



ORARO & COMPANY
ADVOCATES

Oraro & Company's Employment & Labour Brochure



Introduction to Oraro & Company Advocates

Oraro & Company Advocates is a full-service market-leading African law firm established in 1977 with a strong focus on dispute resolution and corporate & commercial law. With a dedicated team of 10 partners, 4 senior associates, 10 associates, 1 lawyer and 36 support staff, the Firm has been consistently ranked by leading legal directories such as Chambers Global, IFLR 1000 and Legal 500 as a top-tier firm in Kenya.

We provide specialist legal services both locally and regionally in **Arbitration, Asset Tracing & Recoveries, Banking & Finance, Capital Markets, Conveyancing & Real Estate, Corporate & Commercial, Dispute Resolution, Employment & Labour, FinTech, Infrastructure, Projects & PPP, Private Client, Restructuring & Insolvency** and **Tax**. Over the years, we have represented both local and foreign clients, governments, regulators, and not-for-profit organisations from target industry sectors including retail, construction, education, energy, financial services, manufacturing & industries and the public sector.

We provide both local and cross-jurisdictional legal services, either directly or through the extensive relationships that we have established with leading firms across the globe. Oraro & Company Advocates is a full Affiliate of **AB & David Africa**, a Pan-African business law network committed to ensuring that businesses and projects succeed in Africa by helping clients minimize the risks associated with doing business on the continent. This enables us to offer cross-jurisdictional legal advice in a seamless manner while maintaining the highest professional standards.

Oraro & Company Advocates prides itself in its **deeply-rooted client relationships** by providing **quality legal services** through its **partner-led approach, drawing from local knowledge and global perspectives**.

"they do not compromise on the quality of legal representation they offer, no matter the importance of value of a matter."

Chambers Global 2021

Our Employment & Labour Expertise

Our Employment & Labour practice area has been recognised for advising on contentious and non-contentious matters relating to **termination & dismissal, redundancy and discrimination, employment contracts, employment policies and procedures, review of HR manuals & policies and staff restructuring**. The practice advises clients in various sectors including banking & financial services, health services, manufacturing, non-governmental organisations, telecommunications and hospitality.

Chambers & Partners has consistently recognised our Employment & Labour practice area as one of the market's top practices. The firm was ranked in the 2021 rankings, with interviewed clients noting that they are *"impressed by their follow-through on issues,"* further referring to the team as *"extremely professional and knowledgeable."* In addition, Legal 500 also ranked the firm tier 1 in employment practice noting our strength in handling both contentious and non-contentious employment matters and our experience in handling redundancies, retrenchments, employee benefits and collective bargaining arrangements.

"impressed by their follow-through on issues," further referring to the team as *"extremely professional and knowledgeable."*

Chambers Global 2021

Our Key competences

Our Employment & Labour practice area covers:

- Class action litigation
- Employment agreements/contracts, HR Manuals and Policies
- Alternative Dispute Resolution
- pension funds or schemes
- Redundancy
- Collective Bargain
- Unfair termination
- Compliance Audits

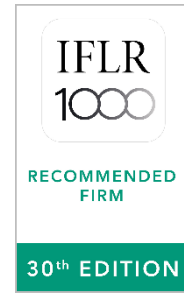
“Solution oriented, commercial sense, a wealth of knowledge, ability to understand issues and draft pleadings within pressing timelines.”

Legal 500 2020

Our Market Recognition



Oraro & Company Advocates



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Our Employment & Labour Experience

Some of our notable experience includes:

CLAIMS

- Representing a Kenyan bank against a claim for constructive dismissal and discrimination of an employee. The award is set at USD 300,000.
- Representing a railway corporation in a claim worth USD 4.3 million brought by its former employees to enforce an award made by the Industrial Court and a claim for unfair dismissal after a strike which led to their dismissal.
- Representing the Honourable Attorney General in various claims filed before the High Court and the Employment and Labour Relations Court challenging section 85 of the Finance Act, 2018. The claims sought to introduce an amendment to the Employment Act by introducing Section 31A which provides for a statutory deduction of 1.5% on the gross salary of every employee in an effort to fund a National Affordable Housing Project. The Petitioners were challenging the constitutionality of the said provision on among other grounds lack of public participation and lack of clarity on the legislative framework that would guide the said deduction.
- Representing a leading manufacturer of Fast-Moving Consumer Goods against a class action suit/claim worth USD 2.2 million of over 300 employees who were terminated from employment following a staff organisation process and conversion from casual employees to permanent employees. Those terminated refused to take up the employment contracts and stopped coming to work.
- Defending a Kenyan commercial bank in a sexual harassment claim within the workplace worth USD 680,000.
- Representing a leading multinational bank in a case involving alleged wrongful dismissal and malicious prosecution (claim value: USD 60,000, excluding the interest).
- Acting for a Kenyan pension scheme in defending a judgement by the Retirement Benefits Tribunal for the sum of in excess of USD 70 million by former employees of a large telecom company as being the total of their unpaid retirement dues.
- Advising a non-governmental organisation regulated in the United States of America with an office in Nairobi on the termination of contracts of employees on fixed-term contracts that were coming to an end.

REDUNDANCY

- Defending one of Kenya's and East Africa's leading premier teaching and referral health care facilities in the Employment & Labour Relations Court. It was a claim filed by the employee's union – Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers (seeking to prevent the institution from proceeding with a redundancy process).
- Acting on behalf of one of Kenya's and East Africa's leading premier teaching and referral health care facilities in an appeal challenging the decision of the Supreme Court that held that the client's proposed redundancy exercise and in particular the notices contravened the Collective Bargaining Agreement and Section 40 of the Employment Act.
- Representing a national airline in a class action for reinstatement of over 440 employees following a redundancy process undertaken wherein the Court was in favour of the employees and ordered reinstatement and back-pay of salary. The matter value is USD 1 million.
- Representing a large telecom company in an employment dispute arising from a redundancy carried out by the client in 2006 where approximately 2,600 employees were retrenched. The employees filed a suit challenging the redundancy package that was offered to them. The matter was litigated at the High Court, Court of Appeal and the Supreme Court. The parties eventually entered an out of court settlement on 20th December, 2015 where the same was settled at a cost of approximately USD 18 million.

RETIREMENT BENEFITS

- Acting for a multi-billion shilling Pension Scheme in defending a judgement by the Retirement Benefits Tribunal for unpaid retirement dues of USD 70 million by former employees of a large telecom company, owned by a UK private equity firm operating in Africa.
- Representing a publicly listed commercial bank against three separate class action claims in the Employment & Labour Relations Court, for the retabulation of terminal benefits arising from voluntary early retirement taken by the claimants. The claimants are seeking for additional payments based on redundancy. The matter value is USD 8 million.
- Advising the a leading insurance company in Kenya on its staff provident fund scheme with specific emphasis on the requirements of the Retirements Benefits Act, amendment to their trust deed and conversion from a provident fund to a pension scheme.

EMPLOYMENT CONTRACTS & POLICIES

- Advising a research-for-development organization on the restructuring and review of their employment contracts and policies.
- Assisting a humanitarian organization, in the review and revision of the internal staff regulations.
- Representing a faith based community school operating from Mathare Valley (one of Kenya's oldest and largest slums) on employment claims. The matter value is USD 3,000.
- Advised a leading tier 1 commercial bank in Kenya in re-aligning their HR policies and procedures to ensure compliance with the Employment Act, 2007.
- Advising a multinational Information and Communications Technology company on the Employment Act, 2007 and the necessary regulatory compliance required.

TRADE UNIONS

- Acting for one of the largest trade unions in Kenya in a trade dispute against the employer, with respect to the historical 2015/2016 nationwide teachers' strike.
- Representing a prominent building contractor in East Africa against two rival unions within the organisation The matter value is USD 50,000.
- Advising the largest teachers' trade union in an economic dispute by the teachers' union brought against the employer. The dispute revolved around claims by the teachers for better terms and conditions of service, including increments in basic pay and allowances and finalisation of a Collective Bargaining Agreement. The matter value was USD 720 million (amount awarded by the Employment & Labour Relations Court).
- Representing the largest teachers' trade union in litigation arising out of their 1997 pay deal agreement with the employer.

Our Employment & Labour Lawyer

Chacha Odera | Senior Partner



Chacha Odera (chacha@oraro.co.ke) is a Senior Partner at Oraro & Company Advocates and practices in the dispute resolution practice group. With over 32 years of experience, he has represented local and international clients in commercial disputes, constitutional law, electoral disputes, employment and labour law, insolvency, and property law.

Chacha has been ranked by leading international legal directories such Chambers & Partners and Legal 500 as a leading lawyer in dispute resolution and employment. In the Chambers Global Guide 2021 rankings, Chacha was commended for being a “fantastic individual” and “an extremely able advocate and a gentleman in all manner of the word.”

Chacha was also recognised as the overall lawyer of the year in 2019 at the Nairobi Legal Awards, hosted by the Law Society of Kenya, Nairobi branch.

Chacha holds a Bachelor of Laws (LLB) from the University of Nairobi, Kenya and a Diploma in Law from the Kenya School of Law. In addition to being an Advocate of the High Court of Kenya, Chacha is a member of the London Court of International Arbitration Users' Councils, a Commissioner for Oaths and Notary Public.

Aside from his legal practice, Chacha is an adjunct lecturer at the Strathmore Law School. He has chaired two adhoc committees of the Law Society of Kenya namely, the Committee for In-house Counsel and the development of a comprehensive Code of Conduct for Advocates. He has also served in various capacities in the Political Parties Disputes Tribunal and the Council of Legal Education.

Chacha is a passionate philanthropist and is currently a honary member of the Rotary Club of Milimani as well as a Paul Harris Fellow. He previously served as a founding trustee of the Matibabu Foundation and Msaada Kenya Trust.

"They are committed to excellence and handle our legal matters with a lot of due diligence," additionally noting its "high efficiency."

Chambers Global 2020



ACK Garden Annex, 6th Floor, 1st Ngong Avenue
P.O. Box 51236 - 00200, Nairobi, Kenya.

T: +254 709 250 000

legal@oraro.co.ke

www.oraro.co.ke