

Kenya

Fixed Term Contracts

Fixed-term contracts are permitted in Kenya. The term must be specified and generally is more than three months but less than six months. Repeated renewals of fixed-term contracts are permitted but may create an expectation of future renewals. A fixed-term contract may include a probationary period as outlined below. After the probationary period, 30 days notice or pay in lieu is required to terminate the agreement. The termination procedure is dependent upon the reason for the termination. If the agreement is not ended early, it will expire at the end of the term.

Probationary Periods

Probationary periods may be contracted for up to six months in either a fixed term or a permanent contract. With the Worker's consent, the period may be extended to one year. A Worker may be terminated during a probationary period with seven days' notice or pay in lieu. A reason must be provided for the termination, or it may be deemed unfair.

Holidays

In Kenya, most Workers recognize 11 paid public holidays. If the holiday falls on a Sunday, the next working day will be recognized as a holiday. Double-pay is due for work performed on a public holiday.

Vacation

Workers are entitled to a minimum of 21 days' leave for every year of service, which in most cases must be taken no later than 12 months after the end of the leave cycle. Accrual of leave begins after the first month. Vacation should be taken in a single consecutive period. Up to seven days may be carried over but must be used within 18 months. After 18 months, accrued leave is considered forfeited. Accrued but unused leave must be paid at the time of termination or resignation.

Sick Leave

After two months of service, Workers are entitled to seven days of full-pay leave and seven days of half-pay leave for every twelve months of service. Employers may request a certificate of incapacity to work.

Working Hours

A normal workweek is 52 hours over 6 working days. Workers are entitled to 24 consecutive hours of rest weekly.

Overtime

Excess hours are compensated at 150%. Work performed on a Worker's normal rest day is compensated at 200%. Workers may not work more than 6 overtime hours per week. There are no statutory exemptions for overtime.

Mandatory Bonuses

Although not mandatory, many employers elect to offer a 13th-month bonus equal to one month's wages. It is considered a fringe benefit.

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Termination

Except in cases of misconduct, termination requires just cause and notice or pay in lieu. The procedure for termination varies depending upon the reason for it. However, it should include an opportunity for the Worker to defend himself or herself. Monthly-paid Workers are entitled to 30 days' notice. In cases of redundancy (where the termination is not the fault of the Worker), severance is due equal to 15 days of pay for each year of service.

Resignation

Monthly-paid Workers must give one month's notice of resignation. An employer can waive notice, but must pay for the notice period.

Unique Country Nuisances

In Kenya, it is mandatory to provide reasonable housing accommodation for each Worker. Employers can either (a) provide housing, (b) pay a housing allowance equal to 15% of the Worker's basic salary, or (c) include the housing allowance in a Worker's salary (e.g. "consolidated salary").