

## SCHEDULE—(Contd.)

<i>Number</i>	<i>Title of Specification or Code of Practice</i>
KS 06-255: 1987	Kenya standard specification for door locks in buildings (1st revision).
KS 04-290: 1987	Kenya standard specification for galvanized mild steel wires for armouring of electric cables (1st revision).
KS 06-476: 1987	Kenya standard specification for uncoated domestic aluminium holloware products. Part 2: Aluminium pans.
KS 06-487: 1987	Kenya standard specification for hose couplings for petrol, diesel and paraffin.
KS 06-491: 1987	Kenya standard specification for hydraulic spray nozzles for insert, fungus and weed control.
KS 06-537: 1987	Kenya standard specification for paper and garment pins.
KS 04-646: 1987	Kenya standard specification for electric fence controllers. Part 1: Mains operated. Part 2: Battery operated.
KS 02-682 :1987	Kenya standard specification for oxidized bitumen adhesives for roofing.
KS 08-114: 1979	Kenya standard specification for cotton bedsheets (1st revision).
KS 04-181: 1986	Kenya standard specification for low-voltage circuit breakers. (Amendment.)

Dated on the 17th December, 1987.

R. J. OUKO,  
*Minister for Industry.*

## LEGAL NOTICE No. 8

# THE REGULATION OF WAGES AND CONDITIONS OF EMPLOYMENT ACT

(Cap. 229)

IN EXERCISE of the powers conferred by section 11 of the Regulation of Wages and Conditions of Employment Act, the Minister for Labour makes the following Order:—

## THE REGULATION OF WAGES (PROTECTIVE SECURITY SERVICES) ORDER, 1988

1. This Order may be cited as the Regulation of Wages (Protective Security Services) Order, 1988 and shall be deemed to have come into operation on the 1st January, 1988,

Citation and  
commencement.

## Application.

2. This Order shall apply to all persons employed directly or indirectly by an undertaking or part of an undertaking which is involved in the carrying on of any of the following activities—

- (a) private investigations or security consultancy;
- (b) guarding of industrial plants, banks, warehouses, shops, private homes or any other property or establishment against theft, illegal entry or fire; and
- (c) escort of money or other valuable property:

Provided that persons employed in an undertaking or part of an undertaking which is operated by the Government, a local authority a quasi-governmental body, a charitable or religious organization or an educational or medical institution, shall be excluded.

## Basic minimum wage.

3. (1) No person to whom this Order applies shall be employed at a basic minimum wage less favourable to him than that which is applicable to him under the First Schedule having regard to his occupation and the area of employment.

(2) An employee shall be issued on pay-day with a pay-slip indicating all earnings due to him and any deductions made therefrom in respect of any matter.

## Casual employees.

4. (1) A person employed as a casual employee shall be paid for each day or shift worked at a rate of one-twenty-second of both the monthly wage and housing allowance applicable to him under paragraph 5 having regard to his occupation and the area of employment.

(2) A casual employee shall be confirmed to regular monthly terms of employment after working consecutively or intermittently for ninety days in any one year.

## House allowance.

5. An employee who is not provided with free housing accommodation by his employer shall, in addition to his basic minimum wage, be paid housing allowance equal to fifteen per cent of his basic monthly minimum wage.

## Hours of work.

6. The normal working week of all employees including day and night guards shall be fifty-two hours of work spread over six days of the week.

## Overtime.

7. (1) An employee who works for any time in excess of the normal hours of work specified in paragraph 6 shall be entitled to be paid for the overtime thereby worked at the following rates—

- (a) one-and-a-half times his normal rate of wages per hour in respect of any time worked in excess of the normal hours of work;
- (b) twice the normal rate of wages per hour in respect of any time worked on a rest day.

(2) For the purposes of calculating payment for overtime in accordance with subparagraph (1) the basic hourly rate shall, where the employee is not employed by the hour, be deemed to be one-two-hundred-and-twenty-fifth of the employee's basic monthly wage.

8. An employee shall be entitled to one whole rest day in each week. Weekly rest.

9. (1) The days specified in the Second Schedule including any other day that may subsequently be gazetted as a public holiday shall be holidays with full pay. Public holidays.

(2) Where an employee is required to work on a day which by virtue of subparagraph (1) is a holiday with full pay he shall be paid in respect of any time so worked at double his normal rate of wages per hour in addition to the payment he would have received had he not been required to work on that particular day.

10. (1) An employee shall be entitled to twenty-four working days leave with full pay after each period of twelve months consecutive service. Leave with pay.

(2) Where employment is terminated before the completion of any twelve months leave earning period, the employee shall be entitled to two days leave with full pay in each completed month of service.

(3) The leave referred to in this paragraph shall be additional to all public holidays and any sick leave taken by an employee in accordance with paragraph 11.

11. After two months continuous service with an employer, an employee shall be entitled to thirty days sick leave with full pay and thereafter to forty-five days sick leave with half pay in each period of twelve months consecutive service: Sick leave.

Provided that—

(a) an employee shall not be entitled to sick leave unless he produces to the employer a certificate of incapacity covering the period of sick leave claimed signed by a medical practitioner or by a person acting on his behalf in charge of a dispensary or medical-aid centre;

(b) an employee shall not be eligible for sick leave in respect of any incapacity due to gross neglect on his part.

12. A woman employee shall be entitled to two months maternity leave with full pay: Maternity leave.

Provided that—

(a) a woman who has taken two months maternity leave shall forfeit her annual leave for that year;

(b) childbirth shall not be deemed to be sickness as provided for under paragraph 11, and the employer shall not be required to meet medical costs incurred in respect thereof;

(c) a woman employee who takes maternity leave shall not incur any other loss of privileges during that period.

13. After each period of twelve months continuous service with an employer, an employee shall be paid two hundred shillings travelling allowance when proceeding on leave. Leave travelling allowance.

Compassionate  
leave.

14. (1) An employee desiring to take leave on compassionate grounds shall by prior arrangement with the employer be granted that leave upto his earned leave entitlement under paragraph 10 and the leave thus taken may subsequently be set off against his annual leave.

(2) In addition to the leave provided for in subparagraph (1) an employee may be granted eight days compassionate leave without pay, in any one year.

Meals and  
accommodation  
allowance.

15. (1) In respect of each day or part thereof during which an employee is required to work away from his principal place of work, he shall be paid subsistence allowance as follows—

	Sh.
(a) breakfast ... ..	15
(b) lunch ... ..	30
(c) dinner ... ..	30

(2) In respect of each complete night on duty away from his principal place of employment an employee whose employer does not provide him with free accommodation shall in addition to the subsistence allowances provided for in subparagraph (1) be paid accommodation allowance as follows—

	Sh.
(a) for a night in Nairobi or Mombasa ... ..	70
(b) for a night stop elsewhere ... ..	50

## Redundancy.

16. (1) Where the employment of an employee is to be terminated on account of redundancy the following principles shall apply—

- (a) the union of which the employee is a member or labour officer of the area shall be informed of the reasons for and the extent of intended redundancy;
- (b) the employer shall have due regard to seniority in time, and the skill, ability and reliability of each employee belonging to the particular category of employees affected by the redundancy;
- (c) no employee shall be discriminated against for being or not being a member of a trade union;
- (d) any leave due to any employee who is declared redundant shall be paid in cash;
- (e) a redundant employee shall be entitled to one month's notice or one month's wages in lieu of notice;
- (f) an employee declared redundant shall be paid severance pay at the rate of fifteen days for each completed year of service.

(2) Payment of benefits under this paragraph shall be made in cash before redundancy takes effect.

## Gratuity.

17. (1) After five years service with an employer the employee shall be entitled to fifteen days pay for every completed year of service by way of gratuity based on the employee's wage at the time of termination of service.

(2) An employee who is summarily dismissed for lawful cause or who terminates his services for any reason other than certified ill-health or retirement age shall not be entitled to a gratuity:

Provided that—

- (a) in the event of a dispute with regard to termination of services on account of ill-health, the decision of an independent qualified medical practitioner on such a dispute shall prevail; and
- (b) the normal retirement age shall be fifty-five years.

18. Employers shall endeavour to assign work to guards or watchmen near their places of residence but where it is not possible to do so an employer shall either provide transport to and from the employees' places of work or pay them a reasonable transport allowance.

Transport to and from work.

19. (1) Guards assigned to handle dogs shall be paid dog handling allowance of four shillings per shift in addition to their basic minimum wage.

Dog handling and tallying guard allowances.

(2) A tallying guard shall be paid an allowance of five shillings per shift in addition to his minimum wage.

(3) For the purposes of this paragraph—

“a tallying guard” means a guard who in addition to his normal guard duties is responsible for checking on contents of goods-carrying vehicles and comparing these contents with relevant documents in respect of vehicles leaving or entering the premises he is guarding.

20. (1) Where an employee is transferred to a branch of the employer's business or to a place either within or outside the district, and the transfer results in a disturbance to housing arrangements, the cost of transporting the employee's personal and household effects, his wife and upto to three children (if living with him) shall be borne by the employer.

Transfer allowances.

(2) In addition to the amount payable under subparagraph (1) the employee shall be paid sixty shillings per day for the first fifteen days.

21. (1) Guards and other employees the nature of whose work necessitates the wearing of protective clothing shall be provided with two sets of uniforms per year and half-a-kilogram bar of soap per month by the employer at his own expense.

Uniforms.

(2) An employee shall be responsible for the cleanliness of his uniforms.

22. (1) If an employee is killed or dies while on duty, the employer shall at his expense provide a coffin and transport the deceased as well as his belongings to his place of burial:

Death expenses and bereavement expenses.

Provided that in the event of an employee dying or being killed while not on duty the employer shall at his own expense provide a coffin and pay one thousand shillings to the deceased's family for transportation purposes.

(2) Where transport is provided, instead of one thousand shillings, an employer shall pay bereavement allowance to the family of the deceased equal to two-and-a-half months' wages of the deceased.

(3) The benefits payable under this paragraph shall not be set off against any claim that arises under the provisions of the Workmen's Compensation Act.

Cap. 236.

Warning.

23. (1) An employee whose work and conduct is unsatisfactory or who otherwise commits a misconduct which does not warrant instant dismissal shall be warned in writing and the following procedure shall apply—

- (a) the first and second warning shall be entered in the employee's employment record and the shop steward of his union or a labour officer of the area shall be informed;
- (b) the second warning shall be copied to the branch secretary of his union;
- (c) if an employee who has already received two warnings commits a third misconduct he may be summarily dismissed:

Provided that if an employee completes two hundred and ninety-two working days from the date of the last warning without further misconduct any warning entered in his employment record shall be cancelled and shall not be taken into account in determining any further question of dismissal under this paragraph.

(2) If any employee is suspected of having committed a gross misconduct he may be suspended for two months on half pay with house allowance in full pending investigation of the commission of the conduct:

Provided that—

- (a) the employee shall be reinstated without loss of benefits and paid the remaining half of his two months' wages if he is found not to have committed the misconduct; and
- (b) the employee may be summarily dismissed if he is found to have committed the misconduct.

Termination  
of employment.

24. It shall be a condition of every contract of employment that the contract shall be terminable by not less than one month's notice to be given by either party in writing or otherwise by the payment by either party in lieu of notice of not less than one month's wages:

Provided that—

- (i) the first two months of employment may be treated as a probationary period and during that probationary period the contract may be terminable by either party by seven days' notice to be given by either party in writing or otherwise by the payment by either party in lieu of notice not less than seven days' wages; and
- (ii) nothing in this paragraph shall prejudice the right of either party to terminate a contract summarily for lawful cause.

L.N. 246/83.

25. The Regulation of Wages (Protective Security Trades) Order, 1983 is revoked.

## HOLIDAY WITH FULL PAY

New Year's Day.  
Good Friday.  
Easter Monday.  
Labour Day.  
Madaraka Day.  
Idd-ul-Fitr Day.  
Kenyatta Day.  
Independence Day.  
Christmas Day.  
Boxing Day.

Made on the 30th December, 1987.

P. H. OKONDO,  
*Minister for Labour.*

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LEGAL NOTICE No. 9

## THE WEIGHTS AND MEASURES ACT, 1987

(No. 18 of 1987)

## COMMENCEMENT

IN EXERCISE of the powers conferred by section 1 of the Weights and Measures Act, 1987, the Minister for Commerce, appoints the 1st February, 1988, as the date on which the provisions of the Act shall come into operation.

Dated on the 18th January, 1988.

JONATHAN NG'ENO,  
*Minister for Commerce.*

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LEGAL NOTICE No. 10

## THE FORESTS ACT

(Cap. 385)

## KIKUYU ESCARPMENT FOREST—ALTERATION OF BOUNDARIES

IN EXERCISE of the powers conferred by section 4 (1) of the Forests Act, the Minister for Environment and Natural Resources declares that the boundaries of the Kikuyu Escarpment Forest be altered so as to exclude the area described in the schedule.