



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT NAKURU**

**CAUSE NO. 377 OF 2015**

**KENYA HOTELS & ALLIED WORKERS UNION.....CLAIMANT**

**v**

**GREAT RIFT VALLEY LODGE & GOLF RESORT/**

**GREEN PARK GOLF & COUNTRY COMPLEX .....RESPONDENT**

**KENYA UNION OF DOMESTIC, HOTELS, EDUCATION INSTITUTIONS,**

**HOSPITALS & ALLIED WORKERS.....INTERESTED PARTY**

**RULING NO. 4**

1. In a judgment delivered on 2 September 2016, the Court ordered the Respondent to grant the Kenya Hotels & Allied Workers Union recognition within 21 days.
2. On 2 December 2016, the Court granted the Respondent a limited stay of execution pending appeal.
3. On 16 December 2016, the *Kenya Association of Hotel Keepers & Caterers* moved Court seeking to be joined in the Cause as an Interested Party.
4. On 17 March 2017, the Court declined to allow the application by *Kenya Association of Hotel Keepers & Caterers* to be joined into the proceedings as an Interested Party.
5. The limited stay pending appeal having lapsed, the Union moved Court on 23 January 2017 to issue show cause/warrants of arrest to the Resident Manager of the Respondent in execution of the judgment/decree.
6. This Court, in a ruling delivered on 28 April 2017 directed that summons do issue against the Management of the Respondent and in obedience to the summons, a Mr. Kenneth Njenga Mungai, General Manager of the Respondent, swore an affidavit and appeared in Court for cross examination on 17 July 2017.
7. The Respondent had in the meantime moved the Court of Appeal on 8 February 2017 in Civil Application No. NYR 21 of 2017 (UR13/2017), *Great Rift Valley Lodges & Golf Resort/Green Park & County Complex v Kenya Hotels & Allied Workers Union* seeking stay of execution pending appeal and on 27 April 2017 the Court of Appeal allowed the Union 14 days to file and serve a reply to the applicants application for stay and submissions.

8. The Court has since been informed that the Court of Appeal rendered a ruling on 1 November 2017 in which it granted stay of execution pending the hearing and determination of an appeal by the Respondent.

9. Considering the ruling by the Court of Appeal, the Court declines to grant any of the orders sought by the Union as the outcome of the Appeal will directly impact the orders sought by the Union.

10. Each party to bear own costs.

**Delivered, dated and signed in Nakuru on this 17<sup>th</sup> day of November 2017.**

**Radido Stephen**

**Judge**

**Appearances**

For Union                      Mr. Odera, Industrial Relations Officer

For Respondent              Mr. Masese, Senior Legal Officer, Federation of Kenya Employers

Interested Party              did not participate

Court Assistants              Nixon/Martin