

REPUBLIC OF KENYA

IN THE INDUSTRIAL COURT OF KENYA

AT NAIROBI

CAUSE NO.578 OF 2013

KENYA UNION OF HAIR AND BEAUTY SALON WORKERS.....CLAIMANTS

VERSUS

STYLE INDUSTRIES LTD.....RESPONDENT

RULING

1. The Respondent has raised preliminary objection that goes to an issue of locus. The Claimants, it is submitted are represented by a person who is unqualified in terms of Section 2 of the Labour Relations Act. It's also submitted that the Claimants have not met the threshold of Section 54(1), 54(6) and (7) of the Labour Institution Act.
2. The Claimants has filed suit against the Respondent for remedies that can lie in terms of the Labour Relations Act. It is not lost on the Court that there is no exhibit showing proof of membership in terms of Section 54(6) and (7). Matter was not referred to conciliation in terms of part VIII of the Act. The suit is premature on that score.
3. As regards the locus of Mr. James Onkoba Tongi, the Court is inclined to agree that any official of the trade union may take up a cause on behalf of members. Official is defined in Section 2 of the Labour Relations Act as "*a duly elected official of a trade union or employers' organization including a member of the executive and a branch official.*" No credentials have been presented by Mr. Tongi to show he is one of such officials as per the law.

In the premises I find that the suit is filed by an incompetent person and I hereby strike it out with costs of the Respondent.

Orders accordingly.

Dated and Delivered at Nairobi this 1st day of April 2014

NZIOKI WA MAKAU

JUDGE