



**REPUBLIC OF KENYA.**

**IN THE INDUSTRIAL COURT OF KENYA**

**AT NAIROBI.**

**(Coram: Charles P. Chemmutut, J.,**

**J.M. Kilonzo & A.M. Yarrow, Members.)**

**CAUSE NO. 112 OF 2003.**

**KENYA UNION OF DOMESTIC, HOTELS,**

**EDUCATIONAL INSTITUTIONS, HOSPITALS & ALLIED WORKERS.....Claimants.**

**v.**

**SIXEIGHTY HOTEL (owned by Sentrim Kenya Ltd.).....Respondents.**

**Issue in Dispute:-**

**“Refusal by the Management to pay audited service charge underpayment totaling to Kshs.1,477,939.00.”**

Mr. S.N. Mwari for the Claimants (hereinafter called the Union).

**Mr. Raphael Warui, Advocate, of Warui & Co., Advocates, for the Respondents (hereinafter called the Hotel).**

**A W A R D.**

The Notification of Dispute, Form ‘A’, dated 16<sup>th</sup> October, 2003, duly signed by the authorized representatives of the parties, together with the statutory certificate from the Labour Commissioner under Section 14(7) and (9)(e) of the Trade Disputes Act, Cap. 234, Laws of Kenya (which is hereinafter referred to as the Act), were received by Court on 5<sup>th</sup> November, 2003.

In view of the foregoing, we take great exception to the findings and recommendation of the Minister for Labour.

Accordingly, and keeping all the circumstances of this dispute in mind, the Court finds that the Hotel is liable, and awards that it should pay the aforementioned amount of Kshs. 1,477,939/=, together with 12% per annum interest thereon, without any deductions whatsoever, to all its employees, including those who have since left their employment or their next of kin, for the relevant period under consideration, i.e. 1985 to 1993. The Court so orders.

Finally, the Court directs that the Hotel should pay the total amount to their employees who are still in employment in six equal instalments, the first instalment of which should be paid at the end of October, 2006, and thereafter at an interval of every three months until payment in full. Those employees who have since left the Hotel employment, or their next of kin, should be paid

their shares in a lump sum.

**DATED** and delivered at Nairobi this 14<sup>th</sup> day of September, 2006.

Charles P. Chemmuttut, MBS.,

**JUDGE.**

J.M. Kilonzo,

O.A. Wafula,

**MEMBER.**

**MEMBER.**