

LEGAL NOTICE NO. 66

THE LABOUR RELATIONS ACT

(No. 14 of 2007)

IN EXERCISE of the powers conferred by section 83 of the Labour Relations Act, the Cabinet Secretary for Labour, Social Security and Services after consultation with the National Labour Board makes the following Regulations:—

LABOUR RELATIONS (GENERAL) REGULATIONS, 2014

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| 1. These Regulations may be cited as the Labour Relations (General) Regulations, 2014. | Citation. |
| 2. In these Regulations unless the context otherwise requires—
“Act” shall mean the Labour Relations Act;
“collector” mean any authorised person who receives funds or monies paid to a Trade Union or Employers Organisation; | Interpretation. |
| 3. (1) A registered trade union or employers’ organisation shall keep a register of its members, in which shall be entered—
(a) the name, address, place of work, and occupation of each member;
(b) the date on which each member become a member of the trade union or employers’ organization;
(c) the payments made by the member in respect of entrance fee, subscriptions or any other dues and the dates of such payment; and
(d) the date on which a member ceases to be a member of a trade union or an employers’ organisation.
(2) The payments made by a member under paragraph (1)(c) shall be recorded in the form set out in the First Schedule.
(3) A registered trade union or employers’ organisation that fails to keep a register of its members in accordance with paragraph (1) commits on offence. | Trade union or Employers organizations register of members. |
| 4. (1) The Registrar shall, upon payment of the prescribed fee, issue a duplicate of any certificate, order or application issued under the Act on it being satisfactorily proved that such certificate, order or application has been lost or destroyed. | Form of register, certificates and applications |
| 5. Any person may, during working hours and on payment of the prescribed fee, inspect and obtain copies of the register or parts thereof, maintained by the Registrar. | Inspection of register. |
| 6. A registered trade union or employers organisation , when proposing to amalgamate with one or more trade unions or employers’ organisations shall inform all members concerned of— | Amalgamation of trade union or employers’ organization. |

- (a) the reason for the proposed amalgamation;
 - (b) the proposed conditions under which the amalgamation will take place; and
 - (c) the time and place at which the secret ballot will be held.
- (2) The procedure to be followed in taking the secret ballot referred to in paragraph (1)(c) shall be as follows—
- (a) the ballot shall be conducted jointly by an independent body set up by the Minister and an officer of the employers' organisation or trade union, as the case may be, and a representative of the members of the trade union or employers' organisation, chosen by the members;
 - (b) the persons responsible for conducting the ballot shall be furnished with—
 - (i) a list of members qualified and entitled to vote;
 - (ii) an adequate supply of ballot papers in the Form 1 set out in Second Schedule and not marked in any way whatsoever so as to identify the person voting; and
 - (iii) a suitable ballot box fitted with lock and key;
 - (c) arrangements shall be made to enable each member concerned, at places adjacent to the ballot box, to obtain a ballot paper and to mark it, screened from observation, before depositing it in the box;
 - (d) the name of each member to whom a ballot paper is handed out shall be marked off on the list of members concerned by the person handing out the ballot papers;
 - (e) the member shall, after marking the ballot paper, fold it so as to cover the marking and deposit it in the ballot box;
 - (f) the ballot papers shall be examined and the votes shall be counted by the persons conducting the ballot, and certificates of the result of the ballot, in the Form 2 set out in the Second Schedule shall be signed jointly by them, and the signed copy of the certificate shall—
 - (i) be posted in the registered office of the trade union or employers' organization, as the case may be, and in every branch office for a period of not less than one week after the conclusion of the secret ballot;
 - (ii) be attached to the notice of amalgamation sent to the Registrar under section 26 (1) of the Act.

7 The general statement referred to in section 43(1) of the Act shall be furnished to the Registrar before the first day of April in each year.

Annual returns.

8. A Recognition agreement under section 54 of the Act shall be signed between a trade union and an employer when-

Recognition agreement.

- (a) the trade union has in its membership a simple majority of employees;
- (b) the trade union is eligible by virtue of the constitution of the trade union to recruit member in that particular undertaking or group of undertakings; or
- (c) there is no rival trade union claiming to represent such employees.

9. The fees set out in the Third Schedule shall be payable to the Registrar in respect of the matters specified therein.

Fees.

10. The Trade Union Regulations, 1973 are revoked.

Revocation

FIRST SCHEDULE

(r. 3)(2)

EMPLOYEES IN RESPECT OF WHOM DEDUCTIONS FROM WAGES ARE REQUIRED TO BE MADE.

We, the undersigned, hereby acknowledge that we are members of the.....(Trade Union):

Union Membership Number	Name of Members	Signatures	Date

SECOND SCHEDULE

(r. 6)(2) (7)

FORM 1

Record your vote by a X in column 2.
Do not sign your name

Column 1	Column 2
For Amalgamation	
Against Amalgamation.....	

CERTIFICATE OF RESULT OF BALLOT

(r.7)

FORM 2

Name of trade union.....

Situation and postal address of registered office.....

We, the undersigned, representing respectively the officers and members concerned of the above-named trade union, certify that on the20..... a ballot was duly taken in compliance with the requirements of the Trade Union Regulations on the question of the amalgamation of the trade union with the registered trade union(s) named hereunder—

.....and that the result was—

Number of papers in ballot box... ..

Number voting in favour of the amalgamation.....

Number voting against the amalgamation.....

The total number of members entitled to vote was.....

Dated the20.....

(Signed) 1.

2.

NOTE: - A signed copy of this certificate must be posted in the registered office of the trade union and in every branch office thereof. A further signed copy must accompany the notice of amalgamation which is required to be sent to the Registrar under subsection (1) of section 33 of the Trade Unions Act.

THIRD SCHEDULE

(r.9)

FEES CHARGED BY THE REGISTRAR OF TRADE UNIONS

KSh.

1.	On application for registration of a Trade union	15,000
2.	On application for registration of a branch	3,000
3.	On registration of new rules or alteration of rules	750
4.	On registration of change of officer	3,000
5.	On registration of change of name of a Trade Union.	1,500
6.	On registration of amalgamation of trade Union	1,000
7.	For a copy of a certificate of registration	200
8.	For a certified copy of /or a certificate extract	500

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| 9. | For a certified copy of/or extract from documents searchable under the custody of the Registrar: | KSh. |
| | (i) for the first page thereof | 500 |
| | (ii) for every other page | 100 |
| 10. | For carrying out a search on records | 200 |
| 11. | For filing Annual Returns | 2,200 |
| 12. | Penalty of | 1,000 per month after 1st April, of every year. |
| 13. | On filing notice of change of situation of office or Postal address | 600.00 |

Made on the 5th May, 2014.

SAMWEL KAZUNGU KAMBI,
Cabinet Secretary for Labour, Social Security and Services.