



REPUBLIC OF KENYA

IN THE INDUSTRIAL COURT AT NAIROBI

CAUSE NUMBER 759 Of 2012

BETWEEN

**KENYA UNION OF ENTERTAINMENT AND MUSIC.....
.....CLAIMANT**

VERSUS

THE BOMAS OF KENYARESPONDENT

AND

**OMAR OMONDI VINCENT AND 119 OTHERS.....INTERESTED
PARTIES**

Rika J

CC. Kidemi

Mr Mucuha for the Claimant

Mr Masese for the Respondent

Mr Enonda for Intended Interested Parties

RULING

120 Employees of the Respondent seek by their Application dated 19th August 2013, to be enjoined to the Claim as Interested Parties.

They state that the Court gave orders against the Respondent, requiring the Respondent to remit payment of trace union dues and agency fees.

The Application is opposed. The Union filed a Reply to the Notice of Motion on 23rd September 2013.

The Court Finds and Orders:

1. The Award of the Court is based on Gazette Notice No. 4336 dated 21st March 2012. The Order for deduction of agency fees from the wages of each Unionisable Employee, who is not a Member of the Union, but who is covered by the CBA RCA 334 of 2001, was given by the Minister for Labour under Section 49 (1) of the Labour Relations Act No. 14 of 2007.

2. The 120 Employees seek to be joined to a dispute that is concluded. The Court does not think this is proper. There is no pending Claim, to which the applicants can be added, and participate, proceeding having closed, decision made and Award partly executed.
3. The Applicants seek to challenge the Minister's Order contained in Gazette Notice No. 4336. They should do so by filing fresh claim against the Minister and the Union. This Court is *functus officio*, and rejects the application dated 19th August 2013.

Dated and delivered at Nairobi this 30th day of September 2013

James Rika

Judge