



Kenya Engineering Workers Union v Bhachu Industries Limited (Cause E599 of 2024) [2025] KEELRC 2610 (KLR) (29 September 2025) (Ruling)

Neutral citation: [2025] KEELRC 2610 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E599 OF 2024
CN BAARI, J
SEPTEMBER 29, 2025**

BETWEEN
KENYA ENGINEERING WORKERS UNION CLAIMANT
AND
BHACHU INDUSTRIES LIMITED RESPONDENT

RULING

1. Before Court is the Respondent's Preliminary Objection dated 15th October, 2024 seeking the striking out of the Claimant's suit on the ground that this court lacks the pecuniary jurisdiction to hear and determine this claim on account of Gazette Notice No. 6024 of 22nd June, 2018.
2. The Respondent contends that the said Gazette notice sets the jurisdiction of this court to entertain claims where an employee was earning a monthly gross salary of Kshs.80,000 and above, and that the grievants subject of the Claimant's claim namely Patroba Moses Makacha and Jacob Omusula Anangwe, were earning monthly basic salaries of Kshs.28,388 and Kshs.25,847 respectively.
3. The Respondent argues that for the foregoing reason, this court lacks jurisdiction to entertain this claim and the same ought to be struck out with costs.
4. The Claimant filed grounds of opposition arguing that the court has jurisdiction to entertain the suit as filed on the premise that Gazette Notice No. 2064 does not apply to matters by trade unions.
5. The court ordered that the objection be canvassed through written submissions and submissions were received from both parties, and which have been duly considered.

Determination

6. The singular issue for my determination is whether this court has jurisdiction to hear and determine this matter on account of gazette notice No.6024(CXXNo.74) dated 22ndJune 2018.



7. A question of jurisdiction is no doubt central to any suit and which must be raised and determined at the onset as without jurisdiction, a court as has been variously held, has no option but to down its tools.
8. Gazette notice No.6024 (CXXNo.74) of 22nd June 2018 delegated jurisdiction to the Magistrates courts as follows: -

“In Exercise of the powers conferred by section 29 (3) and (4) (b) of the [Employment and Labour Relations Court Act](#), 2011, and in consultation with the Principal Judge of the Court, the Chief Justice appoints all Magistrates of the rank of the Senior Resident Magistrates and above as Special Magistrates designated to hear and determine the following employment and labour relations cases within their respective areas of jurisdiction:

1. Disputes arising from contracts of employment (excluding trade disputes under the [Labour Relations Act](#), 2007) (emphasis own) where employees' gross monthly pay does not exceed Ksh80,000.00 as commenced and continued in accordance with the Employment and Labour Relations Court (Procedure) Rules, 2016....”
9. By dint of the foregoing, it is clear that some employment matters were delegated vide the gazette notice to the magistrates court with the exception of labour disputes, which were expressly omitted.
10. Section of the [Labour Relations Act](#), 2007, defines a trade dispute as follows: -

“trade dispute” means a dispute or difference, or an apprehended dispute or difference, between employers and employees, between employers and trade unions, or between an employers' organisation and employees or trade unions, concerning any employment matter, and includes disputes regarding the dismissal, suspension or redundancy of employees, allocation of work or the recognition of a trade union”
11. In the case of Law Society of Kenya vs. Malindi Law Society & 6 Others (2017) eKLR, the court held that disputes between trade unions and employers can only be entertained by the Employment and Labour Relations Court, and that the Magistrate Court only has jurisdiction to hear and determine employment and labour disputes between employees and employers and not trade unions.
12. It is therefore clear that a dispute between trade Unions and Employers such as the one in this matter, can only be entertained by the Employment and Labour Relations Courts and not the Magistrates Courts.
13. The Claimant has brought the case herein on behalf of its members in its capacity as a registered trade union and having a recognition agreement with the Respondent. This in effect, means that the suit herein is a trade dispute and for which this court no doubt has jurisdiction over.
14. In the end, I hold that this court has jurisdiction to hear and determine this suit, and the preliminary objection lacks merit and is hereby dismissed with costs to the Claimant.
15. It is so ordered.

SIGNED, DATED AND DELIVERED BY VIDEO-LINK AND IN COURT AT NAIROBI THIS 29TH DAY OF SEPTEMBER, 2025.

C. N. BAARI

JUDGE



Appearance:

Mr. Makale Present for the Claimant

Mr. Kori present for the Respondent

Ms. Esther S - C/A

