

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. 2343 OF 2017

(Before Hon. Lady Justice Maureen Onyango)

KENYA AVIATION WORKERS UNION.....CLAIMANT

VERSUS

BOLLORE AFRICA LOGISTICS LIMITED.....RESPONDENT

AND

AVIATION AND AIRPORT SERVICES

WORKERS UNION (K).....INTERESTED PARTY

CORRIGENDA RULING

On 28th September 2018, I delivered judgment in this suit in which I made a determination as follows –

“For the foregoing reasons I declare that the respondent has no capacity to negotiate a CBA with the Interested Party, as there is no valid recognition agreement between the claimant and the respondent. I therefore issue an injunction stopping the respondent from negotiating or registering any collective bargaining agreement between the respondent and the Interested Party for as long as there is a valid recognition agreement between the claimant and the respondent.

I further declare any negotiations of collective bargaining agreement between the respondent and Interested Party while there is a valid recognition agreement between the claimant and respondent to be null and void.

Any prayer in the memorandum of claim or application of the claimant dated 23rd November 2017 that is not granted herein is deemed to have been declined.

Each party shall bear its costs.”

By application dated 29th October 2018 the claimant applicant draw my attention to a mistake on the face of the record where at the first paragraph of page 11 of the judgment which states “... *there is no valid Recognition Agreement between the claimant and the respondent.*” The correct position should be that there is no valid recognition agreement between the respondent and the Interested Party. The mistake is hereby corrected and the said paragraph is removed from the record and replaced with the following paragraph –

“For the foregoing reasons I declare that the respondent has no capacity to negotiate a CBA with the Interested Party, as there is no valid recognition agreement between the respondent and the Interested Party. It therefore issue an injunction stopping the respondent from negotiating or registering any collective bargaining agreement between the respondent and the Interested Party for as long as there is a valid recognition agreement between the Claimant and the Respondent.”

Orders accordingly.

DATED, SIGNED AND DELIVERED AT NAIROBI ON THIS 20TH DAY OF DECEMBER 2018

MAUREEN ONYANGO

JUDGE