



Kenya National Private Security Workers Union v Group Nine Security (Cause 288 of 2017) [2022] KEELRC 12903 (KLR) (14 October 2022) (Judgment)

Neutral citation: [2022] KEELRC 12903 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT ELDORET
CAUSE 288 OF 2017
NJ ABUODHA, J
OCTOBER 14, 2022**

**BETWEEN
KENYA NATIONAL PRIVATE SECURITY WORKERS UNION CLAIMANT
AND
GROUP NINE SECURITY RESPONDENT**

JUDGMENT

1. Through a memorandum of claim filed on October 11, 2016 the claimant herein alleged among others that the respondent is one of the major employers in the Security Industry in Kenya and the disagreement was recorded after the respondent failed to cooperate with the conciliator. The matter was reported to the Minister and parties were unable to agree over the dispute.
2. According to the claimant, employees of the respondent have severally complained to the claimant's offices concerning grievances they have with the respondent and further that the claimant's efforts to bring the respondent on board to discuss the issues of concern have failed after the respondent failed to respond to the letters from the claimant.
3. The claimant complained that their efforts in writing to the respondent over low pay, refusal to pay overtime to its workers, public holidays, leave travelling allowance have not got any positive response.
4. The respondent entered appearance and filed their response on January 23, 2017 which in the court's view does not seem to relate to the allegations raised by the claimant. The respondent makes reference to a claimant employed earning a salary of Ksh.5000/= per month which was subsequently increased to Ksh.6,000/= yet there was no such allegation in the claimant's statement of claim. The statement of response is totally misplaced and or misaligned to the allegations contained in the statement of claim and appeared to have been responding to a totally different statement of claim which was not before the court.



5. The court observes that both parties failed to bring forward competent pleadings to enable the court discern the dispute and make any specific finding. For instance, the claimant alleges the respondent paid its workers below the recommended minimum wage, never paid overtime and public holidays yet never specified the grievants on whose behalf the claim was brought, never attached a single payslip to demonstrate the salary paid by the respondent to compare with the gazette minimum wage in order to see if indeed there was underpayment.
6. In conclusion the court has no option but to strike out the claim as incompetent but with no order as to costs.
7. It is so ordered.

DATED AND DELIVERED AT ELDORET THIS 14TH DAY OF OCTOBER, 2022

ABUODHA NELSON JORUM

JUDGE ELRC

