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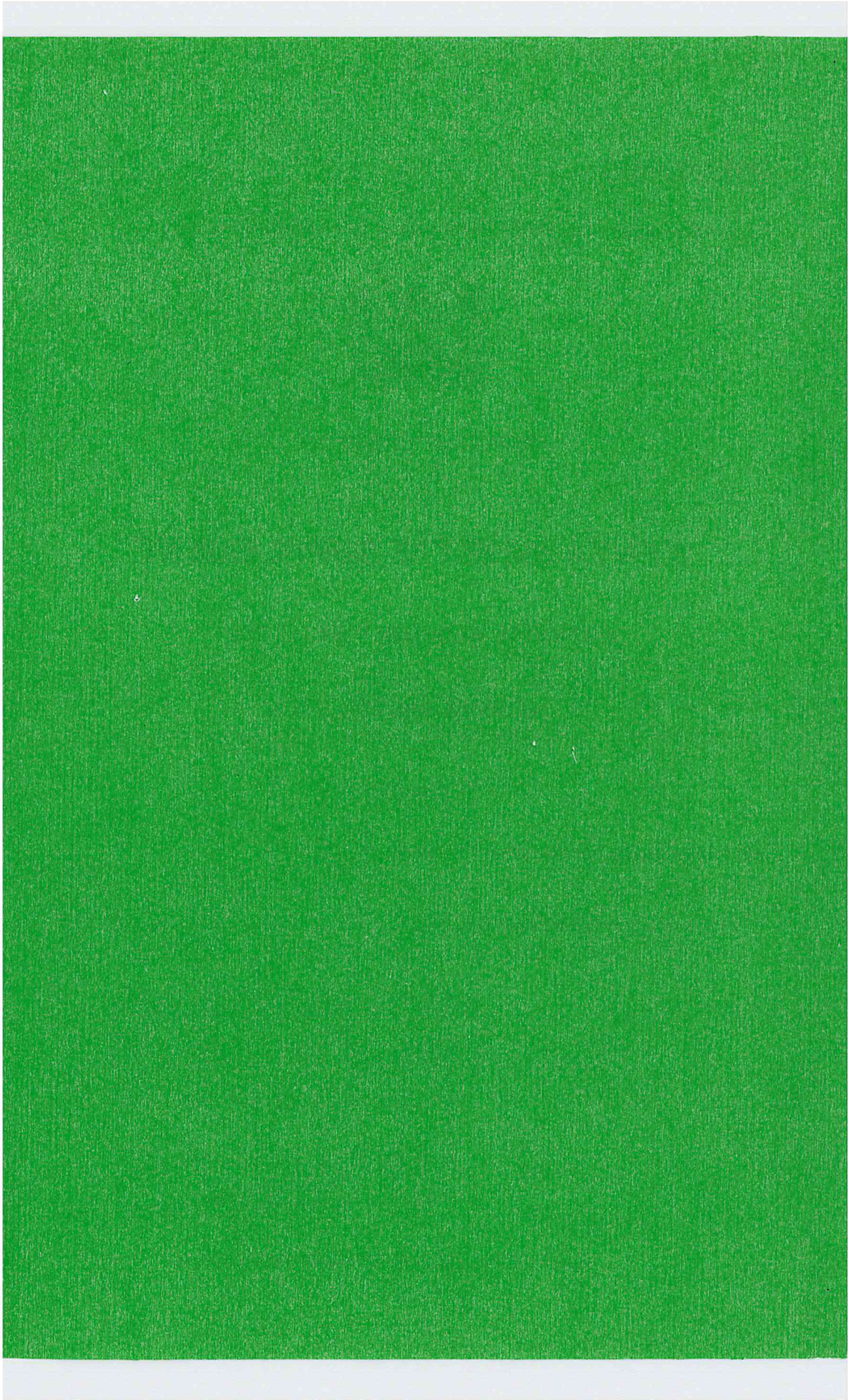
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THE PUBLIC SERVICE INTERNSHIP BILL, 2021**A Bill for**

AN ACT of Parliament to make provision for internship of college and university graduates in the public sector; to provide for hands-on training and acquisition of skills by graduates; and for connected purposes

ENACTED by the Parliament of Kenya, as follows —

PART I—PRELIMINARY

1. This Act may be cited as the Public Service Internship Act, 2021. Short title.

2. In this Act, unless the context otherwise requires — Interpretation.

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to labour;

“certificate” means a certificate, diploma or degree issued by an examining body or institution recognized in Kenya;

“County Executive Committee member” means the County Executive Committee member in each county responsible for matters relating to labour;

“County Public Service Board” means the County Public Service Board established under section 57 of the County Governments Act;

No. 17 of 2012.

“intern” means an unemployed person with relevant qualifications who has entered into a contract with a government organization for a period of between three and twelve months with the intent of acquiring relevant work experience for registration with respective professional bodies and to increase chances of employability;

“internship” means a programme meant to provide unemployed graduates with opportunities for hands-on training for skills acquisition to enhance future employability and fulfill the legal requirement for professional registration;

“mentor” means a competent person who provides practical training and facilitates other forms of training to interns;

“monitoring and evaluation” means the mechanisms put in place to ensure adherence to quality, standards, cost effectiveness and relevance of an internship programme;

“public office” has the meaning assigned to it in Article 260 of the Constitution;

“public service” has the meaning assigned to it in Article 260 of the Constitution;

“public service institution” means any public office and includes both the national and county governments;

“supervisor” means an employee under whom an intern is placed for purposes of allocating work to them and overseeing their work performance; and

“youth” has the meaning assigned to it in Article 260 of the Constitution.

3. The objectives of this Act shall be to —

Objectives of the Act.

- (a) the preservation of human dignity as set out under Article 19 of the Constitution through the realisation of the economic and social rights under Article 43(1) of the Constitution;
- (b) enhance youth development and employability by creating clear linkages between education, training and work; ensure a well-structured and coordinated internship programme;
- (c) provide guidelines and standards applicable to all interns within the public service;
- (d) ensure effectiveness and efficiency in implementation and management of internship programmes;
- (e) provide guidelines for monitoring, evaluation and reporting for improvement and sustainability of internship programmes within the public service; and
- (f) provide interns with the requisite experience in their fields of study.

4. The principles that shall govern internship management in the public service shall be —

Guiding principles

- (a) to promote sustainable development;
- (b) promotion of equity and fairness by ensuring inclusivity and accessibility of opportunities to interns from diverse backgrounds;

- (c) transparent recruitment and selection procedures;
- (d) professionalism in ensuring that interns are provided with and acquire the practical experience required for their professional and career development;
- (e) efficiency of the internship programmes on the basis of cost-effectiveness;
- (f) relevance, fit to purpose and quality supervision through ensuring provision of appropriate and relevant work experience that is commensurate with the qualifications of an intern; and
- (g) adherence to government or public agency programmes and activities.

5. (1) This Act shall apply to every public office established under the Constitution.— Application.

(2) This Act shall apply to the following categories of persons eligible for internship —

- (a) unemployed graduates with appropriate skills who require practical hands-on experience to improve their chances of employment;
- (b) graduates with professional qualifications who are required by their professional bodies to undertake internship as a pre-condition for registration; or
- (c) any person who has successfully completed a course of training under the Technical and Vocational Education and Training Act.

No. 29 of 2013.

PART II – RECRUITMENT OF INTERNS

6. (1) A person in charge of a public service institution shall identify and declare all internship opportunities available within the public service institution. Declaration of internship opportunities.

(2) A person in charge of a public service institution shall advertise the internship opportunities referred to in subsection (1) in the website of the public service institution and in at least two newspapers of nationwide circulation.

(3) The advertisement specified in subsection (2) shall contain all relevant information pertaining to the internship, including—

- (a) the areas of specialization required;
- (b) total number of interns required;
- (c) duration of the internship; and
- (d) deadline for submission of applications.

(4) A person in charge of a public service institution shall conduct the recruitment of interns or may delegate the function of recruitment of interns to any of its members, officer, body or authority.

7. (1) A person shall be eligible to be an intern if the person —

Eligibility for internship.

- (a) has completed their certificate, diploma or degree qualification from an institution recognized in Kenya; or
- (b) has not been exposed to work experience related to the person's area of study.

(2) Despite subsection (1), a person shall be eligible for internship where the internship is a requirement for registration by the professional body regulating the person's profession.

(3) A person shall not be eligible for internship if the person —

- (a) has retired from formal employment on attaining the retirement age; or
- (b) has been vacated formal employment through removal or by resignation.

8. (1) For purposes of effectiveness of an internship programme, every public service institution shall —

Roles and responsibilities of public service institutions.

- (a) set up internship management committees;
- (b) plan and budget for internship programmes;
- (c) identify and declare all internship opportunities available whenever they arise;
- (d) conduct the recruitment of interns on the basis of merit;
- (e) conduct regular induction programmes for supervisors and mentors involved in internship programmes;
- (f) provide the necessary facilities to enable interns to acquire the required skills and knowledge;

- (g) pay the prescribed stipends to interns in accordance with this Act;
- (h) appoint supervisors and mentors for the interns;
- (i) ensure that interns are properly engaged in relevant work assignments;
- (j) monitor and evaluate the progress of internship programmes in their organizations;
- (k) report to the Cabinet Secretary, in the case of a public service institution in the national government, or the County Executive Committee member, in the case of a public service institution in the county government, on a quarterly basis, on internship programmes undertaken in their organizations and any challenges experienced; and
- (l) issue certificates of internship to interns upon successful completion of the internship programme.

No. 17 of 2012.

9. Every intern engaged in the public service shall—

Roles and responsibilities of interns.

- (a) abide by the rules and regulations of the public service institution
- (b) demonstrate commitment and willingness to fully and actively participate in the learning experiences of the internship programme;
- (c) be ready to be deployed to any relevant office or work station within the public service institution where there may be an internship vacancy;
- (d) make effort to acquire relevant skills in the area of specialization;
- (e) complete assignments given by the mentor or supervisor;
- (f) provide regular feedback to the supervisor on the progress that the intern is making and any challenges thereto with regard to the internship programme;
- (g) observe confidentiality of information and security of tools or equipment that are placed in the possession of the intern in the course of the internship programme;
- (h) ensure a proper hand over of all materials and equipment belonging to the public service institution at the end of the internship period; and

- (i) ensure clearance by the relevant authorities before leaving the internship station.

10. An intern engaged in the public service shall be eligible for payment of such monthly stipend as the Cabinet Secretary shall prescribe in regulations. —

Payment of stipend.

11. (1) Every intern engaged in the public service shall be entitled to the provision of a personal accident insurance cover by the relevant public service institution.

Insurance.

(2) The personal accident insurance cover provided in subsection (1) shall be valid for the duration of the internship period.

12. (1) In addition to the monthly stipend and insurance cover provided in sections 10 and 11 respectively, every intern engaged in the public service shall be entitled to—

Other entitlements of interns.

- (a) sick leave as may be applicable in the prevailing regulations;
- (b) maternity or paternity leave; and
- (c) subsistence allowance as may be determined by the Cabinet Secretary from time to time.

(2) Despite the provisions of subsection (1), an intern shall not be eligible to receive pension or gratuity.

13. An internship period shall be valid for any period as may be determined by a person in charge of a public service institution, but such internship period shall not exceed twelve months.

Duration of internship.

14. (1) An intern shall be liable to have his or her internship discontinued on the grounds of—

Termination of internship.

- (a) absence from the public service institution without permission or reasonable cause for a period exceeding twenty four hours;
- (b) gross or disorderly conduct;
- (c) unsatisfactory performance;
- (d) failure to obey any lawful instructions; or
- (e) commission of a criminal offence.

(2) An intern may terminate internship by submitting a thirty days' notice in writing to the person in charge of the public service institution.

**PART III – PROVISIONS ON DELEGATED
POWERS**

15. The Cabinet Secretary may make regulations for ^{Regulations.}
the better carrying out of the provisions of this Act.,

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to establish a legal framework for the regulation of internship programmes within the public service. Article 55 of the Constitution provides that the State shall take measures, including affirmative action programmes to ensure that the youth have access to inter alia relevant education, training and employment.

The Bill seeks to ensure the provision of a monthly stipend, insurance and other entitlements to persons engaged in internships within the public service for the duration of the internship programme. The provision of stipend to interns is necessary as the interns contribute to the manpower of the organization by offering their professional skills as apprentices.

Part I of the Bill provides for the preliminary provisions, which includes the short title and interpretation of terms as used in the Bill. This Part also provides for the guiding principles as well as the institutions and persons to whom the Act shall apply.

Part II of the Bill provides for the recruitment of interns. This Part sets out the procedure for the recruitment of interns, the entitlements of interns as well as the respective roles and responsibilities of interns and public service institutions.

Part III of the Bill provides for the provisions on delegated powers, and gives the Cabinet Secretary the power to make regulations for purposes of the better carrying out of the provisions of the Act.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill delegates legislative powers to the Cabinet Secretary, but it does not limit fundamental rights and freedoms.

Statement of how the Bill concerns county governments

The Bill concerns county governments in terms of Article 109(5) of the Constitution as it contains provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

The Bill provides for the recruitment of interns in both the national and county governments.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill may occasion additional expenditure of public funds.

Dated the 29th April, 2021.

NAISULA LESUUDA,
Member of Parliament.