

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS COURT OF KENYA

AT NAIROBI

CAUSE NO. 46 OF 2020

KENYA AVIATION WORKERS UNIONCLAIMANT

VERSUS

AGS WORLDWIDE MOVERS LIMITED....RESPONDENT

RULING

1. The Claimant Union seeks review in its motion dated 28th January 2020. It asserts that the judgment of the Court was flawed to the extent that the Court did not consider the conciliator's report and had the Court considered the conciliator's report it would have arrived at a different decision. The Union brought the dispute to Court and proceeded with the conciliation process at the same time and the conciliation report is stated to have been issued on 5th October 2020. The suit herein was filed on 29th January 2020 without the conciliator's report. Parties should avoid initiating parallel dispute resolution mechanisms as the result may be failure as in this case. It was a waste of judicial time to commence the suit while conciliation was not initiated and as such there is nothing to review given the purported conciliation report was made 10 months after the matter was filed in court. Motion for review is dismissed and each party is to bear their own costs.

It is so ordered.

DATED AND DELIVERED AT NAIROBI THIS 21ST DAY OF APRIL 2021

NZIOKI WA MAKAU

JUDGE