Sensitive Workplace Evidence Motion for Confidential Handling Directions

Educational sample 309 | Mombasa

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT MOMBASA

EMPLOYMENT AND LABOUR RELATIONS CAUSE NO [reference]

[EMPLOYEE CLAIMANT] v [EMPLOYER RESPONDENT]

NOTICE OF MOTION

1. The Applicant seeks proportionate directions for handling identified sensitive workplace evidence in this existing cause. The proposed protection concerns [specified colleague details and intimate communications], not a blanket restriction on the other party access to the case.

2. The application identifies the privacy harm supported by [genuine affidavit facts] and explains why limited redaction, confidential filing or controlled access would address it. No assumption that all employment proceedings are automatically closed is made.

3. The opposing party is to receive the evidence necessary to answer the allegations, subject only to lawful and workable safeguards ordered by the Court. The Applicant does not seek to determine a contested allegation through secret material.

4. The proposed public version uses [defined redactions], while the complete version is made available through [Court-approved method]. The underlying originals are preserved for authentication, inspection and any directions on the hearing.

5. The Applicant discloses any prior protection order and the current disclosure position. The request does not substitute for a competent electronic-evidence foundation or the ordinary duty to prove reasons and disciplinary fairness.

6. The Applicant asks for the specified protective directions, a clear access and service arrangement and appropriate costs. This is a proposed procedural aid inspired by the source sensitive evidence, not an order reported as granted in that case.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected person and address].

Use and evidence notes

Use the actual existing cause, applicable power and precise interim or substantive prayers with genuine supporting evidence. Disclose adverse facts, earlier applications, current orders and delay. Complete affidavit, exhibits, urgency certificate only where justified, fee and service under current directions. A proposed corrected motion does not establish that the missing facts or procedural permission exist. Proposed additional procedure, not a motion proved to have been filed or allowed in AWK. Identify the actual ELRC power and current directions; protection must remain compatible with fair disclosure and hearing. Verify the ELRC Procedure Rules 2024 and 2025 amendments, or the applicable designated subordinate-court procedure, and current directions. Assess section 90 for each employment claim.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

Source and procedural limits

A laboratory employee challenged termination after complaints of repeated unwelcome messages and conduct toward a colleague. The employer disclosed electronic material, issued a show-cause notice, held a disciplinary hearing with the employee chosen companion and considered an appeal. The employee sought reinstatement.

The Court found the termination justified and dismissed the claim with costs. It rejected the employee explanation that the conduct was mutual despite express requests to stop. Reinstatement was unavailable on the proved conduct and workplace circumstances.

Employment Act sections 6, 41, 43 and 45 require assessment of prohibited harassment, evidence, reasons and process. This is a rejected dismissal challenge, not a specimen to excuse unwelcome conduct. Preserve originals and explain electronic-record authentication and any Evidence Act section 106B requirement. Keep the colleague identity and intimate message contents out of public samples; use lawful disclosure and protective directions in actual litigation.

[2025] KEELRC 3622 (KLR) - 15 December 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/awk-v-bureau-veritas-kenya-limited-2025-keelrc-3622-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/awk-v-bureau-veritas-kenya-limited-2025-keelrc-3622-klr

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.