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### Employer's Checklist: Termination vs. Redundancy in Kenya

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Ending an employment contract requires careful legal navigation to avoid disputes. Herman Tambo Law Advocates provides this checklist to help Kenyan employers understand the correct procedures for lawful termination and redundancy.

- First, identify if the reason for dismissal relates to employee conduct/performance (termination) or business needs (redundancy).
- For termination, issue a formal notice to the employee explaining the allegations against them.
- Conduct a fair disciplinary hearing where the employee can respond to the claims.
- For redundancy, provide at least one month's notice to the employee and the local labour officer.
- Use fair and objective criteria, such as skills and seniority, to select employees for redundancy.
- Calculate and pay all final dues, including severance pay for redundancy cases as required by law.
- Always document every step of the process meticulously for your records.

#### Recommended Resources

- The Employment Act, 2007
- Decisions of the Employment and Labour Relations Court
- Ministry of Labour Guidelines on Redundancy

This checklist provides general information for guidance only and does not constitute legal advice.

Need help implementing this checklist? Talk to our team at Herman Tambo Law Advocates — Clear Law. Fair Fees. Fast.

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