



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

CAUSE NO 2066 OF 2015

**KENYA UNION OF
ENTERTAINMENT**

**AND MUSIC INDUSTRY EMPLOYEES.....
.....CLAIMANT**

VERSUS

**BOMAS OF KENYA
LIMITED.....RESPONDENT**

RULING

1. The Claimant's application brought by Notice of Motion dated 24th October 2016 seeks the following orders:

- a) That the Cabinet Secretary for East Africa Community, Labour and Social Security be enjoined as an interested party in these proceedings;
- b) That the Cabinet Secretary for East Africa Community, Labour and Social Security and the Deputy Registrar of the Court be restrained from processing for registration any CBA between the Respondent and any other union apart from the Claimant;
- c) That the Court be pleased to issue orders staying the operation of any CBA between the Respondent and any other union registered after the orders granted by the Court on 8th December 2016;
- d) That the Court issues orders summoning the General Manager of the Respondent to show cause why he should not be committed to civil jail for contempt of court.

2. In a replying affidavit sworn by the Respondent's Human Resource Officer, Jimmy Okidiang'i on 21st November 2016 it is deponed that the Claimant has delayed the hearing of the main claim in this matter by filing multiple applications.

3. It is further deponed that the Claimant has consistently lost its members to the Kenya Union of Domestic Hotels, Educational Institutions, Hospitals and Allied Workers (KUDHEIHA). The Respondent therefore issued a notice to revoke the Recognition Agreement between itself and the Claimant. Subsequent to this the Respondent entered into a Recognition Agreement with KUDHEIHA pursuant to which a Collective Bargaining Agreement was concluded.

4. The Respondent denies being served with the orders the Claimant states have been violated.

5. I have considered the Claimant's application and find that the prayers sought which are omnibus in nature revolve around the Claimant's membership status within the Respondent's establishment. It is my view that the issues raised in the application cannot be determined at the interlocutory stage. I therefore decline to grant any further orders and direct the parties to set down the main claim for hearing on priority basis.

6. I make no order for costs.

7. Orders accordingly.

DATED SIGNED AND DELIVERED IN OPEN COURT AT NAIROBI THIS 10TH DAY OF MARCH 2017

LINNET NDOLO

JUDGE

Appearance:

Mr. Mucuha (Union Representative) for the Claimant Mr. Njiru for the Respondent