

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS
COURT AT NAIROBI
CAUSE NO. E674 OF 2025**

**BANKING, INSURANCE AND
FINANCE UNION (K)
CLAIMANT**

v

**FAULU MICRO FINANCE BANK LTD
RESPONDENT**

- EMPLOYMENT AND LABOUR RELATIONS COURT**
1. The Banking, Insurance and Finance Union (K) (the Union) sued Faulu Micro Finance Bank Ltd (the Respondent) on 18 July 2025, alleging unfair labour practices and violation of its right to organise.
2. At the same time, the Union filed a Motion seeking orders:

- (i) **NAIROBI**
- (ii) THAT pending hearing and determination of the application, the Respondent be ordered to resume deduction and remitting union dues from their unionisable employees.

(iii) THAT pending hearing and determination of the application, the Respondent be ordered to pay the unremitted trade union dues from 10th December 2024 from their own funds.

EMPLOYMENT AND LABOUR RELATIONS COURT



(iv) THAT pending hearing and determination of the application *inter-partes*, the Respondent be ordered to resume deduction and remitting trade union dues from their unionisable employees.

(v) THAT pending hearing and determination of the application,

NAIROBI
the applicant be granted access to the employer's premises to pursue lawful activities of the trade union.

(vi) THAT pending hearing and determination of the application, Court do restrain the Respondent from victimising, coercing,

terminating or disciplining union members on account of their union membership, and

(vii) THAT the costs of this application be provided for.

3. The grounds in support of the Motion were that the Respondent had refused to remit union

dues from November 2024; the dispute was reported to the Cabinet Secretary for Labour for conciliation, but the Respondent frustrated the conciliation process, and it was in the interest of justice for the Court to intervene.

4. On 21 July 2025, the Court gave directions. The Respondent did not file a response within the timelines given by the Court.

5. On 30 July 2025, the Court gave fresh directions, and the Union filed its submissions on 21 August 2025.

6. The Respondent filed Grounds of Opposition on 24 September 2025, contending that the Motion was incompetent for seeking final orders at an

interlocutory stage; an abuse of the court process because conciliation was still ongoing; defective for non-disclosure of material facts; the reduction in union dues was due to redundancies; the Cause was premature; the Respondent had strictly complied with section 48 of the Labour Relations Act, there was no recognition agreement between the parties and the facts supporting the Motion were unsubstantiated.

7. The Court has considered the Motion, affidavit in support, Grounds of Opposition and submissions.

8. The Motion by the Union, as drafted, sought transient orders pending the hearing of the application and not orders preserving or protecting the Union's rights pending the hearing of the Cause on the merits.

9. The orders became legally otiose when they were not granted at the *ex-parte* stage.

10. However, before concluding, the Court notes that though the Respondent raised the question of prematurity of the Cause because the conciliation process had not been completed, the assertion is without merit.

11. Under section 67 of the Labour Relations Act, a conciliation should be concluded within 30 days unless the parties' consent to extension.

12. There is no material before the Court that there was mutual consent to extend the process.

13. The Court also notes that in line with section 69 of the Labour Relations Act, the Union's Secretary General deponed at paragraphs 6 to 13 of the supporting affidavit on why they deemed the dispute unresolved at conciliation.

NAIROBI

Orders

14. The Motion dated 17 May 2025 is found without merit and is dismissed. No order on costs because of the social partnership between the parties.

Delivered virtually, dated and signed in Nairobi on this 13th day of November 2025.

Radido Stephen, MCI Arb
Judge

Appearances

For Claimant	Okello Pamba & Co. Advocates
For Respondent	Robson Harris Advocates LLP
Court Assistant	Wangu



NAIROBI