



**REPUBLIC OF KENYA**

**IN THE INDUSTRIAL COURT OF KENYA AT NYERI**

**CAUSE NO.65 OF 2014**

**KENYA UNION OF DOMESTIC, HOTELS, EDUCATIONAL INSTITUTIONS, HOSPITAL  
AND ALLIED WORKERS (KUDHEIHA).....CLAIMANT**

**-VERSUS-**

**BOARD OF GOVERNORS, GIAKANJA SECONDARY  
SCHOOL.....R  
ESPONDENT**

**(Before Hon. Justice Byram Ongaya on Friday 21<sup>st</sup> November, 2014)**

**JUDGMENT**

The claimant union filed the memorandum of claim on 30.05.2014. The claimant prayed for formal recognition by the respondent and for the parties to sign the recognition agreement in 30 days.

The respondent filed the statement of response on 31.07.2014 through Nderi & Kiingati Advocates. The respondent prayed that the claim be dismissed with costs.

It is not disputed that the claimant has recruited 12 workers out of the 14 eligible to join the union as required in section 54 of the Labour Relations Act, 2007. It is not also disputed that the respondent has been deducting and remitting to the claimant the relevant the union dues.

The court has considered the evidence and finds that the parties are not in any dispute in view of the union dues that the respondent has continued to deduct and pay to the claimant.

In conclusion, the court makes judgment and order as follows:

1. The respondent to continue deducting and paying to the claimant the union dues with respect to all respondent's employees who are members of the claimant.
2. Parties are entitled to a recognition agreement as provided for in the Labour Relations Act, 2007 concluded between the parties or between the claimant and the state department responsible for education.
3. Each party to bear own costs of the suit.

**Signed, dated and delivered in court at Nyeri this Friday, 21<sup>st</sup> November, 2014.**

**BYRAM ONGAYA**

**JUDGE**