

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. 2045 OF 2015

(Before Hon. Lady Justice Hellen S. Wasilwa on 1st September, 2017)

KENYA NATIONAL PRIVATE SECURITY WORKERS UNION.....CLAIMANT

VERSUS

LAVINGTON SECURITY LIMITED.....RESPONDENT

RULING

1. This ruling emanates from a ruling of the Court delivered on 17/11/2015. The Claimants filed another application dated 31.5.2016 against the Respondent citing them for contempt of Court in respect of the Court's ruling of 17/11/2015.

2. By consent of the parties on 30/6/2016 in an attempt to mitigate and purge the contempt, the parties agreed to have Respondent deduct and remit union dues from all unionisable employees who had signed the check off and remit the moneys to the Claimants' gazetted account.

3. The parties seem not to have agreed on the implementation of their own consent. On 29.8.2016, this Court referred the issue to the Labour Commissioner with direction to carry out an inspection and report back to this Court.

4. The Labour Commission filed a report in Court dated 13.10.2016. The report was able to show that there are workers who earn below the minimum wage, they don't have a separate house allowance as the salary is consolidated there were no overtime records.

5. The Labour Commissioner recommended that the Respondent should remit union dues for all employees who have signed check off forms.

6. The documents presented before Court are quite bulky and can only be authenticated in an informal way by both parties with the help of a Conciliator.

7. I therefore refer the parties once more to the Conciliator to verify the check off forms vis a vis the moneys remitted and find out gaps in the remittances as alleged by the Claimants and report back to Court in a month's time.

8. Costs in the cause.

Read in open Court this 1st day of September, 2017.

HON. LADY JUSTICE HELLEN WASILWA

JUDGE

In the presence of:

Onyancha for the Claimant Applicant – Present

Odaga holding brief Sang for Respondent – Present