



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

CAUSE NO. 154 OF 2016

COUNTY GOVERNMENT OF NAKURU CLAIMANT

V

KENYA NATIONAL UNION OF NURSES RESPONDENT

RULING

1. The County Government of Nakuru moved Court on 5 May 2016 contending that a strike notice issued by the Kenya National Union of Nurses on 26 April 2016 was unlawful and therefore any strike arising therefrom would be unprotected and in violation of the Labour Relations Act.
2. The Cause was accompanied with a motion under certificate of urgency.
3. On 6 May 2016, the parties entered into a consent suspending the strike for 30 days with a view to attempting resolution of the trade dispute at conciliation.
4. The parties reached a resolution under conciliation and an agreement was signed and filed in Court on 10 June 2016.
5. Among the issues agreed upon were that the Claimant would promote the Respondent's members in a phased manner until 31 January 2017.
6. The Claimant again moved Court under certificate of urgency on 1 December 2016 because the Union issued to it a strike notice dated 22 November 2016 calling for a strike to commence on 1 December 2016.
7. The reason given for the strike notice was failure by the Claimant to promote all deserving officers.
8. The Court directed the motion to be served and according to an affidavit of service sworn by Benedict Mbatha, Advocate, efforts to serve had been unsuccessful because the Respondent's Nairobi offices had remained closed since 1 December 2016.
9. The Court has considered the material placed before it and more specifically that the parties agreed to a phased promotion process which is yet to run its course and comes to the conclusion that proposed order (c) in the motion be granted for a limited period up to 31 January 2017 when the promotion process was agreed by the parties would be concluded.
10. The Court further directs the Claimant to file and serve an affidavit giving particulars/details of the promotions and/or compliance with the consent filed in Court on 10 June 2016 on or before 23 February 2017 and that this ruling and a mention notice be served upon the Respondent.

11. Cause to be mentioned on 24 February 2017.

12. Costs in the Cause.

Delivered, dated and signed in Nakuru on this 8th day of December 2016.

Radido Stephen

Judge

Appearances

For Claimant Mr. Katithi instructed by Hari Gakinya & Co. Advocates

Court Assistants Nixon/Daisy