



**Kenya Union of Sugar Plantation and Allied Workers v West Kenya Sugar Company Limited; Retail Management Solutions Limited & another (Interested Parties)  
(Cause E006 of 2024) [2024] KEELRC 764 (KLR) (11 April 2024) (Order)**

Neutral citation: [2024] KEELRC 764 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KAKAMEGA  
CAUSE E006 OF 2024**

**JW KELI, J  
APRIL 11, 2024**

**BETWEEN**

**KENYA UNION OF SUGAR PLANTATION AND ALLIED WORKERS ..... APPLICANT**

**AND**

**WEST KENYA SUGAR COMPANY LIMITED ..... RESPONDENT**

**AND**

**RETAIL MANAGEMENT SOLUTIONS LIMITED ..... INTERESTED PARTY  
HANDYMAN STAFFING LIMITED ..... INTERESTED PARTY**

**ORDER**

The court having heard the parties orally opines that :-

1. The interim orders dated 26<sup>th</sup> March, 2024 cannot stand based on fact that the outsourced employees have been in place since 2019 and further no evidence of threat of termination of the contracts of the union member employees.
2. That matter is referred to court annexed mediation for parties to agree on pending accrued arrears for unionized employees, terms and condition of service of the union members outsourced including whether CBA by parties is applicable and deduction of union dues for outsourced members of the union.
3. The order dated 26<sup>th</sup> March, 2024 is vacated.
4. The mediator to file mediation report and agreement if any by 20<sup>th</sup> June, 2024.



5. Mention on 24<sup>th</sup> June, 2024 to adopt the mediation agreement in settlement of dispute or proceed to hearing on merit.
6. It is so ordered.

**SIGNED , DATED AND DELIVERED IN OPEN COURT AT BUNGOMA THIS 11<sup>TH</sup> DAY OF APRIL, 2024.**

**JEMIMAH KELI,  
JUDGE.**

In the presence of :-

Court Assistant : Brenda

Akhonya for Claimant present

Ogola & Wachira for Respondent Present

