

**UNIVERSITIES' ACADEMIC STAFF UNION (UASU) KENYA UNIVERSITIES STAFF
UNION (KUSU) KENYA UNION OF DOMESTIC, HOTELS, EDUCATIONAL
INSTITUTIONS, HOSPITALS AND ALLIED WORKERS (KUDHEIHA)**

**PETITION CONCERNING THE NEGOTIATION, FUNDING AND
IMPLEMENTATION OF THE 2025–2029 NATIONAL COLLECTIVE BARGAINING
AGREEMENTS (CBAs) AND THE FUNDING OF SALARIES FOR EMPLOYEES OF
PUBLIC UNIVERSITIES FROM THE NATIONAL EXCHEQUER**

(Under Article 37 of the Constitution of Kenya, 2010)

TO: The Cabinet Secretary, Ministry of Education
The Cabinet Secretary, National Treasury



WE, THE UNDERSIGNED PETITIONERS, representing members of staff employed in public universities and constituent colleges across Kenya, under the auspices of the Universities' Academic Staff Union (UASU), the Kenya Universities Staff Union (KUSU), and the Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers (KUDHEIHA), being the trade unions that represent thirty thousand (30, 000) university staff and advocate for the protection and improvement of their terms and conditions of service and the quality of university education in Kenya;

**DRAW THE ATTENTION OF THE CABINET SECRETARY, MINISTRY OF
EDUCATION AND THE CABINET SECRETARY, NATIONAL TREASURY OF THE
REPUBLIC OF KENYA TO THE FOLLOWING:**

1. On 23rd November 2024, UASU, KUSU and KUDHEIHA, representing workers in public universities, and the Inter-Public Universities Councils Consultative Forum (IPUCCF) signed a Return-to-Work Formula (RTWF), in which the parties committed themselves to concluding the negotiations and implementation of the 2025–2029 Collective Bargaining Agreements (CBAs) by 1st July 2025.
2. Further, on 5th November 2025, the parties signed yet another Return-to-Work Formula (RTWF), in which they committed themselves to concluding negotiations and the implementation of the 2025–2029 Collective Bargaining Agreements (CBAs) within thirty (30) days of signing the Return to Work Formular (RTWF).
3. The signing of the RTWF brought an end to a period of industrial unrest and was intended to restore industrial harmony in Kenya's public universities through the timely conclusion and implementation of the outstanding collective bargaining agreements.

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4. That commitment was not honoured. IPUCCF and the Ministry of Education failed to table a meaningful financial counter-offer for the 2025–2029 CBAs, thereby frustrating negotiations on the financial provisions and preventing the parties from concluding the agreements within the agreed period.
5. In contrast, CBAs covering employees in other segments of the public education sector were implemented in 2025, while employees of public universities have continued to await the conclusion and implementation of their CBAs, despite their equally important contribution to the national education system.
6. On Monday, 21st September 2026, the Salaries and Remuneration Commission (SRC) disclosed to the Unions representing university staff that neither the Ministry of Education nor the National Treasury had provided a written commitment guaranteeing that the financial obligations arising from the public universities' CBAs would be funded through the National Exchequer.
7. That disclosure raised serious concerns about the credibility and practical utility of the negotiations that had been taking place at Machakos University since 2025, given that the parties had no clear and binding commitment on the source of funding necessary to implement the agreements.
8. The Unions are particularly concerned that the Ministry of Education and IPUCCF continued with negotiations without securing or disclosing a clear written commitment from the National Treasury on Exchequer funding, thereby leaving fundamental financial issues unresolved.

THAT:

9. Even more disturbing was SRC's disclosure that the National Treasury's position appeared to be that the remuneration and other employment obligations of staff in public universities should be financed through student fees, rather than through allocations from the National Exchequer. The Unions are concerned that this approach effectively seeks to remove public university employees from the established framework for funding public-sector employment obligations without a clear legal and constitutional basis.
10. The Unions are concerned by the proposal that the university staff salaries and personal emoluments will be paid from the students' fees. The proposal amounts to discrimination of university workers as other public officers are paid through Consolidated Fund and funds appropriated by Parliament.
11. On 18th September 2026, SRC wrote to IPUCCF indicating that the CBA would be funded through the Student-Centred University Funding Model (SCFM), under which funding is linked to the number of students admitted to individual universities.

12. On 23rd September 2026, IPUCCF responded to the SRC, indicating that, under the SCFM, the Government had not remitted more than KSh 100 billion owed to public universities. This raised further concerns regarding the funding shortfalls facing public universities and the failure to resolve the outstanding financial obligations associated with the funding model.
13. On 12th October 2026, during a meeting of the inter-ministerial committee established to address the dispute, the Principal Secretary, State Department for Higher Education, stated that the Ministry of Education did not acknowledge the reported outstanding debt because the amounts in question did not arise from a vote line directly appropriated by Parliament.
14. These developments raise grave concerns that the Ministry of Education and the National Treasury have effectively adopted a funding mechanism for public universities that is not clearly provided for under the applicable legal framework, while relying on that mechanism to dispute or deny the Government's outstanding funding obligations. The resulting position places public universities in an untenable situation in which they are expected to meet their statutory and employment obligations without a clear, predictable and legally accountable framework for financing them, while responsibility for the resulting funding gaps is attributed to the absence of specific parliamentary appropriations.
15. Having exhausted avenues for meaningful negotiations, and following the failure to conclude, sign, register and implement the 2025–2029 CBAs within the agreed period, the Unions issued a seven-day strike notice on 24th September 2026.
16. On 2nd October 2026, a nationwide strike by employees represented by the Unions commenced following the failure to resolve the dispute.
17. On 1st October 2026, IPUCCF presented a financial counter-offer to the Unions. The offer was inadequate and failed to provide a sufficient basis for concluding the outstanding CBAs.
18. The IPUCCF counter-offer contained proposed rates for certain items that were below the rates then applicable to academic staff in public universities. The Basic Salary was proposed to be increased at 3% per year, well below what had been signed in the 2025-2029 CBAs for teachers and civil servants (16-30%), and severely below inflation rate (currently at 6.8%) or CPI (26%). There was no counter-offer to increase House Allowance which was last reviewed in 2010. The proposals could not provide a meaningful basis for negotiating a fair and progressive CBA, and the Unions rejected the offer as inadequate.

19. The Unions demanded that IPUCCF table a meaningful and properly costed financial counter-offer, supported by a credible commitment on the source of funding, and ensure that the proposed financial provisions were not inferior to the applicable rates and gains under the 2017–2021 and 2021–2025 CBAs. The Unions further maintained that proposals on other terms and conditions of service should not fall below the rates and benefits already applicable to university staff.
20. On 6th and 12th October 2026, the inter-ministerial committee established to resolve the dispute met with the parties. However, the dispute remained unresolved because the Government's financial counter-offer remained substantially below the financial implications established by the technical sub-committee of the inter-ministerial committee. Consequently, the negotiations have not yielded a settlement capable of supporting the conclusion and implementation of the 2025–2029 CBAs.
21. Moreover, the position on funding public universities from the National Exchequer remains uncertain, even within the inter-ministerial committee, as demonstrated by the following:
 - (i) The Principal Secretary, Ministry of Education continues to maintain that Parliament is responsible for appropriating the funds required by public universities, without providing a satisfactory explanation of how the universities are expected to meet their recurrent expenditure and employment obligations in the absence of adequate and predictable budgetary allocations.
 - (ii) The outstanding funding claims reported by Vice-Chancellors of public universities, amounting to approximately KSh 100 billion, are not acknowledged by the Ministry of Education on the stated ground that the funds were not directly appropriated by Parliament under specific vote heads.
 - (iii) These positions raise fundamental questions concerning the financial and legal status of public universities, the discharge of the Government's obligations towards them, and the accountability of public institutions responsible for higher education. In particular, the following questions require urgent parliamentary attention:
 - (a) Why are public universities not being provided with adequate and predictable budgetary appropriations to meet their recurrent expenditure, including salaries and other employment obligations?

- (b) If public universities are public institutions established under the law, what is the legal and policy basis for adopting a funding arrangement that makes their capacity to meet public-sector employment obligations dependent on student enrolment, student fees, loans and market-based financing?
 - (c) What is the legal basis of the SCFM, and how does the model reconcile with the existing statutory framework, the parliamentary budget-making process and the Government's obligations towards public universities?
 - (d) What measures are being taken to establish, verify and reconcile the outstanding funding claims reported by public university managements, and to ensure that legitimate obligations are addressed transparently and within a defined timeframe?
 - (e) Will the Tertiary Education, Placement and Funding Bill, 2026, if enacted without adequate safeguards, further entrench uncertainty by disconnecting public universities from predictable budgetary appropriations while making their revenues increasingly dependent on student numbers and funding arrangements that may not guarantee full and timely payment?
22. The continued failure to conclude, sign, register and implement the 2025–2029 CBAs undermines the agreed collective bargaining process, frustrates the resolution of a longstanding industrial dispute, and adversely affects the terms and conditions of service of employees in public universities. It also undermines the constitutional principles of fair labour practices and the effective exercise of the right to collective bargaining.
23. Unless urgent and appropriate action is taken to resolve the CBA dispute, establish a clear and sustainable funding framework, and provide adequate financial resources for public universities, the country faces the risk of a prolonged crisis in the higher education sector. Such a crisis threatens industrial harmony, the continuity and quality of university education, research and innovation, the welfare of university employees, and the ability of public universities to fulfil their national mandate.

REASONS WHEREFORE, THE PETITIONERS PRAY THAT THE CABINET SECRETARIES:

- (i) Urgently intervene and take all necessary steps to facilitate the negotiations, signing, registration and implementation of the 2025-2029 National CBAs.
- (ii) Urgently set aside funds for the full implementation of 2025-2029 CBAs.
- (iii) Facilitate and ensure that the negotiating parties including SRC are provided with the necessary authority, funding certainty and mandate to table a credible, adequately costed

and fully funded financial counter-offer, aligned with the report of the technical sub-committee of the inter-ministerial committee, so that the parties may conclude the negotiations without further delay.

- (iv) Cause adequate budgetary provision to be made for the full implementation of the 2025–2029 National CBAs.
- (v) Take immediate action to communicate a written Government commitment that the full financial obligations arising from the 2025–2029 National CBAs for employees of public universities will be funded through the National Exchequer, and
- (vi) Communicate, in writing, that the financing the recurrent expenditure and personnel emoluments of employees of public universities are funded from the National Exchequer.

DATED AT NAIROBI THIS 15TH DAY OF OCTOBER 2026.

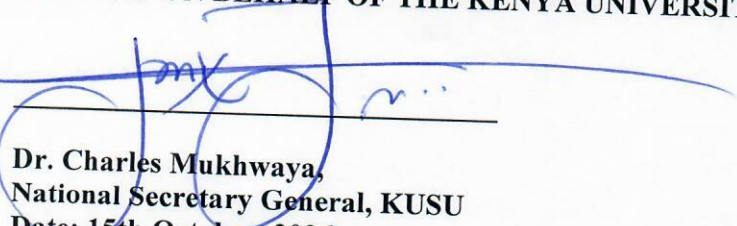
SIGNED BY:

FOR AND ON BEHALF OF THE UNIVERSITIES' ACADEMIC STAFF UNION (UASU)



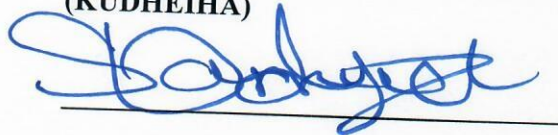
Dr. Constantine Wasonga Opiyo, PhD
National Secretary General, UASU
Date: 15th October, 2026

FOR AND ON BEHALF OF THE KENYA UNIVERSITIES STAFF UNION (KUSU)



Dr. Charles Mukhwaya,
National Secretary General, KUSU
Date: 15th October, 2026

**FOR AND ON BEHALF OF THE KENYA UNION OF DOMESTIC, HOTELS,
EDUCATIONAL INSTITUTIONS, HOSPITALS AND ALLIED WORKERS
(KUDHEIHA)**



Bro. Odoyo Genga,
National Trustee, KUDHEIHA
Date: 15th October, 2026