



Kenya Shipping Clearing Freight and Warehouses Workers Union v Tea Warehouses Limited (Cause E017 of 2024) [2025] KEELRC 338 (KLR) (6 February 2025) (Judgment)

Neutral citation: [2025] KEELRC 338 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT MOMBASA
CAUSE E017 OF 2024
M MBARÚ, J
FEBRUARY 6, 2025**

BETWEEN
KENYA SHIPPING CLEARING FREIGHT AND WAREHOUSES WORKERS UNION CLAIMANT
AND
TEA WAREHOUSES LIMITED RESPONDENT

JUDGMENT

1. The claimant filed the Memorandum of Claim on 12 March 2024. The respondent was served and only entered an appearance on 21st May 2024. No response was filed and when the matter came up for hearing on 19 June 2024, the respondent’s advocate applied to cease acting for the respondent through applications dated 18 June 2024.
2. The issue in dispute is the failure of the respondent to pay redundancy benefits to 34 employees.
3. The claimant is a registered trade union under the provisions of the *Labour Relations Act*. The respondent is a limited liability company.
4. The claim is that the employees affected are members of the claimant by paying union dues through the check-off system. There was a union representative, and shop steward elected to represent the employees.
5. In August 2022, the shop steward, an employee of the respondent informed the claimant that the company was changing its name to another company/trade mark. The claimant took up the matter and found that the company had been sold to another trade name, C-Steinweg Bridge Kenya Limited. The claimant approached management through a letter dated 24 September 2022 on behalf of the affected employees. The claimant tabulated the terminal benefits following a joint meeting held on 3 December 2022. However, the respondent went silent.



6. The claimant reported the dispute to the Minister who appointed a conciliator and the respondent was represented by the director, George Nesbit who committed to pay the 34 affected employees in an agreement dated 1st March 2023 but has since refused to make payments.

The claimant is seeking the following orders;

- a. The respondent is to pay 34 employees their redundancy benefits as per the computed list marked annexed JTT VIII;
 - b. The respondent to pay the 34 employees' interests from the total computed tabulation of Ksh.33,453,678;
 - c. The respondent to pay the claimant union costs of the suit.
10. The claim is supported by the affidavit of James Tongi the general secretary and the statement of Harum Kimani Gichuhi, an employee of the respondent and the shopsteward. Gichuhi's case is that he is representing other employees who in August 2022 were declared redundant after the respondent company was sold to another company. The union engaged the respondent for payment of terminal dues without success leading to this claim. The 34 employees' terminal dues are outlined in the claim and should be awarded as prayed.
11. As outlined above, the respondent was served, and entered appearance but failed to file any response or attend the hearing. The claim herein is not challenged.
12. The claimant as a trade union is allowed under the provisions of the *Labour Relations Act*. Under the union representation, there were engagements for payment of redundancy dues for 34 employees and members of the claimant.
13. The claimant has attached the list of 34 employees affected by the redundancy. Under the provisions of Rule 9 of the Employment and Labour Relations Court (Procedure) Rules, the procedures thereof are addressed under the schedule indicating what each employee is claiming and entitled to.
14. A sample analysis is grievant one George Tsuma, who was employed on 1st December 2016 and worked until 31st August 2022 and the due claim at 15 days worked.
15. Without any response to challenge the claims made, the order sought is hereby found justified.
16. Judgment is herein entered for the claimant against the respondent for payment of Ksh.33,453,678 to the 43 employees listed under schedule 'JTT VIII' attached to order (a) of the Memorandum of Claim. Costs shall be taxed.

DELIVERED IN OPEN COURT AT MOMBASA THIS 6 DAY OF FEBRUARY 2025.

M. MBARŪ

JUDGE

In the presence of:

Court Assistant: Japhet

..... and

