



**Kenya Union of Special and Professional Guards v G4S Kenya Limited;
Kenya National Private Security Workers Union (Interested Party) (Cause
E828 of 2025) [2025] KEELRC 3260 (KLR) (20 November 2025) (Ruling)**

Neutral citation: [2025] KEELRC 3260 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E828 OF 2025
CN BAARI, J
NOVEMBER 20, 2025**

BETWEEN

KENYA UNION OF SPECIAL AND PROFESSIONAL GUARDS CLAIMANT

AND

G4S KENYA LIMITED RESPONDENT

AND

**KENYA NATIONAL PRIVATE SECURITY WORKERS UNION .. INTERESTED
PARTY**

RULING

1. Before the Court is the Intended Interested Party's Notice of Motion application dated 8th September, 2025, brought pursuant to Section 3 of the *Labour Relations Act*, 2007, and Rules 4,13,14, and 17 of the Employment and Labour Relations Court (Procedure) Rules 2024, wherein the Intended Interested Party/Applicant seeks orders that: -
 - a. Spent
 - b. Spent
 - c. That Kenya National Private Security Workers Union be enjoined in this cause as an Interested Party.
2. The application is supported by grounds on its face, and the affidavit of Isaac G.M. Andabwa.
3. The Applicant avers that the order of enjoinder is merely procedural and is to enable the Interested Party to institute a substantive application.



4. It avers that it has a valid and subsisting Recognition and Collective Bargaining Agreements with the Respondent, which recognizes the proposed Interested Party as the exclusive bargaining agent for all unionisable security guards employed by the Respondent. It states further that the agreement entitles it to the deduction and remittance of union dues from the wages of its members in the Respondent's employment.
5. The Applicant avers that the proceedings were initiated without including it, despite its significant stake in a dispute over union dues deductions under its Recognition Agreement. It states that implementing Legal Notice No. 1 of 2025 would cause the Interested Party irreparable harm, including weakening its bargaining unit through possible member poaching, exposing employees to double deductions, and violating its exclusive recognition rights under Section 54 of the *Labour Relations Act*, 2007.
6. The Applicant further states that under Legal Notice No. 7 of 2017, the Respondent is required to deduct and remit union dues solely to the proposed Interested Party, and that any departure from this requirement may breach Section 50 of the Act, exposing employers and employees to criminal penalties and legal jeopardy.
7. It is the proposed Interested Party's position that it is the sole legally recognized and gazetted union authorized to represent and collect dues from employees in the private security industry.
8. It avers that its scope covers security officers employed by private companies, whereas the Claimant's membership consists of Special Guards, hence the Respondent does not fall within the Interested Party's representational scope.
9. The Claimant opposed the application vide a Replying Affidavit sworn by Samson Omechi Ong'era on 13th October, 2025. The Claimant asserts that the dispute strictly concerns the Respondent's failure to deduct and remit union dues for employees who are valid members of the Claimant Union under Section 48 of the *Labour Relations Act*, 2007, hence the matter does not involve issues of recognition agreements or inter-union demarcation.
10. The Claimant argues that the Applicant Union has not demonstrated any legal or factual interest in the case, nor provided evidence of representing the employees whose dues are in dispute. It states that the application for joinder is an attempt to obstruct the Claimant's lawful enforcement of its members' rights to union dues deduction and remittance.
11. The Claimant further states that it is duly registered to organize workers in the private security sector, and its members' dues are supported by Legal Notice No. 1 of 2025. It avers that the Applicant Union's reliance on Legal Notice No. 7 of 2017 is misleading, since both legal notices relate to the collection of dues from their respective members.
12. The Claimant further states that the Applicant Union is challenging Legal Notice No. 1 of 2025 in a separate ongoing case, being NBI ELRC Cause No. E855/2025, which it has failed to disclose to the court. The Claimant argues that the issues raised by the Applicant Union are already before another court and are irrelevant to its instant claim.
13. The Claimant finally states that the Applicant Union's application is legally baseless, unsupported by evidence, an abuse of court process, and is intended to delay the proceedings.
14. It therefore urges the court to dismiss the application with costs.
15. The Respondent did not oppose the motion for joinder of the proposed interested party.



16. Parties urged the application by oral submissions before the court on 14th October, 2025, reiterating their respective pleadings.

Determination

17. I have considered the Notice of Motion, the supporting affidavit, the Replying Affidavit by the Claimant, and the oral submissions by counsel for both parties. The issue for determination is whether the Applicant union has demonstrated sufficient legal interest in the subject matter of this dispute to warrant its joinder as an Interested Party.
18. The Applicant asserts that it holds a Recognition and Collective Bargaining Agreement with the Respondent, and is the exclusive bargaining agent for security officers in the employ of the Respondent under Section 54 of the *Labour Relations Act*. It contends that Legal Notice No. 7 of 2017 entitles it to deduction and remittance of union dues from employees of the Respondent, and that the implementation of Legal Notice No. 1 of 2025 may expose its members to double deductions and interfere with its bargaining unit.
19. On its part, the Claimant argues that the dispute herein solely concerns the Respondent's failure to deduct and remit dues for employees who voluntarily joined the Claimant Union under Section 48 of the *Labour Relations Act*. It maintains that the matter does not involve recognition agreements or union demarcation, and that the Applicant has not shown that the affected employees are its members.
20. It is the Claimant's position that issues relating to Legal Notice No. 1 of 2025 are already the subject of other litigation (NBI ELRC Cause No. E855/2025) and that the pleadings in this matter, clearly demonstrate that the issue in dispute concerns non-compliance by the employer/Respondent with a statutory obligation under Section 48 of the *Labour Relations Act* to deduct and remit dues for employees who have executed check-off forms in favour of the Claimant Union.
21. As correctly submitted by the Claimant, the cause herein does not concern a dispute over recognition, representational demarcation between trade unions, or the validity or lack thereof of Legal Notice No. 1 of 2025 or Legal Notice No. 7 of 2017.
22. Whether the Applicant holds a recognition agreement with the Respondent is not in issue, nor is entitlement to dues from its own members. The question for determination in the suit is limited and is statutory in nature.
23. It is now settled that a party seeking joinder must demonstrate a proximate, direct, and identifiable stake in the outcome of the proceedings, and a merely speculative, or collateral, interest does not justify joinder. The Supreme Court of Kenya in *Trusted Society of Human Rights Alliance v Mumo Matemu* (supra) held that a party seeking to be enjoined in proceedings must prove the personal interest or stake that it has in the matter, and that the interest must be clearly identifiable and must be proximate enough to stand apart from anything that is merely peripheral.
24. The Applicant has, in my considered view, not tendered evidence showing that the employees whose union dues are in dispute are its members, nor has it shown that its own legal rights would be directly affected by the Court's determination on statutory check-off compliance.
25. Further, the Applicant's apprehension of potential poaching, erosion of the bargaining unit, or double deductions is speculative and relates to an inter-union rivalry, not the subject matter of this cause.
26. It is also evident that the Applicant has already challenged Legal Notice No. 1 of 2025 in NBI ELRC Cause No. E855/2025, which in itself is an indication that the proper forum for its grievances regarding ministerial orders is already seized of the matter.



27. In light of the foregoing, the Applicant union's joinder in these proceedings would not only duplicate issues but risk transforming a simple statutory enforcement claim into a broader inter-union dispute.
28. For the foregoing reasons, the Court finds that the Applicant has not met the legal threshold for joinder as an Interested Party.
29. The Notice of Motion dated 8th September 2025 is devoid of merit and is hereby dismissed with no orders on costs.
30. Orders accordingly.

SIGNED, DELIVERED, AND DATED AT NAIROBI THIS 20TH DAY OF NOVEMBER, 2025

C. N. BAARI

JUDGE

Appearance:

Mr. Ong'era present for the Claimant

Ms. Mwangi h/b for Mr. Makori for the Respondent

Mr. Wati present for the Interested Party

Ms. Esther S - Court Assistant

