



Kenya Union of Domestic, Hotel, Educational Institutions Hospitals & Allied Workers v Strami Cleaning Company (Employment and Labour Relations Cause 1451 of 2016) [2023] KEELRC 2008 (KLR) (4 August 2023) (Ruling)

Neutral citation: [2023] KEELRC 2008 (KLR)

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS CAUSE 1451 OF 2016
AN MWAURE, J
AUGUST 4, 2023

BETWEEN

**KENYA UNION OF DOMESTIC, HOTEL, EDUCATIONAL INSTITUTIONS
HOSPITALS & ALLIED WORKERS CLAIMANT**

AND

STRAMI CLEANING COMPANY RESPONDENT

RULING

1. The honourable court delivered judgment on October 13, 2022. The court gave judgment in favour of the claimants. The court found the claimants are underpaid and so ordered the claimants to avail statements to demonstrate the amounts claimed to be underpaid. The same was finally supplied to the court together with regulation of wages order of 2011, 2012 and 2013.
2. The respondents confirmed they had been served with the same and did not oppose the said statement.
3. The tabulations are compared to the payments as per their respective bank statements of the same period and based on the regulations referred thereto and the years served and so are as and awards as follows:
 1. Eucabeth Akinyi as pre annexed statement which is unopposed is kshs 53,115.
 2. Julian Anyango is awarded Kshs 57, 612,14.
 3. Mwaniki Ngula is also awarded underpayment of kshs 57,612.14
 4. Costs had been awarded to the claimants.

Orders accordingly.



DATED, SIGNED AND DELIVERED VIRTUALLY IN NAIROBI THIS 4TH DAY OF AUGUST, 2023.

ANNA NGIBUINI MWAURE

JUDGE

ORDER

In view of the declaration of measures restricting Court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15th March 2020 and subsequent directions of 21st April 2020 that judgments and rulings shall be delivered through video conferencing or via email. They have waived compliance with Order 21 Rule 1 of the Civil Procedure Rules, which requires that all judgments and rulings be pronounced in open Court. In permitting this course, this Court has been guided by Article 159(2)(d) of the Constitution which requires the Court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of the Constitution and the provisions of Section 1B of the Procedure Act (Chapter 21 of the Laws of Kenya) which impose on this Court the duty of the Court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

A signed copy will be availed to each party upon payment of Court fees.

ANNA NGIBUINI MWAURE

JUDGE

