

SPECIAL ISSUE

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REPUBLIC OF KENYA

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ACTS, 2021

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THE EMPLOYMENT (AMENDMENT) ACT, 2021

No. 2 of 2021

Date of Assent: 30th March, 2021

Date of Commencement: 15th April, 2021

AN ACT of Parliament to amend the Employment Act and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Employment (Amendment) Act, 2021. Short title.

2. The Employment Act (in this Act referred to as the “principal Act”) is amended by inserting the following new definition immediately after the definition of the term “employer”— Amendment to section 2 of No. 11 of 2007.

“exit certificate” means a written authority given by a registered adoption society to a prospective adoptive parent to take the child from the custody of the adoptive society;

3. The principal Act is amended by inserting the following new section immediately after section 29— Insertion of new section 29A in No. 11 of 2007.

Pre-adoptive leave.

29A. (1) Where pursuant to section 157 of the Children Act, a child is to be placed in the continuous care and control of an applicant who is an employee under this Act, the employee shall be entitled to one month’s pre-adoptive leave with full pay from the date of the placement of the child.

(2) An employee eligible for leave under subsection (1) shall notify the employer in writing of the intention of the adoption society to place the child in the custody of the employee at least fourteen days before the placement of the child.

(3) A notice under subsection (2) shall be accompanied by documentation evidencing the intention of the adoption society to place the child in the custody of the employee, including a custody

agreement between the employee and the adoption society and an exit certificate.

(4) Subsections (2), (3) and (7) of section 29 shall, with necessary modifications, apply to an employee eligible to leave under this section.