



LEGAL EMPATHY • REMOTE-FIRST SOLUTIONS

The Kenyan Post-Employment Freedom and Non-Compete Risk Audit

Navigating career transitions can be stressful, especially when a past contract threatens to limit your future growth. This quick self-audit helps you assess whether your non-compete clause is legally enforceable under Kenyan labor law.

- ☐ Check the duration: Does the restriction last longer than 6 to 12 months? (Periods exceeding this timeframe are heavily scrutinized by the Labour Court Kenya).
- ☐ Assess the geographic boundary: Is the restricted area unreasonably wide, such as covering the entire Republic of Kenya instead of a specific, narrow radius?
- ☐ Identify the protected interest: Can your former employer prove they are protecting a genuine trade secret or database, rather than just blocking your general professional skills?
- ☐ Review past salary payments: Were there persistent delays in your salary payments? (Failure to pay on time breaches your contract, making non-competes very difficult to enforce).
- ☐ Evaluate the nature of your exit: Was your termination unlawful or forced? (Under Section 3 of Cap 24, an employer who terminates you unfairly loses the right to restrict your next move).
- ☐ Confirm negotiation fairness: Were you given a fair opportunity to negotiate the terms of this clause, or was it presented to you on a take-it-or-leave-it basis when you were in a weak bargaining position?

DIRECT ADVOCATE CONSULTATION

Ready to make your next big career move with complete peace of mind? Contact Herman Tambo Law Advocates today for a professional, remote Employment Contract and Non-Compete Review to secure your professional freedom.

