

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 26 (National Assembly Bills No. 18)*



REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**NATIONAL ASSEMBLY BILLS, 2019**

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**NAIROBI, 15th March, 2019**

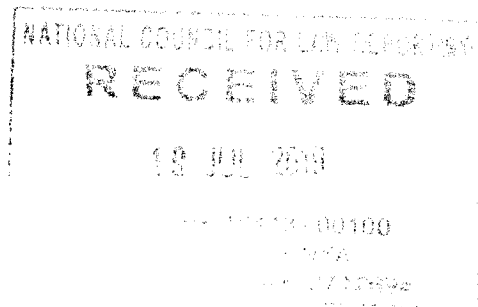
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**THE LABOUR RELATIONS (AMENDMENT) BILL,  
2019**

**A Bill for**

**AN ACT of Parliament to amend the Labour Relations Act**

**ENACTED** by the Parliament of Kenya, as follows—

**1.** This Act may be cited as the Labour Relations (Amendment) Act, 2019. Short title.

**2.** The Labour Relations Act hereinafter referred to as “the principal Act” is amended in section 76 by inserting the words “Except as provided in section 81A” immediately before the words “A person” appearing in the opening paragraph. Amendment of section 76 of No.14 of 2007.

**3.** Section 78 of the principal Act is amended in subsection (1) by deleting paragraph (f). Amendment of section 78 of No.14 of 2007.

**4.** Section 81 of the principal Act is amended by inserting the words “for more than five days” immediately after the words “essential service” appearing in subsection (3). Amendment of section 81 of No.14 of 2007.

**5.** The principal Act is amended by inserting the following new sections immediately after section 81 — Insertion of new sections into No.14 of 2007.

Limitation on the right of every worker to go on strike in essential services.

**81A.** (1) Pursuant to Article 24 of the Constitution, the right of every worker to go on strike as enshrined under Article 41(2) (d) of the Constitution is limited in respect of workers who provide essential services contained in the Fourth Schedule.

(2) The limitation of this right is necessary to avoid interruption of essential services which would endanger the health, life and safety of the population or any part of the population.

Procedure for protected strikes in essential services sector.

**81B.** (1) A trade union intending to call for a strike by workers who provide essential services shall take a ballot vote prior to issuing a notice of intention to hold strike.

(2) A strike shall be approved to be held by a trade union in any of the essential service if it has been approved by not less than fifty percent of the members eligible to vote under section 33 of this Act.

(3) The ballot vote shall be valid for a period of two months from the date the vote is taken and if no strike is held within such period, a trade union shall take a fresh ballot vote for approval to call for a new strike.

(4) If upon the expiry of the five days period referred to in section 81, the trade dispute relating to the strike shall not have been resolved, the dispute shall be referred to the industrial court for adjudication.

Strike in essential services not in compliance with the Act.

**81C.** (1) An employee who continues to take part in a strike relating to the essential service upon the expiry of the five days period and following the referral of the trade dispute to the industrial court, commits an offence and shall be liable upon conviction to a fine of not less than five million shillings or to imprisonment for a term of not less than five years or to both.

(2) An official of a trade union who fails to call to an end a strike upon the expiry of the five days period and upon referral of the dispute to the industrial court, commits an offence and shall be liable upon conviction to a fine of not less than five million shillings or to imprisonment for a term of not less than five years or to both.