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(incorporating **ORARO & CO**)

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WHEN REPLYING PLEASE QUOTE OUR REF:

GOO/7888

YOUR REF:

5<sup>th</sup> November, 2014

**Kamotho Njomo & Company**  
Advocates  
View Park Towers  
Utalii Lane  
**NAIROBI**

**Attn: Richard Kamotho**



Dear Sirs

**RE: COMMUNICATION WORKERS UNION ("COWU") STRIKE AND DEMAND FOR PAYMENT OF UNIONISABLE EMPLOYEES PERFORMANCE BONUSES**

Your letter dated 29<sup>th</sup> October, 2014 and received by our client, Telkom Kenya Limited, on 31<sup>st</sup> October, 2014 has been placed in our hands and we address you as hereunder.

On 29<sup>th</sup> September, 2014 your clients issued a strike notice against our client demanding payment of bonuses to its members. Subsequently on the 8<sup>th</sup> of October, 2014 employees of Telkom Kenya Limited who are members of COWU in exercise of their constitutional right under Article 41 of the Constitution of Kenya 2010 went on strike up to and including the 14<sup>th</sup> of October, 2014. Prior to and during the period of the strike, COWU and our client had extensive deliberations amongst the parties and thereafter before the County Labour Officer (Nairobi) on demands by the COWU that unionisable employees receive bonus payment of 30% of the employee's respective salaries, however no amicable solution was reached and thus the strike was called off.

By a Memorandum of Agreement dated 14<sup>th</sup> October, 2014 the union accepted to call off the strike and employees were to return to duty with no victimization of the employees by management following their picketing. Following the strike call off, employees who participated in the strike returned to their positions which they held prior to the strike on similar terms and conditions not less favorable than before the strike without victimisation from management. Our client lawfully deducted the salaries of the employees for the days the employees were picketed as these employees did not provide any services to our client during this period. Section 79 (6) of the Labour Relations Act clearly provides that our client is not obligated to remunerate an employee for services that the employee does not render during the strike, which in no form or

**HHMORARO**

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