

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU

CASE NO. 6 OF 2018

(Before Hon. Justice Mathews N. Nduma)

**KENYA UNION OF DOMESTIC, HOTELS, EDUCATIONAL INSTITUTIONS
AND HOSPITAL WORKERS.....CLAIMANTS**

VERSUS

**HOBUNAKA GIRLS SECONDARY SCHOOL
BOARD OF MANAGEMENT.....RESPONDENT**

JUDGMENT

1. By a statement of claim filed on 11th January 2018 the claimant union seeks the respondent to sign a recognition agreement with the claimant and commence collective bargaining in respect of the named unionisable employees of the respondent to wit; Secretary, cooks, cleaners, Lab assistant, painter and security officer.
2. A check off form produced as “App 1” indicates that the nine (9) employees joined the union on 6th and 10th April, 2015. The workers were subsequently moved to a new school in November 2017, the Respondent from Hobunaka Secondary School and were issued new contracts of Employment.
3. There are no averments in the statement of claim that supports the prayer sought directing the respondent to sign a recognition agreement with the respondent.
4. Similarly no cause of action has been disclosed against the respondent with respect to the prayer to declare the contracts of employment between the respondent and its employees produced as exhibit “App 2” null and void. No witnesses were called at all to support the claim.
5. The entire suit lacks merit and is dismissed with no order as to costs.

Judgment Dated, Signed and delivered this 14th day of February, 2019

Mathews N. Nduma

Judge

Appearances

Mr. Kamuye for Claimant’s Union.

Chrispo – Court Clerk