



8TH KAHC & KUDHEIHA Human Resource Conference



Building a Resilient Workforce in the Hospitality Industry

Jacaranda Indian Ocean Beach Resort
18th – 19th September 2025

Conference Moderators

Bessie Inoti, Chairperson, Service Charge Kitty Committee
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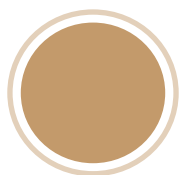
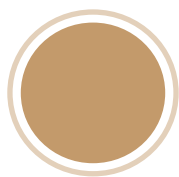


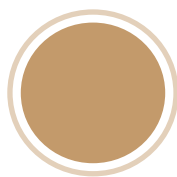
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Abbreviations and Acronyms

AI	Artificial Intelligence
CBA	Collective Bargaining Agreement
CDC	Coast Disputes Committee
EAC	East African Community
GBV	Gender-Based Violence
HR	Human Resource
IHRM	Institute of Human Resource Management
JIC	Joint Industrial Council
JNC	Joint Negotiation Committee
KAHC	Kenya Association of Hotel Keepers and Caterers
KUDHEIHA	Kenya Union of Domestic, Hotels, Educational Institutions and Hospital Workers
NSSF	National Social Security Fund
SGBV	Sexual Gender-Based Violence
TRA	Tourism Regulatory Authority



Executive Summary

The 8th edition of the Kenya Association of Hotelkeepers and Caterers (KAHC) and the Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers (KUDHEIHA) Human Resource Conference was convened under the theme “*Building a Resilient Workforce in the Hospitality Industry*.” The conference once again demonstrated the significance of the long-standing KAHC–KUDHEIHA partnership, which has played a central role in advancing industrial harmony, professionalising labour relations, and strengthening the human resource function within the hospitality sector.

The two-day gathering brought together HR professionals, union leaders, employers, and legal experts to address urgent matters facing the sector, from collective bargaining and workplace ethics to technology adoption, staff accommodation standards, gender-based violence, succession planning, and the overarching challenge of resilience. The discussions highlighted both progress achieved and the need for continued reform, dialogue, and innovation to secure the future of the workforce.

Opening Highlights

In his opening remarks, *Mike Macharia, CEO of KAHC*, set the context by retracing the history of the Human Resource Conference. He reminded participants that this forum was established to bridge the gap between shop-floor employees and HR managers, providing a space for honest dialogue and mutual learning. Over the years, he said, the conference had become a defining event in professionalising industrial relations and strengthening the structures that govern human resource practice in the hospitality sector. He emphasised that the progress achieved so far was only possible because of strong collaboration between employers and unions, and he challenged participants to build on that foundation by confronting emerging challenges with openness and foresight.

Sven Kampa, Chairman, KAHC Coast Region, added depth to the theme by focusing on the concept of resilience. He defined resilience as the ability to adapt, recover, and thrive even under intense pressure, and noted that hospitality employees face extraordinary demands daily, from emotional labour to unpredictable guest expectations. He identified job insecurity, weak planning of shifts, fraud, and low employee morale as pressing challenges that undermine resilience. At the same time, he pointed to global examples of apprenticeship programmes and sustainable workforce models that are helping the industry strengthen its people systems. His remarks underscored that resilience is not just an individual trait but an organisational commitment requiring deliberate investment and continuous adaptation.

Highlights of the Presentations

Samuel Gathogo, Chairman of the Joint Negotiation Committee, presented an overview of the CBA 2025–2028. He explained that the new agreement was designed to provide stability by adopting, for the first time, a four-year cycle, which gives both employers and employees predictable ground to plan. He stressed on dispute resolution, ensuring that conflicts could be addressed fairly and efficiently. Gathogo reminded participants that CBAs are not just legal documents but living instruments that reflect the social contract between employers and employees.

On the subject of leadership, *Irene Kimacia, Head of Corporate Affairs & Communications, Institute of Human Resource Management (IHRM)*, spoke on Strategic Ethical Leadership. She challenged HR professionals to reflect on how their decisions either prevent or create crises in their organisations. Ethical leadership, she said, requires decisions that protect employees, preserve organisational trust, and strengthen resilience. She introduced the ETHICS framework, a guide to embedding ethics in decision-making and laid out a roadmap for integrating ethics into HR practice, from recruitment and training to conflict resolution. According to her, values-driven leadership is the anchor of sustainable performance, and HR professionals must become champions of integrity if they are to build workplaces that employees can trust.

Samuel Kingori, Founder and CEO of Buildwise Consulting Ltd., spoke on *The Role of Artificial Intelligence (AI) in HR Management*. He explained that AI is increasingly being applied across the employee lifecycle, in recruitment, onboarding, training, performance management, and employee engagement. These tools, he said, bring efficiency and data-driven insights that can transform HR practice. However, he cautioned against viewing AI as a silver bullet. He stressed that HR must remain human-centred, ensuring that technology complements rather than replaces human judgment. He urged professionals to embrace AI cautiously, balancing innovation with the preservation of dignity and livelihoods.

Fredrick Omondi, Director of Standards & Accreditation, Tourism Regulatory Authority, spoke on *Accommodation Standards for Tour Guides and Hotel Employees*. He argued that decent housing is not merely an optional benefit but a fundamental right that is tied directly to employee dignity and industry competitiveness. He linked the issue to the East African Community hotel classification system, noting that accommodation standards are a critical component of how establishments are evaluated. Drawing on the Constitution, ILO conventions, and the Sustainable Development Goals, he reminded HR professionals of their responsibility to ensure compliance and to advocate for policies that place employee welfare at the centre. His presentation underscored that investing in staff accommodation is not only a legal obligation but also a strategic advantage in attracting and retaining talent.

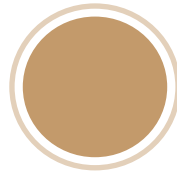
The sensitive but crucial topic of *Managing Gender-Based Violence and Sexual Harassment in the Workplace* was presented by Hon. Ivy Wasike, Principal Magistrate at the Kilifi Law Courts. She laid out the weight carried by both international and national legal frameworks, including ILO conventions, the Constitution of Kenya, and the Employment Act, which collectively prohibit harassment and discrimination. She highlighted the statutory requirement for organizations with more than 20 employees to have sexual harassment policies and stressed that every staff member must be aware of the policy's contents. Using examples from case law, she illustrated the severe financial and reputational risks faced by organizations that fail to address harassment. She reminded participants that sexual harassment undermines dignity,

productivity, and organizational reputation, and insisted that HR managers must be at the forefront of prevention and enforcement.

Wendy Kinyanjui, *Advocate at N. Kinyanjui & Advocates*, guided participants through the subject of Succession Planning. She noted that succession is often encountered in moments of crisis such as death, divorce, or illness, which are accompanied by emotions that cloud decision-making. She encouraged participants to view succession not as a reaction to tragedy but as a proactive, forward-looking strategy. Her presentation covered the role of wills in avoiding disputes, the distribution of estates under intestacy, and the use of family companies and trusts to preserve generational wealth. Through practical examples, she demonstrated how proactive succession planning can provide peace of mind, security, and continuity both for families and for organizations.

On the subject of resilience, *Catherine Mwangi of Kates and Kate Consultancy* delivered a session titled HR and Resilience. She described HR professionals as the “bulb” that illuminates balance between employees and employers, noting that they are uniquely placed to model and nurture resilience. She explained that resilience requires firmness and fairness in applying labour laws, adaptability in times of crisis, investment in employee wellness, and ethical leadership at all levels. She emphasised that HR must also embrace technology while safeguarding human connections. By integrating these practices into recruitment, performance management, employee engagement, and workplace culture, HR can transform resilience from an abstract concept into a lived reality.

The conference closed with reflections from *Lady Justice Monica Mbaru of the Employment and Labour Relations Court*. Drawing on her experience, she stressed accountability, leadership ethics, and the central role of CBAs in sustaining industrial harmony. She cautioned against delegating negotiations to ill-prepared managers while unions send top leadership, and reminded participants that CBAs must include non-monetary provisions that go beyond salary. She underscored the importance of documented workplace policies on issues such as phone use, culture, and discipline, explaining that ambiguity only breeds disputes. On AI, she encouraged adoption but warned that it must not undermine livelihoods or replace the human touch. She described sexual harassment as “the cancer of our society,” urging all organizations, regardless of size, to establish clear policies. Above all, she concluded by reminding participants to never lose sight of the human person behind the employee, as fairness and dignity remain the bedrock of sustainable workplace relations.



Welcome Remarks

By Mike Macharia,
CEO, KAHC

Mr. Mike Macharia began his remarks by tracing the origins of the Kenya Association of Hotel Keepers and Caterers (KAHC) Human Resources Conference to about ten years ago, noting that the current gathering marked the eighth edition of the event. He recalled that the first conference was held in 2013, during the period when KAHC and KUDHEIHA were negotiating the 2012 Collective Bargaining Agreement (CBA). At the time, the two organisations struggled to finance negotiations and related processes.

He explained that the late Stephen Mwiti, a former Human Resource (HR) manager, had proposed the idea of creating a 0.5% kitty from the service charge to support negotiations and training. This fund was meant to not only facilitate dispute resolution through mechanisms such as the Joint Industrial Council (JIC) and Coast Disputes Committee, but also bridge knowledge gaps between shop-level staff and HR managers. Over the years, the initiative reduced the number of disputes escalating to the Industrial Court by fostering better understanding at both levels.

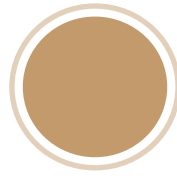
Turning to the 8th edition of the KAHC and KUDHEIHA Human Resource Conference 2025, he emphasised that its purpose is to track and respond to emerging trends in human resource management. He noted that while employees in earlier years readily undertook tasks without question, today's workforce increasingly seeks to understand the rationale behind instructions. The conference, he explained, will therefore provide a platform to engage with such evolving workplace dynamics.

He further observed that HR professionals now operate within a complex framework of employment laws, collective bargaining agreements (CBAs), International Labour Organization (ILO) conventions, jurisprudence, and human rights. He underscored the growing significance of human rights in the workplace, describing it as an unfolding movement that continues to expand into new dimensions such as maternity and paternity rights, as well as the emerging area of business and human rights. The conference, he said, will address these issues alongside other pertinent themes, including artificial intelligence (AI), succession planning, and the influence of judicial decisions on industrial relations.



Mr. Macharia emphasised that the hospitality industry in Kenya had never experienced a strike since independence, attributing this to the strong relationships between employers and employees. He expressed hope that the conference would equip participants with new ideas and perspectives, enabling them to better understand and balance human rights, strengthen industrial harmony, and advance the overall objective of building a resilient workforce in the hospitality industry.

Before concluding, Mr. Macharia recognised the presence of KAHC Board Members, noting in particular Ms. Cathrine Murage, the Treasurer, Mr. Vickram Kola, and Mr. Sven Kampa, the Coast Chair. He expressed appreciation for their leadership and dedication to advancing the work of the association.



Official Opening

By Sven Kampa, Chairman,
KAHC Coast Region

Mr. Sven Kampa, Director of Diani Sea Lodge and Diani Sea Resort and Coast Chair of KAHC, opened his remarks by briefly tracing his professional journey. He noted that he had worked in Germany and the United States with major corporations such as Infineon and Intel, where he rose to senior leadership positions, before returning to Kenya in 2014 to manage the family hotels. He explained that these experiences reinforced his belief in the importance of resilience, which he defined as the ability of employees to adapt to change, recover from setbacks, and thrive in the face of adversity.

He observed that large multinational companies deliberately cultivated resilience by exposing staff to structured career coaching, assessment centres, and leadership training. These approaches ensured that employees were challenged, developed, and supported to deliver at their best. He stressed that the hospitality industry could draw valuable lessons from such practices, particularly given its unique set of challenges.

Mr. Kampa identified the main challenges faced by hospitality workers as high guest expectations, job insecurity, unpredictable working hours, and emotional labour - constantly managing emotions and providing friendly service. He explained that service staff were constantly required to meet diverse guest needs under close scrutiny, with social media amplifying both positive and negative experiences. He added that irregular schedules and the demand for emotional intelligence placed additional pressure on employees, making resilience a necessity rather than an option.

He highlighted initiatives being implemented to overcome these challenges and develop a resilient workforce. Central among them was the apprenticeship programme running in his hotels, which mirrors Germany's dual vocational training system. This two-and-a-half-year programme, supported by the German Chambers of Commerce Abroad (AHK), equips young Kenyans with comprehensive hotel skills, resilience, formal certification and the ability to work anywhere. He noted that Kenya has a large pool of youth, with unemployment at around 15 percent and over 80 percent engaged in the informal sector, making structured training opportunities both timely and impactful. In addition, he stressed the importance of



management training, pointing out that while multinationals train staff internally, Kenyan hotels depend on sector-wide platforms such as the KAHRC HR Conference, Finance Conference, and similar symposia to raise leadership and management standards.

On job insecurity, Mr. Kampa emphasised the need to grow the sector in order to be able to create more jobs to employ the youth. He further noted that the sector can grow through increased flights into the country, and specifically Mombasa. He cited findings showing that each additional international flight into Mombasa could inject KES 42 billion annually into tourism, yet restrictive government policies continued to hold back expansion. He also raised concerns about fraud and financial malpractice within the sector, warning that such practices drained resources, weakened hotels, and ultimately hurt employees. He urged KUDHEIHA to play an active role in combating this challenge, noting that it is directly undermining the growth of the industry.

On the issue of unpredictable working hours, he urged HR managers to hold leaders accountable for proper shift planning to avoid burnout, noting that while occasional peak periods required flexibility, regular overwork was unnecessary if operations were well managed. He further stressed the importance of empathetic leadership, urging managers to listen to staff, take their suggestions seriously, and lead by example during crises. Recognising and rewarding resilience, he added, was key to sustaining motivation and service excellence.

In conclusion, Mr. Kampa reminded participants that tourism is an industry built on interpersonal skills. He observed that unhappy employees inevitably result in unhappy guests, and that investing in training, supportive leadership, and a culture of resilience was therefore essential for the growth and sustainability of the hospitality sector.

An Overview of the KAHC & KUDHEIHA CBA 2025-2028

By Samuel Gathogo, Chairman,

Joint Negotiation Committee

Mr. Gathogo made a presentation titled “An Overview of the KAHC & KUDHEIHA CBA 2025–2028”. Below are the key aspects of his presentation:



1. Origins of the CBA:

- The first Collective Bargaining Agreement (CBA) was negotiated in the 1960s after KUDHEIHA recruited slightly over 51% of KAHC membership.
- A Recognition Agreement was signed between KAHC and KUDHEIHA, formally giving rise to the first CBA.
- This laid the foundation for a structured negotiation process between employers and employees in the hospitality sector.

2. Negotiation Structure:

- CBAs are negotiated by a Joint Negotiation Committee (JNC), bringing together representatives of both sides.
- KUDHEIHA side:
 - Shop stewards from selected member hotels across the regions (Mara, Nairobi, Mombasa).
 - Officials from the KUDHEIHA Head Office.
- KAHC side:
 - Members selected for their HR expertise and prior involvement in the Joint Industrial Council (JIC) or Coast Disputes Committee (CDC).
 - Regional representation from Coast, Mara, and Nairobi.
 - Senior leaders (General Managers and individual investors), plus members with significant shareholding or multiple properties.

- The KAHC Finance Chairperson (also National Treasurer), the CEO, and Admin (serving as Secretary).
- Each side appoints co-chairs and co-secretaries.

3. The 2025–2028 CBA Cycle:

- Unlike previous CBAs which ran on two-year cycles, the 2025–2028 CBA covers four years.
- The shift was agreed upon to:
 - Improve stability and long-term planning for both employers and employees.
 - Avoid disruption from the 2027 national elections, which would have coincided with the renewal of a two-year CBA.

4. Dispute Resolution Mechanisms

- Local Grievances:
 - These arise from alleged breaches of terms affecting an individual employee or a small group.
 - Escalation process:
 - Supervisor / Head of Department
 - HR Manager
 - Works Committee
 - Branch
 - JIC or CDC.
- Collective Grievances:
 - Issues affecting all employees, such as wage changes or breaches of agreed terms.
 - Also addressed through JIC/CDC.
- Joint Industrial Council (JIC) & Coast Disputes Committee (CDC):
 - Main forums for resolving disputes and claims.
 - Composition: Minimum of 5 and maximum of 15 representatives from each side.
 - Meeting frequency: At least once a month.
 - Quorum: Not less than 3 members per side.
- Most disputes are resolved through these mechanisms without escalating to the Labour Office or courts, making the system a robust alternative dispute resolution mechanism.

5. Terms & Conditions of Employment (Highlights)

- Wages:
 - *Entry Level Wages*: No employee may be paid below the agreed minimum.
 - Adjustments: +6% (2025), +6% (2026), +5% (2027), +5% (2028).
 - Where government minimum wages are higher, those prevail.
 - *General Wages*: Across-the-board increments for all employees in service as at 1 January 2025.
 - +10% (2025), +8% (2026), +7% (2027), +7% (2028).

■ Hourly & Daily Rates:

- Hourly rate = (Basic Salary + House Allowance) ÷ 208 hours (or 182 hours for gardeners).
- Daily rate = (Basic Salary + House Allowance) ÷ 26 days.

■ Overtime:

- Paid in cash or time off at double rate for hours beyond 48 per week.
- Payment must not be delayed beyond the second payroll cycle.

■ Public Holidays:

- All gazetted holidays are paid holidays.
- If worked, employees earn double hourly rate or equivalent time off.
- Where holidays coincide with rest days, additional compensation or days off apply.

■ Allowances:

- *Safari Allowance*: KSh 4,100 (2025), KSh 4,300 (2026), KSh 4,500 (2027), KSh 4,700 (2028).
- *Leave Travel Allowance*: KSh 7,200 (2025), rising to KSh 8,700 (2028).
- *Night Shift Allowance*: 25% of daily wage for ≥4.75 hours worked between 7pm and 7am.

■ Gratuity:

- Terminated effective 1 January 2023 due to implementation of the NSSF Act, 2013.
- *Accrued gratuity* to be tabulated and settled as follows:
 - Employees ≤10 years of service: 19 days' basic + house allowance per year.
 - Employees >10 years of service: 25 days' basic + house allowance per year.
- Transfers can be made to either a pension scheme or NSSF, based on terms agreed with the union.

■ Retirement:

- Employees may retire (or be retired) at 60 years, effective 1 January 2025.

Presentation of Certificates of Appreciation

In a special recognition segment, Mr. Mike Macharia, KAHC, CEO, took the opportunity to honour individuals who had demonstrated exemplary service and commitment in Industrial Relations. He noted that the success of the collective bargaining process depended greatly on the dedication and leadership of those entrusted with guiding and resolving complex issues. As a token of appreciation for their contribution, he formally recognized and presented the following with Certificates of Appreciation.

- **Samuel Gathogo**, Chairman, Joint Negotiation Committee and Joint Industrial Council – for his dedicated service as Chairman of the Committee.
- **Alphaxard Chege**, General Manager, Serena Beach – for his dedicated service as Chairman of the Coast Disputes Committee.

Q&A Discussion

The following were the key questions raised and their respective responses:

Question 1: *Why is there a segmentation into Area A and Area B in the CBA? Shouldn't there be uniformity since the economic impact on employees' earnings is the same everywhere?*

Response: The CBA is anchored on national labour laws, including the minimum wage order, which classifies wages into three categories, Area A, B, and C. To improve members' standards beyond the government's classification, the parties streamlined this into two categories, cities (Area A) and municipalities/other areas (Area B). This approach ensures alignment with the statutory minimum wage order, which provides the legal foundation for the segmentation.

Question 2: *What is KAHC's role at the negotiating table for management staff, who are not union members?*

Response: The Industrial Relations Charter defines who is unionisable and who is not, and management staff generally fall outside the unionisable category. While the Employment Act and the Labour Relations Act provide all employees with the fundamental right of freedom of association, managers exercise these rights differently since they represent the employer's interests. As KAHC represents the investors, it has no role in negotiating management salaries. If managers wished to unionise, they would need to relinquish some of their management responsibilities and powers. In such a case, they would then be recognised as employees on the other side of the table, and KAHC would negotiate with them as part of the unionised workforce.

Question 3: *Why do some organizations opt to pay out accrued gratuity in cash, while the CBA only provides two options—pension and National Social Security Fund (NSSF)?*

Response: It was clarified that:

In some establishments, employees have insisted on receiving gratuity in cash instead of channeling it into a pension scheme. While this consultative approach has been applied, it poses risks as gratuity is intended to support employees at retirement, not earlier in their working years. Paying it out prematurely undermines its purpose, leaving employees vulnerable at retirement age.

The issue of gratuity was first raised in 2014 at the tail end of the 2012 CBA negotiations. Both employers and investors highlighted that continuing to accrue gratuity while also contributing to NSSF would be unsustainable once the NSSF Act came into force, since the Act was designed to create a mandatory pension scheme aimed at preventing old age poverty.

The intent was to transition into a pension system that ensures income replacement in retirement, targeting at least 60% of an employee's current earnings—a goal the NSSF Act alone could not achieve in its design.

At the time, very few establishments in the hospitality industry had active pension schemes. To secure employees' retirement benefits, an agreement was reached with the union to remove the gratuity accrual and instead direct funds into either pension schemes or NSSF. Unlike gratuity accruals, which did not earn interest and carried the risk of non-payment, pensions or NSSF contributions provide more security and growth for employees' retirement savings.

Question 4: Are the terms and conditions of service for casual employees adequately covered in the CBA, given that Clause 19 specifically guides their daily rate?

Response: It was explained that the CBA is designed to be all-encompassing, applying equally to all categories of employees—whether temporary, casual, contract, or permanent. Although it does not contain a separate section specifically for casual employees, Clause 19 provides that their terms and conditions are aligned with those of contract employees. This ensures that the provisions are uniform and applied consistently across the entire CBA.

Question 5: Why does the current CBA still contain outdated and unclear roles that are overly complicated and fail to capture emerging or future jobs?

Response: It was explained that a job evaluation process had already been initiated to review job descriptions and specifications through a comprehensive job analysis. However, this process was delayed due to unforeseen challenges. The joint negotiation committee is now ready to resume and complete the exercise in the current cycle. Once concluded, the process will provide clear direction on the implementation of revised roles and the implications of introducing new positions within the CBA.

Strategic Ethical Leadership in the Hospitality Industry

By Irene Kimacia,

Head of Corporate Affairs & Communications, Institute of Human Resource Management (IHRM), on behalf of CHRP Quresha Abdullahi, Executive Director, IHRM

Irene Kimacia delivered an insightful presentation on strategic ethical leadership and its central role in transforming HR practices within Kenya's hospitality sector. She underscored that ethical leadership is not just about compliance with existing laws, but about values-driven leadership that protects people, builds trust, and drives sustainable performance.

She defined strategic ethical leadership as the ability to integrate moral principles into business objectives, ensuring that HR practices are not only legally compliant but also values-driven. It begins with making values-based decisions, where ethical considerations are infused into every stage of HR strategy, from recruitment to exit processes. Leaders must also demonstrate stakeholder stewardship by striking a fair balance between the needs of employees, organizational goals, and community interests. Equally important is moral courage, the willingness to take principled stands even when faced with organizational or commercial pressures. Finally, transparency and accountability remain at the core of ethical leadership, requiring leaders to foster openness, accept responsibility, and build trust across all levels of the organization.

Drawing from global and local case studies, including the 2018 Marriott International data breach that exposed personal details of 500 million guests, Kimacia illustrated the high financial and reputational cost of ethical failures. The financial fallout as a result of the breach costed the Marriot Hotels \$18.4 million in fines. She urged HR professionals to reflect on how their decisions can help prevent crises, safeguard employees and the brand, and strengthen organizational resilience.



She further demonstrated that ethics has strategic business advantage:

- 73% of millennials prefer working in organizations with strong ethical practices.
- Companies with ethical cultures experience up to 40% lower turnover.
- The “Ethics Premium” shows that the most ethical firms consistently outperform peers by 15% in business attraction and retention.

Kimacia presented five pillars of ethical leadership, which resonated strongly with the hospitality context:

- Transparent communication: Ensuring openness and trust, including employee engagement forums.
- Fair labour practices: Going beyond minimum wage compliance to create equitable workplaces.
- Data privacy and protection: Complying with Kenya’s Data Protection Act and safeguarding guest information.
- Environmental responsibility: Embedding eco-friendly practices expected in tourism.
- Community integration: Strengthening local ties to enhance guest experience and cultural value.

She also highlighted critical gaps hindering ethical leadership in the industry, including knowledge deficits on laws such as the Employment and Data Protection Acts, cultural misalignment between hierarchical traditions and modern transparent practices, fragmented regulatory oversight, and weak accountability mechanisms.

To bridge these gaps, Kimacia shared the ETHICS Implementation Framework, urging HR leaders to:

- Establish clear values and non-negotiables.
- Train consistently across all levels of the organization.
- Hold everyone accountable, including leadership.
- Integrate ethics into daily operations.
- Communicate regularly and openly.
- Sustain these through measurement and continuous improvement.

In outlining the way forward, Irene Kimacia presented a Strategic Implementation Roadmap for embedding ethical leadership within organizations. She explained that the process begins with immediate actions (0–6 months), including conducting a comprehensive ethics audit and securing visible senior management commitment to ethical practices. Over the medium term (6–18 months), organizations should focus on implementing mandatory ethics training, updating HR policies to align with ethical standards, and putting in place confidential reporting mechanisms to strengthen accountability. In the long term (18+ months), the goal is to embed ethics into organizational culture by fostering partnerships with professional associations, establishing robust monitoring systems, and ensuring continuous improvement. This roadmap, she emphasized, provides a clear and practical pathway for translating ethical principles into sustainable organizational practice and culture.¹

¹ The Institute of Human Resource Management (IHRM), in partnership with the Ethics and Anti-Corruption Commission (EACC), has developed an Ethics Curriculum for HR professionals, which is now being prepared for rollout.

In her conclusion, Irene Kimacia emphasized that the path forward in strategic ethical leadership requires a shift from compliance-based thinking to values-driven strategic action. She noted that ethics must be integrated into every HR strategy and operation, moving beyond minimum legal requirements to shape organizational culture. Continuous education and capacity-building are essential to equip HR professionals and leaders with a deep understanding of legal and ethical responsibilities. Equally important is implementation, where organizations develop practical tools that support ethical decision-making and embed these into daily operations. Finally, accountability must be strengthened through robust monitoring and improvement mechanisms, ensuring that ethical leadership remains measurable, visible, and sustainable. She concluded by affirming that HR professionals, as organizational stewards of ethics, play a critical role in safeguarding compliance, upholding integrity, and driving sustainable business success.

The Role of Artificial Intelligence in Human Resource Management

By Samuel Kingori,

Founder & CEO, Buildwise Consulting Limited

Samuel Kingori delivered a dynamic and personal presentation on the role of Artificial Intelligence (AI) in Human Resource Management (HRM). Drawing on both his professional expertise and lived experiences, he urged HR leaders to see AI not as a distant future but as a reality already shaping the workplace. “The train has already left the station,” he remarked, stressing that 2025 is the year to embrace AI or risk being left behind.

Kingori began by connecting AI to workforce resilience, highlighting how rapid change, labour shortages, and the rise of remote work have made AI adoption essential. He introduced participants to the different forms of AI, generative AI (such as ChatGPT, Microsoft Co-pilot, etc), conversational AI (chatbots and virtual assistants like “Amani” used by Jacaranda Indian Ocean Beach Resort), deep learning (predictive insights on turnover, performance, employee data, etc), and automation (streamlining repetitive tasks like payroll and scheduling).



He demonstrated how AI is now embedded across the entire employee lifecycle:

- Recruitment and Hiring – AI reduces time-to-hire through candidate-matching algorithms, video interviews, and bias-free job description generation. He cited examples from Unilever and Hilton, where AI tools cut recruitment times dramatically.
- Onboarding and Training – Chatbots provide real-time support for new hires, while generative AI develops tailored learning materials and adaptive learning adjusts training to individual needs.
- Talent Management and Development – AI maps employee skills, designs personalized growth plans, and identifies upskilling opportunities.
- Employee Experience and Well-being – AI tools support wellness, sentiment analysis, and productivity, with 78% of employees reporting higher satisfaction when AI helps manage workloads.

- Workforce Planning and Analytics – Predictive analytics guide staffing, demand forecasting, intelligent scheduling, and benefits optimization, enabling proactive workforce strategies.

Kingori also addressed the future of work, noting that while the World Economic Forum predicts a net loss of 14 million jobs globally by 2027, AI will also create millions of new jobs in areas such as green transition, digitization, localization of supply chain, healthcare, education, and traditional manufacturing. He emphasized that the challenge for HR leaders is to reskill, upskill, and redeploy workers, ensuring they remain relevant in a rapidly shifting labour market.

He was open about the ethical and practical challenges of AI, including bias, data privacy, governance, and the risk of over-reliance on machines. He stressed that AI must remain human-centric, with HR leaders applying judgment and ensuring fairness in every decision. “Garbage in, garbage out,” he warned, reminding participants that the quality of AI outputs depends on the quality of the data fed into it.

In closing, Kingori described AI as an enabler, not a replacement, positioning HR leaders as stewards who must integrate AI responsibly into their organizations. His call to action was clear: start small with pilot projects, invest in AI literacy, and keep people at the centre of all AI-driven transformation. By doing so, HR professionals will not only enhance efficiency and fairness but also build a future-ready workforce capable of thriving in an AI-driven world.



Employee Accommodation Standards in the Hospitality Industry

By Fredrick Omondi,

*Director of Standards and Accreditation, Tourism
Regulatory Authority (TRA)*

Fredrick Omondi, Director of Standards and Accreditation at the TRA, delivered a comprehensive presentation on the Tour Guides and Hotel Employees Accommodation Standards. His remarks combined practical realities from the field with the legal and regulatory framework underpinning the standards, making the case that staff accommodation is not a privilege but a right, essential to both employee dignity and the competitiveness of Kenya's tourism sector.



Context and Challenges

Omondi framed the discussion against global and local shifts reshaping the sector: climate change, social and demographic change (including the rise of Gen Z with new workplace expectations), digital disruption (AI tools, online platforms, Airbnb), inequitable pay structures, and the growth of small-scale boutique tourism models. At the sector level, challenges such as reliance on low-skilled labour, high turnover, seasonal employment, outsourcing of core hotel functions, and constrained social mobility further complicate workforce management.

He emphasized that these forces directly affect employees' welfare and working conditions. In remote destinations like the Maasai Mara or Amboseli, tour guides often have no place to rest after long days on safari, while hotel staff in rural or remote facilities cannot access rental housing. Omondi stressed that employers must therefore provide proper accommodation as a matter of dignity and safety. Without this, employees face demotivation, mental health strain, and poor productivity, outcomes that inevitably degrade service quality and customer satisfaction.

Rationale and Desired Outcomes

Omondi linked staff accommodation to changing consumer expectations. Today's travellers increasingly demand tourism products that respect local cultures, protect biodiversity, and demonstrate social responsibility. Poor treatment of staff is quickly noticed by guests and damages the reputation of destinations.

The Tour Guides and Hotel Employees Accommodation Standards aim to:

- Promote full and productive employment.
- Guarantee decent work and socially sustainable tourism businesses.
- Enhance employee productivity, job satisfaction, and motivation.
- Ensure service quality and customer satisfaction, thereby strengthening the resilience and competitiveness of Destination Kenya.

The standards are anchored in a strong regulatory framework:

- ILO Convention on Working Conditions in Hotels and Restaurants (1991): Requires employers to guarantee decent living and working conditions, including suitable housing where employees cannot secure their own accommodation. It emphasizes safe, hygienic facilities, access to water and food, and protection of workers' dignity.
- United Nations (UN) Sustainable Development Goals (SDGs): Target 8.9 calls for sustainable tourism that creates jobs and supports local cultures, while Target 12.b requires tools to monitor tourism's sustainability impacts, including staff welfare.
- United Nations World Tourism Organization (UNWTO) Global Code of Ethics for Tourism: Places employee rights at the centre of sustainable tourism. Kenya has domesticated this into sector-specific Codes of Practice for hospitality and tourism, focusing on integrity, safety, trust in services, and strengthening Destination Kenya's reputation.
- Tourism Act (Cap 383 of 2011) and TRA Regulations (2014): Provide TRA with the mandate to formulate guidelines, develop standards, and prescribe codes of practice for sustainable enterprises.
- Kenya Constitution (2010): Article 41 guarantees fair labour practices and reasonable working conditions.
- Employment Act (2007) and Occupational Safety and Health Act (2007): Require employers to provide fair terms of employment, safe workplaces, and adequate facilities.

Key Provisions of the Standards

Omondi described the accommodation standards in detail:

- Location: Staff quarters must be safe, secure, well-lit, and ideally within or adjacent to the facility. Signage for accessibility (e.g., "Ladies" and "Gents") is mandatory.
- Design and Layout: Facilities should mirror guest areas to maintain brand integrity and dignity. Approved building plans must include recreational spaces (TV, games, sports areas) and accessibility for persons with disabilities, the elderly, and expectant mothers.
- Living Conditions: Adequate lighting, ventilation, and backup power are required. Floors

must be safe and durable. Room sizes are defined, twin rooms minimum 12m²; single rooms at least 10x10 ft with no more than two beds. Beds must be in good condition, at least 3x6 ft, and supplied with mosquito nets. Separate male and female quarters are mandatory.

- Amenities: Clean toilets and bathrooms with sanitary bins, proper dining facilities with balanced meals, good-quality cutlery and crockery, and fresh, not recycled buffet leftover, food. Entertainment facilities such as TV or radio should also be provided.
- Safety and Hygiene: Proper garbage disposal, pest and vermin control, fumigation schedules, fencing, and CCTV (where needed) must be in place. Staff must have access to safe drinking water.
- Tour Guides' Facilities: Dedicated quarters at remote destinations and secure parking areas for safari vehicles, with the same provisions for food, sanitation, and safety.

Compliance and Enforcement

Omondi explained that the standards were developed through a nine-step consensus process involving industry stakeholders, ensuring broad ownership. TRA enforces them through a Quality Assurance Framework comprising:

- Internal Audits: Departmental self-checks and standard operating procedures (SOPs).
- Industry Self-Assessments: Compliance with minimum standards and codes of practice.
- External Audits and Accreditation: Bronze, silver, or gold classification, as well as national star-rating exercises.

The Compliance Management Process requires operators to:

- Identify applicable laws, standards, and codes.
- Define obligations, responsibilities, and risk mitigation measures.
- Conduct regular inspections and self-audits.
- Provide continuous staff training and sensitization.
- Leverage technology for monitoring and reporting.
- Foster a culture of self-regulation through professional associations.

Implications for HR Professionals

Omondi was clear that HR managers play a pivotal role in implementing these standards. They must integrate accommodation requirements into HR policies, contracts, and daily operations, while also advising management on compliance with both national law and international conventions. He reminded participants that hotel classification audits cover not only guest-facing services but also staff quarters, kitchens, and canteens. Poor staff welfare can lower a property's star rating, and HR may be directly accountable.

Conclusion

Fredrick Omondi concluded that staff accommodation is central to decent work, sustainability, and competitiveness. He urged HR professionals to embrace their role as custodians of

employee welfare, ensuring compliance with accommodation standards and international labour conventions. By doing so, they will not only protect workers' dignity but also raise productivity, improve service quality, and enhance the reputation of Destination Kenya in the global tourism marketplace.

Q&A Discussion

The following were the key questions raised and their respective responses as well as the list of comments made:

Question 1: *In the Maasai Mara, many camps operate under lease agreements that restrict permanent structures. Staff housing is also in tents. How can these housing standards be achieved in such cases? Are the standards only applicable in towns?*

Response: When designing a building, it has to conform to the approved building plan. Tented camps are approved as tented camps, and staff quarters will align with that plan. If the approved plan is for tents, then staff housing can also be tents. What is required is decent housing. Some camps have tents for guests but permanent housing for staff, which is also acceptable if permitted. Both approaches are allowed as long as staff housing is decent.

Question 2: *Some facilities were created years ago with permanent structures, but due to growth, staff now share accommodation. Are double-decker beds allowed, or will this be considered congestion?*

Response: A maximum of two people are allowed in a room. Accommodation must follow the required measurements, with adequate space for movement. Overcrowding is not acceptable, especially since staff spend long periods in these quarters with limited mobility.

Question 3: *Are there timelines to implement these standards? Are there mechanisms to enforce them?*

Response: The first step is developing the standards, making them known, and sensitizing people through awareness and capacity-building programs. Implementation will be gradual, not abrupt. Facilities will be advised to integrate the standards during renovations. While no official transition period has been set, a timeframe of around one year is considered reasonable. Enforcement will be through physical audits, advisory letters, and continued sensitization. The process is not punitive, but compliance will be expected.

Question 4: *Are there standards for changing rooms, especially in town hotels where staff live off-site?*

Response: Changing rooms are covered under the minimum standards for hotels set during the accreditation exercise. These standards harmonize requirements across hotels, ensuring uniformity in staff facilities such as changing rooms, dining areas, and back-of-house spaces. Hotels accredited with gold status under accreditation automatically move to the next classification tier. The classification criteria include expectations for changing rooms and dining facilities for each star level. Though not yet officially released from Arusha, training will be conducted before classification begins.

Key Comments:

- *Standards, Back-of-House, and the East African Community (EAC) Standardizing Process:* During the discussion, it was emphasized that the accommodation standards were not introduced in isolation but arose from real challenges in the industry. Poor staff housing and welfare facilities had been repeatedly flagged, with extreme cases such as snakes entering staff beds due to unsafe flooring. This prompted negotiation committees to request TRA's support in formulating clear standards for hotel employees and tour guides. A key point raised was the impact of back-of-house conditions on hotel classification. Many hotels have consistently failed in star ratings, not because of their guest-facing facilities, but due to the poor state of staff accommodation, dining areas, and changing rooms. Unlike in South Africa, where classification exercises focus only on the front-of-house, the EAC standardizing process used in Kenya requires that both front-of-house and back-of-house facilities are assessed. This means that neglecting employee welfare areas directly leads to hotels losing marks and, in some cases, failing to achieve their desired classification. The following were the recommendations for implementation:
 - Hotels need to begin progressive compliance with the accommodation standards, particularly during renovations and expansions, to avoid sudden disruption.
 - Stakeholders should negotiate with TRA on phased timelines, ensuring facilities have adequate time to upgrade without being penalized abruptly.
 - Industry players must recognize that classification standards under the EAC framework will directly touch on staff areas, making staff welfare non-negotiable for maintaining or improving star ratings.
 - Training and sensitization programs should be rolled out to guide hotels on how to implement the standards effectively, especially with regard to back-of-house provisions.
 - HR professionals and managers must take active responsibility in advising their organizations, since failure to comply with staff accommodation and welfare requirements can negatively affect a property's rating and overall competitiveness.
- *Classification Criteria: Current Status and Next Steps:* The classification criteria already cover staff facilities such as changing rooms, dining spaces, and other back-of-house areas, with requirements set for each star category (1, 2, 3, 4, and 5 stars). These provisions outline what hotels are expected to provide depending on their level. At present, the full classification criteria have not yet been officially released from Arusha, which is responsible for standardization under the East African Community framework. Because of this, hotels have not yet been formally assessed against the new detailed requirements. However, once the criteria are released, the plan is to train the industry before classification begins. Training will cover what is expected of hotels at each star level, ensuring that managers and HR professionals are fully aware of the standards for staff welfare facilities alongside guest-facing services. This approach is meant to ensure that hotels are not caught unprepared, but are guided step by step into compliance with the upcoming classification system.

Plenary Session



Plenary Session



Plenary Session



Managing Gender Based Violence and Sexual Harassment at the Workplace

By. Hon. Ivy Wasike,

Principal Magistrate, Kilifi Law Courts

Introduction

Hon. Ivy Wasike highlighted that gender-based violence (GBV) and sexual harassment affect workplaces across all sectors and levels. These violations undermine dignity, productivity, and organizational reputation, making them urgent human resource and legal issues.



Definition of Terms

She clarified the distinctions between GBV, sexual gender-based violence (SGBV), and sexual harassment to ensure common understanding:

- **Gender-Based Violence (GBV):** Violence committed against a person because of their sex or gender, often involving coercion, threats, deception, cultural expectations, or economic means.
- **Sexual Gender-Based Violence (SGBV):** Any act, attempt, or threat of a sexual nature carried out without the victim's consent, including rape, harassment, exploitation, and sexual abuse.
- **Sexual Harassment:** Unwelcome sexual behaviour that undermines dignity or creates an intimidating work environment. It may take the form of:
 - Quid Pro Quo – demanding sexual favours in exchange for employment benefits or protection from punishment.
 - Hostile Work Environment – creating fear, intimidation, or oppression through unwelcome behaviour.

She also defined related terms as provided under law:

- **Sexual Intercourse:** Penetration of genitalia or anus by any body part or object, or oral sex.
- **Sexual Contact:** Intentional touching, directly or through clothing, of erogenous zones such as genitalia, anus, breasts, or buttocks with intent to harass, humiliate, or gratify.
- **Sexual Activity:** Any bodily contact with another person's genitalia, breasts, or buttocks, or exposure to pornographic material against one's will.

Types of Sexual Harassment

They include:

- **Verbal** – comments, jokes, or intrusive questions of a sexual nature.
- **Non-Verbal** – gestures, looks, or sexually suggestive images.
- **Physical** – unwanted touching, groping, or rape.
- **Cyber** – sharing sexual content, texts, or images through email or social media.

Legal Frameworks

She emphasized that the subject carries significant weight in both international and national frameworks, underscoring that GBV and sexual harassment are not merely HR concerns but recognized violations of human rights and labour rights.

- **International Instruments:**
 - ILO Convention 111 (Discrimination in Employment and Occupation).
 - ILO Convention 155 (Occupational Safety and Health).
 - CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women).
- **National Frameworks:**
 - Constitution (Articles 28 & 41): Guarantees dignity and fair labour practices.
 - Sexual Offences Act (Sections 23 & 24): Criminalizes persistent unwelcome sexual advances and abuse of positions of trust.
 - Section 23 provides penalties of *not less than three years imprisonment or fines of at least KES 100,000, or both.*
 - Section 24(5) prescribes *not less than ten years imprisonment* for abuse of a position of trust to obtain sexual acts.
- **Employment Act (Section 6):** Defines sexual harassment, lists prohibited behaviours, and requires workplaces with more than 20 employees to have a sexual harassment policy.
- **Public Officers Ethics Act (Section 21) and the Victim Protection Act** reinforce accountability and access to justice.

Workplace Policy Requirements

She stressed the critical role of HR professionals in ensuring that every workplace has a comprehensive sexual harassment policy, as required by law. Importantly, she emphasized that all employees must be fully aware of the contents of such a policy, not only management.

A workplace policy must:

- Contain definitions aligned with Section 6 of the Employment Act.
- Provide a clear reporting and grievance procedure.
- Guarantee confidentiality in handling complaints.
- Outline the standard of proof (balance of probability).
- Provide sanctions for perpetrators and for false allegations.
- Set out a transparent appeals process, usually aligned with HR disciplinary procedures.

She warned that organizations without such a policy expose themselves to liability, with courts already having penalized employers for failing to comply with Section 6(2) of the Employment Act.

Workplace Dynamics and Impact

Harassment thrives in environments marked by power imbalances, cultural norms, and institutional silence. Victims often remain silent due to fear of retaliation, stigma, or lack of faith in grievance mechanisms. The consequences for workplaces are serious:

- High staff turnover and resignations.
- Low productivity and morale.
- Psychological harm to employees.
- Dismissals or legal liability when cases escalate.

Case Law and Judicial Precedents

She cited several decisions where courts awarded damages and issued stern warnings to employers:

- *P.O. v. Board of Trustees (2014)*: The claimant was subjected to persistent sexual harassment by a senior officer, which culminated in wrongful termination after she refused his advances. The court found that she had been humiliated, sexually violated, and left jobless. The judgment emphasized that sexual harassment is a form of discrimination and inhuman treatment. The claimant was awarded KES 3.24 million in damages covering general damages, wrongful termination, and injury to dignity.
- *NML v. Peter Petrusch (2015)*: The claimant, a long-serving employee, was sexually harassed by the Managing Director, including being subjected to an unwelcome tight hug. Although she attempted to avoid him, her complaints were not addressed. The court noted two aggravating factors: the employer had no sexual harassment policy in place as required by Section 6(2) of the Employment Act, and the claimant feared retaliation if she pursued formal reporting since the perpetrator was the highest officer in the company. The court issued hefty damages and warned employers that failure to have a workplace policy is itself a liability.
- *MWM v. MFS (2014)*: The claimant, a female security guard, was publicly humiliated by her supervisor, who falsely accused her during a staff parade of engaging in sexual activity on duty based on fabricated CCTV claims. She broke down in tears and left the parade. The

court found that the employer lacked internal grievance and redress mechanisms, leaving the employee without recourse. Damages were awarded, with the judgment underscoring that employers must provide effective and confidential reporting systems to protect staff.

- *JWN v. Securex Agencies (2018)*: In this case, the claimant was sexually harassed but had no formal channels through which to report or seek redress. The court ruled that the employer's failure to provide proper reporting and grievance systems constituted a breach of duty under the Employment Act. Significant damages were awarded, reinforcing that organizations which condone harassment or fail to establish redress mechanisms will be held accountable.

Courts have consistently held that sexual harassment amounts to discrimination, inhuman and degrading treatment, and a violation of dignity and fair labour rights.

Conclusion

Hon. Wasike closed by urging HR professionals to view the prevention and management of GBV and sexual harassment as both a legal obligation and a workplace productivity issue. She underscored that every organization must have policies that adequately address the problem, are known to all employees, and provide clear redress mechanisms. HR managers were reminded that failure to act exposes institutions to reputational damage, financial penalties, and legal sanctions.

Q&A Discussion

The following were the key questions raised and their respective responses as well as the list of comments made:

Question 1: How can small workplaces with fewer than 20 employees, which are not legally required under the Employment Act to have a sexual harassment policy, handle such cases?

Response: The threshold of 20 employees under Section 6 of the Employment Act does not exempt smaller organizations from responsibility. The Constitution and other labour laws obligate every employer, regardless of size, to protect employees from harassment. Courts have ruled that even small employers will be held accountable if they fail to act. While they may not be legally compelled to adopt a written policy, smaller establishments are encouraged to develop simplified policies and grievance mechanisms to safeguard both employees and the organization.

Question 2: False allegations of sexual harassment can be malicious. How should organizations deal with them?

Response: Workplace policies must provide for sanctions against malicious or false claims. This protects the integrity of the reporting process and ensures fairness to both complainants and the accused. However, the standard of proof is the balance of probability, meaning each case must be carefully investigated and documented. HR should never dismiss genuine cases out of fear of false ones; instead, investigations must be thorough and impartial.

Question: *Interns and volunteers are often the most vulnerable in workplaces. Are they protected under the law?*

Response: Yes. Interns, volunteers, and casual workers are protected by law. The Employment Act and Constitution do not limit protection to permanent staff. Anyone working within a workplace environment is entitled to protection from harassment. Because interns and young professionals are particularly vulnerable due to power dynamics, HR has a duty to actively safeguard them.

Question: *How should organizations deal with harassment that takes place on digital platforms such as WhatsApp, emails, or social media?*

Response: Digital harassment is recognized as sexual harassment under the law. Inappropriate emojis, offensive images, unsolicited sexual advances, or pornographic material shared via digital platforms all qualify as harassment. Workplace policies must extend to cover cyber-harassment and provide reporting and disciplinary procedures. Employers must treat such cases with the same seriousness as physical or verbal harassment.

Question: *How do we distinguish between genuine consent and sexual harassment? When does behaviour such as wooing or making compliments cross into harassment?*

Response: The distinction lies in consent and perception. If conduct is mutual and welcome, it is not harassment. Once behaviour becomes unwelcome, intrusive, or persists despite refusal, it becomes harassment. The law defines harassment as “unwelcome conduct of a sexual nature”, and this is judged from the victim’s perspective. Power imbalances also matter; when a person in authority is involved, the threshold for coercion is lower, and what may appear consensual could in fact be harassment.

Key Comments:

- Consent must always be clear, informed, and mutual. Anything short of this, particularly when accompanied by pressure or persistence, is harassment.
- Many cases remain unreported due to fear of retaliation, stigma, or power dynamics, especially where the perpetrator is senior.
- False allegations, while possible, are rare compared to underreporting; policies must balance both.
- Cultural norms often normalize harassment (“jokes,” “dress codes”), making victims reluctant to speak out.
- The hospitality and entertainment industries were highlighted as high-risk sectors requiring stronger enforcement and training.

General Recommendations:

- Small establishments should adopt basic policies and reporting channels even if not legally mandated.
- Policies must balance protection for victims and safeguards against false claims, with clear investigative procedures.

- Employers must ensure interns, volunteers, and casual staff are explicitly covered in workplace policies.
- Organizations must expand policies to explicitly address digital harassment.

Recommendations to HR Professionals:

They must:

- Go beyond compliance and actively build workplace cultures of safety and respect.
- Ensure all categories of staff, including interns, casuals, and volunteers are protected.
- Develop robust, well-communicated policies that cover physical, verbal, and cyber harassment.
- Provide training and awareness sessions so employees understand their rights and reporting channels.



Succession Planning

By Ms. Wendy Kinyanjui,

Advocate at N. Kinyanjui & Advocates

Introduction

Wendy Kinyanjui opened her session by acknowledging that succession is a sensitive topic because people usually confront it in the midst of painful life events such as death, divorce, separation, or critical illness. These events are often accompanied by emotions like anger, anxiety, stress, sorrow, and grief, which complicate rational decision-making.

She challenged the audience to adopt a “clean slate” mindset and to approach succession planning as a proactive step for growth, generational prosperity, peace of mind, security, and control over one’s legacy.



The Legal Framework of Succession

Succession in Kenya is governed by the Law of Succession Act, which provides the legal framework for the administration and distribution of estates.

The Act recognizes two main scenarios:

- Testate succession – where a person dies having made a valid will. A will must be in writing, signed by the testator, and attested by at least two competent witnesses. It can be revoked by the making of a new will, by marriage, or through a written declaration signed by the testator. Wills also provide for the appointment of executors who take charge of administering the estate.
- Intestate succession – where a person dies without leaving a will. In such cases, the Act prescribes how the estate is to be distributed, setting out the entitlements of a surviving spouse, children, parents, siblings, and other relatives. For polygamous households, each wife and her children constitute a “house,” and distribution is made proportionately by house.

The Act further provides for grants of representation to enable administration of estates:

- A grant of probate where the deceased left a valid will.
- A grant of letters of administration where no valid will exists.

These provisions ensure that estates are distributed in a structured way, minimizing disputes and protecting the rights of beneficiaries.

Distribution of Estates under Intestacy

Wendy explained that where a person dies without leaving a will, their estate is distributed according to the provisions of the Law of Succession Act. To make this clearer, she used practical illustrations through the examples of Mr. Light and Mrs. Light, showing how property is divided among surviving spouses, children, parents, and in polygamous households.

Scenario	Entitlement / Distribution	Example from Wendy's Transcript
Surviving spouse and children	- The surviving spouse is entitled to 20% of the estate absolutely. - The remaining 80% is held as life interest, meaning the spouse can use it but cannot dispose of it. - Upon the spouse's death, the 80% reverts to the children in equal shares.	<i>Mr. Light:</i> left behind his wife and five properties. His wife took 20% absolutely and the remaining 80% as life interest, which would later pass to the children equally.
Surviving spouse, no children	- The surviving spouse is entitled to 20% of the estate absolutely, with the rest held as life interest. - On the spouse's death, the estate reverts to the deceased's family (parents, siblings).	<i>Mrs. Light:</i> was survived by her husband. He took 20% absolutely and 80% as life interest. When he died, the estate went back to her family.
Children only (no spouse)	- The estate devolves equally among the children. - No distinction is made between sons and daughters or between children of different unions.	If Mr. Light had died without his wife, the estate would have been shared equally among the children.
No spouse, no children	- The estate reverts to the deceased's immediate family, such as parents or siblings.	If Mr. Light had no wife or children, the estate would have gone to his parents and siblings.
Polygamous families	- Each wife and her children form a "house." - Distribution is done by house, with larger houses (more children) entitled to more. - A wife without children is still considered a house, though entitled to less than houses with children.	

Note: A widow's life interest terminates upon remarriage, whereas a widower retains life interest even if he remarries, a disparity inherited from English law.

Wills and Their Importance

Wendy stressed that writing a will is the simplest and most effective way to avoid lengthy, costly, and emotionally draining disputes after death. A valid will ensures that an individual's wishes are respected, reduces family conflict, and simplifies the process of administering an estate.

Requirements for a valid will (Law of Succession Act):

- The testator must be an adult of sound mind.
- The will must be in writing (oral wills are only valid if the testator dies within three months of making them).
- It must be signed by the testator in the presence of at least two competent witnesses, who must not be beneficiaries.

The will can be revoked by:

- The making of a new will.
- Marriage (unless the will expressly states it was made in contemplation of marriage).
- A written declaration of revocation signed by the testator.

Essential elements of a will:

- Appointment of executors to administer the estate.
- Appointment of guardians where there are children under 18.
- Clear instructions on the distribution of assets, either specifically (e.g., “House X to my daughter”) or proportionally (e.g., “50% of shares to each child”).
- Provision for spouse(s) and children, who cannot be entirely disinherited under Kenyan law.
- Inclusion of contingency provisions in case immediate beneficiaries predecease the testator.

Supporting documents and practices:

- A letter of wishes to guide executors and family members, which may include burial or cremation instructions and the location of the will.
- Regularly updated next-of-kin and beneficiary nominations for pension schemes, insurance, and workplace benefits, to ensure they are consistent with the provisions of the will.

She encouraged participants to update wills regularly in line with life changes such as marriage, divorce, birth of children, or acquisition of new assets.

Ownership of Property

Wendy explained that the way property is owned determines whether it forms part of an estate upon death or passes directly to another person. She outlined three main modes of ownership:

- Sole ownership – Property is registered in one individual’s name. Upon death, it forms part of that person’s estate and is distributed through succession.
- Joint ownership – This is *indivisible ownership*, where all parties own the whole property together. Upon the death of one party, the surviving co-owner automatically inherits the entire property under the right of survivorship. In this case, the property does not form part of the deceased’s estate and cannot be distributed through a will.
- Tenancy in common – This is *divisible ownership*, where each owner has a distinct share of the property. Each share can be passed on through a will or succession process, and the right of survivorship does not apply.

She emphasized that individuals must carefully review title deeds, company shareholding documents, and property agreements to confirm the form of ownership. This is because ownership type directly affects whether assets are available for distribution through succession or whether they bypass the estate and transfer automatically.

Marriage and Succession

Wendy highlighted that marital status and property arrangements have a significant impact on succession outcomes and are often the root of disputes. She raised key questions that are frequently overlooked in succession planning:

- Is “come-we-stay” recognized under Kenyan law?
Many couples live together without formalizing their unions, yet disputes later arise over whether such unions are legally valid for inheritance purposes.
- Can couples enter into prenuptial agreements to manage marital property rights?
Prenuptial agreements, where spouses agree in advance on how property will be handled, can reduce conflict, but they remain uncommon in Kenya and are not always well understood.

She noted that the form of marriage, whether civil, customary, religious, or informal — determines how property is classified and distributed upon death. Families, therefore, need to proactively address these issues and document arrangements clearly to avoid prolonged conflicts and litigation.

Family Companies and Trusts

To minimize succession disputes and ensure smoother transfer of wealth, the use of family companies and trusts was highlighted as an effective estate planning strategy. In the case of family companies, assets can be transferred into a company without attracting stamp duty, and family members then hold shares in the company. Succession is simplified because the process becomes one of transferring shares rather than undergoing lengthy probate procedures. This arrangement can further be guided by a shareholders’ agreement, which sets out how the company will be managed and how shares are to be dealt with in the future.

She placed particular emphasis on trusts, describing them as vehicles designed to preserve and manage assets for specific purposes across generations. Trusts can be set up to fund education, health care, or welfare, while also protecting vulnerable family members who may otherwise be disadvantaged. She outlined the four core roles of a trust: preservation of assets, providing for immediate needs, fulfilling specific purposes such as philanthropy, and uplifting future generations.

The benefits of trusts are wide-ranging. They include protection and continuity of assets, privacy in succession, flexibility in management, tax efficiency, safeguarding vulnerable beneficiaries, bypass the probate process, and the preservation of generational wealth. She noted that trusts also carry significant tax advantages, such as exemptions from estate duty, relief from capital gains tax, improved income tax efficiency, and in some cases, VAT relief.

Wendy further highlighted recent legal changes affecting trusts, including amendments to the Trustees (Perpetual Succession) Act, a new tax treatment framework, stricter compliance requirements, and enhanced governance standards. These reforms, she said, strengthen the accountability of trusts while ensuring they continue to serve their intended purpose.

To illustrate, she shared the example of a family trust where rental income from a home was used to educate children, and later expanded to benefit grandchildren and great-grandchildren.

This, she explained, demonstrates how trusts can provide stability and preserve family legacy across multiple generations.

Recommendations

- HR managers must ensure staff records of next of kin and beneficiaries are updated, as inconsistencies with wills often lead to disputes.
- Employees should consider living wills or special powers of attorney to empower family members in case of incapacity.
- Everyone should start with a will, progress to family companies, and ultimately consider trusts to preserve legacies across generations.

In closing Wendy urged participants not to leave their legacies to chance or to the uncertainties of court processes. She emphasized the need to take deliberate steps in succession planning, beginning with the writing of a will, progressing to the use of family companies to ease transitions, and ultimately establishing trusts to preserve wealth and ensure continuity across generations. She reminded the audience that thoughtful planning secures not only prosperity but also peace of mind and stability for families long after the present generation.

Q&A Discussion

The following were the key questions raised and their respective responses as well as the list of comments made:

Question 1: How often should a will (and beneficiary nominations) be updated?

Response: Update whenever there are significant life changes, marriage, divorce, births, new property, or changes to next-of-kin/beneficiaries. Workplace beneficiary/next-of-kin records should mirror the will to avoid contradictions. Some policies pay out quickly (often 30–90 days), but many pension/employee benefit payouts are at trustees' sole discretion, so keeping nominations current is essential.

Question 2: What is a living will/special power of attorney, and when is it relevant?

Response: A living will/special power of attorney authorizes a trusted person to act on one's behalf if incapacitated (e.g., to facilitate payments like hospital bills). It's limited in scope (not unlimited power). It becomes relevant when someone is very unwell and practical decisions must be made despite the person's inability to act.

Question 3: Is "come-we-stay" (cohabitation) recognized? Are prenuptial agreements allowed?

Response: Long-term cohabitation alone does not confer the full legal status of a spouse. The safe course is to register the marriage (civil, religious, or customary). Children will always inherit, but spousal rights flow from a recognized marriage. Prenuptial agreements are allowed and can set out how property is handled; they are encouraged, particularly where people marry later in life or bring existing assets into the union.

Question 4: Does the age of children matter in distribution?

Response: All children inherit equally regardless of age, gender, or marital status. Minors cannot hold property directly; where urgent needs arise, courts may issue a limited grant so immediate expenses can be met. Otherwise, a minor's share is held until adulthood.

Question 5: If a widow remarries while the children are still young, must the new husband's estate take care of those children?

Response: There is no automatic entitlement for children from the earlier marriage to the new husband's estate. If the new husband legally adopts them, they can inherit; without adoption, they do not automatically qualify. Claims related to support already due from their biological mother can be raised, but entitlement to the new husband's estate depends on legal relationship (e.g., adoption).

Question 6: Blended family, no child from the current union: how are assets owned and who holds them? Scenario (paraphrased from transcript): One partner has children from a previous relationship; the other partner may also have children; no child is born in the current union.

Response: Distribution depends on how assets are owned:

- Joint ownership - automatic transmission to the surviving co-owner; such property does not form part of the estate.
- Sole ownership/tenancy in common - the deceased's share forms the estate and is distributed under succession rules.

Note: Courts may issue limited grants for immediate needs where minors are involved.

Question 7: Polygamous household: can assets be allocated only to wives (not children), and can children later claim?

Response: Polygamous families are recognized by "houses" (each wife and her children). Children are entitled to claim; property not specifically allocated in a will forms the net estate, against which children can bring claims. While one may write a will, the law requires reasonable provision; children (and spouse) cannot simply be excluded.

Question 8: Wills and "personal reasons": can someone leave very little to a particular person?

Response: A will does not have to be generous to every person, but the law requires reasonable provision. Two categories cannot be disinherited outright: spouse and children. The amount is a matter of reasonableness in the circumstances, but provision must be made.



The Role of HR Practice in Building a Resilient Workforce in the Hospitality Industry

By CHRP Catherine Mwangi,

Kates and Kate Consultancy Company

In her presentation, Catherine Mwangi addressed the importance of resilience in the hospitality industry and the role of HR in fostering it. She defined resilience as “*the capacity to recover quickly from difficulties*,” explaining that it is both an individual ability to adapt, cope, and self-regulate, and an organizational necessity that ensures service delivery continues under pressure.

She noted that the hospitality industry is uniquely vulnerable. Long working hours, emotional labour, unpredictable customer demands, stiff competition, and external shocks such as elections, pandemics, and economic downturns expose employees to significant stress. Without resilience, organizations experience high staff turnover, poor morale, and reduced productivity. Conversely, resilient employees are able to adapt, remain engaged, and contribute to stability and continuity.



Building Resilience in the Workplace

Catherine highlighted that resilience is cultivated through deliberate HR practices. It begins with firmness and fairness, where HR managers stand by labour laws, CBAs, and HR manuals even under pressure from management. This consistency builds credibility and protects both the organization and its people.

She stressed the importance of flexibility and adaptability. HR must lead in risk management and develop strategies to safeguard jobs during crises, from political instability to global pandemics. Employee well-being is another cornerstone: organizations must invest in physical and mental health programs, counselling, stress management, and wellness initiatives. Transparency and trust, achieved through open communication, are vital in helping employees feel safe and supported.

HR Practices that Foster Resilience

Catherine explained that HR must go beyond policy enforcement to create a culture of growth and empowerment. Recruitment should prioritize adaptability, using behavioural and scenario-based interviews to identify candidates with resilience and problem-solving capacity.

Performance management should shift away from punitive systems towards coaching, mentoring, and continuous feedback. Employees should be recognized and engaged through participation, empowerment, and trust-building practices. She illustrated this with the example of “rotten tomatoes” in the workplace: rather than discarding difficult employees, HR should assign them responsibility and provide support, as accountability can transform them into contributors.

Resilience, she added, also comes from self-awareness and continuous learning. HR managers themselves must model confidence, self-belief, and growth, while fostering strong interpersonal relationships not just with employees but also with partners, suppliers, and society.

Barriers to Resilience

Catherine acknowledged that building resilience is not without challenges. At the individual level, employees struggle with burnout, fear, poor mental health, and low self-confidence. At the organizational level, barriers include high workloads, lack of autonomy, poor communication, toxic workplace cultures, inadequate management support, outsourcing, and casualization. She warned that outsourcing and casual labour contracts are particularly damaging in hospitality, as they undermine stability, loyalty, and commitment.

She also pointed to cultural silence and organizational silos as obstacles that suppress employee voice and weaken resilience.

Technology and Resilience

Looking to the future, Catherine highlighted the role of technology in resilience-building. She pointed to tools such as AI Minute, Meta AI, and Human AI, which can support HR by streamlining reporting, training, and performance management. These innovations, she explained, enable HR to anticipate workforce needs and respond more effectively. However, she stressed that technology should complement, not replace, the human touch, since true resilience is grounded in relationships, empathy, and trust.

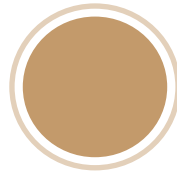
Emerging Issues

Catherine observed that resilience in the workplace is increasingly challenged by rising mental health issues, high staff turnover in the hospitality sector, and the fast pace of digital transformation. She also noted that diversity and inclusion are emerging as critical aspects of resilience, with workplaces needing to adapt to broader employee needs and expectations.

The Way Forward

In conclusion, Catherine underscored that building resilience is not a one-off initiative but a continuous cultural shift. She called on HR and people managers to embed resilience into recruitment, training, performance management, and wellness programs, and to lead with transparency, fairness, and vision. She emphasised that resilient HR practices are essential for reducing turnover, increasing engagement, and ensuring organizations thrive despite uncertainty.

She reminded participants that HR professionals are more than administrators, they are strategic partners and, as she described, “the bulb, the light that illuminates resilience within organizations.”



Closing Remarks

By Lady Justice Monica Mbaru,

Judge of the Employment and Labour Relations Court (ELRC) on behalf of

Mr. Albert Njeru, Secretary General, KUDHEIHA

In her closing remarks, Lady Justice Monica Mbaru noted that her reflections were anchored on a number of key points that cut across workplace relations and the future of resilience in the hospitality industry. She began by linking the earlier theme of resilience to sustainability, stressing that resilience was not only about individual strength but also about organizational systems and relationships that allow workplaces to withstand pressure.

Reflecting on her judicial experience since 2012, Lady Justice Mbaru noted that union election cycles, which take place every five years, have consistently been accompanied by disputes, strike notices, and disruptions in the workplace. She observed that these cycles often trigger tension between unions and employers, with disagreements spilling over into the courts instead of being addressed internally. She urged HR practitioners, employers, and union leaders to anticipate these recurring challenges and put preventive measures in place well in advance, rather than reacting to disputes once they have escalated. Proactive dialogue, effective planning, and continuous engagement, she stressed, would help reduce workplace instability and promote industrial harmony during these sensitive periods.

Turning to CBAs, Lady Justice Mbaru underscored their central role in maintaining harmony at work. She cautioned employers against delegating negotiations to ill-prepared or disengaged managers, noting that unions often send their top leadership to the table. This imbalance, she explained, weakens outcomes and puts employers at a disadvantage. She stressed that employers must treat CBAs with seriousness, ensuring that their negotiating teams are strong and committed.

She further emphasized that CBAs must not only focus on financial terms but also include non-monetary provisions that promote employee well-being. By broadening the scope of agreements, she explained, CBAs can serve as a stronger tool for creating stable and sustainable workplace relations.

On leadership and ethics, Lady Justice Mbaru emphasised that the strength of workplace



relations is rooted in ethical leadership and management commitment. She explained that policies, however well-crafted, remain ineffective if leadership does not embody integrity and accountability. Ethical leadership, she noted, is what inspires confidence among employees and ensures that CBAs, workplace policies, and dispute resolution mechanisms achieve their intended purpose. She cautioned that when leaders are disengaged or self-serving, the result is mistrust, weakened negotiations, and recurring conflicts. For resilience and sustainability to take hold in the hospitality sector, she stressed, leaders must not only set the rules but also model fairness, transparency, and respect in their daily practice.

She also addressed the role of AI, encouraging its adoption while warning that it should not undermine livelihoods. She noted that AI cannot replace human judgment in tasks such as writing rulings or resolving poor working conditions. Technology, she said, should be used to support rather than replace the human touch.

Discussing decent work, she urged HR practitioners to look beyond “business smiles” and ensure real well-being for employees. She gave examples of disputes that arose from policies such as restrictions on mobile phones, and emphasised the need for documented workplace policies to avoid ambiguity in areas like phone use, workplace culture, and discipline.

Lady Justice Mbaru described sexual harassment as a cancer of society. She warned that casual cultures, such as hugging, can open the door to harassment if left unchecked. She stressed that all organizations must have sexual harassment policies, even where the law requires them only for employers with 20 or more staff. She cited cases in Kericho and the Mara as examples of the serious reputational risks arising from neglecting this issue.

On outsourcing and contracts, she acknowledged that outsourcing is permitted but stressed it must comply with minimum labour standards. She urged employers to approach contracts with honesty and fairness, rather than treating them as mere paperwork.

She emphasised accountability, reminding participants that workplace justice begins with employers and HR practitioners, not the courts. Many disputes, she said, can be resolved internally if handled diligently. To guide this accountability, she encouraged the use of the “five Ws and one H”: What, Why, Where, When, Who, and How.

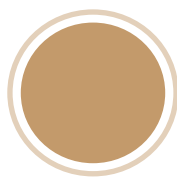
In her final reminder, Lady Justice Mbaru urged participants to always remember the human person behind the employee. Every workplace decision, she concluded, must preserve dignity and fairness, as this is the true foundation of resilience and sustainability in the industry.

Cocktail



Cocktail





Appendix 1: Feedback Session

Purpose of the Session

The feedback session was held to give participants an opportunity to reflect on the two-day conference, share their experiences, and provide observations or recommendations for future conferences. It also served as a way to affirm the value of the sessions delivered and acknowledge areas of impact.

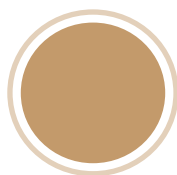
Key Feedback Points Raised

- Several participants expressed gratitude, noting that the conference had been well-organized and impactful.
- One participant said there was nothing negative to point out, describing everything as “perfect.”
- Another participant highlighted that while they had missed some sessions, those they attended were very insightful, particularly the contributions from the Honourable Judge and the presentation on sexual harassment.
- It was further observed that the inclusion of resource persons such as judges and subject experts made the conference unique and highly beneficial.
- A participant noted the ongoing partnership with Kenya Association of Women in Tourism and KUDHEIHA on sensitizing teams about sexual harassment, encouraging organizations to take advantage of free training opportunities.
- The planning team was commended, with one participant noting that compared to previous years, this conference had “outdone itself” and was among the best.
- It was also confirmed that the Institute of Human Resource Management (IHRM) awarded 4 CPD points to all participants who attended. This was appreciated, especially since the previous year had challenges in securing CPD accreditation. Participants were advised to reach out to the organizers for support should they encounter any issues while claiming their points.

Introduction of the Planning Committee

After the feedback, the Service Charge Kitty Committee which is incharge of the planning and organizing of the conference was introduced. Each member present gave their name, role, and the organization they represented.

- Bessie Inoti – KAHC, Chairperson, and JIC member,
- Dr Leah Ng’ang’a - KAHC, Representing the CEO and JIC Member
- John Mungai – KAHC, JIC Member,
- Joyce Maina – KAHC, Committee Secretary and JIC Secretary,
- Karanja Patrick – KUDHEIHA, Vice Chair and JIC Member
- Lawrence Maoto – KAHC, Agent
- Peninah Muthini – KUDHEIHA, Assistant Agent and JIC Member
- Samson Kioko – KUDHEIHA, Representing the Secretary General and JIC Vice Chairman
- Timothy Gikonyo – KAHC, CDC Member
- Wanjiku Gathogo – KUDHEIHA, CDC Member
- Zablon Maitha – KUDHEIHA, CDC Member



Appendix 2: Meeting Agenda

8TH KAHC&KUDHEIHA HUMAN RESOURCE CONFERENCE
VENUE – JACARANDA INDIAN OCEAN BEACH RESORT
THEME: “BUILDING A RESILIENT WORKFORCE IN THE HOSPITALITY INDUSTRY.”
DAY ONE: 18TH SEPTEMBER 2025

TIME	ACTIVITY	ACTOR
08:30 - 09:00 a.m.	Participants' Arrival and Registration	KAHC Secretariat
09:00 - 09:20 a.m.	Welcome Remarks	Mike Macharia, CEO, KAHC
09:20 - 10:00 a.m.	Official Opening	Sven Kampa, Chairman, KAHC Coast region
10:00 - 11:00 a.m.	TEA BREAK	All
11:00 - 12:30 a.m.	KAHC & KUDHEIHA CBA 2025-2028	Samuel Gathogo, Chairman, Joint Negotiation Committee.
12:30 - 01:30 p.m.	Strategic Ethical Leadership in the Hospitality Industry	CHRP Quresha Abdullahi, Executive Director, IHRM
01:30 - 02:30 p.m.	LUNCH BREAK	All
02:30 - 03:30 p.m.	The Role of Artificial Intelligence in Human Resource Management	Samuel Kingori, Founder & CEO, Buildwise Consulting Limited
03:30 - 04:30 p.m.	Employee Accommodation Standards in the Hospitality Industry	Fredrick Omondi, Director, Standards and Quality Assurance, TRA
04:30 - 05:30 p.m.	Interactive Session	All
05:00 p.m.	TEA BREAK	All
06:30 p.m.	RECEPTION COCKTAIL	All

DAY TWO: 19TH SEPTEMBER 2025

TIME	ACTIVITY	ACTOR
08:30 - 9:00 a.m.	Participants' Arrival and Registration	KAHC Secretariat
09:00 - 10:00 a.m.	Managing Gender Based Violence and Sexual Harassment at the Workplace	Hon. Ivy Wasike, Principal Magistrate, Kilifi Law Courts.
10:00 - 10:30 a.m.	TEA BREAK	All
10:30 - 11:30 a.m.	Succession Planning	Ms. Wendy Wangari Kinyanjui, Advocate, N. Kinyanjui & Company Advocates
11:30 - 12:30 p.m.	The Role of HR Practice in Building a Resilient Workforce in the Hospitality Industry	CHRP Catherine Mwangi, Kate and Kates Consultancy Company Limited
12:30 - 01:00 p.m.	Feedback session	All
01:00 - 01:30 p.m.	Closing Remarks	Albert Njeru, Secretary General, KUDHEIHA
01:30 p.m.	LUNCH BREAK	All

