



REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. 245 OF 2014

(Before Hon. Justice Mathews N. Nduma)

KENYA SHOE & LEATHER WORKERS UNION.....CLAIMANT

=VERSUS=

BATA SHOE COMPANY (K) LIMITED.....RESPONDENT

R U L I N G

1. The court heard, determined and delivered a Judgment in this matter on 20th January, 2017. In the final order, the court stated as follows:-

“In conclusion, the grievants who are still in employment of the Respondent provided are unionisable must be converted from fixed term contract to permanent and pensionable terms. The court orders accordingly.”

2. The Claimant union has moved the court for the interpretation of its Judgment by a notice dated 18th July, 2017 and filed on the even date.

3. The Respondent submits that the court has no jurisdiction to interpret its own Judgment and should down its tools as it lacks such jurisdiction.

4. Ordinarily, a Judgment should be self speaking. The binding part of a judgment in particular should be clear, unequivocal and unambiguous.

5. The Judgment of the court as cited above speaks with sufficient clarity and requires no clarification. It directs the Respondent to convert all unionisable employees on fixed term contracts to permanent and pensionable terms. It does not direct the Respondent to place any such employees on probation.

6. The Respondent should implement the judgment as it is failing which, the Claimant/union is at liberty to move the court appropriately.

7. It is do ordered.

8. Each party to bear own costs of this reference.

Dated and Signed in Kisumu this ...12th ...day of...October..., 2018.

Mathews N. Nduma

Judge

Delivered and Signed in Nairobi this ...26th ..day of ...October..., 2018

Maureen Onyango

Judge

Appearances:

M/s Maclanta Mbala for Claimant

M/s. Bonyo for Respondent

Daniel Ngumbi: Court Clerk