

Tuesday 12th November 2019

Michael Mbugi Njeru [CPA]
P.O BOX 12224
Nakuru

Independent Team
MAF@expolink.co.uk

Dear Team

Re: Objection for unfair, discriminatory and oppressive termination of my employment contract with Majid Al Futtain Hypermarket s Ltd [Carrefour Kenya]

With earnest note of appreciation, I would like to thank the management and staff of Majid Al Futtain Hypermarkets Ltd for their steadfast support given to me and Two Rivers stores finance department for the last three hundred and thirty (330) days ending 5th November 2019.

I /we would not have made any significant progress in our work in absence of their untiring support.

On the same note, I would like to formally protest the oppressive and unfair process of employment termination which I was subjected to and went through before /during the termination of my employment contract.

It is worth noting that I'm not formally reporting this to your office so that I can come back as an employee of Majid Al Futtain Hypermarkets Ltd, but the decision to officially write to your office is informed by the following five fundamental pillars;

1. As a Kenyan and registered certified accountant, the **constitution of Kenya 2010, under the bill of rights (Article 41)** provides that every person has the right to fair labour practices.
2. As a Kenyan, the **constitution of Kenya 2010, both article 27** of constitution and section 5 of the act prohibits discrimination on basis of race, colour, sex, language, religion, political or other opinion , nationality, ethnic or social origin, disability , marital status or HIV status.
3. **Majid Al Futtain Hypermarkets Ltd [Carrefour Kenya] human strategic** values that seek to (*among other things*) promote fair and equitable treatment of all its employees in accordance with the laid down appropriate fair procedures and rules of natural justice.
4. **Majid Al Futtain Hypermarkets Ltd [Carrefour Kenya] "boldness" core value** that seek to (among other things) encourages the employees to speak out any issues of concern that not only contributes to the productivity of the organization but also issues that are gross violation of local and international fair labour practices.
5. **Majid Al Futtain Hypermarkets Ltd [Carrefour Kenya]** as an international brand **strong advocacy for quality and top notch business operations standards as well as consistent support for the world class, internationally approved fair labour practices.**

In view of above, I wish to reprove and legitimately express by dissatisfaction on the following issues which I went through before and during the termination of my employment contract with Majid Al Futtaim Hypermarkets Ltd.

- 1. Inhuman, ruthless and unethical manner in which the Majid Al Futtaim Hypermarkets Ltd Two Rivers stores General Manager Mr. Housseem Eddin Naccache** directed me to remove my official uniform shirt on 5th November 2019 during the handling over process.

I was left with my vest and I had to cover my nakedness with my trench coat, this was so humiliating and I felt so embarrassed and loss of human dignity.

- 2. The discriminatory exclusion act not to attend October 2019 Majid Al Futtaim Hypermarkets Ltd Two Rivers stores monthly performance review done on 5th of November 2019.**

The general manager Mr. Housseem Eddin Naccache of Majid Al Futtaim Hypermarkets Ltd Two Rivers in the evening , on 4th November 2019 instructed me (without any reason) that I should not attend the Majid Al Futtaim Hypermarkets Ltd Two Rivers stores monthly performance review done on Tuesday 5th of November 2019.

All the Majid Al Futtaim Hypermarkets Ltd store financial controllers attended the monthly performance review done on 5th of November 2019, except me.

As a custom of Majid Al Futtaim Hypermarkets Ltd Two Rivers and since I joined on 11th December 2018 , the monthly performance review meeting is chaired by the country manager and the store finance controller and the store general manager are supposed to attend this meeting.

- 3. The cold-blooded and unprofessional manner in which the general manager Mr. Housseem Eddin Naccache of Majid Al Futtaim Hypermarkets Ltd Two Rivers used on Monday 4th November 2019 to resolve Heavy household (HHH) store fees issues that had been raised by the head office finance department of Majid Al Futtaim Hypermarkets Ltd on Saturday 2nd November 2019.**

The aforesaid Heavy household (HHH) store fees issues were amicably resolved through the support of all parties that were involved (Head office finance team, store finance department team, the store heavy household department and the office of the store general manager).

- 4. Prejudiced, narrow-minded and incompetent conduct of performance appraisal done by general manager Mr. Housseem Eddin Naccache of Majid Al Futtaim Hypermarkets Ltd Two Rivers stores on Tuesday 5th November 2019.**

The aforementioned performance appraisal was ill-motivated and was deficient of all the principles and values that govern an effective staff performance appraisal. The performance appraisal had the following deficiencies;

- a) On Tuesday 4th November 2019 at around ten o'clock** while on my normal official duty, the Mr. Housseem Eddin Naccache the general manager of Majid Al Futtaim Hypermarkets Ltd Two Rivers stores called me to his office at with no formal notice he told he is carrying out a performance appraisal for me (now, immediately).

Under the professional standards of conducting a staff performance appraisal practice, the appraiser(s) should timely and formally inform the appraisee the dates/venue when/where the performance appraisal will be done.

- b) As a matter of human resources management principle and practice,** the performance targets to be appraised, how the performance targets will be measured/ evaluated, when the performance targets will be evaluated, who will be the person appraising and how the performance evaluation feedback will be communicated should formally (in writing) be notified to the appraisee.

This was not the case of my performance appraisal done on 5th November 2019 by Mr. Housseem Eddin Naccache the general manager of Majid Al Futtaim Hypermarkets Ltd Two Rivers stores.

The performance evaluation conducted by Mr. Housseem Eddin Naccache the general manager of Majid Al Futtaim Hypermarkets Ltd Two Rivers stores on 5th November 2019 was partisan and short of equitable labour practices.

- c) **As a matter of human resources management standards and practice**, during the performance evaluation exercise the appraisee should be given an opportunity to speak on the issue being appraised, this should not be “a one show” and the appraiser should not use intimidation and force during this exercise.

On the same note, at the end of a performance evaluation exercise, the appraisee should be given opportunity to fearlessly express himself and give feedback and or appeal on the performance evaluation exercise.

I was not give any opportunity during and after the performance evaluation exercise to express myself neither was I given any feedback and right to appeal, I ONLY got the results of the performance evaluation exercise written on the letter of termination purporting that I got two points out of six with no idea on how this performance rating was arrived at by Mr. Housseem Eddin Naccache the general manager of Majid Al Futtaim Hypermarkets Ltd Two Rivers stores.

The performance evaluation carried out by Mr. Housseem Eddin Naccache the general manager of Majid Al Futtaim Hypermarkets Ltd Two Rivers stores on 5th November 2019 was characterized by intimidation, use of coercion and fell short of equitable performance evaluation standards which Majid Al Futtaim Hypermarkets Ltd as an international brand religiously subscribe to.

- d) As a professional accountant, I was also technically/professionally reporting to the Majid Al Futtaim Hypermarkets Ltd head of financial control, Mr. Douglas and Country finance Manager Mr. Alaa who were equally my supervisors.

Principally, the performance appraisal carried out by Mr. Housseem Eddin Naccache the general manager of Majid Al Futtaim Hypermarkets Ltd Two Rivers stores should have incorporated at least one of the aforementioned supervisors as well as an independent senior member of staff drawn from Human capital department from Majid Al Futtaim Hypermarkets Ltd two Rivers stores.

By incorporating the aforesaid team(s) member in the performance evaluation exercise, all the above cited pitfalls to do with **lack of capability** by and **unfair procedure adopted** by Mr. Housseem Eddin Naccache the general manager of Majid Al Futtaim Hypermarkets Ltd Two Rivers stores could have been avoided.

- e) For the last three hundred and thirty **(330)** days ending 5th November 2019, I have never had any formal written warning letter concerning my performance from Majid Al Futtaim Hypermarkets Ltd Two Rivers stores management.

I tirelessly put every effort to not only enhance my extensive accounting skills and knowledge but also I ensured that all the store finance department deliverables were met.

The act by Mr. Housseem Eddin Naccache the general manager of Majid Al Futtaim Hypermarkets Ltd Two Rivers stores to incompetently instruct that I clear, handle over my office and leave the office hurriedly within three hours on Tuesday 5th November 2019 was not only inhuman but was against all standards of upholding fair labour practices which Majid Al Futtaim Hypermarkets Ltd as an international brand pledge to.

Whereas there all plausible and readily available governmental, professional and legal systems through which I can seek the redress, it is important that **(you)** that you get my legitimate concerns of my unfair employment termination that will help you improve Majid Al Futtaim Hypermarkets Ltd (CARREFOUR Kenya) business going into the future.

I persuasively stress the need to clearly identify the gaps within your human resources and risk management processes and build up human resources and risk management capabilities that do not needlessly subject your employees to inhuman and unfair labour practices.

It is also my sincere prayer that no other staff members of Majid Al Futtaim Hypermarkets Ltd (Carrefour Kenya) will be subjected to the inhuman treated and unjust labour practices.

Sincerely

Michael Mbugi Njeru [CPA]

MMN

Cellphone No +254 725 769633 ; Email cpamichaelnjeru@gmail.com

Signed Tuesday 12th November 2019