HR Disciplinary Process After Harassment Complaint Witness Statement

Educational sample 307 | 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]

WITNESS STATEMENT

1. I am [HR witness] and identify my actual role in the complaint, disclosure and disciplinary process. Facts from others are attributed to the named source; I do not present events I did not witness as personal observation.

2. The complaint was received on [date] through [actual channel]. The documented incidents and supporting messages or recording were [identify without publishing private contents]. The material supplied to the employee is shown by [delivery evidence].

3. The show-cause notice set out [actual allegations] and the response period. The employee reply and any request for further information or time are [records]. Those requests were dealt with by [actual action and reason].

4. The hearing took place on [date], attended by [roles and chosen companion]. I identify the genuine minutes, representations and evidence considered. An unsigned or disputed minute is marked accordingly; no signature is supplied by this specimen.

5. The decision and reasons were communicated by [method] on [date]. The internal appeal was addressed through [actual process]. Protective instructions concerning contact with the complainant and any breach of those instructions are supported by the identified records.

6. I identify the terminal-payment and certificate records within my role and the electronic evidence custodian. I ask that sensitive colleague information be handled under lawful directions while ensuring the employee receives the material necessary for a fair response.

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 witness own truthful account, distinguish observed events from named information sources and identify bundle pages and authenticating witnesses. Follow the actual trial or succession witness directions. Additional evidence and statements require any applicable leave. An appeal ordinarily uses the admitted trial record; a new statement cannot be inserted without the proper procedure. 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.