

MEMORANDUM TO THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT ||

THE COMMUNITY HEALTH WORKERS BILL, 2020

SUBMITTING AS COALITION OF COMMUNITY HEALTH WORKERS.

1. LWALA COMMUNITY ALLIANCE
2. AMREF HEALTH AFRICA
3. LIVING GOODS
4. FINANCING ALLIANCE FOR HEALTH
5. LVCTHEALTH

Context

The Community Health Workers Bill (National Assembly Bill No. 30 of 2020) was published by The National Assembly on 14th October, 2020 and stands committed to The National Assembly Standing Committee on Health for public participation.

Position of the Memorandum

As organizations working with community health workforce and Community Health workers/volunteers across Kenya, we find that the Bill is not advancing community health services in Kenya but rather designed to introduce a new cadre referred as Community Health Workers which is a non-existent healthcare worker cadre. As a coalition of community health workers, we believe that the passage of the Bill will undermine delivery of community health services rendered at level one (Community Health Unit) of the health system, reverse gains made in advancing community health and health of our people and reset the country in its grand march to Universal Health Coverage (UHC).

We disapprove of the Bill and request that the Bill be withdrawn and concerns of the sponsors of the Bill be addressed within existing legislation and Public Service Commission mechanisms within which a scheme of service for the community health workforce is in effect. Alternatively, the Bill should be considered for merger with the Senate Bill No. 34 of 2020 that comprehensively covers delivery of community health services including the workforce.

Proposed Changes

The proposed Community Health Workers Bill introduces a workforce that does not exist in the current Ministry of Health structure or schemes of service. The Community Health Worker is used interchangeably with community health volunteers (CHWs or CHVs). This is a cadre of volunteer lay health workforce that has existed in the country for a long time. These volunteers are elected by the community and serve their neighbors by providing health education, basic treatment and referral for care to health facilities. The Bill therefore appropriates to itself a name that will disadvantage and render helpless 100,000 community health volunteers that the country relies on to respond to health emergencies and deliver lifesaving care in our communities.

In the same vein, the community Health volunteers often referred to as community health workers have neither been engaged nor their opinions sought in coming up with this legislation.

We further note that there is a Senate Bill No. 34 of 2020 published on 4th December 2020 i.e **The Community Health Services Bill, 2020** which addresses the concerns of the community health workforce including the community health workers/volunteers more exhaustively. When passed into law, the Community Health Services Bill shall provide a framework for;

1. Delivery of community health services;
2. Promote access to primary health care services at the community level and reduce health disparities across the country and
3. Provide for the training and capacity building of the community health workforce. This workforce will broadly include community health officers whose scheme of service is already operationalized by the Ministry of Health/ Public Service Commission and community health volunteers selected at community level.

Having read the Bill as published, we make the following proposals

Section	Proposed Changes	Justification
PART II - ESTABLISHMENT, FUNCTIONS AND POWERS OF THE COMMUNITY HEALTH WORKERS COUNCIL	Expunge	<ul style="list-style-type: none"> - Creation of a council is not necessary the Senate Bill has taken care of the Leadership and Governance at the County through the introduction of County Health Committees to administrate over resources for service delivery are not available. - A council can be introduced as an amendment of the Senate Bill when it is introduced in the national Assembly with clear and specific roles that do not

		<p>overburden the exchequer with resources appropriated to community level. Kenyans want services at the community level not more regulation and additional bodies that make service delivery unattainable.</p> <ul style="list-style-type: none"> - The department of Primary Health and Division of Community health in particular do not have a vote head and relies heavily on partner support. - Issues raised in the Bill can be addressed through the schemes of service and other subsidiary regulations and do not require an Act of Parliament.
Art. 5(g) - Council to advise the Cabinet Secretary on community health matters;	Expunge	<ul style="list-style-type: none"> - The proposed council is ill placed to advise the Cabinet secretary on matters of community health. Delivery of community health is the responsibility of the counties. The Cabinet Secretary stands a better chance of receiving advice from those who are proximate to the service delivery point which is embedded in the county community health structure and coordinated by the Division of Community Health.
Art. 6, (1)(g) Composition of the Council	Expunge	<p>It is an anomaly to refer to a cadre called Community Health Worker employed by the national and county governments when such a cadre does not exist.</p> <p>The employment Act and Regulation currently does not have a cadre called Community Health Workers and so the Council will regulate an illegality of non existent cadre</p>
PART III - REGISTRATION AND TRAINING OF COMMUNITY HEALTH WORKERS	Expunge	<p>Kenya development has been driven by the spirit of <i>Harambee</i>. This has meant that community development has been driven by volunteers and a raft of professionals who largely fall in the broad category of community development. These volunteers and professionals all give their services in the area of community health. The passage of this Bill will lock out this army of volunteers and deny people the right and opportunity to look after</p>

		and improve their own health. Community health “ afya yetu: jukumu letu ” is driven by self sacrifice and giving. A law should not be passed to kill this Kenyan spirit.
PART V - FINANCIAL PROVISIONS	Expunge	As already indicated, the Bill introduces an additional burden to the exchequer by creating a council whose functions can be carried out by other regulatory bodies and the Public Service Commissions. Kenyans are looking for services. The country’s health system is suffering and the creation of an additional council will only exacerbate the country’s health deficiencies.
SECOND SCHEDULE	Expunge	In Kenya and globally, the field of community health has benefited from and grown due to the multiplicity of professions and skills that come together to make community health work. We have community members, economists, accountants, administrators, statisticians, lawyers, doctors, nurses, physicians, social workers, counsellors etc that weave the beautiful story of community health. Limiting the practice of community health to a few people with a particular training is not only selfish but will ultimately deny the field the much needed expertise and ultimately negatively impact health outcomes that we have achieved for the country.

<p>MEMORANDUM OF OBJECTS AND REASONS</p>	<p>Contradictory to the second schedule</p>	<p>The section aptly captures The Community Health Workers/ volunteers as lay people who deal directly with the community. They know the homesteads in the area where they live and are familiar with the language of the people. By going door to door, they are able to know the people in need of various health care services. This is the cadre we have referred to in the introductory sections above. It is inconceivable that these lay workers will have the qualifications described in the second schedule in order to be allowed to serve their communities.</p> <p>While we agree that it is important to develop a framework for their recognition and regulation so that they are entrenched in the government like other professionals, the creation of the council is not the way to achieve this without locking out men and women who have dutifully served their communities for lack of a formal qualification.</p>
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