



**Transport Workers Union (K) v Turkish Airlines INC (Cause
E030 of 2025) [2025] KEELRC 1060 (KLR) (3 April 2025) (Ruling)**

Neutral citation: [2025] KEELRC 1060 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E030 OF 2025**

S RADIDO, J

APRIL 3, 2025

BETWEEN

TRANSPORT WORKERS UNION (K) CLAIMANT

AND

TURKISH AIRLINES INC RESPONDENT

RULING

1. The Transport Workers Union (K) (the Union) sued Turkish Airlines Inc (the Respondent) on 20 January 2025, and it stated the Issue in Dispute as:

Failure (*sic*) the Airline to fully engage in the party's CBA negotiations.
2. At the same time, the Union filed a Motion seeking orders:
 - i. ...
 - ii. That the Respondent be ordered and compelled to conclude the ongoing CBA negotiations with the Claimant.
 - iii. That there be and is hereby issued an order directing the Ministry of Labour – CPMU division to conciliate the issues herein in dispute within a period of one (1) month.
 - iv. That this Honourable Court do issue any other appropriate relief/order as it may deem fit to meet the end of justice.
3. The reasons in support of the Motion were that the parties had a recognition agreement; the Respondent had failed to cooperate with the Union in concluding a Collective Bargaining Agreement; the Union reported a trade dispute to the Cabinet Secretary and a Conciliator was appointed; the parties could not agree on 6 out of 35 clauses/issues and the Conciliator gave the Union the go-ahead to approach the Court.



4. The Respondent filed a replying affidavit in opposition to the Motion on 18 February 2025.
5. The Respondent's Country Manager deponed in the affidavit that the negotiations for a Collective Bargaining Agreement had stalled because the Union had failed to provide minutes of previous meetings, and that the Respondent had always been ready and willing to negotiate, but the Conciliator had shown bias.
6. On 18 February 2025, the Court directed the parties to file and exchange a further affidavit and submissions.
7. The Union's submissions were not on record (should have been filed and served before the end of 28 February 2025), and the Respondent's submissions were also not on record (should have been filed and served before 18 March 2025).
8. The Court has considered the Motion and affidavits.
9. Employers cannot make their profits without dialoguing with employees. Good industrial relations at the workplace is pivotal for a business to run optimally.
10. Good faith is essential for harmony in the workplace.
11. The Respondent asserted that the negotiations to conclude the terms and conditions of service stalled because the Union failed to provide it with minutes of previous meetings.
12. Unfortunately, the Respondent did not place before the Court any agreement indicating that it was agreed that it was the responsibility of the Union would take minutes of the engagements or provide secretarial services during the meetings.
13. The report from the Conciliator tells a different story as to why the negotiations stalled. It appears that the Respondent's head office had directed it to withdraw from the negotiations.
14. The said assertion was also set out as one of the grounds in support of the Motion. The Respondent did not bother to respond to the assertion.
15. It is clear that the Respondent did not participate in the negotiations in good faith. The effect of its stance would only serve to dull employee morale at the workplace.
16. That would not be in good faith, but not good for its business.

Orders

17. The Court issues the following orders:
 - i. The parties to appear before the Conciliator and engage in deliberations on the 6 outstanding issues within the next 21 days.
 - ii. If agreement is reached, the parties to sign a Collective Bargaining Agreement in the usual manner.
 - iii. If there is no agreement, the Court will give further directions on a date to be agreed on hereinafter.
18. Costs in the cause.

DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 3RD DAY OF APRIL 2025.



RADIDO STEPHEN, MCIARB

JUDGE

Appearances:-

For Claimant - Mr Alutulala, Industrial Relations Officer

For Respondent - Mr Mathenge instructed by Chiuri & Chiuri Co Advocates

Court Assistant - Wangu

