



HR POLICY MANUAL

**for Micro, Small and
Medium Businesses**

July 2024

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FOREWORD

In today's dynamic business landscape, Small and Medium Enterprises (SMEs) are pivotal in driving economic growth, fostering innovation, and generating employment opportunities in the agri-food sector. In Kenya, they form the backbone of the economy. Every company and organisation is built on the efforts of individuals, underscoring the critical importance of managing the most valuable resource, the employees, efficiently and effectively. However, many SMEs encounter significant challenges in human resource management. Acknowledging the crucial role of effective Human Resource (HR) practices, this manual has been created as part of our commitment to supporting the development of the private sector within the agri-food industry.

This HR manual is explicitly tailored for SMEs without dedicated HR departments. We understand that the demands on small business owners and managers are multifaceted, requiring them to wear multiple hats and manage a wide range of responsibilities. This manual alleviates some of that burden by providing practical, straightforward guidance on essential HR practices.

Through Agri-Jobs 4 Youth, we have witnessed the transformative potential of robust HR management in the agri-food sector. Effective HR practices enhance operational efficiency and contribute to a more motivated, productive, and satisfied workforce. This, in turn, leads to improved business outcomes, including higher productivity, better product quality, and increased market competitiveness.

Our approach is grounded in agroecology, sustainability, and gender inclusivity. We believe the agri-food sector can be a powerful vehicle for positive social and environmental change, offering viable career paths and fostering gender equality. By promoting integrated and innovative HR solutions, we aim to create an environment where all employees, regardless of gender, feel valued, supported, and empowered to contribute to their fullest potential.

This manual covers key HR topics, from recruitment and onboarding to performance management and employee development. Each section is designed to provide clear, actionable advice, accompanied by templates and tools that can easily adapt to your specific needs. Whether hiring your first employee or looking to formalise your existing HR processes, this guide will be a valuable resource.

We extend our gratitude to all the agri-food SMEs who have shared their experiences and insights, helping shape this manual's content. Your dedication and resilience are truly inspiring, and we are honoured to support your journey towards sustainable growth and development.

Together, let us strive to build a more vibrant, equitable, and resilient agri-food sector where every business and every employee can thrive.



Ralf Barthelmes

Project Manager, Agri-Jobs 4 Youth

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

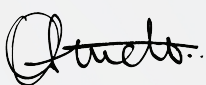
FOREWORD

Recognizing the importance of effective HR practices in fostering a culture of excellence and driving business success, BrighterMonday Kenya, in partnership with the GIZ Agri-Jobs 4 Youth initiative, has developed this comprehensive HR manual tailored specifically for Micro, Small, and Medium Enterprises (MSMEs) and startups. As one of the leading organisations in the region offering HR solutions, recruitment, and job matching in Kenya, BrighterMonday Kenya is committed to empowering businesses with the tools and knowledge they need to succeed on that front.

Our collaboration with the Vijana na Kilimo project has been an eye-opener, helping us understand the critical gaps in HR functions and recruitment processes within the agri-food sector in Western Kenya. Many small businesses struggle to prioritize HR management due to limited resources, lack of expertise, and competing priorities. This manual is designed to address these challenges by providing practical, actionable guidance on essential HR practices that are crucial for the success and sustainability of any business.

This HR manual serves as a vital resource for MSMEs and startups, offering clear explanations, legal compliance practices, and adaptable templates that empower businesses to build and manage their workforce effectively. Each section of this manual is crafted to support different aspects of HR management, from recruitment and selection to performance management, training and development, employee relations, and beyond.

At BrighterMonday Kenya, we understand that effective HR management is more than just compliance—it's about creating a positive work environment that promotes employee well-being, drives productivity, and supports long-term growth. As a thought leader in HR, we emphasize the importance of aligning HR practices with business goals to foster a motivated and productive workforce. By adopting the guidelines and strategies outlined in this manual, businesses can enhance their operational efficiency, foster a motivated and productive workforce, and ensure compliance with Kenyan labour laws. Investing in effective HR practices not only strengthens the foundation of your business but also positions it for sustainable growth and success in an increasingly competitive market.



Chris Otundo
CEO BrighterMonday Kenya

PREFACE

Micro, Small and Medium Enterprises (MSMEs) and start-up businesses face unique challenges in establishing structured HR practices. Limited resources, lack of expertise, and competing priorities often make it difficult to prioritize human resource (HR) management. As a result, crucial aspects such as employee recruitment, training, and compliance with labor laws may be overlooked as they compete with much needed business growth for the enterprise to survive. However, these HR aspects are quite important in the wholesome success of the business.

BrighterMonday Kenya (BMK) has partnered with the GIZ Agri-Jobs 4 Youth initiative to implement the Vijana na Kilimo II project with an aim of improving labour matching in the Western Kenya's agri-food sector, enhance employability for the youth, and promote good talent acquisition practices for employers. Lessons learned in the project's implementation show existing gaps in the recruitment processes and HR functions within the operations of the engaged employers/businesses. Most start-ups and MSMEs lack the resources for setting up a HR role or have limited knowledge of the role's importance in business performance and growth. With support from GIZ Agri-Jobs 4 Youth, BrighterMonday Kenya has developed a HR manual to address this gap and equip MSMEs and start-ups with essential knowledge and tools to build strong, compliant, and resilient HR foundations that support their overall success and sustainability.

This HR manual is designed specifically to provide practical guidance tailored for MSMEs and startups. It serves as a roadmap to navigate the complexities of HR management, offering clear explanations, legal compliance practices and templates that empower businesses to better build and manage their workforce. Effective use of this manual marks a significant step towards fostering a culture of effective HR management among small businesses, ultimately contributing to their long-term sustainability and success. Any business adopting this HR manual should treat it not merely as a set of guidelines, but as a blueprint adaptable to your unique business context and aspirations. Customize the templates, policies, and strategies provided to align with your organizational culture and specific challenges. Embrace this resource as a catalyst for enhancing employee management, operational efficiency, and compliance with employment laws. By investing in effective HR practices, you not only foster a conducive work environment but also lay a solid foundation for sustainable growth and long-term success.

INTRODUCTION

Welcome to our Human Resources Manual, a comprehensive guide designed to support our commitment to creating a positive and productive workplace at {Insert business name} in Kenya. This manual is an essential resource for all employees, providing clear policies, procedures, and guidelines that promote fairness, consistency, and compliance with Kenyan labor laws.

Purpose

The purpose of this HR Manual is to:

- **Provide Clarity:** Ensure that all employees understand the policies and procedures that govern their employment, helping to foster a transparent and inclusive work environment.
- **Promote Compliance:** Ensure that our company adheres to all relevant Kenyan labor laws and regulations, thus safeguarding the rights and responsibilities of both the employer and employees.
- **Enhance Communication:** Serve as a central reference point for all HR-related queries, ensuring that everyone is informed and aligned with the company's standards and expectations.
- **Support Growth:** Foster an environment that supports professional development, employee well-being, and organizational growth.

Scope

This manual applies to all employees of [Company Name], regardless of their position or tenure. It covers various aspects of employment, including but not limited to recruitment, onboarding, performance management, compensation, benefits, leave policies, employee relations and training and development.

COMPANY OVERVIEW

Importance: Incorporating a detailed company overview in the HR manual is essential for fostering a unified, engaged, and informed workforce. It sets the stage for a strong organizational culture, enhances employee engagement, and ensures that everyone is aligned with the company's goals and values. In Kenya's diverse and dynamic business environment, the company overview plays a critical role in maintaining a productive and compliant workplace.

Purpose

1.1 Core Values {Insert as per business, below are examples}

- **Excellence**
We endeavour to provide high quality products and services always.
- **Integrity**
We have made honesty and sincerity integral parts of our operations. We uphold this through strict adherence to the moral principles of honesty, trust, equity and transparency in all dealings and relationships.
- **Client Centric**
We listen and work with clients to design, develop and deliver quality, responsive market driven solutions for our clients.
- **Teamwork**
We undertake all our business using joint effort within and with our partners.

1.2 {BUSINESS/COMPANY NAME} HR Manual

The MSMEs Human Resources Policy and Procedures Manual has been developed to facilitate the implementation and clearly define business and company policies on human resource management.

The Manual provides guidelines to be followed in the administration of these policies, and assists all employees in defining who is responsible for each human resource management decision, and the correct procedure which is to be followed. All employees are responsible for reading, understanding and complying with the provisions of this manual.

1.3 Company Structure

It is the Company's policy to have a clear organizational structure with clear lines of authority, responsibility and accountability. The Organizational structure shall be defined and communicated to the entire company, and allow for the following:-

- Facilitation of workflow and work design required to deliver the business strategy
- Creation of an environment that allows decision-making at the appropriate level
- Making the workforce feel empowered and accountable for results
- Creation of well-motivated, goal focused and results driven teams.

No changes shall be effected on the organizational structure without approval from the Director. All substantive positions will have role profiles which will indicate the following:-

- Job Title
- Reporting authority
- Key Responsibilities/Accountabilities
- Minimum qualifications and competencies required
- Key Performance Indicators.

All role profiles shall be approved by the Director.

HR POLICY MANUAL

2 COMPANY MANAGEMENT PRACTICES



2. COMPANY MANAGEMENT PRACTICES

Importance

Incorporating company management practices in an HR manual is crucial as it provides a structured framework for effective leadership, decision-making, and employee relations, ensuring that all managerial actions are aligned with the organization's goals and values.

For Kenyan businesses, where compliance with local labor laws and fostering a supportive work environment are essential, clear guidelines on management practices help maintain consistency, enhance operational efficiency, and promote a positive workplace culture. This integration supports fair treatment of employees, encourages professional development, and builds a foundation for sustainable growth and employee satisfaction.

Introduction

The following Section outlines {BUSINESS/COMPANY NAME} management practices on issues relating to Open door policy, Equal employment opportunity, Attendance and reporting to work, Quality standards and Ethical conduct. Other issues covered here include business expenses, personal calls, visits and business, inspection of personal and company property, network and electronic resources, sexual harassment, ethical conduct, organisation structure, position profile and employee information management. The Company shall abide with all applicable laws in Kenya as stipulated in the Employment Act 2007.

2.1 Open Door Policy

In keeping with the company's philosophy of open communication, all employees have the right and are encouraged to speak freely with management about their job-related concerns. Employees are encouraged to go directly to their supervisor to discuss job-related ideas, recommendations, concerns and other issues which are important to them. If, after talking with your supervisor, you feel the need for additional discussion, you are encouraged to speak to the Director.

The most important management relationship you will develop at the Company will be between you and your supervisor. However, should you need support from someone other than your supervisor, the entire management team, including the company Director, is committed to resolving your individual concerns in a timely and appropriate manner.

2.2 Equal Employment Opportunity

The Company shall ensure that no staff member including independent contractors and outsourced personnel is discriminated against in any manner for the reason of gender, marital status, ethnicity, religion, health, marital status, race and/or color. It is our intent and desire that equal employment opportunities will be provided in employment, recruitment, selection, compensation, benefits, promotion, demotion, layoff, termination and all other terms and conditions of employment. The Director of the Company and all managerial personnel are committed to this policy and its enforcement.

2.3 Time keeping/ Attendance/ Punctuality

Employees shall report to work from **Monday to Friday xxx am – xxx pm;** **Saturday xxx am – xxx pm.** If the employee is unable to report to work for any reason, they should notify their Supervisor at least one hour before the expected reporting time and are responsible for speaking directly to the manager about such absence. It is not acceptable to leave a message on the manager's voice mail or text messaging, except in extreme emergencies and should this be the case, a follow up call must be made later that day. Disciplinary action may be taken for regular lateness.

2.4 Quality Standards

Highest quality standards must be maintained in all aspects of interaction within the company from the products developed and sold, the interaction with customers, the stability and robustness of systems, reliability and efficiency of systems, the information communicated to one another and to the clients etc. The company shall not condone compromise of quality standards and employees doing so shall be subjected to serious measures taken against them, including dismissal.

Further, employees should treat the customers that they interact with, with utmost respect and care. Reported mistreatment from customers or prospective customers shall be unacceptable and dealt with seriously.

In order to be responsive and be compliant with our core value of being client centric employees should endeavor to respond to letters/emails within 3 hours after they receive the query.

2.5 Code of Ethical Conduct

In order to avoid any appearance of a conflict of interest, employees are expected to abide by the following code of ethical conduct. Please consult your supervisor or an official of the company if you have any questions.

- Employees of the company should not solicit anything of value from any person or organization with whom the company has a current or potential business relationship.
- Employees of the company should not accept any item of value from any party in exchange for or in connection with a business transaction between the company and that other party.
- Employees may accept items and gifts of incidental value from customers, suppliers, or others as long as the gift is not given in response to solicitation on your part and as long as it implies no exchange for business purposes. Items may include gifts, gratuities, food, drink and entertainment.
- Employees of the company should not use illegal drugs at the office or report to work under the influence of any drug.
- Employees of the company should not engage in gambling and other activities that may jeopardize the image of the Company
- Employees of the company should not engage either directly or indirectly in other forms of gainful employment, especially those activities that may conflict with the company - while working officially for {BUSINESS/COMPANY NAME}.
- At all times, the employees and volunteers should be courteous, inclusive and sensitive with respect to use of language
- Employees of the company should not enter into undue disputes with members of the public while on duty.
- Employees shall not accept gratuities, favours or tips for services rendered to partners or community groups.
- Employees should not give or receive gifts in connection with company business relationships.
- Employees shall not derive personal gain, directly or indirectly, from purchases or sales made by the company, other transactions to which the company is a party, use of company assets, use of company facilities or use of company personnel.

- Employees shall not borrow money from or lend money to a supplier, customer, company employee, or competitor. Normal personal and mortgage loans from banks and other financial institutions are permitted.
- Employees shall not indicate, directly or indirectly, that any supplier or customer must purchase anything from or give anything to the company or any company employee in order to remain a supplier or customer.
- Employees shall not violate applicable law pursuant to the instructions or direction of any one, including a company employee.
- Employees shall not accept outside compensation for work that is already being paid for by the company, or to accept outside employment that interferes in any way with the employee's position with the company.
- Employees shall not recruit, solicit, or hire (or to assist others to do so), any company employee to work for a non-related entity except as part of an approved written outplacement plan.
- Employees shall not sell, utilize, or disclose confidential information of the company except in the pursuit of the best interests of the company as guide by the Non-Disclosure Agreement.
- Employees shall not compete with the company.

If you are faced with and are unsure how to handle a situation that you believe has the potential to violate this code of ethical conduct, notify your supervisor or the company Director.

Violations of this code may lead to disciplinary action, up to and including termination.

2.6 Personal Calls, Visits and Business

The company expects the full attention of its employees while they are working. Although employees may occasionally have to take care of personal matters during the workday, employees should try to conduct such personal business either before or after the workday or during breaks or meal periods. Regardless of when any personal call is made, it should be kept short.

Employees should also limit incoming personal calls, visits, or personal transactions. The company's phones should be available to serve the Company's customers, and non-business use of the phones can hurt the company's business. A pattern of excessive personal phone calls, personal visits, and/or private business dealings is not acceptable and may lead to disciplinary action.

2.7 Business Expenses

Employees may occasionally incur expenses on behalf of the Company. The company will reimburse employees for pre-approved typical business expenses, such as bus fare (for example, when the Company asks an employee to travel to a different jobsite during the workday) and certain job-related supplies or materials. The company will make reimbursements **not more than XX days**, upon receipt of the employee's receipt record. In order to be reimbursed for job-related supplies or materials, employees must deliver a receipt for the supplies or materials to the company's business office within **7 days** of the purchase. Business expenses will not exceed **Kshs xxxxx** at any given time, unless pre-authorized by the Director.

2.8 Inspection of Personal and Company Property

The company's employees use the property and equipment the company owns and provides, and may also use the company's materials, information, and other supplies. While employees may decorate their office workspaces with their personal possessions, employees must remember that property supplied by the company remains the property of the company.

The company reserves the right to search any Company property (e.g., personal computers, desks, lockers, or other storage areas) at any time. The company also reserves the right to inspect personal property within the company premises during the workday. Refusal to allow inspection may lead to disciplinary action, up to and including termination.

2.9 Network and Electronic Resources

Network and Electronic Resources, such as computers, other hardware, software, e-mail, landline and cellular telephones, fax machines and internet access, are tools that the Company provides its employees to assist them in their work. These Network and Electronic Resources and related access systems are proprietary Company property and subject to review or access by the Company at any time. All employees who use the Company's Network and Electronic Resources must follow the guidelines below:

1. Use Network and Electronic Resources for Company business purposes only.

2. Messages and communications sent via the Company's Network and Electronic Resources are subject to subpoena and access by persons outside the Company and may be used in legal proceedings. Please consider this before sending any confidential messages or material via the Network and Electronic Resources.
3. E-Mail is not a substitute for face-to-face communication. If you have a conflict with someone or need to discuss an important issue, it should be handled in person or over the telephone if a meeting is not possible.
4. Remember that all of the Company's policies, including but not limited to policies on Equal Employment Opportunity, Harassment, Confidentiality, Personal Conduct and Rules of Conduct, apply to the use of the Company's Network and Electronic Resources.
5. Passwords protecting the use of the Company's Network and Electronic Resources are the Company's property and will be assigned to employees as needed. Employees may not change passwords without the consent of the Director. Employees must notify the company Director of all passwords and encryption keys assigned to or used by them, and must notify the company Director of any changes to such passwords or encryption keys.
6. Employees must not attempt to override or evade any program or measure installed by the Company to protect the security or limit the use of its Network and Electronic Resources.

The Company retains the right to review all communications conducted and data saved, reviewed or accessed via the Company's Network and Electronic Resources, including Company computers, e-mail and internet access. The company does not permit its non-management employees to access or use any Company password, e-mail or internet access other than their own, unless pre-authorized by their supervisor. Inappropriate use of Network and Electronic Resources may result in discipline, up to and including discharge. Employees should be careful to safeguard their passwords, log off their terminals when not in use and not permit others to access Company systems.

2.10 Sexual Harassment

Sexual harassment by a staff member to another staff member can create an offensive, insecure, hostile, oppressive environment at work.

{BUSINESS/COMPANY NAME} is committed to providing employees a work environment free of sexual harassment.

Sexual harassment shall refer to behaviour where the employee or representative of {BUSINESS/COMPANY NAME} directly or indirectly requests an employee for sexual intercourse, sexual contact or any other form of sexual activity, including use of written/verbal language, visual material and behaviour of a sexual nature.

The company shall take disciplinary measures as deemed appropriate by management against any person under the company's direction, who subjects any employee to sexual harassment. Employees shall be encouraged to report any complaints related to sexual harassment to management. The Sexual Harassment Policy will be used to guide action on any reported or perceived harassment case.

The company will not disclose the name of the complainant or the circumstances related to the complaint to any person except where disclosure is necessary for the purpose of investigating the complaint or taking disciplinary measures in relation thereto.

2.11 Employee Information Management

The Company shall adhere to the following in regards to employee information management:-

- Maintain complete and accurate records regarding each employee and position
- Comply with legal requirements regarding retention and release of personnel records
- Preserve the confidentiality of personnel records.
- The Company shall maintain any signed employee information in hard copies files.
- All unsigned documents or copies of documents relating to employees' data shall be stored in soft copy.
- All employees' records shall be in the custody of the Manager always.
- Access to employee information by external parties shall only be given on written approval from the Director.
- The Company shall archive records of all employees who have separated with the Company upon clearance.
- All archived employee files shall NOT be disposed of.
- Employee records shall be archived in a manner that ensures there is NO accidental disclosure of personal information.

HR POLICY MANUAL

3 RECRUITMENT AND SELECTION



3. RECRUITMENT AND SELECTION

Importance

Incorporating recruitment and selection practices in an HR manual is vital for organizations in Kenya, as it ensures a systematic approach to attracting and hiring the right talent, which is crucial for business success and growth. Clear guidelines on recruitment and selection help organizations maintain compliance with Kenyan labor laws, promote fairness and transparency, and reduce hiring biases. This structured process not only enhances the quality of hires by ensuring candidates' skills and values align with the company's needs but also boosts employee retention and performance, ultimately driving the enterprise's overall productivity and competitiveness in the market.

Policy Statement

{BUSINESS/COMPANY NAME} is committed to attracting and selecting the right individuals capable of delivering both short and long-term strategy and objectives. Recruitment practices will be undertaken without bias or favor and the choice to recruit staff will be to reflect the diversity and needs of the business. Recruitment and selection method shall be determined by the Director.

Objective

The company's objective will be to recruit and hire staff based on qualifications alone. It is in the best interest of the Company that the people hired meet the requirements of the jobs they are hired to do.

3.1 Planning

Company vacancies may occur because of promotion/demotion, separation, reorganization, and/or expansion. All vacancies must be approved by the Director before any recruitment is done.

3.2 Sourcing

The Company shall endeavor to fill vacant positions with qualified internal candidates. In the event that there are no suitable internal candidates, the company shall use other recruitment avenues to support the recruitment process. The Director may also make an appointment at his/her own discretion.

3.3 Selection

As shall be determined by management an interview panel shall be set up to conduct the interview sessions.

In assessing prospective candidates, a view will be taken not only of their ability to perform the current vacant job but also of their potential to perform and grow into future roles.

At least two reference checks shall be obtained on successful candidates.

One of these references shall be from the candidate's current or most recent employer/institution of learning.

Successful candidates earning more than the maximum amount for the position being interviewed will only be appointed following an approval by the Director.

3.4 Letter of Offer

The letter of offer to a prospective employee shall contain among others the following: -

- Position of engagement
- Duration of engagement
- Probation period
- Reporting responsibilities
- Role profile
- Remuneration and Benefits
- Leave

3.5 Induction

All employees will undergo an induction/ training program before commencing their assigned roles. The induction/training period will depend on the role.

3.6 Probation/Confirmation

All new employees will undergo a probationary period as provided for in the employment contract.

Upon successful completion of the probation the employee shall be confirmed in writing.

Where the performance of the employee does not meet the expected standards, the probation period may be extended for a maximum period of 6 months.

3.7 Recruitment of Former Employees

Former employees can apply for advertised positions for which they are qualified. Any former employees who left the Company through summary dismissal or termination because of a disciplinary case or below standard performance shall not be eligible for re-employment.

3.8 Restriction on Recruitment of Minors

No person below the age of eighteen (18) years of age shall be employed or permitted to work for {BUSINESS/COMPANY NAME}.

3.9 Acting Appointments

Whenever a higher position falls vacant either by an employee exiting the company, when the incumbent is also on leave or otherwise indisposed for a period, the most senior and competent employee shall be appointed to act. All acting appointments will be recommended and approved by the Director.

All acting appointments shall be for a continuous period not exceeding six (6) months. Whether an acting allowance is to be given, is solely the discretion of the Director.

3.10 Promotions and transfers

All promotions shall be strictly on merit upon successfully passing an interview. The Company reserves the right to transfer an employee at any time to serve in any area or subsidiary Company where his/her services may be required. This policy should be read together with the letter of employment.

3.11 Employment of relatives

Employment of relatives is not encouraged. If current staff becomes a relative by virtue of marriage or where a relative joins the organization, the staff must declare the relationship immediately. Where two staff members get married, one of them will be advised to leave the Company.

3.12 Reference Checks

The engagement of any candidate is subject to the Company obtaining satisfactory references from at least two responsible individuals. Where necessary, comments from previous employers and co-workers will be sought. A prospective candidate

will be informed at the time of the interview that reference checks will be sought from former employers.

3.14 Documents required

Each newly hired employee is required to submit the following documents to the Manager on the first day of reporting for duty:

- a. Copy of the National Identity Card
- b. NHIF card (where applicable)
- c. NSSF membership card (where applicable)
- d. Copy of PIN registration certificate
- e. Two colored passport size photos
- f. Certificate of good conduct
- g. Bank account details specifying account number and branch

If the employee does not have the documents, they will be given a grace period of 14 days to submit the same.

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4 COMPENSATION AND BENEFITS

4. COMPENSATION AND BENEFITS

Importance

Including compensation and benefits policies in an HR manual is essential for businesses in Kenya as it provides clear, transparent guidelines on employee remuneration, ensuring fairness and compliance with local labor laws.

Well-defined compensation and benefits structures help attract and retain top talent by offering competitive and equitable pay and perks, which are crucial for employee satisfaction and motivation. Additionally, these policies support financial planning and budgeting for the organization, enhance productivity by aligning employee performance with reward systems, and foster a positive work environment where employees feel valued and fairly treated.

Introduction

The aim of the Company's compensation policy is to have a competitive remuneration structure that ensures employees are consequently committed to the company. The compensation policy shall support the following objectives: -

- To attract, develop, retain, and reward high performing staff at all levels
- To promote internal equity and consistency

4.1 Hours of Work

All employees will be expected to work at most six (6) days of the week. Employees shall work an average of **xxx (xx) hours per week**, not exceeding six days a week.

Every employee will be entitled to one full rest day every week.

Employees shall be allowed one hour lunch break every working shift. Break times will vary depending on shift and both management and employees will agree on the break sessions.

The work attendance book shall be signed on a daily basis showing details of the date, employee name, time of arrival to work and time of departure from office and other attendance details. Failure to respect work hours will be regarded as a violation of Company policies and will be treated as a disciplinary offense.

4.3 Job Grading and Salary Structure

All jobs shall have clearly written job descriptions and approved role profiles.

All roles shall be reviewed once every two years. However, any changes in the structure shall necessitate a review.

All changes in the role including additions, deletions and re-grading of roles shall be approved by the Director.

4.4 Salaries and Allowances

All employees' salaries shall be pegged on their respective roles. Salary progressions within the role shall be on merit.

4.5 Computation of Salaries

Salary payment shall constitute payment in full for work performed during that month. Salary computation for a broken period of a month shall be calculated pro-rata based on the number of days in that month.

Where an appointment or separation takes effect in the middle of the month, the salary due, leave pay (where applicable), and allowances shall be calculated pro-rata.

4.6 Payment of Salaries

Salary payment shall constitute payment in full for work performed during that month. Salary computation for a broken period of a month shall be calculated pro-rata based on the number of days in that month.

Where an appointment or separation takes effect in the middle of the month, the salary due, leave pay (where applicable), and allowances shall be calculated pro-rata.

4.7 Education Allowance

The Company shall not provide education allowance.

4.8 Salary Review

There shall be a performance review on each employee on the basis of their achievement versus the set objectives. An appraisal shall be done twice every year; one in June and a more comprehensive and detailed one in December. Salary review MAY be done based on the employee performance.

4.9 Salary on Promotion

Typically, when an employee is promoted he/she shall receive the salary commensurate with the new position.

4.10 Salary Advance

An employee may be allowed a salary advance not exceeding 25% of the employee monthly salary. This advance shall be provided after the 15th day of the month. The number of times an employee will request for a salary advance will be determined by management.

4.11 Loans

{BUSINESS/COMPANY NAME} does not provide loans. However, employees who have worked with the company for over 3 years and wish to access a loan facility from a recognized financial provider will be given a recommendation letter by the company should they require one. The company will confirm the employee's position, salary and contract period. The recommendation letter will clearly indicate that {BUSINESS/COMPANY NAME} will not be responsible for any repayment defaults of the accessed loan.

4.12 Emergency Loans

While management recognizes that unavoidable circumstances may require an employee to seek an emergency loan, further bearing in mind that the company is not a financial institution, administration of such loans will only be at the discretion of management.

HR POLICY MANUAL

5 PERFORMANCE MANAGEMENT



5. PERFORMANCE MANAGEMENT

Importance

Having a performance management policy is crucial for businesses/companies in Kenya as it establishes a structured approach to evaluating and enhancing employee performance, ensuring alignment with organizational goals. Clear guidelines on performance management foster consistent and objective assessment, promote employee development through regular feedback and training, and enhance motivation by recognizing and rewarding achievements.

Introduction

The continuous employment of an employee shall depend on consistent performance to expected standards as clearly defined on individual employee performance targets.

The Performance Appraisal shall be based on the performance objectives and key result areas as agreed upon between staff and their immediate manager during the appraisal process that will be carried out twice a year.

It shall be the responsibility of both management and all employees, to sustain productivity to sustain jobs and ensure continued growth and profitability of the Company.

Key Performance Indicators for each role will be used to measure and monitor individual performance.

5.1 Performance Objectives

Employees and the Manager shall be responsible for setting the annual performance objectives at the beginning of every calendar year. The individual objectives shall be derived from the company objectives.

5.2 Performance System

All employees shall undertake at least two formal and documented appraisals each financial year.

5.3 Performance Process

It shall be the responsibility of the Manager and the respective employees to initiate and conclude the performance evaluation processes.

The performance appraisal process must be complete and appraisal forms received by the Director by the end of the month following the appraisal process.

5.4 Performance Feedback

The Team Managers shall discuss the individual appraisal results with the respective employees.

Management, at its discretion shall use the performance management feedback to recognise, reward, and/or develop employees.

HR POLICY MANUAL

6 TRAINING AND DEVELOPMENT

6. TRAINING AND DEVELOPMENT

Training and development is vital for businesses/companies in Kenya as it fosters continuous employee growth, skill enhancement, and adaptability to changing market demands. Clear guidelines on training and development programs ensure that employees receive the necessary education and opportunities to improve their competencies, driving innovation and efficiency within the organization. This investment in employee development not only boosts morale and job satisfaction but also strengthens the company's competitive edge by creating a highly skilled workforce capable of meeting both current and future challenges, ultimately contributing to sustained business growth and success.

Introduction

The aim of this policy is to provide a guideline for continuous provision of relevant skills for ensuring high team performance and output.

{BUSINESS/COMPANY NAME} shall ensure every new employee receives initial business process training.

6.1 Training Needs

It shall be the responsibility of the Team Managers to identify and communicate the training needs of both the team and individual employee.

Staff training needs assessment and development, shall be a key result area for the Manager.

Staff training needs shall be identified through but not limited to: -

- Performance management system (appraisals, communication/ feedback from the Team Leaders)
- Skills audit
- Changes in work processes and procedures
- New technology

Training needs shall be assessed and identified on a continuous basis. The results of the needs assessment shall be used in developing the training plans, approach and schedules.

6.2 Career Development

Career development shall be the responsibility of each individual employee. {BUSINESS/COMPANY NAME} shall support training needs, and develop staff only in areas directly related to their roles and the business needs.

6.3 Succession Planning

Succession planning shall be based on the job role profiles and performance. All managerial, team leader roles must have identified potential successors. It shall be the responsibility of the Director in close collaboration with the Team Managers to ensure that succession plans are in place.

6.4 Employee Self Sponsored Courses

{BUSINESS/COMPANY NAME} will not send or give employees refund for fees spent on academic degrees, diplomas, or certificate courses.

If an individual employee wishes to pursue external training, this will be allowed as long as the individual employee is able to meet their contractual working hours and schedule arrangements and without compromising their performance.

6.5 Third Party Training/Outsourcing of Training

Where need arises, the Company shall outsource training to third parties. However, {BUSINESS/COMPANY NAME} will work towards providing in-house training for all identified needs. Training programs identified for staff that are not offered in-house need to be vetted by the leadership team.

6.6 Eligibility to attend training

Where a need has been identified and the company is not able to provide in-house training, staff shall be allowed to attend only those training programs that are directly related to their current roles and/or the business needs.

6.7 Attendance to Training Programs

Training days are considered normal working days and shall be treated as such. Therefore, staff shall attend training for the full duration of the training programs they are authorized to attend.

6.8 Delivery of Training Programs

The content of {BUSINESS/COMPANY NAME} training programs shall be aligned to company business needs.

The Team Managers in collaboration with the Director shall prepare and communicate the training programs in advance.

6.9 Trainees' Manuals and Materials

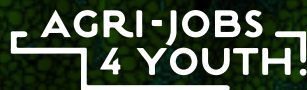
All trainee guides, materials, and manuals used for training delivery shall be company property and employees will not be allowed to duplicate, or share these with external parties not associated with {BUSINESS/COMPANY NAME}.

6.10 Follow up after Training

{BUSINESS/COMPANY NAME} shall expect that trainees apply the skills and knowledge they have acquired to improve their performance in the workplace. Against this background, staff appraisals shall include an evaluation of the efficient application and use of these skills and knowledge in the related job role.

HR POLICY MANUAL

7 EMPLOYEE RELATIONS



7. EMPLOYEE RELATIONS

Importance

Having employee relations practices in place is crucial for businesses/companies in Kenya as it fosters a harmonious and productive workplace by promoting clear communication, mutual respect, and fair treatment. Effective employee relations policies help prevent conflicts, resolve issues promptly, and ensure compliance with Kenyan labor laws, thereby reducing legal risks and enhancing organizational reputation. By nurturing positive relationships between management and staff, these practices boost employee morale, engagement, and retention, ultimately leading to higher productivity and a more cohesive, motivated workforce that drives the company's long-term success and growth.

Introduction

The purpose of this policy is to provide guidelines that will result in a preferred working environment and effective employee engagement that enhances team performance.

7.1 Staff Welfare

{BUSINESS/COMPANY NAME} shall provide a safe working environment for all employees. As far as possible, it shall safeguard health and safety in all its premises. However, employees will be expected to take responsibility for their personal safety by ensuring they abide within the stated health and safety guidelines.

7.2 Pension Scheme

Deductions will be made from each employee's salary and forwarded to the National Social Security Fund as obliged in their employment contracts. The company will match respective employee contributions as required by the employment law. The Company may operate an additional pension scheme or pension fund as shall be determined by Management.

7.3 Employee Funeral Assistance

When an employee dies whilst in service of the Company, the Company may assist the family with funeral expenses as shall be determined by management at the time.

7.4 Recognition Awards

The Company shall award employees who have demonstrated consistent outstanding performance as may be determined by management. The nature and values of the awards shall be at the discretion of the Director.

7.5 Discipline Procedure

The Company shall be fair and firm in handling disciplinary matters and grievance related issues.

It shall be the responsibility of all employees to maintain discipline as obliged in their contractual agreements.

The Company shall ensure that all disciplinary matters are handled fairly.

Where an employee has deliberately breached a Company policy or procedure, or engaged in misconduct, disciplinary procedures will be initiated.

Disciplinary Code:

Offence	1st breach	2nd breach	3rd breach
Continuous lateness	Verbal warning	Written warning	Termination
Absence from work without permission	Written warning & loss of pay for time absent	Written warning & loss of pay for time absent	Termination
Absence for five (5) or more days	Dismissal unless there is a concrete explanation backed up by evidence		
Insubordination/ failing to comply with supervisor's instructions	Verbal warning	Written warning	Dismissal
Working under the influence of drugs or alcohol	Written warning	Written warning	Termination

Neglects to complete /carry out duties, thereby endangering company property or persons	Written warning	Written warning	Dismissal
Willfully damages, misuses or Misappropriates company property	Dismissal/ Termination		
Misuse of plant, machinery and equipment	Dismissal/ Termination		
Commits any unjustifiable assault or harassment at the place of work	Dismissal/ Termination		
Corruption/found taking a bribe or bribing	Dismissal/ Termination		

NB: No benefits are payable to an employee who is dismissed for gross misconduct while employees who are terminated are entitled to their benefits.

Management will consider the seriousness of the action, the circumstances surrounding the matter and employee's previous records before deciding on which corrective action to take.

7.6 Complaint handling Procedure

Under normal working conditions, employees who have a job-related problem, question or complaint should first discuss it with their immediate supervisor. At this level, employees usually reach the simplest, quickest, and most satisfactory solution. If the employee and supervisor do not solve the problem, the Manager will then be involved to investigate. The Manager investigates the root cause of the problem and tries to resolve it. If she/he is not successful in the conflict resolution, the Director shall be informed and involved to make the final decision

7.7 Separation from the Company

Separation from the Company shall be through retirement, dismissal, termination, resignation, death, or as stipulated in the respective contract of employment.

7.8 Retirement

An employee shall retire or be retired from the Company's services on age or medical grounds.

The Company's retirement age shall be sixty (60) years except as stipulated in the employee's contract of employment.

An employee may also opt to retire on attaining 50 years of age.

7.9 Dismissal

The Company shall summarily dismiss an employee if it is satisfied that he/she has committed any of the following:

- a. Without leave or other lawful cause, an employee is absent from the place appointed for his/ her work
- b. During working hours, an employee becomes intoxicated, rendering him/herself incapable to perform work properly
- c. An employee wilfully neglects to perform any work assigned to them or he/she carelessly and improperly performs any work which from its nature was his/her duty, under his/her contract to have performed carefully and properly.
- d. An employee uses abusive or insulting language, or behaves in a manner insulting, to his/her employer or to a person placed in authority over him/her by the company.
- e. An employee knowingly fails or refuses to obey a lawful and proper command which was within his/her scope of duty to obey, issued by his/her employer or a person placed in authority over him/her by the employer.
- f. If in the lawful exercise of any power of arrest given by or under any written law, an employee is arrested for a cognizable offence punishable by imprisonment and is not within fourteen days either released on bail or on bond or otherwise lawfully set at liberty.
- g. An employee commits, or on reasonable and sufficient grounds is suspected of having committed a criminal offence against or to the substantial detriment of his/her employer or his/her employer's property.
- h. Possession of weapons, firearms, ammunition, explosives, or fireworks on Company or customer premises
- i. Failure to promptly report a workplace injury or accident involving any of the Company's employees, clients, equipment, or property
- j. If work performance is inadequate and inferior to the standards of performance required for the position.

7.11 Resignation

An employee shall resign from service of the Company by giving the required notice period as per employment contract or on payment of salary in lieu of notice.

The notice to resign shall be to the Director.

7.12 Death

When services of an employee are terminated by reason of death, appropriate terminal benefits shall be paid to the respective next of Kin. Terminal benefits and all other such payments shall be subject to all statutory deductions as per the employment law.

The company shall pay next of kin of a deceased employee salary dues owing up to the last day of work together with any other outstanding dues the company may owe such employee. The next of kin must provide documentation from the High court establishing that they are the genuine administrator(s) of the estate of the deceased to receive such dues. It will be the responsibility of the next of kin to pursue NSSF to pay up the contributions made by the employee and those made by the employer during the working life of the deceased.

7.13 Certificate of Service

The Company shall issue a certificate of service as required by law to employees leaving the Company.

In addition, testimonials on any former employee will be provided to any prospective employers provided the request is in writing.

HR POLICY MANUAL

8 LEAVE POLICY

8. LEAVE POLICY

Importance

Having a leave policy is crucial as it provides clear guidelines on the various types of leave available to employees, ensuring compliance with Kenyan labor laws and fostering a fair and transparent work environment. A well-defined leave policy helps employees understand their entitlements to annual leave, sick leave, maternity/paternity leave, and other statutory leaves, promoting work-life balance and employee well-being. It also aids in proper workforce planning and management by allowing organizations to anticipate and manage employee absences effectively, thereby maintaining productivity and operational efficiency. Ultimately, a comprehensive leave policy contributes to higher employee satisfaction, reduced absenteeism, and enhanced organizational loyalty.

Introduction

{BUSINESS/COMPANY NAME} considers leave to be an important rest period for employees. The company allows employees time to rest to avoid burnout and to enhance their performance upon return to the workplace.

8.1 Leave Cycle

The leave cycle shall be the twelve months' period and shall adopt the Calendar year.

8.2 Types of Leave

The Company shall recognize the following types of leave: -

- Public Holidays
- Annual Leave
- Sick Leave
- Maternity Leave
- Paternity Leave
- Compassionate Leave
- Unpaid Leave

8.3 Public Holidays

The Company shall observe all gazetted public holidays as stipulated in the laws of Kenya. If a holiday occurs during an employee annual or compassionate leave, then that day will not be counted as part of the said leave. If an employee has to work on a gazetted public holiday, they will be entitled to commensurate pay or a compensatory off day.

8.4 Annual Leave

Annual leave shall be 21 working days per calendar year and shall be earned in arrears as per an employee's contract of employment.

Annual leave shall be granted at the discretion of management as dictated by business demands.

Employees shall only be allowed to carry forward a maximum of five (5) days into the next calendar year, which will expire on 31st May of the next calendar year. Any leave carried forward more than five (5) days will be forfeited.

All leave will be approved in writing by the Manager.

No employee should proceed on leave before approval by the Team Manager otherwise it will result in a disciplinary action.

All leave requests must be submitted to the Manager at least two weeks before the intended start of the same. Employees will be encouraged to advise the month they would prefer to take their leave within the year, to enable management to plan for the same in advance. Employees shall also be advised to reserve a specified number of days from their leave days, to cater for unforeseen personal emergencies not covered by the leave policy.

Management will work towards approving/rejecting leave within 7 days of such request.

8.5 Sick Leave

Any sick leave will only be recognised where requested and supported by documentation from an approved medical practitioner.

After two consecutive months of service, an employee shall be entitled to a total of seven (7) day's sick leave with full pay and thereafter to 7 days on half pay and an additional 7 days with no pay in each period of 12 consecutive months of service.

Any illness that requires sick leave and/or hospitalization shall be dealt with in accordance with the respective employees' contract of employment as stipulated by the labour laws of Kenya.

The Company reserves the right to retire an employee due to ill health that results in continuous absence from work as stipulated in the letter of employment and or the employment act.

8.6 Compassionate Leave

An Employee shall be granted compassionate leave, at the Company's discretion. Compassionate leave shall only be granted on the following grounds: -

- Sickness of a an immediate family member
- Death of an immediate family member

Compassionate leave will be granted to maximum of five (5) working days for an given calendar year.

8.7 Maternity Leave

Maternity leave shall be granted to an expectant confirmed female employee for up to 90 calendar days' maternity leave (three months) whilst working at {BUSINESS/COMPANY NAME} and, as long as the following procedure has been followed the employee will be entitled to return to their post at a date agreed between them and {BUSINESS/COMPANY NAME}.

To qualify for maternity leave employee must be a confirmed staff and inform {BUSINESS/COMPANY NAME} of the following:

- That they are pregnant
- The expected week of childbirth, by means of the doctor's letter/medical report if requested.
- The date they intend to start maternity leave. This can normally be any date which is no earlier than the beginning of the 11th week before the expected week of childbirth up to the birth.

{BUSINESS/COMPANY NAME} will write to the employee within 28 days of the notification, setting out the return date. If the employee wishes to change this date they must give {BUSINESS/COMPANY NAME} four weeks written notice detailing the new return date.

8.8 Paternity Leave

Paternity leave shall be granted to a male employee after providing proof of paternity (birth certificate/birth notification).

Paternity leave shall be granted within one month after the birth of the child for a period of 14 calendar days (two weeks). The Company must however be made aware of the approach of such times when the employees may require to be away for the kinds of leave with at least one months' notice.

8.9 Leave without pay

Approval of leave without pay is at the discretion of management.

HR POLICY MANUAL

9 MEDICAL AND OCCUPATIONAL HEALTH POLICY



9. MEDICAL AND OCCUPATIONAL HEALTH POLICY

Importance

This policy helps in compliance with Kenyan labor laws and health regulations, safeguarding the organization from legal liabilities. By promoting a safe and healthy work environment, the policy reduces workplace injuries and illnesses, thereby minimizing absenteeism and associated costs. It also boosts employee morale and retention by demonstrating the organization's commitment to their health and safety. Additionally, proactive health measures and regular medical check-ups can prevent potential health issues, ensuring a more robust and efficient workforce, which ultimately enhances the organization's overall performance and success.

Introduction

This policy shall provide the guidelines to the provision of a safe working environment that will result in a healthy and productive workforce.

9.1 HIV/AIDS Policy

All employees shall have equal opportunity regarding employment, training, and promotion irrespective of their HIV/AIDS status.

There will be no mandatory pre-employment HIV/AIDS testing.

{BUSINESS/COMPANY NAME} shall create a work environment that ensures that employees with HIV/AIDS, and who are able to meet acceptable working standards are treated consistently with other employees. Management will ensure;

- a. Confidentiality and non-disclosure of HIV/AIDS status
- b. Job access for applicants with HIV and security for employees with HIV
- c. Protection against discrimination and equal access to training, promotion and other benefits

9.2 Drug and Alcohol Abuse

{BUSINESS/COMPANY NAME} shall maintain a workplace environment that is drug and alcohol abuse free.

Employees shall not work under the influence of drugs and/or alcohol or any other psychoactive substances (stimulants).

Disciplinary action shall be taken against any staff found contravening this policy.

9.3 Workplace Medical Emergency Kits

The Company shall maintain a functional workplace medical emergency kit. The Company shall train staff in Basic Life first aid procedures as required by the employment law.

HR POLICY MANUAL

10 INTELLECTUAL PROPERTY AND SECURITY

10. INTELLECTUAL PROPERTY AND SECURITY

Importance

Incorporating an intellectual property (IP) and security policy in Kenya is crucial for businesses to protect their innovations, creations, and proprietary information. Such a policy outlines guidelines and procedures for identifying, safeguarding, and managing intellectual property assets, ensuring compliance with Kenyan laws and regulations. By establishing clear ownership rights and confidentiality measures, the policy helps mitigate the risk of IP theft, infringement, or unauthorized use, safeguarding the company's competitive advantage and market position.

Introduction

During employment with {BUSINESS/COMPANY NAME} all intellectual property developed, discoveries or inventions made by an employee in the performance of their duties related in any way to the business will be the property of {BUSINESS/COMPANY NAME}.

From time to time, during the course of employment, an employee may be given access to sensitive information, data, company property, keys to premises or any other company related property/information. It is expected employees will treat this as intellectual property and therefore it should be stored securely either physically and/or electronically. Failure to properly look after company information or property will result in disciplinary proceedings including dismissal.

Upon termination of the employment contract for whatever reason, an employee shall hand over all the property of the company in their possession or for which they may be responsible at the time of such termination including records of work together with any files, lists and notes given/held or compiled by the employee in the execution of their duties.

11. CONFLICT OF INTEREST

Importance

Having a conflict of interest policy is crucial for businesses in Kenya to maintain integrity, transparency, and trust in their operations. This policy sets clear guidelines and procedures for employees, directors, and stakeholders to identify, disclose, and manage potential conflicts that may arise between their personal interests and the interests of the organization. By addressing conflicts proactively, the policy helps mitigate risks such as biased decision-making, favoritism, or misuse of company resources, which could harm the company's reputation and financial stability. In Kenya's business environment, where ethical standards and corporate governance are increasingly emphasized, a robust conflict of interest policy promotes fairness, accountability, and compliance with legal and regulatory requirements.

Introduction

Prior to an employee employment with {BUSINESS/COMPANY NAME}, he/she may be conducting business activities which potentially give rise to real or perceived conflict of interest with Company objectives.

In such circumstances, any business or other external interests that have a real or perceived conflict of interest should be declared to {BUSINESS/COMPANY NAME}.

Employees must avoid external business, financial, or employment interests that conflict with the company's business interests or with your ability to perform your job duties. This applies to the employee's possible relationships with any other employer, consultant, contractor, customer, or supplier.

Violations of this rule may lead to disciplinary action, up to and including termination.

12. CONFIDENTIAL AND PROPRIETARY INFORMATION

The Company considers its confidential and proprietary information, including the confidential and proprietary information of our customers, to be one of its most valuable assets. As a result, employees must carefully protect and must not disclose to any third party all confidential and proprietary information belonging to {BUSINESS/COMPANY NAME} or its customers.

Such protected information includes, but is not limited to, the following: customer lists, customer contact information, associate information, on-site program and support materials, candidate and recruit lists and information, personnel information, placement information, pricing lists, training programs, contracts, sales reports, sales, financial and marketing data, systems, forms, methods, procedures, and analyses, and any other proprietary information, whether communicated orally or in documentary, computerized or other tangible form, concerning the Company's or its customers' operations and business.

Prior to an employee employment with {BUSINESS/COMPANY NAME}, he/she may be conducting business activities which potentially give rise to real or perceived conflict of interest with Company objectives.

Employees should ensure that any materials containing confidential or proprietary information are filed and/or locked up before leaving their work areas each day. During the workday, employees should not leave any sensitive information lying about or unguarded.

If you have any questions about this policy, consult your supervisor or the Director.

HUMAN RESOURCE POLICY HANDBOOK

Dear ...

Attached is your copy of {BUSINESS/COMPANY NAME} Employee Handbook/Manual. As indicated in your Letter of Appointment, the Handbook/Manual forms part of your contract of employment documents. This Handbook/manual, your letter of appointment and job description, together form a single document and together comprise your terms and conditions of service at {BUSINESS/COMPANY NAME}

By signing this document you confirm that:-

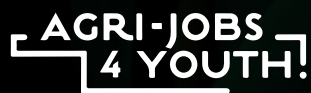
1. You have received a copy of this Handbook;
2. You have read and understood the terms of this Handbook/Manual; and
3. You agree to be bound by the terms of this Handbook/Manual and any amendments thereto.

Signature:

Date:

HR POLICY MANUAL

ANNEXES



ANNEX 1:

CASE STUDY 1: HR PLANNING

Juma, a brilliant farmhand with a good performance record, was recently promoted to be the Farm Manager of Kilimo Farm Ltd. He has been with the company since its inception 4 years ago and has kept himself updated with all the tools the company provided that eased his work. Due to his experience, creativity, and ability to get along with others, the directors promoted him. Juma is experiencing considerable difficulties managing and supervising the seven (7) farmhands who are working under him. He has continued being involved directly in the farm and as a result was not able to coordinate the other staff or offer the necessary guidance and direction to the farmhands. The farm staff working under him feel Juma is overly engaging himself in routine farm work activities rather than managing the department.

QUESTIONS

Exercise 1

What is the basic problem that Juma is facing as a manager?

Exercise 2

What mistake did the directors make in promoting Juma?

Exercise 3

What skills are important for Juma so he can excel at being a manager?

Exercise 1: Basic Problem Facing Juma as a Manager

The basic problem Juma is facing as a manager is the inability to transition from a hands-on farmhand role to a supervisory or managerial role. This issue can be broken down into two key aspects:

Role Transition: Juma has been promoted from a farmhand to a Farm Manager. This transition requires a significant shift in responsibilities and mindset. While he was previously focused on direct involvement in farm tasks, his new role demands overseeing and coordinating the work of others. As a manager, Juma needs to exhibit strong leadership and communication skills, including setting clear expectations, providing feedback, and fostering a collaborative work environment. His direct involvement in farm activities indicates a lack of focus on these essential managerial tasks.

Management and Supervision: Juma is struggling with managing and supervising the seven (7) farmhands under him. Effective management requires delegation, planning, and providing guidance rather than participating directly in routine tasks. His preoccupation with farm work prevents him from fulfilling his managerial duties. Further Juma's inability to delegate effectively means that the farmhands are not receiving the necessary direction, support, and opportunity to perform their duties efficiently.

Exercise 2: Directors' Decision to Promote Juma

The directors' decision to promote Juma was based on his excellent performance in his previous role as a farmhand, his experience, his creativity, and his ability to get along with others. While these are valuable traits, there are several considerations to determine whether the promotion was a mistake:

Merit-Based Promotion: Promoting from within the company can boost employee morale and motivation. Juma's promotion was likely intended to reward his hard work and dedication. His familiarity with the farm operations and rapport with other employees are significant advantages.

Skills and Competencies: However, the directors may have overlooked the difference in skill sets required for farmhand and managerial roles. Being an effective farmhand does not necessarily equate to being an effective manager. Managerial roles require skills in leadership, delegation, planning, and coordination, which Juma appears to lack.

Evaluation of Potential: Before promoting an employee to a managerial position, it is crucial to evaluate their potential for leadership and management. If the directors did not thoroughly assess Juma's potential to handle managerial responsibilities, then the promotion decision could be seen as a mistake.

Therefore, in summary, the directors did not make a mistake in promoting Juma, the mistake made was promoting him without providing sufficient training and development opportunities to help him transition into his new role. Effective managers often need support and training to develop the necessary skills to supervise and lead a team.

Exercise 3: Important Skills for Juma to Excel as a Manager

To excel in his new role as a Farm Manager, Juma needs to develop and enhance the following primary skills:

Leadership Skills: Ability to inspire and motivate the farmhands. * Setting clear goals and expectations. * Leading by example while maintaining a supervisory role.

Delegation Skills: Assigning tasks appropriately based on the strengths and skills of farmhands. * Trusting team members to perform their duties without micromanaging. * Providing the necessary resources, guidance and support for team members to succeed.

Communication Skills: Clear and effective communication of instructions and expectations. * Active listening to understand the concerns and suggestions of farmhands. * Providing constructive feedback and resolving conflicts amicably.

Organizational Skills: Planning and scheduling tasks to ensure efficient farm operations. * Coordinating activities and managing time effectively. * Keeping accurate records and monitoring progress.

Problem-Solving Skills: Identifying issues and challenges promptly. * Developing solutions and making informed decisions. * Being proactive in preventing potential problems.

Interpersonal Skills: Building strong relationships with other staff. * Fostering a positive and collaborative work environment. * Showing empathy and understanding towards team members.

Strategic Thinking: Understanding the long-term goals of the farm and aligning daily operations with these objectives. * Being able to adapt to changes and innovate to improve farm productivity and efficiency.

By developing these key skills, Juma can improve his effectiveness as a manager and better fulfil his responsibilities in overseeing and guiding the farmhands at Kilimo Farm Ltd. In the context of HR planning, the company should have an approach that helps identify skill strengths and gaps in employees, providing skilling support to build their competencies and facilitate smooth transitions into new roles.

CASE STUDY 2: RECRUITMENT & ONBOARDING

XYZ Fertilizers Ltd is a fertilizer manufacturing company in Kisumu that started operations five years ago. They decided to expand their business in two new counties namely Vihiga and Kakamega where the product is having good demand. They planned to approach farmers directly to understand their demands and also the dealers in the said counties to establish the products. Mr. B and Ms. H are both directors of XYZ fertilizers. Mr. B informed Ms. H that, “he was very excited as they were expanding the business to other parts of the country. He volunteered to identify best candidates for the marketing department who can establish their products in the new market”. He continued, by stating that best marketing candidates he will have identified will be in place within a week. He worked on this and within a week he had identified two candidates that had been referred to him through his contacts. Mr. B introduced the new hires to Ms. H and they set them off to start their new duties.

After a month Ms. H started a heated argument with Mr. B as both candidates who had been brought to the marketing department had not been able to bring in any business as such it had caused an additional expense to the business with no result.

QUESTIONS

Exercise 1

What went wrong in this case?

Exercise 2

Who is at fault Mr. B and Ms. H or the 2 failed candidates?

Exercise 3

How can the XYZ fertilizer company resolve this issue?

Exercise 1: What Went Wrong?

Lack of Structured Recruitment: Mr. B relied on personal contacts, missing out on a wider pool of qualified candidates and proper screening.

Insufficient Candidate Assessment: No thorough assessment of skills or suitability; no interviews or reference checks.

Unclear Job Descriptions: Roles were not well-defined, leading to poor candidate-job matching.

Inadequate Onboarding: Candidates were not properly onboarded, lacking training and clear expectations.

Exercise 2: Who is at Fault?

Mr. B: Failed to implement a structured recruitment process and proper candidate assessment.

Ms. H: Did not ensure a proper recruitment and onboarding process was followed.

Candidates: Not at fault due to inadequate assessment, training, and unclear objectives.

Exercise 3: How Can XYZ Fertilizers Improve?

Structured Recruitment: Implement a formal process with job ads, screenings, and interviews.

Clear Job Descriptions: Define roles and responsibilities to match candidates effectively.

Thorough Assessments: Use interviews, skill tests, and reference checks.

Robust Onboarding: Provide orientation, training, and clear goals for new hires.

Performance Metrics: Set clear metrics and regular reviews to track progress and support improvement.

Continuous Improvement: Regularly review and adjust recruitment strategies for better outcomes.

CASE STUDY 3: RECRUITMENT AND ONBOARDING

Background: YY Dairy Farm Ltd. is expanding and needs to hire a Farm Manager to oversee daily operations and ensure efficient production. Your task is to create a structured recruitment process tailored to attract and select the most suitable candidate for this crucial role.

The Farm Manager position requires someone with strong agricultural knowledge, leadership skills, and the ability to manage a team effectively. The current recruitment process lacks structure, leading to challenges in identifying candidates who meet these criteria. Your goal is to develop a clear, step-by-step recruitment process that will streamline the hiring process and ensure alignment with the company's objectives.

Exercise: Write down a step-by-step recruitment process specifically for the Farm Manager role.

Step-by-Step Recruitment Process for Farm Manager at YY Dairy Farm Ltd.

Step 1: Job Analysis and Description

Conduct Job Analysis: Identify the Farm Manager role's specific duties, responsibilities, and requirements.

Create Job Description: Draft a comprehensive job description that includes the job title, summary, key responsibilities, required qualifications, skills, and experience.

Step 2: Sourcing Candidates

Internal Posting: Post the job internally to allow current employees to apply or refer suitable candidates.

External Advertising: Advertise the position on job boards, agricultural industry websites, social media, and local newspapers.

Engage Recruitment Agencies: Partner with specialized recruitment agencies that focus on agricultural roles.

University and College Outreach: Contact agricultural programs at universities and colleges to reach recent graduates and alumni.

Step 3: Application Collection and Screening

Online Application Portal: Set up an online application system to collect resumes and cover letters.

Initial Screening: Review applications to shortlist candidates based on the minimum required qualifications and experience.

Step 4: Initial Interviews

Phone Interviews: Conduct phone interviews to assess candidates' communication skills, interest in the role, and basic qualifications.

Technical Assessment: Provide a technical questionnaire or assessment to evaluate candidates' agricultural knowledge and problem-solving abilities.

Step 5: In-Depth Interviews

Behavioral Interviews: Conduct face-to-face or video interviews focusing on behavioral and situational questions to assess leadership skills, teamwork, and decision-making abilities.

Panel Interviews: Organize a panel interview with key stakeholders, including senior management and current team members, to gain multiple perspectives on the candidate.

Step 9: Onboarding

Orientation Program: Develop an onboarding program to familiarize the new Farm Manager with company policies, procedures, and culture.

Training and Development: Provide necessary training to ensure the new hire can perform effectively in their role.

Step 10: Continuous Improvement

Feedback Loop: Collect feedback from new hires and hiring managers to continuously improve the recruitment process.

Process Review: Regularly review and update the recruitment process to ensure it remains aligned with the company's objectives and industry best practices.

This structured recruitment process will help YY Dairy Farm Ltd. attract and select the most suitable candidate for the Farm Manager position, ensuring efficient production and effective team management.

CASE STUDY 4: PERFORMANCE MANAGEMENT

Scenario 1: Addressing low employee performance

You are the owner of Z Honey Ltd, the company has been in operation for the last three (3) years. The Sales Manager has failed to achieve the sales target for the last six (6) months. The other two (2) sales agents are achieving their targets. You have had several meetings with the sales manager trying to determine what the problem is and even given them some pointers on what they can do, but month after month they are unable to meet their targets.

QUESTIONS

1. How would you handle this situation?

To address the issue with the sales manager at Z Honey Ltd., a structured approach is necessary with the following steps:

Re-evaluate Goals and Assess Motivation: Review the sales targets and goals with the sales manager to ensure they are realistic and achievable. Clarify expectations and understand if there are any external factors impacting performance. Have a candid discussion with the sales manager to understand their motivation and job satisfaction. There might be personal or professional issues affecting their performance that need to be addressed.

Conduct a Performance Review: Perform a detailed performance review to identify specific areas where the sales manager is struggling. This can include examining their sales strategy, client interactions, time management, and any obstacles they are facing.

Evaluate Team Dynamics: Observe the interactions between the sales manager and the sales agents. Poor team dynamics or lack of collaboration could be contributing to the performance issues.

Provide Additional Training and Support: If the gap is skill-related, offer targeted training to improve the sales manager's skills. This might include sales techniques, customer relationship management, and product knowledge. Pair them with a mentor or coach for additional support.

Set a Performance Improvement Plan (PIP): Develop a PIP with clear, measurable goals and timelines. Outline specific actions the sales manager needs to take within a set period of time e.g. a month or a quarter, and provide regular check-ins to monitor progress as well as offer feedback. PIPs should be documented in the employee's file.

Consider Reassignment or Role Change: If the sales manager is unable to meet the targets despite support and intervention, consider reassigning them to a role that better suits their skills or even a different department where they can contribute more effectively.

Decision on Employment Continuation: If after all efforts the sales manager still fails to meet the targets, you may need to consider terminating their employment to maintain the overall performance standards of the company.

Scenario 2: Setting Employee Performance Objectives

Background: Ingokho Poultry Farm employs a team of production staff responsible for the hatchery, broiler production, and layer/eggs section. Recently, there has been a noticeable variation in production output among team members with output being unstable across the three farm sections. You call a performance meeting with the overall production manager.

Exercise: Discuss and define specific performance objectives to set with the production manager for the production staff that will align with the company's goals of increasing production efficiency and maintaining product quality. Consider factors such as:

1. **Production Targets:** Determine measurable production targets (e.g. trays of eggs per day or per week) that are realistic yet challenging.
2. **Quality Standards:** Outline quality standards (e.g., adherence to hygiene protocols, minimal product defects) that production staff should meet to ensure consistent product quality.
3. **Timeliness:** Set objectives related to timeliness in completing production tasks

1. Production Targets:

Hatchery: Increase viable chicks from 80% to 85% per batch. Target: 150-160 chicks per day.

Broiler: Achieve market weight within 6-7 weeks. Target: 95% success rate.

Layer/Eggs: Reach 90% lay rate. Target: 200 trays weekly.

2. Quality Standards:

Hatchery: 100% adherence to hygiene protocols. Less than 2% of chick defects.

Broiler: Maintain less than 2% mortality rate.

Layer/Eggs: Less than 1% egg defect rate.

3. Timeliness:

Hatchery: Complete processes on time. Target: 100% on-time completion.

Broiler: 100% compliance with feeding/vaccination schedules.

Layer/Eggs: Collect and store eggs within 2 hours. Target: 100% compliance.

Regularly review and adjust these objectives, ensuring they align with the farm's goals of increased efficiency and high-quality production.

Scenario 3: Performance Evaluation Process

Background: You manage Vihiga Processors Ltd specializing in the processing of honey and wax products. Your sales and marketing team consists of sales associates responsible for growing business sales through assisting customers, promoting products, and closing sales. As the director, you have noticed varying levels of performance within the sales team impacting overall sales growth in the last year. With a sales team responsible for different sub-counties, you need to establish a structured performance evaluation framework to assess and enhance their effectiveness in achieving sales targets and maintaining customer satisfaction. To ensure consistency and improvement, you are tasked with designing a clear, step-by-step performance evaluation process that aligns with the company's objectives and supports the professional development of each team member.

Exercise:

1. Design a performance evaluation process for the sales department. Consider the following aspects:
2. Defining performance metrics: What do we want them to achieve?
3. Evaluation criteria: What Criteria will you use to set targets?
4. Select evaluation methods: How do we collect information of the performance?
5. Feedback and development: How do you provide constructive performance feedback?

Defining Performance Metrics:

1. Sales Growth:

Set targets for monthly sales increases (e.g., 10% growth per month).

Customer Acquisition and Retention: Track new customers acquired and aim for an 80% retention rate.

Product Promotion: Measure the success of product promotions by tracking the increase in product-specific sales.

2. Evaluation Criteria:

Sales Targets: Set based on individual territories, market potential, and past performance.

Customer Engagement: Evaluate based on customer feedback, number of repeat customers, and customer satisfaction scores.

Product Knowledge: Assess the ability to effectively promote and sell honey and wax products.

3. Evaluation Methods:

Sales Reports: Use data from CRM systems to track sales performance.

Customer Feedback: Collect through surveys and direct feedback to gauge customer satisfaction.

Quarterly Reviews: Combine sales data with qualitative feedback from customers and peers.

4. Feedback and Development:

Monthly Feedback Sessions: Provide constructive feedback on strengths and areas needing improvement.

Training Programs: Offer targeted training sessions to address gaps in product knowledge or sales techniques.

Goal Setting: Set clear, achievable goals for the next evaluation period, focusing on continuous improvement.

CASE STUDY 5: EMPLOYEE RELATIONS

Scenario 1: Employer - Employee relations

Ben is a 30-year-old supervisor at GG Farm Ltd, he has been with the company for the last eight (8) months and leads a team of six (6) employees. Joseph, the owner of GG Farm Ltd, likes Ben and takes him out for drinks after work and they have fun together outside of the office. He also uses Ben to help him run personal errands like drop his children at school and drive his wife to the market. Ben's work includes a 15-minute check-in meeting every morning, advising and correcting the team as well as ensuring the safety protocol for the team is adhered to. However Ben has been coming to work late almost every day in the last three weeks after the drinking sprees with Joseph. His team has begun noticing and is taking advantage of his laxity so no meetings are happening and some are coming late too.

QUESTIONS

1. What issues can you identify in this situation?
2. What course of action would you recommend?
3. Would your approach and course of action differ if this was a single event versus a repeated event? How would it differ?

Question 1: What issues can you identify in this situation?

Several issues can be identified in this scenario:

Blurring of Professional Boundaries: Joseph, the owner, has developed a personal relationship with Ben, the supervisor, which includes socializing outside of work and asking Ben to run personal errands. This blurs the professional boundaries and can lead to favoritism or perceived favoritism.

Impact on Professional Responsibilities: Ben's repeated tardiness is affecting his ability to perform his job duties effectively. His lateness has led to the cancellation of the morning check-in meetings, which are essential for team coordination and adherence to safety protocols.

Decreased Team Morale and Discipline: Ben's lax behavior has set a poor example for his team, leading to a lack of discipline among team members. They are also starting to come to work late, mirroring Ben's behavior.

Potential Safety Risks: The neglect of safety protocol meetings can lead to increased risks and potential accidents on the farm, endangering the employees' well-being.

Conflict of Interest: Using Ben for personal errands during work hours can create a conflict of interest, diverting his attention from his professional responsibilities.

Question 2: What course of action would you recommend?

To address the issues, the following course of action is recommended:

Re-establish Professional Boundaries: John should have a private conversation with Ben to clearly separate their personal relationship from their professional one. John should stop asking Ben to run personal errands and maintain a professional demeanor during work hours.

Address Tardiness and Performance: John should address Ben's tardiness and the impact it has on his work and the team. Ben should be reminded of his responsibilities, and the importance of punctuality and leadership should be emphasized.

Implement Corrective Measures: Set clear expectations for Ben's punctuality and performance. Implement a monitoring system to ensure Ben and his team adhere to the required schedule and safety protocols.

Reinforce Team Discipline: Conduct a team meeting to re-establish the importance of punctuality, attendance, and adherence to safety protocols. Ensure that all team members understand the consequences of continued tardiness.

Provide Support and Training: Offer Ben additional training or support if needed to help him manage his responsibilities better. This could include time management training or leadership development programs.

Document the Process: Document all discussions, expectations, and corrective actions taken to ensure there is a clear record of the steps taken to address the issues.

Question 3: Would your approach and course of action differ if this was a single event versus a repeated event? How would it differ?

Yes, the approach and course of action would differ depending on whether this was a single event or a repeated event

.

Single Event Approach: If Ben's tardiness and neglect of duties were a single event, the approach would be more lenient and focused on understanding the cause of the lapse.

Action: Have a one-on-one meeting with Ben to discuss the incident, understand the reasons behind it, and provide a verbal reminder of his responsibilities and the importance of punctuality and leadership. Emphasize that such behavior should not be repeated.

Follow-Up: Monitor Ben's performance closely for a short period to ensure that the issue does not recur.

Repeated Event:

Approach: If Ben's behavior has been repeated over several weeks, a more formal and structured approach is needed.

Action: Implement a formal performance improvement plan (PIP) outlining specific expectations, timelines, and consequences for not meeting the required standards. Conduct regular follow-up meetings to review progress and provide feedback.

Disciplinary Measures: If there is no improvement despite the PIP, consider implementing disciplinary actions, which may include written warnings or even reconsidering Ben's suitability for the supervisory role if necessary.

Continuous Monitoring: Maintain ongoing monitoring and support to ensure that Ben and his team adhere to the required standards.

By differentiating the approach based on the frequency of the behavior, the response can be appropriately tailored to address the severity and ensure effective resolution of the issue.

Scenario 2: Employee - Employee relations

Mary is a 35-year-old sales agent at MK Agro-Dealers Enterprises. She has won best performing employee of the month every month in the last year and is a very valued member of the team. She works in a team of five (5) sales agents and they all report to John the Sales Manager, who does not bring in as many sales deals as Mary. Mary is the oldest in the team with most of her team members aged between 22 and 30, including Joel. You are the owner of the business, and notice Mary eats lunch alone most days. You also notice that during the weekly sales team meeting Mary leads all the meetings instead of John. You have a meeting with John and Mary separately and raise the above concerns.

Mary informs that since she is older she feels the stories of her colleagues during lunch are very immature so she prefers to eat alone. Also due to her many years of experience, she prefers to work alone to get work done faster. In the meeting with John, he mentions that Mary does not like teaming up with the younger colleagues because they slow her down and he has let her be as she is performing very well alone. He also says that he leaves her to lead all meetings because she has been working longer than him and knows more about sales than him.

QUESTIONS

1. What issues can you identify in this situation?
2. What course of action would you recommend?

Question 1: What issues can you identify in this situation?

Several issues arise from this scenario:

Team Dynamics and Isolation: Mary is isolated from her younger colleagues, which can lead to feelings of loneliness and potentially impact her long-term job satisfaction and engagement. Her preference to work alone may also hinder team cohesion and collaboration.

Leadership and Authority: John, the Sales Manager, is not effectively fulfilling his leadership role. By allowing Mary to lead all meetings and deferring to her experience, he is not asserting his authority or developing his managerial skills.

Intergenerational Differences: There is a significant age and experience gap between Mary and her younger colleagues, leading to communication and collaboration challenges. Mary perceives her colleagues' conversations and work pace as immature and slow.

Potential Resentment and Morale Issues: The younger team members might feel overshadowed by Mary's dominance in the team and could develop resentment, negatively impacting team morale and productivity.

Dependency on a Single Employee: The team and Sales Manager's reliance on Mary for leadership and sales success creates a dependency on a single employee. This is risky for the business if Mary decides to leave or if her performance declines.

Question 2: What course of action would you recommend?

To address these issues, the following course of action is recommended:

Promote Team Collaboration: Encourage more team collaboration and interaction. Facilitate team-building activities to help bridge the gap between Mary and her younger colleagues. Emphasize the importance of diverse perspectives and teamwork in achieving sales goals.

Clarify Roles and Responsibilities: Clearly define and communicate the roles and responsibilities of each team member, including John. Ensure that John takes a more active role in leading meetings and managing the team. This will help establish his authority and encourage team members to respect his leadership.

Provide Leadership Training for John: Offer leadership training and development opportunities for John to enhance his managerial skills. This can include coaching on how to lead diverse teams, manage conflicts, and assert his authority while respecting experienced team members like Mary.

Encourage Mentorship: Implement a mentorship program where Mary can mentor the younger sales agents. This can help bridge the experience gap and allow Mary to share her knowledge without feeling slowed down. It can also foster better relationships and mutual respect within the team.

Foster Inclusive Culture: Promote an inclusive work culture where all team members feel valued and heard. Encourage open communication and create opportunities for team members to share their ideas and feedback in a supportive environment.

Monitor and Adjust: Regularly monitor the team dynamics and make adjustments as needed. Have periodic check-ins with Mary and the rest of the team to ensure that the changes are having a positive impact and to address any new issues that arise.

By taking these steps, MK Agro-Dealers Enterprises can improve team cohesion, enhance Juma's leadership, and ensure that Mary remains a valued and integrated member of the team. This approach will help in creating a more collaborative and productive work environment, benefiting both the employees and the business.

CASE STUDY 6: EMPLOYEE RETENTION

You are the owner of KK Dairy Farms in Bungoma County. You come in the office on Monday morning and have two issues to deal with:

- i) There was a fight at the work-place on Saturday afternoon after you left. From investigation, James started the fight and it is the third fight that month.
- ii) Rose, your best production manager, asks to see you privately. She has helped improve the farm's milk production by 50% in the last year. Her production strategies and training to her team has reduced diseases and calf deaths significantly saving the farm more than Ksh 500,000 annually. She informs you that she feels she has reached the end of growth as there is no other position beyond her current one. The business is small and has limited opportunities for growth.

QUESTIONS

1. What action will you take in the case of James?
2. How will you respond to Rose?

Question 1: What action will you take in the case of James?

James's involvement in a third fight within a month indicates a serious behavioral issue that needs immediate and decisive action. Here's the recommended course of action:

Conduct a Formal Investigation: Ensure that a thorough and impartial investigation is conducted to understand the circumstances leading to the fights. Collect statements from witnesses and review any relevant evidence.

Review Company Policies: Review the company's policies on workplace violence and disciplinary actions to ensure that any steps taken are consistent with established procedures.

Hold a Disciplinary Meeting: Arrange a disciplinary meeting with James to discuss his behavior. Present the findings of the investigation and give James an opportunity to explain his actions.

Implement Disciplinary Action: Given that this is the third incident, it is crucial to take strict disciplinary action. This could include a formal written warning, suspension, or even termination, depending on the severity of the incidents and company policy.

Offer Support and Counseling: If James is not terminated, offer support such as anger management counseling or conflict resolution training. Ensure he understands that any further incidents will lead to more severe consequences.

Reinforce Zero Tolerance Policy: Communicate to all employees that workplace violence is not tolerated and that there are strict consequences for such behavior. This will help maintain a safe and respectful work environment.

Note: The fact that there have been two previous incidents, it is imperative that they have all been documented before and action taken at each incident, and not just reacting on the third. There must be a sequence of action points.

Question 2: How will you respond to Rose?

Rose's concerns about career growth need to be addressed thoughtfully to retain her valuable contributions to the farm. Here's the recommended response:

Acknowledge Her Contributions:

Begin the conversation by expressing appreciation for Rose's significant contributions to the farm's success. Highlight specific achievements and the impact she has had on the business.

Understand Her Career Aspirations:

Ask Rose to elaborate on her career goals and aspirations. Understanding what she is looking for will help in finding ways to support her growth within the company.

Explore Professional Development Opportunities:

Discuss opportunities for professional development such as training, certifications, or attending industry conferences. This can help Rose continue to grow her skills and feel valued.

Consider Job Enrichment:

Explore ways to enrich Rose's current role. This could include giving her more responsibility, involving her in strategic decision-making, or allowing her to lead special projects.

Create a Development Plan:

Work with Rose to create a personalized development plan that outlines her goals and the steps the company will take to support her. This plan should include timelines and measurable objectives.

Discuss Long-Term Vision:

Share the company's long-term vision and how Rose's role can evolve as the business grows. This can help her see potential future opportunities even if the current business size limits immediate growth.

Implement a Mentorship Program:

Consider establishing a mentorship program where Rose can mentor other employees. This not only leverages her expertise but also provides her with a sense of leadership and fulfillment.

Regular Check-Ins:

Schedule regular check-ins to discuss her progress and any new opportunities that may arise. Keeping an open line of communication will ensure that Rose feels supported and valued.

By taking these actions, KK Dairy Farms can address the immediate issues with James and work towards retaining a valuable employee like Rose by recognizing her contributions and providing opportunities for her professional growth.

CASE STUDY 7: COMPANY MANAGEMENT PRACTICES

Mkulima Bora Agrovet Shop

Located in Bungoma County, Mkulima Bora Agrovet Shop serves local farmers and community members engaged in agriculture and livestock rearing. The shop is situated in a busy market town, selling agrochemicals, feeds, and farm inputs to farmers as well as providing services such as production field demonstrations, technical advice, and delivery services. effectively to management?

Exercise 1

Develop Core Values for Mkulima Bora Agrovet Shop

Exercise 2

Advice on steps to take on Sarah the agrovet's Admin Assistant who has recently been taking long personal calls during work hours and her relatives visiting frequently to address issues at home

Exercise 3

As the owner of Mukulima Bora Agrovet Shop, what measures can you put in place to ensure an open-door policy where employees can communicate effectively to management?

Exercise 1: Develop Core Values for Mkulima Bora Agrovet Shop

Customer Focus: Prioritize the needs of local farmers and the community.

Integrity: Conduct business honestly and ethically.

Quality Delivery: Provide high-quality products and reliable technical advice.

Innovation: Embrace new farming technologies and practices.

Sustainability: Promote environmentally friendly and sustainable farming methods.

Exercise 2: Steps to Address Sarah's Behavior

Private Meeting: Schedule a private meeting with Sarah to discuss her behavior.

Discuss Expectations: Clearly explain the expected work conduct, including limiting personal calls and managing personal visitors.

Identify Issues: Understand if there are underlying issues causing her behavior.

Provide Guidance: Offer advice on managing personal matters outside work

Set Boundaries: Establish clear boundaries for personal calls and visits during work hours.

Monitor Progress: Monitor Sarah's behavior over the next few weeks to ensure improvement.

Follow-Up: Have follow-up meetings to discuss progress and provide ongoing support. Take action according to company policy in case Sarah has not improved her behavior

Exercise 3: Measures to Ensure Effective Communication to Management

Open Door Policy: Clearly communicate the open-door policy to all employees and ensure it is in place.

Regular Meetings: Schedule regular team meetings to discuss concerns and updates as well as in-person individual check-ins.

Feedback System: Implement an anonymous suggestion box for employees to share feedback without fear of repercussion.

Accessible Management: Ensure management is approachable and available for discussions.

Clear Communication Channels: Establish clear and efficient communication channels, such as emails or messaging platforms.

Training: Provide training on effective communication skills and the importance of voicing concerns.

Encourage Transparency: Foster a culture of transparency where employees feel safe to share their thoughts and concerns.

Recognition: Recognize and reward employees who actively participate in open communication, encouraging others to do the same.

HIRING PRACTICES AND GUIDELINES FOR MSMEs IN THE AGRI-FOOD SECTOR



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BACKGROUND

About BrighterMonday Kenya

BrighterMonday Kenya was established in 2006 with the aim of digitizing Human Resource services and transforming job matching in Kenya. The company is a subsidiary of The African Talent Company (TATC) whose vision is to bridge the continent's talent gap by developing and connecting great African talent to work opportunities through market-leading online job-matching platforms in Nigeria (www.jobberman.com), Ghana (www.Jobberman.com.gh), Kenya (www.brightermonday.co.ke) and Uganda (www.brightermonday.co.ug). Over the past 10 years, TATC's platforms have facilitated access to jobs for over 10 million users who have completed more than 5 million job applications.

BrighterMonday Kenya uses a bespoke mix of human and automated solutions to match employers with the best candidates, so they can hire the right fit faster. Currently, the firm has a database of over 1,200,000 professionals and 29,000 employers, successfully using the platform to get access to the right opportunities. At BrighterMonday Kenya, there is a well-rounded understanding of the Kenyan job market and the team has developed a portfolio of relevant and value-adding products that make recruitment simple, quick and effective.

BrighterMonday Kenya has built capacity in development partnerships and successful implementation of impact projects. Our aims is to apply her expertise in the job market and skills development to deliver projects focusing on extensive and sustainable socio-economic impact amongst the youth and women.

About Vijana na Kilimo Project

BrighterMonday, in partnership with GIZ Kenya under the **Agri-Jobs 4 Youth** initiative, is implementing the **Vijana na Kilimo** (Youth and Agriculture) project that aims to improve the livelihoods of youth in Western Kenya and other regions in the country. The Vijana na Kilimo project is targeting youth and the private sector in five counties: Kisumu, Siaya, Kakamega, Bungoma and Vihiga, with activities expected to have a nationwide impact on the dynamics of the labour market in the Agri-Food sector. The project's goal is being achieved through provision of services to job seekers and employers aimed at

- (i) Providing digital access to job opportunities for 10,000 youth (18-35yrs) in the agri-food sector,
- (ii) Soft skills training and development to enhance the youth's employability, and
- (iii) Job matching ensuring employers access skilled talent for job seekers to employers
- along the agriculture value chain

Purpose Of The Hiring Guidelines

The agri-food sector in Western Kenya is characterized by various agribusinesses along the value chain at different operations levels: micro, small, medium and large enterprises. A majority of them fall under the MSME category with a significant number with limited capacity to run a Human Resource (HR) department or maintain a HR management role. Regardless of this limitation, these businesses still conduct HR processes to hire new talent, retain existing staff and terminate/retire employees as may be necessary.

Given the proven significant role of proper HR policies and procedures in boosting overall success of a business, GIZ Agri-Jobs 4 Youth supported the development of hiring guidelines that can be used by businesses in the agri-food sector as a recruitment blueprint. These guidelines developed under the Vijana na Kilimo Project, are designed to inform the approach a business can adopt to manage recruitment of new employees and will serve as a primary reference point for business owners and hiring managers. The guidelines can either – i) be used as they are to provide generalized guidance on employee hiring processes, or ii) form a fundamental basis to help a business develop their own customized hiring or HR policies suitable for their operations.

INTRODUCTION

Recruitment in HR management is a process of finding, identifying, short-listing, interviewing and selecting qualified candidates for a job position in an organization. It is a significant step in putting together a team that will ensure the organization's objectives are successfully met. It optimizes one of the most important investments a business makes – human capital – and ensures that the investment is made in the best possible way by attracting the best possible candidates. Employers are not often aware of the costs of poor recruitment or hiring practices. Those costs can be seen reflected, at least in part, by high employee turnover, low productivity, and an inability to attract the talent they need vis-à-vis other employers in the market. This guide is designed to help better understand the elements of a successful and fair recruitment process that MSMEs can reference to enhance their recruitment processes.

A well-defined hiring process will ensure that equal opportunity is given to every candidate and the most appropriate candidate is selected for the position being recruited for. Depending on their size, organizations will use different approaches when recruiting new employees. Large organizations may have a HR department and recruiting teams to conduct hiring processes, while smaller organizations may only have one hiring manager who could also be performing other functions for the company. Further, other organizations may find it more economical and convenient to let professional recruitment firms like BrighterMonday conduct the hiring on their behalf.

Recruitment Approaches

Different roles require different recruitment approaches. The shared principle across all approaches is fairness, which needs to be inherent in any process used.

i. **Direct Hiring:** In this case the employing organization takes total responsibility for the entire process from searching for candidates, short-listing, conducting interviews to employment. This gives the organization control of the process and the choice of candidates

ii. **Outsourced Hiring:** Some employers opt to pass the recruitment process off to third parties and pay for the recruitment services. In most cases, this approach is used to recruit managerial positions or large numbers of unskilled or semi-skilled workers. An external recruiting firm handles the job advertising, short-listing, interviewing qualified candidates and selecting the successful one. In some cases, the agency might only be responsible until the short-listing stage and hand over the interview and employment stages back to the employer. An organization can either commission a single recruitment firm or multiple ones to hire for the same position.

iii. **Third-party labour providers:** Another approach is to contract out the work to be done and who will do it to a third party. This is most common with regards to services like

facilities management, cleaning, catering, security, etc. These “non-core” activities can then be placed elsewhere and free up the employer to focus on their key business.

iv. **Reverse hiring:** In this approach, the job seeking candidates are the key drivers of the recruitment exercise. The candidates search for organizations they would like to work for and proactively send their applications either targeting a specific job position or simply expressing interest to join the organization as an employee

RECRUITMENT

Attracting the right talent at the right time should be the key objective for an organization’s recruitment process as it aims to address its hiring needs. Having the right plan in place is key to successful hiring, a good experience for the candidates and time-saving recruitment. Recruitment processes may vary across different organizations, but generally should ensure the hiring team or manager recruit the right candidate.

This section will outline principle steps necessary for an optimal recruitment process which can guide hiring or be customized depending on an organization’s nature of operations.

8 Key Hiring Steps and Procedures

1. Identifying hiring needs: This should inform the decision to recruit. Why do you need to hire? Maybe an employee just resigned or a new job position that did not exist before just got created. Is the new hire necessary or could existing staff be reallocated? There is a need to apply some real thought as to whether a new hire is the best option. You can determine your hiring needs by checking:

- Any gaps in performance, skills or proficiencies that you need to fill
- A sudden increase in workload that your team cannot seem to handle
- Any employees who have left or will be leaving the company soon

When a decision is reached to hire, concentrate on the selection criteria you are going to use by defining the behaviour you would want to see in an applicant.

These will later be expressed in the candidate criteria and the vacancy announcement. If you can, make sure that the attributes are also reflected in the skills, knowledge and experience criteria.

Once you identify the skills gap or vacant position that you want to fill, you can then define the job specifications such as skills, knowledge, experience, etc.

2. Prepare the job description(s): Having identified the skills, knowledge and experience you need, the next step is defining the job role, responsibilities and duties. The dual purpose of the job description is to: i) help the employer give information on what you are looking for in the candidates, and ii) guide the jobseeker to determine if they are suitable for the position before applying.

The former communicates the company culture expectations while the latter helps attract applications from relevant candidates who fit the description. Overall, content of a good job description will form the basis to draft interview questions and keep the hiring process focused on skills, knowledge and experience.

The language used in drafting the job description should be inclusive, avoiding any gendered connotations such as “strong” for men or “empathetic” for women. Find neutral words to express the job tasks. Use “person” instead of “he” or “she”, “salesperson” instead of “salesman” and avoid any language which shows the desire to exclude individuals based on prohibited grounds. For instance, language such as “heavy lifting required” may serve as a means to exclude women.

The job description should include the following.

- Job title
- Job location
- Company overview
- Role description
- Duties and responsibilities
- Required qualifications and skills
- Preferred qualifications and skills
- Employment type and benefits
- Contact information

3. Develop a Recruitment Plan: This step helps the employer or recruiter to speed up the hiring process and conduct it efficiently. The recruitment plan outlines the entire process of finding candidates and interviewing and selecting them.

Strategize the best ways to disseminate communication about the job vacancy.

Determine who will be reviewing resumes, scheduling interviews, and deciding on the right candidate. You can either modify an existing recruitment plan or create a new one for every new job opening. Different positions may require separate plans.

4. Advertise for the position: Ensure you choose an advertisement channel that ensures visibility of the vacancy to as many candidates as possible. You may need to use a variety of platforms and avoid using solely those that may exclude certain groups of candidates or be dominated by individuals pertaining to a particular group covered in the prohibited grounds. If you are using third parties for the recruitment, you need to review the vacancy announcement and approve it before it is posted.

Advertisements may be posted in the company’s websites if they have online presence, digital job sites like BrighterMonday.Com, professional networks and social media. An organization may also notify employees internally about job vacancies and give them a chance to apply for the role. Ensure the vacancy announcement informs the candidates of how to apply for the role. Increasingly, vacancy announcements and application platforms are online.

Companies typically do not want to deal with paper-based applications. That is understandable, but it is important to remember that not all candidates may have access to such technology especially in the rural areas. By not allowing a variety of means through which to apply, you may be excluding quality, competent, good and capable candidates.

Identify what documents will be required in the application process such as:

- Filled application form
- Resume/CV
- Cover Letter
- Certifications

5. Screen and shortlist candidates: At this point you have received numerous applications from prospective candidates for the advertised role. It would be quite expensive and time-consuming to interview every candidate that has applied for the job. You will need to sift through the rich list of applications to select those that best match the predetermined job requirements, ensuring fairness in the short-listing process. If using a third-party recruiter, you can request to be part of this stage to ensure that the process used continues to be fair. Given the many applications received for advertised roles, recruiters use tech-enabled application tracking systems (ATS) to filter through applications and eliminate any that do not fit requirements. In some instances, all received applications do not satisfactorily meet the employer's expectation. You can re-advertise the position making sure to mention that it is a re-advertisement and any candidates who had applied before should not re-apply.

Here are some guiding steps when facing the challenge of too many applications:

- i. First, sort the applications and select those meeting minimum qualifications
- ii. Next, from the above selection, short-list CVs with the desired work experiences, certifications, technical competencies and skills.
- iii. If still numerous, you can apply other selection criteria using the preferred qualifications or skills that were not mandatory.

In case of any concerns or questions about a candidate's application, make a note to get clarifications during the interview.

6. Interview Candidates: Once candidates are shortlisted, they are then invited to participate in the interview stage. This may be a physical face-to-face interview or a virtual one conducted online. The interview process is covered comprehensively below.

7. Analyze and select: Evaluate the performance of the interviewed candidates using a predetermined fair scoring informed by what type of candidate you were looking for. If the interview process is multi-phased, several candidates will be shortlisted to progress on to the next phase of interviews. If single-faced, then this is where the references of the successful candidate(s) are contacted. If the candidate(s) background checks out fine, then a job offer can be made.

8. Make the offer: This stage marks the end of the interviewing process. Inform the successful candidate of their selection and send them a job offer that includes the role's salary, start date, terms/duration of employment, benefits, reporting structure and a deadline date to return the signed offer. As a recruiter or employer, best practice would be to also send a message of regret to the unsuccessful candidates, and if they were impressive, keep their details/profiles for contacting them in future in case other suitable roles come up.

Please note that there is a possibility for the best performing candidate you have selected not to accept the job offer. In such an occurrence, you should be prepared to extend the offer to the second best or third best candidate.

INTERVIEW PROCESS

After the application process, this is the first direct contact between the candidate and their potential employer or hired recruiter. The interview process needs time to be properly planned as it is important that there is consistency between interviews with different candidates to give a real assessment of their suitability for the role. It also reduces the chances of bias coming into consideration. Further, the interview process should be communicated to the candidates in advance, informing them what the interview process will entail, how many phases and how long it might take. Be flexible and willing to work around the availability of the candidate and if possible allow the candidate choose preferable time from a list of indicated slots. It is best practice to have more than one person in the interviewing panel. Ensure that those involved in the interview are knowledgeable in the aspects of the interview process, addressing issues of conscious or unconscious bias and interview techniques and the restrictions around discrimination. Fair recruitment requires the employer to have people who know how to properly undertake the process. This helps ensure the best outcome for the company as well as helps ensure that the interviewees have no grounds to complain about how they were treated in the process or about the outcome should they be unsuccessful.

The interview approach to be used depends on the company's size, recruitment processes, available resources and number of applications received. The recruitment process may be through single-phase interviews where the organization is small, few applications were received for the role or the position needs to be filled urgently. On the other hand, an organization may use multiple-phase interviews that involve progressive interview rounds where shortlisted candidates advance to the next phase until the final round of interviews.

Below are some key elements of a good interview process

- Create an interview script for all to use that focuses on assessing the candidates' relevant job-related skills and competencies, rather than simply relying on their CV and the interviewer's gut feeling. Given the nature of the vacancy announcement, a company may want to go further with candidates and have them undertake cognitive ability assessments and personality questionnaires. These should always measure the skills, behaviors, and competencies that are your actual selection criteria. Questions that should never be asked include, "When were you born?", "How old are you?", "Where were you born?", "Are you married?", "Do you have children?", "Do you plan on having children?", "What religion are you?", etc.
- Assemble a diverse group of people to conduct the interview. This group should include any underrepresented group in your work force, and they need to be trained on interview questioning techniques and protocols to ensure that they interview either together or separately in the same way. Ensure you allow sufficient time to conduct the interview properly. Block the time, so that you are not under pressure from other commitments. If you are using testing to assess the application of skills claimed, the same rules around the objectivity must apply. All candidates should do the same test and be given the same amount of time to complete the task. However, it may be necessary to make accommodations for persons with disabilities, be it cognitive or physical. Here, you want to know if they can do the work. The "how" of how they do it, is a secondary consideration. Provide suitable and private spaces for the interviews. Even if a person is interviewing alone, it is a good practice to have another person present. This helps in note taking and creates a corroborating witness to what has occurred. Detailed notes of the responses to interview questions should be taken
- Take a decision: Ideally, this should be done quickly whilst all the discussions are still fresh in the mind. If a panel was involved, get their feedback and how they would rank each of the candidates judged against the questions given, the vacancy announcement, the position description, and the interview notes and, if needed, the test scores. Be clear as to what those ranking criteria are (keep them) and all must apply the same for each candidate. Retain objectivity and don't allow biases to feature.
- Inform all the interviewed candidates of the outcome. This can be an uncomfortable task especially communicating regrets. Avoid complex messaging and going into details when communicating to unsuccessful candidates. Simply thank them for their application (and interview if they had one) and say they were unsuccessful

- I and wish them well for the future. At times unsuccessful candidates will contact you wanting to know why they were not selected or some feedback to help them with other opportunities. Respond to such requests objectively ensuring the feedback is friendly and compassionate but honest. Regret messages should be sent out as soon as possible. In case of an internal candidate, the regret communication should not be done via a rejection letter or email. Instead, ask to meet the candidate in person or schedule a virtual meeting. During the discussion, let them know why they were not successful for the position and provide feedback to help their chances in future.
- Save the process documentation either physically or digitally for reference. Archiving documents used during an interview process will come in handy in giving feedback to unsuccessful candidates, employers defend hiring decisions when there are claims of unfair discrimination or reference interview notes for previously interviewed candidates when recruiting for other roles or replacing the first choice candidate. This documentation includes:
 - The vacancy announcement (internal or external) and position description.
 - Any materials submitted by the applicant (a clear vacancy announcement can help limit
 - extraneous material being submitted
 - The questions asked and all notes of responses (this would include all notes of
 - interviewers if a panel was used).
 - Any scoring or ranking information of candidates based on the interviews held.
 - Any assessment result completed by a candidate as well as details of the test itself.
 - Any materials used for making the final selection.

The retention of this information should be as per the company policy, companies without a time limit should be encouraged to come up with a suitable retention time frame. As it is personal information, candidates should be told the legal basis upon which it is being held, including details related to confidentiality, data security and access.

Reference and Background Checks

Conducting reference checks is one of the most important steps in the hiring process. The provided references allow you, the employer or recruiter, to know more about the candidate from someone else's point of view, either a previous/current supervisor, a peer or professional acquaintance. This process will inform further on the candidate's suitability for the role.

The three main reasons why reference checks should be conducted are:

1. **Data verification:** Verifying the information provided by the job applicant regarding his or her education and credentials, skills, employer history, tenure, performance, and any other information given. You get additional information about the candidate's persona from a source other than themselves
2. **Productivity expectations:** The potential employee's performance on the role they have been interviewed for can be anticipated by their past performance. Past performance is a strong indicator of future performance and can reveal an individual's professionalism, productivity, job skills and interpersonal communication abilities.
3. **Safety:** Conducting background and reference checks helps avoid harm or legal liability of various types to the employer or to others. For example the candidate could be a fugitive of the law posing danger to other employees and a legal liability to the employer.

Contacting the different referees can give you different insights about the potential employee. It is very key not to forego this step. Many employers tend to skip this process to save time especially when the hiring is urgent. However in the long run, reference checks will save you both time and money, preventing having to re-hire for the role due to consequences of unseen challenges that could have been predicted and avoided.

TIPS FOR A SUCCESSFUL HIRING PROCESS

The recruitment space is quite dynamic with new innovative practices coming up often to help hasten the hiring process, enhance efficiency or improve candidate experience. However, amidst these changes, one can still strive to have a well-planned and executed hiring process. The following tips will be helpful in conducting a successful hiring process:

Develop a reputable employer brand that attracts quality talent who want to be identified with your organization. The same way candidates invest in the recruitment process to impress their potential employers by highlighting their competencies and skills, your business or organization should also invest in attracting quality talent by often illustrating why job seekers should want to work for you. Since potential candidates will most likely research your company online, it's crucial to establish a strong digital brand

Conduct wide searches to ensure a wide reach hence availing a large pool of talent to choose candidates from. Include looking internally at the employees already working at the organization who are already familiar with the work culture, business goals and people and might take less time to settle in their new role. On the other hand, searching externally will avail candidates who have different or more advanced skills than your current workforce.

Reach out to persons already employed in this role who might not be actively searching for a job but could consider a job change with the right incentive. They will come in with proven expertise that your organization could benefit from.

Leverage employee referrals by involving your current staff in the hiring process. They will be more motivated to support the process by spreading the word about the job vacancy, and they will likely recommend qualified candidates for the job given their understanding of the organization.

Maximize on automation by using an applicant tracking system (ATS) easily available online to track the number of applicants, filter resumes to find the most appropriate candidates and generally save on time.

Query past success and achievements to get an indication of a candidate's future work performance, even if they have not worked in a similar role before. Consistent success in previous jobs is likely to continue in the new role.

Ask candidates for feedback regarding the hiring process and use the information to improve future recruitment processes.

Keep monitoring and evaluating your hiring processes to modify as needed and keep it optimized. Continually analyze data on how many applications were received, how many candidates were interviewed, where the best candidates came from, etc. to help improve the hiring process over time.

CONCLUSION

These provided guidelines aim to make the recruitment process efficient and straightforward for hiring managers and recruiters, but also contribute to a good experience for the candidates. However, for the recruitment process to be totally successful, the post-recruitment process of onboarding the new employees should be well planned for and executed. Onboarding is the process of integrating a new employee into the organization or business, familiarizing them with their role and providing them with the necessary tools and resources to be a productive member of your organization. Though this happens after the hiring is completed and offer letter signed, employee onboarding is quite a crucial one in contributing to the employee's productivity, team health and overall talent retention. It should be well provided for to help the new employee settle in the role they are hired for and perform optimally.

Though all provided guidelines in this document might not apply to all types of organizations, they form a solid foundation on which any entity in the agri-food sector can further develop their own well-defined and organization-specific hiring standard operating procedures (SOPs) to streamline their recruitment processes. Further, given the dynamic nature of HR practices, it will be key to periodically review your recruitment processes to either align with recent HR trends or new laws and policies that need to be complied with. To help your reference for compliance, a summary of labour laws and policies that govern employment in Kenya has been presented in the Annex section of this document.

LABOUR LAWS GOVERNING EMPLOYMENT IN KENYA

In the year 2007 there was a review of the national labour laws which had been a concern to both the Kenyan public and the Government for a long time. The review was aimed at ensuring the laws were responsive to contemporary economic and social changes as well as achieve a new set of reformed updated labour legislation through a coordinated consultative process.

Summary of Employment Laws in Kenya

The legal framework governing employment practices in Kenya consists of;

1. The Constitution of Kenya
2. The Employment Act
3. The Labor Relations Act
4. The Labor Institutions Act
5. Occupational Health and Safety Act
6. Work Injury Benefits Act
7. The Industrial Court Act

1. The Constitution of Kenya

Under the Constitution, every worker has the right:

- To fair remuneration;
 - To reasonable working conditions;
 - To form, join, or participate in the activities and programmes of a trade union; and
 - To go on strike.
- The Constitution also provides for the rights of employers. Every employer has the right:
- To form and join an employer's organization; and
 - To participate in the activities and programmes of an employer's organization. The rights of a trade union and employer's organization have also been laid out as:
 - To determine their own administration, programmes and activities;
 - To organize; and
 - To form and join a federation.

2. The Employment Act

This Act establishes the minimum terms and conditions of employment. It sets forth the relationship between an employer and a worker. It defines the benefits, duties and obligations of the employer and the worker, which includes:

- Contract of service,
- Prohibition against forced labour,
- Discrimination in employment,
- Sexual harassment,
- Payment of wages,
- Leave,
- Termination, and living amenities.

a. Forced Labor

Section 4 of the Employment Act prohibits the use of forced labour and makes it an offense for a person to use or to assist another person in recruiting, trafficking or using forced labour. It defines forced labour as work which is not done voluntarily and one that is done under the threat of penalty. Forced labour however does not include;

- Work or service exacted by virtue of compulsory military service laws and for work of a purely military nature.
- Work or services which form part of the normal civic obligations of the citizens.
- Work or service exacted from a person as a consequence of a conviction by a Court of law, provided the work is supervised by a public authority and not private persons.
- Work or service exacted in cases of an emergency such as in the event of war, disaster or threat of a calamity.
- Minor communal services performed by the members of the community in the direct interest of the said community provided the members of the community or their representative are consulted.

b. Discrimination

Section 5 of the Act requires employers to eliminate discrimination in the employment policy and practice and also to promote equal opportunity. This requirement applies to both the employees and the prospective employees in respect of recruitment, training, promotions, terms and conditions of employment, termination of employment or any other matters arising in the course of employment.

This requirement means that no one is to be discriminated directly or indirectly on grounds of race, sex, colour, language, religion, political or other opinion, nationality ethnic or social origin, disability, pregnancy, mental status or HIV status. The Act however distinguishes discrimination from affirmative action and preference based on an inherent requirement of a job.

c. Conditions of employment

- The Act provides that after 3 months a casual employment automatically converts to a contract of service with monthly payment.
- Section 26 requires every employee to be given at least one day of rest for every seven days of work. Under Section 28, every employee is entitled to a paid leave of 21 work days after every one year of service. The Act also provides for maternity leave and sick leaves.
- Section 31 mandates an employer to provide reasonable housing accommodation to the employees or in the alternative to pay the employees such sufficient sum to be used for obtaining housing accommodation.
- An employer is also mandated to ensure there is sufficient supply of water at the place of work.

3. The Labour Relations Act

This Act is primarily concerned with the freedom of association of employees and employers, and the right to collective bargaining.

The Act provides legal guidelines for the establishment of trade unions and employer's organizations and their functions.

4. The Labour Institutions Act

This Act establishes the National Labour Board, The Committee of Inquiry, Labour Administration and Inspection and The Wages Council and Employment Agencies. The Act also provides definitions for collective agreement, contract of service, employee, employer, Trade Union, redundancy, and other pertinent terms embedded within the Labour laws.

5. Occupational Health and Safety Act

The objective of this Act is to provide the legal framework for employers to maintain healthy working conditions and environment for their workers. It makes provisions for the safety and health of all workers in Kenyan workplaces.

6. Work Injuries Benefit Act

This Act provides for the International Labour Organization convention compliant laws pertaining to employee compensation in the workplace after an injury.

Work injuries are divided into three categories:

- i. permanent incapacity
- ii. temporary incapacity and
- iii. fatal injury leading to death of a worker.

In the case of permanent incapacity/disability, a lump sum of 96 months of the insured's monthly earnings is paid and a lump-sum of 60 months of the insured worker's earnings is paid for a permanent partial disability, up to Kshs 240,000.

In the case of temporary disability, an insured worker after certification from medical board and waiting period of three days may receive temporary disablement benefit of 50% of his average daily earning up to KShs 540 (If the incapacity lasts for more than three days).

In the case of fatal injury, fully dependent survivors receive benefits equivalent to a lump-sum of 60 months of deceased worker's earnings. In absence of fully dependent survivors, reduced benefit is paid to partially dependent survivors. The amount of benefit ranges from 35,000 shillings to 240,000 shillings.

The Funeral grant is also provided. A lump sum of the cost of funeral is paid to the dependents or 20,000 shillings are paid by the employer if there are no dependents.

All the above mentioned benefits are periodically adjusted by the Minister of Labour.

7. The Industrial Court Act

The Industrial Court is established as a court of superior record as provided for under Article 162(2)(a) of the Constitution. The Court serves the purpose of settling employment and industrial relations disputes with powers to adjudicate over cases of employment and labour relations in Kenya.

Annex 3: Sexual Harassment Policy

This policy applies to all employees of (Name of the company) and all contractors clients, suppliers, service providers and visitors to (Name of the company)

1. General

(Name of the company) is fully committed to providing a work environment where all persons can work together comfortably and productively free from discrimination and any form of harassment, including sexual harassment.

1. The Company has a zero-tolerance policy on sexual harassment. All Managers, Employees, Consultants and Service Providers and other persons who have dealings with the Company have the right to be treated with dignity. Sexual harassment of any form or nature will not be permitted or condoned.
2. The aim of this policy is to provide direction and rules for governing the conduct of employees, and any other person whom *(name of the company) may legally hold to account, to ensure a work place free from sexual harassment and to ensure that adequate measures and procedures are readily available to deal with sexual harassment and to prevent its re-occurrence. This policy seeks to encourage the development and implementation of practices which create a work environment that is free of sexual harassment and in which the integrity, dignity, privacy and the right to equality are respected.
3. Persons who have been or are being subjected to harassment in the workplace have the right to lodge a grievance. If sexual harassment is found to have taken place, appropriate action will be taken by the Company in accordance with the Company's Disciplinary Procedures for Sexual Harassment.
4. The Company recognises that individuals come to the workplace from a wide variety of backgrounds and with a wide range of personal values and behavioral preferences. Therefore, the Company has provided the following guidance regarding behavior that the Company prohibits, regardless of an individual's level of seniority, length of employment, or value in other respects to the Company; regardless of whether the person engaging in the conduct intends any harm by this behavior; and regardless of whether the behavior is or was considered acceptable in other workplaces, cultures, or settings in which the person engaging in the behavior has lived or worked.

5. The Company prohibits the behaviors described below not only because these behaviors can subject individuals and the Company to legal liability, but, more importantly, because these behaviors violate the dignity of the person and can have the effect of creating a hostile work environment making it uncomfortable and difficult for colleagues to function effectively in the workplace.

2. What is sexual harassment?

Sexual harassment is unlawful in Kenya. It is defined in different legal acts but in this context the policy is guided by the Sexual Offences Act and the Employment Act. Section 6 of the Employment Act defines sexual harassment as where an employer or a representative of the employer or a co-worker:

- a. Directly or indirectly requests an employee for sexual intercourse, sexual contact or any other form of sexual activity that contains an implied or express:
 - i. Promise of preferential treatment in employment;
 - ii. Threat of detrimental treatment in employment; or
 - iii. Threat about the present or future employment status of the employee;
- b. Uses language whether written or spoken of a sexual nature;
- c. Uses visual material of a sexual nature; or
- d. Shows physical behavior of a sexual nature which directly or indirectly subjects the employee to behavior that is unwelcome or offensive to that employee and that by its nature has a detrimental effect on that employee's employment, job performance, or job satisfaction.

Sexual harassment means any unwanted and inappropriate conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual. A single incident may constitute sexual harassment. Unwanted conduct is sexual harassment if:

- c. The recipient has made it clear that the behavior is considered offensive; and/or
- d. The perpetrator should have known that the behavior is regarded as unacceptable.

3. Forms/examples of sexual harassment

1. Sexual harassment can occur regardless of whether the targeted individual accepts or rejects the advances or other offending behavior. Accordingly, prohibited conduct includes a wide range of subtle or overt behaviors, including, but not limited to:
 - c. Physical conduct, verbal conduct, non-verbal conduct, quid pro quo harassment, and sexual favoritism. The aforesaid is explained in more detail below:

- i. Physical conduct of a sexual nature includes all unwanted physical contact ranging from touching to sexual assault, attempted rape, and rape, and includes, but is not limited to, attempted or actual kissing, fondling, petting or pinching, groping, a strip search by or in the presence of the opposite sex, hugging, and invading another's personal space.
 - i. Verbal forms of sexual harassment include, but are not limited to, unwelcome innuendoes or taunting, suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults, or unwelcome graphic comments about a person's body made in their presence or to them, unwelcome and inappropriate inquiries about a person's sex life, and unwelcome whistling at a person or group of persons, wolf-whistling or kissing sounds, derogatory or patronizing name calling and telephone calls with sexual overtones;
 - i. Non-verbal forms of sexual harassment include, but are not limited to, unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects;
 - i. Quid pro quo harassment occurs where a supervisor, member of management, or co-staff member undertakes or attempts to influence or influences the process of employment, promotion, training, discipline, dismissal, salary increments, or other benefits of a staff member or job applicant in exchange for sexual favors; and/or
 - i. Sexual favoritism exists where a person who is in a position of authority rewards only those who respond to his/her sexual advances, while other deserving staff members who do not submit to sexual advances are denied promotions, merit ratings, or salary increases.
- c. Conduct prohibited by this policy is unacceptable and forbidden in the workplace, whether it occurs on the Company's premises or at any work-related setting outside the workplace, such as during business meetings, Company-related social events, or Company-related travel.
- c. Any of the above behaviors include those using electronic media, including but not limited to blogs, text messages, e-mails, social networking sites, message boards, and/or instant messaging. Individuals should also be mindful of their conduct on social media sites and should not post anything about their co-workers or colleagues that may violate this policy, including sexist comments, discriminatory insults or comments, or obscenity.

4. Complaint Procedure

1. The Company strongly urges the reporting of all incidents of harassment or retaliation as defined in this policy, regardless of the offender's identity or position. The following reporting methods can be used by any person depending upon their preference to which would provide them with a surety of confidentiality:
 - with the relevant supervisor or line manager;
 - with a Senior Line Manager;
 - through a trusted colleague
 - through a Union representative
 - by anonymous letters/mail outlining the nature of the harassment which may be anonymously deposited in complaint boxes/ suggestion boxes provided on the Company's premises or on the confidential email service; (email address)
 - via text message or whatsapp to (name and mobile number)
 - i. Non-verbal forms of sexual harassment include, but are not limited to, unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects;
 - ii. Quid pro quo harassment occurs where a supervisor, member of management, or co-staff member undertakes or attempts to influence or influences the process of employment, promotion, training, discipline, dismissal, salary increments, or other benefits of a staff member or job applicant in exchange for sexual favors; and/or
 - iii. Sexual favoritism exists where a person who is in a position of authority rewards only those who respond to his/her sexual advances, while other deserving staff members who do not submit to sexual advances are denied promotions, merit ratings, or salary increases.
2. The complaint will be treated confidentially. Individuals who believe they have experienced conduct that is contrary to the Company's policy or who have concerns about such matters may also address these concerns directly with the individual who has engaged in the conduct if they so choose, but they are not required to do so. Individuals should not feel obligated to file their Complaints with their immediate supervisor first before bringing the matter to the attention of the Company through any of the methods described in clause 4.1.
3. Once a complaint is received, through whatever avenue, the complaint will be forwarded to a team composed of a female and male member who have been appropriately trained/ the HR manager. When reporting a complaint those responsible for doing so will treat the complaint in confidence. Failure to escalate a complaint or not to treat it in confidence may itself be a breach of the Company's disciplinary procedures.

4. It should be noted that individuals who have experienced conduct that they believe is contrary to this policy have an obligation to take advantage of the Complaints procedure.
5. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination or harassment. Therefore, while no fixed reporting period has been established, the Company strongly urges the prompt reporting of complaints or concerns so that rapid, constructive action can be taken.
6. The procedure which should be followed to lodge a complaint of sexual harassment is set out below.
7. The Company will deal with all allegations of harassment in a serious, expeditious, sensitive and confidential manner. Employees will be protected against victimization or retaliation for lodging grievances. However, employees who are wilfully and falsely accused of harassment will also be protected against victimization.
8. The Company recognises that sexual harassment is a sensitive issue and that a victim may in certain circumstances feel scared to approach the perpetrator, lodge a formal complaint or turn to colleagues or others for support. To this end the Company will provide training and sensitisation programs as described in Section 9 of this policy.

5. Advice, assistance and investigation

1. On receiving a complaint, trained staff members and the HR team will contact the Complainant to understand the nature of the complaint and assess whether the Complainant is in need of additional support. Such support may include medical assistance, protection, psychological support and the re-deployment of any party in the organization.
2. The HR Team will also assess how best the complaint will be handled, where legally possible, for the Complainant's wishes and the vulnerability of the Complainant.
3. If a further investigation of the complaint is required this will be undertaken by persons appointed by the management who are not related to the incident and are of a higher employment grade than the parties involved. The management may also request the involvement of specialist third-party consultants/psychiatrist/psychologists to assist in any such process.
4. Such an investigation when completed will be reviewed by the HR manager in consultation with the management team. In the event of a Complaint being made against a Senior Executive of the Company then an Independent Director of the Company will be involved.
5. Depending on the outcome of such a review it may be concluded that:

- No further action is required.
- The matter is resolved through an Informal Procedure.
- The matter is resolved through a Formal Procedure.

At any time the Company reserves the right to report the matter to the relevant authorities. Nothing in this policy inhibits a Complainant's rights under the law to bring a claim against the Company and or the individual.

6. Informal procedure

1. The Complainant may approach the perpetrator to explain to them that their conduct is not welcome, that it is offensive or that it makes the Complainant uncomfortable and interferes with their work.
2. The purpose of this procedure is for the Complainant, if he/she so desires, to attempt resolving the complaint with the perpetrator on an informal basis.
3. The Complainant may choose to approach the perpetrator either on his/her own or in the presence of and with the assistance of a Senior Manager of the Company with whom the complainant feels comfortable to raise the matter.

7. Formal procedure

1. If the management recommends, then the complaint will be dealt with formally as a grievance and, if appropriate, via a disciplinary process as described in the Company's Disciplinary Procedure for Sexual Harassment Allegations.
2. The Complainant will be informed of the findings of the investigation and of the action or corrective measures taken.
3. Appropriate steps shall be taken at all stages to ensure that the matter is dealt with seriously, expeditiously, sensitively, and confidentially, paying due regard to the nature of the allegation.
4. The range of disciplinary sanctions to which staff members found guilty of sexual harassment may be subjected to, include but are not limited to, redeployment or counseling in addition or as an alternative to a disciplinary penalty. As a general rule, harassment will be regarded as serious misconduct warranting a serious penalty. In some circumstances, dismissal may be warranted even for a first offense. It is also an offence to victimize or retaliate against an individual who in good faith lodges a grievance of sexual harassment.
5. The Company strongly prohibits retaliation against any individual who reports discrimination or harassment. Retaliation against an individual for reporting discrimination or harassment, for participating in an investigation of a claim of discrimination or harassment is a serious violation of this policy and, like discrimination or harassment itself, may be subject to disciplinary action up to and including summary dismissal from employment.

8. Employee's Responsibility

1. All employees are responsible for helping to ensure that all discrimination and harassment is prevented. Any employee who believes that he or she has witnessed discrimination or harassment or is being discriminated against or harassed should immediately follow the reporting procedure outlined in this Policy.
2. Individuals who have questions or concerns about this policy should speak with their Senior Line Manager.

9. Training and Support

1. Training on this policy and available reporting mechanisms shall be conducted to every employee of the Company and records of such training kept.
2. A copy of this policy shall be signed by all employees, all employees must familiarize themselves with its content.

Staff Acknowledgment

I, (name) of ID no. confirm that I have read and understood the contents of this letter.

Signed: Date.....

Annex 4: Types of Contract

Sample of employee contract

SERVICE AGREEMENT

The employment agreement hereby outlines the employee - employer relationship stating clearly the terms and conditions of service. The employer who is (Name of the company), and the employee whose name and signature is shown below after having read and understood all the requirements outlined.

1. NAME OF THE EMPLOYEE:

2. OFFER OF APPOINTMENT

We are pleased to offer you employment with (Name of the company) effective (Date)

3. JOB TITLE

You are employed as the(Job Title)

The company reserves the right to give you any other duties as it may reasonably require from time to time.

4. PLACE OF WORK

(Details of the place of work) - Name of building, Location and address.

5. DURATION

The probation period will be three- six months from the start date. During this period an evaluation work performance will be conducted. Upon satisfactory performance the employee will be confirmed. During this period any party may terminate the contract giving either party one month notice or pay lieu of notice. The contract duration is for one year after which it will be renewed upon satisfactory performance.

6. MEDICAL REPORT

Your appointment is subject to a satisfactory medical report. Thus all employees should present certified medical reports upon appointment.

7. SALARY

You will be paid a gross pay of(amount in figures) per month.

Monthly salary will be paid at the end of each month.

Statutory deductions will be made in compliance with the prevailing legislations.

Overpayments of any kind made will be deducted.

8. WORKING HOURS/SHIFT SCHEDULE

You will be required to work where applicable from xxxx to xxxxxxxx

However in busy periods you will be expected to be flexible in the timing of your job.

You will be required to work additional time when requested.

You will not be entitled to additional remuneration for working additional hours unless it has been previously agreed by the management.

9. LEAVE

Annual leave

- a. After every 12 consecutive months of service, you will be entitled to 21 working days of leave with full pay. Public holidays will be observed in accordance with provisions of the Employment Act. Extra days will be granted if you work during public holidays.
- b. The employer may with the consent of the employee divide the annual leave entitlement into different part to be taken at different intervals within the year. In this case, at any given time not more than 10 days leave will be granted at once.
- c. Annual leave must have prior approval and authorization from the employer in writing. Not less than two weeks' notice should be presented to the employer by the employee. Such notices should be in writing.
- d. Unused leave days cannot be carried forward to the next year.
- e. Absenteeism of any sort other than sick offs will automatically be deducted from the annual leave days. Once the days are over, an equivalent will be deducted from the monthly salary as per the month and number of days applicable.

Maternity leave

1. A female employee shall be entitled to three months maternity leave with full pay. Maternity leave should be applied one month prior to the starting period in writing.
2. On expiry of a female employee's maternity leave, the female employee shall have the right to return to the job which she held immediately prior to her maternity leave or to a reasonably suitable job on terms and conditions not less favorable than those which would have applied had she not been on maternity leave.
3. No female employee shall forfeit her annual leave entitlement on account of having taken her maternity leave.

Paternity leave

A male employee shall be entitled to two weeks paternity leave with full pay. One month's notice should be given by the employee in writing.

Sick leave

After two consecutive months of service you will be entitled to sick leave of not less than seven days with full pay and thereafter to sick leave of seven days with half pay, in each period of twelve consecutive months of service, subject to production by the employee of a certificate of incapacity to work signed by a duly qualified medical practitioner or a person acting on the practitioner's behalf in charge of a dispensary or medical aid center.

For an employee to be entitled to sick leave with full pay as above, the employee shall notify or cause to be notified as soon as is reasonably practicable his employer of his absence and the reasons for it.

10 CONFIDENTIALITY

You shall not during or after the termination of your employment disclose to any one any information of a confidential nature relating to the company or its business or its customers. Breach of this clause may lead to summary dismissal. It is an offense to discuss your salary with your colleagues or external parties. Payroll matters should be kept confidential at all times and discussed only with those in authority.

11. LEAVING THE SERVICE OF THE COMPANY

The following are the various forms through which you can leave the company:

- Resignation
- Termination/Removal
- Retirement
- Summary dismissal
- Death

Resignation: Either party should give one month notice in writing or pay in lieu of such notice.

Termination: Either party may terminate this contract giving one month notice to the other party or pay in lieu of notice.

Retirement: Compulsory retirement age is 60 years.

Death: Upon the death of the employee.

Summary Dismissal: Summary dismissal shall take place when an employer terminates the employment of an employee without notice or with less notice than that to which the employee is entitled by any statutory provision or contractual term. This may happen in the event of “major/gross misconducts”

12. DISCIPLINARY PROCEDURE

This involves the use of progressive disciplinary measures. Discipline will be appropriate to the circumstances of each case and may be accelerated where serious/gross misconduct or numerous occurrences exists.

This procedure will be conducted in a language that the employee understands. It will involve the following stages:

Stage 1 (Verbal Warning)

This involves the use of verbal warning which will be documented and filed.

Stage 2 (First written warning)

This stage involves the use of written warning. This will follow a verbal warning for the same mistake committed. This letter will also be filed.

Stage 3 (Second written warning)

This stage involves the use of a second written warning. This will follow the first written warning for the same mistake committed. This letter will also be filed.

Stage 4 (Third written warning)

This is the last and final warning that will include suspension. If you commit the same mistake after suspension, dismissal will follow.

13. OFFENSES

Offenses will be categorized into two: Major/Gross misconducts and Minor misconducts.

Major/gross misconducts includes:

- Accepting bribe or engaging in other acts of dishonesty
- Stealing or attempting to steal the property of the company or any property in the lawful care, control, custody or possession of the company
- Damaging or attempting to damage the property of the company or any property in the lawful care, control, custody or possession of the company
- During working hours, by becoming or being intoxicated, an employee renders himself unwilling or incapable to perform his work properly
- An employee uses abusive or insulting language, or behaves in a manner insulting to his employer or person placed in authority over him/her by his/her employer

- An employee knowingly fails or refuses to obey a lawful and proper command which is within the scope of his/her duty to obey, issued by the employer or a person placed in authority over him/her by the employer
- An employee commits, or on reasonable and sufficient grounds is suspected of having committed, a criminal offense
- Embezzlement or misappropriation of company's funds
- Fighting while on duty
- Refusing to work while on duty
- Habitual lateness to work unless flexible timing has been arranged by the management.
- Abuse of confidential information
- Without leave or other lawful cause, an employee absents himself from the place appointed for the performance of his work;

The following shall be the various forms of punishment for major misconducts

Dismissal: Employee leaves and is disqualified from future employment with the organization

Removal: Employee not debarred/prohibited from getting future employment but has to leave.

Demotion: Employee is given a lower graded position, with consequence of a reduced wage or salary

Dismissal, demotion or removal from office is without prejudice to any other measure or course of action the company may take to recover any monies or property of the company in your possession.

Minor Misconducts includes:

- Quarreling while on duty
- Failing or omitting to use discretion where necessary
- Assault on another member of staff or any other person within the premise of the company.
- Laziness
- Insubordination: this involves among others, being rude to superior members
- Rudeness to fellow employees.
- An employee willfully neglects to perform any work which is his/her duty to perform, or if he/she carelessly and improperly performs any work which from its nature was his/her duty under this contract to have performed carefully and properly

The following shall be the various forms of punishment for minor misconducts

- Warning
- Reduction in salary
- Suspension from duty without pay for a period not more than one week.
- All forms of misconduct will be punished and an apology letter to follow from the employee.
- The course of action of any other misconduct not stated above will be discussed by the management team. Their opinion and decision will be final.
- All written warning letters should be signed by the employee's failure to which will be an offense.
- All written warnings will be valid for a period of two years.

14. APPEAL:

The employer will give the employee notice consequent upon which the employee will be given a hearing on any disciplinary matter. The employer's decision shall be final.

15. APPLICABLE LAW

The agreement is in accordance with the governing laws of Kenya.

16. CERTIFICATE OF SERVICE.

Every employee shall be given a certificate of service by his employer upon the termination of his/her employment unless the employment has continued for a period of less than four consecutive weeks, and every certificate shall contain:

- a. Name and address of the employer
- b. Name of the employee
- c. Nature and usual place of employment
- d. Date when employment ceased
- e. Other particulars as may be prescribed

The employer is not bound whatsoever to give to an employee a testimonial, reference or certificate relating to the character or performance of an employee.

18. DECLARATION.

I agree to the terms in this document and understand that this document constitutes my contract of employment with the company.

Signature of the employee.....Date.....

Witnessed by (Employer).....Date.....

2. Casual Contract

CASUAL EMPLOYMENT CONTRACT

This Casual Employment Contract (the "Contract") is made and entered into on this ___ day of _____, 20, by and between:

Employer:

Name: [Employer's Name]

Address: [Employer's Address]

Phone: [Employer's Phone Number]

Email: [Employer's Email Address]

AND

Employee:

Name of the employee,

ID number and DOB

Phone no. of the employee: Email address of the employee- if any

1. Position and Duties

The Employer agrees to employ the Employee in the position of [Job Title]. The Employee agrees to perform the duties and responsibilities associated with this position, including but not limited to: (outline the duties and responsibilities)

2. Term of Employment

This employment is on a casual basis and shall commence on [Start Date] and shall continue until [End Date] or until terminated by either party in accordance with the terms of this Contract.

3. Working Hours

The Employee shall work on a casual basis as needed and agreed upon by both parties. The Employee's working hours will be determined based on the Employer's requirements and will be communicated to the Employee in advance.

4. Compensation

The Employee shall be paid at the rate of KSh [Hourly/Daily Rate] per hour/day. Payment will be made [daily/weekly/bi-weekly/monthly] via [payment method]. The Employee will be responsible for any taxes or deductions as required by law.

5. Overtime

Any hours worked beyond the normal working hours will be considered overtime and will be compensated at the rate of KSh [Overtime Rate] per hour or time off as may be agreed between both parties.

6. Benefits

As a casual employee, the Employee is not entitled to any benefits such as health insurance, paid leave, or retirement benefits unless otherwise stated in this Contract.

7. Termination

Either party may terminate this Contract by giving [Notice Period] days' notice in writing. The Employer may terminate this Contract immediately without notice in the event of serious misconduct by the Employee.

8. Confidentiality

The Employee agrees to maintain the confidentiality of all proprietary information, trade secrets, and other confidential information of the Employer and will not disclose such information to any third party without the Employer's prior written consent.

9. Governing Law

This Contract shall be governed by and construed in accordance with the laws of Kenya.

10. Amendments

Any amendments to this Contract must be made in writing and signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Casual Employment Contract as of the day and year first above written.

[Employer's Name]
Employer

[Employee's Name]
Employee

3. Contract for a specified period of time

PRIVATE AND CONFIDENTIAL

This Employment Contract (the "Contract") is made and entered into on this ____ day of _____, 20, by and between:

Employer:

Name: [Employer's Name]

Address: [Employer's Address]

Phone: [Employer's Phone Number]

Email: [Employer's Email Address]

Employee:

Name of the employee, ID number and DOB

Phone no. of the employee: Email address of the employee

Dear (name of the employee)

Employment Agreement

We are delighted to offer you the agreement for (role of the job) with (Name of the company) with effect from (start date).

Duration of the Agreement

The terms of this agreement take effect from (start date) to (end date).

Duties and Responsibilities

(outline the duties and responsibilities)

During the performance of the services, the Consultant/employee must comply at all times with any and all applicable laws and any and all rules, regulations, and orders of public authorities of the countries of engagement and residence.

Payment Terms

For providing the services above, you will be (amount paid and currency) daily/weekly/ monthly.

All payments will be subject to the necessary statutory deductions.

Payment will be made by cash/mpesa or bank transfer according to the banking details provided by the Consultant. Any change in such payment details should be communicated in writing in a timely manner.

The Consultant/Employee agrees to perform the services in a timely and professional manner and to devote the time, attention and skill as may be reasonably necessary to ensure satisfactory performance. The Company reserves the right to refuse payment or offer a reduced rate of payment for incomplete delivery, late delivery, poor delivery or non-delivery of services rendered.

Confidentiality

The Employee agrees to maintain the confidentiality of all proprietary information, trade secrets, and other confidential information of the Employer and will not disclose such information to any third party without the Employer's prior written consent.

Governing Law

This Contract shall be governed by and construed in accordance with the laws of Kenya.

Amendments

Any amendments to this Contract must be made in writing and signed by both parties.

Kindly accept the terms outlined in this agreement by signing and dating where indicated below.

On behalf of the company
Yours Sincerely,

(Signature)

.....

Acknowledgement by the consultant/Employee

I hereby confirm that I accept this agreement and the terms therein:

Name:

Signature:.....

Date:

Annex 5: Personnel File Checklist

DIRECTIONS

- The documents in the checklist below must be maintained and up-to-date in your employee personnel files in order to properly manage your business and employees
 - Maintain consistency in all personnel files.
 - Do not include a document in one employee's file that you leave out of another employee's file.
-

PERSONNEL FILE CHECKLIST

- Does the file have complete employee paper work, including:
 - Copies of any educational certificates
 - Emergency contact information
 - Copy of ID, NHIF/SHIF Card and NSSF Card
 - Signed copy of the job description?
 - Do you have a copy of the offer letter, employment agreement and compensation package?
 - Does the personnel file contain the signed receipt for the employee handbook?
 - Does the file contain records and notes of any disciplinary proceedings taken against the employee?
 - Any employment-related paper work, such as written agreements, non-compete agreements, office equipment care, agreements on using company vehicles, etc.
 - Any documents related to an employee resigning or termination.
-

WHAT YOU SHOULD NOT KEEP IN THE PERSONNEL FILE

- Employee medical records, keep employee's medical records in a separate file, and limit the access to that file.

Annex 6: Leave Application Form

REF:

LEAVE APPLICATION FORM

Employee name:

Date:

Department:

Leave Type Requested:

Annual Leave: Maternity Leave: Sick Leave: Paternity Leave:

Number of days applied

Start Date:

End Date:

Resume date: Tel: No:

Employee's Signature:

Leave Approved

Leave Not Approved

Immediate Supervisor Signature:

Date:

HR Manager Signature:

Date:

Annex 7: Certificate of Service

CERTIFICATE OF SERVICE

NAME OF EMPLOYEE :

DATE OF ENGAGEMENT :

POSITION HELD AT SEPARATION:

OTHER POSITION :

DUTY STATION :

DATE EMPLOYMENT CEASED :

REASON FOR SEPARATION :

This certificate is issued without any alteration or erasure.

(This certificate is issued as required under paragraph 18 of the Employment Act 2007)

(STAMP & CONTACTS OF THE EMPLOYER/REPRESENTATIVE)

Annex 8: Termination Notice

Our Ref: -----

Date: -----

(address details of the employee)

Dear -----

Re: Termination Notice

I am writing to inform you that, regrettably, your employment with (name of the company) as a (Role) is hereby terminated, effective 30 days from the date of this letter. You will be required to report to work during this notice period as you will be paid normally for the days worked.

Please note that you are bound by our confidentiality policy. Any information that was received during your course of work, regarding our customers, company, partners etc. must not be disclosed to any party.

You are requested to complete the employee discharge procedures and once the handover is complete, you will be provided with a Certificate of Service and payment of your final dues.

Your final dues will include the following:

- Salary not paid(prorated).
- Severance pay (15 days pay for every year worked)
- Leave pay (days)

I trust the above terms are self-explanatory and in this regard please sign below as an indication of your receipt of this letter.

Thank you for the time you have been with us and we wish you well in your future endeavors.

Yours sincerely,

(employer name & Signature)

Staff Acknowledgment

I,(Name and ID) confirm that I have read and understood the contents of this letter.

Signed:Date.....



Contact Us

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 www.brightermonday.co.ke