



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI**

**CAUSE NO. 305 OF 2012**

**KENYA BUILDING, CONSTRUCTION, TIMBER AND**

**FURNITURE INDUSTRIES EMPLOYEES UNION ..... CLAIMANT**

**VERSUS**

**SPIEGEL INTERIOR LTD.....RESPONDENT**

**JUDGMENT**

1. The Kenya Building, Construction, Timber and Furniture Industries Employees Union (Union) sued Spiegel Interior Ltd (Respondent) on 28<sup>th</sup> February 2012 and the issue in dispute was stated as *Refusal by the Company to Recognise the Union*.
2. The firm of Kimanga & Co. Advocates filed a Notice of Appointment of Advocates on 29 March 2012 but there is no Response on record.
3. On 21 September 2015, the parties proposed that the Cause be determined on the basis of record and submissions and Nduma J, directed the parties to file their submissions.
4. The Union filed its submissions on 31 March 2015 while the Respondent's submissions are not on record.
5. The Court has considered the record and submissions.
6. The dispute herein arose way back in 2011, some 6 years back.
7. Because of the time lapse and the dynamism of the work place, it would not be prudent for the Court to grant the remedies sought by the Union. It is not even clear whether the employees who had been recruited by the Union still work with the Respondent.
8. In the view of the Court, the Respondent should commence afresh recruitment process and if it meets the statutory threshold, it can seek for recognition from the Respondent.
9. In the circumstances, the Court dismisses the Cause herein with no order as to costs.

**Delivered, dated and signed in Nairobi on this 5<sup>th</sup> day of April 2017.**

**Radido Stephen**

**Judge**

**Appearances**

For Union            Mr. Githinji, Industrial Relations Officer

For Respondent    Kimanga & Co. Advocates (did not appear for hearing).

Court Assistant    Nixon