

Trade Union Officials' Perception of their Effectiveness in Industrial Dispute Resolution

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Abstract

The purpose of this study was to investigate perceived factors influencing performance of Kenya union of post primary education teachers' union officials in dispute resolution in Kisumu County, Kenya. Specifically, objectives of the study were to establish the influence of training on trade union officials' perception of their effectiveness in industrial dispute resolution and the extent to which top management commitment to union matters influences union officials' effectiveness in industrial dispute resolution. The study adopted a cross sectional survey research design. The target population of this study was 1485 unionized members from 175 secondary schools and 100 KUPPET representatives in Kisumu County, Kenya. The sample for this study consisted of 149 (10%) unionized secondary teachers and 10 (10%) KUPPET representatives. The teachers were purposively selected and simple random sampling was used to get the required number of participants. Purposive sampling technique was also used to select the KUPPET representatives. Data collection instruments for the study were questionnaire and interview schedule. The study found that training influenced trade union officials' perception of their effectiveness in industrial dispute resolution as it gives them basic skills and knowledge on dispute resolution, top management commitments influenced disputes resolution at KUPPET to a great extent. From the research several recommendations are made; for effectiveness in industrial dispute resolution, trade unions should train their officials. The level of commitment by the top management on union matters should be higher for the union to succeed in settlement of industrial disputes. Suggestions for further studies include further research on other perceived factors influencing performance of Kenya union of post primary education teachers' union officials in dispute resolution.

Key words: Trade Union Officials, Perception of Effectiveness, Industrial Dispute Resolution

1. Introduction

Industrial disputes are systematically arranged protests which go against the laid down terms and conditions of employment according to the industrial dispute act (1947). An industrial dispute means a conflict between an employer and its employees, which is connected with the employment, or terms of employment or with the conditions of labor. Such disputes may result in strikes, picketing and any

other forms of protests. Industrial dispute is not a personal dispute or an individual, it generally affects a large number of workers having a common interest (Kapur & Punia, 2002).

2. Background to the study

Industrial disputes have become one of the most delicate and complex problems of modern industrial society. Industrial growth is not possible without cooperation of labors and harmonious relationships. It is therefore in the interest of all the parties to create and maintain good relations between the employees and employers (Herbert & Henzler, 2005). Trade unions worldwide are facing a lot of challenges, as evidenced by research done in Europe has shown that union members are not satisfied with their unions (Georgelless & Lange, 2010). A panorama of industrial disputes in Great Britain reveals a series of conflict period usually occurring in years of profound economic change, when the standard of living was threatened and organizational of workers expanding. Such period of severe conflict have frequently resulted in restrictive action of some sort (Waddington, 2003) by the term of conspiracy and protection Act, 1875, trade union becomes free to get into collective bargaining. British machinery for dealing with industrial dispute has four parts: collective agreement, investigation, conciliation and arbitration (Mathics & Jackson, 2008).

According to Chartered Institute of Personnel and Development (2008) research study, more than half of the United Kingdom workforce has had no training on settlement of industrial disputes, despite it costing British business £24 billion a year. As a result, around a third of all employees simply allow industrial disputes to continue, causing untold damage to morale and productivity. In developing countries, however, many unionists do not have proper training in industrial disputes and resolutions (Muhia, 2004). This may be largely attributed to the lack of training facilities and qualified trainers. The training of trade union officials in seminars has raised concern and that as much as the training of union leaders takes place, it is important to determine whether the seminars and workshops are focused on labour laws and matters pertaining to labour and industrial relations (Muthamia, 2003).

Trade unionists require training in areas such as: good management practices, public relations, negotiation skills, procedures for collective bargains agreements, manual skills for administration work, labour laws on sections regarding issues of trade union activities, labour relation procedures and research activities (Kipchumba, 2010). Moreover, Schuler (2003) argues that trade union officials require training and development to provide educational schemes aimed at enhancing workers knowledge of the work environment and to inform workers of their rights and responsibilities. Training and development for union officials helps in preparing background notes for court cases and contributes to successful representation of union members in legal matters.

Ayega (2012) on a study about perceived factors influencing settlement of industrial disputes by Kenya National Union of Teachers (KNUT) in Nairobi found that in-service training among union officials was affecting settlement of industrial disputes among union officials at Kenya national union of teachers to a great extent. Training on settlement of industrial disputes provides the basic skills necessary for mediation (Tripathi & Arya, 2002). The study by Ayega (2012) revealed that effective communication skills, basic skills necessary for mediation and alternative dispute resolution were influencing settlement of industrial disputes to a great extent. The most significant forms of in-service training that helped in settlement of industrial disputes included; basic skills necessary for mediation, alternative dispute resolution and effective communication skills respectively (Kibe, 2014).

Kibe (2014) found that the top management commitment was critical in defining the success rate in settlement of industrial disputes at KNUT. The top management commitment affected settlement of industrial disputes through; establishing communication channels, positive relationship with employees, mediation on behalf of employees, and through proper rewards respectively. The top management would achieve this via establishing integrated communication channels, establishing positive relationship with employees, mediation on behalf of employees and through proper rewards (Kibe, 2014). Employee involvement in management is an essential ingredient of industrial democracy and hence it influences settlement of industrial disputes positively (Ayega, 2012). Ayega found that full recognition of the workers was influencing settlement of industrial dispute at Kenya National Union of Teachers to a great extent. In addition, developing worker conscious of their democratic rights and developing workers free personality were also influencing settlement of industrial dispute to a great extent. According to Ayega (2012), the ethical objective of participation is to develop workers free personality and to recognize human dignity. The political objective of participation is to develop workers conscious of their democratic rights on their work place and thus bring about industrial democracy (Ayega, 2012).

Despite industrial dispute, individuals or parties involved can still talk. Whenever it is possible to have a communication link between the two parties in dispute there is possibility of exchanging perceptions, assumptions, stereotypes, and attitudes, which have been built up by conflict groups vis-a-vis others (Adejimola, 2009). However, poor communication or the absence of communication can easily escalate the dispute between the parties or individuals. The exchange and sharing of information can help in a great way to resolve crises and build confidence between the parties. Communication related factors that affect settlement of industrial disputes include confidence and trust of the parties, labor management interaction and neutral mediation process (Ayega, 2012).

3. Statement of the problem

Trade unions have been used to settle industrial disputes between members and employers, the implementation of changes and securing adequate representation of members in government, public and private sector (Anyango, Obange, Abeka, Ochieng, Odera & Ayugi, 2013). Protection of the working life of workers is the main reason why trade unions are established. Currently KUPPET is facing many challenges and hence weakening its performance. KUPPET has failed to fight for its members. Retired teachers have yet to receive their pension even after an order from the court. Union officials are using the union for political gains instead of fighting for welfare of members. KUPPET has also failed to recruit more members to make it stronger. KUPPET officials lack negotiation skills which make them ineffective. The teachers service commission recently held a five day workshop in Kisumu to train union officials on how to negotiate pay rise (Wanzala, 2016). KUPPET members claim that officials have not worked devotedly to make their lives better. This feeling of dissatisfaction among members is as a result of no or improper communication between union officials and their members.

4. Hypothesis/ research questions

- i) What is the effect of training on trade union officials' perception of their effectiveness in industrial dispute resolution in Kisumu county branch of KUPPET?
- ii) To what extent does top management commitment to union matters influences Union officials effectiveness in industrial dispute resolution in Kisumu County branch of KUPPET?

5. Literature review

5.1 Concept of dispute resolution

Dispute resolution is a term that refers to numbers of processes that can be used to resolve a conflict, dispute or claim. Dispute resolution processes can be used to resolve any type of dispute including family, employment or business among others. The united states federal government utilizes dispute resolution process to assist government employees and private citizens resolve complaints and disputes in many areas including workplace, employment and contracting matters. Country such as German and Sweden have strong centralize unions where every type of industry has a specific union which are then gathered in large national union confederation. The largest union confederation in Europe is the German confederation of trade unions (GCTU) usually there are at least two national unions , one for academically educated and one for branches with lower education level. Both of them fight for the working conditions and salaries of their members (Kapur & Punia, 2008).

5.2 Training of union officials and dispute resolution

Training is the systematic modification of behaviour through the learning process which occurs as a result of education, planned experience, instruction and

development. Training is a planned and systematic effort to modify or develop knowledge, skills, and attitudes through learning experience to achieve effective performance in an activity or a range of activities (Buckely & Cable, 2002). Its purpose in the work situation is to enable an individual to acquire abilities in order that he/she can perform adequately a given job or task. A variety of training methods have been used to train staff aspect of the labour movements both in developed and developing countries. In developing countries, however, many unionists do not have proper training in industrial disputes and resolutions (Muhia, 2004). This may be largely attributed to the lack of training facilities and qualified trainers.

The employees in an organization should be viewed as the most significant component of the citizen community and should be physiologically satisfied with knowledge and skills through education and training and to ensure the knowledge is effectively used. Tripathy and Arya (2002) on the study about trade union – management relations in India found that there is a growing need for the kind of education that will equip workers and trade unions to fulfill their social and economic responsibilities. Training on settlement of Industrial disputes provides basic skills required for mediation (Chepkonga, 2006). The training involves an overview of alternative Dispute Resolution, Confidentiality, stating the definition of mediation and the stages involved, use of effective communication skills during the mediation process and applying the interest based approach in mediating disputes. Exercises and role-plays are also used throughout the training course to equip the participants with an opportunity to practice the techniques and the skills taught during the training.

According to CPID (2008), more than half of the UK workforce (55 percent) has not had training on settlement of Industrial disputes; despite it costing British business 25 billion pounds per year. Due to this about (28 percent) of employees simply allow Industrial disputes to continue, causing damage to morale and productivity. This approach is all over, even though 80 percent of British workers have to spend time dealing with disputes at workplace, it is also revealed that every UK employee spends about two hours dealing with disagreement every week. The most important point of the issue is marked lack of training, even among the top management who often shoulder the responsibility of the day-to-day disputes management. About 65 percent of the top management indicated they have no formal training in managing disputes; this makes them helpless and under-skilled when solving the issue (Kapur & Punia, 2002).

5.3 Top Management commitment in union matters and disputes resolution

Management as well as organizations are aware that they face future of rapid and complex changes. This has created uncertainty and individual demand for improved participation at all levels of the organization. This has changed perception of

leadership with regard to the respective roles played by the leaders and their followers. Daver (2005) on the role of leadership said that the top management has to take the lead in ensuring that their employees have ways in which they can channel their grievances and ensure that they are well settled. It is the management role to ensure that disputes are managed successfully (Herbert & Henzler, 2005). Committed leaders are said to be transformational. They are responsible for settling dispute and motivating workers. They elicited this performance by appealing to followed higher order needs and moral values generating the passion and commitment of follower for the mission and values of the organization, Instilling pride and faith in followers, communicating personal respect, stimulating subordinates intellectuality, facilitating creative thinking and inspiring followers to willingly accept challenging roles. The leaders therefore identified the future of the organization and pulled individuals to find their commitment and energies towards the organizational goals .This can only take place if all the organizational top managements are well skilled in settling industrial disputes. This is because industrial disputes lead to strikes and low employee productivity (Daves, 2005).

Top management form objectives and strategies for implementation (Ross & Irwin, 2006), Young and Jordan (2008) suggests that “the essence of top management support relates to effective decision making to ensure dispute resolution takes place. A crucial part of a successful project is top management support. Commitment and management from top management plays a key role in influencing success in almost any initiative within an organization and not just in dispute resolution (Raub & Weesie, 2002). Raub & Weesie (2002) further argued that commitment and support from top management is important in every kind of management and it is therefore an important factor for dispute resolution without compromising an organization performance, it is also for effective decision – making process in order to formulate strategies to ensure employees grievances and addresses are handled adequately. Internal communication should support business strategy and improve business performance. The effective leader who is good at communication can set clear mutual expectations and goals. Communication ensures that the team members understand and support not only where the team is now but also where they want to be in future (Mc Conell, 2003).

6. Methodology

This study adapted the descriptive survey research design. The target population of this study was 1485 unionized members from 175 secondary schools and 100 KUPPET representatives in Kisumu County, Kenya The sample for this study will consisted of 149 (10 percent) unionized secondary teachers and 10 (10 percent) KUPPET representatives. The teachers will be purposively selected and simple random sampling will be used to get the required number of participants. Purposive sampling technique will be used to select the KUPPET representatives. This will allow the researcher to use cases that have information required with respect to the study objectives. Data collection instruments for the study will be questionnaire and interview schedule. Questionnaires will be used to collect data from unionized

teachers while interview schedule will be used to collect data from KUPPET officials. To determine content validity of the research instruments, a pilot study will be carried out to 14 unionized teachers in two of the un-sampled schools which would help the researcher to evaluate validity, clarity of questionnaires and sustainability of language used in the instruments. Items that will fail to measure what they are intended to measure will be changed accordingly. To establish the reliability piloting will be done on 14 unionized secondary school teachers representing 1 percent and 2 KUPPET officials representing 2 percent and will not be part of the study. The r value computed was 0.83; therefore the research instruments were reliable. The researcher will check for completeness of questionnaires and code information. Coding helps to ensure data collected is fed into the accurately computer and processed using statistical package for social science (SPSS) software for analysis. Descriptive statistics will be used to analyzed quantitative data then presented in percentages and frequencies. Qualitative data will be transcribed then presented in form of tables and organized themes as narratives.

7. Data analysis and Research Findings

7.1 Influence of training on trade union officials' perception of their effectiveness in industrial dispute resolution

Studies have found that in developing countries like Kenya, many trade unionists do not have proper training in industrial disputes and resolutions. This may be largely attributed to the lack of training facilities and qualified trainers. Owing to this deficiency, the unionists become easy targets for manipulation by the authorities making them ineffective. The respondents were asked if their union officials (if any) had undertaken any training on dispute resolutions. Figure 1 shows teachers' responses on training of union officials.

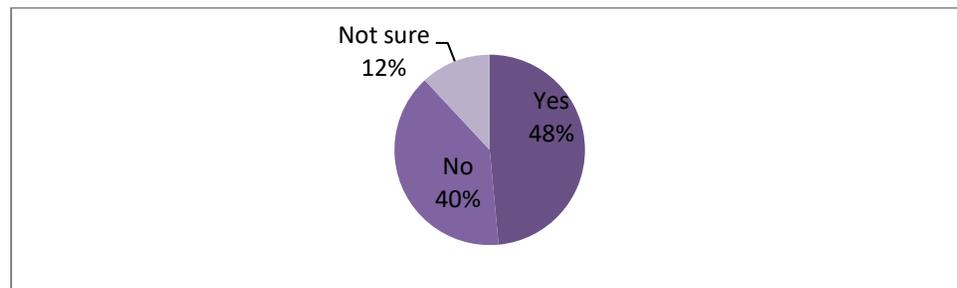


Figure 1. Teachers' responses on training of union officials

Figure 3 shows that many of teachers 65 (48 %) indicated that the union officials had undertaken training in dispute resolution. Those who had trained were perceived to be more effective in dispute resolution than those who did not because they were not easily manipulated by the government and the teachers service commission.

The study sought to establish from the respondents whether training of union officials (or lack of it) influenced on dispute resolution. Figure 2 shows teachers' responses on influence of training on dispute resolution.

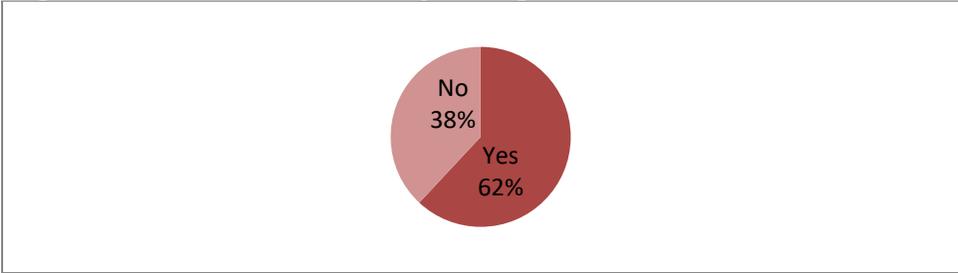


Figure 2. Teachers' responses on influence of training on dispute resolution

Figure 2 indicates that majority of teachers 83 (62 %) agreed that training of union officials (or lack of it) influenced on dispute resolution. Training positively influenced the process of dispute resolution while lack of it influences the process negatively. This implies that training of union officials (or lack of it) has direct relationship with dispute resolution. Training for union officials improves quality negotiations in collective bargaining and effective performance in dispute resolution.

The study sought to establish the influence of training on trade unions' perception of their effectiveness in industrial dispute resolution. Unionized teachers were asked to indicate to what extent the training among union officials affect dispute resolution at KUPPET. Figure 3 shows the influence of training on dispute resolution.

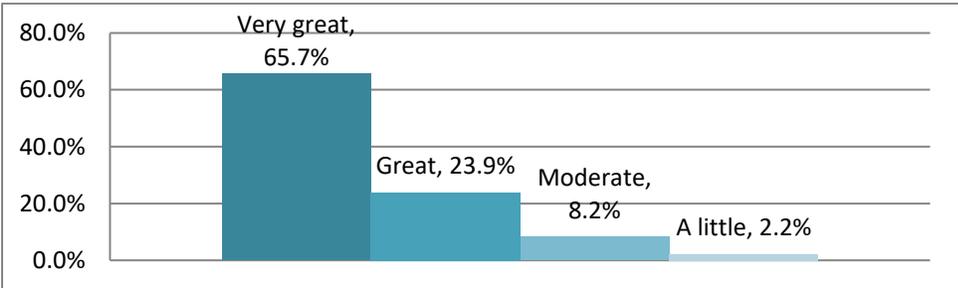


Figure 3. Influence of training on dispute resolution

Figure 3 indicates that majority of teachers 88 (65.7%) indicated that the training among union officials affected dispute resolution at KUPPET to a very great extent. Majority of KUPPET representatives indicated that training gave them basic skills and knowledge on dispute resolution. The findings agree with Ayega (2012) and Kibe (2014) who found that highest percentage of teachers indicated that the training among union officials affected settlement of industrial disputes at KNUT to a great extent. A study by Chartered Institute of Personnel and Development

(2008) revealed that more than half of the UK workforce had no training on settlement of industrial disputes, as a result, around a third of all employees simply allow industrial disputes to continue, causing untold damage to morale and productivity. This implies that training has a very great influence among union officials in dispute resolution. Teachers were asked to indicate their level of agreement on the extent to which different aspects of training among union officials affected settlement of industrial disputes in KUPPET. The responses were rated on a five point Likert scale where: Where 1= not at all, 2 = little extent, 3 = moderate extent, 4 = great extent, and 5 = very great extent. Table 5 shows the extent to which different aspects of training among union officials affected settlement of industrial dispute.

Table 1
Extent to which different aspects of training among union officials affected settlement of industrial disputes

	Mean	Standard deviation
Basic skills necessary for mediation	4.1700	0.9367
Alternative disputes resolution	4.0084	1.1005
Effective communication skills	4.3642	1.0953

N = 134

Table 1 shows that teachers agreed to a great extent (mean = 4.1700, SD = 0.9363) that basic skills necessary for mediation affected settlement of industrial disputes, alternative disputes resolution (mean = 4.0084, SD = 1.1005) and effective communication skills (mean = 4.3642, SD = 1.0953). The mean of greater than 4 indicates that the respondents agree to a great extent. This implies that training of union officials influenced dispute resolution to a great extent. The findings are in line with Ayega (2012) who found that effective communication skills influence settlement of industrial disputes to a great extent (mean of 4.1310), basic skills necessary for mediation (mean of 4.0476) and alternative dispute resolution (mean of 3.9048). Training comprises of an overview of different dispute resolution, defining mediation and its stages, confidentiality, using effective communication skills in the mediation process, and applying the interest-based approach in mediating disputes (Kapur & Punia, 2002).

7.1.1 Challenges of training KUPPET faces

KUPPET officials were asked to give some of the challenges of training that the union faces. Majority (100 percent) indicated that training does not focus much on labour laws and matters affecting labour and industrial relations. Other challenges included lack of training facilities and qualified trainers, inadequate finances among others.

7.2 Extent by which top management commitment to union matters influences union officials' effectiveness in industrial dispute resolution

The researcher sought to establish the by which top management commitment to union matters influences union officials' effectiveness in industrial dispute resolution. The unionized teachers were asked how often top management took paid/unpaid time off for union duties and activities. Figure 4 shows frequency of top management taking paid/unpaid time off.

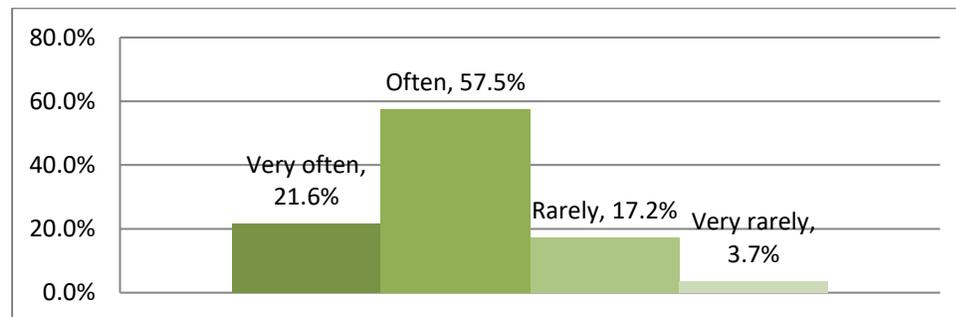


Figure 4. Frequency of top management taking paid/unpaid time off

Figure 4 shows that majority of teachers 77 (57.5%) indicated that top union management often take paid/unpaid time off for union duties and activities. This implies that the top management was committed to the union as they took time to take part in union duties and activities with or without being paid. Commitment and support from top management is important in every kind of management and the number of time it happens plays a significant role in influencing success in dispute resolution (Raub & Weesie, 2002). Teachers were asked to indicate the extent by which top management commitments influence disputes resolution at KUPPET. Figure 5 shows influence of top management commitment on dispute resolution.

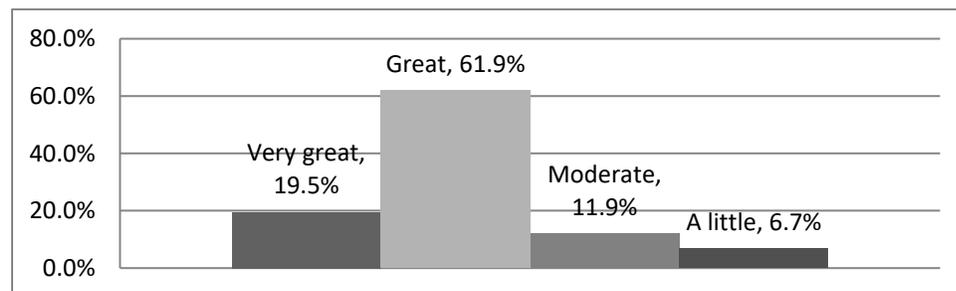


Figure 5. Influence of top management commitment on dispute resolution

Figure 5 indicates that majority of teachers 83 (61.9%) indicated that the top management commitments influenced disputes resolution at KUPPET by a great extent. Majority of KUPPET representatives (87.5 percent) indicated that management which is committed on dispute resolution usually succeeds compared to one which is none committed. This is in line with Kibe (2014) who found that

top management commitment was important in defining the success of settlement of industrial disputes in Kenya National Union of Teachers. Kibe further stated that top management would achieve this via establishing positive relationship with employees, establishing integrated communication channels, mediation on behalf of employees and through proper rewards. Top management has to lead the way in ensuring that their employees have ways in which they can channel their grievances and therefore ensure that they are well settled (Daver, 2005). Commitment and support from top management leads to successful mitigation of any dispute. Teachers were asked to indicate their level of agreement on the extent by which the following facets/stages of top management commitment affect disputes resolution at KUPPET. The responses were rated on a five point Likert scale where: Where 1= not at all, 2 = little extent, 3 = moderate extent, 4 = great extent, and 5 = very great extent. Table 6 shows top management commitments influence on disputes resolution.

Table 2
Top management commitments influence on disputes resolution

	Mean	Standard deviation
Mediation on behalf of employees	3.8945	0.8392
Proper rewards	4.2510	0.7547
Communication channels	3.9401	0.9421
Positive relationship with employees	4.1938	0.7843

N = 134

Table 2 shows that mediation on behalf of employees by top management influenced dispute resolution to a great extent (mean = 3.8845, SD = 0.8392), proper reward by top management (mean = 4.2510, SD = 0.7547), communication channels (mean = 3.9401, SD = 0.9421) and relationship with management (mean = 4.1938, SD = 0.7843). The means are greater than 3 which mean that the respondents agree with the most of the question items for the objective top management commitment influence dispute resolution. The findings concur with Kibe (2014) who found that through establishing communication channels (Mean=4.2136), positive relationship with employees (Mean=4.1521), mediation on behalf of employees (Mean=3.7143), and through proper rewards (Mean=3.5333), top management commitment affected settlement of industrial disputes in KNUT. This implies that top management commitment affects settlement of industrial disputes in the two teachers unions in Kenya.

8. Discussions and conclusions

Based on the above findings, several conclusions were arrived at;

Training influenced trade union officials' perception of their effectiveness in industrial dispute resolution as it gives them basic skills and knowledge on dispute resolution. Basic skills necessary for mediation, alternative disputes resolution and effective communication skills were the most important forms of training that assisted in settlement of industrial disputes.

Top management was committed to the union as they took time off to take part in union duties and activities with or without being paid. The top management commitment to union matters influenced union officials' effectiveness in industrial dispute resolution to a great extent in Kisumu County branch of KUPPET. Success in settlement of industrial disputes was determined by the level of commitment by the top management of the union.

9. Recommendations and Further Research

The following recommendations were made by the study:

- i. For effectiveness in industrial dispute resolution, trade unions should train their officials. This will help them acquire basic skills and knowledge in dispute resolution.
- ii. The level of commitment by the top management on union matters should be higher for the union to succeed in settlement of industrial disputes.
- iii. Union members should be involved in decision making at all stages in settlement of industrial dispute.
- iv. Communication during negotiation should be well timed and parties should have confidence and trust between them.

There should be further research on other perceived factors influencing performance of Kenya union of post primary education teachers' union officials in dispute resolution in Kisumu County, Kenya, since this study focused only on: training, commitment by the top management, involvement in decision making of union members and communication during negotiation.

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