Submissions on Redundancy Notice and Proportionate Compensation

Educational sample 360 | 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]

WRITTEN SUBMISSIONS

1. The issue is whether the employer proved a lawful and fair redundancy process, not whether the Court should choose a different business model. The outsourcing explanation must be assessed alongside the actual notice, consultation and employment records.

2. Section 40 addresses the required notifications and payments. Intended-redundancy notice to the appropriate recipients and individual termination notice or pay are distinct. The Court should compare the actual content and service dates, not treat every notice defect as cured by final payroll.

3. The source employer produced no work record supporting asserted consultation. The Court found procedural unfairness under section 45. The single-post situation does not establish that all fairness obligations disappear; nor does an unsupported retaliation allegation become proved automatically.

4. Compensation requires the section 49 factors and the circumstances, including the employer efforts to settle terminal dues. The source awarded KES 90,000, one month salary, rather than the twelve months sought. Outstanding dues require reconciliation against amounts made available or received.

5. The Claimant requests a reasoned declaration, justified compensation, proved remaining dues and certificate directions. Each remedy must be stated separately with credits. The reported costs order was each party bearing its costs; it does not create an automatic entitlement to all pleaded sums.

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

Identify pleaded issues, admitted evidence and genuine record pages. Follow directions on length, authorities, filing and service. Submissions do not introduce exhibits or cure missing substantive prayers. Distinguish what a party sought from what the Court ordered, and an unsuccessful historical position from the actual holding. 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.