



Kenya Union of Commercial, Food & Allied Workers v Mugoiri Five Farmers Co-operative Society Ltd & 7 others; Muranga County Co-operative Commissioner (Interested Party) (Cause E056 of 2021) [2022] KEELRC 13087 (KLR) (31 October 2022) (Judgment)

Neutral citation: [2022] KEELRC 13087 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NYERI
CAUSE E056 OF 2021
DKN MARETE, J
OCTOBER 31, 2022**

BETWEEN

KENYA UNION OF COMMERCIAL, FOOD & ALLIED WORKERS CLAIMANT

AND

**MUGOIRI FIVE FARMERS CO-OPERATIVE SOCIETY LTD 1ST RESPONDENT
MURIURIU FARMERS CO-OPERATIVE SOCIETY LTD 2ND RESPONDENT
GUTHERA FARMERS CO-OPERATIVE SOCIETY LTD 3RD RESPONDENT
GATAGUA FARMERS CO-OPERATIVE SOCIETY LTD 4TH RESPONDENT
KIANJEJE FARMERS CO-OPERATIVE SOCIETY LTD 5TH RESPONDENT
MURIRANJAS FARMERS CO-OPERATIVE SOCIETY LTD . 6TH RESPONDENT
BARAKA FARMERS CO-OPERATIVE SOCIETY LTD 7TH RESPONDENT
KIANGARA FARMERS CO-OPERATIVE SOCIETY LTD 8TH RESPONDENT**

AND

MURANGA COUNTY CO-OPERATIVE COMMISSIONER INTERESTED PARTY

JUDGMENT

1. This matter was originated by way of an Amended Memorandum of Claim dated March 8, 2022. The issue in dispute is therein cited as;



- Non-payment of salary, non-payment of statutory deduction and other authorized deductions to 48 employees
2. The matter is not defended, or at all.
 3. The claimant's case is that she and the 1st Respondent have a valid Recognition Agreement out of which the parties have generated a Collective Bargaining Agreement registered in this court.
 3. Her other case is that the Respondent had a workforce of forty-eight (48) employees who have now left employment for failure to pay their salaries and statutory deductions by the 1st - 8th Respondents all amounting to Kshs.28,272,408.20.
 4. The claimant avers that the Interested Party, is the only government agency that could have saved the situation as it is her mandate to register the Respondent once established. Instead, it kept mum and never addressed the grievant letter of June 18, 2018 addressed to herself.
 5. The claimants other case is that she referred the matter to the Minister who appointed a conciliator but this also ultimately failed because of the Respondents reluctance to resolve the matter.
 6. The issues for determination therefore are;
 1. Whether the claimant is entitled to the relief sought.
 2. Who bears the costs of this cause.
 7. The 1st issue for determination is whether the claimant is entitled to the relief sought. The claimant's case and submissions is clear and succinct. She comes out in reiteration of the claim and submissions in favour of allowing the claim as prayed.
 8. This suit is not defended, or at all. This is despite various service of the pleadings and process to the Respondents.
 9. It would appear that the Respondent are merely reluctant to address the issues raised the claimants on behalf of the grievant workers. I must therefore find that the claimant is entitled to the relief sought.
 10. I am therefore inclined to allow the claim and order relief as follows;
 - i. That the Respondents be and are hereby ordered to meet and pay the claimants an amount of Kshs.25,312,644.20 being salary arrears for the 48 employees.
 - ii. That the Respondents be and are hereby ordered to meet and pay all further and subsequently accrued salary arrears to the claimants until payment in full.
 - iii. That the Respondents be and are hereby ordered to meet and pay an amount of Kshs.405,931.00 being union dues deductions owing to the claimant.
 - iv. That the Respondents be and are hereby ordered to meet and pay all further union dues deductions owing to the claimant from the date of filing this suit.
 - v. That the Respondents be and are hereby ordered to remit all NSSF deductions amounting to Kshs.2,553,833.00 deducted from the grievants.
 - vi. That the Commissioner of Labour with the involvement of the parties be and is hereby ordered to navigate the implementation of this judgment of court.
 - vii. That the Respondents be and are hereby ordered to meet and pay interest on all amounts owing at court rates from the date of judgment till payment in full.



viii. The costs of the claim shall be borne by the Respondents.

DATED AND DELIVERED AT NYERI THIS 31ST DAY OF OCTOBER 2022.

D.K.NJAGI MARETE

JUDGE

Appearances

Miss.Macharia for the Claimant Union.

No appearance for Respondents.

