PROJECT TITLE:

FACTORs AFFECTING LABOUR RELATIONS AND
SETTLEMENT OF INDUSTRIAL DISPUTES IN
PUBLIC INSTITUTIONS OF HIGHER LEARNING

BY

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OCTOBER, 2004

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Factors affecting labour relations and
I declare that this is my original work and has not been presented in any university.

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To Wairimu… for tremendous and unfailing support.
ABSTRACT

In recent times, there has been a proliferation of industrial disputes in public institutions of higher learning. This has made the need to establish factors that affect labour relations and settlement of industrial disputes in these institutions more urgent.

The purpose of the study was to establish factors that affect labour relations and settlement of industrial disputes in public institutions of higher learning.

The study established that, among others, factors that tend to affect labour relations and settlement of industrial disputes in public institutions of higher learning include inadequate or lack of training among union officials, poor attitude and undemocratic leadership styles among the institutions top management, non-effective or obsolete schemes of service, and poor handling of the dispute settlement processes.

Some of the recommendations made include the need for union officials to undertake adequate and relevant training, top management of these institutions to adopt a positive attitude towards workers and more democratic style of leadership. There is also the need for public institutions of higher learning to revise and upgrade the existing schemes of service for all cadre of staff and to improve the process of handling and settlement of industrial disputes.
Many people contributed to the logical conclusion of this work. Though it is not possible
to mention them all, the following do deserve some special mention:
My two supervisors, Dr. F. Kerre and Mr. S. Bett for committing time and effort to guide
me through the many hurdles which I encountered right from the proposal formulation to
the final report compilation.
Miss Shifrah Ndung’u and Mr. Felix Muriithi for their material support.
My classmate and good friend, Leonard Chesanga for constantly reminding me that ‘we
shall prevail’.
My mother, (may God rest her soul in Eternal Peace), for her moral and financial support
without which this work would not have come to be.

To all of these good people, I say thank you and assure them that their
efforts were not in vain.
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<td>CBA</td>
<td>Collective Bargaining Agreement</td>
</tr>
<tr>
<td>COTU</td>
<td>Central Organization of Trade Unions</td>
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<td>DCs</td>
<td>Developing Countries</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<td>IMECs</td>
<td>Industrial Market Economies</td>
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<td>KCSWA</td>
<td>Kenya Civil Servants' Welfare Association</td>
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<td>KUDHEIHA</td>
<td>Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and allied Workers</td>
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<td>SPSS</td>
<td>Statistical Package for the Social Sciences</td>
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<td>University Academic Staff Union</td>
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CHAPTER ONE

1. INTRODUCTION

Arising largely from its turbulent history and tainted with political colours, labour or industrial relations is an emotive subject not only in Kenya but in the world as a whole. Traditionally, labour relations are the dealings and co-operation (or lack of it) between management and workers, usually via employee representatives in a trade union or staff association. (Burchill, 1992).

This proposal is concerned with the factors that affect labour relations and settlement of industrial disputes in public institutions of higher learning. It will specifically target the three largest and oldest public universities i.e. Nairobi, Moi and Kenyatta. Public universities in Kenya have many similarities especially in administrative structures, terms of service, sources of funding, and union representation. These three large universities can, therefore, portray a relatively fair representation of the others.

The research design will be through a survey. Though the target population is total population of the three public university, a representative sample about 19% will be selected. Data collection will be through a combination of open and close ended questionnaires. A conceptual framework will be used in relating the independent, intervening, and dependent variables. It is envisaged that the research will be of benefit to (among others) other researchers, government organs, and top management of institutions of higher learning. Limited time and a rather constrained budget, are some of the key limitations that might affect the research.

1.1 BACKGROUND TO THE STUDY

The term ‘industrial relations’ is used to refer to the relationship existing between the employer and the employee. Where there is a willing cooperation emanating from the employer and employees in achieving the organisation goals, there is good industrial relations. (Bean, 1985). There are many causes of good and poor labour relations. The scope of labour relations comprises three major areas:

(a) relations between managers and individual employees;

(b) the collective relations between employers and labour unions (trade unions):
1.1.1 Historical Development of industrial relations / trade unions

According to Pride, Hughes and Kapoor (1996), the harbinger of industrial relations can be traced from the mid-1800s when improved transportation in America opened new markets for manufactured goods. Improved manufacturing methods made it possible to supply those markets, and American industry began to grow. The Civil War and the continued growth of the railroads after the war led to further industrial expansion. Large-scale production required more and more skilled industrial workers. As the skilled labour force grew, craft unions emerged in the more industrialized areas. From these craft unions, three significant labour organizations evolved. These are the Knights of Labour (1869), American Federation of Labour (1886) and Industrial Workers of the World (1905). Industrial relations were to permeate most parts of Europe in the mid 19th century and to Asia and Africa in the 20th century (Gladstone, 1984).

1.1.2 Industrial Relations in Developing Countries

Developing or Third World societies – defined in terms of their per capita GDP levels together with growing social and political modernization – are located predominantly in African, Asia (excluding Japan and the Middle East), and Latin America. Despite the generic, catch-all category of the term ‘developing countries’ is by no means easy to generalize about them with respect to industrial relations. For the purpose of comparative analysis in the African continent, the countries of tropical Africa display a greater similarity of features than either North Africa, because of a different cultural development, or the settler countries of South African and Zimbabwe with different forms of industrialisation and political control (Lucena, 1980).

Furthermore, in examining African as opposed to Latin American industrial relations a different weight has to be accorded to factors such as the colonial legacy, the associated racial stratification of employment and the post-independence Africanisation problems. Trade union development in Latin America was of a different order from that in Africa and Asia for much of its formative period in the late nineteenth century. The most important distinction is the effects of (later) colonial control in the latter two continents.
and therefore the inevitable overlap between the economic and political activities of the labour movement (Busch, 1983).

1.1.3 Industrial Relations in Kenya

In Kenya, the labour movement was remodeled towards industrial unionism prior to independence. This was primarily a consequence of the accelerated development of the union movement and its early recognition by employers as a result of the important and influential role which it had played during the State of Emergency at the time of the Mau Mau uprising in the 1950s.

Among East African countries at the time of independence, Kenya had a larger industrial sector than either Uganda or Tanganyika due to the market provided by a larger immigrant population, a more developed infrastructure and access to the protected East African market (Sandbrook, 1975).

Legal interpretation of labour relations and industrial disputes in Kenya, fall under the Trade Unions Act. Cap. 233 of the Laws of Kenya. Their arbitration falls under the Industrial Court. The Industrial Court was established under the Trade Disputes Act. Cap. 234 of the Laws of Kenya. The main objective was and still is the settlement of trade disputes which have not been settled between the employer and employees. The Industrial Court is empowered to make awards to the aggrieved party or parties. The award is final and there is no provision for appeal and the decisions are binding. When making decisions the court takes into consideration the national economic conditions, the financial position of the employer(s) and existing collective bargaining agreement (CBA).

The important Labour Statutes enshrined in the Laws of Kenya are:

1. Employment Act (Cap. 226)
2. Regulations of Wages and Conditions of Employment Act (Cap. 229)
3. Trade Unions Act (Cap. 233)
4. Shop Hours Act (Cap. 231)
5. Trade Disputes Act (Cap. 234)
6. Workmen’s Compensation Act (Cap. 258)
7. Industrial Training Act (Cap. 237)
At the present time in Kenya, unions in the bargaining relationships confront well-organised employers combined into an association for industrial relations purposes, with a central national employers’ federation – Federation of Kenya Employers (FKE) – coordinating employer relations with unions and government. This body conducts negotiations on behalf of many of its members and represents them in almost all cases which come before the industrial Court. It also provides general advice for its membership on labour relations matters and encourages collective bargaining to be conducted on an industry-wide basis.

1.1.4 Public Institutions of Higher Learning

At independence in 1963, Kenya had only one public institution of higher learning, Royal Technical College, Nairobi, which was later to become the University College, Nairobi - a constituent college of the then University of East Africa. This was to evolve into a fully-fledged public university - the University of Nairobi.

As at January 2004 the country had seven public institutions of higher learning – University of Nairobi, Moi University, Kenyatta University, Egerton University, Jomo Kenyatta University of Agriculture and Technology, Maseno University, and the Western University College of Science and Technology (a constituent college of Moi University). Each of these universities is established under its own Act of Parliament and is autonomous with regard to administration and finance. They, however, admit their ‘direct entry’ students through a central body – the Joint Admission Board.

Though the public universities are all funded from the exchequer, and do frequently have common disputes, it is not lost that each also has its diverse and unique industrial problems. The factors that affect these disputes and their subsequent settlement, therefore, form the basis of this study.
1.2 STATEMENT OF THE PROBLEM

Industrial disputes have largely been concentrated in the private manufacturing firms. This may be explained by the fact that these firms employ a lot of people whom they overwork and underpay and also because the employees are members of unions which wield considerable amount of power. However, in the recent past, there has been an increase of industrial disputes in public institutions. This has also permeated public institutions of higher learning. In the past, these disputes were largely skewed in management’s favour. They were also concentrated among the lower cadre of staff who were the only ones allowed to join a trade union – Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and allied Workers (KUDHEIHA). Recently though, freedom of expression has forcefully swept through the universities. This culminated to the registration of the University Academic Staff Union (UASU) in 2003. Staff in the senior and middle administrative cadre are also on the threshold of establishing their own trade union. With this new found union power, staff in the public universities have been more vocal in demanding improvement in their working conditions and their respective terms of service. The apogee of this agitation was the all-out strike by the academic staff in 2003/2004. The other cadre of staff have also been involved in several sit-ins which is meant to draw attention to their plight.

Depending on how these disputes are handled the outcome resulting outcomes may cost the university manhours and goodwill. It might also inconveniences other stakeholders like suppliers and benefactors. More so it can disrupts academic programmes (like in the case of UASU) when students had to be sent home indefinitely. There is also the element of disillusionment among the university staff and especially when their grievances are not properly handled and resolved. This may further contribute to low motivation and in some instances lead to an increase in labour turnover.

Bearing this in mind, a study to identify the factors that affect labour relations and settlement of industrial disputes in institutions of higher learning was warranted.

1.3 OBJECTIVES OF THE STUDY

The objectives of the study were as follows:
General objective

1. To investigate the factors affecting labour relations and settlement of industrial disputes in public institutions of higher learning.

2. Specific objectives

1. To find out what factors affects labour relation and settlement of industrial dispute in public institutions of higher learning.

3. To find out if nature of disputes affect labour relations and settlement of industrial disputes in public institutions of higher learning.

4. To investigate if the dispute settlement process affects labour relations and settlement of industrial disputes in public institutions of higher learning.

5. To establish if attitude of top management affect labour relations and settlement of industrial disputes in public institutions of higher learning.

6. To establish if lack of uniformity of Schemes of Service for Academic and Non-Academic staff affects labour relations and settlement of industrial dispute in public institutions of higher learning.

1.4 RESEARCH QUESTIONS

The study endeavoured to answer the following pertinent questions:

1. What are the factors affecting labour relations and settlement of industrial disputes in public institutions of higher learning?

2. Does training (or lack of it) of union officials affecting labour relations and settlement of industrial disputes in public institutions of higher learning?

3. Is the nature of disputes peculiar to public institutions of higher learning affecting labour relations in the universities?

4. Is the dispute settlement process adopted affecting labour relations and settlement of industrial disputes in public institutions of higher learning?

5. Is the attitude of top management affecting labour relations and settlement of industrial disputes in public institutions of higher learning?
1.5 JUSTIFICATION/SIGNIFICANCE OF THE STUDY

The study endeavoured to determine the relationship between labour relations and settlement of industrial dispute in public institutions of higher learning with such factors as: Training, nature of disputes, dispute settlement process, top management attitude, and lack of uniformity of Schemes of Service.

It is envisaged that the study will be of particular benefit to the following:

1. Top Management of public institutions of higher learning: By enabling them to re-examine its attitude towards labour relations and settlement of industrial disputes in the university.

2. Trade union officials: By spotlighting on training as an effective tool in bargaining and dispute settlements.

3. Employees of public institutions of higher learning: By bringing to the fore factors that affect industrial disputes and settlement of disputes in the university.

4. Other institutions of higher learning: For comparison in line with their specific labour disputes and subsequent settlement.

5. Other researchers: As a basis for further expanded studies in an effort to fill existing gaps.


1.6 SCOPE OF THE STUDY

The study was conducted in the main campuses of the University of Nairobi, Moi University and Kenyatta University.

1.7 LIMITATIONS OF THE STUDY

The study was limited to a randomly selected number of respondents. Financial Constraints (on the part of the researcher), slow response rate, dishonesty among certain respondents, and non-cooperation of the university’s senior administrative staff in the divulging of information were the main limitations to the study. The researcher tried to
overcomes some of the constraints by sticking to the original budget and trying to earnestly convince the respondents that the study was only for academic purposes.
2.1 INTRODUCTION

A number of studies have been undertaken in the area of labour relations, industrial disputes and their settlements, training and leadership. Not much has been researched on institutions of higher learning though. This may be attributed to the fact these institutions were hitherto not seen as major players in the labour movement in Kenya as compared to, say, the industrial sector.

2.2 CONCEPTUAL FRAMEWORK

The conceptual frame (Figure 2.1) shows how independent variables affect labour relations and settlement of industrial disputes in public institutions of higher learning.

![Diagram](Image)
2.3.0 Labour Relations

In *World Labour Report*, 1995, the International Labour Organisation notes that it is difficult to generalize (about labour relations) about developing countries (DCs) because they display so much variety in labour relations. Only a few characteristics appear to be common, if not all, to at least a very large majority of these countries. One is the fact that the labour relations in these countries cover only workers in regular employment contract who generally account for only a small part of the labour force, some of whom are covered by collective agreements. Another is that the governments of these countries, nevertheless play a much greater role in labour relations than in the case of industrial market economies (IMECs), since they fear that the free play of labour relations may adversely affect the economic development of the country and even its political stability.

Inspite of their relative weakness, employers and workers organizations in a number of countries are participating in tripartite consultations on social and economic policies. The large majority of the workforce in developing countries is unorganized. They mainly consist of casual wage labourers and the self-employed, in the informal sector. They are usually among the poorest and most derived section of the population.

In *Conciliation and Arbitration Procedures in Labour Disputes: (A Comparative Study, ILO Geneva, 1998)* the democratization processes witnessed in many African countries in the 90’s have seen a steady rise of labour disputes as more and workers take on their employers to demand better terms of service and working conditions. In Kenya, for instance, the period between 1993-1997 has seen trade disputes emanating from unlikely sources - professionals hitherto thought immune to labour relations; doctors and university lecturers have at diverse times within this period resorted to industrial action to demand improvement in their respective terms of service, among other demands.

On the same breadth, William H. Holley and Kenneth M. Jennings (1990) insinuate that the reasons why teachers, engineers, librarians, nurses, and other professionals would be interested in joining a union lies in the benefits that derive from the power of coalitions and the gains that can be achieved through more aggressive and militant behaviour.
According to the ‘Financial Review’ (November, 1996), the bankers strike in Kenya and its poor handling by the Government underlined the suspicious relationship existing between the authorities (Government and top management) and the trade union movement in Kenya.

Alan Fox (1975) identifies three broad ideologies which are involved in industrial relations.

(a) Unitary ideology – All members of the organisation, despite their different roles, have common objectives and values which unite their efforts. Workers are loyal, and the prerogative of management is accepted as paternal, and in everyone’s best interests. Unions are a useful channel of communication, but are no longer necessary, and can offer unhelpful encouragement to disruptive elements.

(b) Radical ideology – This primarily Marxist ideology argues that there is an equality of power between the controllers of economic resources (shareholders and managers) and those who depend on access to those resources (wage earners). Those in power exploit the others by indoctrinating them to accept the legitimacy of their rights to power, and thus perpetuate the system. Conflict between these strata of society – the proletariat and the bourgeoisie – does not aim for mutual survival, but revolutionary change.

(c) Pluralist ideology – Organisations are political coalitions of individuals and groups which have their own interests. Management has to create a workable structure for collaboration, taking into account the objectives of all the various interest groups or stakeholders in the organisation. A mutual survival strategy, involving the control of conflict through conflict through compromise, can be made acceptable in varying degrees to all concerned.

Ghai, D; Godneling, M.; Lisk F. (1999) avers that the ability of the union to hold its own in the field of labour relations does not depend sorely on the strength of its members or the quality of its leadership. Financial constraints may also affect the union’s capacity to engage full-time officials, to accumulate strike funds, to provide services to its members or to carry out research in collective bargaining. To help overcome these problems, employers have increasingly agreed to deduct trade unions dues automatically from the pay of their employees and to distribute the proceeds between the local unions, the
federation and the national center. Voluntary forms of payment are increasingly included in collective agreements in market economy countries. Compulsory form of payments applicable only to trade union members can be found today in Bolivia, Brazil, Ghana, Indonesia, Kenya and Nigeria.

Historically speaking, trade unions were born in Europe and North America and gradually became part of Western industrial, pluralistic societies. During the 20th century they have also gradually spread to all industrialized and developing regions – as well as economic sectors. – (World Labour Report, 1987)

Session Paper No. 10 of 1965 recommended that all trade unions in Kenya be affiliated to the Central Organization of Trade Unions (COTU). This recommendation was accepted by the government. However, in October 1969, the Kenya Government ordered two key affiliates out of COTU, though no explanation was given for this move. These were the Kenya National Union of Teachers (KNUT) and the now defunct Kenya Civil Servants Union which was later to be replaced by the Kenya Civil Servants Welfare Association (KCSWA).

By June 2004, there were a total of 28 trade unions affiliated to COTU. Owing to its nascent form and stage, it is not immediately clear if UASU is also an affiliation of COTU.

2.3.1 Training

Training is the systematic modification of behaviour through the learning process which occurs as a result of education, planned experience, instruction and development. According to Rodger Buckely and Jim Cable (2002), 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. Its purpose in the work situation is to enable an individual to acquire abilities in order that s/he can perform adequately a given job or task.
Training was defined in a greater detail by the *Manpower Services Commission, 1981*, as follows: “A planned process to modify attitude, knowledge or skill, change of behavior through learning experience to achieve effective performance in an activity or range of activities. Its main purpose in the work situation is to develop the abilities of individuals and to satisfy the current and future manpower requirements of the organisation.”

*Bryan Livy: (Corporate Personnel Management, 1993)* avers that “training is to some extent a management reaction to change, e.g. changes in equipment and design, methods of work, new tools and machines, control systems, or in response to changes dictated by new products, services, or markets. On the other hand, training also induces change. A capable workforce will bring about new initiatives, developments and improvements – in an organic way, and of its own accord. Training is both a cause and a effect of change.”

In the words of Elizabeth Goroviz (1983), the fundamental aim of training is to assist an organisation achieve its purposes by adding value to its key resources, i.e. the people it employs.

**Objectives of training:**

1. Develop competence of employees (the employees will be able to cope with new inventions/technology in the market) and their performance.
2. Help people to grow within the organisation in order that its future needs for human resources can be met from within.
3. Reduce the learning time for employees starting new jobs on appointment, transfer or promotion and ensure they become fully competent as quickly and as economically as possible.
Approaches to training

Tyson, Lynne A., and Herman Birnbrauer (High Quality Evaluation, Training and Development Journal, 1985) suggest the following approaches to training

(a) Training philosophy – the basis upon which training philosophies and policies should be developed.

(b) The process of training – It entails how systematic training programmes and interventions can be planned and implemented.

(c) Identify training needs – This involves the aspect of establishing what type of training is required and ensuring that it is relevant to the requirements of individual and organisation.

(d) Planning training – This encompasses the element of deciding how the short and long-term training needs of an organisation and the teams of individuals working in it can be satisfied and selected using training techniques.

(e) Conducting training – This involves running training programmes for different categories of employees.

(f) Responsibilities for training – Determining who plans and executes training programmes.

(g) Evaluating training – This involves the strategies of establishing the extent to which training is achieved by focusing on individual training needs

![Figure 2.2 - Training systems](image)

The World Labour Report, 1995, ILO Geneva, elucidate that a variety of training methods have been used to train staff aspect of the labour movements both in developed and developing countries. Some of these methods may be more suitable for one or the other, but most can be applied to both.
(1) On-the-job-training – the trainee learns by doing the work under the supervision of an experienced union employee.

(2) Vestibule training – the work situation is simulated in a separate area so that learning takes place away from the day-to-day pressures of work.

(3) Classroom teaching and lecturers – the trainee attends typical classes either on part or full time basis.

(4) Conference and Seminars – experts and learners meet to discuss problems and exchange ideas.

(5) Role playing – participants act out the roles of others in the organization for better understanding of these roles (primarily a management development tool).

In developing countries, however, many 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.

2.3.2 Attitude of Top Management

According to Rokeach (Beliefs, Attitudes and Values, 1968), attitudes to work are shaped by the relative strengths of five major belief systems.

(a) The work (or protestant) ethic which holds that work is good in itself and bestows dignity on a person. Success in life is directly linked to the individual’s own efforts and material wealth is a measure of personal effectiveness. At the same time, wealth should be wisely invested in order to produce still greater returns, and not foolishly or self-indulgently spend on conspicuous consumption. Thrift and frugality are positive virtues, in other words.

(b) The organisation belief system which suggest that work is only meaningful in a group or organizational setting. Success is heavily dependent on one’s ability to conform and adapt to group/corporate norms, with a high value being placed on working positively with others and achieving status through collaboration.

(c) Marxist-related beliefs embrace the notion that work is basic to human fulfillment and that, therefore, individuals at work should be allowed to participate in the work
process, to contribute actively to the planning and implementation of change, and to exercise autonomy within their jobs. This belief system only addresses two of the main ideas promulgated by Marx – namely, exploitation and participation – because human fulfillment from work itself is covered by the humanistic belief system.

(d) The humanistic belief system claims that individual growth and development are more important than the tangible outputs from the work process, because work is the route through which people discover and fulfill themselves as human beings.

e) The leisure ethic, by contrast to the humanistic belief system, asserts that work has no particular meaning, but rather that it is a necessary prelude to the purchase of goods and services. If human beings are to fulfill themselves at all, this will not be as a result of work but rather through involvement in leisure pursuits, where individuals can become creative and exercise genuine autonomy in their lives.

In an article in The Administrator (September 1992), Laurie Mullins asserts that sometimes good intentions of the unions are disparaged by the poor attitude of management. Management view the union as a constraint to managerial discretion, reduction in management’s power, potential for strikes, source of increased costs, threat to efficiency and an avenue for loss of employee commitment. Management would thus want to resist unionization efforts for any or all of these reasons.

2.3.3 Leadership

According to Koontz, O’Donnell, and Weihrich, (1978) the essence of leadership is followership. In other words, it is the willingness of people to follow that makes a person a leader.

An important distinction is made by John Kotter (The Leadership Factor, 1988). He asserts that management involves planning and budgeting, organizing and staff, controlling and problem solving – activities that are concerned with logic, structure, analysis and control. If done well, it produces predictable results on time. Leadership, however, requires a different set of actions and a completely different set.

(a) creating a sense of direction – usually the result of dissatisfaction with the status quo. Out of this challenge a vision for something different is created.
Communicating the vision – which must meet the realized or unconscious needs of other people and the leader must work to give it credibility.

Energising, inspiring and motivating – in order to stimulate others to translate the vision into achievement.

All these activities involve dealing with people rather than things.

Ghiselli (Leaders and Leadership, UNDP, 1988) listed a large number of different traits of leadership cited by various authors, and pointed out that most of the traits reflected nothing more that the prejudices of the author in question. Bishops praise moral virtue; businessmen seek entrepreneurial flair; generals write about leading from the front.

- **Styles of leadership**

  The Research Unit at Ashridge Management College, based on studies in several industries in the UK (reported 1966), distinguished four different management styles.

(a) The autocratic or *tells* style. This is characterized by one-way communication between the manager and the subordinate, with the manager telling the subordinate what to do. The leader makes all the decisions and issued instructions, expecting them to be obeyed without question.

(b) The persuasive or *sells* style. The manager still makes all the decisions, but explains and justifies them to subordinates, who will then be motivated to do what is required of them.

(c) The *consults* style. This involves discussion between the manager and the subordinates involved in carrying out a decision, but the manager retains the right to make the decision personally. By conferring with subordinates before making any decision, the manager will take account of the advice and feeling. Consultation is a form of limited participation in decision making for subordinates, but there might be a tendency for a manager to appear to consult subordinates when really he or she has made up his mind beforehand. Consultation will then be false and a façade for a *sells* style of leadership whereby the manager hopes to win the acceptance of his or her decisions by subordinates by pretending to listen to their advice.
(d) The democratic or *joins* style. This is an approach whereby the leader joins a group of subordinates to make a decision on the basis of consensus or agreement. It is the most democratic style of leadership identified by the research study. Subordinates with the greatest knowledge of a problem will have greater influence over the decision. The joins style is therefore most effective where all subordinates in the group have equal knowledge and can therefore contribute in equal measure to decisions.

<table>
<thead>
<tr>
<th>MANAGERIAL AUTHORITY</th>
<th>SUBORDINATE FREEDOM</th>
</tr>
</thead>
<tbody>
<tr>
<td>TELLS----------------</td>
<td>SELLS----------------</td>
</tr>
<tr>
<td>CONSULTS-------------</td>
<td>JOINS----------------</td>
</tr>
</tbody>
</table>

Table 2.1 – Style Theories of Leadership

The Ashridge studies made some interesting findings with regard to leadership style and employee motivation. This can be compared with the views of other writers in leadership styles.

(a) There was a clear preference among the subordinates for the consults style of leadership but managers were most commonly thought to be exercising the ‘tells’ or ‘sells’ style.

(b) The attitudes of subordinates towards work varied according to the style of leadership they thought their boss exercised. The most favourable attitudes were found amongst those subordinates who perceived their boss to be exercising the consults style.

(c) The least favourable attitudes were found amongst subordinates who were unable to perceive a consistent style of leadership in their boss. In other words, subordinates are unsettled by a boss who chops and changes between autocracy,
persuasion, consultation and democracy.

Early research by Katz and Kahn (1951) into the effect of leadership style on productivity suggested that there were three aspects of leader behaviour which affected productivity:

(a) assumption of the leadership role
(b) closeness to supervision
(c) degree of employee-orientation

Charles Handy (1993) has also suggested a contingency approach to leadership. The factors in any situation which contribute to a leader:

(a) the leader (his or her personality, character and preferred style of operating);
(b) the subordinates (their individual and collective personalities, and their preference for a style of leadership);
(c) the task (the objectives of the job, the technology of the job, methods of working, etc)
(d) the environment

Essentially, Handy argues that the most effective style of leadership in any particular situation is one which brings the first three factors – a leader, subordinates and task – into ‘best-fit’.

Buchanan and Huczynski (1991) avers that there is no simple recipe which the individual manager can use to decide which style to adopt to be most effective. Management style probably can be changed, but only if management values can be changed. It is not enough to present managers with research findings and try to convince them with logical argument that change is necessary.
2.3.4 Scheme of Service

Broadly, this is a document outlining (among others), the terms of service under which the employee is hired, for example, contract or permanent. It will also outline the salary together with other benefits attached to the position.

Public universities in Kenya operates three Schemes of Service; one for the lower cadre of staff; another for the middle staff cadre and one for the senior administrative and academic staff. The Scheme of Service for the universities top management is shrouded in mystery and its existence a matter of conjecture.

Several differences are clearly discernible from the Schemes of Service. For instance, whereas the middle and senior staff are members of a non-contributory medical scheme, the same does not apply to the lower cadre. Other differences are, of course, in the salary scales, emoluments and other allied details.

2.3.5 Dispute settlement procedure

Dispute resolution comprises of all the activities and efforts undertaken by both union, management, and (in some instances) an arbitrator into arriving to an amicable solution agreeable to all parties.

Dispute resolution is not unlike what Adam Smith (Wealth of Nations) said about the market place conflict and resolution:

"Give me that which I want, and you shall have that which you want, is the meaning of every such offer; and it is in this manner that we obtain from one another the far greater part of those good offices which we should be in need of. It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest."

[Book I, Ch.2]

In Conciliation in Industrial Disputes, A Practical Guide, ILO, Geneva, 1983, it is suggested that an industrial advisory service may also be a feature of the industrial scene. Such a body seeks to bring the opposing sides of an industrial dispute together in an attempt to solve or to bridge the gulf that divides them. It should not be lost that all
differences of opinion that result in stoppages of production or in workers taking strike action, cost both employers and those employed a loss not only in cash, but also of goodwill.

Dunlop (1984) propagate that grievance procedures vary in scope and detail but most include the four steps described below:-

**Original grievance:** The process begins with an employee who believes that he or she has been treated unfairly, in violation of the labour contract. For example, an employee may be entitled to a formal performance review after six months on the job. If no such review is conducted, the employee may file a grievance. To do so, the employee explains the grievance to a shop steward, an employee who is elected by union members to serve as their representative. The employee and the steward then discuss the grievance with the employee’s immediate supervisor. Both the grievance and the supervisor’s response are put in writing.

**Broader discussion:** In most cases the problem is resolved during the initial discussion with the supervisor. If it is not, a second discussion is held. Now the participants include the original parties (employee, supervisor, and steward); a representative from union’s grievance committee; and the firm’s industrial-relations representative. Again a record is kept of the discussion and its results.

**Full-Scale Discussion:** If the grievance is still not resolved, a full-scale discussion is arranged. This discussion includes everyone involved in the broadened discussion, as well as all remaining members of the union’s grievance committee and another high-level manager. As usual, all proceedings are put in writing. All participants are careful not to violate the labour contract during this attempt to resolve the complaint.

**Arbitration:** The final step in almost all grievance procedures is arbitration, in which a neutral third party hears the grievance and renders a binding decision. As in a court hearing, each side presents its case with the right to cross-examine witnesses. In addition, the arbitrator reviews the written documentation of all previous steps in the grievance procedure. Both sides then decide whether a provision of the labour contract has been violated and to, detract from, or modify the terms of the contract. If it can be
proved that the arbitrator exceeded the scope of his or her authority, either party may appeal the decision to the courts.

2.4 CRITICAL REVIEW OF MAJOR ISSUES
The major issues of the study were the various factors that affect labour relations and settlement of industrial disputes in public institutions of higher learning. These issues include training of union officials, nature of disputes, attitude of top management, leadership style, scheme of service and the dispute settlement process. The study endeavoured to look incisively through all these major issues. However the element of time, financial resources and the sample size impacted negatively on this effort.

2.5 SUMMARY AND GAPS TO BE FILLED
The past studies available have mainly focused more on the general situation of labour relations and settlement of industrial disputes. Not much has been written on public institutions of higher learning. However, most of these past studies have focused on labour factors typical of most organizations either in the public or private sector. They are therefore relevant and useful in determining prevailing labour relations and settlement of industrial disputes in public institutions of higher learning.

Certain gaps exist which further studies may help to fill. For instance, there is need to establish if the factors identified have contributed to overall performance of employees, their motivation, and generally to labour turnover in the university. The study limited itself to 3 public universities. It will be necessary to look into all the public institutions of higher learning and embark on comparing and contrasting them with the private institutions of higher learning.

There is also the need to look into prevailing global trends pertaining to labour disputes and resolutions in institutions of higher learning in an effort to compare them with the local institutions.
3.1 RESEARCH DESIGN
The research design was through a survey. This was preferred because certain types of information, for instance, personal data, opinions and evaluation are best determined by asking questions. Owing to obvious advantages of economy and practicability, a representative sample of the target population was selected at random.

3.2 TARGET POPULATION
The population of interest were staff of Nairobi, Moi, and Kenyatta Universities. The total target population was as summarized in table 3.1

<table>
<thead>
<tr>
<th>Cadre*</th>
<th>Population</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior (administrative)</td>
<td>540</td>
<td>5</td>
</tr>
<tr>
<td>Academic</td>
<td>1600</td>
<td>16</td>
</tr>
<tr>
<td>Middle</td>
<td>3200</td>
<td>33</td>
</tr>
<tr>
<td>Lower</td>
<td>4500</td>
<td>46</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>9840</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Table 3.1 – Target population and respective percentages

Key:
* Lower: – Grade I – IV
Middle: – Grade A - F
Senior Administrative: Assistant registrar – Registrar
Academic: Graduate Assistant - Professor

**2004 estimates

3.3 SAMPLING STRATEGY
The target sample was 600 members of the three universities drawn equally (200 members) from their main campuses. The population constituted approximately 5% of the total staff population of these universities. For each university, this was broken down
as follows: 50 lower level staff, 50 middle level staff, 50 members of the senior cadre (administrative) and 50 members of the academic cadre.

The universities staff lists were used as the sampling frame. Stratified random sampling was then adopted to select those to participate in the study. These were drawn from the different cadre of staff i.e. Senior Administrative, Academic, Middle and Lower. Names of the accessible population were used where each was allocated a number between x001 to x200. The numbers were then placed in a container and thereafter any number was picked at random. The subjects corresponding to the numbers picked were then included in the sample.

**DATA COLLECTION PROCEDURES/INSTRUMENTS USED**

A combination of closed-ended and open-ended questionnaires was used for the purpose of data collection. These were preferred in order to elicit variances in opinions. The choice was also to counter the problem of compelling respondents to answer questions according to the researcher’s choices.

The economy that these data collection tools offer in terms of time and money also justified their use.
CHAPTER FOUR
DATA ANALYSIS, PRESENTATION AND FINDINGS

4.1. INTRODUCTION

The data collected in this research was collected from three public institutions of higher learning and analyzed by use of descriptive statistics. This was preferred in order to meaningfully describe distributions of scores and measurements using a few indices and statistics. This chapter deals with the presentation of the findings of data collection and discussions of the results of the data analysis.

4.2. QUESTIONNAIRE RESPONSE RATE

Of the 600 questionnaires sent (200 to each university), 55 were returned from the University of Nairobi reflecting a 28% response rate; 80 were returned from Kenyatta University representing a 43% response rate; 105 were returned from Moi University representing 53% response rate. In total, 240 questionnaires were returned which represented a total response rate of 40%. Table 4.1 summarizes the response rate data.

<table>
<thead>
<tr>
<th>Cadre Institution</th>
<th>Academic</th>
<th>Senior Admin.</th>
<th>Middle</th>
<th>Lower</th>
<th>TOTAL</th>
<th>%</th>
</tr>
</thead>
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<tr>
<td>Moi University</td>
<td>34</td>
<td>15</td>
<td>35</td>
<td>21</td>
<td>105</td>
<td>53</td>
</tr>
<tr>
<td>Kenyatta University</td>
<td>17</td>
<td>15</td>
<td>23</td>
<td>25</td>
<td>80</td>
<td>43</td>
</tr>
<tr>
<td>University of Nairobi</td>
<td>15</td>
<td>10</td>
<td>15</td>
<td>15</td>
<td>55</td>
<td>40</td>
</tr>
<tr>
<td>TOTAL</td>
<td>66</td>
<td>40</td>
<td>73</td>
<td>61</td>
<td>240</td>
<td>40 *</td>
</tr>
</tbody>
</table>

Table 4.1 : Questionnaire response rate

*240/600 x 100
From the above response rate table, the following summary of descriptive statistics were derived:

<table>
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<tr>
<th>Statistic</th>
<th>Mean</th>
<th>Std. Error</th>
<th>Median</th>
<th>Skewness</th>
<th>Std. deviation</th>
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<tr>
<td>Academic</td>
<td>33</td>
<td>11.79689</td>
<td>25.5</td>
<td>1.3202</td>
<td>23.59378</td>
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<td>Snr. Admin.</td>
<td>20</td>
<td>6.770032</td>
<td>15</td>
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<tr>
<td>Middle</td>
<td>36.5</td>
<td>12.84199</td>
<td>29</td>
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<tr>
<td>Lower</td>
<td>30.5</td>
<td>10.37224</td>
<td>723</td>
<td>1.764303</td>
<td>20.74448</td>
</tr>
</tbody>
</table>

Table 4.2 - Summary of descriptive statistics

4.3 RESULTS

4.3.1 Union representation

Although this was not among the variables to be measured it was deemed necessary for determining respondents feelings about union representation. In the first question, the respondents were asked if they thought there was need for union representation for all cadre of staff in the universities. The response was either a ‘yes’ or a ‘no’. In the second question, the respondents were asked to state the body they thought could best represent university staff in union matters. The choices were ‘UASU’, ‘KUDHEIHA’, ‘USU’ (proposed), and ‘others’.

![Figure 4.1 - Need for union representation (consolidated figures) Source: author (2004)](image)
From the results of the analysis (Figure 4.1), it is easily deducible that all respondents were in favour of union representation with no single respondent responding in the contrary. However, the preferred body of representation educed differing responses from the various categories of respondents as depicted in Figure 4.2. The academic staff, for instance, were almost split in the middle between UASU and the proposed USU as their preferred body of representation. Not surprising, UASU as a preferred body of representation had negligible support especially from the middle and lower cadre. Whereas KUDHEIHA had zero support from respondents in the academic, senior administrative, and middle cadres, a considerable number of respondents in the lower cadre had it as their preferred choice. All in all, it is deducible that the majority of respondents preferred to be represented by a body (proposed USU) which will jointly comprise of all staff in public institutions of higher learning. The percentages of the preferred representations are presented in figure 4.3.

![Preferred body of representation](image)

**Figure 4.2 – Preferred body of representation. Source: author (2004)**
4.3.2. Training

This variable was measured by asking respondents if their union leaders (if any) had undertaken any training on labour relations. It only elicited responses from the ‘academic’ and ‘lower’ cadres. The other two cadres do not have any union representation and hence the non-response. Results emanating from the respondents indicate that nearly the same number of respondents either thought their union leaders had received some form of training in labour relations or did not know of any training being received. This group comprised the majority of respondents with only a far less number of respondents indicating that indeed the union leaders had received some form of training in labour relations. Figures 4.4 – 4.6 summarizes the results for each university with figure 4.7 presenting the results in percentages.

Figure 4.3 – Preferred body of representation (percentages)

Figure 4.4 – Training of Union Officials (Moi University) Source: author (2004)
Figure 4.5 – Training of Union Officials (Kenyatta University) Source: author (2004)

Figure 4.6 – Training of Union Officials (University of Nairobi) Source: author (2004)

Figure 4.7 Training of union officials (consolidated)
4.3.3. Attitude

Respondents were asked if top management attitude towards past industrial disputes was ‘friendly’ or ‘hostile’. It was not completely possible to get a true measure of this variable. This comes about because what one party considers to be negative attitude can pass as positive to another party. Nevertheless the analysis showed that over three-quarters of the respondents believed that the attitude of university management towards industrial disputes has been hostile. A rather interesting result was that the majority of respondents under ‘senior administrative’ cadre were of the opinion that the top management’s attitude was friendly. The results are represented in Figures 4.8 – 4.11.

![Figure 4.8 - Attitude of Top Management (Moi University) Source: author (2004)](image)

Figure 4.9 - Attitude of Top Management (Kenyatta University) Source: author (2004)
4.3.4 Leadership

Respondents were asked to describe the type of leadership of their respective universities top management. They were to describe in terms of 'Good', 'Average' or 'Poor'. The analysis shows that most respondents were of the opinion that the type of leadership of their respective university top management was poor. This opinion was particularly very high among the academic, middle, and lower cadre respondents. Figures 4.12 – 4.15 presents these results.
Figure 4.12 – Type of Leadership (Moi University) Source: author (2004)

Figure 4.13 – Type of Leadership (Kenyatta University) Source: author (2004)

Figure 4.14 – Type of Leadership (University of Nairobi) Source: author (2004)
4.3.5 Scheme of Service

This variable was measured by asking respondents to describe their current schemes of service in terms of ‘fair’, ‘unfair’ or ‘others (specify)’. From the analysis, (presented in Figures 4.16 – 4.19) it was found that very few of the respondents were of the opinion that their respective schemes of service were fair. Interestingly, the lowest number of respondents who thought that the scheme of service was fair came from the senior administrative cadre. No respondent fell under the ‘others’ category. Most respondents had it that the schemes of service were not only outdated, vague and demeaning but did not also reflect the reality on ground.

Figure 4.16 – Scheme of Service (Moi University) Source: author (2004)
Figure 4.17 – Scheme of Service (Kenyatta University) Source: author (2004)

Figure 4.18 – Scheme of Service (University of Nairobi) Source: author (2004)

Figure 4.19 - Scheme of Service (consolidated)
4.3.6 Dispute settlement procedure

Respondents were asked how they thought the university management had handled past industrial disputes. This was to be answered in terms of ‘well’ or ‘poorly’. The results of the analysis depict that most respondents were of the opinion that dispute settlement procedures were handled poorly, whereby arm-twisting tactics like threat of sacking were used to coerce aggrieved parties into submission. Again it is within the ‘senior administrative’ cadre that had the highest number of respondents who thought that the procedure was handled ‘well’. Figures 4.20 – 4.23 summarizes these results.

![Figure 4.20 - Dispute settlement procedure (Moi University) Source: author (2004)](image)

![Figure 4.21 - Dispute settlement procedure (Kenyatta University) Source: author (2004)](image)
Figure 4.22 - Dispute settlement procedure (University of Nairobi) Source: author (2004)

Figure 4.23 - Dispute settlement procedure (consolidated)
CHAPTER FIVE
SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1. INTRODUCTION
The study aimed at achieving one general objective: to investigate the factors affecting labour relations and settlement of industrial disputes in public institutions of higher learning. This chapter presents the summary of findings, conclusions and recommendations drawn from the analysed data and the entire study.

5.2. SUMMARY OF FINDINGS
The analysis of the data clearly indicate that there is a relationship between the independent variables and dependent variable formulated in the conceptual framework depicted in figure 1. Correlation is significant at the 0.01 level (two-tailed).

5.3. CONCLUSIONS
From the results of the analysis and ensuing findings, it can be construed that the dependent variables in the conceptual frame work (training, attitude, leadership, scheme of services, dispute settlement procedure) have a direct relationship with labour relations and settlement of industrial disputes in public institutions of higher learning.

The results necessitate the conclusion that there is an overwhelming embracement and support for union representation among all cadre of staff in public institutions of higher learning.

It can also be concluded that although there are various forums or bodies of representation in the institutions, most members would prefer one umbrella representation which could cater for all staff regardless of cadre. They tend to believe that a unified union would achieve better results than fragmented cadre-based unions.

Another conclusion emanating from the results is that there appears to be a considerable degree of animosity, suspicion and mistrust with which the various cadre of staff in the institution regard top management. This is supported by the large number of respondents
who deemed the attitude of top management as hostile, leadership as poor, and the dispute settlement procedure as having been poorly handle.

5.4. RECOMMENDATIONS

In view of the finding of this research, the researcher recommends the following:

- There is a genuine and urgent need to put in place the necessary modalities which will lead to the formation and registration of an inclusive public universities staff union to replace the existing forums of representation. This would ensure that the staff in these institutions addressed labour grievances within a united front which is more formidable. However the feasibility of this endeavour will hinge on the ability of all parties accommodating one another considering the wide variances in professional and educational achievements among the various cadre of staff.

- The union leaders need to embark on relevant training in modern traits of labour relations. This will enable them serve their members better through articulation of issues and adept negotiation skills.

- The top management of public institutions of higher learning need to adopt more democratic styles of leadership which embrace and cultivate dialogue as a means of dispute settlement. This will reduce the current levels of suspicion and animosity among their subjects and lead to amicable joint consultations. This will augur well for both parties as it will mean less interruptions of institution programs which are precipitated by such actions as go-slows and strikes.

- The existing schemes of service for all cadre of staff in the institutions for higher learning need to be urgently reviewed in order to reflect the social, economical, political, and technological changes which have occurred over time. It is only through such review that these schemes of service will serve any useful and relevant purpose.
REFERENCES


Conciliation and Arbitration Procedures in Labour Disputes: A Comparative Study, ILO
Corporate Personnel Management, 1993
Government of Kenya, Session Paper No. 10 of 1965
Financial Review, November 1996
The Administrator, September 1992
To Esteemed respondent

RE: RESEARCH QUESTIONNAIRE

I am a post-graduate student at Kenyatta University (MBA) undertaking a research project titled: "FACTORs AFFECTING LABOUR RELATIONS AND SETTLEMENT OF INDUSTRIAL DISPUTES IN PUBLIC INSTITUTIONS OF HIGHER LEARNING"

You have been identified as one of the respondents who will facilitate data collection for the research project by filling the attached questionnaire.

All the responses given will be treated in strict confidence and will be used only for the purpose of the research.

Thank you for your co-operation.

Yours faithfully,

Muhia Fredrick J.
PRINCIPAL RESEARCHER
### SECTION A – GENERAL INFORMATION

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</tbody>
</table>
1. Do you think there is need for union representation for all cadres of staff in the University?
   (a) Yes
   (b) No

2. Who do you think should represent the university staff in union matters?
   (a) UASU
   (b) KUDHEIHA
   (c) A new union comprising of all staff in public universities
   (d) Others (specify) ____________________________________________

3. What role should a union play in the university?
   (a) To demand for higher salaries
   (b) To fight for the welfare of its members
   (c) To facilitate dialogue and amicable industrial dispute resolution
   (d) All of them

4. How did the current officials of your union (if any) get into office?
   (a) Through a fair election
   (b) Through an unfair election
   (c) Through self imposition
   (d) Other means (specify) ________________________________________
5. How would you describe your current union representation?
   (a) Good
   (b) Moderate
   (c) Poor

6. What do you believe is the major cause of industrial disputes in the university?
   (a) Scheme of service
   (b) Working conditions
   (c) Attitude of top management towards workers
   (d) Others (specify)

7. In your own estimate how many times have industrial disputes occurred in the university?
   (a) 1-5
   (b) 5-10
   (c) Over ten times
   (d) I do not know

8. Are industrial unrests (strikes, sit-in, go-slows, etc) a justifiable way of expressing grievances?
   (a) Yes
   (b) No

9. Have your union leaders undertaken any training in labour relations?
   (a) Yes
   (b) No
   (c) I do not know
10. Has training of labour officials (or lack of it) impacted on labour relations and settlement of disputes?
   (a) Yes
   (b) No
   If Yes how?
   (a) Positively
   (b) Negatively
   (c) Others (specify)

11. Where would you recommend the union leaders to undertake training?
   (a) Tom Mboya Labour College
   (b) At the union headquarters
   (c) At COTU organized seminars
   (d) Others (specify)

12. Who should finance the union leaders’ training?
   (a) Union leaders themselves
   (b) Union members
   (c) Union secretariat
   (d) Others (specify)

13. How has the university top management handled past industrial disputes in the university?
   (a) Well
   (b) Poorly
   (c) Others (specify)
14. How was the dispute resolved?
   (a) Through dialogue
   (b) Through intimidation by top management
   (c) Through suspension of union leaders
   (d) Others (specify)

15. Suggest any deliberate ways that management can use to improve labour relations in the university

16. Who were the main parties in the dispute resolution process?
   (a) Management and Union officials
   (b) Management and all affected workers
   (c) I do not know
   (d) Others (specify)

17. How would you describe the difference in salaries and allowance between junior, middle, and senior administrative/academic staff?
   (a) Wide
   (b) Average
   (c) Narrow
   (d) Others (specify)
18. Should the non-academic staff benefit from the recent salary increase awarded to academic staff?
   (a) Yes
   (b) No

19. What is the reason for your answer in 18 above?

20. If your answer to 18 above is Yes, what percentage of benefit would you suggest?
   (a) 100%
   (b) 75%
   (c) 50%
   (d) Other (specify)

21. If the non-academic staff do not benefit from the recent salary increase awarded to academic staff, what action would you propose?
   (a) Strike
   (b) Go slow
   (c) Dialogue with top management on the issue
   (d) Others (specify)

22. Has difference in pay among management and unionisable staff contributed to industrial disputes and unrest in the university?
   (a) Yes
   (b) Not
23. How would you describe the type of leadership of the university top management?
   (a) Good
   (b) Average
   (c) Poor
   (d) Others (specify)

24. How has been the top management attitude towards past industrial disputes in the university?
   (a) Friendly
   (b) Hostile
   (c) Others (specify)

25. Has this attitude affected labour relations and settlement of industrial disputes in the university?
   (a) Yes
   (b) No

26. How would you describe your current scheme of service?
   (a) Fair
   (b) Unfair
   (c) Others (specify)

27. Has the Scheme of Service contributed to industrial disputes in the university?
28. Do you think there is need to overhaul the current scheme of service?

(a) Yes
   why? ____________________________________________

(b) No
   why? ____________________________________________