



REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT OF KENYA

AT NAIROBI

CAUSE NO. 171 OF 2008

**KENYA UNION OF EMPLOYEES OF VOLUNTARY
AND CHARITABLE ORGANIZATIONS**

(KUEVAVO) CLAIMANT

VERSUS

TAILORS AND TEXTILES

WORKERS UNION RESPONDENT

Mrs Guserwa for the Objector/Respondent

Mr. Otieno Janitor for the Claimant union

RULING

1. The Respondent, Tailors and Textiles Workers Union has raised a preliminary objection in its' Response dated 24th July 2013 to the amended statement of claim.

2. The objection is to the effect that,

“The Claimants having no Recognition Agreement with the Respondents have no right to sue on behalf of one **Mr. Cosmas Okongo Orowe.**”

3. In my Ruling dated 13th August 2013, I found that;

“**Locus Standi by a union to represent an employee is founded on membership.**”

4. I also found that;

“**the fact of membership needs to be specifically pleaded in the statement of claim because it gives a union the right of representation in an area that would otherwise be a preserve for advocates of the High Court.**”

5. I went ahead in view of the said ruling to grant the Claimant union herein opportunity to tender evidence to prove membership of Mr. Cosmas Okongo Orowe to the union which it proceeded to do via an Affidavit filed on 28th August 2013.

6. Upon a careful perusal of the affidavit of **Mr. Odin Boaz Otieno** and all the annexures thereto, the Court is satisfied that the union has **Locus Standi** to represent the Grievant herein since he has a long history with the union and therefore a member thereof.

The preliminary objection is dismissed and the matter is to proceed to trial on the merits.

Dated and Delivered at Nairobi this 16th day of May, 2014.

MATHEWS N. NDUMA

PRINCIPAL JUDGE