



**Kenya Concrete, Structural, Ceramic Tiles, Wood Plys and Interior Design
Workers Union v China State Construction Engineering Corporation Limited
(Cause E056 of 2022) [2023] KEELRC 495 (KLR) (28 February 2023) (Ruling)**

Neutral citation: [2023] KEELRC 495 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E056 OF 2022
J RIKA, J
FEBRUARY 28, 2023**

BETWEEN
**KENYA CONCRETE, STRUCTURAL, CERAMIC TILES, WOOD PLYS AND
INTERIOR DESIGN WORKERS UNION CLAIMANT**
AND
**CHINA STATE CONSTRUCTION ENGINEERING CORPORATION
LIMITED RESPONDENT**

RULING

1. The Claimant filed an Application dated February 1, 2022, seeking orders that: -
 - a. The Respondent is compelled to commence and remit trade union dues in favour of the Claimant.
 - b. The Respondent is restrained from victimizing the Claimant's members on account of their association with the Claimant.
 - c. The Respondent is compelled to remit all un-deducted and unremitted trade union dues, from September 2021 to-date.
 - d. The Respondent to implement Legal Notice Number 50 of 2014.
2. The Respondent did not file Response to the Application, and the orders above were granted on June 22, 2022.
3. The main Claim came up for formal proof on October 12 when the Claimant proceeded by way of oral submissions.



4. Parties were subsequently directed to file and exchange written submissions, within 14 days each. The Respondent intimated that it intended to file an application to be allowed to respond to the Claim, and was advised by the Court to file a formal application, with the Claim scheduled for mention on November 11, 2022.
5. The Respondent indicates that it filed an application dated October 11, 2022, to set aside ex parte proceedings.
6. The Court directed that the application is disposed of through written submissions, which the Parties informed the Court they had filed, at the last mention, before Christmas break, on December 16, 2022. The physical file was then forwarded to the undersigned Judge for preparation of the ruling.
7. Unfortunately, the file does not contain the application filed by the Respondent, dated October 11, 2022, or the written submissions from either Party. It was alleged by the Respondent that there is another Claim, Cause No 247 of 2022, filed by the Claimant over the same subject matter. Pleadings and Proceedings from this other Claim, have not been availed to the Court.
8. In the circumstances, the file shall be returned to the Registry, to be placed before the Deputy Registrar, to enable the Parties place on the record, all their Pleadings and Documents. All the Pleadings and Documents must be in the physical file. The Pleadings must be properly tagged and dated, to enable the Court make the necessary orders. Copies of the Pleadings in Cause No 247 of 2022, shall be filed by the Respondent.
9. It is ordered:-

The file is referred back to the Registry, for the attention of the Parties and the Hon. Deputy Registrar.

DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY, AT NAIROBI, THIS 28TH DAY OF FEBRUARY 2023.

JAMES RIKA

JUDGE

