



Transport Workers' Union v Automobile Association of Kenya; Kenya Long-Distance Truck Drivers and Allied Workers' Union (Interested Party) (Cause 1520 of 2016) [2025] KEELRC 2446 (KLR) (18 September 2025) (Ruling)

Neutral citation: [2025] KEELRC 2446 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 1520 OF 2016
S RADIDO, J
SEPTEMBER 18, 2025**

BETWEEN

TRANSPORT WORKERS' UNION CLAIMANT

AND

AUTOMOBILE ASSOCIATION OF KENYA RESPONDENT

AND

KENYA LONG-DISTANCE TRUCK DRIVERS AND ALLIED WORKERS' UNION INTERESTED PARTY

RULING

1. For determination is a Motion dated 18 December 2024, and filed in Court on 19 December 2024 by Kenya Long Distance Truck-Drivers & Allied Workers Union (the Interested Party) seeking orders:
 - i. ...
 - ii. That the Honourable Court be pleased to review and/or revise the Ruling delivered on 26th September 2023 and order the parties to share equally the census costs to be incurred.
 - iii. That costs of the application be provided for
2. The grounds in support of the Motion were that the Court had failed to direct who was to meet the costs of the census it had ordered to be conducted in its Ruling of 26 September 2023 and that the failure had led to an impasse, leading to the census not being conducted within the set timelines.
3. The Court gave directions on the Motion on 19 December 2024.
4. The Transport Workers Union (the Claimant Union) and Automobile Association of Kenya (the Respondent) did not comply with the directions as to the filing of responses.



5. On 24 February 2025, the Court suggested that the parties discuss and agree on the funding of the census.
6. When the parties appeared in Court on 25 February 2025 and reported that they could not agree, the Court gave an ex tempore Ruling as follows:

The Cause was filed in 2016, and it should be finalised expeditiously. The parties to share equally the costs of the repeat census to be conducted by the Ministry of Labour. The census to be conducted within 30 days from today, and a report to be filed. In default, the Court will give further directions on 7 May 2025.
7. The parties met under the chairship of the Conciliator, and he filed a report dated 21 March 2025 indicating that the Claimant Union had asked for more time to raise its part of the costs.
8. In a further report dated 8 April 2025, the Conciliator reported that the Claimant Union had informed him that it had no money to contribute towards the holding of the census.
9. When the Court was given the update on 7 May 2025, it indicated it would give a Ruling/directions today.
10. The Court has keenly gone through the record and considered the Motion, and makes the following determinations.
11. One, the Claimant Union sued the Respondent on 3 August 2016, and it stated the issues in Dispute as:
 - i. Refusal by the Respondent to forward a signed parties' CBA for the years 2016/2017 to the Union for registration by the Hon Court contrary to sections 59 and 60 of the [Labour Relations Act, 2007](#).
 - ii. Intended termination of parties' recognition agreement by the Respondent contrary to section 54(5)(6)(7) and (8) of the [Labour Relations Act, 2007](#).
 - iii. Refusal by the Respondent to remit monthly trade union dues to the Claimant contrary to section 48(2) and 50 of the [Labour Relations Act, 2007](#).
 - iv. The Respondent's unprocedural inducement of the Claimant's unionised members to withdraw their union membership contrary to section 5 of the [Labour Relations Act, 2007](#).
12. Two, the Court heard the dispute and delivered a judgment on 28 September 2021. Part of the orders issued was for the Ministry of Labour to conduct a census.
13. Three, the census was conducted, and it was adverse to the Claimant Union, and the Claimant Union applied successfully to the Court to vacate or set aside the census report with an order for a repeat census.
14. Four, the Court did not make an order on who was to meet the costs of the repeat census, and this led the Interested Party to move the Court to review the order.
15. Five, this Court directed the parties on 25 February 2025 to share the costs of the repeat census. The Claimant Union failed to comply, allegedly because it did not have funds while the Respondent and Interested Party were ready.
16. Six, the Claimant Union moved the Court seeking to assert its rights, but it is now stonewalling in cooperating with the Court in an expeditious and proportionate resolution of the dispute with finality.



17. Seven, the Interested Party and Respondent signed a recognition agreement on or around 18 July 2016, while the Respondent had a subsisting recognition agreement with the Union.
18. It is not the mandate of the Court to revoke a recognition agreement, and the mandate lies with the National Labour Board.
19. The Respondent has not moved the National Labour Board to revoke its recognition agreement with the Claimant Union.
20. The Claimant Union and the Interested Party have not referred a trade dispute as contemplated by section 54(6) of the [Labour Relations Act](#) to the Cabinet Secretary, Labour.

Orders

21. In light of the above, the Court declines to issue any of the orders sought in the Motion dated 18 December 2024 or any further enforceable orders.
22. Each party to bear own costs.

DELIVERED VIRTUALLY, DATED AND SIGNED IN ISIOLO ON THIS 18TH DAY OF SEPTEMBER 2025.

RADIDO STEPHEN, MCIARB

JUDGE

Appearances

For Claimant Rakoro & Co. Advocates

For Respondent Nyaencha Waichara & Co. Advocates

For Interested Party Bwogo Manoti & Chepngeno Advocates

Court Assistant Wangu

