



**Barasa v Ready Consultancy Limited & another (Miscellaneous Case E017 of 2021) [2022] KEELRC 12852 (KLR) (14 October 2022) (Ruling)**

Neutral citation: [2022] KEELRC 12852 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT ELDORET  
MISCELLANEOUS CASE E017 OF 2021  
NJ ABUODHA, J  
OCTOBER 14, 2022**

**BETWEEN**

**WYCLIFFE WAWIRE BARASA ..... CLAIMANT**

**AND**

**READY CONSULTANCY LIMITED ..... 1<sup>ST</sup> RESPONDENT**

**ELDORET GRAINS LIMITED ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. By a motion dated July 28, 2021 the claimant applicant sought orders of the court to adopt for purposes of enforcement the award by the Director Occupational Health and Safety given at Eldoret office WIBA/ELD/1824 on June 17, 2017.
2. The 2<sup>nd</sup> respondent did not seem to directly oppose the application but alleged that the matter was *subjudice* since there was similar suit pending between the parties being Eldoret CMMC No 518 of 2018. The 2<sup>nd</sup> respondent further objected to the application stating they were wrongly joined in the suit. According to the 2<sup>nd</sup> respondent, the claimant/applicant was at all material times never an employer of the 2<sup>nd</sup> respondent. The 2<sup>nd</sup> respondent only contracted the 1<sup>st</sup> respondent to source and supply causal labourer. The 2<sup>nd</sup> respondent exhibited in its application dated October, 2021 a copy of the labour outsource contract between the 2<sup>nd</sup> respondent and the 1<sup>st</sup> respondent. According to paragraph 8 of the contract, the 1<sup>st</sup> respondent was to be responsible for their employees injuries.
3. From the foregoing, the court will allow the application dated July 28, 2021 to the extent that the court will adopt the Director Occupational Health and Safety Award given at Eldoret office WIBA/ELD/1824 dated June 17, 2017 as a judgment of the court and a decree will issue therefrom for purposes of enforcement.



4. The court will however strike out from the application the 2<sup>nd</sup> respondents since all the documents in support of this application (dated July 28, 2021) and the application dated December 2, 2021 clearly show that the claimant was an employee of the 1<sup>st</sup> respondent. There will be no order as to costs.
5. It is so ordered

**DATED AND DELIVERED AT ELDORET THIS 14<sup>TH</sup> DAY OF OCTOBER, 2022**

**ABUODHA NELSON JORUM**

**JUDGE ELRC**

