



IN THE INDUSTRIAL COURT OF KENYA

AT MOMBASA.

(Before: Charles P. Chemmutut, J.,

J.M. Kilonzo & J.C. Odaga, Members.)

CAUSE NO.94 OF 2001.

KENYA SHIPPING, CLEARING & WAREHOUSES WORKERS' UNION.....Claimants.

- v -

TAHIR SHEIKH SAID TRANSPORTERS LTD.....Respondents.

Issues in Dispute:

- 1. Basic Minimum Wages.**
- 2. General Wage Increase.**

R.O. Abwoga, Deputy Secretary General, for the Claimants (hereinafter called the Union).

J.N. Namasake, Principal Executive Officer, F.K.E., for the Respondents (hereinafter called the Company).

A W A R D.

On 4th October 2001, the Minister for Labour referred this dispute to the Court for consideration and determination under powers vested in him by Section 8 of the Trade Disputes Act, Cap.234, Laws of Kenya (hereinafter referred to as the Act); and his 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 8th October 2001. Consequently, the Union submitted their memorandum on 22nd November 2001, and the Company belatedly filed their reply statement on 21st August 2002, in which they stated at pages 2 and 3, under para. 3(a) and (b) that “the parties have consulted extensively and have agreed as follows:-

(a) Basic Minimum Wages.

That the minimum basic wages should be the basic statutory minimum wages as per General Order in operation at any particular time.

(b) General Wage Increase.

That each employee shall receive a general wage increase of 6% to cover the first year of the agreement and a further 6% wage increase to cover the second year of the agreement”.

The Union agreed, and I, therefore, award in terms of the agreement or settlement.

The issue whether or not the watchmen's grievances should be considered in this dispute does not arise in view of the well-established rule that parties are bound by their pleadings and that no case can be considered on a matter which was not raised in the reference to the Court.

DATED and given at Mombasa this 29th day of August, 2002.

Charles P. Chemmutut,

JUDGE.