Hospitality Employer Response on Outsourcing and Redundancy Procedure

Educational sample 358 | 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 CAUSE NO [reference]

[CLAIMANT] v [RESPONDENT]

STATEMENT OF DEFENCE

1. The Respondent admits the employment and salary only as reflected in [actual records] and answers the remaining claim with specific admissions and denials. The HR post, probation, confirmation and service dates are [particulars]. The response must be accompanied by the genuine employment record.

2. The Respondent relies on an operational decision to outsource the HR function and abolish the single internal post. The business rationale, approval and implementation evidence are [documents]. The fact that only one employee held the post does not itself dispense with the required redundancy procedure.

3. The intended-redundancy notices, recipients, dates of service and consultation records are [pages]. Individual notice or pay in lieu is addressed separately. Payment of one month salary does not, without analysis, prove compliance with every preceding statutory notice and fairness requirement.

4. The tabulated terminal dues are [itemised schedule], with gross amount, deductions, net amount and proof of availability or receipt. Certificate preparation and collection are [records]. The Respondent opposes duplicate dues and an automatic maximum compensation award.

5. The Respondent seeks the disposition supported by proved compliance and proper credits. The historical source defence did not defeat the finding of procedural unfairness, although settlement efforts affected the remedy. This response does not manufacture records that the reported employer failed to produce.

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

Answer the actual numbered plaint with precise admissions, denials and material grounds. Check summons, appearance, the applicable response period, court directions and the required witness/document pack. A counterclaim or new affirmative relief requires its own proper pleading, fee and service. Do not treat a disputed factual allegation as a pure preliminary objection. 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

An HR manager earning KES 90,000 monthly was dismissed on redundancy grounds in July 2024 after returning from leave. The employer relied on outsourcing of the single HR post and tabulated terminal dues, but produced no work records supporting the claimed consultation process.

The Court found procedural unfairness and awarded one month salary, KES 90,000, as compensation. The employee was directed to collect the tabulated terminal dues and complete clearance for the service certificate. Each party bore its costs; the twelve-month compensation demand was not awarded.

Employment Act sections 40, 45 and 49 require analysis of the actual redundancy procedure and evidence. Notice of intended redundancy and individual termination notice or pay serve distinct purposes. Gross terminal dues of KES 206,157 and the employer submitted net figure of KES 146,341 are not automatically all added to compensation as unpaid judgment debt.

[2026] KEELRC 1449 (KLR) - 28 May 2026. Source decision: https://sheriahub.com/cases/ke/caselaw/shikanga-v-kenvest-hospitality-kenya-limited-2026-keelrc-1449-klr.pdf

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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.