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WORKER RIGHTS · KENYA

Working in Kenya: Your Rights

What every worker should know, in plain language. No legal jargon.

Read this first — Kenya's wage floor is not one number. It is a schedule, set by job category and by place, under the Regulation of Wages Orders. It sits on top of an Employment Act that gives every worker 21 days of annual leave, written-notice rules, and protection against unfair dismissal — with one hard deadline to remember: if you are dismissed unfairly, your complaint to a labour officer must land within 3 months. This guide is for workers based in Kenya.

General information only — not legal advice.

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The Wage Floor: A Schedule, Not a Single Number

- Minimum wages are set by Regulation of Wages Orders, by job category and by area — there is no single national figure. Under the General (Amendment) Order, 2026 (Legal Notice 108 of 2026, in operation from May 1, 2026), a general labourer's BASIC monthly wage is KSh 18,047.40 in the cities of Nairobi, Mombasa, Kisumu, Nakuru and Eldoret; KSh 16,650.95 in the former municipalities and the Mavoko, Ruiru and Limuru town councils; and KSh 9,628.07 in all other areas.
- Those figures are basic wages EXCLUSIVE of housing allowance. Where your employer provides no free housing, a monthly-contract employee is entitled to a housing allowance of 15% of the basic minimum wage.
- The General Order does not cover agriculture, which has its own wage order.

Hours and Overtime

- A normal week is no more than 52 hours over 6 days — 60 hours for night workers. Over any two weeks, totals are capped at 116 hours for other adults and 144 hours for night work.
- Hours beyond the normal week pay 1.5 times your hourly rate. Work on your rest day or on a public holiday pays 2 times.

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Rest Days

- You are entitled to at least one whole rest day in every seven days (General Order; Employment Act §27(2)).
- A rest day may be deferred only by mutual consent. Accumulated rest days are capped at 14, and they are taken as leave with full pay — on top of your annual leave, not instead of it.

Leave

- Annual leave: 21 working days with full pay after every 12 months of service (§28). If your employment ends after 2 or more months, you are owed 1.75 days for each completed month.
- Maternity leave: 3 months with full pay (§29(1)). Paternity leave: 2 weeks with full pay (§29(8)).
- Sick leave, after 2 months of service: 7 days at full pay, then 7 days at half pay, in each 12 months (§30). A medical certificate is required.

These are the Employment Act's figures. Where an older wage order states lower leave, the Act's more favourable terms are the ones that apply (§26(2)).

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Getting Paid and Deductions

- For longer or indefinite engagements, wages fall due at the end of each month (§18).
- Deductions from your wages are a closed statutory list (§19). Total deductions at any one time may not exceed TWO-THIRDS of your wages, and salary-advance or loan repayments are capped at 50% of wages after the other permitted deductions are made.
- Your employer must provide reasonable housing or pay sufficient rent on top of your wages — unless your contract is a consolidated-wage contract or a collective agreement provides otherwise (§31).

Ending a Job: Notice and Probation

- Termination must be in writing. For monthly-paid workers, the minimum notice is 28 days in writing (§35).
- Probation may not exceed 6 months. It can be extended once, by up to 6 more months, only with your agreement. During probation, either side may end the contract on 7 days' notice or 7 days' wages (§42).

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Fair Dismissal

- Before terminating you for misconduct, poor performance, or incapacity, your employer must explain the reason and hear your representations (§41) — and in any dispute, the employer must PROVE the reason was valid (§43). A termination without a valid reason and a fair procedure is unfair (§45).
- Some reasons can NEVER be fair: pregnancy, taking leave you are entitled to, trade union membership or activity, race, sex, religion, HIV status, and disability (§46).
- The unfair-termination complaint right requires 13 months of continuous service (§45(3)).

Redundancy

- In a redundancy (§40), the employer must notify the union and the area labour officer at least one month ahead. If you are not in a union, you must be notified personally, in writing.
- Selection must have due regard to seniority, skill, ability, and reliability. Accrued leave is paid out in cash.
- You receive at least one month's notice or wages in lieu, plus severance of at least 15 days' pay for each completed year of service.

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NSSF: Your Pension

- The National Social Security Fund is your pension: you contribute 6% of your pensionable earnings and your employer matches 6%.
- Year 4 rates, in force since February 2026: Tier 1 covers earnings up to KSh 9,000 — a maximum of KSh 540 a month from each side. Tier 2 covers earnings between KSh 9,000 and the Upper Earnings Limit of KSh 108,000 — a maximum of KSh 5,940 from each side. The most you can contribute in a month is KSh 6,480.
- Tier 1 always stays with NSSF. Tier 2 may be contracted out to an approved scheme, with Retirement Benefits Authority approval.

Health Cover: The Social Health Authority

- The Social Health Authority replaced NHIF and runs three funds: the Primary Healthcare Fund, the Social Health Insurance Fund (SHIF), and the Emergency, Chronic & Critical Illness Fund. All residents, including non-citizens, may register, with dependants listed at registration.
- Salaried workers contribute 2.75% of gross salary to SHIF, deducted and remitted by the employer by the 9th of the month. The minimum contribution is KSh 300 a month, and there is no upper cap.
- SHIF is an employee deduction only — your employer does not match it. Late remittance attracts a 2% monthly penalty.

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Discrimination and Harassment

- The Employment Act bans discrimination in employment (§5(3)) — on race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status, and HIV status. Equal pay for work of equal value is required (§5(5)).
- An employer with 20 or more employees must issue and implement a sexual-harassment policy statement (§6(2)).
- Article 27 of the Constitution guarantees equality before the law.

Children and Unions

- No child under 13 may be employed at all (§56(1)). Children aged 13 to 16 may do only light work that is not harmful and does not prejudice their schooling. The worst forms of child labour are banned for everyone under 18 (§53).
- Every worker may form, join, or leave a trade union, and may go on strike (Constitution, Article 41; Labour Relations Act §4(1)). Dismissal for union activity is automatically unfair.

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If Something Goes Wrong

- For summary dismissal or unfair termination, complain to a labour officer WITHIN 3 MONTHS of the dismissal (§47). The complaint is registered on Form LD 64; if it is not settled after 7 days, the labour officer calls both sides to conciliation. An agreement is signed and paid — or the officer issues a demand notice to the employer.
- Remedies can include notice wages and compensation of up to 12 months' gross wages (§49).
- Other disputes go to the labour officer or the Employment and Labour Relations Court (§87). Court actions must begin within 3 YEARS (§90).
- Ministry of Labour and Social Protection: Social Security House, Block A, Bishop Road, Nairobi — +254 (0) 2729800 — ps@labour.go.ke.

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