



**Okindi v Kenya Maritime Authority (Cause E093 of 2024)  
[2025] KEELRC 2685 (KLR) (2 October 2025) (Judgment)**

Neutral citation: [2025] KEELRC 2685 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT MOMBASA  
CAUSE E093 OF 2024  
M MBARÚ, J  
OCTOBER 2, 2025**

**BETWEEN**

**JULIUS MATUSIA OKINDI ..... CLAIMANT**

**AND**

**KENYA MARITIME AUTHORITY ..... RESPONDENT**

**JUDGMENT**

1. The respondent engaged the claimant as a legal assistant on 7 June 2006. Over the years, he was promoted, and in 2012, he earned a degree in human resources management. In 2014, he completed a master's degree in Maritime Affairs. Consequently, he was assigned to the Regional Maritime Rescue Coordination Centre as an administrator in December 2015.
2. On 1 June 2016, the respondent transferred the claimant to its regional office in Lamu as an administrator.
3. The claim is that on 25 September 2017, the respondent was requested by the Governor of Lamu County to second the claimant to the County Government of Lamu.
4. During its 97th Board Meeting held on 11 December 2017, the respondent approved the request through a resolution dated 4 January 2018. By a letter dated 8 January 2018, the claimant was released to the County Government of Lamu. He was appointed as Chief Officer, Public Service Management and Administration at Job Group S, equivalent to the Public Service. He was later transferred to the Ministry of Agriculture and Water.
5. On 6 March 2018, the claimant was appointed as the acting County Secretary and head of Public Service, equivalent to Job Group T in the Public Service. He held this position until 13 August 2018.



6. The claimant served under the secondment until 30 September 2019. He was released back to the respondent through a letter dated 19 September 2019. He served well in job group T, which came with a higher salary and benefits compared to his position under the respondent at Job Group N.
7. Upon returning to the respondent on 1 October 2019, the claimant was reverted to Job Group N, the KMA 5, with a salary of Ksh. 125, which was his previous salary in January 2018. He was effectively demoted from his Job Group S to N.
8. The claim is that whenever the respondent seconded its employees to other government agencies, the seconded employees would be entitled to annual salary increments included in their salaries and applicable upon return. During the claimant's secondment, three other employees were seconded to the Kenya Coast Guard Service on 1 July 2019. Upon the expiry of the secondment and the respondent's resumption of duty on 24 April 2023, the respondent granted them an automatic promotion, moving them from job group KMA4 to KMA3. The basis was that during the period of secondment, each employee had performed duties and functions that exceeded the level of their position at the time of secondment. The respondent backdated the salary promotion to 1 July 2019.
9. The claimant's situation was the same as that of the three other officers, yet the respondent treated him differently. This was a demotion following a secondment and a salary deduction. As a result, there was discriminatory treatment and favouritism towards the three other employees. This differential treatment was evident because the Board of Directors did not approve the promotions of the three different employees, unlike in his case. Consequently, this led to a loss of salary increments from October 2019 to June 2021.
10. Under clause H5 of the Public Service Code Regulations, 2006, a salary increment is due on the first day of each month, on the incremental date, or the date of appointment.
11. Clause 3.5.1 of the Public Service Code Regulations, 2020 provides that an employee will earn an annual increment on every anniversary month of his appointment.
12. Therefore, upon return from his two-year secondment, the salary increment years had already lapsed for the claimant. Had such an incremental date been applied, the claimant should have earned Ksh. 170,500 and not Ksh. 125,500 per month.
13. The claim is that while June 2021 was the claimant's next increment year, he should have been placed at Ksh. 185,500, he was erroneously placed at Ksh. 155,500 per month. The claimant petitioned the respondent on 2 July 2021, noting the salary discrimination. The Director General directed the Human Resources director to address this, but it was ignored.
14. The impact of the underpayment and discrimination against the claimant has led to a situation where employees who were employed in 2017 in job group KMA5 earn a higher salary than the claimant, who was employed in 2006. Employees in MKA6 were placed at a salary band higher than that of the claimant. The net effect is that the claimant has lost Ksh. 6,509,000 at the time of filing his claim.
15. The discrimination and unfair treatment against the claimant are also demonstrated by the way the claimant's concerns have been addressed. On 20 September 2021, the claimant reported to the respondent that he had been intimidated, abused, and his life threatened by a fellow employee. Nothing was done.
16. This inaction is motivated by malice and unfair labour practices. On 14 August 2022, the respondent awarded a double promotion to the then Principal Accountant, promoting him to the position of Assistant Director, Finance and Accounts, and appointed him as acting Director of Finance and ICT without announcing an official vacancy. On 27 November 2023, the respondent conferred promotions



to 27 employees to the next higher grade without subjecting them to internal advertisements or suitability interviews. The claimant was excluded.

17. The respondent's organisational structure, grading, and staff establishment include one position of Assistant Human Resources Officer. However, the respondent has subsequently appointed two officers to this position, contrary to the establishment.
18. The claim is that the claimant is currently in the position of Senior Administration Officer, despite holding high academic qualifications and being the best fit for the Human Resources and Administration department. On 8 March 2021, the claimant petitioned the Director General to be placed in the human resources section. The Director of Human Resources was instructed to address the issue, but disregarded it. However, he has been allocated duties related to human resources. In March 2024, the claimant was tasked with developing and submitting a succession plan for the respondent.
19. On 8 July 2023, the respondent advertised the position of Principal Human Resources Officer (Talent Management) alongside 25 other positions. The claimant applied and was shortlisted among other internal candidates and invited for an interview on 14 November 2023. He attended and had reason to believe that he performed well. The interview panel submitted a report to the Board on the results. On 27 October 2023, the respondent announced the results and new appointments for all positions except the one for which he had applied. It was left vacant.
20. To date, the claimant has not received a response regarding his interview and application.
21. On 5 December 2023, the respondent advertised two positions to the general public: the role of Human Resource Officer (Talent Management) and the role of Human Resource Officer (Learning and Development).
22. The claimant submitted his application for both positions. He was not shortlisted for the interviews. No reasons were given. This was a discriminatory and unfair labour practice.

The claimant is seeking the following;

- a. An order compelling the respondent to publish the results for the internal advertisement and interviews for the position of Human Resource Officer (Talent Management).
- b. An order compelling the respondent to furnish the claim with the interview score sheets and results from the internal interviews for the positions of Human Resources Officer (Talent Management) and a disclosure of when and how the pass-mark, if any, was determined.
- c. An order compelling the respondent to furnish the claimant with written reasons for declining his application for the external advertisements for the positions of Human Resource Officer (Talent Management) and Human Resource Officer (Learning and Development).
- d. A declaration that the respondent has, through its actions, discriminated against the claimant and violated, breached and/or infringed upon the claimant's right to fair labour practices and fair administration action.
- e. An order directing the respondent to promote the claimant to the equivalent of job group S within the Public Service and to place him within the commensurate salary band with all benefits.
- f. An order directing the respondent to promote the claimant to job group KMA5 and backdate the promotion to 1 February 2018, being the date when the claimant commenced his secondment at the County Government of Lamu.



- g. An order directing the respondent to pay the claimant backdated salary benefits of Ksh. 6,509,000 together with an accrued interest and interest expected to have been earned on the pension contributions.
  - h. General damages for discriminating against the claim and infringement of his rights to fair labour practices and fair administrative action.
  - i. An order restraining the respondent from persecuting or victimising the claimant for filing this claim, either by way of disciplinary proceedings or transfer from Mombasa headquarters or any other way whatsoever.
  - j. Any other relief and/or orders the court deems appropriate to grant.
  - k. Costs of the claim.
23. The claimant filed his witness statement and a list of documents. He testified in support of his claim and emphasised that upon his employment by the respondent, he rose through the ranks upon attainment of higher qualifications. When the human resources officer was absent, he was appointed the acting human resources director. In the course of staff verification and certificates, he was able to access records and documents that he had filed in support of his claim herein. The respondent has challenged the production of the papers, but these have not been shared with third parties and are necessary to support his case.
24. The claimant also testified that he has not obtained consent to produce the records related to other individuals. He has relied on the respondent's human resources documents as the basis of his claim. Some of the documents filed are private and confidential, but are necessary for his case.
25. The claimant testified that he began working for the respondent on 7 June 2006, as a legal assistant in Job Group KMA6. He rose to job group N, being MKA5, but the letter of appointment is not filed. There was no promotion leading to discriminatory treatment.
26. Upon cross-examination, the claimant testified that upon his secondment to the County Government of Lamu, he was not promoted by the respondent. The county placed him in a position similar to Public Service job group S. Upon resuming his position with the respondent, the Director General directed the Human Resources Director to make the necessary changes to place him accordingly; however, the officer declined to address this. Unlike other employees who had been seconded to other agencies, his date of salary increment was not effected, leading to discriminatory treatment and unfair labour practices. Instead of being paid his salary arrears, he was abused and his life threatened. He, however, did not report these threats and abuses to the police.
27. Despite being qualified for the Human Resources position advertised both internally and externally, the respondent failed to provide reasons for not submitting his application. There was a duty to share the outcome of his applications and interviews, along with reasons for not being selected for the position, since he had information that he had scored highly.
28. The claimant further informed the court that he had since left the respondent's service, effective 29 May 2025, following his dismissal. His last day on the shop floor was 19 August 2024, when he was served with notice of interdiction. The documents were obtained while he was at work in 2023.



## Response

29. In response, the respondent admitted that the claimant was an employee at the time of filing the suit, serving as the Senior Administration Officer in Job Group KAMG5. He is no longer an employee, having been terminated on 14 April 2025 following an administrative decision.
30. The respondent admitted to releasing the claimant to the County Government of Lamu; however, all annual increments were to be made by the County Government and not the respondent. This was in accordance with the Human Resource Policies.
31. The respondent brought to the attention of the County Government of Lamu that the claimant was a junior officer who would not be seconded under the law. The respondent did not object to the secondment on the given terms. The alleged placement at Job Group S and N was not brought to the respondent's attention, as alleged. This did not warrant any consideration by the respondent, and the claimant retained his position within the respondent's group.
32. Under the *Public Service Commission Act*, Regulations, and the Human Resource Manual, the claimant is not entitled to any promotion to Job Group 5 as alleged. There was no discrimination against the claimant; he belonged to a lower grade, whereas the named officers, who are said to have been promoted, are senior technical officers under the direct supervision of the Board of Directors. In any case, the chairman has no authority from the listed persons or the respondent to use their personal records, which are now publicly disclosed. The personal and sensitive documents should be removed.
33. The claimant is guilty of material non-disclosure, as the respondent, in a memo dated 2 July 2021, requested unpaid salary arrears for the period he was on secondment to the County Government of Lamu, which were duly paid.
34. There is no evidence regarding the alleged abuse and threats to life. None has been submitted to the police.
35. The deployment of officers by the respondent within the organisational structure is carried out in accordance with the standard operating procedures outlined in the Kenya Maritime Human Resource Manual.
36. The respondent internally advertised vacant positions for job groups 2, 3, and 4, inviting employees to apply by 7 August 2023. Among the positions advertised was Principal Human Resource Officer (Talent Management, Job Group 4). The claimant and other employees applied, were shortlisted, and attended interviews. He did not attain the pass mark. Thereafter, the position was advertised externally, and the claimant re-applied; however, he did not meet the threshold requirements. According to the respondent's Career Guidelines, 2020, the advertised job required three years of experience as a senior Human Resource Officer, which he did not possess. The claimant had not previously served as a Human Resource Officer for the respondent.
37. The claim of discrimination or unfair labour practices is unfounded, and the parties involved are therefore dismissed. The claimant sued the respondent in Mombasa ELRC Petition No. E012 of 2024 over similar allegations. The claimant has also filed an appeal against the respondent at the Public Service Commission, which is currently ongoing, State Corporation Appeal No. 016 of 2025 Julius Okindo v Kenya Maritime Authority. The appeal contests the termination of employment, and therefore, the present suit is without merit and should be dismissed.



38. The claimant's claims cannot be upheld without an employment relationship. The claims are now irrelevant due to changing circumstances. The case relies on speculative and anticipatory rights, which do not warrant court intervention.

No evidence was called.

Both parties filed written submissions.

### **Determination**

39. From the pleadings, evidence, and written submissions, the issues to be determined are whether there were discriminatory practices against the claim by the respondent; whether there are unfair labour practices; and whether the reliefs sought should be granted.

40. It is common cause that the respondent, in his last position, employed the claimant as a Senior Administration Officer at Job Group KMAG5. Following an internal advertisement for the position of Human Resource Officer (Talent Management), the respondent did not select any candidate. There was also an external advertisement for the same position, along with a Human Resource Officer (Learning and Development) role, and the claimant applied for both. He was not shortlisted. He is seeking the interview score sheets and an understanding of how the scores were determined.

41. The claim also states that the claimant was seconded to the County Government of Lamu, which the respondent approved. He was placed under the secondment to Job Group S; however, upon the end of the secondment, he was required to revert to his original position with the respondent. This was unlike the three officers who were seconded and promoted; hence, he alleges that there was discriminatory treatment and unfair labour practices, and he should be remunerated under Public Service Job Group S.

42. The respondents assert that the claimant was the Senior Administration Officer at Job Group KMAG5. The secondment was approved, however, on terms to be negotiated outside the respondent's structure. Upon return, the claimant reverted to his position. For the period away while on secondment, he has received his due payment. Upon application for the advertised positions, the claim did not meet the required threshold and had not served in the human resources position, which was core to the job requirements. The orders sought are not justified since employment has since terminated, and the claimant has an ongoing appeal with the Public Service Commission.

43. From the description of the parties, the respondent is a state agency. Its officers are public officers. The regulations applicable under the Kenya Maritime Human Resource Manual, the [Public Service Commission Act](#), or the related Regulations and Human Resource Manual apply to the respondent. Under the management of the public entity, the respondent is bound by Article 10 of [the Constitution](#) to uphold the values and principles of good governance. Within these values and principles, accountability is a central tenet.

44. Upon internal and external advertisements for a vacant position, where an applicant has sought feedback on the recruitment process, as a public entity, the respondent is obliged to be transparent and accountable. The only exception is when the matter relates to national security, safety, or as permitted under the law, as held in *Electoral Commission Of Kenya V Attorney General & 2 Others* [2007] KEHC 755 (KLR).

But for public bodies the rule is opposite and so of another character altogether. It is that any action to be taken must be justified by positive law. A public body has no heritage of



legal rights which it enjoys for its own sake, at every turn, all of its dealing constitute the fulfillment of duties which it owes to others; indeed, it exists for no other purpose. ...

45. In employment and labour relations, to promote industrial peace and genuine employee development, when making an internal advertisement, the employer should, in return, empower employees with feedback. To maintain the integrity of the process, ensure that the recruitment process remains transparent and accountable.
46. This is a constitutional obligation under Article 10 of *the Constitution*. When the claimant makes a reasonable request to access the score sheets and results of the internal interviews for the advertised position of Human Resource Officer (Talent Management), such access should be granted in accordance with Article 35 of *the Constitution*, as held in *Omtatah v Head of Public Service & 2 others* (Constitutional Petition E301 of 2021) [2024] KEHC. This principle is reaffirmed in the case of *Independent Policing Oversight Authority v Siddique w/o Arshad Sharif & 6 others* [2025] KECA 1456 (KLR), which states that upon a reasonable request to access relevant and necessary information, a public entity is obliged to provide it.
47. To protect the claimant's rights during employment and at the conclusion of his current case, the claimant shall be provided with score sheets and results from the internal interviews for the position of Human Resource Officer (Talent Management). The respondent agrees that this is fair, reasonable, and should be provided without unnecessary delays. Indeed, this is a best practice for the respondent to adopt for all advertised positions. Giving feedback to applicants helps ensure integrity and uphold the values and principles of good governance, as outlined in Article 10 of *the Constitution*.
48. Regarding the external advertisement for the positions of Human Resource (Talent Management) and Human Resource Officer (Learning and Development), the respondent has urged the court that the claim does not meet the required threshold for these positions. The case is that;
  - iv. The claimant applied for both positions and was not shortlisted by the Board's shortlisting panel for failure to attain the person specifications for the positions of the abovementioned Principal Human Resource Officer as per the Respondent's Career Guidelines, 2020 which required the candidate to have served for a period of three (3) years in the position of Senior Human Resource Officer.
49. This response is owed to the claimant. Waiting for him to file suit to seek this response is an unfair labour practice. As an applicant already serving the respondent in another capacity, this feedback was necessary, and his claim to this extent was justified. The need to issue advertisements, as well as the conduct of shortlists and interviews without the reverse accountability of the entire process, constitutes an unfair labour practice.
50. The response herein shall be formalised back to the claimant with an explanation of why he did not meet the required specifications.
51. This message should be sent to all applicants, not just a letter of regret stating that they did not secure the position for which they applied. In *Nairobi Bottlers Limited v Ndung'u & another* [2023] KECA 839 (KLR), the court emphasised that accountability in the recruitment process pertains not only to disclosing the best performing candidates but also to the entire process. The disclosure of production processes hidden from the public by an industry is comparable to an employer's recruitment process. Each applicant submits that application for the job, well aware that they meet the requirements. However, there are different dynamics on the shop floor that the employer is seeking. The process must be open and transparent to give each applicant confidence that, when applying for the next role, they will meet the requirements.



52. The claimant had applied internally and was shortlisted. Why then was he not shortlisted during the next external advertisement? An explanation is necessary in this case. Feedback requested is both legitimate and valid.
53. The claim is that the claimant experienced discrimination and unfair labour practices. His case is that upon his secondment to the County Government of Lamu, the respondent approved the move. Three other employees were deployed to another agency. However, upon the secondment and resumption of duty on 24 April 2023, they were granted automatic promotion by being moved from Job Group KMA4 to KMA3. The justification was that during their period of secondment, they had served at a higher position, hence their promotions by the respondent. Their salaries were adjusted with payment of arrears. On his part, the claimant had been placed in Job Group S while on secondment, but upon return, he was reassigned to his original Job Group without a salary adjustment or payment of arrears.
54. The respondent has since confirmed that the claim was paid for his salary while on secondment. The claimant has not challenged this payment.
55. The court considers that the claimant was granted his secondment and received salaries appropriate for his role and status as the Senior Administration Officer at Job Group KMAG5 with the respondent. This position remained unchanged during the secondment.
56. Regarding the claim of discriminatory treatment and unfair labour practices, the claimant's case, as outlined above, is that upon his secondment, he was promoted to Job Group S. However, upon resuming his duties, the promotion was not updated. Other employees of the Respondent were seconded and promoted. Their promotions were adopted, and salary arrears paid.
57. Discrimination at work is prohibited under Article 27 of *the Constitution* and Section 5 of the *Employment Act*; discrimination against any employee, whether direct or indirect, is unconstitutional and unlawful.
58. In *Law Society of Kenya v Attorney General & another* [2019] KESC 16 (KLR), the Court defined discrimination to include;
- ... a distinction, whether intentional or not but based on grounds relating to personal characteristics of the individual or group, which has the effect of imposing burdens, obligations, or disadvantages on such individual or group not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available members of society.
59. The court in the LSK case relied on the case of *Barclays Bank of Kenya Ltd & Another v Gladys Muthoni & 20 others* [2018] eKLR, where the court held that.
- Discrimination means affording different treatment to different persons attributable wholly or mainly to their descriptions... whereby persons of one such description are subjected to ... restrictions to which persons of another description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.... Discrimination also means unfair treatment or denial of normal privileges to persons because of their race, age, sex ... a failure to treat all persons equally where no reasonable distinction can be found between those favoured and those not favoured.
60. Discrimination against a person involves unjust or prejudicial treatment of different groups in similar circumstances. It refers to unfair treatment or denial of normal privileges to individuals, or a failure to treat everyone equally without a justifiable reason for distinction.



61. Through his request dated 17 October 2017, the claimant sought approval for his secondment to the County Government of Lamu. This was approved via letter dated 8 January 2018 following the respondent board's 97th meeting held on 11 December 2017. The claimant was thus released to serve under the secondment on conditions that;

... note that your salary and all other allowances, including any annual increments, will be paid by the County Government of Lamu, and since you are a pensionable officer, the County Government will be required to make your pension contribution to the Authority's pension scheme at the prevailing rate and any future adjustments. ...

The secondment was conditional as set out above.

63. The claimant has related his case to three other employees seconded to the Kenya Coast Guard Service. The claim is that these employees received their annual increments during the period of secondment and, upon return, secured their promotions. However, the letters of secondment for these three employees and their details are not available. The conditions of secondment, if any, are not discussed.

63. The conditions of secondment are essential for the court to evaluate the point of convergence or divergence in relation to the claim of discriminatory treatment made by the claimant. While secondment is permitted in the public service, the *Public Service Commission Act* defines secondment as distinct from re-designation or re-deployment, meaning;

“re-designation” means the movement of a public officer from one career path or cadre to another at a grade equal to or substantially equal to the one held before the movement, to facilitate the public officer's horizontal mobility;

Provided that the posting, deployment or secondment of a public officer from one duty station to another in the same grade in the public service shall not be regarded as a re-designation;

64. Therefore, the *Public Service Commission Act* defines secondment to mean;

“secondment” means an arrangement in which a pensionable employee is temporarily released from an organisation within the public service to another organisation which does not have reciprocal pension arrangements, to provide critical skills or acquire new skills while preserving the pension rights of the employee;

Under section 42(2) of the *Public Service Commission Act*,

(2) Unless there is an agreement to the contrary, the public body or the organization to which a public officer is seconded shall bear all the costs, remuneration, allowances and other benefits due to the officer during the period of secondment.

65. In this case, the agreement between the claimant and the respondent was that the County Government of Lamu, being the receiving body upon secondment, was to bear the costs, remuneration, allowances and other benefits due to the claimant. The only safeguard given was the pensions dues were to be remitted to the respondent.

66. The case of different treatment from other employees on secondment is lost. The written authority for deployment was conditional on the claimant. The claimant requested a secondment from the respondent.



67. The written authority for the other employees seconded to the Kenya Coast Guard Service and the conditions associated with it are not examined. The supposed different treatment of individuals based on their secondment is not evident in this case. The rights, privileges, or advantages that are granted or not granted to the claimant regarding promotions and salary arrears, when weighed on this basis, cannot be applicable.
68. The response that the three officers seconded to the Kenya Coast Guard Service were senior technical staff under the direct supervision of the Board of Directors, whereas the claimant was of a lower cadre, is not materially challenged. An employer has the prerogative to organise its employees as deemed necessary to provide them with skills and experience on the job. Where the respondent found it essential to second its senior technical staff to another agency, such action cannot serve as a basis for discriminatory treatment against the claimant, who was of a lower cadre. He was not similarly situated to the three other employees. They were senior to him, and while his secondment was conditional on specific terms, the respondent had the prerogative to second other employees as well. See *Gichuru v Package Insurance Brokers Ltd* [2021] KESC 12 (KLR).
69. Indeed, the records filed by the claimant confirm that Capt. Elijah Agak was at Job Group KMA3, Regional Assistant Director, and Capt. Oliver Kiptanui Maina was an Assistant Director of Security at Job Group KMA3. The claimant remained at Job Group KMA5, which is different and separate from the officers he has compared with.
70. The court finds no evidence of discrimination against the claimant based on the given facts. There are no discernible unfair labour practices.
71. The claim for salary difference during secondment, when he received a salary from the seconding government agency, would amount to double remuneration, which is not allowed in the public service. Seeking payment from the respondent while being paid a salary by the County Government of Lamu would contravene the provisions of Section 42(2) of the *Public Service Commission Act*.
- (2) Unless there is an agreement to the contrary, the public body or the organization to which a public officer is seconded shall bear all the costs, remuneration, allowances and other benefits due to the officer during the period of secondment.
72. While secondment is an accepted labour practice, the release and approval letter for the claimant was conditional. The principal organisation did not initiate his promotion by the receiving agency. Upon his return, the claimant was governed by his substantive appointment with the respondent. The claim for placement and promotion to the position of Job Group S or an equivalent role during his secondment contradicts the entire secondment process as outlined in the Kenya Maritime Human Resource Manual, the *Public Service Commission Act*, the Regulations, and the Human Resource Manual governing employment within the respondent entity, as upheld in *Simotwo v County Government of Narok & 2 others* [2025] KEELRC 1580 (KLR).
73. The claim for an order placing the claimant at job group KMA4, backdated to 1 February 2018, and the payment of salary arrears of Ksh 6,509,000, is not justified. Since the pension contributions from the receiving body upon secondment were not effected, this matter can be addressed outside of these proceedings.
74. On the claim for payment of damages, on the analysis above, the claim is without merit.
75. Regarding the claim that the respondent persecuted and victimised the claimant, the claimant admitted in evidence that he did not report such matters to the relevant government agencies, thereby allowing them to conduct investigations. At the same time, the employer has the mandate to secure and



safeguard the rights of all employees while on the shop floor. The claimant alleged that he was abused and threatened by persons at work who are not named. A threat to life is a criminal act which should have required immediate reporting to the appropriate agency.

76. Regarding costs, the claim is well-founded as discussed above. Based on this, the court considers an award of 50% of the due costs appropriate.
77. On the findings above, the judgment is hereby entered for the claimant against the respondent in the following terms;
- a. To secure the claimant's rights while in employment, the respondent shall provide the score sheets and results for the internal interviews for the position of Human Resource Officer (Talent Management) within 14 days from the date hereof;
  - b. The respondent shall issue a formal response to the claimant on his applications dated 4 August 2023 for the position of Principal Human Resource Officer (Talent Management) and application dated 5 January 2024 for the same position and that of Human Resource Officer (Learning and Development) within 14 days from the date hereof;
  - c. The claimant to report to court as (a) and (b) above on 16 October 2025;
  - d. The claimant is awarded 50% of his costs.

**DELIVERED IN OPEN COURT AT MOMBASA, THIS 2<sup>ND</sup> DAY OF OCTOBER 2025.**

**M. MBARŪ**

**JUDGE**

In the presence of:

Court Assistant: Japhet

..... and .....

