

# Procedure and Timelines Relating to Employment Litigation in Kenya

Action	Timeline
1. The Claimant (person who files the case) files a claim at the Employment Court by filing a Memorandum of Claim at the Employment Court registry. (The number of copies filed is dependent on the number of Respondents) The Memorandum of Claim is accompanied by a Verifying Affidavit and documents the Claimant intends to present as evidence. The Court issues Summons to be served together with the Claim.	Within three (3) years of termination/ dismissal from employment.
2. After filing at the court registry, the Claimant is required to serve a copy of the claim and the Summons to the Respondent (the person who defends the case). Service has to be done by a qualified Process Server.	Summons are valid for six (6) months, but can be extended by the Court from time to time.
3. After being served with the Statement of Claim, the Respondent is required to enter appearance and file a Statement of Defence, in response to the claim.	Within twenty one (21) days of being served with the claim.
4. After filing his/ her response, the Respondent is required to serve the Claimant with his/ her response.	Within fourteen (14) days after filing.
5. The Claimant can respond to the Statement of Defence if he/ she wishes to, by filing and serving his/ her reply.	Within seven days of being served with the Statement of Defence.
6. If the Claimant does not wish to respond to the Statement of Defence, the Statement of Defence shall be considered as the last document to be filed. This is known as the close of pleadings.	Within fourteen (14) days after filing of either Statement of Defence or Reply to Statement of Defence if any.
7. Thereafter, both the Claimant and the Respondent are required to take a date for directions before the Judge. The Court registry allocates a date for when the case will be mentioned in court, for the court to give directions on how the case should proceed.	Dependent on the Court's schedule.
8. On this date, the Judge confirms that all the documents are in order and gives directions on whether and where the case should proceed for hearing. The Judge could either give a date in court or ask the parties to get a date allocated at the registry.	Dependent on the Court's schedule.
9. Once a hearing date is taken, the parties are allowed to call their witnesses on the date. After oral or written evidence is taken by the Judge, the parties give their final submissions.	Dependent on the Court's schedule.
10. The Judge then proceeds to issue a judgment. The Employment Court can make awards for damages, compensation, orders of declaration, reinstatement of an employee, injunctions among others.	Within Sixty (60) days of concluding the hearing.
11. The Registrar draws, seals and issues an order or decree of the Court. The order or decree should reflect the decision of the Court and should specify clearly in paragraphs the award sought and granted. (Any of the parties can prepare a draft decree and submit it for the approval of the other parties. If the draft is approved by the parties, it is then submitted to the registrar who, if satisfied that it is drawn up in accordance with the judgment, signs and seals the decree) All money payable under a decree can be paid either directly to the Court, directly to the party awarded or however the court directs.	Any time from the pronouncement of judgment.