



REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT AT MOMBASA

CAUSE NUMBER 75 OF 2014

BETWEEN

KENYA BUILDING, CONSTRUCTION, TIMBER

AND FURNITURE INDUSTRIES EMPLOYEES UNION..... CLAIMANT

VERSUS

AQUA PLUMBING CO LIMITED..... RESPONDENT

Rika J

Court Assistant: Benjamin Kombe

Ms. Chege Industrial Relations Officer for the Claimant

No appearance for the Respondent

ISSUE IN DISPUTE: TERMINAL BENEFITS

AWARD

Rule 27 [1] [a] of the Industrial Court [Procedure] Rules 2010]

1. This Claim was filed by the Claimant Union on 12th March 2014, on behalf of its 6 Members- Peter Tsuma, Masawa Roger Milla, Elisha Okello, Joseph Juma Mramba, Dickson Dzombo Shoka and Javan Mgosi. Of these Grievants, only the last, Javan Mgosi, has opted to pursue his Claim. The others, according to Ms. Chege for the Claimant, settled their dispute with their Employer, without involving their Union. Their respective claims were marked as withdrawn on 10th December 2014.

2. Javan testified, and closed his case on the 5th November 2014. He states he was employed by the Respondent as a Plumber, on 7th January 2007, earning a daily wage of Kshs. 438. His contract was terminated by the Respondent on 19th October 2010.

3. Aqua Limited is a Company dealing in water installations. He claims he was denied house rent allowance; notice pay; annual leave pay; prorated leave pay; and service pay. These were available to him through the CBA concluded between the Claimant and the Kenya Association of Building and Civil Engineering Contractors, an Association which the Respondent was a Member of at the time of termination of Javan's contract.

4. He claims notice pay of 2 months' at Kshs. 22,776; annual leave pay of 3 years at Kshs. 34,164; pro-rata leave of 2.25 days for 9 months at Kshs. 8,870; service pay at 15 days' salary for each year completed in service, at Kshs.19,710; and arrears of house rent allowance at Kshs. 40,530. In sum, he seeks Kshs. 126,050.

5. This evidence is unchallenged. The CBA justifying the various claims is attached to the Statement of Claim. The Court is convinced the Claim is well founded in law and fact and Orders:

(a) The Respondent shall, within 30 days of the delivery of this Award pay to Javan Mgesi through the Claimant Union 2 months' salary in notice pay at Kshs.22,776; annual leave pay at Kshs. 34,164; pro-rata leave at Kshs. 8,870; service pay at Kshs. 19,710; arrears of house rent allowance at Kshs. 40,530 – total Kshs. 126,050

(b) Costs to the Claimant

Dated and delivered at Mombasa this 6th day of March 2015

James Rika

Judge