THE NAIROBI HOSPITAL LABORATORY SERVICES

P.O BOX 30026 – 00100

NAIROBI

KENYA

TO THE CEO NAIROBI HOSPITAL

REF: URGENT MEETING WITH LAB STAFF

We as the laboratory staff wish to hold an urgent meeting with the CEO and the human resource.

In the meeting we would like to air our views and issues that have been ailing the laboratory following frustrations by the acting lab manager, **Izza AbdulHafedh**.

Among the issues that need to be addressed;

1. **Working hours in the Laboratory**. The outreach centers run 7am to 7pm Monday to Sunday and all public holidays. That makes the working hours at the outreach 84 hours a week. Reference is made to the memo dated 29th November 2021 WORKING HOURS, “Reference is made to the policy on hours of, where all staff are required to work for 45 hours a week save for departments ( in legal terms it means except) which operate on shifts/rota systems.” Therefore, in an 84hours week, a staff should have 39 hours off a week which is not the case with the outpatient labs.

2. **Uncompensated Overtime hours**. The outreach centers work beyond 7pm the extra hours are not compensated yet other departments have their pool hours/locum and overtime paid. Reference is made to the memo dated 21ST July 2017 EXTRA HOURS & LOCUM/POOL HOURS, the memo clarifies how extra hours occur. Extra hours worked occur when working hours exceed the contractual normal working hours in a month. No lab except for the main lab which operates 24 hours closes at exact advertised time, the extra hours are not compensated. For example, the new A&E lab operates until late hours 10pm. A shift should run from 7am to 4pm (9hours minus the 1-hour lunch making 8hours.)

3. **Abuse of office**. The team leaders and supervisors have used their positions to frustrate staff and settle their scores. The most recent reshuffles which should be channeled through the HR office did not follow the right protocol and was used as a tool to punish staff who don’t get along with the team leaders. The team leaders lack leadership skills they just sit in the office to gossip making personal phone calls and delegate even the simplest tasks as daily statistics which can easily be obtained from the hospital systems, they then wait for 4pm and leave. They work 40 hours a week as the rest of the team are harassed to meet the 45 hours and beyond without any compensation.

4. **Violation of the Kenyan labour laws**. The team leaders are in breach of the Kenyan employment act in which we quote,

 **CAP 226 PART V – RIGHTS AND DUTIES IN EMPLOYMENT**

**26. Basic minimum conditions of employment**

(1) The provisions of this Part and Part VI shall constitute basic minimum terms and conditions of contract of service.

(2) Where the terms and conditions of a contract of service are regulated by any regulations, as agreed in any collective agreement or contract between the parties or enacted by any other written law, decreed by any judgment award or order of the Industrial Court are more favourable to an employee than the terms provided in this Part and Part VI, then such favourable terms and conditions of service shall apply.

**27. Hours of work**

(1) An employer shall regulate the working hours of each employee in accordance with the provisions of this Act and any other written law.

(2) Notwithstanding subsection (1), an employee shall be entitled to at least one rest day in every period of seven days.

Here are examples of duty rotas from different outpatient centers that violates section 27 of the labour laws. A staff is subjected to 7, 8 or more days work days until the next week to earn an off day, yet the law clearly states that in a period of 7days, an employee should have at least 1 day off. In retrospect to that they are also denied time with their families and time for worship. Only the team leaders are entiled to all Sundays off.

Key: DO – Day off H1 – Half shift M- morning shift E- evening shift ME – 7am until the clinic closes.

The rest of the team shifts.

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| M | E | E | E | DO | H2 | M | E | M | E | M | E | H2 |

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Team leaders Shift as indicated below

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| M | M | M | M | M | H1 | DO | M | M | M | M | M | H1 | DO | M | M | M | M | M | H1 | DO |

RECOMMENDATIONS

1. Given the nature of our work, the 45 hours is quite long and should be reviewed to 40 hours a week. We would like to be more productive but the working conditions at Nairobi hospital are too harsh.
2. The team leaders in the lab should follow the due process like the nursing division. Interviews and have leadership skills.
3. A one on one meeting with the CEO and the human resource.
4. Biometric clock in capture should be installed in all labs and all overtime paid as prescribed the Kenyan law and the regulation of KRA.