



REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT OF KENYA AT NAIROBI
CAUSE NO 280 OF 2014

KENYA UNION OF ENTERTAINMENT
AND MUSIC INDUSTRY EMPLOYEES.....CLAIMANT
VS
ZITRON LIMITED.....RESPONDENT

RULING

1. The Claimant's application dated 26th February 2014 seeks orders compelling the Respondent to negotiate a Collective Bargaining Agreement with the Claimant.
2. The Claimant's application is based on the following grounds:
 - a. That the Claimant and the Respondent signed a Recognition Agreement on 29th November 2012;
 - b. That the Claimant referred the dispute to conciliation but the Respondent has declined to attend any of the meetings called for this purpose, prompting the Conciliator to issue a certificate of disagreement.
3. Article 41(5) of the Constitution, 2010 provides that:

Every trade union, employers' organisation and employer has the right to engage in collective bargaining.
4. Further, Section 57(1) of the Labour Relations Act requires an employer that has recognised a trade union to conclude a collective agreement with the recognised trade union setting out terms and conditions of service for all unionisable employees covered by the recognition agreement.
5. In view of the agreement relative to recognition and negotiating procedure entered into between the Claimant and the Respondent on 29th November 2012, I find no reason for the Respondent's failure to conclude a collective agreement with the Claimant. I therefore direct the parties to begin negotiations leading to conclusion of a collective agreement and file a report in this Court within the next 60 days from the date of this Ruling.

Orders accordingly.

DATED SIGNED AND DELIVERED IN OPEN COURT AT NAIROBI THIS

12TH DAY OF MAY, 2014

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JUDGE

In the Presence of:

.....**Claimant**

.....**Respondent**