Employer Response Disputing the HR Role and Academic Qualifications

Educational sample 163 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the 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 NAIROBI

CAUSE CIVIL SUIT OR APPLICATION NO [correct reference]

[CLAIMANT PLAINTIFF OR APPELLANT] v [RESPONDENT OR DEFENDANT]

STATEMENT OF RESPONSE

1. The Respondents respond jointly only where their positions coincide; each party’s legal capacity, contact details and alleged conduct are [set out]. They admit the appointment letter, monthly pay and termination communication to the extent supported by the records.

2. The historical defence alleges that the Claimant lacked required academic and professional qualifications and was in substance a general clerk. The Claimant produced a degree and other credentials. Each alleged false representation must be particularized and proved; a general accusation of deceit is insufficient.

3. The Respondents allege business loss reduced staffing and made the role superfluous. They rely on the actual discharge summary and proved terminal payment. Those records do not establish service of the statutory notice on the labour officer.

4. The Respondents deny discrimination and require identification of the alleged ethnic words, speakers, dates and supporting testimony. They address the requested certificate against the appointment letter and actual place of work rather than treating it as a discretionary recommendation.

5. The historical prayer was dismissal with costs, but the source Court found unlawful redundancy and required a proper certificate. A fresh response must state which certificate entries are admitted, denied or to be corrected and the actual basis for any personal-liability defence.

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

Use and evidence notes

Answer the claim by numbered admission or denial and state the actual factual and legal grounds. Under ELRC rule 29, check the twenty-eight-day response period from service, any shorter urgent direction, and the accompanying witness and documentary evidence under rule 35. A historical defence marked unsuccessful is not approved advice. New affirmative relief or counterclaims require proper pleading. Applicable rules: ELRC Procedure Rules 2024, amended by Legal Notice 78 of 2025; verify current court directions.

Supporting material schedule: [document date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach only genuine available records and mark missing records accurately.

Source and procedural limits

A human resource manager was appointed in April 2019 at KSh 120,000 monthly. In March 2020 the managing director terminated employment immediately, saying reduced staff made the role unwarranted. The parties disputed qualifications, business contraction and tribal discrimination. A discharge summary and payments were acknowledged. The certificate omitted the nature and usual place of employment. The employer admitted not notifying the labour officer.

The Court found procedural unfairness under section 40 and awarded two months, KSh 240,000, subject to statutory deductions, costs and interest from judgment against both respondents jointly and severally. It directed a proper certificate under section 51 showing job title and workstation. The tribal discrimination declaration failed for insufficient evidence. Alleged constructive dismissal did not remove the need to analyse the actual redundancy.

Employment Act sections 40, 45, 49 and 51 distinguish redundancy process, compensation and certificate contents. A service certificate is different from a recommendation. A managing director’s personal liability is not automatic: the source order against two respondents must not be generalized. Disclose any discharge and actual payments, the real employment relationship, and section 90 limitation.

[2026] KEELRC 1161 (KLR) — 30 April 2026. Original judgment: https://sheriahub.com/cases/ke/caselaw/irungu-v-tonde-another-2026-keelrc-1161-klr

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.