

SPECIAL ISSUE

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**THE LABOUR RELATIONS (AMENDMENT) (NO. 2)
BILL, 2024**

A Bill for

AN ACT of Parliament to amend the Labour Relations Act to provide for issues for consideration in the formation of a trade union, term of office for trade union officials and for connected purposes.

ENACTED by the Parliament of Kenya as follows —

1. This Act may be cited as the Labour Relations (Amendment) Act, (No. 2) 2024.

Short title.

2. Section 14 (1) of the Labour Relations Act is amended in paragraph (g) by deleting the word “fifty” appearing immediately after the words “at least” and substituting therefor the word “seven”.

Amendment of
section 14 of Cap.
233

MEMORANDUM OF OBJECTS AND REASONS**Statement of the Objects and Reasons for the Bill**

The principal object of the Bill is to reduce the number of members who attend a meeting to register a trade union from at least fifty members to at least seven members of the proposed trade union.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers nor does it limit the fundamental rights and freedoms.

Statement on how the Bill concerns county governments

Under the Fourth Schedule to the Constitution, counties are mandated to implement national labour standards and employment policy in the counties. Since majority of employees are from the counties, the Bill will have a huge impact on management and membership of trade unions, employers' organisation or federation.

This is therefore a Bill that concerns counties in terms of Article 110(1) (a) of the Constitution.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 21st February, 2024.

MIRAJ ABDILLAHI ABDULRAHMAN,
Senator.

Section 14 of the Labour Relations Act, Cap. 233 that the Bill seeks to amend—

14. Requirements for registering a trade union

(1) A trade union may apply for registration if—

- (a) the trade union has applied for registration in accordance with this Act;**
- (b) the trade union has adopted a constitution that complies with the requirements of this Act, including the requirements set out in the First Schedule;**
- (c) the trade union has an office and postal address within Kenya;**
- (d) no other trade union already registered is—**
 - (i) in the case of a trade union of employers or of employees, sufficiently representative of the whole or of a substantial proportion of the interests in respect of which the applicants seek registration; or**
 - (ii) in the case of an association of trade unions, sufficiently representative of the whole or a substantial proportion of the trade unions eligible for membership thereof: Provided that the Registrar shall, by notice in the Gazette and in one national daily newspaper with wide circulation, notify any registered trade union, federation of trade unions or employers' organisations which appear to him to represent the same interest as the applicants of the receipt of such application and shall invite the registered trade union federation of trade unions or employers' organisation concerned to submit in writing, within a period to be specified in the notice, any objections to the registration;**
- (e) subject to subsection (2), only members in a sector specified in the constitution qualify for membership of the trade union;**
- (f) the name of the trade union is not the same as that of an existing trade union, or sufficiently similar so as to mislead or cause confusion;**
- (g) the decision to register the trade union was made at a meeting attended by at least fifty members of the trade union;**
- (h) the trade union is independent from the control, either direct or indirect, of any employer or employers' organisations; and**

(i) the trade union's sole purpose is to pursue the activities of a trade union.

(2) Notwithstanding the provisions of subsection (1)(d), the Registrar may register a trade union consisting of persons working in more than one sector, if the Registrar is satisfied that the constitution contains suitable provisions to protect and promote the respective sectoral interests of the employees.

