



Postal Corporation of Kenya v Communication Workers Union of Kenya (Cause E1030 of 2025) [2025] KEELRC 2935 (KLR) (28 October 2025) (Directions)

Neutral citation: [2025] KEELRC 2935 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E1030 OF 2025
S RADIDO, J
OCTOBER 28, 2025**

BETWEEN

POSTAL CORPORATION OF KENYA CLAIMANT

AND

COMMUNICATION WORKERS UNION OF KENYA RESPONDENT

DIRECTIONS

1. A strike or withholding of labour is a fundamental right of workers. It is an exercise of a worker's sovereign and/or democratic power. It is not a power given by the law strictu sensu but regulated within a legal framework.
2. The Communication Workers Union of Kenya (the Union) gave the Postal Corporation of Kenya (the employer) a notice of strike action on 23 September 2025.
3. A trade dispute was reported to the Cabinet Secretary, Labour. Attempts at conciliation did not yield much and the employer moved to Court on the eve of the strike seeking orders interdicting the strike.
4. The Court directed the employer on 27 October 2025 to serve, and the parties appeared in Court earlier today.
5. The Court requested the parties' advocates to meet and consider reaching a compromise. The parties have reported that there is no compromise.
6. It is not in dispute that the employer is classified as an essential service under the Fourth Schedule to the *Labour Relations Act*.
7. Section 81 of the *Labour Relations Act* restricts the right of workers in an essential service to participate in a strike or industrial action. The restriction is in line with Article 24 of *the Constitution*.



8. The employer admitted during proceedings earlier today that it has not paid its workers' salaries for about 5 months. The workers, nevertheless, have been providing their labour.
9. They can only live in dignity if they get remunerated for their labour. The workers have families who equally expect to live in dignity. Some may have health or educational needs.
10. Without remuneration, all these human needs get compromised.
11. On 21 October 2025, the employer made certain proposals to the Conciliator. These included payment of October 2025 salaries by 17 November 2025.

Orders

12. Considering the above, the Court gives the following Orders/Directions:
 - i. The on-going industrial action called by the Union is stayed on condition that the employer pays October 2025 salaries by 5 November 2025.
 - ii. In default, the Union and the workers are at liberty to proceed with the strike without any further notices or directions by the Court.
 - iii. The Union is directed to file and serve responses to the Motion and submissions on or before the end of 31 October 2025.
13. Further proceedings on 5 November 2025.

Issued on this 28th day of October 2025.

RADIDO STEPHEN, MCI Arb

Judge

Appearances

For Claimant Mr Nyamolo/Mr Bosire instructed by Jeff Nduko Bosire Advocate

For Respondent Ms Guserwa instructed by J.A. Guserwa Advocate

Court Assistant Wangu

