

**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT MERU**

**CAUSE NO E008 OF 2025**

**KENYA UNION OF DOMESTIC HOTELS EDUCATIONAL INSTITUTIONS  
HOSPITALS AND ALLIED WORKERS.....CLAIMANT**

**VS**

**BOARD OF MANAGEMENT  
RUBATE SECONDARY SCHOOL.....RESPONDENT**

**J U D G M E N T**

**Introduction**

1. The issue in dispute as stated by the Claimant in its Statement of Claim dated 24<sup>th</sup> March 2025 is *'Failure by the School Board of Management to sign Recognition Agreement contrary to Section 54(1) of the Labour Relations Act'*.
2. Despite due service, the Respondent did not file a response. Consequently, the matter proceeded as an undefended claim, with the Claimant calling Ann Kananu as a sole witness. The Claimant also filed written submissions.

**The Claimant's Case**

3. The Claimant claims to have recruited 14 employees of the Respondent, who signed check off forms on 23<sup>rd</sup> June 2022. According to the Claimant, it had attained a simple majority of the Respondent's unionisable establishment.
4. On 6<sup>th</sup> June 2022, the Claimant forwarded a letter to the Respondent, asking for deduction and remittance of trade union dues from 31<sup>st</sup> July 2022.

5. The Claimant states that the Respondent commenced deduction and remittance of union dues up to September 2022, when it stopped but had since resumed.
6. On 1<sup>st</sup> September 2022, the Claimant forwarded a copy of a Recognition Agreement to the Respondent, with a proposal to execute it within 21 days. In this regard, the Claimant asked for a meeting on 26<sup>th</sup> September 2022. The Claimant accuses the Respondent of declining to sign the Recognition Agreement, without any valid reason.
7. By its letter dated 14<sup>th</sup> December 2022, the Claimant reported a trade dispute to the Ministry of Labour, pursuant to which Ms. Catherine Kubai of Meru Labour Office was appointed as Conciliator. Kubai was later replaced by Ms. Sylvia Kaari of Tharaka Labour Office.
8. The Claimant avers that the Respondent did not attend the first conciliation meeting convened by the Conciliator. At a subsequent meeting held on 17<sup>th</sup> July 2023, the Respondent is said to have agreed to deduct and remit union dues but declined to sign the Recognition Agreement.
9. The Conciliator issued a report dated 26<sup>th</sup> September 2023, which the Respondent is said to have ignored.
10. The Claimant therefore seeks an order to compel the Respondent to sign the Recognition Agreement to allow for negotiation of a Collective Bargaining Agreement.

### **Findings and Determination**

11. Section 54(1) of the Labour Relations Act provides as follows:

***(1) An employer, including an employer in the public sector, shall recognise a trade union for purposes of collective bargaining if that trade union represents the simple majority of unionisable employees.***

12. Recognition of a trade union which has recruited at least a simple majority of unionisable employees is not a matter of choice for the employer.

13. The Claimant states, and the Respondent does not deny, that it has recruited the entire unionisable establishment at the Respondent. There is evidence that the Claimant submitted duly completed and signed check off forms, upon which the Respondent commenced deduction and remittance of trade union dues.

14. There is therefore no legal basis for the Respondent to deny the Claimant recognition as required by Section 54(1) of the Labour Relations Act.

15. Flowing from the foregoing findings and conclusions, the Respondent is directed to sign a Recognition Agreement with the Claimant, within the next thirty (30) days from the date of this judgment.

16. In addition, the Respondent is restrained from taking any action that may reasonably be construed as dilution of union membership within the School.

17. In the interest of industrial harmony, I will make no order for costs.

18. Orders accordingly.

**DELIVERED VIRTUALLY THIS 27<sup>TH</sup> DAY NOVEMBER 2025**

**LINNET NDOLO**

**JUDGE**

Appearance:

Ms. Mwendwa for the Claimant

No appearance for the Respondent

ORIGINAL