# Employee Witness Statement About Role Changes and Performance Reviews

Educational sample 157 | 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]

WITNESS STATEMENT

1. I am [employee], of [address]. My initial appointment letter set out my duties. Later letters transferred me through different roles. The letter effective on 6 February changed my last role; I identify the actual letters at bundle pages [references].

2. The later role letters did not supply me with the revised duties and written performance indicators relied on for dismissal. At the 10 March meeting deposit collection was discussed. I identify what target I understood, its period and the communication supplying it [actual evidence].

3. At the 24 March review I reported deposits achieved against the target. I accept that the stated target was not fully met; I do not describe partial achievement as full compliance. The minutes and any commendation records should be read in their actual context.

4. I received the April termination letter. I was not given a show-cause letter or a disciplinary hearing at which I could answer the proposed termination with a colleague or representative. Discussions with managers are described separately from such a hearing.

5. My last salary was KSh 145,000 as shown by payslips [pages]. I identify the documents from my own dealings and remain available for cross-examination. Dates that differ between a letter, a pleading and recollection must be resolved from the originals before signing.

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

Use the witness own first-person account, distinguish observed events from information supplied by others and give sequential bundle-page references. ELRC rules 7 and 35 govern witness statements; additional statements require the applicable leave. In civil suits follow the case directions and required witness pack. A statement is not a substitute for expert evidence and remains subject to adoption, document production and cross-examination. 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.