List of Documents for a Poor Performance Dismissal Claim

Educational sample 158 | 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]

EVIDENCE OR COMPUTATION SCHEDULE

1. Item 1: Initial appointment and confirmation letters, [dates and pages], establishing the original duties and employment terms. Item 2: Each transfer or role-change letter in chronological order, [pages], identifying when the duties changed.

2. Item 3: Written revised job descriptions, communicated targets and acknowledged performance agreements, if they actually exist. Record the relevant role and assessment period for each. Where no such record is available, state that accurately rather than creating a replacement.

3. Item 4: Minutes of the 10 and 24 March review meetings and the corresponding emails, [pages]. Item 5: Actual scorecards, deposit reports and commendation records, [pages], distinguishing measured results from opinions about performance.

4. Item 6: Show-cause notice, response, hearing invitation, representation notice, minutes and appeal record, where present. Identify missing records explicitly. Item 7: The termination letter and proof of receipt, followed by final payslips and payment records.

5. For every item provide date, author, description, page range and intended authenticating witness. File the chronological paginated copies and serve the other party under the applicable rules and directions. Listing a document does not itself admit it in evidence.

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

This schedule supports a pleaded issue; it is not a new originating process or proof by itself. Give dates, authors, document pages, authenticating witnesses and transparent calculations. Label missing or disputed evidence accurately. Current costs and rates need current proof. Obtain leave or directions for supplementary material where required, serve it and avoid duplicate recovery of paid heads. 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 bank employee moved through several roles after an initial 2013 appointment. A January 2017 letter changed his role effective 6 February. Performance was reviewed on 10 and 24 March and employment ended in April for continued underperformance. The bank did not produce updated job descriptions, key performance indicators or an actual scorecard. Its HR witness acknowledged no show-cause letter or disciplinary hearing. The exit salary was KSh 145,000.

The Court found both substantive and procedural unfairness and awarded nine months of salary, KSh 1,305,000, subject to PAYE, with costs and interest from judgment. Severance was refused because dismissal was not redundancy. KSh 43.5 million for twenty-five future years was refused. The reported reproduction carries a DRAFT watermark but includes dated final orders and online delivery; obtain a signed court copy before procedural reliance.

Employment Act section 10 requires written employment particulars and revision when they change; sections 41, 43 and 45 govern fair termination. A review meeting is not automatically a section 41 hearing. Sections 49 and 90 govern remedies and limitation. This historical claim cannot be revived by copying a sample. Use the ELRC Procedure Rules as amended in 2025 and authenticate the final judgment.

[2026] KEELRC 938 (KLR) — 17 April 2026. Original judgment: https://sheriahub.com/cases/ke/caselaw/kiriga-v-family-bank-limited-2026-keelrc-938-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.