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Kenya Gazette Supplement No. 190 (National Assembly Bills No. 79)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2019

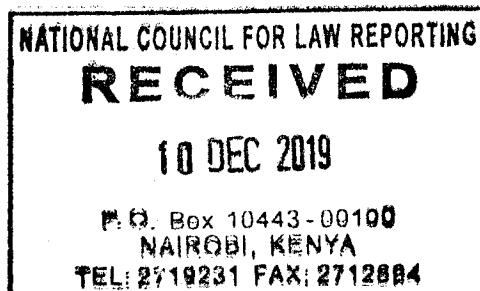
NAIROBI, 25th November, 2019

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PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

THE EMPLOYMENT (AMENDMENT) BILL, 2019**A Bill for****AN ACT of Parliament to amend the Employment Act****ENACTED** by the Parliament of Kenya, as follows—

1. This Act may be cited as the Employment (Amendment) Act, 2019.

Short title.

2. Section 9 of the Employment Act is amended by inserting the following new subsections immediately after subsection (4)—

Amendment of
Section 9 of No.
11 of 2007.

“(5) In respect to recruitment, an employer shall not require an employee for a contract of service to submit any clearance certificates for which payment is required unless such employer intends to enter into a written contract of service with the employee.

(6) An employer who intends to enter into a written contract of service may, in compliance with chapter Six of the Constitution, request an employee to submit mandatory clearance certificates from the relevant entities.

(7) Notwithstanding subsection (6), an employer may, where an employee does not satisfy the requirements under subsection (6), withdraw an offer of contract of service.

(8) For the purposes of this section—

- (a) “employee” includes an applicant for employment;
- (b) “employer” includes an employment agency;
- (c) “relevant entity” includes any public or private entity that issues clearance certificates for purposes of satisfying requirements under Chapter six of the Constitution.”