



REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. 1520 OF 2014

(Before Hon. Justice Mathews N. Nduma)

BAKERY CONFECTIONERY, FOOD

MANUFACTURING & ALLIED WORKERS UNION.....CLAIMANT

=VERSUS=

BETA BAKERS LIMITED.....RESPONDENT

R U L I N G

1. The Notice of Motion dated 3rd June 2017, seeks clarification of the judgment of the court delivered on 3rd February, 2017 whether the collection and remission of back dated union dues from December 2013 to February 2017 are to be recovered from the salaries and earnings of the union members or from the Respondent's own accounts.
2. This is an idle application in that union dues are by law deductible from the employee members and never from the employer.
3. The Judgment of the court is very clear at paragraph 27(b) and require no clarification as follows:-

“27 (b) The court directs the Respondent to collect and remit all the union dues in respect of all its employees named in the check-off forms before court back dated from the month the said employees joined the Claimant Union”

(emphasis mine)

4. The application is frivolous, lacks merit and is dismissed with costs.

Judgment Dated, Signed and delivered this 13th day of March, 2018

MATHEWS N. NDUMA

JUDGE

Delivered and signed in Nairobi this 6th day of April, 2018

MAUREEN ONYANGO

JUDGE

Appearances:-

Mr. Amalemba for Claimant/Applicant

Mr. Mbotany for Respondent

