

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS
COURT AT NAIROBI
CAUSE NO. E407 OF 2025
AMALGAMATED UNION OF KENYA
METAL WORKERS
CLAIMANT**

v

**ASL (INDUSTRIAL DIVISION) LTD
RESPONDENT**

JUDGMENT

1. The Amalgamated Union of Kenya Metal Workers (the Union) sued ASL (Industrial Division) Ltd on 7 May 2025, and it stated the Issue in Dispute as:

(i) Unprocedural and unfair redundancy of Kelvin Muthoka.

(ii) Refusal by the Respondent to sign a formal recognition agreement to formally recognise the Claimant Union.

(iii) Refusal by the Respondent to deduct and remit trade union dues to the Claimant Union.

2. At the same time, the Union filed a Motion seeking several interim preservatory orders. The Court issued an order staying the redundancy process and directed the Union to serve ASL (Industrial Division) Ltd (the Respondent).

3. Despite the fact that the Respondent did not enter appearance or attend Court sessions.

4. On 23 June 2025, the Union informed the Court that the parties were negotiating, and the Court allowed time for the negotiations.

5. When the Cause was mentioned on 21 October 2025, the Union informed the Court that the parties had met and two out of the three Issues in dispute had been resolved. The outstanding Issue was said to be recognition.

6. The Union informed the Court that it wanted the recognition question determined under Rule 59 of the Employment and Labour Relations Court (Procedure) Rules, 2024.

7. The Rule contemplates the determination of disputes on the basis of the pleadings, affidavits, documents and submissions.

8. The Court directed the Union to file an affidavit of evidence and submissions.

9. The Union filed its submissions on 1 November 2025.

10. The Court has considered the Memorandum of Claim, affidavit and submissions.

11. The Respondent had 15 employees, with 7 in management.

12. The Union recruited all the unionisable employees and forwarded Form S (check-off Forms) to the Respondent on 27 March 2025.

The Respondent failed to commence deduction of trade union dues or grant recognition.

13. The Union reported a trade dispute to the Cabinet Secretary, Labour and the dispute was:

Refusal by the employer to recognise the Union.

14. The trade dispute was conciliated, and the Conciliator issued a report dated 25 April 2025.

15. In the report, the Conciliator made a finding that the Union had met the legal requirement for recognition and recommended that the

Respondent recognize the Union.

16. Instead of granting the Union recognition, the Respondent gave notice of intended redundancies on 1 May 2025.

17. The Conciliator carries out statutory functions within the framework of the Labour Relations Act and the Labour Institutions Act. He took submissions from the parties and made findings of fact.

18. The Respondent, despite service of court process, did not bother to participate in these proceedings to counteract the factuality of the findings and recommendations by the Conciliator, and the Court has no hesitation in finding that the Union met the threshold for

recognition as set out in section 54(1) of the Labour Relations Act.

Orders

19. In light of the above, the Court orders:

(i) The Respondent to grant the Union recognition within 30 days of this judgment.

(ii) The Respondent to commence the deduction of trade union dues from the employees who have signed into membership with the Union and remit the dues to the Union, dues effective 31 December 2025.

20. Because of the anticipated social partnership between the parties, no order on costs.

Delivered virtually, dated and signed in Nairobi on this 11th day of December 2025.

Radido Stephen, MCI Arb
Judge

Appearances

For Claimant

Mr Ondiege, Industrial

Relations Officer

Respondent

did not participate

Court Assistant

Wangu

EMPLOYMENT AND LABOUR RELATIONS COURT



NAIROBI