



REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT OF KENYA
AT NAIROBI.

(Present: Charles P. Chemmutut, J.)

CAUSE NO. 86 OF 2001.

KENYA BUILDING, CONSTRUCTION,

TIMBER, FURNITURE & ALLIED INDUSTRIES.....Claimants.

- v -

RAI PLYWOOD KENYA LTD.....Respondents.

Issue in Dispute:-

“Refusal to implement wage increase of 58 drivers (hereinafter called the grievants) in violation of CBA, namely:

1. R. Okari
2. C. Sang
3. M. Alumasi
4. S. Korir
5. M. Gathura
6. B. Koskei
7. G. Mwangi
8. M. Biwott
9. B. Munyoroku
10. J. Shiraya
11. C. Odera
12. J. Kiarei
13. J. Ateya
14. J. Mbugua
15. A. Manyange
16. S. Warutere
17. A. Atieno
18. J. Nganga
19. B. Kiptoo
20. P. Kiplagat
21. P. Maranga
22. T. Dishon
23. J. Nyahura
24. G. Ouma
25. F. Kinyua
26. M. Sigsin
27. S. Shijire
28. S. Gichui
29. K. Korir
30. J. Cheto

31. D. Ndegwa
32. D. Foro
33. J. Kamara
34. J. Ngeno
35. P. Kirwa
36. P. Chirchir
37. S. Rotich
38. P. Wafula
39. A. Azangu
40. L. Alex
41. C. Kimenyi
42. S. Metto
43. M. Chakuku
44. K. Kogo
45. M. Kiplelei
46. P. Mburu
47. J. Etiang
48. F. Ngige
49. Z. Sabwa
50. J. Tuwsi
51. L. Ibwaga
52. H. Chepkwony
53. J. Kemei
54. D. Mwaura
55. P. Cheruiyot
56. G. Mwangi
57. N. Chege
58. C. Komen

No appearance for the Claimants (hereinafter called the Union).

No appearance for the Respondents (hereinafter called the Company).

A W A R D.

This dispute was referred to the Court for consideration and determination by the Minister for Labour on 5th September 2001 in exercise of the powers vested in him by Section 8 of the Trade Disputes Act, Cap.234, Laws of Kenya (which is hereinafter referred to as the Act). The reference, together with the statutory certificate from the Labour Commissioner under Section 14, subsection (9)(e) of the Act, were received by the Court on 10th September 2001, and the dispute was listed for mention on 27th September 2001. On this date, Mr. R.M. Muthanga appeared for the Company but there was no appearance for the Union. In the circumstances, the dispute was listed for another mention on 11th October 2001 when Messrs. D.G. Mucheru and L.W. Kariuki, who appeared for the parties respectively were directed to submit or file their respective written memoranda or statements on or before 12th November and 13th December 2001, and the dispute was fixed for hearing on 14th February 2002. The Union submitted its memorandum on 12th November 2001, but the Company did not file any reply thereto. On 14th February 2002, however, the parties gave an indication that they might come to a compromise; and accordingly the dispute was listed for a further mention to-day, i.e. 7th March 2002.

This morning, the parties presented a memorandum of settlement, dated 6th March 2002, and duly signed by Mr. Francis Murage, National General Secretary, Mr. Julius Maina, Assistant National General Secretary, Mr. Joseph Jaluo, Branch Secretary, and Mr. Noah Obel, Chief Shopsteward, on behalf of the Union and Mr. Morris Etsula, Personnel Manager, on behalf of the Company. The memorandum of settlement was witnessed by Mr. L.W. Kariuki, Senior Executive Officer, F.K.E. The parties prayed that an award by consent be entered in terms of the settlement, the relevant part of which is reproduced below:-

“.....all those drivers..... shall be paid 15% wage increase as per the Agreement of 1st July 1998.

After payment of all their dues, this shall form the full and final settlement of the dispute.”

In my view, the terms of the settlement are fair and reasonable, and I award as prayed for and close the file.

DATED and entered at Nairobi this 7th day of March 2002.

Charles P. Chemmutter,

JUDGE.