



**REPUBLIC OF KENYA**

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

**CAUSE NO. 320 OF 2013**

**KENYA UNION OF DOMESTIC, HOTELS EDUCATIONAL  
INSTITUTIONS, HOSPITALS AND**

**ALLIED WORKERS.....CLAIMANT**

**VERSUS**

**BOARD OF GOVERNORS**

**CHILCHILA SECONDARY SCHOOL..... RESPONDENT**

**JUDGMENT**

The Claimant union filed the memorandum of claim on 24.9.2013. The claimant served summons and the memorandum of claim but the respondent has failed to enter appearance or to file a memorandum of response.

I have considered the pleadings, the documents filed and the submission made. The court finds that the claimant has made out a case for concluding a recognition agreement and a collective agreement as provided for in **section 54 of the Labour Relations Act, 2007**. In particular, the claimant has showed that it has recruited and it represents the simple majority of the Respondent's unionisable staff. Thus, the court finds that the claimant is entitled to the prayer for recognition and for conclusion of a collective agreement under **section 54 of the Act**.

The claimant has prayed that the Respondent deducts and remits the union dues for 26 months during which the employees had been recruited and no union dues were deducted and remitted. The court has considered the practical difficulties of implementing such an order and the need to foster good labour relations between the parties as they conclude the agreements. In the circumstances, the court finds that the claimant is entitled to an order that the deductions shall commence forthwith.

In conclusion, judgment is entered for the claimant against the respondent for orders:

- 1. That the respondent shall deduct and remit monthly union dues with respect to the claimant's members in the respondent's employment with effect from end of November, 2013.**
- 2. That the parties shall negotiate and conclude recognition and collective bargaining agreements by 8.2.2014.**
- 3. The respondent to pay the claimant the costs of the case.**

**BYRAM ONGAYA**

**JUDGE**

**Signed, dated and delivered in court at Nakuru on 7th November, 2013.**

**BYRAM ONGAYA**

**JUDGE**