



**County Government of Busia v Kenya Union of Clinical Officers
(KUCO) & 2 others (Employment and Labour Relations Petition
E014 of 2023) [2024] KEELRC 107 (KLR) (30 January 2024) (Judgment)**

Neutral citation: [2024] KEELRC 107 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT BUNGOMA
EMPLOYMENT AND LABOUR RELATIONS PETITION E014 OF 2023**

**JW KELL, J
JANUARY 30, 2024**

BETWEEN

COUNTY GOVERNMENT OF BUSIA PETITIONER

AND

KENYA UNION OF CLINICAL OFFICERS (KUCO) 1ST RESPONDENT

KENYA NATIONAL UNION OF NURSES (KNUN) 2ND RESPONDENT

**KENYA MEDICAL PRACTITIONERS & DENTIST UNION
(KMPDU) 3RD RESPONDENT**

JUDGMENT

1. The Petitioner following the issuance of strike notice by the 3 unions filed the instant petition dated 17th October 2023 seeking various reliefs and at the same time filed a Notice of Motion under certificate of urgency seeking interim orders to stop the strike.
2. The court having heard the parties on the 1st November 2023 it was agreed by consent to stay the strike pending conciliation. The court then referred the matter to the Cabinet Secretary in charge of labour to appoint a conciliator. A conciliator was appointed and the parties complied with the court's directions.
3. The court has received the conciliation report and recommendations by Agripina Auma, Conciliator, filed in court on the 24th January 2024. The Parties have addressed the court and agreed to adopt all recommendations save for recommendation No. 2 which was not in their submissions.
4. The parties also agreed on the timeline of 30 days as per submissions of the Petitioner before the conciliator on all agreed recommendations.



Final Order by Consent

5. In the final and conclusive determination of all issues in dispute in the Petition dated 17th October 2023, by consent, the Court adopts the recommendations of the conciliator as agreed by parties and enters judgment in the Petition as follows:-
 - a. The County Government of Busia to pay all the salaries due to the Healthcare workers within 30 days.
 - b. Whenever a decision is made the management should always communicate appropriately to avoid industrial action by healthcare workers.
 - c. All employees of the Petitioner who are due for promotion should be promoted following the right procedure and the promotions be implemented accordingly.
 - d. The Petitioner is to implement orders a, b, and c above within 30 days of the Judgment.
 - d. Each party is to bear its costs.
6. It is so ordered.

JUDGMENT BY CONSENT ENTERED ON THE 30TH DAY OF JANUARY, 2024 IN OPEN COURT AT BUNGOMA.

JEMIMAH KELI

JUDGE.

In the Presence of :-

Court Assistant:- Brenda Wesonga :

For 1st Respondent :- Odongo Okatch

For 2nd Respondent:- Kinoti

For Petitioner: Ms. Otsieno holding brief for Wambura

Further Court Order

At the request of the parties matter will be mentioned on the 25th of March 2024 to confirm compliance.

Obiter- I wish to sincerely thank the parties, the Cabinet Secretary Ministry of Labour and Social Protection, and Conciliator Agripina Auma for their cooperation with the Court in the promotion of cohesive labour relations.

JEMIMAH KELI

JUDGE.

