is in the range of 70 - 80%, and urban poverty is 50 - 60%.¹

There are many people who are highly paid and others are underpaid. If one tries to make a critical analysis of the salary scale in Kenya, one fact is clear that the gap between the salary of a skilled labour and unskilled labour and semi - skilled labour is very exorbitant. For example, the Salary Scale in Kenya for ordinary people is between Ksh. 3,000 to 4,000 per month. Imagine, one wants to have her children well educated, decent house, decent food and clothing to live a truly human life. But how can one succeed with such wages? As a result, the children born in such

¹. **Gadir, Ali Abdel**, "Abstract". *Poverty Reduction in Africa: Challenges and Policy Options*, February 16, 2000, p.4.

situations will share the pattern of life of poverty. Some instead of trying to overcome this situation, commit crimes such as stealing, robbery, prostitution, bribery, possessing African spirituous liquor (Chang'aa), selling price-controlled goods at a price exceeding maximum price, trading without licence, forgery, murder, possessing poisonous drugs, rape, handling stolen property, cheating and the like. The findings show that persons in the poor areas contribute more crime than persons in the rich areas.²

1.1.0. The statement of the problem:

The central problem to investigate on is the way the disbalance of wage payment accelerates poverty and several crimes in Africa. Pope John XXIII in his encyclical letter *Pacem in Terris* listed the most compressive list of rights in Catholic Social Teaching. One of the specific economic rights is a right to a just wage.³ Today in Africa and particularly in East Africa, the fundamental dignity of each human being as a member of society has been neglected. Some people are highly paid while others are under paid. This leads many people to embark in obtaining things in dubious ways. When we see around the world today there are many crimes. Why this? There is a problem of disbalance of wage payment system. The Vatican Council II concurs with this by asserting that the just wage is an expression of the inviolable dignity of human person.⁴

²Muga. Erasto. *Crime in Kenyan Town, A Case Study Of Kisumu*, Nairobi: East African Literature Bureau, 1977, p. 73.

³Mainelli, Vincent P. *Official Catholic Teachings, Social Justice*, Wilmington: Mc Grath Publishing Company, 1978, p. 63 - 102.

⁴Flannery, Austin, *VATICAN II COUNCIL, THE CONCILIAR AND POST CONCILIAR DOCUMENTS*, Bombay: Castello Publishing Company, Inc., 1975, p. 855 - 856.

1.2.0. The objective of the study:

There are many reasons, which justify this topic. As a minister of the Gospel of Christ in our contemporary world, “I ask myself, why should the rate of crimes be as high as it is in our present situation?” So the aim of this research is to show the root cause of these crimes and suggest the possible solutions to these problems. Let us take concrete examples like people who are living in the Slum areas of Nairobi. These people are living in poor conditions. They are always going to work in the industrial areas but what they are paid is below standard. Christians we are called upon to contribute positively to this noble cause. Pope John Paul II in his *Post Synodal Apostolic Exhortation, “Ecclesia in Africa”* stresses the fact that the incarnation of the word of God is the foundation of the restoration of the human dignity received from God. By extension, nobody should in any way, live in sub-human socio-economic and political conditions.⁵

The following are our objectives in this study:

1. To make people aware of what is happening in contemporary society. This includes those people who are given excessive wages and those who are under paid.
2. To bring people into awareness that justice should always prevail in our places of works because Pope John Paul II in his encyclical letter “*Centesimus Annus*” would say that, ‘refusal to pay the minimum wage’ not only violates legal justice but

⁵. John Paul II, *THE CHURCH IN AFRICA, Post - Synodal Apostolic Exhortation, Ecclesia in Africa*, Nairobi: Paulines Publications Africa, 1995, p. 53-54.

also Commutative justice.⁶ So we have an obligation as ministers of the Gospel of Christ to ensure that there is justice in all areas of our concern/work.

3. To make people understand that the order of rights, the just wage as a right is a social mediation of the individual's right to work. When workers receive fair remuneration they are empowered to carry out the other rights; to bodily integrity, to support of their families, to building up of the common good. The just wage is an in - principled expression of love and solidarity.

4. Also to show that a just wage is always a family wage. Its main purpose is to cater for the families. We have to bear in mind that the variety of families in each culture must be taken into consideration. This should enable all the heads of households, whether female or male, whether married or unmarried, deserve a wage that enables them to provide sufficient needs for themselves and their dependants.

5. To enable the worker know that he/she has a responsibility to provide a full and honest Day's labour , to respect property and lawful authority and to bring meaning and worth to toil through industriousness.

6. To help people/workers to know that there is a necessity of having a public system of employee administration, which embraces, worker participation and consultation, wage scales, job evaluation, opportunities for promotion and further education, signed agreements, grievance procedure, and annual review of the whole system.

⁶. JOHN PAUL II. *Centesimus Annus, On the Human Person at the centre of Society*, Nairobi: St. Paul Publication - Africa, 1991. Articles. 4, 6, 8, 15, 34, 43, 47.

1.3.0. Scope and organization of the study:

The Study covers Five Chapters. The First Chapter is the General Introduction. The second Chapter deals with the clarification of terms like the actual just wage and the actual salary. Furthermore, this Chapter enumerates the Church's teachings on the actual just wage, the actual salary and the disbalance of wage/salary payment in Kenya.

In the Third Chapter, deals with whether the imbalance/disbalance of wage/salary payment be the cause of poverty and many crimes in Kenya. This is supported by the questionnaires and study cases drawn from Kenya.

The Fourth Chapter covers the crimes, which results from the Disbalance of Wage Payment in Africa. Some of the crimes are like stealing, robbery, corruption/bribery, prostitution and drug trafficking. Finally, this is followed by pastoral application, general conclusion, bibliography and appendices.

1.4.0. The significance of the study:

The study is important as it is specifically geared towards eradicating poverty by making sure that there is a balance in wage payment system in Kenya. Furthermore, the study aims at reducing the wide gap that exists between the 'have' and 'have nots'. This can be achieved only by a just criteria; criteria of Commutative Justice which demands equivalence between service and remuneration and criteria of Social

Justice which demands that a worker be paid a wage adequate to support him/her family in decent conditions.⁷

Furthermore, the study is geared to benefit both the Church and State since, the issue of just wage touches both sides. People who work in these two institutions are affected by this problem of disbalance of wage payment. By reading this project both the Church and State, they will become aware of their own identity. It will be a challenge to both institutions. This is true because I did my Pastoral Experience Year in Tanzania particularly in Morogoro Parish and my experience was that the workers in that Parish were underpaid. Their Salary was not according to the Salary Scales of the government. They were paid Tzsh. 15,000 per month, instead of being paid Tzsh. 30,000 per month. So the disbalance of wage payment is not found only in the government sectors but also in the Church. So this project will be of great importance to both sides.

This project will benefit pastoral ministers and agents since it will challenge them and they will be obliged to preach about justice in the Churches and Mosque

1.5.0. Methodology and resources:

The method of the work will be based on Library research that is reading, reflecting, observations, conducting some interviews on the working conditions of people and the salary they are given, and finally my own experience.

⁷. Pazhayamphallil. Thomas. *PASTORAL GUIDE, Vol. 1, Fundamental Moral Theology and Virtues*, Bangalore: Kristu Jyoti Publications. 1995. p. 876-879.

Furthermore, I analyzed the study cases from our own environment. The cases are drawn from our local Newspapers. Also some interviews are conducted from workers in various sectors here in Nairobi. Again, the information are obtained from the questionnaires on working conditions of workers in Kenya.

The resources of my work are of three kinds; namely, the written from different authors, oral, questionnaire on working conditions of workers in Kenya and general observation from our contemporary societies.

Written sources: This includes the Library and archival research work, that is collection of data from books such as works in monographs, encyclopaedia, periodicals, newspapers, unpublished works, Theses, occasional papers, and any available written material in line with the topic I treated. The written source also includes the study of Bible and Church documents such as Popes' encyclicals.

Oral source: This is obtained from the Radios, Television and interviews from few workers especially where I did my Pastoral Experiences in our Parishes and our Houses of Formation.

Questionnaires: I asked questions from some people who are employed in different sectors on their working conditions here in Kenya

1.6.0. LIMITATION OF THE STUDY.

Due to many limitations, time and lack of co-operation by the interviewees, the author could not manage to interview as many people as he wanted. Another limitation was financial constraint which prevented the author from interviewing people in a distant places.

Conducting the research in town or in the village is not an easy thing. At times you find people are cheating or fearing to give the right information about their salaries/wages they earn per month.

Despite the problem of time factor, cases whereby potential informants could honour appointments and the instances in which met uncooperative informants, I can only be glad that at the end of my project I ended up collecting all the information that I needed most. My study has, altogether, been a success and it really enjoys extensive academic research through insertion, interviews, questionnaires and group discussions.

DEFINITION OF THE TERMS.

1.7.0. WAGES:

In his book “Social Ethics”, Messner defines wages as the contra-actual remuneration for labour service.⁸ In some sense, this could be a natural definition, however, it does not tackle the details of the subject itself. Francis Walker defines wages as “the reward of those who are employed in production with a view to the profit of their employers and paid at stipulated rates.”⁹ However, in Walker’s definition two parts are clear as the subjects who relate in the production process. One offers labour service in return for specific payment (employee). Despite its practical purpose, Walker’s definition cannot pass without a criticism as it suggests that wages provided an employer is assured of profit. Does this theory consider the right of the worker to get the wages, which enable him/her, meet the necessities of human life like better food, shelter, and education of their offsprings? It is from this basis of the existing tension between employee’s social welfare that the question of just and unjust wages is worthy of my discussion in this essay. Thus in this case I would prefer to discuss of what could be the just wage to the opposite case.

⁸ . Messner. Johannes, *SOCIAL ETHICS, Natural Law in the Western World*. (London: Harder Bo1965), p. 8018.

⁹ . *THE ENCYCLOPEDIA BRITANNICA, Vol. XVIII, A Dictionary of Arts, Sciences, Literature and General Information*. 11th Ed. Cambridge: University Press. 1911. P 229 – 235.

1.8.0. Salary:

By definition, a salary is a fixed amount of money agreed every year as a pay for an employee, part of which, that is left once tax has been paid, is usually paid directly into his or her bank account every month.¹⁰

1.9.0. Poverty:

Poverty in a purely economic sense means the position of the 'have not' or the situation of deprivation. It is the conditional state of those who cannot provide for their basic needs. It means an economic state of those who cannot manage to achieve the basic standard of living hence denying themselves the essentials. It can be understood to mean the economic condition, which prevents man and woman from realising their humanity to the fullest degree.¹¹ It is worth noting that it is poverty as an economic fact or which will form part of our paper.

1.9.1. The poor:

It is not easy to give a perfect definition of the word 'poor' which is in fact a very complicated concept. However, in our case, the word 'poor' will mean one who finds himself /herself in a situation of weakness, dependence, humiliation, lack of means, power and social consideration; one who lacks money relationship, influence, intellectual ability, personal freedom and dignity. In general, they are those people

¹⁰ . CAMBRIDGE INTERNATIONAL DICTIONARY OF ENGLISH, London: Cambridge University Press. 1995.p.1632.

¹¹ . Yve Congar, *Poverty in Christian Life, A midsts An Affluent Society*, in *Concilium Vol. 15. Poverty and Freedom*, New York. Paulist Press, 1966. P. 47-70.

who have no possibility of changing their miserable economic state without the help of another.

1.9.2. Crime(s):

The American Sociologist Stanton Wheeler in article Delinquency and Crime describes crime as any disapproved act or conduct considered as both dangerous to the community and morally wrong.¹² On the same line, without going into the details of the term I think it is worthwhile to establish its facticity for practical purposes. Thus, human acts such as stealing, bribery, robbery, prostitution and the like fall under the category 'crimes.'

¹² . Becker. Howard (ed), *SOCIAL PROBLEM. A Modern Approach*, (New York: John Wiley & Sons, 1967. P. 221.

CHAPTER TWO:

This chapter covers the Church's documents views on a just wage/salary. Furthermore, we will show the imbalance of wage/salary payment in Kenya.

2.0.0. The actual just wage:

The actual just wage is a fixed amount of money that is paid usually every week, to an employee, especially one who does the work that needs physical skills or strength, rather than a job, which needs a College education.¹³ If one tries to make a critical analysis of the wages the domestic workers are given here in Kenya will discover that, it is very low. The wages given to these people is not sufficient to support both workers and their families. In our fieldwork on the working conditions of people here in Kenya, we discovered that the wages they get is not enough for their up-keep. For example, the average wage for an ordinary worker is around Ksh.3,000 to 4, 000 per Month. Some of these workers spend eight to nine hours in a day. Furthermore, these workers are not liable to pension when they retire, benefits, vacation and personal days, health Insurance and so on. Imagine, the worker wants to have his/her children well educated, decent house, nutritious/delicious food and clothing to live a truly human life. How can one succeed with such low wages? This experience shows that about 80% people of Kenya live below poverty line.

¹³. *CAMBRIDGE INTERNATIONAL DICTIONARY OF ENGLISH*, London: Cambridge University Press, 1995. p. 1632.

2.1.0. The actual salary:

By definition, the Actual Salary “is a fixed amount of money agreed every year as pay for an employee, part of which, that is left once tax has been paid, is usually paid directly into his/ her bank account every month.”¹⁴

If we try to make the analysis of salary scale in Kenya, one fact is clear that the gap between the salary of a skilled labour, unskilled labour and semi-skilled labour is very exorbitant. For example, the salary scale in Kenya for ordinary people is Ksh. 3,000 to Ksh. 4,000 per Month. While the salary scale of a skilled labour like a member of Parliament (MP), or Minister is around Ksh.400,000 per Month. Trained teachers in the College is Ksh.15, 000 per Month. In my research work I discovered that this category of workers are better off because they are assured or liable to pension when they retire. But I discovered that the salary is not enough for a teacher who is earning Ksh. 4,000 to Ksh.5,000 per Month. How can he/she survive in the midst of all the basic needs? That is why many teachers often go on strike seeking for salary increment.

¹⁴. *CAMBRIDGE INTERNATIONAL DICTIONARY OF ENGLISH*, London: Cambridge University Press. 1995, p. 1250.

2.2.0. Documents of the Church:

The Church's document recognize the fact that human person to whom the Good News is to be announced is not just an abstract being but one leading a real life situations faced with social and economic changes (Evangelium Nutiandi No.31). For evangelization to be integral, it has to go hand in, hand with human promotion. It is on the basis of this argument that the documents of the church address the problem of just remuneration accordingly.

The Bible tells us that human person was created in the image of God. (Gen. 1:28) and that all creatures were created for the good of the human person (Gen. 1:28). Therefore, the documents of the Church stress the fact that the Church is called upon to protect the dignity of each and every human being and one of them is that every worker has a right to a just wage/salary. "Behold, the wages you with held from the workers who harvested your fields are crying aloud, and the cries of the harvesters have reached the areas of the Lord of hosts" (James 5:4).

Furthermore, Pope Leo XIII in his encyclical letter '*Rerum Novarum*' taught that human dignity demands that workers be treated justly and that they receive in return for their exertion what is needed to support and preserve life. Pope would say that, wages should not be determined in a free market by the random interaction. The contract, but not fuller justice that flow from human dignity may satisfy strict contractual justice. Sufficient remuneration for labour supported the workers and their families in a reasonable and frugal manner. Basic needs include food, housing,

clothing, physical well-being, provision for children and their rearing and education, opportunity to own property, and guarantee for the future.¹⁵

Pope John XXIII in his encyclical letter, '*Mater et Magistra*' advanced the development of the just wage by respecting historical and international socio-economic factors. According to the Pope, "Determination of wages should not be left to the laws of the Market place hence decision left to the more powerful but it should be determined in accordance with justice and equity which means workers must be paid a wage which allows them to live a truly human life ... The norms of justice and equity should be strictly observed. This requires that workers receive a wage sufficient to lead a life worthy of man and to fulfil family responsibilities properly. But in determining what constitutes an appropriate wage, the following must necessarily be taken into account; first of all, the contribution of individuals to the economic effort; the economic state of the enterprises within which they work; the requirements of each community, especially as regards overall employment; finally, what concerns the common good of all peoples, namely of the various states associated among themselves but differing in character and extent."¹⁶

Pope John XXIII in his encyclical letter '*Pacem in Terris*' (1963), states the most comprehensive list of rights in Catholic Social Teaching. One of the specific economic rights is to a just wage. "From the dignity of the human person, there also

¹⁵. Pope Leo XIII, *Encyclical Letter on the Condition of the Working Classes, RERUM NOVARUM*. Nairobi: St. Paul Publications – Africa. 1891. P. 5-54.

¹⁶. Pope John XXIII, *MATER ET MAGISTRA, On Christianity and Social Progress*, New York: Paulist Press. 1961 P.21 (Article 71).

arises the right to carry on economic activities according to the degree of responsibility of which one is capable. Furthermore, and this must be specifically emphasized – the worker has a right to a wage determined according to criteria of justice, and sufficient, therefore, in proportion to the available resources, to give the worker and his family a standard of living in keeping with the dignity of human person ...”¹⁷

Again, Pope John XXIII in his encyclical letter, ‘*Pacem in Terris*’ (1963), gives a list of rights in Catholic Social Teaching. One of the specific rights is to a just wage.¹⁸

2.3.0. The disbalance/imbalance of wages/salaries:

There is a wide gap between wages/salaries of a skilled labour, unskilled labour and semi-skilled labour here in Kenya.

¹⁷. John XXIII. *PACEM IN TERRIS, In the Catholic Social Thought, The Documentary Heritage*. New York: Orbis Books, 1992. P. 133-134.

¹⁸. *Ibid.* Articles 11-27.

Table 1: The average salaries of workers in Kenya.

The amount in Kenya shillings.

YEAR 2002	The range of salaries/wages
Member of Parliament	100,000 – 250,000
Trained Teachers	15,000 – 18,000
Ordinary Teachers	4,000 – 5,000
Domestic workers	1,000 – 1,500

Pope John Paul II in his Encyclical Letter on Human work, '*Laborem Exercens*' No. 19, emphasised that, "The key problem of social ethics in this case is that of just remuneration for work done. In the context of the present there is no more important way for securing a just relationship between the worker and the employer than that constituted by remuneration for work." Therefore the Church in Kenya has to be in the forefront in the fight against the structures rendering people in this country poor, she must start by changing the structures within herself, which subject people to poverty. The Church Law states that employers of the Church have a right to decent remuneration by which they are able to provide at least for their basic needs of their families (Canon No. 1286). But our research has revealed that a good number of Church and Civil workers still live below poverty line. They not only receive meagre salaries which cannot help them sustain their families, but they also work without getting house allowances, health insurance and a sure retirement benefits.

The findings on the side of teachers here in Kenya revealed that in spite of increment in the Salary of teachers of between 25 and 45 per cent between 1997 and 2002, they still receive salaries, which are two times lower than the minimum wages/salaries they need to sustain their families. "If implemented fully, the lowest paid teacher will earn a maximum of Ksh.4,248 a Month, excluding allowances, while the highest paid will take home Ksh.35, 266 as a basic salary."¹⁹

There is a disbalance of wage/salary payment between the Ministers and Members of Parliament who are earning around Ksh.4000, 000 per month apart from many other benefits as compared to a teacher who is paid around Ksh.4,000 per Month. If one tries to make a critical analysis of the difference, it is clear that the gap between the two is very exorbitant. For example, a teacher who is earning Ksh.4,000 per Month will find life very difficult. Some in trying to overcome this situation, they start stealing, robbing others, to prostitution, they will involve themselves in bribery, stealing examination and selling them before the examination dates and the like. What do you expect from the disbalance of wage/salary payment? For sure, this leads to poverty and many crimes here in Kenya.

2.4.0. Summary:

The Church's documents show that the Church cannot shy away from engaging herself in the temporal affairs. So any attempt by her to leave out the social, political

¹⁹. Waihenya, Kariuki. "Teachers' pay battle taken to Parliament" *The Daily Nation Newspaper*. Nairobi. January 23. 2002.

and economic questions unaddressed would mean that she is not only going against her nature and vocation but also she is going against the teaching of her founder.

CHAPTER THREE.

After asserting what the Church's document says on a just wage/salary in the previous Chapter, this Chapter focuses on whether the imbalance of wage/salary payment is the cause of poverty and many crimes here in Kenya and the possible recommendations.

3.0.0. Could the imbalance/disbalance of wage/salary payment be a cause of poverty and many crimes in Kenya?

Stanton Wheeler made a hypothesis that; crime rates differ according to the extent of disfigurement between the goals persons internalize and their socially structural opportunities for achieving them. Furthermore, where the goals of material success seem dominant, and where the legitimate means to such success typically call for high crime rates among those least able to obtain good vocational or professional training,²⁰ Kenya falls in the same situation. Who would like to have his life condemned in a slum with all its implications? What is the situation in Kenya today? Most of the workers, despite their tireless effort to work and lead a decent life, the remuneration obtained make them consider their desire a myth! As mentioned in the previous Chapter that there is a great imbalance of wage/salary payment. If one analyses critically the salary, which the Member of Parliament earns per month and the one of a domestic worker, there is a lot to be desired. The gap is so wide. Some

²⁰ Becker, Howard S. (ed), *SOCIAL PROBLEMS, A Modern Approach*. (New York: John Wiley & Sons, 1967), P. 221 – 223.

in trying to overcome this situation, start stealing, robbery, prostitution, stealing examinations and selling them before the examination dates and the like. That is why the teachers here in Kenya go on strike often seeking for salary increment. The following figure shows the milestone in teacher's fight for higher salaries here in Kenya.

JULY 1997	Teachers Service Remuneration Committee recommends Salary increase of 150 - 200%
OCTOBER 1, 1997	National teacher's strike to press for the implementation of the Salary award
OCTOBER 12, 1997	President Moi appoints team to discuss the implementation
NOVEMBER 1997	First phase of the award implementation
JUNE 1998	Government reneges on implementing remaining phases.
OCTOBER 1998	Second teachers strike over remaining phases
MARCH 2001	Knut Secretary General Ambrose Adongo dies and teachers ask for pay deal implementation in his honour
JULY 2001	Mr. Francis Ng'ang's elected Secretary General and vows to pursue the Salary award
OCTOBER 2001	Knut storms out of a meeting with TSC to discuss the Salary award
JANUARY 2002	Teachers take Salary battle to Parliament ²¹

²¹ . Ng'ang'a, Francis. "Milestones in teachers' fight for higher Salaries" *In the Daily Nation Newspaper*, Nairobi. January 23, 2002.

Fig. 3: The amount in Kenya shilling.

Trained Teachers		Trained Cooks	
Naomi Omani	5,000	Joseph A. Nyadol	6,000
Inyagi siniyu	5,000	Shem Arum	6,000

In my research, I discovered that some workers like the cooks who are employed in the Religious houses namely, Joseph A. Nyadol and Shem Arum are working for thirteen hours in a day. An if one tries to make a critical analysis of their salary scale , one fact is clear that it is not enough to cater for their family. For-example, both of them earn Ksh. 6,000 per month. Shem and Joseph have nine and eight children respectively. Imagine these two cooks want to have their children well educated, educated, decent houses, food and clothing to live a truly human life. How can they succeed with such wages/salary? Some in trying to overcome this situation, may start stealing, robbery and the like.

While we recognized the efforts the Church has made in the last few years to implore her image as far as accountability and remuneration of her workers are concerned, we strongly believe that she is yet to take a clear practical step towards achieving this goal completely. We also strongly believe that the Church must either allow her workers to join any union like in the government sectors, the union of their choice or be allowed to form their own union to protect their rights whenever they are tempered with.

It is very important that the Kenya Episcopal Conference in conjunction with the Justice and Peace Commissions should set a standard of remuneration for workers. Again, the Catholic Church in this country should consider creating an independent ecclesiastical court where priests, religious, Church workers and laity in general can seek legal redress when they feel that their rights have been violated. At present the Church cannot do without such a court because of the respect they have for them and for the Church.

3.1.0. Recommendation:

(a). The criteria for balancing the wages/salaries.

In discussing this topic, we have drawn the inspiration from both; what the church and International Community say as far as wage is concerned. The United Nations Declaration of Human Rights, part III, Article 7, states that; “the covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure in particular.

Fare wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.

A decent living for themselves and their families in accordance with the provisions of the present covenant. On the same line through Pope John XXIII, in his encyclical

'Mater et Magistra' No. 71." The Church teaches; "Determination of wages should not be left to the laws of the market place hence decision left to the more powerful but it should be determined in accordance with justice and equity which means workers must be paid a wage which allows them to live a truly human life."

The problem of wage/salary and justice is considered from two angles or criteria namely, criteria of commutative justice and social justice.

Commutative justice demands equivalence between service and remuneration. The worker must receive a wage which corresponds to the service he renders and to the energy he spends. The employer may not seek his gain from the toils of the labourer. His gain must entirely be derived from his own contribution to the production and the economic process.²²

Furthermore, Commutative Justice demands that equal workmanship receive equal compensation. For example, women could not be paid less than men merely because of their sex. The actual achievement must be the basis for the wage. Therefore, efficiency is entitled to higher remuneration.²³

Again, Social Justice demands that a worker be paid a wage adequate to support him/her and his/her family in decent conditions. This means an income sufficient to afford wholesome food, to rent, or buy good home, to provide for suitable education

²² . Pazhaymhallil, Thomas. *PASTORAL GUIDE, Vo. 1. Fundamental Moral Theology and Virtues*. Bangalore: Krisiu Jyoti Publications, 1995. p. 877 - 882.

²³ . *Ibid.*, p. 777-882

and adequate medical care.²⁴ On the same line, Pope John Paul II in his encyclical letter '*Gadium et Spes,*' *the Church in the Modern World*, No. 67, insists that, the payment for labour must be such as to furnish a worker with the means to cultivate his own material, social, cultural, and spiritual life worthily, and that of his dependants.

Finally, Social Justice demands that the wage/salary be proportionate to the development and growth requirements of the national economy as a whole. Wages/Salaries must reflect the worker's standard of living of his/here country or place of residence.²⁵

The following are the factors which determine the just wages/salaries; to start with, the support of the family- here we are obliged to investigate how much that wage/salary expected to do, that is how much money is needed to support the average family today. That is to keep that family living a decent way of life. Pope John XXIII in his "*Mater et Magistra*" No. 71 would say, he/she has a right to so much of requisite of sustenance as will enable him to live a manner worthy of a human being. The elements of a decent livelihood may be summarily described as food, clothing and housing (basic needs); the sufficient provision for the future security against sickness, and sufficient opportunities of recreation social intercourse, education and moral values.

²⁴ . Ibid. p. 877-882.

²⁵ . Ibid. p. 877-887.

Again, the condition of the work (Business) is another factor. This is an important factor since the ability or non-ability of a Company to pay such a wage, though it be just, makes all the difference in the world as to whether the business is bound in justice to pay such a wage, even the just wage, can not be found in justice to try to do so, especially in ruin is the necessary consequence. In this situation it will be unjust to demand excessive wages. But in the situation where the employer is able to take his or her interest on capital and even go so far as to treat himself/herself to the satisfaction of extraordinary needs, the workers need to be paid just wage.

Furthermore, the aspect of the common good should be looked upon. Here it implies that, the common good should not suffer. This means that, in the field of ethics the pay must be adjusted to the public economic good. Experience has proved that an excessive lowering of wages/salaries or their increase beyond due measure causes unemployment. Other factors are knowledge of the work and practical experience, time spent in formation, skill of the work, and energy employed and the responsibilities assigned to a particular work.

(b). Obligations and rights of employers and employees in general:

Technical, economic and financial factors have to be subordinate to man or woman. Industrialists, managers and executives must learn to see in the worker more than an

accessory to a machine or a factor in production. As a matter of fact, the worker is a human person.²⁶

The employer is obliged to safeguard the workers in place of work against dangers to life, health and morals. They should be given a time to develop their talents and their personalities in the very exercise of their work. Also, they are to be given sufficient rest and leisure to enable them cultivate their family, cultural and religious life.²⁷

Unlike what is happening today here in Kenya, an employer should not oblige a worker to do or perform the tasks, which are beyond his/her capacity, or which are unsuitable to his sex and family duties. There has to be equality between men and women in the sense that, women are entitled to the same wages or salaries as men when their work is the same as that of men in quantity and quality.

Again, the true advancement of women requires that labour should be restricted in such a way that women do not have to pay for their advancement by abandoning what is specific to them and at the expense of the family, in which women as mothers have an irreplaceable role.

Furthermore, the employees are to apply their time and energy to their employment with a due sense of responsibility. They should not damage the property or the interests of the employer. The employees should not mismanage their working time

²⁶. Pazhayamphallil, Thomas, *PASTORAL GUIDE, VOL. 1. Fundamental Moral Theology and Virtues*, Bangalore: Kristu Jyoti Publication, 1995, p. 1105-1107.

²⁷. *Ibid.*, p. 1105-1107.

or through negligence produce low quality goods. They should not abuse sick leave or unnecessarily absentee themselves from work, since to involve in these practices renders employees guilty of sins of injustice. Managers and executives who are negligent and inefficient in their work, who abuse other benefits of the firm, also sin against justice²⁸

©. Obligations and rights of employers and domestic employees in particular:

If the worker is taken up into the home of domestic establishment, special obligations of care for his temporal and eternal well being are imposed upon the masters of the house. Saint Paul says: "Masters, treat your slaves justly and, fairly, for you know that you also have a master in heaven"(Col.4:1). The employers should provide for their essential needs especially for their need of respect, of affection, of recreation. of security in sickness and old age, and of security in sickness and old age, and whatever else concerns their external good.²⁹

(d). Code of conduct for employers and domestic workers:

For the employer:

"The terms of employment and service conditions of the domestic worker should be stated in the letter of appointment; the work-load and other conditions should be

²⁸. Ibid.. p. 1105-1108.

²⁹. Ibid.. p.1108-1109.

reasonable, vis-à-vis adequate wage, fixed hours of work, leave facilities, security of employer, etc.”³⁰

Again, the employer is required to maintain and respect the fundamental rights of the domestic worker. This is something to be cherished in our area of work. These days for-example, here in Kenya, the teachers often go on strike because of low pay

Furthermore, victimization, coercion, intimidation, force or pressure should not be exerted on domestic workers for any reason. The employer is supposed to make sure that there is no any kind of unjust punishment, fine or cut-back on benefits.³¹

The domestic workers are part and parcel of the family. They should be allowed to participate in its social and cultural activities. Also the employer is required to give freedom to the domestic workers. This will help them develop their talents and engage in human and social activities. The employer should make sure that the domestic worker is safe at all times. For-example, the female domestic workers should be adequately protected.³²The question of religion is of vital importance in every society. The employer has to make sure that the domestic worker is free to practice his or her religion. In other words, he/she should respect the religious convictions of the domestic workers. In addition, the employer should avoid any physical or psychological harm in correcting indiscipline or misdemeanour of the domestic worker.³³

³⁰. Ibid., p. 1108-1109

³¹. Ibid. p. 1108-1109.

³². Ibid., p. 1108-1109.

³³. Ibid., p. 1108-1109.

For the employee:

In many institutions, the domestic workers do not respect their employers. But here every domestic worker is obliged to respect and honour the employer and his family.³⁴

The domestic worker should respect the terms of employment and conditions of service agreed upon before entering service. Due notice should be provided before the domestic worker leaves the job.³⁵ The place of work should be respected everywhere in the world; things like indiscipline, insincerity, dishonest, falsehood, stealing and threats should be avoided in the area of work.³⁶ The domestic worker is supposed to fulfil the duties assigned to him/her with a sense of responsibility without waste of time or money.³⁷ Apart from workers handling the property of the employer with care, decision concerning household matters should be taken by involving the employer. Again, domestic worker should retain the details concerning the family.³⁸

For both employer and employee:

Both employer and employee should use negotiations (employment bureau or agency) as a proper means of settling all disputes, grievances or any matter pertaining to working conditions and human relations. Also there should be a good relationship

³⁴ Ibid., p. 1108-1109.

³⁵ Ibid., p. 1108-1109.

³⁶ Ibid., p. 1108-1109.

³⁷ Ibid., p. 1108-1109.

³⁸ Ibid., p. 1108-1109.

between the employer and employee. Furthermore, mutual understanding and human consideration should prevail in all spheres of work. Finally should not be coercion, intimidation or victimisation between the employer and the employee.³⁹

3.1.1. Summary:

In a nutshell, the imbalance of wage payment here in Kenya leads to poverty and many crimes. Pope Leo XIII in his encyclical letter "*Rerum Novarum*" No. 31 says, "Among the most important duties of employers the principal one is to give every worker what is justly due to him... Behold, the wages of the labourers... which have been kept back by you unjustly, cry out; and their cry has entered into the ears of the Lord of Hosts." So the remuneration is not to be thought in terms of merchandise, but it should be done according to the laws of justice and equality. Unless this is done, justice is violated in labour agreements, even though they are entered into a freely on both sides.

³⁹. Ibid. p. 1108-1109.

CHAPTER IV.

4.0.0. Crimes which result from the imbalance/disbalance of wage/salary payment in Kenya.

This Chapter covers the crimes which result from the imbalance of wage/salary payment in Kenya.

A crime is the act of “that which the criminal law prohibits or to fail to do what the Criminal Law requires one to do.”⁴⁰ Therefore, the criminal act is defined by the criminal Law. Here it implies that, no matter what people think about what an individual has done and however much the general public may disapprove of the behaviour of the individual; this behaviour cannot be termed as a crime unless it is specifically prohibited by the Criminal Law.

Why should the rate of crimes be as high as it is in our present situation here in Kenya? Would it in any sense be justified to say crime is in-born to some people?

In our previous chapters, we saw that there is a disbalance of wage/salary payment here in Kenya. We also discovered that some in trying to overcome this situation, may start stealing, robbery, corruption/bribery, prostitution, drug trafficking and the like. Let us analyse these crimes one after the other.

⁴⁰. Mushanga, Tibamaya mwene. *CRIME AND DEVLANCE, an introduction to Criminology*. Nairobi: Kenya Literature Bureau, 1976. P. 4-5.

4.1.0. Stealing/Robbery:

According to the Cambridge International Dictionary of English, stealing is the act of taking something without the permission or knowledge of the owner and keeping it.⁴¹

Also, stealing can be defined as an act of someone, “knowingly and intentionally obtains or assumes unauthorised control over the property of another or by means of deception, threat or fraud, obtaining control over the property, with intent to permanently deprive the owner of the use or benefit of the property, or by knowingly concealing abusing or abandoning the property so as to deprive the owner of its benefit or beneficial use”⁴²

On the other hand, robbery is the deprivation of property rights from the owner and it takes place in his face by the use of or the threat to use force.⁴³ Stealing and robbery are the common phenomena here in Kenya. There are many cases of theft and robbery especially in town. There are many young boys and girls popularly known as street children (or ‘chokoraa’ - that is a Swahili word for street children) whose main work is stealing and robbery. Some of them are employed somewhere but the wage/salary is not enough. They have to compensate somewhere.

⁴¹. *COMBRIDGE INTERNATIONAL DICTIONARY of ENGLISH*. New York: Cambridge University Press, 1995, P.1417.

⁴². Op cit., p. 120.

⁴³. Ibid., p. 120.

4.1.2. Corruption:

To start with, Robin Theobald groups the nine meanings of corruption as provided by the Oxford English Dictionary. This is as follows: First, “corruption as referring to the process of physical decay, disintegration and decomposition with associated unwholesomeness and putrefaction.” Second, “corruption as used to signify moral deterioration and decay; a loss of innocence or decline from a condition of purity.” And finally, “corruption as a perversion or destruction of integrity in discharge of public duties by bribery or favour; the use of or existence of corrupt practices especially in a state or public corporation.”⁴⁴

I am sure many people would come up with other definitions, perhaps more specialized, definitions of the term corruption depending on their experience. But, whichever way you look at it, corruption is a moral disease that permeates all levels here in Kenya. That is why Kenyan have given it words like “magendo” and “chai” (Swahili words for corruption). However, Kenya has been ranked as third among the most corrupt Countries in the World!

To mention but a few, the following are the Media Reports on corruption; An article in the Daily Nation, of 4 September, 1994 traced the earliest known major scandal to 1975 involving the Ken – Ren Fertilizer Company in which Kenya lost about Sh. 480 million to an American con man.

⁴⁴. Kibwana, Kirutha et al., *The Anatomy of CORRUPTION in Kenya, Legal Political and Socio-Economic Perspectives*. Nairobi: Claripress Limited. 1996. P 34.

Again, almost twenty years later, the scandals have grown in the amounts of money involved and in the seniority of the personalities involved. The Goldenberg Scandal had the then Vice-President and Minister for Home Affairs, George Saitoti, under the pressure to resign over ineptitude and mismanagement of public funds. The bolder independent magazine industry repeatedly called for his resignation or dismissal and prosecution. "They faced three criminal charges of conspiring to defraud the Government of Sh. 18,032,1999,069 through the Central Bank of Kenya. The money is said to have been paid to Goldenberg International as compensatory payment for gold and diamond jewellery purportedly exported from Kenya to Dubai and Switzerland between October 1990 and December 1992."⁴⁵

Other Media reports have lamented that scandals seems to be the way of life from Brazil to Nairobi (Sunday Nation (SN), August, 1993). The high scale and sophisticated nature of corruption in latter years led to the donor community's cut in aid in 1991 (Society, November 11, 1991). According to the Society; "International reports indicate that Western donors have drastically slashed aid in Kenya because of corruption. The United States of America (US) has for-example chopped its aid package from \$56 million to US \$26 million in the 1992 fiscal year."

In a nutshell, "Corruption is wide spread in developing countries not because their people are different from people elsewhere, but because conditions are ripe for it.

⁴⁵. Kibwana. Kivutha. et all (Eds). *The Anatomy of CORRUPTION in Kenya, Legal, Political and Socio-Economic Perspectives*, Nairobi: Claripress Limited. 1996, P. 207 –214.

The motivation for earning income is very strong exacerbated by poverty and low salaries.”⁴⁶

Researches have shown that reasonable wages are necessary conditions for avoiding Corruption. And if unchecked corruption eventually leads to economic depression, resulting in an increasing level of poverty.

4.1.3. Prostitution:

By definition, Prostitution is the act of woman selling her body for sexual intercourse.

The prostitute sells her body in return for money or properties.⁴⁷

Today in Kenya, there are many women in the streets, clubs, and bars doing this business. They are called sexual commercial workers. In my research, I happened to pop in one of the Club around Koinange Street in Nairobi town. I was surprised because the club was occupied by prostitutes! Many of them approached me asking, “can we spend a night today?” When I interviewed some of them, they told me the amount of money I am supposed to pay per one night. Most of them expressed their views that they are working in big offices here in Nairobi but the salary they are earning is not enough to have a decent house, delicious food and other needs like buying cosmetics and the like. So they told me that they sell their bodies as part time work. When I told them about the danger of acquiring AIDS, they said it is an accident like any other accidents on the road.

⁴⁶. Mehra, Chander: *CORRUPTION; Dealing with the Devil*, Nairobi: Shiv Publications, 2000. P. 23.

⁴⁷. Mushanga, Tibamanya mwene, *CRIME AND DEVIANCE, An Introduction to Criminology*, Nairobi: Kenya Literature Bureau, 1976. P. 94.

There are many ways in which different women in different societies carry on their business of prostitution; *modus operandi*. The most common here in Africa and particularly here in Kenya in the city, in small towns and rural areas, is the (bar) beer hall method. In this method, many prostitutes come to a bar and order a drink. As night falls, the men flock in to drink. When men finish to drink, they take the prostitutes to their homes or in a guest house. Then, the male pay the prostitutes in agreement. They usually agree before sexual intercourse.

In our research, we discovered that many prostitutes walk also to the bus stop and there hopes to be picked up by a car driver or they can even stop the driver hoping that one will be interested in keeping her for a night.

4.1.3. Drug Trafficking:

Drug trafficking can be defined as an illicit trafficking in narcotic drug such as opium and its derivatives, morphine, heroine, and codeine; cannabis (marijuana); and the coca bush and its derivative, cocaine.⁴⁸

Generally, drug trafficking is very common here in Kenya. Many people are used in trafficking these drugs, for example, some of them, do swallow them and remove them through the anus. Others have gone to the extent of putting in a coffin in view of transporting the dead body. Poverty has caused these people to engage in such business. Some of these people are employed in big offices here in Nairobi but the

⁴⁸. Gallagher, R.E., "Drug Addiction" In: *THE NEW CATHOLIC ENCYCLOPEDIA VOL. II*, Washington: The Catholic University of America, 1967. P. 1064-1067.

salary is insufficient to cater for their needs. And solution for this for them is to be used as agents in transporting these drugs to various destination.

Again, this business has many side effects, to mention but a few; first, you can die while swallowing these drugs, especially if you swallow too many of them. Second, when you are used as an agent of transporting these drugs to various destinations and suppose you are caught by the police you can be sued or imprisoned.

In a nutshell, trafficking in illicit drugs is a prized and violently protected source of income for crime syndicates.

4.2.1. PASTORAL APPLICATION.

I think, as the ministers of the liberating gospel of Christ, if we are to be relevant to a modern African situation and particularly here in Kenya, which is almost not very different all over the continent as far as poverty and issues of social justice are concerned. Therefore, these issues like the imbalance of wage/salary payment and right to just wages for the workers should be part and parcel of our mission agenda. If we do not mention and address the issues that are at present sensitive, for-example, struggle by the workers to get just wages/salary, then our message of God's salvation plan for humanity will fit Mwalimu Nyerere's (the late former President of Tanzania) caricature on inauthentic religion; that religion will turn into a set of rules and superstition which will make sense only to the fearful group of people.

However, my question is, how far has the local Church, (especially in AMECEA), been the champion for workers' rights? What about the wages/salaries which we tell our workers in our different religious houses and Church institutions that are according to the government scales despite the fact that, we know in reality the wages/salaries can not be enough? On such issue, at times, let us think first of our own attitude toward our worker's real situation before jumping over and talk about just wage/salary. May be this can be the reason why, in my experience, the Church most of the time comes up to support workers' struggle when the workers themselves have had already a hard time with the government.

Look at the vivid example, of the teachers' strike here in Kenya which took place in September, 2002 all the time prior to the strike by the workers in education, the Church has been keeping on with what Paul Freire would call, "the culture of silence, a midst of injustices." It is better at times to act rather than every time reacting. It is high time that the Church put into practice the teaching in *Pacem in Terris* (peace on earth): "It is not enough, for-example to acknowledge and respect every man's right to the means of subsistence." In fighting for social justice, corporate solidarity on the side of the Church is necessary. In other words, communal Christian action in society demands the presence of commitment to some norms for social life which concretise the Christian vision of social existence even though they do not provide a total description of the kingdom of God, cry for justice being one of the agendum in the building of this kingdom. This is in line with the Church's documents which recognize the fact that the human person to whom the Good News is to be announced is not just an abstract being but one leading a real life situations faced with social and economic challenges (*Evangelium Nutiandi No.31*). For evangelization to be integral, it has to go hand in hand with human promotion. Pope John Paul II concurs with this when he says in his encyclical letter '*Solitudo Rei Socialis*' that, the condemnation of evils and injustices is also part of that ministry of evangelization in the social field, which is an aspect of the Church's prophetic role. The option for the poor is primary in Christian charity and the whole tradition of the Church bears witness to this in imitating the life of Christ. In the same line, the Vatican II document on the laity, '*Apostolicum Actuositem*' puts it very clear that "the demands of justice

must first of all be satisfied, that which is already due injustice is not to be offered as a gift of charity.

GENERAL CONCLUSION.

In our research, we realized that within the order of rights, the right to just wage is grounded in basic themes of Catholic Social doctrine. A fundamental presupposition is the dignity of the human person. The equality and dignity of all persons therefore demand that more human and just conditions be brought about in society. The just wage as a right is a social meditation of the individual's right to work. When workers receive fair remuneration they are empowered to carry out the other rights; to bodily integrity, to the support of their families, and to the building up of the common good. The just wage is in -principled expression of love and solidarity. Furthermore, a just wage is always a family wage. It meant to support the workers and their families. The variety of families in each culture must be taken into consideration. All heads of households, whether female or male, whether married or not, deserve a wage that enables them to provide sufficient basic needs for themselves and their dependants. Again, the right to a just wage is not without its own duties. Each worker has a responsibility to provide a full and honest day's labour, to respect property and lawful authority, and to bring meaning and worth to toil by being industrious. There is no single just wage. It must regularly and concretely be judged in every country, even in various areas of a country. A just wage is a minimum. It is to allow what is needed for the full and integral development of workers. In our research, we discovered that it is necessary to have a public system of employee administration, which embraces worker participation and consultation, wage scales, job evaluation, opportunities for promotion and further education, signed agreements, grievance procedures, and

annual review of the whole system. In a nutshell, a just wage/salary includes the understanding of equal pay for equal work. There can be no discrimination based on race, sex, nationality, age, or marital status. A just wage is conditioned by the employer's ability to pay, market forces, and the common good.

SELECTED BIBLIOGRAPHY.

BOOKS:

- Baum, Gregory et al. (Ed). *Logic of Solidarity. Commentaries on Pope's John Paul's encyclical "on Social Concern."* Maryknoll. Orbis Books. 1995.
- Becyers, David M (Ed). *Justice in the Marketplace.* Washington. United States Conference, Inc., 1985.
- Curran Charles E. et al. *Readings in Moral Theology No. 5. Official Catholic Social Teaching.* New York. Paulist Press. 1986.
- Dora, Donal. *Option for the Poor. A Hundred Years of Catholic Social Teaching.* New York. Orbis Books. 1983.
- Drummond, William F., *Social Justice.* Milwaukie. The Bruce Publishing Company. 1955.
- Greinacher, Nobert & Alois Muller. *The Poor and the Church.* New York. The Seabury Press. 1977.
- Henriot, Peter J. et al. *Catholic Social Teaching. Our Best Kept Secret.* New York. Orbis Book.
- Howard, Backer S. *Social Problems. A Modern Approach.* New York. John Wiley & Sons 1967.
- Kammer, Fred. *Doing Faith Justice. An Introduction to Catholic Social Teaching Thought.* New York. Paulist Press. 1991.
- Kibwana, Kivuta et al. *The Anatomy of Corruption in Kenya. Legal Political and Socio-economic Perspective.* Nairobi. Claripress Limited. 1996.
- Johannes, Messner. *Social Ethics. Natural Law in the Western World.* London. Herder Books. 1965.
- Laboyen Julio. *To be the Church of the Poor.* Metro Manila. Communication Foundation for Asia. 1986.
- Leow M. R. *Mission to the Poorest.* London. Sheed and Word. 1984.
- Mainelli, Vincent P. *Official Catholic Teachings. Social Justice.* Wilmington. Mc Grath Publishing Company. 1978.

Moody, Joseph N. et all (Eds). *The Challenge of Mater et Magistra*. New York. Harder and Herder. 1963.

Muga Erasto. *Crime in Kenya Town. A Case Study Of Kisumu*. Nairobi. East Africa Literature Bureau. 1977.

Nyerere Julius K. *Man and Development*. London. Oxford University Press. 1975.

Owit, Okech. *The Rights of an Employer in Kenya*. Nairobi. Oxford University Press. 1990.

Pazhayamphallil, Thomas. *PASTORAL GUIDE Vol. 1. Fundamental Moral Theology and Virtues*. Bangalore. Kristu Jyoti Publication. 1995.

THE DICTIONARY.

CAMBRIDGE INTERNATIONAL DICTIONARY OF ENGLISH. London. Cambridge University Press, 1995.

OTHER DOCUMENTS OF THE CHURCH.

Flannery, Austin. *VATICAN COUNCIL II. THE CONCILIAR AND POST CONCILIAR DOCUMENTS*. Bombay. St. Paul Publications. 1992.

Pope Leo XIII *Rerum Novarum*. Nairobi. St. Paul Publications-Africa. 1891.

Pope John XXXII. *Mater et Magistra. On the Christianity and Social Progress*. New York. Paulist Press .1961.

Pope Paul VI *Populorum Progression*. Boston.. Daughters of St. Paul. 1967.

United States Catholic Episcopal Conference. *Justice in the World*. Washington. Publications Office. United States Catholic Conference. 1971.

Pope Paul VI. *Evangelium Nutiandi*. Nairobi Saint Paul Publications - Africa. 1974.

Pope Paul II. *Laborem Exercen*. Nairobi. St. Paul-Publications-Africa. 1981.

Pope John Paul II. *Sollicitudo Rei Socialis*. Nairobi. St. Paul Publications-Africa. 1987.

Pope John. *Pacem in Terris*. Nairobi, St. Paul Publications-Africa. 1992.

PERIODICAL ARTICLE.

Angular, Mario I. "Genuine Concern For the Poor. Basis for Evengelization in Africa." Basis for Evengelization in Africa. *AFER* 41(1). February.

Gadir, Abdel Ali. "Abstract". *Poverty Reduction in Africa. Challenges and Policy Options*. February 16, 2002.

Gallagher, R. E. "Drug Addiction". *In the New Catholic Encyclopaedia Vol. IV*. Washington. The Catholic University of America. 1967.

Justine, Ukpong S. "Option For the Poor. A Modern Challenge For the Church in Africa." *AFER* 36(6). December 1994.

Majawa, Clement. "The Church's Prophetic Role in the Struggle Against Poverty in Africa." *AFER* 40(5&6). October/December...

Ukken, Gregory. Poverty, Weakness& Humility. Signs of God's Kingdom On Earth." *AFER*. 36(6), December 1994.

NEWSPAPERS.

Kariuki, Waihenya. "Teachers' pay battle taken to Parliament" *In the Daily Nation Newspaper*. Nairobi. January 23, 2002.

Ng'ang'a, Francis. "Milestones in teachers' fight for higher Salaries" *In the Daily Nation Newspaper*. Nairobi. January 23, 2002.

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APPENDICES.

APPENDEX -I

QUESTIONNAIRES ON THE WORKING CONDITIONS OF WORKERS IN KENYA.

1. What is your name? (Optional)
2. How many children do you have?
3. Who is your employer? (Tick)
 - a. Government Sector
 - b. Domestic Worker
 - c. Religious Sector (Catholic, Lutheran, Pentecostal, Muslim ...ect)
 - d. Others
4. Did you get some kind of training as a worker in any institution?(Tick).
 - a. Yes
 - b. No

NB: You can specify.
5. How many hours per day do you work? (Tick)
 - a. From 1 to 6 hours

b. From 1 to 8 hours

c. From 1 to 12 hours

6. How much are you paid per month? (Tick)

a. From Ksh. 1,000 to Ksh. 5,000

b. From 500 Ksh to 10,000 Ksh

c. From Ksh. 1,000 to Ksh. 20,000

d. From Ksh. 3,000 to Ksh. 30,000

e. From Ksh. 2,000 to Ksh.30,000

f. From Ksh.3,000 to Ksh.40,000

g. From Ksh.4,000 to Ksh.80,000

7. Above how much money do you spend per month to keep your family going?

(Tick).

A. From Ksh.500 to Ksh.1,000

b. From Ksh.1,000 to Ksh. 20,000

c. From Ksh.2,000 to Ksh. 40,000

d. From Ksh. 4,000 to Ksh. 50,000

e. From Ksh.5,000 to Ksh. 60,000

f. From Ksh. 6,000 to Ksh. 100,000

8. Are you given benefits like hospital and house allowances? (Tick)

a. Yes

b. No

9. Are you liable to any pension when you retire? (Tick)

a. Yes

b. No

NATION



A publication of
Nation Media Group
No 12912

Nairobi, Wednesday, January 23, 2002

KSh35/00 (TSh600/00) (SHEKILL)

Teachers' pay battle taken to Parliament

HISTORIES IN GREAT BRITAIN OF THE 19TH CENTURY

July 1997	Teachers Service Remuneration Committee recommends salary increase of 150 - 200%
October 1, 1997	National teachers' strike to press for the implementation of the salary award.
October 12, 1997	President Moi appoints team to discuss the implementation structure.
November 1997	First phase of the award implemented.
June 1999	Government reneges on implementing remaining phases
October 1999	Second teachers strike over remaining salary increases
March 2001	Knust Secretary General Ambrose Adanga demands teachers to ask for pay deal implementation in his honour
July 2001	Mr Francis Ng'ang'a elected secretary-general and vows to pursue the salary award.
October 2001	Knust storms out of a meeting with TSC to discuss the salary award.
January 2002	Teachers take salary battle to Parliament.

But MPs divided on union appeal for support

By EARIUKI WAMBENYA

Teachers campaigning for a pay raise yesterday took their crusade to Parliament with an individual letter to each of the country's 222 MPs.

The letters urge the MPs to press Government to honour its 1997 pledge, in what was being seen as a final diplomatic effort by the Kenyan National Union of Teachers (Knust) before it calls its members out on strike.

MPs who support the teachers' cause for the balance of the award of 200 per cent pay rises will be counted as teach votes at the forthcoming general election, the union believes.

The letter reassures the MPs that teachers are hopeful that with your good intervention, a solution will be found and the teachers will be happy and thankful to all those members who would will who will have done their best in trying to be of them with the union.

Union leaders are however aware that the first phase of the award was implemented in June 1997, but the remaining 200 per cent has not been paid since that year. Most of the teachers who

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CONSPIRACY

Bribery list

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WAINAINA: *Nchi Ya Kitu Kidogo* (The Land of Bribery).

Wainaina's song on graft sets the mood

By Francis Openda and Ben Agina

THE launch of the Transparency International report was preceded by a stimulating performance of the anti-corruption song *Nchi ya Kitu Kidogo* by Eric Wainaina.

As the crowd swayed and crooned to the Swahili tune, Wainaina enumerated the levels which corruption had eaten into the Kenyan society.

The function attracted diplomats, politicians, academicians, lawyers and business people.

Key among the attendants were Kanu rebel MP Jimmy Angweyi, opposition MP, Joshua Toro and Musikari Kombo and the head of the anti-corruption police unit, Mr Swaleh Slim.

There was no Government representative at the function.

Immediate reactions on the report were varied.

University lecturer Professor Obudho said the report should have gone further and listed the most corrupt institutions in the private sector. "The private sector is also very corrupt," he said.

He caused laughter when he questioned why it is only Nairobi University which was featuring in the list among all the public universities.

"Why is it that only my employer, Nairobi University, is featuring, what about Kenyatta and other universities?" he posed.