



**Banking Insurance and Finance Union (Kenya) v Consolidated Bank of Kenya Limited
(Cause E728 of 2022) [2025] KEELRC 2454 (KLR) (17 September 2025) (Ruling)**

Neutral citation: [2025] KEELRC 2454 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E728 OF 2022
NJ ABUODHA, J
SEPTEMBER 17, 2025**

**BETWEEN
BANKING INSURANCE AND FINANCE UNION (KENYA) CLAIMANT
AND
CONSOLIDATED BANK OF KENYA LIMITED RESPONDENT**

RULING

1. This court in its judgment delivered on 4th March, 2024 directed as follows:

“...the Court hereby directs the parties herein to subject their dispute to the agreed internal dispute resolution mechanism before invoking the jurisdiction of the Court...the court therefore directs that this dispute be processed in accordance with clause 4 read together with clauses 18 to 19 of the Recognition Agreement between the parties. Such process to be concluded within 60 days of this judgment and a report thereon filed in court for final orders...”
2. Mr. Odero for the claimant informs the Court that pursuant to the directive of the Court, the parties herein met and agreed as follows:
 - i. That Consolidated Bank should review the staff roles for staff who were removed from unionisable roles to management while retaining same duties and prepare a report to KBA for onward transmission to the union outlining:-
 - a). Number and name of staff undertaking unionisable roles
 - b). Number and name of staff who have since been promoted from union to management roles.
 - c). Number and name of staff who have since left employment.



- ii. For the staff who continue to undertake unionisable roles, Consolidated Bank should reinstate the deductions of union dues payable to the union in compliance with *Labour Relations Act, 2007* and the Recognition Agreement.
 - iii) Consolidated Bank being fully owned by the government, will have a separate arrangement with the union to discuss the implementation of the present CBA terms as negotiated between KBA and the Union (BIFU-Kenya).
3. Mr. Odero however contended that when the respondent lawyer drafted the consent, he introduced new issues that were not part of what was agreed hence objected to signing the same. According to Mr. Odero, in the original agreement there was nothing like “staff who were duly registered as members of the union/claimant and that the Bank would in consultation with SRC have a separate arrangement with the union to review and discuss the implementation of the present CBA terms as negotiated between KBA and the Union.
4. The Court has reviewed and considered the objection by Mr. Odero vis-à-vis the minutes of the Joint Negotiating Committee meeting held on 17th April, 2024 and is of the view that the issues he considers new and introduced by the lawyer for the respondent in the draft consent are innocuous and or statutorily necessary especially the concurrence of SRA on any CBA negotiated and agreed between the Union and KBA. Consolidated Bank being fully owned by the government as acknowledged by the union is bound by the SRC Act whose mandate is constitutionally provided for to set and regularly review salaries and allowances payable to all public officers. There is therefore nothing wrong in tying any CBA agreed between the Bank and the Union to concurrence of SRC.
5. On the issue of staff who were duly registered as members of the union/claimant, the Court is of the view that the union can only represent its members and no other. Other persons who are unionisable but not its members but benefit from CBAs negotiated by the union are by law required to pay to the union agency fees.
6. In conclusion the Court finds nothing untoward or inimical to the interest of the union in the draft consent and hereby urges them to sign the same in order to bring this matter to a close.
7. The matter is set for mention on 3rd November, 2025 for to confirm signing and filing of the consent in order to bring this matter to close.
8. It is so ordered.

DATED AT NAIROBI THIS 17TH DAY OF SEPTEMBER, 2025

DELIVERED VIRTUALLY THIS 17TH DAY OF SEPTEMBER, 2025

ABUODHA NELSON JORUM

PRESIDING JUDGE-APPEALS DIVISION

