



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT UASIN GISHU**

**COURT NAME: ELDORET LAW COURT**

**CASE NUMBER: ELRC.C/144/2017**

**CITATION: ALLIED WORKERS UNION VS AROMA FRESH BAKERS LIMITED**

**JUDGMENT**

**ON 2021-10-15 BEFORE HON. JUSTICE J. N. ABUODHA**

1. The Claimant herein averred that on 18th August, 2015 it recruited 8 out of a total of workforce of 12 employees representing 66% of the unionisable employees of the respondent as per the requirement of section 54 of the Labour Relations Act.
2. That having recruited simple majority of the respondents' employees as members, the Claimant fulfilled the statutory requirements in relation to recognition and therefore formal recognition should be afforded to them by the respondent for purposes of collective bargaining. The Claimant further contended that there was no rival union at the respondent's enterprises.
3. The respondent has however illegally and unlawfully failed to accord the Claimant formal recognition despite demonstrating the requisite statutory criteria required for recognition of a trade Union.
4. The respondent further refused to effect deduction of union dues from the date the date the claimant submitted check-off forms requiring the respondent to effect deductions of trade union dues in respect of the employees who had acknowledged joining the Claimant union.
5. The year 2015 is quite a while back and since recruitment of members is a continuous process, some of the members allegedly recruited may have left the respondents employment. Therefore, in as the respondent did not defend the claim, it would not be safe to decree that the respondent was in breach of the provisions of section 48(2) of the Labour Relations Act.
6. In the circumstances, I direct that the respondent do allow the Claimant union to enter its premises and recruit and or renew its membership with the respondents employees for purpose signing a recognition agreement.
7. The Claimant union shall be at liberty to refer dispute if any over recognition to the County Labour Office and eventually to this Court.
8. It is so ordered.

**GIVEN UNDER MY HAND AND SEAL OF THIS COURT ON 2021-11-26 10:38:11**

**SIGNED BY: HON. JUSTICE J. N. ABUODHA (ADMINISTER JUSTICE)**

**THE JUDICIARY OF KENYA.**

**ELDORET ELRC**

**EMPLOYMENT AND LABOUR RELATIONS COURT**

**DATE:**

**2021-11-26**

**10:38:11**