

**DETERMINANTS OF LABOUR RELATIONS
EQUILIBRIUM IN PUBLIC EDUCATION SECTOR IN
KENYA**

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**Determinants of Labour Relations Equilibrium in Public Education
Sector in Kenya**

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Philosophy in Human Resource Management in the Jomo Kenyatta
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DECLARATION

This thesis is my original work and has not been presented for a degree in any other University

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DEDICATION

To my brothers Mr. Julius Misuko Onguso and Mr. Methusellah Obare Onguso and my parents, Christopher Onguso and Hebisibah Onguso for their support and patience, while writing this thesis, without whom, the journey would have been too long.

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May the Almighty God Bless You All.

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LIST OF ABBREVIATIONS AND ACRONYMS

ADR	Alternative Dispute Resolution
CBAs	Collective Bargaining Agreements
EIR	Employment Industrial Relations
EAC	East African Community
FTE	Full-Time Equivalent
GNI	Gross National Income
GDP	Gross Domestic Product
HDI	Human Development Index
HRM	Human Resource Management
ILO	International Labour Organization
IR	Industrial Relations
IMF	International Monetary Funds
KPLC	Kenyan Power and Lighting Company
KUSNET	Kenya Union of Special Needs Education
KNUT	Kenya National Union of Teachers
KUPPET	Kenya Union of Post Primary Education
KPLC	Kenyan Power and Lighting Company
KCB	Kenya Commercial Banks
KUSU	Kenya University Staff Union

KUDHEIHA	Kenya Union of Domestic Hotels, Education Institutions and Allied Workers
KAM	Kenya Association of Manufacturers Teachers
LMP	Labour - Management Partnership
OATUU	Organization of African Trade Union Unity
OECD	Organization for Economic Co-operation and Development
PSC	Public Service Commission
ROC	Republic of Cyprus
SPSS	Statistical Package for Social Sciences
TSC	Teachers Service Commission
UASU	University Academic Staff Union
UK	United Kingdom
UNT ESU	Universities Non – Teaching Staff Union
WEI	World Education Indicators

OPERATIONAL DEFINITION OF TERMS

- Arbitration** A resolution of disputes outside the litigation court system when neutral and unconnected third parties come in to resolve disputes by making determinations which bind the parties (Hagglund & Provis, 2005),
- Collective Bargaining** A method of mutually determining terms and conditions of employment and thus regulating both economic and managerial relationships through formalized agreements (Singh, 2008).
- Conciliation** A process by which representatives of workers and employers are brought together before a third party with a view to persuading them to arrive at an agreement by mutual discussion between them (Collins, Ewing & McColgan, 2012).
- Consultation** The opportunity given to employers and workers alike to meet to discuss formally but often informally according to an established procedure issues of common concern, to exchange information and to explore possible means of solving the problems confronting

them, so as to lead to opinions and advice rather than decision making (Benson & Shen, 2008).

Industrial Relations Charter

A voluntary agreement between the social partners which incorporates important provisions of ILO such as agreements by all sides to respect each other's right to freedom of association (Fashoyin, 2008).

Labour relations

The labour relation is a tripartite relationship between employers, employees and the state. As this is a very complex relationship, it should be formally regulated (Ferreira, 2005).

Labour relations equilibrium

Labour relations equilibrium is a friendly and cooperative agreement on working relationships between employers and employees for their mutual benefit (Laden, 2012).

Social Dialogue

All types of negotiation and consultation among representatives of governments, employers and workers on issues of common interest relating to economic and social policy (Ishikawa, 2003).

Social Partners / Social Actors

A collective term referring to workers/ workers' representatives, employers/ employers' organizations and governments (Shen & Benson, 2008).

ABSTRACT

The problem of this study was lack of labour relations equilibrium in the public education sector in Kenya. The purpose of this study was to establish the determinants of labour relations equilibrium in the public education sector in Kenya with a view to instill labour relations harmony to enhance labour productivity and in turn improve performance in the public education sector, achieving economic growth, and enhancing living standards and quality of life. Specifically, the study addressed the following specific objectives, that was, to find out the extent to which knowledge of industrial relations affects labour relations equilibrium in public education sector in Kenya, determine if collective bargaining process affects labour relations equilibrium in public education sector in Kenya, establish whether parties' recognition in labour relations affects labour relations equilibrium in public education sector in Kenya, determine the effect of attitude among labour relations parties on labour relations equilibrium in public education sector in Kenya, and find out the effect of arbitration mechanisms on labour relations equilibrium in public education sector in Kenya. The study adopted a descriptive survey design. The target population of this study was 326,732 comprising of employers, employees and the ministry of labour employees. The sample was 450 comprising of the university registrars administration and the deputy vice chancellors administration of the 22 public universities in Kenya, TSC staff dealing with employee relations issues, the trade unions executive officers at the national level and the ministry of labour Nairobi office employees. The study used purposive sampling. The research instruments were the questionnaires. Reliability of the survey questionnaire was calculated according to Cronbach's alpha coefficient and in order to measure the validity of research, content validity was used. To analyze the collected data, descriptive statistics and inferential statistics were used to test the hypothesis. Statistical software used was SPSS 23. Results obtained showed that there was a significant and positive relationship between the knowledge of industrial relations, collective bargaining process, parties' recognition in labour relations, attitude among labour relations parties, arbitration mechanisms, and labour relations equilibrium. The study recommended for public education sector labour relations parties to invest in knowledge of industrial relations because enlightened leadership is considered willing to cooperate and participate in managing the sector. Particularly, parties' recognition in labour relations has to be given first priority because it is the first and foremost step in labour relation and the signed agreement serves as basis for making any decision related to employees. Another area requiring special attention is attitude among labour relations parties'. Proper satisfaction and commitment would inculcate a labour relationship that is free from frequent strikes and stand offs consequently improving the productivity of the sector. Another area requiring special attention is arbitration mechanisms. In most jurisdictions, arbitration is preferred as an alternative to litigation in the courts where proceedings are technically complex. Attention should also be paid to collective bargaining process. This is due to the fact that a flawed process that is perceived to be unfair is likely to result in poor labour relations environment and vice versa.

CHAPTER ONE

INTRODUCTION

This study sought to investigate the determinants of labour relations equilibrium in public education sector in Kenya. This chapter introduces the study by briefly describing the background of the public education sector global, regional and local perspectives, statement of the problem, objectives of the study, scope, justification and limitation of the study.

1.1 Background of the Study

Labour relation is one of the key elements in the system of labour administration (Goolsarran, 2006). The parties to the employment relationship should be encouraged to communicate and cooperate in resolving differences and in redressing workplace issues in a sound labour environment. The labour relationship is usually described as a tripartite relationship between employers, employees and the state. As this is a very complex relationship, it should be formally regulated (Ferreira, 2005).

Labour relations equilibrium refers to a friendly and cooperative agreement on working relationships between employers and employees for their mutual benefit (Laden, 2012). According to Puttapalli and Vuram (2012), labour relations harmony is concerned with the relationship between management and employees with respect to the terms and conditions of employment and the work place. Labour relations harmony thus covers four broad areas of cooperation: responsibilities, employment policy, collective bargaining, and communication and consultation. Labour relations equilibrium enhances labour productivity and in turn improves performance in the

education sector, achieving economic growth, and enhancing living standards and quality of life. It creates a peaceful working environment conducive to tolerance, dialogue and other alternative means of resolving labour disputes (Laden, 2012).

Education sector in an economy remains one of the most powerful engines for economic growth. It acts as a catalyst to transform the economic structure of countries from simple, slow growing and low value activities to more vibrant and productive economies. Education is recognized as a principal contributory factor to boost productivity of workers by generating skills that raise their working capacity, leading to economic growth (Kent, 2005); Bloom et al, 2006; Galiani, 2008). This productivity gains can be contributed to enhancement of the income level of the individuals as well as the economy.

Apart from these direct economic benefits, indirect social benefits such as better work habits, particularly a greater awareness of time and more internalized norms that would make them more dependable, can be realized through better education which contributes to economic development process. Lower crime rates, greater participation of people in the regional development activities, greater awareness of human achievement, an appreciation for cultural diversity and spill over the knowledge among the colleagues and neighbours are indispensable requirements for efficient use of material resources to achieve fruitful results of the development activities. Endogenous growth theory asserts that investment in human capital will significantly contribute to economic growth, and indeed foster development (Romer, 2011). Education sector may be looked global, regional and local perspective.

In the west, particularly, countries under organization for economic co-operation and development (OECD) the single-most important engine of growth over the past three decades is the human capital (OECD, 2000). From a budget perspective, WEI countries invest a larger share of their public budgets in education than do OECD countries, 15.6 per cent of total public expenditure on average compared to 12.7 per cent. However, this comparatively bigger commitment occurs within the context of smaller public sectors that average 27.9 per cent of GDP in WEI countries compared to 42.4 per cent in the OECD. As a result, the WEI country average for public spending on education is 4.3 per cent of GDP compared to 4.9 per cent in the OECD.

In UK, through both direct and secondary or multiplier effects, the higher education sector generated over £73.11 billion of output and 757,268 full-time equivalent (FTE) jobs throughout the economy. The total employment generated was equivalent to around 2.7% of all the employment in 2011 (Kelly, 2011). In the east, education sector is vibrant. The relationship between education and GDP is positively correlated. As the level of education rises in Pakistan, the GDP shows gradual but consistent growth between years 1980 to 2007.

In Africa, in 2012, the inequality adjusted index revealed losses of approximately 35% in the HDI value for most countries due to inequality in life expectancy, education and income across the population. This compares to a loss of 29% for South Asian countries, 26% for Latin America and the Caribbean, 25% for Arab states, 21% for East Asian countries and 13% for Europe and Central Asia. The country with the highest loss in HDI due to inequality was Angola (44%), followed by Namibia (43%). The country suffering the least loss was Mauritius (13%). Within

Africa, there is a wide variation in the proportion of GNI devoted to education. Spending is highest in North and Southern Africa followed by East and West Africa and lowest in Central Africa. Research indicates that numeracy and literacy skills are not sufficient to meet the needs of technologically advancing and diversifying economies (Gauci & Tsafack, 2011).

Of the 11 countries in Africa with data on research and development spending as a percentage of gross domestic product (GDP) (World Bank, 2012), only South Africa and Tunisia allocated at least 1% of GDP for research compared to 3% in East Asia and 2% in Europe and Central Asia. Gabon and Senegal had 0.6% and 0.4% respectively while Egypt, Uganda and Zambia had 0.3%. The lowest allocations were by Gambia with less than 0.02%, Madagascar with 0.15% and Burkina Faso with 0.2%. The limited funds for public use have mainly been allocated to large-scale infrastructure rather than on building human capital and national wealth to compensate for the depletion of these resources (World Bank, 2012).

Kenyan teachers have opened a wider salary gap ahead of their East African Community (EAC) counterparts with a new pay deal struck in 2013, a development that is expected to further complicate movement of professionals across the region. Although the teachers got Ksh17 billion (\$200 million) instead of the Ksh46 billion (\$541 million) that they were demanding, the new structure that ended a four-week strike (in 2013), put the average salary for the tutors at more than double that of their counterparts in Tanzania, Uganda, Rwanda and Burundi. A look at the packages of other professionals such as nurses, lecturers and doctors in the EAC paints a similar picture, with those in Kenya earning more, save for university lecturers. Fears are

emerging that those seeking employment in neighbouring states where the pay is lower may expect similar remuneration, laying the ground for a conflict with employers. A Kenyan primary school teacher now earns between \$302 and \$2,300 per month. In Tanzania, it is an average of \$150 while their Ugandan counterpart can expect \$102. Their colleagues in Rwanda are however only making an estimated \$91 a month.

In Kenya, human capital matters for economic development. The quantity and Quality of human capital is determined by health and education outcomes. In this regard, health and education spending accounts for 2.2 percent and 6.4 percent of GDP, respectively. The spending on education is comparable or higher than in other peer countries, which is good. However, education outcomes depend also on the quality of service provision, and here there is lot of room for improvement, in the efficiency and effectiveness of the education system.

Industrial actions have lately been common in the eastern Africa region, particularly Kenya, Uganda and Malawi where disparities in remuneration seem to be major areas of concern. A fitting imagery of this scenario is ‘muzzling the ox that ploughs one’s land’. According to Vernor Munoz (Worlds of Education, 2007), knowledge that is not built on the respect of human rights is knowledge of poor quality. Further, since there are certain cardinal values that motivate learning (including teaching, research and community outreach), it is essential to define the needs of students and teachers, as well as the adjustments needed to improve functions in the schooling and political systems.

Kenya Vision 2030 aims to create a globally competitive and adaptive human resource base to meet the requirements of a middle-income economy by the year 2030 (RoK, 2007). The country's economic blueprint recognizes the critical role of an efficient, motivated, productive and adaptive human resource base in meeting the challenges of the globalizing economy. It also recognizes the importance of a sound system and practice of industrial relations in promoting industrial harmony, organizational productivity and competitiveness, and enhanced economic growth.

Industrial relations system in Kenya is anchored on the International Labour Organization's Convention No. 150 of 1978 on Labour Administration. This is domesticated through the Industrial Relations Charter (1984) and the Labour Relations Act (2007). The system provides for consultation between representatives of employees, employers and government within a tripartite framework on issues affecting workers and employers. The consultation is expected to be undertaken through joint industrial councils. The system envisages that such consultations start at the shop floor levels, cascading to the national levels. Kenya also has a host of institutions of social dialogue. These include the National Labour Board, National Council for Occupational Safety and Health, Wage Councils and the Industrial Court. The role of these institutions is to promote social dialogue and industrial harmony (RoK, 2013).

The government recognizes that Kenya's main potential is in its people; their creativity, education, and entrepreneurial skills. The overarching goal of the vision 2030 is to turn the country into a globally competitive and a prosperous nation by the year 2030. The Education Sector has a major responsibility of facilitating the process

of developing manpower necessary for transforming Kenya into a globally competitive country. To attain this, the sector is committed to the provision of quality education and training as well as research and innovation to the people of Kenya in line with the Constitution, National objectives and the globalization trends. To realize this, the sector requires clearly defined and supportive policies, institutional and legal frameworks that effectively address citizens' needs and aspirations as well as social economic dynamics. The Education Sector comprises three sub sectors which include: Ministry of Education (MOE) and its affiliated institutions, Ministry of Higher Education, Science and Technology (MoHEST) and its affiliated Institutions Teachers Service Commission (TSC).

In Kenya, under the new constitution all matters pertaining to teachers is the responsibility of the TSC which was established in 1967 by an Act of Parliament, Cap 212. Though the Public Service Commission (PSC) under Section 234 (2) shall establish and abolish offices in the public service and appoint persons to hold or act in those offices, and to confirm appointments, this does not apply to the TSC. The need for a labour organisation for teachers arose out of the need for teachers to have unified terms and conditions of services. In 1959, the Kenya National Union of Teachers, KNUT, was registered as a trade union in 1959. Apart from negotiating higher wages for teachers, KNUT's major success is the establishment of the Teachers Service Commission. In 1998 the Kenya Union of Post Primary Education Teachers, KUPPET, was registered for teachers in secondary schools, colleges and other post primary institutions.

1.2 Statement of the Problem

Labour relations have an important “value in use” in establishing consensus between the parties involved (Estanque & Costa, 2011). For the effective labour relations equilibrium to exist the employer and employee organizations should have a relative balance of bargaining power. This equilibrium state of power is the key to the success of the labour relations system, and if this equilibrium is lost it becomes difficult to reach consensus based and balanced solutions. (RoC, 2011 – 2015).

In Kenya, from 1995 to 2000 a total of 381 industrial strikes had been experienced (Minja & Aswani, 2009). In 2010 alone the Ministry of Labour recorded 82 strikes. According to Industrial Court Disputes Register the reported disputes increased from 159 in 2007 to 1624 in 2010. The economic survey 2011 indicated a decline of CBAs to 266 in 2011 compared to 297 in 2009. From 2010 to 2013 the Ministry of Labour indicated 10,339,818 lost man hours.

According to Mutoro and Malalo, (2011) the public education sector experience strikes each year, in the year 2012 there was a university academic and non academic staff strike. Further observations showed that in 2013 there was a nationwide strike by teachers; this was followed by the March 2014 strikes by teaching and non-teaching staff of the public universities and the January 2015 nationwide strike by teachers which crippled activities in public schools.

Industrial strikes and labour standoffs is a sign of industrial disharmony among labour relations parties which translates to a state of disequilibrium in labour relations (Mathis & Jackson, 2008). Local studies in Kenya (Nzioki, 2013; Grace,

2007; Mwamzandi, 2011; Christine *et al*, 2013) relate to labour relations and have clearly shown the state of disequilibrium in labour relations; however none of these studies clearly explain the factors which tilt the state of equilibrium and harmony in labour relations. This study therefore examines the determinants of labour relations equilibrium in public education sector in Kenya.

1.3 Objectives of the Study

1.3.1 General Objective

The general objective of this study was to investigate the determinants of labour relations equilibrium in public education sector in Kenya.

1.3.2 Specific Objectives

The specific objectives were to:

1. Find out if knowledge of industrial relations affects labour relations equilibrium in public education sector in Kenya.
2. Determine if collective bargaining process affects labour relations equilibrium in public education sector in Kenya.
3. Establish whether parties' recognitions in labour relations affects labour relations equilibrium in public education sector in Kenya.
4. Determine the effect of attitude among labour relations parties' on labour relations equilibrium in public education sector in Kenya.
5. Find out the effect of arbitration mechanisms on labour relations equilibrium in public education sector in Kenya.

1.4 Research Hypotheses

The hypotheses of the study include:

1. H₁: Knowledge of industrial relations affects labour relations equilibrium in public education sector in Kenya.
2. H₁: Collective bargaining process affects labour relations equilibrium in public education sector in Kenya.
3. H₁: Parties' recognition in labour relations affects labour relations equilibrium in public education sector in Kenya.
4. H₁: Attitude among labour relations parties' affects labour relations equilibrium in public education sector in Kenya.
5. H₁: An Arbitration mechanism affects labour relations equilibrium in public education sector in Kenya.

1.5 Significant of the Study

Kenya has experienced industrial action in public education sector for many years which is a sign of labour relations disequilibrium. It is hoped that out of this study labour relations equilibrium would be realized. It is through industrial harmony which is realized through tripartism that the vision 2030 will be achieved since the actors are key players. The study will be of benefit to the following:

1.5.1 The Kenya Government

The Government is a key player in labour relations. It is the biggest single employer and central in regulation of labour relations. As a result of this study, the Government will be able to recognize the factors affecting labour relations

equilibrium in public education sector and implement the recommendations of the study to bring about harmonious labour relations in the sector which in turn will lead to economic and social development.

1.5.2 Trade unions

A trade union is a formal association of workers that promotes the interests of its members through collective action. Employees join unions with main objective of improving their work conditions, for this reason unions have been formed from organization level to national level up to international level (Mathis & Jackson, 2008). The study will enlighten the public education sector union officers where they have failed in promoting the interests of their members and measures to take in bringing about labour relations equilibrium in the public education sector in the country.

1.5.3 Teachers Service Commission

Teachers Service Commission is responsible for teacher's appointment and deployment, exercise disciplinary control and assure teaching standards of persons entering the teaching service. Where it has failed to contribute towards labour relations equilibrium and representation of employers will be established. The study will be of great benefit as it will help the commission take necessary measures to do what is expected in the relationship to bring about labour relations harmony.

1.5.4 Labour Relations Stakeholders

Labour relation is a relational dimension which involved individual and collective actors in work activity globally. Light will be shed to all the industrial relations stakeholders on what they must do so as to have labour relations equilibrium in various sectors. This will in turn positively affect the global economy, and enhance harmonious national and international labour relations.

1.5.5 Researchers and Scholarly community

The study was a reference point of future researchers and scholarly community. Where the researcher reached in conclusion, the study will be taken over by future researchers and scholarly community hence, the essence of research. The study contributed to the existing body of knowledge.

1.6 Scope of the Study

The study was carried out in Kenya. It concentrated on the public education sector in Kenya. The study covered the ministry of labour, public education sector employers (TSC and public university councils), and the trade unions (KNUT, KUPPET, UASU, KUSU, KUDHEIHA). The three are key stakeholders in tripartism as representatives of the government, employers and employees respectively. The three independent partners were chosen because they are the ones advocated for tripartite consultation according to the International Labour Organization's Convention No. 150 of 1978 on Labour Administration. This is domesticated through the Industrial Relations Charter (1984) and the Labour Relations Act (2007).

1.7 Limitations of the Study

Limitations are factors that may interfere with the method of solving the problem, making research difficult (Ngechu, 2006). The study was carried out during the time when there is labour relations disequilibrium in the public education sector in Kenya. To overcome this challenge the required data was collected during the period when there was no industrial actions in the sector. Some respondents were unwilling to divulge information required due to fear of imagined reprisals from their bosses, to overcome this challenge confidentiality was assured to the respondents that the information was not going to be used for any other purpose apart from academic purposes.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter presents the literature review of the study by reviewing both theoretical and empirical literature from professionals and other researchers on determinants of labour relations equilibrium in public education sector in Kenya. A critical review is brought onboard in deeply assessing reviewed literature in relation to the current study and finally the research gaps are established.

2.2 Theoretical Review

The theoretical perspective relevant to this study is based on labour relations. The theories discussed are, the unitary theory, the Marxist theory, comparative theory of employment relations, systems theory, and pluralist theory.

2.2.1 Unitary Theory

The unitary frame of reference is credited to Alan Fox (1966). The unitary perspective views the organization as pointing towards a single or unified authority and loyalty structure. The main elements of unitary theory are that there is only a single source of authority that is management. The role of organizational leaders is to promote loyalty and commitment among workers (Farnham, 2000). Organizations are seen as consisting of teams that are working together for mutual goals, and there are also no conflicts of interests between managers and employees. The unitary theory believes that employers and employees can join forces for common objectives, interests, and values and that the management should exemplify strong

leadership to attain organizational objectives. According to Rose (2008) trade unions under the unitary perspective are regarded as an intrusion into the organization from outside, competing with management for loyalty of employees. Trade unions are seen as a cause of industrial conflict thus not essential for the harmonious managing of conflicts. Conflicts in the organization are hence perceived as dysfunctional and often leading to disloyalty, and as a consequence impair the well-being of the organization. The state is seen as a paramount contributor in the formulation of industrial relation systems.

A major strength of the unitary theory is that it primarily wants to integrate employer and employee interests in order to enhance employee commitment and loyalty. The organization is perceived by the unitary approach as an integrated and harmonious whole with ideas of one family. The management and other members of staff share a common purpose, emphasizing mutual cooperation, individual treatment, team work and shared goals. This is typical in organizations where all the parties have a common mission to accomplish and every effort is tailored towards meeting its mission (Ikeanyibe & Onyishi, 2011).

The Unitary theory also emphasizes the role of managers in attaining win-win situations for employees and organizations, wherein their interests can be properly aligned with each other. Unions cooperate with management and management's right to manage is accepted because there is no "we they" feeling. Furthermore, unitary perspective has a paternalistic approach where it demands loyalty from all employees. Organizations which are not unionized embrace paternalism as management takes centre stage of making unilateral decisions, which are presumed

to be to the advantage of employees which the researcher disagrees with (Aswathappa, 2009).

Managers often exert greater power over employees in determining work conditions and instead of workers acting as owners of power too, they tend to accept decisions of the management and submit to the former's power. The major weakness of unitary theory is the lack of realization that there are power inequalities between employers and employees which generate diverse kinds of conflicts (Kessler & Purcell, 2003). Conflict is treated too negatively and not seen as a force that reflects inequalities and which can be used as opportunity to regain work harmony. Some kinds of conflict are good for organizational development (Dzimbiri, 2008).

2.2.2 Marxist Theory

The Marxist theory was developed by Karl Marx. His writings of 1818 to 1885 were very critical to the development of labour movement. He elevated labour by arguing that the capitalists' wealth is created by exploitation of surplus labour. Marx advocated that for the exploitation of labour to cease, workers must seize and own the means of production. Marx's thesis, theoretical and practical commitment of his followers led to the great Socialist Revolution and labour union movement that dominated the politics and economic thinking of the greater part of 20th Century (Ikeanyibe & Onyishi, 2011).

Marxists like Pluralists regard conflicts between employees and employers as inevitable. Marxists however see conflict as a product of the capitalist society. The adversarial relations in the workplace are simply one aspect of class society. The

Marxist focuses on the type of society in which an organization functions. Conflicts arise not just because of competing interests within the organizations but because of the division within the society between those who own or manage the means of production and those who have only their labour to offer. Industrial conflict is thus seen as synonymous with political and social unrest which the researcher concurs with (Aswathappa, 2009).

Trade unions are seen both as labour reaction to exploitation by capital, as well as a weapon to bring about a revolutionary social change. Hence, concerns with wage-related disputes are secondary which the researcher disagrees with, since wage related disputes dominate industrial actions in Kenya and world over. Indeed, an adequate wage is a motivation of employees joining organizations. Moreover, trade unions focus on improving the position of workers within the capitalist system and not to overthrow which the researcher agrees with (Singh & Kumar, 2011).

Marxists regard state intervention via legislation and the creation of industrial tribunals as supporting management interest rather than ensuring a balance between the competing groups. Hence, enterprise bargaining, employee participation, co-operative work culture that help to usher in cordial industrial relations are not acceptable to Marxists (Ikeanyibe & Onyishi, 2011). Such initiatives are regarded as nothing more than sophisticated management techniques designed to reinforce management control and the continuation of the capitalist system. This view is supported by (Fiorito, 2001) who has argued that such practices have brought about HRM- Union substitution consequently reducing employee unionization in United States of America.

The assumption that abolition of private property would somehow end the division of labour and thereby eliminate intra-class disputes over pay differential is highly criticised. What is worth noting is that industrial conflict is not irrational, irresponsible or illegitimate, but rather the product of irreconcilable contradictions, within capitalism (Frege, Kelly & Mc Govern, 2011). Parkin (1979) in Frege, Kelly and McGovern (2011) has criticised Marxist ideology and argued that conflict is an important feature of the employment relationship, but it is not always the result of class struggle. The preoccupation with social class means that other kinds of social divisions with the labour market notably those based on ethnicity and gender, cannot easily be explained through a Marxist framework. Hence, the insistence of conflict is endemic within capitalism.

2.2.3 Comparative Theory of Employment Relations

Comparative Employment Relations involves an explicit comparison of employment relations systems across two or more countries with the intent of identifying common patterns and theoretical generalizations. Comparative theory of employment relations has enjoyed a surge of interest and scholarly research in the recent past. The significant reason is the rising tide of globalization and its present and future impact on employment relations institutions and practices (Kaufman, 2009).

Due to globalization the furthest corners of the earth have become interconnected in an international division of labour and market exchange. Theorizing in comparative employment relations entered a relatively inactive period in 1970's and early 1980's. The ice was broken by Michael Poole in 1986 when he published a book entitled *Industrial relations Origins and Patterns of National Diversity*. Poole (1986) in

Kaufman (2009) defines Employment Industrial Relations (EIR) as all aspects of employment relationships. According to him, employers, employees and the state are the three principal actors. He also views divergent interests between employers and employees that characterise the employment relationship in both spheres of production and distribution.

Comparative Employment Relations theory is an interesting area of inquiry on the ground that employment relations institutions are substantively unimportant, mostly anti-market and transitory from a long-run perspective. The task of this theory is to identify the variables that generate conflictive interests and the institutions and practices designed by the three actors to ameliorate and resolve the conflicts (Kaufman, 2009). Poole identified the state of economic development, the strategies of the actors, cultural values and ideologies, the nation's political - economic structure, the power of the actors and the institutional structure of firms, employment relations organizations as primary explanatory variables. Barry and Wilkinson (2011) the theory's development has only made modest and incomplete progress.

2.2.4 Systems Theory

The Systems Theory was developed by John Dunlop a sociologist in 1958. Dunlop is credited with the application of the Systems Approach to Industrial Relations (IR). He visualized IR to be a systematic construct namely, as a sub-system of society. Systems Approach essentially comprises four processes which include input acquisition, input transformation, output and feedback. An organization is considered an open system, existing in a context called environment. The organization

influences its environment as well as gets influenced by the environment (Singh & Singh, 2011).

The environment may comprise social, political, technological factors and depends on organizations for essential supplies and to receive its outputs. The environment also influences the various processes of acquisition, transformation and delivery of outputs. IR system at any one time in its development is regarded as comprising certain actors and body of rules created to govern the actors at the workplace and work community (Singh & Kumar, 2011). This arrangement exists in Kenyan Industrial Relations.

Creation of rules according to Dunlop is the output that an IR System seeks to create. Rules in this context comprise one, rules governing all forms of compensation. Two, the duties and performance expected of workers including rules for maintaining discipline. Three, rules defining rights and duties of employers and employees including legislation and terms of collective agreements. Four, procedures for establishing rules, and Five, procedures for application of rules (Sivarethinamohan, 2010). The rules are the output of IR. In the input transformation and feedback processes and their interaction, three 'actors' are involved. They include managers and their organizations, workers and their organizations and state and its agencies concerned with workplace. The actors in Kenyan context include the Kenyan Government represented by the Ministry of Labour, the employers and employers' organization and the Trade Unions. The actors do not function in isolation but in an environmental context. The technical context of workplace relates to how work is

organized and the state of technology that is whether it is labour or capital intensive (Ikeanyibe & Onyishi, 2011).

The market context or the revenue related context comprises product demand, market growth, number of competitors and profit margins. The power context is how power is distributed among the three ‘actors’. The three ‘actors’ hold common belief that employees are entitled to demand for a minimum quality of living. Besides, discussion and bargaining must be the preferred way to solve disputes and that the state does not have limited but clear roles as an arbiter in certain matters (Singh & Singh, 2011). The Industrial Relations Model envisaged by Dunlop reflects the existing Kenyan Tripartite consultation system (figure 2.2)

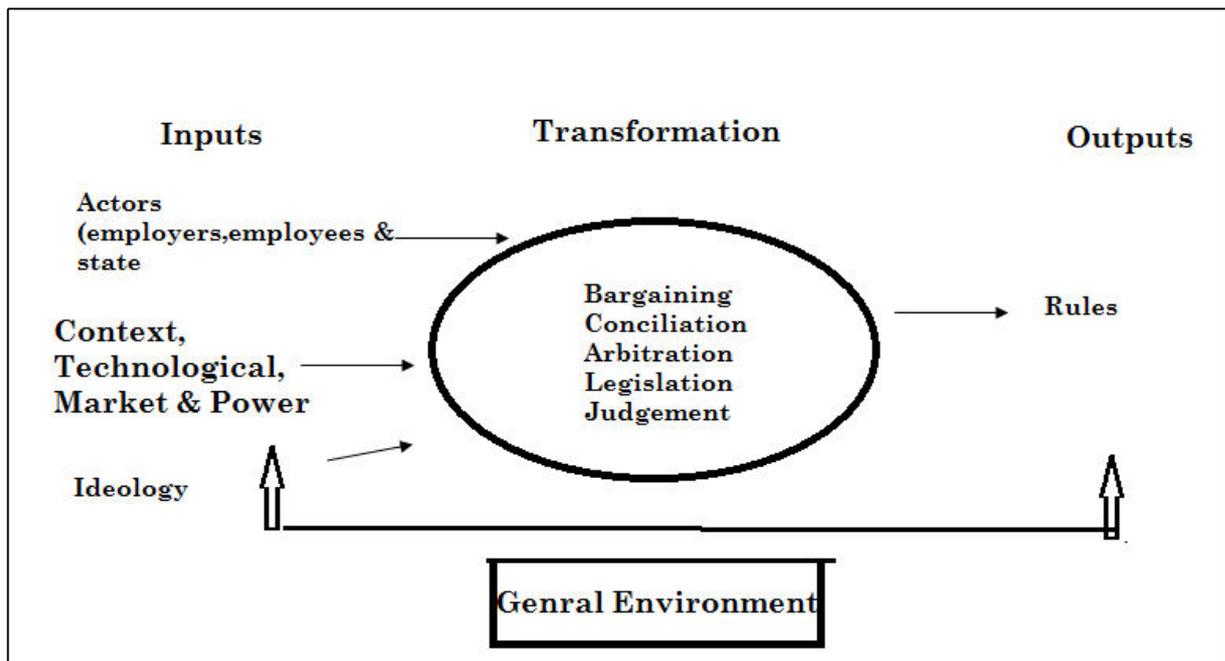


Figure 2.1 Dunlop’s Systems Model (Singh & Singh, 2011)

The heroic assumption by Dunlop that the ideology of Industrial Relations System must be one or compatible in spite of the fact that each actor has its own ideology has

been challenged that if the system of industrial relations is so well integrated, and if the goals and values of the actors are so much in agreement, how is it that industrial conflicts occur at all? This assumption is spurious in reality (Frege, Kelly & McGovern, 2011).

Besides, Dunlop's actors being institutions but not persons, is found abnormal as it creates a tendency to conceive Industrial Relations solely in terms of relationships between agencies and organizations, rather than between people. Hence, it is a mechanical and depersonalized approach to social analysis (Frege, Kelly & McGovern, 2011).

2.2.5 Pluralist Theory

The Pluralist view resulted from the Chicago experiment by Elton Mayo and associates at the Hawthorne work of the Western Electric Company (1927-1932). The Hawthorne works significantly contributed to the attention paid by various states to trade unionism. The experiments produced a reaction against the individualistic and over-rational emphasis of scientific management proponents. The implication of the study was that workers could no longer be regarded as socially isolated individuals acting independently of the work mates to maximize income (Ikeanyibe & Onyishi, 2011).

The theories on Pluralism evolved in the mid-sixties and early seventies when England witnessed a dramatic resurgence of industrial conflicts. The recent theories of Pluralism emanate from British Scholars and in particular Allan Flanders who is regarded as the Chief theorist of Pluralism. He was a senior lecturer at Oxford School

from 1949. The Pluralistic approach perceives organizations as being made up of powerful and divergent sub groups, each with its own legitimate loyalties, set of objectives and leaders. This is evident in public education sector which have management and labour unions each pursuing different interests (Ikeanyibe & Onyishi, 2011).

Pluralist theory tends to see conflict as inherent in workplaces. In pluralism, the organization is perceived as being made up of powerful and divergent sub-groups, each with its own legitimate loyalties and with their own set of objectives and leaders. In particular, the two predominant sub-groups in the pluralist perspective are the management and trade unions (Polsby, 2006). Consequently, the role of management would lean less towards enforcing and controlling and more toward persuasion and co-ordination. Trade unions are deemed as legitimate representatives of employees; conflict is dealt by collective bargaining and is viewed not necessarily as a bad thing and, if managed, could in fact be channeled towards evolution and positive change (Gad, 2003).

The theory of pluralism is a by-product of the concern of bourgeois oriented social scientists for „democratic“ and „stable“ political institutions in the face of the threats posed to the continued survival of capitalist democracies (parliamentary or military dictatorship) by the pressures of the struggles of the deprived working masses. The Pluralist doctrine is therefore a political theory which seeks to redress the shortcomings of a capitalist political order with a view to prevent its overthrow and safeguard the status-quo, (Cole, 2005).

Employees join unions to protect their interests and influence decision making by the management. In Pluralistic view a strong union is not only desirable but necessary. Societies' interests are protected by state intervention through legislation and industrial tribunals which provide orderly process for regulation and resolution of conflicts. Industrial conflict is inevitable and it needs to be contained within the social mechanism of collective bargaining, conciliation and arbitration (Singh & Kumar, 2011). This description is found in Kenya's industrial arrangement, but the system appeared not to have worked as expected.

Flanders did not give conflict management proper analysis. He focused on how any conflict is contained and controlled rather than on the process through which disagreements and disputes are generated (Hyman, 1995) cited in (Chidi & Okpala, 2010). Gennard and Judge (2002) have argued that Pluralists' perspective dwells on rules and procedures and disregards the processes that also contribute to the resolution of conflicts. In Industrial Relations, laws can be made that impose certain ways of resolving workplace conflicts. The rules, however, cannot adapt to emerging and different workplace conditions. Besides, Kitay and Marchington, (1996) contend that the pluralist perspective is incapable of realizing that the state also represents commercial interests and not just public interests, which can lead to the inefficiencies of collective bargaining process.

2.3 Conceptual Framework

Conceptual framework as a hypothesized model identifies the concepts under study and their relationship. It expresses the independent variables, which influence the dependent variable. McGrath (2009), Mosby (2009) and Anderson (2005), defines

conceptual framework as a group of concepts that are broadly defined and systematically organized to provide a focus, a rationale, and a tool for the integration and interpretation of information. The general objective of this study will be to investigate the determinants of labour relations equilibrium in public education sector in Kenya. If one variable depends on or is a consequence of another variable, it is termed as a dependent variable and the variable which is antecedent to the dependent or that makes it to change is termed as independent variable (Kasomo, 2006).

The conceptual framework of this study is based on Systems Theory advanced by Dunlop. Conceptual framework explains graphically the general constructs of the variables to be studied and the relationships amongst them (Myers, 2009). According to Heinrich (1984) cited in Simon (2014) even carefully collected results can be misleading if the underlying context of assumptions is wrong. According to the theory, organizations exist in an environment which comprises social, political and technological factors. The environmental factors influence the acquisition, transformation and delivery of inputs (Singh & Kumar, 2011). Creation of rules is the output of IR system.

The rules among other roles define the duties of the social actors. The system comprises among other factors input transformation. The transformation is achieved through the tripartite activities such as union recognition, bargaining, conciliation, arbitration, legislation and judgment (Singh & Kumar, 2011). In this study, the conceptual framework shows the link between the variables of study, mainly

knowledge of industrial relations, collective bargaining process, attitude among labour relations parties, parties' recognition in industrial relations, and arbitration mechanisms which play an important role in achieving the input transformation. The dependent variable is labour relations equilibrium.

The Labour Relations in its operations is regarded as comprising certain actors and a body of rules created to govern the actors at the work place. The actors are employers, employees and the state (Singh & Singh, 2011). The three 'actors' interact in the input transformation and feedback process. The actors do not function in isolation but in an environmental context which influences them as they influence it. The actors therefore require the necessary knowledge of industrial relations to carry out their various roles in a harmonious way. Minja and Aswani (2009) have reiterated that the state is expected to give assistance to the other social partners in satisfying their respective interests. Waweru (2007) has explained that trade unions engage in collective bargaining. Alby, Azam and Rospabe (2005) have elaborated that in response to the power of employers against workers, governments empower labour unions to represent workers collectively and protect particular union strategies in negotiations with employers. The overall economic situation in a country clearly has a significant impact on tripartite dealings (Ghellab, Varela & Woodall, 2011). Based on this review the following hypothesis was formulated:

Collective bargaining has been noted to help promote cooperation and mutual understanding between workers and management by providing a framework for dealing with industrial relations issues without resort to strike and lockouts. Collective bargaining is central to any industrial relations system since it is a tool

through which regulated flexibility is achieved (Godfrey *et al.*, 2007). According to Cole (2005) explains that the process of negotiating collective agreement does not occur in a vacuum. The aim of the process, so far as employees representatives are concerned, is to achieve a workable relationship with management, found on mutual respect, in which tangible benefits are realized on agreed terms and not just on management's whim.

The literature review showed that collective bargaining process influences the quality of industrial relations. However, the literature decries the lack or limited scholarly contribution on industrial relations from developing nations and more so the African continent (Pyman *et al.*, 2010; Wood, 2008; Wood & Dibben, 2006). Genuine willingness on the part of the parties to 'give and take' at the bargaining table, cooperation and consideration of fairness under the process leads to labour relations equilibrium. Based on this review the following hypothesis was formulated:

The agreement is the basis and point of reference when management makes decisions relating to employees. Almost in all countries both trade unions and employers' organizations must be officially recognized and registered by the state in order to engage in collective bargaining (Stirling, 2011). According to Cockar (1981) as quoted by Nzioki, (2013) the first and foremost step in establishing the relationship between a trade union and an employer or a group of employers is the recognition agreement. This is because quite often collective bargaining requires some form of authorization by labour ministries. Which points to a harmonious and cooperative relationship among the parties' involved in labour relations.

The agreement formally establishes the relationship relating to recognition and negotiating procedures. Trade unions are expected to engage in collective bargaining (Waweru, 2007). Alby, Azam and Rospabe (2005) have elaborated that in response to the power of employers over workers, governments empower labour unions to represent workers collectively and protects particular union strategies in negotiations with employers, a situation experienced in the country. This protection is enshrined in the Labour Relations Act, 2007. The Act gives trade unions the right to participate in collective bargaining and management is obliged to disclose all relevant information that allows unions to negotiate effectively. Based on this review the following hypothesis was formulated:

Happier labour management relations are to be viewed not in economic terms but in their social and human ramifications as well. Industrial relations environment refers to the atmosphere, norms, attitudes and behaviours reflecting and underpinning how workers, unions and managers interact collectively with each other in the workplace, which in turn, affects workplace outcomes (Kersley *et al.*, 2006). Studies have indicated that favourable perceptions of the industrial relations environment allows for commitment of employer and employee because of cognitive consistency between the role of employee and union member in workplaces with more cooperative union-management relations (Redman & Snape, 2006; Pyman *et al.*, 2010; Goolsarran, 2006; Khan, 2006). Based on this review the following hypothesis was formulated:

In arguing the case for labour arbitration, the work place is the real playground for employment relations issues where class differences can be fully understood. Labour

disputes essentially arise over interpretation of contracts of employment and conditions of service, and for these reasons, they should, as much as possible, be settled outside the courts (Shen, 2006). Gross (2008), cited in Slinn (2010) argues that arbitration is a departure from the traditional concept of legal centralism, a concept that puts the state at the centre of dispute resolution through the courts. Arthurs (1999) cited in Mumme (2008), labour arbitration cannot operate on its own in isolation from the state's legal systems. Clarke *et al.* (2008) argue that pursuit of litigation in resolving labour disputes cannot satisfactorily achieve the desired ends. In most jurisdictions, arbitration is preferred as an alternative to litigation in the courts where proceedings are technically complex (Fajana, 2010). Based on this review the following hypothesis was formulated:

These independent variables influence the dependent variable, which is labour relations equilibrium. Labour relations equilibrium refers to a friendly and cooperative agreement on working relationships between employers and employees for their mutual benefit (Laden, 2012). A large body of literature on the positive effects of good labour relations on performance, efficiency and productivity which underscores the importance of industrial relations in organizational success (Fashoyin, 2004; Pyman *et al.*, 2010). According to Khan (2006), a stable industrial relations and labour relations climate is vitally important for the economic growth of any country. Both partners namely, management and trade union agree to work together to their mutual advantage to achieve a climate of more cooperation and therefore less adversarial relations (Armstrong, 2008). The conceptual framework of the study is presented in (Figure 2.1).

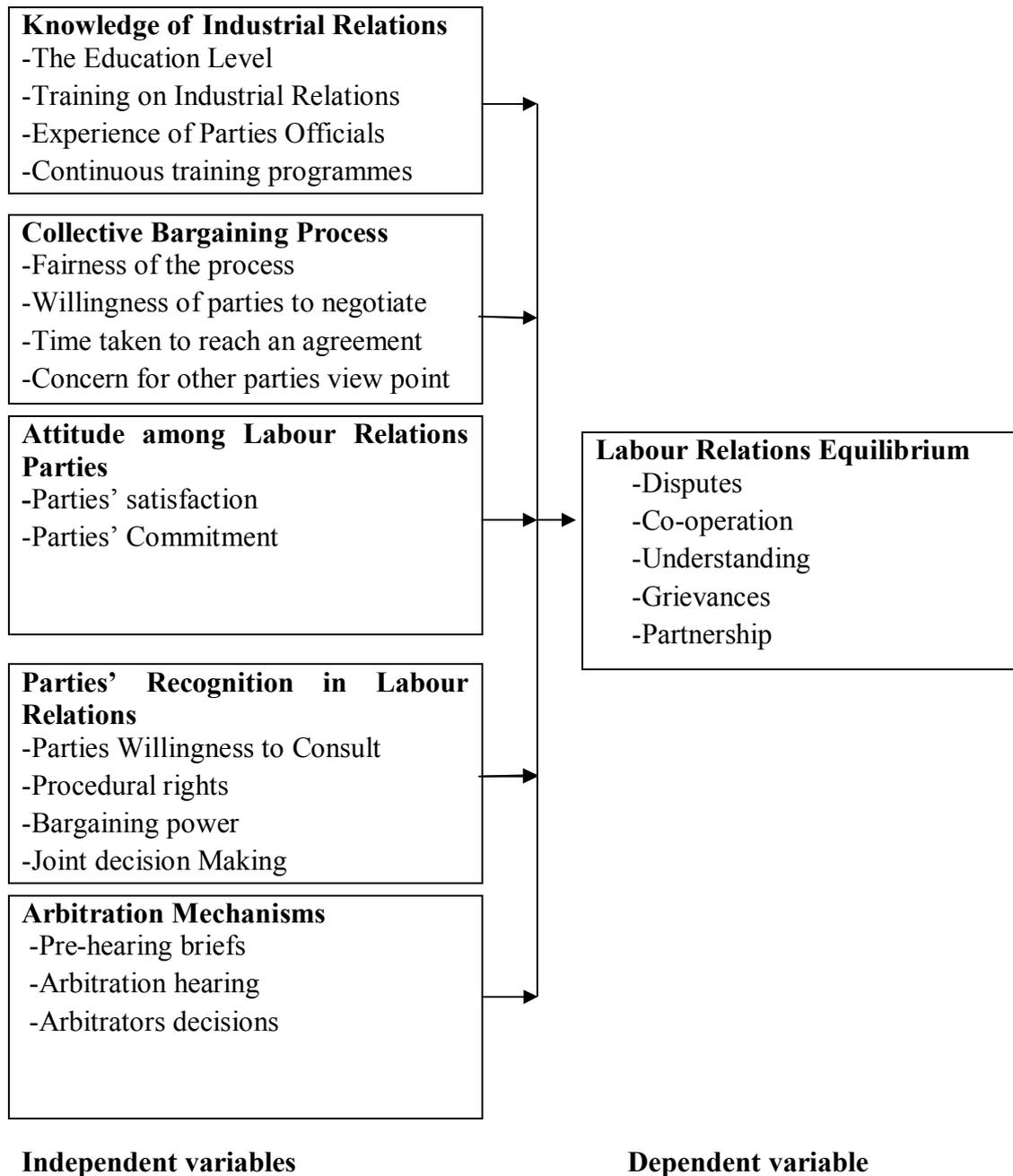


Figure 2.2 Conceptual Framework

2.3.1 Labour Relations Equilibrium

For any organization to succeed there must be a good employer-employee relationship. Labour relations is one of the key elements in the system of labour administration (Goolsarran, 2006), hence an essential predictor of organization

success. According to Ferreira (2005) labour relations is a tripartite relationship between employers, employees and the state. As this is a very complex relationship, it should be formally regulated. Labour relations have an important “value in use” in establishing consensus (agreements) between the parties involved (unions and employers) (Estanque & Costa, 2011). A labour relation is the study of the regulation of the employment relationship between employer and employee, both collectively and individually, and the determination of substantive and procedural issues at industrial, organisational and workplace levels (Rose, 2008). Kaufman(2010), views labour relations as the process of rule making for the workplace while Edwards (2005) views industrial relations and labour relations as structured antagonism.

Labour relations harmony covers four broad areas of cooperation: responsibilities, employment policy, collective bargaining, and communication and consultation. Good quality labour relations emerge as mediating factors that reinforce, in a positive way, the role of innovation activities on workers’ well being (Antonioli *et al.*, 2011).According to Puttapalli and Vuram (2012), labour relations harmony is concerned with the relationship between management and employees with respect to the terms and conditions of employment and the work place. Labour relations equilibrium refers to a friendly and cooperative agreement on working relationships between employers and employees for their mutual benefit (Laden, 2012).A large body of literature on the positive effects of good labour relations on company performance, efficiency and productivity which underscores the importance of industrial relations in organizational success (Fashoyin, 2004; Pyman *et al.*, 2010).

Human resource management is seen by some as a new age “managerial progressivism” in addressing the “labour problem”, by seeing ‘efficiency’ not different from the way Frederick Taylor did as a means to “social harmony, making each workman’s interest the same as that of his employer’s” (Carson, 2011). According to Khan (2006), a stable industrial relations and labour relations climate is vitally important for the economic growth of any country. This observation is consistent with a study by Goolsarran (2006) which revealed that the climate of labour and industrial relations in any country has a direct impact on its economic and social development, which requires a favourable environment in which labour relations can be conducted in an orderly and responsible manner.

2.3.2 Knowledge of Industrial Relations

Industrial relations refer to the relationship held between the two organized sides represented by employers and employees referring to relations of common interest. Industrial relations term refers to all types of relationships between all stakeholders in the industry. The parties involved in industry are workers and management which is represented by the owners. Thus, industrial relations involves a broad complex of relationships between management and union, management and employees, union and employees, between employees and ultimately the relationship between employees, employers and the government arising from industrial activities (Mahapatro, 2010).

Labour relation is a two-way interaction that state could have an influencing relation. Industrial relation is a discipline concerned with studying the relationship between employers and employees at organization’s level, industry branch or national level

(Singh & Kumar, 2011). These relationships are shaped by social, economic, political and technical factors that exist at a certain time. The study includes players and their objectives, structures and their functions, conflicts and their origins, solutions over conflict, environmental contexts and their impact, processes and their results”.

The industrial relations in its operations is regarded as comprising certain actors and a body of rules created to govern the actors at the work place. The actors are employers, employees and the state (Singh & Singh, 2011). According to Goolsarran, (2006) Industrial relations is one of the key elements in the system of labour administration hence an essential predictor of organization success. The creation of rules according to Dunlop is the output that an IR system seeks to create. Rules govern all forms of compensation, duties and performance expected. They also define rights and duties of employers and employees and govern the procedures for establishing and application of rules (Sivarethinamohan, 2010).

The three ‘actors’ interact in the input transformation and feedback process. The ‘actors’ include managers and their organizations, workers and their organizations, the state and its agencies concerned with workplace issues. The actors do not function in isolation but in an environmental context which influences them as they influence it. The technical context of workplace relates to how work is organized and the state of technology whether it is labour or capital intensive (Singh & Singh, 2011). The transformation in an industrial relations context relates to the activities of bargaining, conciliation, arbitration, legislation and judgment, which comprise the industrial relations system in Kenya.

The unprecedented advancement in technology and its application to organizational processes has transformed how firms design, produce, distribute and sell goods and services. Technology of a business exerts a major influence on the internal environment, how work is organized, managed and carried out. Different skills are required, new methods of working developed, equipment that can drastically reduce the need for human labour introduced. The result may be multi-skilling which could result to de-skilling and reduction in the number of jobs namely, downsizing. The increasing use of technology generates numerous challenges for industrial relations such as redundancy, retrenchment problems and creation of gap in knowledge of workers (Ikeanyibe & Onyishi, 2010).

The nature of collective bargaining is that workers do not negotiate individually but collectively through trade union representation. Hence, collective bargaining can only take place where there is a union recognized by management. According to the Industrial Relations Charter of 1980, trade unions committed themselves to play the following responsibilities: to discourage any breach of peace or civil commotion by union members, not to engage in union activity during working hours unless provided by law, discourage practices such as negligence of duty, damage to property, insubordination, abusive language, and avoid careless operations. Waweru (2007) has explained that trade unions engage in collective bargaining.

2.3.3 Collective Bargaining Process

Collective bargaining is a process of discussion and negotiation between two parties, one or both of whom is a group of persons acting in consent. The resulting bargain is an understanding as to the terms and conditions under which a continuing service is

to be performed more specifically, collective bargaining is a procedure by which employers and a group of employees agree upon the conditions of work. Collective bargaining is central to any industrial relations system since it is a tool through which regulated flexibility is achieved (Godfrey *et al.*, 2007). Adewole *et al.* (2010) asserted that frequent eruption of industrial conflicts between employers and employees in general can be effectively managed through collective negotiation and consultation with the workers' representatives. Collective bargaining has been noted to help promote cooperation and mutual understanding between workers and management by providing a framework for dealing with industrial relations issues without resort to strike and lockouts.

Unions make an effort to find out members' demands, but the procedure used to decide the negotiation teams on both sides is generally top-down. Collective bargaining takes place between a negotiation team consisting of top managers and company trade union representatives (Trif, 2005). The study points out that on the employer side, the management board appoints the team responsible for collective bargaining. On the employees' side, respondents reported that shop stewards initially have meetings with all members to discuss their demands. Subsequently, union representatives gather to decide the collective bargaining proposal and the negotiation team.

Parties are said to be showing good faith in bargaining when; they are willing to meet and confer with each other at a reasonable time and place; they are willing to negotiate over wages, hour and conditions of employment; they sign a written contract that formalizes their agreement and binds them to it; and each party gives

the other adequate notice of termination or modification of the labour agreement before it expires (Gomez et al., 2003) as quoted in (Patrick, 2013). Similarly, there should also be genuine willingness on the part of the parties to 'give and take' at the bargaining table, cooperation and consideration of fairness under the process.

The process of negotiating collective agreement does not occur in a vacuum. The aim of the process, so far as employees representatives are concerned, is to achieve a workable relationship with management, found on mutual respect, in which tangible benefits are realized on agreed terms and not just on management's whim.(Cole, 2005). On their part, management representatives see collective bargaining as one method of attaining corporate objectives relating to pay and conduct of employee relations. Lack of feedback, trust and accountability create tensions between the union representative and employees, hence denting credibility of the process (Johnstone *et al.*, 2004) in (Patrick, 2013). This can also happen when the employer refuses to engage in meaningful bargaining, by making the first offers final offers and impose changes in terms and conditions rather than negotiate over them as reported in the study by Gall, (2007) on bad faith bargaining,.

Collective bargaining process is thus expected to be fair and legal, and should take place in an environment of trust in order for parties to achieve a workable relationship. Collective bargaining process is therefore expected to affect industrial relations environment. The literature shows that collective bargaining process influences the quality of industrial relations. However, the literature decries the lack or limited scholarly contribution on industrial relations from developing nations and more so the African continent (Pyman *et al.*, 2010; Wood, 2008; Wood & Dibben,

2006). It is hoped the study will fill this information gap and stimulate more research on industrial relations from this part of the world.

2.3.4 Parties Recognition in Labour Relations

The first and foremost step in establishing the relationship between a trade union and an employer or a group of employers is the recognition agreement. The agreement provides for the recognition of a trade union as the body entitled to represent the interests of employers. The agreement formally establishes the relationship relating to recognition and negotiating procedures. It sets out matters on which the employer concedes the right of negotiation with the trade union. (Cockar, 1981) as quoted by (Nzioki, 2013). Management of public education sector are required to recognize trade unions as representatives of employees' interests.

Recognition right is a very sensitive issue in Kenyan industrial relations. Even after recognition rights have been settled, there is always infighting within unions, culminating in new groups which continuously seek recognition rights. The apparent infighting is basically caused by greed for power and material wealth among union officials and the desire to enter into national politics through labour movement (Aluchio, 1998) cited in (Nzioki, 2013). This situation has derailed the very purpose of unionization and active role of unions in protecting and agitating for employees' rights in the workplace.

In many African countries, the state effectively retains the potential to control collective bargaining due to statutory recognition protocols. Almost in all countries both trade unions and employers' organizations must be officially recognized and

registered by the state in order to engage in collective bargaining (Stirling, 2011). The Labour Relations Act, 2007 requires that an employer, groups of employers or an employer's organization that has recognized a trade union, to conclude a collective agreement. The agreement sets out the terms and conditions of service for all employees covered by the recognition agreement. The agreement is the basis and point of reference when management makes decisions relating to employees. This is because quite often collective bargaining requires some form of authorization by labour ministries. Moreover, in those countries where more than one trade union allowed in a single workplace labour ministry determines the most representative union and grants bargaining certificates, which can be withdrawn if the representativeness of trade unions is contested.

If an agreement does not conflict with the law and complies with all directives and guidelines concerning wages, salary levels and other conditions of employment, it is registered by the Court, who maintains a register of all concluded collective agreements and expected to enforce compliance of the same. The Court had been found to perform the registration role effectively. The first and foremost step in establishing the relationship between a trade union and an employer or a group of employers is the Recognition Agreement (Antonellis, 2012). Cockar (1981) in Nzioki (2013) has observed that every collective agreement should be submitted to the Industrial Court for registration within fourteen days of its conclusion.

The Labour Relations Act (2007) provides for submission of grievances for settlement outside an undertaking by the minister of labour. This is what constitutes

third party intervention by the government through its department of labour. The minister is expected to intervene in industrial disputes in the following ways:- consultation with a tripartite committee; arrangement for determining methods of conciliation; arrangement for furnishing industrial court with a copy of every collective agreement that has been lodged with him or her by parties; arrangement for appointment of a board of inquiry to look into the matter(s) related to any trade dispute; arrangement to declare any strike or lockout, whether actual or threatened unlawful and arrangement for appointment of an investigator (Waweru, 2007).

One of the paramount institutions of industrial relations system in the country is the Industrial Court. The Court is responsible for the effective functioning of collective bargaining and dispute settlement machinery. Hence, the responsibility for effective functioning of tripartite consultation, both a tripartite national level and at the company level lies with the labour court (Fashoyin, 2008)

2.3.5 Attitude among Labour Relations Parties

The provision of conducive work-climate depends upon the overall attitude of management towards workers of organisation. Such a situation can be visualized in an organisation where cordial ties between hands that control means of production and hands that control methods of production prevail. Obviously happier labour-management relations are to be viewed not in economic terms but in their social and human ramifications as well. Jerome and O'dowd (2005) argued that adversarial approach is associated with acrimonial or 'arms-length' industrial relations of a low trust kind. It has been the traditional way of settlement of pay, conditions of work and workplace change issues in many unionized organizations. This appears to be the

situation in Kenyan state corporations where unions have been militant in solving employees' issues. Industrial relations environment refers to the atmosphere, norms, attitudes and behaviours reflecting and underpinning how workers, unions and managers interact collectively with each other in the workplace, which in turn, affects workplace outcomes (Kersley *et al.*, 2006).

Industrial relations environment depicts the state and quality of union–management relations in an organization. Industrial relations environment can therefore be described as a function of work practices and employment practices the management of people, and thus may be linked to organizational performance- company and worker outcomes (Boxall & Macky, 2009). According to Pymanet *et al.* (2010), workplace environment and the contextual factors are sometimes described as the industrial relations climate, and this concept has been used to explain behaviour and attitudes in the workplace, and interactions between unions, employees and employers.

Some studies have shown that favourable perceptions of industrial relations environment are positively associated with commitment to both the employer and the union. These studies have further indicated that favourable perceptions of the industrial relations environment allows for commitment of employer and employee because of cognitive consistency between the role of employee and union member in workplaces with more cooperative union-management relations (Redman & Snape, 2006). Industrial relations environment has therefore been identified as a key mediating factor in the link between high-performance work systems and organizational performance and effectiveness (Kersley *et al.*, 2006). Other outcomes

that have been found to be associated with a favourable industrial relations climate include: positive perceptions of organizational prestige, positive attitudes towards supervisors, reduced absenteeism, turnover and conflict, innovation, customer satisfaction, and service or product quality (Lee, 2009).

Where management is perceived by employees to oppose unions, the industrial relations climate is more likely to be reported as poor. Stable industrial relations climate is therefore vitally important for the economic growth of any country (Khan, 2006). This observation is consistent with a study by Goolsarran (2006) which revealed that the climate of labour and industrial relations in any country has a direct impact on its economic and social development, which requires a favourable environment in which labour relations can be conducted in an orderly and responsible manner. Pyman *et al.* (2010) concluded that employees' perceptions of the industrial relations climate are more likely to be favourable if they have access to direct-only voice arrangements. Wan (1997) therefore identified six dimensions of industrial relations that can be used to measure industrial relations environment namely: union management co-operation, mutual regard, apathy, joint participation, hostility and trust.

2.3.6 Arbitration Mechanisms

Labour arbitration can be conceptualised as the resolution of disputes outside the litigation court system when neutral and unconnected third parties come in to resolve disputes by making determinations which bind the parties. Arbitration recognises the fact that court proceedings are too technically complex for resolving industrial disputes (Hagglund & Provis, 2005). Shen (2006) further observes that labour

disputes essentially arise over interpretation of contracts of employment and conditions of service, and for these reasons, they should, as much as possible, be settled outside the courts. In most jurisdictions, arbitration is preferred as an alternative to litigation in the courts where proceedings are technically complex (Fajana, 2010). African states not only want to ease and accelerate dispute resolution so as to prevent overt conflict, but they also seem to give more prominent role to arbitration and mediation mechanisms, which function under the auspices of labour ministries or local governments. This choice of prioritizing the role of government rather than that of judiciary in dispute resolution indicates the willingness of African states to steer industrial bargaining outcomes in accordance with their economic and social policies.

In labour arbitration, the work place is the real playground for employment relations issues where class differences can be fully understood. Arbitration is a departure from the traditional concept of legal centralism, a concept that puts the government at the centre of dispute resolution through the courts (Gross, 2008) cited in (Slinn, 2010). Legal centralism has been criticised for being insensitive to the feelings of its subjects. Clarke *et al.* (2008) argues that pursuit of litigation in resolving labour disputes cannot satisfactorily achieve the desired ends.

There has to be a linkage between shop floor rules and the state legal system for easy regulation of employment relationships. The legal pluralist approach as described above was termed by Summers (1967), cited in Mumme (2008), as the 'Industrial policy-maker' model in view of its approach that advances the needs of industrial peace on behalf of the government. Arthurs (1999) cited in Mumme (2008), further

supports this legal pluralist approach arguing that labour arbitration cannot operate on its own in isolation from the government's legal systems.

Arbitration in Kenya is recognized under and governed by the Arbitration Act, 1995, the Civil Procedure Act (Cap. 21) and the rules thereto. The Arbitration Act, 1995 was assented on 10th August, 1995 Act and came to force in on 2nd January, 1996. It repealed and replaced Chapter 49 Laws of Kenya, which had governed arbitration matters since 1968. The Act is based on the Model Arbitration Act of the United Nations Commission on Trade Law. The 1995 Act has been amended vide the Arbitration (Amendment) Act 2009 which was assented to on 1st January 2010.

There are three factors that can be used as yardsticks in determining effectiveness of arbitration system. The first factor is accessibility. Arbitration is accessible if parties have full knowledge of how it works as well as how readily the facilities can be accessed. This includes the knowledge of the procedures and the system in general. Enabling legislation also plays a part in making the system accessible (Trudeau, 2002). According to Trudeau (2002) accessibility further refers to the ease with which disputants can resort to the process without the complication of technical considerations and complex legal paperwork. Arbitration is also not accessible if the costs of resorting to it are prohibitive.

The second factor is speed. The speed with which a system operates in dispensing justice is a paramount feature of justice delivery and a key feature of effectiveness. According to Trudeau (2002) the system of dispute resolution should not be

cumbersome. It should allow for expeditious resolution of disputes by not lengthening the dispute resolution process. Justice delayed is justice denied.

The third and last factor is expertise. Expertise means the competency of the principal actors in the arbitration process. The principal actors presiding over the process should be unquestionably competent and experienced in the field in which they operate. They should also be disinterested and neutral parties (Bishop & Reed, 1998). Decisions of arbitrators should not end at being merely reasonable; they should further satisfy the requirement of fairness.

Being a practical mechanism of conflict resolution that has been tested over the years, arbitration has a number of advantages. It is confidential; Parties select an arbitrator privately and proceedings are held privately. The process also has flexibility of time, procedure, venue and is not expensive compared to litigation. Further, there is minimum emphasis on formality, which fact encourages expeditious disposal of matters. Arbitration also limits appeals against awards, a fact which impacts policy on expediency of the arbitral process. (Sweet & Maxwell, 2003)

2.4 Empirical Review

If partners in labour relations play their roles as expected, labour relations equilibrium will be achieved. Rittau and Dundon (2009) in their study examined the roles and influence of shop stewards under the partnership regime in Ireland. The duo has asserted that partnership rarely if ever involves the true distribution of power between equals. They contend that unions can be coerced into accepting partnership when faced with unpalatable alternative. Similarly traditional form of consultation

and collective bargaining may be hollow and fail to deliver effective involvement in management decision making. In Ireland a number of parallels are evident (Roche & Geary, 2006; Geary, 2008; Teague & Donaghey, 2009). In particular, Dobbins and Gunnigle (2009) argue that the balance of mutuality may be skewed to management yet that does not necessarily diminish the value of partnership for workplace union stewards.

Confrontational approach by labour unions developed out of the basic assumption that employers would not willingly grant improvement to pay and conditions of employment. (Jerome & O'dowd, 2005). Nzioki (2013) in her study examined the effects of the roles of social partners on the performance of state corporations in Kenya. The study provides evidence on the roles of the social partners and how they have affected the performance of state corporations. She observed that the registrar of trade unions had not avoided overlapping of trade union areas of activity and the Ministry of Labour had not adequately played its key role of dispute settlement between employers and trade unions. There is need to adopt the mechanism and implement it effectively through specific practices (Lee & Rolee, 2009).

Unions at the enterprise are part of the management and most times acted against workers. The increased controls and employee participation has significant challenges for employers including higher labour costs, less management autonomy, stronger employee bargaining power, and weaker control of labour mobility (Cafolla, 2009; Chen & Funke, 2009; Froissart, 2006). Shen (2007) analyzed the Chinese arbitration system and its role in settling labour disputes and pointed out that labour disputes were caused by job loss, non-payment or delayed payment of wages and

industry accidents. Besides, the aggrieved Chinese workforce appealed to unions, local government and failure led to other more violent collective actions like pickets and strikes to demand for their rights. He further observed that when workers appeal to unions, unions play only as a ‘messenger’, ‘mediator’ or ‘moral supporter’ role, in resolving labour disputes as a result of being dependent.

The binding award by arbitrators brings about organizational peace and continuity in performance due to lack of interruption inform of strikes. The employment relations in China appear to be in the state of flux with much complexity in how people are managed and dealt with in the diversity of enterprises that exist (Cooke, 2005; Shen, 2006). This has led to the preferred arbitration system where two adversarial parties submit their claims to a third party who should be independent, disinterested and unbiased. According to Shen (2007) the Chinese workers were found to be in great need of hearing of their grievances by impartial third parties, through which labour disputes could be settled and settlement enforced by law. Arbitration recognises the fact that court proceedings are too technically complex for resolving industrial disputes (Hagglund & Provis, 2005). When the parties have agreed to abide by the arbitrator’s ruling the decision is final and binding. Although the result of a labour arbitration hearing may not please the parties, the outcome is preferable to continuing strike or other action that in the long term benefits nobody.

When interest rates are lowered, more people are able to borrow more money and as a result consumers have more money to spend, causing the economy to grow and inflation to increase (Folger, 2012). Mwamzandi (2011) tried to find out to what extent social and economic factors affect industrial action in parastatals in Kenya.

The major findings indicated that the recent wave of strike in parastatals was as a result of the increase in inflation. The study recommends that government policies on inflation, taxation and interest rates should not negatively affect the net salary of employees or create a further burden on the economic growth and survival of an employee and this can be done through creating pay slip adjustments on inflation, taxation and interest rates. Mutua (2012) argues that one of the reasons why employees pay taxes is because one person cannot afford to fully pay for a service they use and thus it is the responsibility of governments to collect taxes in order to fund public goods and services for the benefit of the citizens.

The LMP is intended to secure benefits for both employers and employees through business success. Labour Management Partnership (LMP) as an innovative approach to industrial relations intended to improve labour-management relations and confer benefits on both sides (Lee & Lee, 2009). The duo has pointed out that due to huge social costs for workplace conflicts, the Korean government eager to establish harmonious industrial relations had worked to foster a new model referred to as 'new industrial relations', 'innovative industrial relations' or 'cooperative industrial relations'. Kenya needs to borrow leaf from Korean situation.

Labour Management Partnership on its own does not necessarily lead to improved organizational performance or industrial relations quality, and that a company needs not only to adopt the principle of partnership but also to implement it effectively through specific practices (Lee & Lee, 2009). The duo cites the 2003 nationwide strikes by the Korean transportation union. The strike showed that union militancy

was a better guarantor of union recovery and benefits than moderation though sometime illegal.

Unemployment and casualization have undermined union membership and reduced union strength. Hence, this needs to be taken into account in labour laws and industrial relations if unions are to play any part in future. The economic recession since 1970s has made the west and its international financial institutions like the World Bank and International Monetary Fund (IMF) to propound structural adjustment measures as a panacea to the economic downturn (Ikeanyibe & Onyishi, 2010). The adjustment measures have affected industrial relations and labour practices. Many organizations have reduced labour costs through retrenchment, casualisation and use of contract workers.

Labour relation is an essential predictor of organization success. Labour relation is one of the key elements in the system of labour administration (Goolsarran, 2006). Grace (2007) in her study on employee perception of labour relations in Kenya commercial Bank revealed that the main cause of moderate labour relations is the sense of flow of information from the managers to the employees under them and the main cause of conflicts is poor communication followed by social relations. KCB needs to encourage all cadres of employee to participate in decision making especially if such decisions affected their lives and day to day performance of their duties. Other studies propose ways for the banks to survive competition to include more corporate responsibility (Thuo, 2006) and relationship between employee participation in decision making and motivation in commercial banks (Boen, 2006)

Researches done in Eastern and Western Europe have shown that Union members are not satisfied with their Unions (Georgeltes & Lange, 2010). Christine *et al.*, (2013) in determining the factors affecting performance of trade unions in Kenya with focus to Kenya National Union of Teachers (KNUT). The major challenge facing KNUT according to members was found to be political manipulation where politicians use the unions for own political gains. In some countries unions do not exist at all or are relatively weak while other countries require firms that have union or worker representation on their boards of directors (Bolton & Haulian, 2007; Clegg *et al.*, 2005). The study recommends that there should be effective communication between the union and members because it seems there is misunderstanding between the two, while unions are negotiating for salary increment, members do not recognize their efforts.

2.5 Critique of the Literature

Partnership rarely if ever involves the true distribution of power between equals. (Rittau & Dundon, 2009) The researcher agrees with this assertion and further points out that though equality is expected, the ILO treats government as silent partners who set the parameters for partners' interaction. The System's Theory by Dunlop as advanced by Singh and Singh (2011) has elaborated that the power context relates to how power is distributed among the three 'actors' and pointed out that the state does not have limited but clear role as an arbiter in certain matters.

Study on the effect of the role of social partners on the performance of state corporations in Kenya provides evidence on the roles of the social partners and how they have affected the performance of state corporations (Nzioki, 2013). She

observed that the registrar of trade unions had not avoided overlapping of trade union areas of activity and the Ministry of Labour had not adequately played its key role of dispute settlement between employers and trade unions hence an indication of labour relations disequilibrium.

The Chinese system had preferred arbitration system as the most effective Alternative Dispute Resolution (ADR). This is because it reduced strikes and unions often played the role of ‘messengers’ ‘mediators’ or ‘moral supporters’ in resolving disputes (Shen, 2007). What should be noted is that arbitration is simply one of the ADR approaches. If it is embraced as the most effective, it could point to imposition of awards by arbitrators and hence communicate that still industrial harmony may not be prevailing in an organization, industry or at national level.

Kenya commercial Bank needs to encourage all cadres of employee to participate in decision making especially if such decisions affected their lives and day to day performance of their duties. Study on employee perception of labour relations in Kenya commercial Bank revealed that the main cause of moderate labour relations in the sense of flow of information from the managers to the employees under them and the main cause of conflicts is poor communication followed by social relations (Grace, 2007). Labour relations is one of the key elements in the system of labour administration (Goalsarran, 2006) hence an essential predictor of organization success.

The LMP was deemed a panacea to too many industrial conflicts which had been experienced in Korea. Labour Management Partnership (LMP) as an innovative

approach to industrial relations intended to improve labour-management relations and confer benefits on both sides (Lee & Lee, 2009). The duo has elaborated on the connection between LMP and organizational performance. They are emphatic that LMP on its own does not necessarily lead to improved organizational performance or industrial relations quality which the researcher concurs with. LMP was applied in Korea during economic recession and found to improve performance and relations. Kenyan social 'actors' may borrow a leaf from Korean LMP to solve the current stalemate in the industrial system and the economic difficulties being faced.

The reasons why employees pay taxes is because one person cannot afford to fully pay for a service they use and thus it is the responsibility of governments to collect taxes in order to fund public goods and services for the benefit of the citizens (Mutua, 2012). Mwamzandi (2011) in trying to find out to what extent social and economic factors affect industrial action in parastatals in Kenya. The major findings indicated that the recent wave of strike in parastatals was as a result of the increase in inflation. According to Folger (2012) when interest rates are lowered, more people are able to borrow more money and as a result consumers have more money to spend, causing the economy to grow and inflation to increase. In order to address these differences, this study recommends that government policies on inflation, taxation and interest rates should not negatively affect the net salary of employees or create a further burden on the economic growth and survival of an employee and this can be done through creating payslip adjustments on inflation, taxation and interest rates. The researcher forgot to generalize the findings to other sectors like the public

education sector. The same can be applied in the public education sector in Kenya since most of the conflicts arise as a result of salary increment demands by teachers.

The Korean experience might be happening in Kenya, where trade unionists have used militancy in resolving labour issues. This could have been viewed the best option of handling industrial disputes, since trade unionists through their militancy have forced managements and the governments to negotiation table. Adversarial approach which appears to have taken a centre stage could be backed by Jerome and O'dowd (2005) who asserted that adversarial approach is the tested and tried method and through it trade unions consider their legitimacy demonstrated.

There should be effective communication between the union and members should recognize the efforts of trade unions since the role of trade unions is to protect the interests of its members. Researches done in Eastern and Western Europe have shown that Union members are not satisfied with their Unions (Georgelles & Lange, 2010). Christine et al., (2013) in determining the factors affecting performance of trade unions in Kenya with focus to Kenya National Union of Teachers (KNUT). The major challenge facing KNUT according to members was found to be political manipulation where politicians use the unions for own political gains. In some countries unions do not exist at all or are relatively weak while other countries require firms that have union or worker representation on their boards of directors (Bolton & Haulian, 2007; Clegg et al., 2005).

There could be deepening of poverty in Africa due to Globalization since Sub-Sahara Africa is not able to compete in the global economic space because of product

weakness and debt burdens among others. Globalization as the process of increasing integration in world civilization (Ikeanyibe & Onyishi, 2011). The duo contends that the notion of ‘one world’ or ‘global village’ due to globalization is illusionary. They asserted that many problems in the world today namely, instability, insecurity, inter-state and intra-state conflict, hunger, poverty and labour unrest continue to be more pronounced in certain parts of the world than others.

2.6 Research Gaps

A lot has been written on labour relations as shown in the foregoing. From the foregoing review of relevant literature, it is evident that research in the area of determinants of labour relations equilibrium has not been done in a more comprehensive approach. The study research gap is demonstrated by the scarcity of empirical studies on determinants of labour relations equilibrium. Empirical studies (Nzioki, 2013; Grace, 2007; Mwamzandi, 2011; Christine et al., 2013; Rittau & Dundon, 2009) are inadequate as they concentrated more on other sectors with a few studies focusing on the public education sector. None of these studies focused on the determinants of labour relations equilibrium.

From the literature, it has been found that studies on labour relations have shown the state of disequilibrium in labour relations however none of them explain the factors which lead to this disequilibrium. From the survey of relevant literature, it has been found that there are no studies specific to public education sector in Kenya on the determinants of labour relations equilibrium. This study therefore intends to fill these pertinent gaps in literature by studying the determinant of labour relations equilibrium in the public education sector in Kenya.

2.7 Summary

Equality of the social actors though prescribed by the ILO Convention No. 144 and enshrined in the Industrial Relations Charter appears to be lacking. Though there is a well established system of labour relations in the public education sector, it appeared not to have been fully adhered to which may have affected labour relations equilibrium. Furthermore, the prevailing economic change due to globalization, structural adjustment programmes and inflation appeared to have influenced Labour relations equilibrium. Hence, the motivation of establishing what mechanisms may be put in place to adapt to the prevailing circumstances and improve the prevailing acrimonial labour relations, consequently translating to improved public education sector performance. This chapter discussed the existing literature on the determinants of labour relations equilibrium in public education sector in Kenya. The chapter explains the conceptual framework, theoretical framework, empirical literature, critical review and research gaps. The next chapter covers the methodology adopted to undertake the study.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter discusses the methodology which was adopted by the study to carry out the research. The study aimed at examining the determinants of labour relations equilibrium in public education sector in Kenya. This chapter describes the research design and philosophy, population, sample and sampling techniques, data collection method, pilot study and data analysis and presentation.

3.2 Research Philosophy

This study was based on the Epistemological foundation which is a branch of philosophy concerned with the theory of knowledge, attempting to provide answers to the questions; How, and what, can we know? (Wiling, 2011). Positivism which is an epistemological position generally informs quantitative research by advocating the application of the methods of the natural sciences to the study of social reality and beyond (Bryman, 2004).

This study took a broadly post-positivistic position. Post-positivism has refined the views and beliefs of positivism, the view that advocates the application of the methods of the natural sciences to the study of social reality and beyond (Bryman & Bell, 2003). The driving force in research can be either practice driven or theory driven (Zikmund, 2010). Post-positivism acknowledges that the theories, hypotheses, background knowledge and values of the researcher need to be taken account of and can influence what is observed. According to post-positivism a reality does exist but

it can be known only imperfectly because of the researcher's limitations (Bryman & Bell, 2003). Jonah (2013) in his study on determinants influencing the likelihood of risk management strategies adoption by pension schemes in Kenya adopted the Post-positivism view.

3.3 Research Design

The study was guided by a research design. According to Combs et al. (2006) research design is the strategic plan for the research project, setting out the broad outline and key features of the work to be undertaken, including the methods of data collection and analysis to be employed, and showing how the research strategy addresses the specific aims and objectives of the study, and whether the research issues were theoretical or policy oriented. A research design is the structure, or the blueprint, of research that guides the process of research from the formulation of the research questions and hypotheses to reporting the research findings (Gakure, 2010). Ghauri and Gronhaug (2005) and Bryman and Bell (2007) concur that the research design is a plan or framework for data collection and its analysis which reveals the type of research.

The epistemological stance as evidenced by (Wiling, 2011) adopted by this study gave rise to descriptive research that guided this study. Descriptive study is one that is undertaken with a view of offering the researcher a profile or to describe relevant aspects of the phenomena of interest from an individual, organization, organizational, industry oriented, or other perspective (Sekaran, 2009; Bryman & Bell, 2007; Ghauri & Gronhaug, 2005; Emory & Cooper, 2003). This design method, presents procedures for collecting, analyzing and linking both quantitative and qualitative data

in a single study (Creswell, 2005). The purpose of descriptive research is not only restricted to fact findings, but often results in formulation of important principles of knowledge and solution to significant problem (Kombo & Tromp, 2010). This study adopted a descriptive research design. Past studies on labour relations (Lee & Rolee, 2008; Guest & Peccei, 2001; Nzioki, 2013; Ngoje, 2014; Nteere, 2013) adopted descriptive research design consisting both qualitative and quantitative research.

The design enables the study to combine both quantitative and qualitative research approaches. Qualitative approaches enables collection of data in form of words rather than numbers. It provides verbal descriptions rather than numerical (Kothari, 2009). According to Mugenda and Mugenda, (2003), qualitative methods can be used to gain more in depth information that may be difficult to convey quantitatively. Quantitative approach strives for precision by focusing on items that can be counted into predetermined categories and subjected to statistical analysis (Simiyu, 2012). The use of these two approaches reinforces each other (Kombo *et al.*, 2006). The research used this approach because the data collected using the questionnaire was both quantitative and qualitative.

3.4 Target Population

A population refers to the entire group of people or things of interest that the researcher wishes to investigate (Mugenda & Mugenda, 2003; Sekaran, 2009; Cooper & Schindler, 2006). According to Kothari (2004), a population refers to all items in any field of inquiry and is also known as the 'universe'. According to Creswell (2005), a target population is a group of individuals or a set of organizations with some common identity to study. Accessible population refers to

the population in the research to which the researcher can apply their conclusions (Dawson, 2009).

The target population of this study was 326,732 which comprised of the employers (TSC staff and public universities council members), employees (academic and non academic) and the ministry of labour employees. The three stakeholders were targeted since they are the ones involved in making management decisions in public education sector in Kenya.

3.5 Sampling Techniques and Sample Size

A sample is a subset of a population selected for measurement, observation or questioning to provide statistical information about the population. A sample is a subset of population (Hyndman, 2008). Marczyk and Festinger (2005) defined a sample as subset of the population to be studied. Newing (2011) defines a sample as a subset of sampling units or cases for which data are collected. Yang (2008) states that the word 'sample' refers to the subset of a population. Therefore the goal of a research is to examine a sample and then generalize the results to the population. How accurately a researcher can generalize results from a given sample to the population depends on the representativeness of the sample. The degree of representativeness of a sample refers to how closely the sample mirrors the population (Gravetta & Forzano, 2006). Kasomo (2007) has explained that a sample size is the number of units in a sample and that the assumption behind sample size is that it is representative of the population from which it is drawn. Gal and Gal (2008) define sampling as a process of selecting a number of individuals in such a way that they represent the large group.

The study used purposive sampling. This sampling approach involves selecting certain units or cases based on a specific purpose rather than randomly (Tashakkori & Teddie, 2003). The sample was 450 comprising of the university registrar in-charge of administration who are equivalents of Human Resource Directors and the deputy vice chancellors administration of the 22 full fledged public universities in Kenya by October, 2014, TSC staff dealing with employee relations issues, the trade unions executive officers at the national level (KNUT, KUPPET, UASU, KUSU, KUDHEIHA) and the ministry of labour Nairobi office employees. This sample was focused because they are the ones involved in making key management decisions and hence have knowledge and skills on the determinants of labour relations equilibrium in public education sector in Kenya.

Table 3.1 Sample Size

TRIPARTITE STAKEHOLDERS	TARGET POPULATION	SAMPLE SIZE
Teachers Service Commission	1,562	70
Public University Council members	154	44
Trade Unions	324,569	89
Ministry of Labour	447	247
TOTAL	326,732	450

3.6 Data Collection instruments

The study collected both the primary data and the secondary data. Primary data was collected using a structured questionnaire. Secondary data was obtained from literature sources or data collected by other people for some other purposes. Secondary data was collected through review of published literature such as journals articles, published theses and textbooks. The researcher also made use of secondary data from public education sector in Kenya labour relations parties' records. These sources were reviewed to give insight in the search for primary information.

The preference for the questionnaire is based on the premise that it gives respondents freedom to express their views or opinions more objectively. The questionnaire consisted of category questions, dichotomous questions, a five-level point likert style rating scale question and quantity questions. The list questions are useful when the researcher needs to be sure that the respondent has considered all possible responses, category questions are useful when collecting data about behavioural attributes, the

scale questions are used to collect opinion data and are noted for their ease of completion, while quantity question are used to collect behaviour or attribute data (Saunders, Lewis, & Thornhill, 2009; Sekaran, 2009; Zikmund, 2010). Cooper and Schindler (2006) note that investigative question addresses satisfactorily each research question and to meet each objective. Cooper and Schindler (2011) explain that the questions in a study are directly related to the research questions. Similar past studies (Grace, 2007; Christine et al., 2013; Mwamzandi, 2011) have used a combination of question types in their questionnaires.

3. 6. 1 Data Collection Procedure

A self administered questionnaire and an interview schedule were used to collect both the qualitative and quantitative primary data. This questionnaire was completed by the respondents themselves (Mugenda & Mugenda, 2003). A self administered questionnaire when hand delivered has the advantage of enabling a quick collection of responses and allows clarification of any doubts on the spot. In addition, the procedure allows the researcher to introduce the research topic and motivate the respondents to offer their frank answers (Sekaran, 2009).

Secondary data was obtained through review of the labour relations parties literature, libraries, handouts and internet. The secondary data was used for triangulation of data. Triangulation involves asking whether the data from the various sources leads to the same results. It allows for cross verification from more than two sources thus increasing credibility and validity of results (Gay, 2002; Bryman & Bell, 2007). The relevant approval to collect data was sought from the University and from the labour

relations parties before the administration of the questionnaire and the interview schedule.

3. 6. 2 Key Areas of Questioning

The key areas of questioning were based on the research objectives. For the first objective on knowledge of industrial relations, the questions on competence were used to collect data on the education level, training on industrial relations, experience of parties officials and presence of continuous training programmes. For the second objective on the collective bargaining process, the key questions were on the fairness of the process, willingness of parties to negotiate, time taken to reach an agreement and concern for other party's views. While for the third objective attitude among labour relations parties' parties satisfaction and commitment was sought. For the fourth objective on parties' recognition in labour relations the key questions were on procedural rights, bargaining power, joint decision making and consultations. For the fifth objective the questions on pre-hearing briefs, arbitration, arbitration hearing and arbitration decision were sought.

3.7 Pilot Test

Mugenda and Mugenda (2004) argue that the pretest sample should be between 1% and 10% depending on the size of the sample, the larger the sample, the smaller the percentage. This study conducted a pilot test equivalent to 2% of the study sample of 450. The objective of the pilot study was to test the validity, and reliability of the data collection instruments. Cooper & Schindler (2011) explain that pilot test is conducted to detect weaknesses in design, instrumentation and to provide proxy data for selection of probability sample, that is, reliability and validity. The results of the

test were also used to refine the questionnaire to ensure respondents did not have problems in answering the questionnaire and that there were no problems in recording the responses.

3. 6.1 Reliability Test

Reliability analysis was used to assess the internal consistency of the questionnaire for purposes of identifying those items in the questionnaire with low correlations in order to exclude them from further analysis. Through a pilot study on 10 respondents in three labour relations parties in public education sector in Kenya, the researcher established the reliability of the instruments. In general, a Cronbach’s alpha value of 0. 70 or higher is considered to be acceptable (Sekaran, 2009). Cronbach’s Alpha is a general form of the Kuder-Richardson (K-R20) formulas used to assess internal consistency of an instrument based on split-half reliabilities of data from all possible halves of the instrument. Cooper and Schindler (2006) accept an alpha of 0.8 while Mugenda and Mugenda (2008) noted that an alpha of 0.6 to be poor. The Kuder-Richardson (**K-R20**) Formula was used in line with other previous studies (Patrick, 2012; Nzioki, 2013). The Kuder-Richardson (**K-R20**) Formula is as follows:-

$$KR_{20} = \frac{(K)(S^2 - \sum s^2)}{(S^2)(K-1)} \dots\dots\dots \text{Formula 1}$$

Where:

KR₂₀ = Reliability coefficient of internal consistency

K = Number of items used to measure the concept

S² = Variance of all scores

s² = Variance of individual items

A commonly accepted rule of thumb for describing internal consistency using Cronbach's alpha was as follows.

Cronbach's alpha	Internal consistency
$\alpha \geq 0.9$	Excellent (High-Stakes testing)
$0.7 \leq \alpha < 0.9$	Good (Low-Stakes testing)
$0.6 \leq \alpha < 0.7$	Acceptable
$0.5 \leq \alpha < 0.6$	Poor
$\alpha < 0.5$	Unacceptable

However, a greater number of items in the test can artificially inflate the value of alpha and a sample with a narrow range can deflate it, so this rule of thumb should be used with caution. The reliability of the questionnaire was tested using the Cronbach's Alpha correlation coefficient with the aid of SPSS software. Reliability analysis for the constructs of the variables yielded a Cronbach alpha statistics of more than 0.7 implying that the data collection instruments were reliable.

3.6.2 Validity Test

Validity tests involve ascertaining the accuracy of the instrument by establishing whether the instrument focuses on the information they are intended to collect (Zakimund, 2010). Face validity refers to what the instruments superficially appears to measure, it assesses whether the test "looks valid" to the examinees who take it, the administrative personnel who decide on its use, and other technically untrained observers (Bryman & Bell, 2007). In order to ascertain face validity, the instruments were constructed and passed over to senior researchers for constructive criticism. Thereafter they were revised according to their comments.

Content validity is different from face validity. It refers to what the test actually measures and requires the use of recognized subject matter experts to evaluate whether test items assess defined content (Bryman & Bell, 2007). Content validity was achieved by subjecting the data collection instruments to an evaluation by a group of five labour relations experts who provided their comments on the relevance of each item on the instruments. The experts were required to indicate whether the item was relevant or not. The results of their responses were analyzed to establish the percentage representation using the content validity index. The content Validity formula by Amin (2005) was used in line with other previous studies (Cull, Demirguc-Kunt, & Morduch, 2007; Lefort & Urzua, 2008; Simon, 2013). The fomula is;

$$CVI = K/N \dots\dots\dots Formula 2.$$

Where:

K = Total number of items in the questionnaire declared valid by both raters

N = Total number of items in the questionnaire

3.8 Data Analysis and Presentation

The study generated both qualitative and quantitative data since investigative type of Questions were used to collect data. Before processing the responses, the completed questionnaires were inspected and edited for completeness and consistency. Descriptive statistics methods were applied to analyze quantitative data where data was scored by calculating the percentages and frequencies. The mean values informed the expected score or measure from a group of scores and the standard deviation helped to inform about the distribution of scores around the mean. The

frequencies shed light on the number of times a score occurred and the percentages informed the extent of occurrence of a particular observation. This was done using Statistical Package for Social Sciences (SPSS) computer software Version 18 and Microsoft Excel. SPSS was considered since it allows the researcher to follow clear set of quantitative data analysis procedures that leads to increased data validity and reliability and demonstrates the relationship between the research variables. SPSS also assisted in producing frequency tables for descriptive analysis. The Statistical Package for Social Sciences (SPSS) computer software which was used in this study to analyze quantitative data has been successfully used by previous empirical studies (Jonah, 2013; Christine *et al.*, 2013; Simon, 2013).

Inferential data analysis was done by use of correlation and binary logistic analysis to determine the strength of the relationship between the independent and dependent variables. The study hypotheses were tested at 0.05 significant level which is usually recommended for the social sciences. Qualitative data from open-ended question in the questionnaire and was analyzed through summarising the set of observations which was drawn from the respondents in frequency tables. Common set of observation were assigned numerical value and entered into the SPSS computer system.

A diagnostic test to determine the suitability of the data for further statistical tests was done using sampling adequacy tests, heteroscedasticity, Multivariate normality test, correlation (autocorrelation) by use of the Durbin-Watson Statistic and Multicollinearity by use of Variance Inflation Factor (VIF) and tolerance. This helped to show whether the data fulfils the requirements for logistic model. The

regression analysis was used to determine the statistical significance, the influence or effect that the independent variables have in the dependent variable. The analysis was in line with prior studies by Peter and Bengt-Åke (2009) who used logistic regression to establish the relationship between Innovation, Learning Organizations and Industrial and Dong-One Kim (2012) who used logistic regression to examine whether trust between labour and management has significant effects on workplace employment relations. The regression analysis was used to test the variation of the dependent variable explained by the variation in the independent variables by calculation of the R² and adjusted R² statistics. Logistic regression analysis was used to determine whether the independent variables predicted the dependent variable (Bryman & Bell, 2007). The analyzed findings were presented in form of frequency tables, pie charts and bar charts.

Logistic Regression Model has been recommended by a number of researcher that it was well suited for studying relationship between a categorical or qualitative dependent (outcome) variable and one or more predictor variable as recommended by Peng and So (2002) and also suggested by Cohen and Cohen, (1983). The identified independent variables were certain while the dependent variable labour relations equilibrium (Y) is dichotomous. The overall logistic regression model that was utilized to test the relations will be:

$$P(Y = 1) = \frac{e^{(\beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 X_4 + \beta_5 X_5)}}{1 + e^{(\beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 X_4 + \beta_5 X_5)}}$$

Where: P (Y=1) – is the probability that there is labour relations equilibrium in the public education sector in Kenya.

E = the base of natural logarithm

X_1 = Knowledge of Industrial Relations

X_2 = Collective Bargaining Process

X_3 = Parties Recognitions in Labour relations

X_4 = Attitude among Labour Relations Parties

X_5 = Arbitration mechanisms

β_0 is the constant (Y- intercept), β_i -are the regression coefficeints of each X_i

($i=1,2,3,5$)

CHAPTER FOUR

RESEARCH FINDINGS AND DISCUSSION

4.1 Introduction

This study was motivated by the desire to analyze the determinants of labour relations equilibrium in public education sector in Kenya. The study employed various statistical tools to determine the various determinants of labour relations equilibrium in public education sector in Kenya. The analysis begun with preliminary tests like tests for validity, reliability, and normality test for the dependent variables. Further analysis used descriptive statistics, Chi-square test and the logistic regression. The descriptive statistics were used to quantitatively describe the main features of the data collected. Chi-square test was used to indicate how well the logistic regression model fits the data. A logistic regression model was used to determine whether the independent variables predicted the dependent variable. The chapter summarizes the research findings and discussions of the study.

4.2 Response Rate

The total number of questionnaires distributed was 450. Questionnaires were administered to the three key stakeholders in the public education sector in Kenya. 70 questionnaires were administered to TSC staff dealing with employee relations issues, 44 questionnaires to public university council members, 89 questionnaires to the trade unions executive officers at the national level and 247 questionnaires to the ministry of labour Nairobi office employees. A total of 350 questionnaires were returned properly completed (Table 4.1). This represented an overall response rate of

78%. This was considered adequate for further analysis since according to researchers such as Mugenda (2008) a response rate of over 60% is considered good adequate for analysis. Babbie (2004) also asserted that return rates of 50% are acceptable to analyze and publish, 60% is good and 70% is very good. According to Bryman and Bell (2007), a response rate of 50% is acceptable to analyze and publish, 60% is good and 70% is very good. The 78% overall response rate achieved for this study was therefore considered very good. The high response rate (78%) could be attributed to the researcher personally administering the data collection tools and making a close follow-up with the respondents. According to Geus (2004), self-administered questionnaire attract low non response rate and influence gathering of accurate and reliable information on the study problem.

Table 4.1 Response Rate

	Respondents
Questionnaires distributed	450
Usable questionnaires received	350
Response rate	78%

4.3 Validity and Reliability Tests

4.3.1 Reliability Test

The reliability of the questionnaire was tested using the Cronbach's Alpha correlation coefficient with the aid of SPSS software. Reliability analysis for the constructs of the variables yielded a Cronbach alpha value of more than 0. 7 implying that the data collection instruments were reliable. The Kunder-Richardson

(**K-R20**) formula was used in line with other previous studies (Patrick, 2012; Nzioki, 2013; Kinanga, 2013).

As shown in Table 4.2 Cronbach alpha values for all the variables; knowledge of industrial relations, collective bargaining process, attitude among labour relations parties, parties recognition in labour relations, arbitration mechanisms and labour relations equilibrium were greater than 0.7. In general, a Cronbach's alpha value of 0.70 or higher is considered to be acceptable (Sekaran, 2009). Cooper and Schindler (2006) accept an alpha of 0.8 while Mugenda and Mugenda (2008) noted that an alpha of 0.6 to be poor. From these findings it can be concluded that the constructs measured had the adequate reliability for the subsequent stages of analysis since all the Cronbach Alpha values were greater than 0.7.

Table 4.2 Cronbach Alpha for Reliability Assessments

Variables	Number of Items	Cronbach Alpha Values
Knowledge of industrial relations	17	0.740
Collective bargaining process	13	0.833
Attitude among labour relations parties	14	0.783
Parties recognition in labour relations	15	0.751
Arbitration mechanisms	19	0.854
Labour relations equilibrium	20	0.823

4.3.2 Validity Test

In order to ensure the validity of the research instrument, the researcher extensively discussed the questionnaire with the supervisors before piloting. The respondents were requested to help evaluate the clarity of the questions in order to establish the questionnaires content and face validity. In order to ascertain face validity, the instruments were constructed and passed over to senior researchers for constructive criticism. Thereafter they were revised according to their comments. The feedback obtained from the respondents helped to restructure and improve the questionnaire.

Content validity was achieved by subjecting the data collection instruments to an evaluation by a group of five labour relations experts who provided their comments on the relevance of each item on the instruments. The experts were required to indicate whether the item was relevant or not. The results of their responses were

analyzed to establish the percentage representation using the content validity index. From Table 4.3, the validity of test yielded an average validity index score of 87%. This implied that the instrument was valid as emphasized by (Amin, 2005). The content Validity formula by Amin (2005) was used in line with other previous studies (Cull, Demirguc-Kunt, & Morduch, 2007; Lefort & Urzua, 2008; Simon, 2013).

Table 4.3 Content Validity Index

Rater	Total items	Valid items	Fraction
1	98	86	0.87755
2	98	89	0.90816
3	98	86	0.87755
4	98	78	0.79591
5	98	86	0.87755
Average			0.86734

4.4 Respondent Background Information

4.4.1 Gender

According to this study findings respondents comprised of 74% (majority) male respondents and 26% female respondents as shown by Figure 4.1 below. The findings imply that the public education sector labour relations parties' is a male dominated field. According to Ellis *et al.* (2007), in spite of women being major actors in Kenya's economy, and notably in agriculture and the informal business sector, men dominate in the formal sector citing the ratio of men to women in formal sector as 0.74 : 0.26. This gender distribution is expected to accommodate the opinions and views from both side of the population.

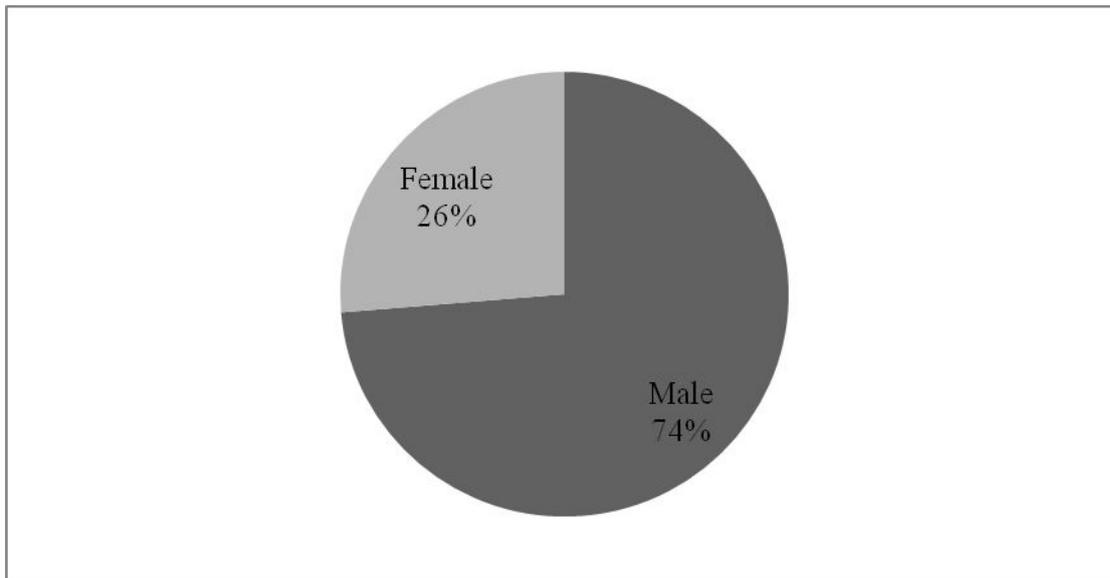


Figure 4.1 Gender

4.4.2 Respondent's Working Years of Experience

Further exploration on year of experience of respondents revealed that majority (39%) had between 2 and 10 years and following closely those with less than 2 years showed 38%. 20% had worked from between 11 and 20 years, and 3% demonstrated more than 20 years as shown in Figure 4.2. This shows that respondents have adequate working experience which is very important for this study in provision of knowledge and information required. This was in tandem with findings by Braxton (2008) that respondents with a high working experience assist in providing reliable data on the sought problem since they have technical experience on the problem being investigated by the study.

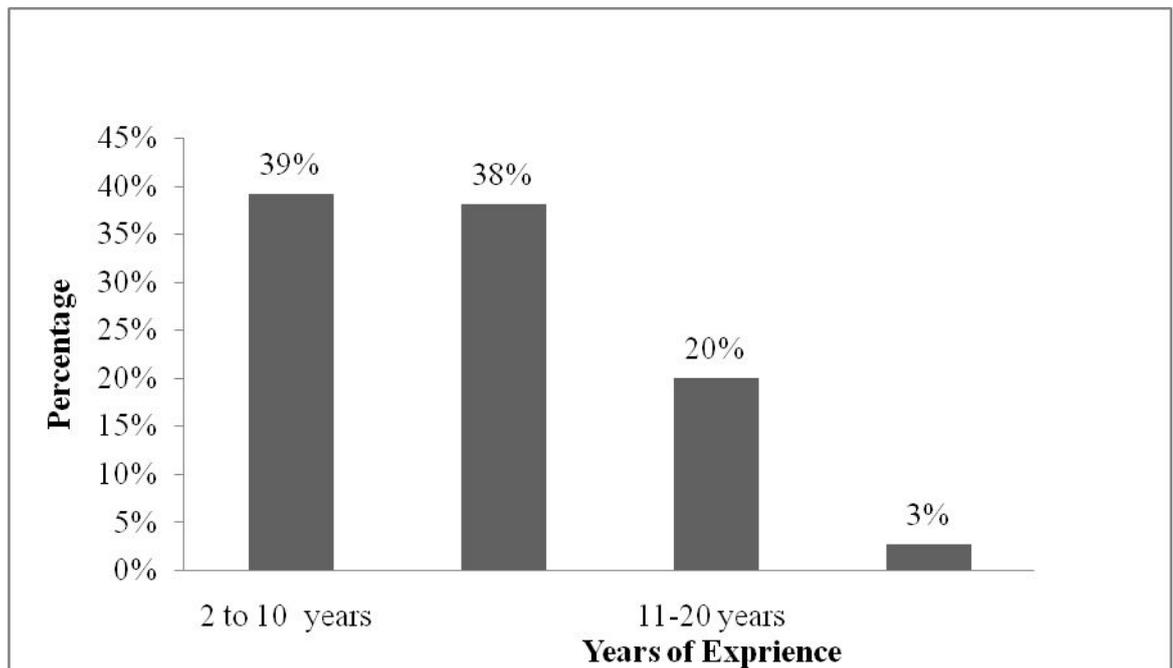


Figure 4.2 Years of Experience

4.4.3 Respondent's Level of Education

Respondent's level of education was sought. It was found that the most respondents 38.7% possess a master's degree while those with bachelor's degree had 30.7%, 22.5% had either a certificate or diploma and a few (8.1%) had doctorate as shown in Figure 4.3 below. This is highly expected since all the respondents are from the education sector where the skills, knowledge and competencies is expected to be high and have a better understanding of the need of acquiring high levels of education. Nevertheless, the well educated respondents mean that they were well informed and furnished this study with better information which added value. This concurs with Joppe (2000) that during research process, respondents with technical knowledge on the study problem assist in gathering reliable and accurate data on the problem under investigation.

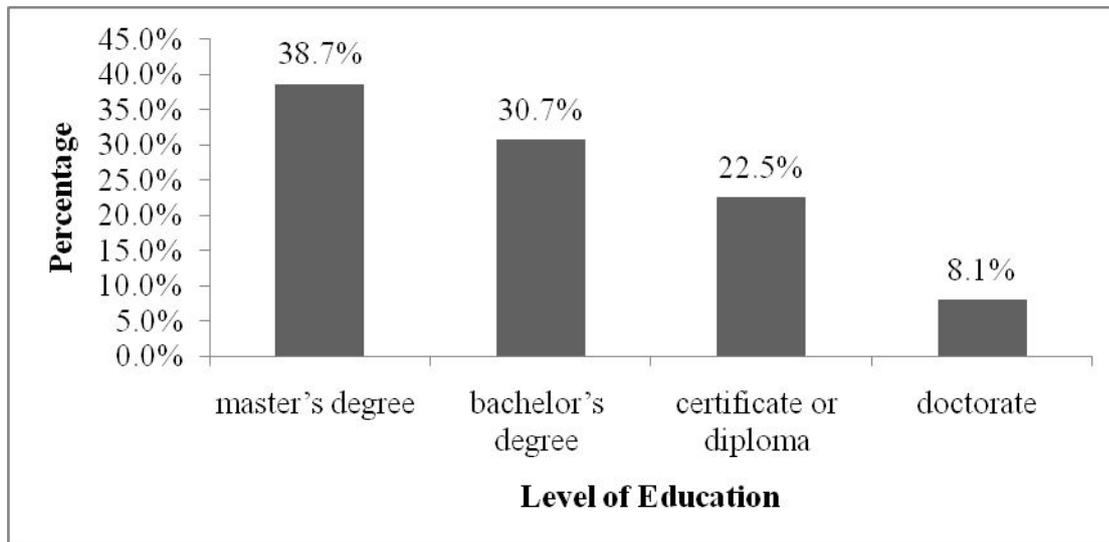


Figure 4.3 Level of Respondents Education

4.5 Descriptive Analysis of Variables

The purpose of the study was to investigate the determinants of labour relations equilibrium in public education sector in Kenya. Before proceeding with the regression analysis to test the hypotheses proposed by the research model, it was worth examining the general descriptive statistics of this study sample data. In view of this, descriptive analysis was done to provide summaries through the use of frequencies, percentages and graphical presentations. Descriptive statistics are used to describe the basic features of the data in a study. They provide simple summaries about the sample and the measures. Together with simple graphics analysis, they form the basis of virtually every quantitative analysis of data (Tronchim, 2006). The study used descriptive statistics to present the frequency and the percentages of the gathered data on determinants of labour relations equilibrium in public education sector in Kenya. The researcher analyzed descriptive statistics for the following observed variables; Labour relations equilibrium, knowledge of industrial relations,

collective bargaining process, party's recognition in labour relations, attitude among labour relations parties and arbitration mechanisms.

4.5.1 Labour Relation Equilibrium

As shown in the Table 4.4, respondents were asked the number of strikes that the public education sector faced per year. Majority of the respondent (86%) stated that they range between 1 to 10 strikes per year, 10% said between 11 to 20 strikes per year and 4% refuted this i.e. no strike at all. Exploring more on how long on average does this strike take, most respondents (68.3%) stated 2 months, 15.4% said 2 weeks and 16.3% said 5 days on average. Further probe on how often did the respondent experience employees' grievance in the public sector, 81.1% settled for mostly, 12% said sometimes and 6.9% opted for in rare cases. Enquiring on the time taken to solve a complaint (duration of handling process) surprisingly, majority (90.9%) said indefinitely, 7.1% were for 6 weeks and 2% opted for 2 weeks. An opinion was sought as well on the top management whereby 80.1% rate them as bad, 14.9% as fair and 5% as good. Respondents were also asked to state their position in education sector compared to other sectors and majority (60.1%) said lower than others, 32.7% on par with others and 7.2% better.

The information gathered indicated that the public education sector in Kenya experience strikes each year which last for an average of 2 months. The Strikes experienced in the public education sector are triggered by management failing to adequately implement collective agreements, lack of preparedness and seriousness on dealing with simple issues which developed into major ones; embracing of militancy by unions as an effective way of granting employees their rights and failure

by management to regularly review collective agreement within the stipulated time. Strike and labour standoff is a sign of industrial disharmony which translates to a state of disequilibrium in labour relations (Mathis & Jackson, 2008).

The results agree with the findings by Mutoro & Malalo, (2011) which indicates that the public education sector experience strikes each year, in the year 2012 there was a university academic and non academic staff strike. Further observations shows that in 2013 there was a nationwide strike by teachers; this was followed by the March 2014 strikes by teaching and non-teaching staff of the public universities and the January 2015 nationwide strike by teachers which crippled activities in public schools.

The confrontational approach further echoes the Marxist Theory developed by Karlmax. Marxists like pluralists regard conflicts between employees and employers as inevitable. They view conflict as a product of the capitalist society. To them, the adversarial relations in the workplace are simply one aspect of class society. They assert that conflicts arise not just because of competing interests within the organizations but because of the division within the society between those who own or manage the means of production and those who only have the labour to offer (Aswathappa, 2009). Confrontation had been evident in Kenya among the social actors.

Table 4.4 State of Labour Relations

Question	Response			
	No strike at all (%)	1-10 strikes per year (%)	11-20 strikes per year (%)	Total (%)
How many strikes does the public education sector face per year?	4	86	10	100
On average how long did these strikes take?	5 Days (%)	2 Weeks (%)	2 Months (%)	Total (%)
	16.3	15.4	68.3	100
How often do you experience employees' grievance in the public education sector?	Mostly (%)	Rarely (%)	Sometimes (%)	Total (%)
	81.1	6.9	12	100
How much time do you take in solving a complaint (duration of handling process)?	2 Weeks (%)	6 Weeks (%)	Indefinite (%)	Total (%)
	2	7.1	90.9	100
What is your overall opinion on the top management?	Good (%)	Fair (%)	Bad (%)	Total (%)
	14.9	80.1	5	100
What is your position in this sector when compared to other sectors?	Better (%)	On par with others (%)	Lower than others (%)	Total (%)
	7.2	32.7	60.1	100

The study also sought to know the various ways of achieving industrial peace where, majority of the respondents (74.6%) showed their support for increased wages/other monetary benefits. 12% were in favour of increased facilities and amenities, 8% did not have any say and least (5.4%) said it could be done through counseling individual employees. These results are shown in Figure 4.4.

The information gathered showed that the only way to achieve industrial peace in the public education sector in Kenya was through increased wages/other monetary benefits. Siringi and Manasah (2011) are emphatic that income inequality phenomena and inflationary problems are critical issues of concern in Kenya. Low satisfaction from the job and increased absenteeism rate are the consequences arising from the insufficient and inadequate benefits (DeCenzo & Robbins, 2006). There was a strong feeling that trade unions had not secured fairer wages in the light of the cost of living. However, it is important to note that as Irungu (2011) put it, nominal wages of Kenyan Workers had been reviewed and had gone up by an average of 3.5% percent. However, prizes in goods and services had risen to a higher rate of 4.1 percent, leaving workers with negative real wages according to economic survey (2011).

This study is in agreement with a study done by Tanzania Teachers' Union (TTU) (2009) which indicated that problems facing teachers in the country are many and complex. These problems range from low salaries to low status, lack of professionalism and inadequate professional development of teachers. Teachers feel that their concerns are not addressed. If these concerns remain and if teachers feel demoralized then the quality of education is bound to suffer. There is need for various stakeholders, government and teachers themselves to come together to resolve the problems facing teachers (TTU, 2009).

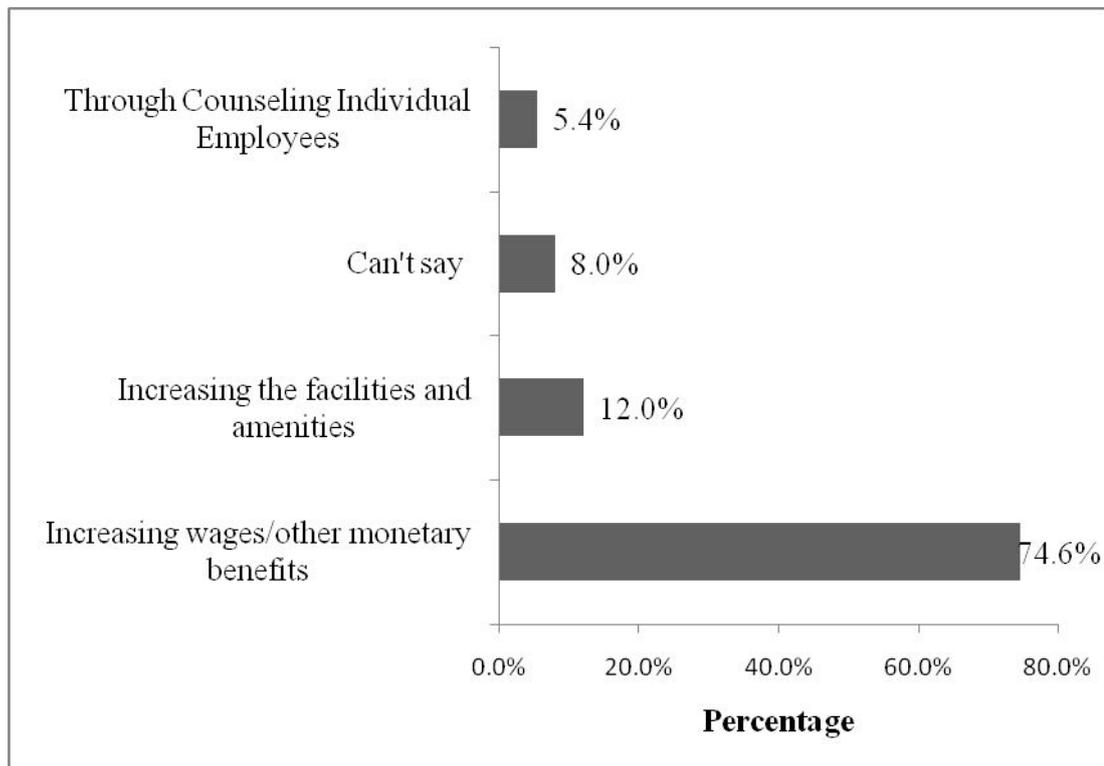


Figure 4.4 Ways of Achieving Industrial Peace

The study also sought to find out if lack of cooperation from top management was the main reason for grievance in public education sector. 78.3% showed their support by saying yes while 21.7% disagreed by stating no. On whether respondent thought the complaints/grievances were taken care of well in public education sector, 81.4% said no, 16.6% said yes while 2% were not sure about it. Further it was also asked whether the party which submits the grievance always satisfied with the way the grievance is settled. Majority (99.9%) disagreed as to being satisfied while the remainders (0.9%) were not sure. Most of respondents (96.9%) said they were not satisfied with existing grievance settlement system while 3.1% were satisfied.

In addition, 94.9% of the respondents were of the opinion that all the labour relations parties were not performing their responsibilities effectively while equally (3.1%) on

divide opinion for effective performance and being not sure about it respectively. As to whether trade unions and employers do reach collective agreements with reasonable time frame, 94.6% said no while 5.4% said yes. Investigating on whether Collective Bargaining Agreements (C.B.A) reached are implemented, almost all respondents (97.7%) said no while a few (2.3%) were not sure about it.

Majority of the respondents (96.6%) said that unions and management did not act complementarily for the cause of industrial peace and other proportion (3.4%) were not sure about acting complimentarily by unions and management. 72.6% disagreed (said no) to a labour information being available and transparent. To add to this, 63.4% said no to the question about information flowing among the players without interruption while 36.6% stated yes to information flow. Also opinion on whether employment policy in place is effectively adopted was sought where 95.1% said no and 4.9% agreed to effective adoption of policy in place. A hundred percent of the respondents said that employees were dissatisfied with management's offers as indicated by the summarized result shown in Table 4.5.

The results of the study indicate that majority of the respondents (over 70%) indicated that lack of cooperation from top management was the main reason for grievance in public education sector. This happens when the employer refuses to engage in meaningful bargaining, by making the first offers final offers and impose changes in terms and conditions rather than negotiate over them as reported in the study by Gall, (2007) on bad faith bargaining. According to Khan (2006), a stable industrial relations and labour relations climate is vitally important for the economic growth of any country.

The finding is in agreement with the finding by Nzioki (2013) that management had delayed in concluding collective agreements and where the agreement had been concluded and management had not fully implemented the agreement culminating to strikes. This observation is also consistent with a study by Goolsarran (2006) which revealed that the climate of labour and industrial relations in any country has a direct impact on its economic and social development, which requires a favourable environment in which labour relations can be conducted in an orderly and responsible manner. These findings contradict the legal requirement of the Labour Relations Act, 2007, that after recognition, management is required to conclude and implement a Collective Agreement with the union. Indeed, the Economic Survey 2011 concurs with the finding that the number of Collective Bargaining Agreements had declined from 266 in 2010 compared to 297 in 2008.

The finding that management had delayed in concluding collective agreements and where the agreement had been concluded, management had not fully implemented the agreement culminating to strikes contradicts the legal requirement of the Labour Relations Act, 2007, that after recognition, management is required to conclude and implement a Collective Agreement with the union. Indeed, the Economic Survey 2011 concurs with the finding that the number of Collective Bargaining Agreements had declined from 266 in 2010 compared to 297 in 2008.

The finding that the respondent thought the complaints/grievances were not taken care of well in public education sector is consistent with a study by Jerome and O'dowd (2005) who have explained that adversarial approach developed on the basis of the assumption by unions that employers would not willingly grant improvement to pay and conditions of employment and thus workers had to fight for their rights. The failure to contain conflicts and tensions are further supported by registered strikes by the Ministry of Labour.

Most of respondents (97.5%) said they were not satisfied with existing grievance settlement system. It is worth noting that the government here plays a dual role of being an employer and arbiter in labour issues and the role as an arbiter has not been adequately played. The existence of tripartite consultation system is made to harmonise the different interests of the social actors in Kenya's employment relations. The diversity of actors is reflected by the pluralism theory originally advanced by Elton Mayo and later picked up by Allan Flanders. Flanders has asserted that organizations have powerful and divergent sub-groups each with its

own legitimate loyalties, objectives and leaders (Ikeanyibe & Onyishi, 2011). Hence, trade unions are legitimate representatives of employees' interests. The stability of relations is a product of concessions and compromise between management and union through collective bargaining as a key step in the system. Kenya has a host of institutions of social dialogue. These include the National Labour Board, National Council for Occupational Safety and Health, Wage Councils and the Industrial Court. The role of these institutions is to promote social dialogue and industrial harmony (RoK, 2013).

Majority of the respondents were of the opinion that all the labour relations parties were not performing their responsibilities effectively. This finding contradicts a study by Singh & Singh (2011) who are emphatic that participation by representatives embraces the fundamental assumption of societal pluralism, in which autonomous interest groups operate within a sovereign state. As to whether trade unions and employers do reach collective agreements with reasonable time frame, majority of the respondents (94.6%). As a result of this delay strikes had taken a centre stage in Kenya's labour relations especially in the public education sector. Indeed, they had negatively influenced performance where they had been experienced. This finding is supported by Minja and Aswani (2009) who showed that from 1995 to 2000 Kenya had experienced 381 strikes which involved 561,250 workers and 3,517,228 man hours were lost. Besides, between June 2011 and June 2012 the Ministry of Labour had recorded 49 strikes which involved 12,589 employees and 170,498 hours had been lost. This shows how strikes are deeply

rooted in some industries in the country's labour relations and they are viewed effective means of solving labour issues.

Investigating on whether Collective Bargaining Agreements (C.B.As) reached are implemented, almost all respondents (97.1%) said no. This finding is supported by Mutoro (2011) who has pointed out that the UNTESU and UASU strikes in 2011 were due to the government's failure to implement 2008 - 2009 and 2011 – 2012 CBAs. This is also supported by Mutoro (2011) when he pointed out that the threat of strike by KPLC employees which was averted at the eleventh hour was caused by failure to review 2011/2012 CBA. Lack of implementation of the CBAs leads to strikes the finding supported by Nzioki (2013) that the strikes were triggered by the failure of employers to implement collective agreement.

The findings that unions and management did not act complementarily for the cause of industrial peace and that there is poor information flow among the players disagrees with the fundamental assumption of participation by representatives, where groups of divergent interests recognize each other's co-existence while promoting their own distinct views as pointed out by Aswathappa (2009) which is the principle of mutuality. This also contradicts the expectation of tripartite consultation where reconciliation of interests of partners despite their inevitable differences finds areas of common accord for their own benefit and that of their society.

Finally, on seeking the opinion whether employment policy in place is effectively adopted, majority of the respondents (96.4%) said no and a hundred percent of the respondents said that employees were dissatisfied with management's offers as

indicated by the summarized result shown in Table 4.2 below. Satisfaction formulates the employee more considerate and concerned for the organization (Saleem & Mahmood, 2010). It is not only self-satisfaction and identity pleasure, but also blends of psychological and environmental effect of the people for their happiness with their work (Khan 2006). Shahu and Gole (2008), in their research define effects of satisfaction on performance, they had sum up their findings on a factor that work satisfaction should be considered by the organization as important plan which needs to be extend in order to improve employees performance and where employees can put their best performance.

Table 4.5 Labour Relations Equilibrium

	Yes (%)	No (%)	Not Sure (%)	Total (%)
Is lack of cooperation from the top management the main reason for grievance in public education sector?	78.3	21.7	0	100
Do you think the complaints/grievances are taken care of well in the public education sector?	16.6	81.4	2	100
Is the party which submits the grievance always satisfied with the way the grievance is settled?	0	99.1	0.9	100
Are you satisfied with the existing grievance settlement system?	3.1	96.9	0	100
Are all labour relations parties performing their responsibilities effectively?	3.1	94.9	2	100
Do trade unions and employers reach collective agreements within a reasonable time frame?	5.4	94.6	0	100
Are the collective bargaining agreements reached implemented?	0	97.7	2.3	100
Are the collective bargaining agreements reached fairly implemented?	3.1	92.9	4	100
Do unions and management act complementarily for the cause of industrial peace?	0	96.6	3.4	100
Is the labour information available and transparent?	7.1	72.6	20.3	100
Does the information flow among the players without interruption?	36.6	63.4	0	100
In your own view is the employment policy in place effectively adopted?	4.9	95.1	0	100
Employees are satisfied with management's offers	0	100	0	100

4.5.2 Knowledge of Industrial Relations

The study also sought to investigate the knowledge of industrial relations through a set of questions and summarized findings are shown in Table 4.6 below. Most of the respondents (79.4%) have less than 5 years of experience working in labour relations, 13.7% had over 10 years and 6.9% had between 6 and 10 years working in labour relations. Further probing on whether respondents go through the training sessions aimed at improving labour relation skills where 85.4% said no and remainder 14.6% said yes, they undergo training meant to improve their labour relation skills. Examining those who undergoes training revealed that 21.6% do train very often, 64.7% (majority) train very rare and another 13.7% train rarely. The approach used in training respondent was found to be 32.3% formal and 67.7% informal. Most of the respondents have less than 5 years of experience working in labour relations. This means that the respondents have inadequate working experience in relation to labour relations.

The results that training sessions aimed at improving labour relation skills are not given contradicts the finding that formal training largely facilitates the exchange of explicit knowledge (Nonaka & Takeuchi, 1997; Murray & Peyrefitte, 2007). The result shows that employee development element is not supported. This is expected since most of the institutions do not have clear employee development programs; most of the times, there is also tendencies of people using the word training interchangeably with development.

The finding that training are rarely given by the respondents contradicts the literature, that organizations in 21st. century increasingly emphasize on increasing

the competencies of its professionals in order to transform them in to knowledge workers. This will enable employees to stay at the forefront of their professional fields and be constantly aware of developments within their specific disciplines and professions. Thus, public education sector in Kenya is expected to place a premium on employee training as part of embracing trends in contemporary human resource management philosophies.

Training is regarded as an important activity and continuous training is a characteristic of contemporary management approach which emphasis in philosophy of learning organization as indicated by Wenger and Snyder (2000). The frequent training thus becomes an essential ingredient for the survival of an organization; that learning at operational, policy and strategic levels needs to be conscious, continuous and integrated; and that management is responsible for creating an emotional climate in which all staff can learn continuously.

Table 4.6 Knowledge of Industrial Relations

Question	Response			
	Less than 5 Years (%)	6 -10 years (%)	Over 10 years (%)	Total (%)
How many years of experience do you have working in labor relations?	79.4	6.9	13.7	100
	Yes (%)	No (%)		Total (%)
Do you go through the training sessions aimed at improving your labour relations skills?	14.6	85.4		100
	Very often (%)	Rare (%)	Very rare (%)	Total (%)
Frequency of training	21.6	13.7	64.7	100
	Formal (%)	Informal (%)		Total (%)
Training approach	32.3	67.7		100

Various levels and fields of competence were investigated by allowing the respondents to indicate level of competence: advanced; intermediate; basic; no formal training. To start with respondent competence on field of relevant legislation/jurisprudence showed majority (62.9%) had no formal training, 28% had basics, 6% had intermediate and 3.1% have advanced competence. On the side of labour management relations competency, 68.3% had basic competence, 15.1% have intermediate and equally (10.6%) had advanced and 6% had no formal training. In area of collective bargaining revealed 42.9% have intermediate knowledge, 41.7% have basic knowledge, 9.1% had no formal training in this and 6.3% have advanced competency.

Further investigation on competency in area of day to day management of collective agreement, most respondents (39.1%) showed intermediate competency, 35.4% had basic competency, 16.6% had no formal training and 8.9% had advanced competency. Finally, in the area of enforcing the collective agreement, 51.1% had the basic competency, 32% had intermediate competency, 8.6% had no formal training and 8.3% had advanced competency. Generally, it can be said that most respondents possess the requisite competency level in almost all areas which are used in day to day running of education sector. These findings are tabulated in Table 4.7.

Generally, the finding shows that the respondents possess the requisite competency level in almost all areas which are used in running of the public education sector in Kenya. This finding contradicts the findings by Queen's Industrial Relations Centre (IRC) (2011) that labour relations specialists must have more than a basic understanding and basic skill set in the traditional LR competencies of conflict resolution, negotiation, mediation, arbitration, and collective bargaining. A competency framework was developed by analysing the survey data and drawing on Sutcliffe's (2007) work regarding them, shifting industrial relations landscape.

Table 4.7 Respondent Competence Level

Competence	Advanced (%)	Intermediate (%)	Basic (%)	No formal training (%)	Total (%)
Relevant Legislation/Jurisprudence	3.1	6	28	62.9	100
Labour Management Relations	10.6	15.1	68.3	6	100
Day to Day Management of the Collective Agreement	6.3	42.9	41.7	9.1	100
Collective Bargaining	8.9	39.1	35.4	16.6	100
Enforcing the Collective Agreement	8.3	32	51.1	8.6	100

Level of agreement with the statements below about the competence of respondent's competency level of agreement was pursued on labour relations issues. To begin with, on whether all labour relations parties' officials have studied labour relations courses formally, majority of the respondents (55.4%) disagreed with all officials having studied formally, 28.9% strongly disagreed, 5.4% division in opinion, 7.1% and 3.1% showed an agreement and strong agreement respectively on official studying formally. As to whether labour relations parties' officials have formal training programs in place to improve their skills, most of the respondents (60.3%) disagreed with this, 30.6% strongly disagreed and on equal (2 %) division in opinion 4% respondents stated to be agreeing, 3.1% strongly agreeing and somehow thinking there are formal training program.

Further investigation on the level of agreement on whether labour relations players have got the necessary experience to enable them to carry out their responsibilities effectively revealed a simple majority (41.4%) strongly disagreeing, 49.4% disagreed, 2.1% agreeing and 7.1% strongly agreeing that they have the experience. A question on the opinion on whether labour courts make informed settlement of disputes lead to most respondents (63.7%) strongly disagreeing, 27.1% disagreed, 7.2% strongly agreeing and 2% agreed.

The study also found that most respondents (57.1%) disagreed on the players having the knowledge of collective bargaining, 28% strongly disagreed with this as well while 7.7% were agreeing and 7.1% strongly agreed with players being knowledgeable. In addition, as to whether trade unions are instrumental in productivity improvement a simple majority (49.4%) disagreed, 41.4% strongly disagreed, 5.1% were neutral, 4.1% strongly agreed. 52.3% disagreed with existence of strong and enlightened group of labour relations players, 40.6% strongly disagreed to having such a group, 4% agrees and 3.1% strongly agrees. Finally seeking on whether non-compliance of applicable labour laws could be a potential cause of industrial conflict revealed 46% in disagreement, 37.1% strongly disagreeing, 9.7% being neutral and equally 3.1% in favour of agreement and 4.1% strong agreement respectively. Summary of this analysis are as show in Table 4.8.

Generally the finding contracts literature that education of Industrial Relations is different from the variable of general education. This refers to a specific education labour relations parties have received in relation to the subject of industrial relations. Labour relations parties who have studied industrial relations more likely understand

the significance of LR and needs of various personnel management policies, procedures and rules for achievement of organization's goals and workers' goals. They are more likely interacts with members of management intelligently so as to maintain good relations between the both parties. The finding that majority of the respondents have no formal training contradicts the finding that formal training largely facilitates the exchange of explicit knowledge (Nonaka & Takeuchi, 1997; Murray & Peyrefitte, 2007). The finding is supported by Fashoyin (2001) who has explained that in spite of its enormous responsibility of promoting social dialogue and other labour administration services; the Ministry's Capacity to deliver timely and effective services is inadequate. This had been caused by resource constraints and capacity building restricted by inadequate budgetary allocation.

The finding that majority of labour relations players have no necessary experience to enable them to carry out their responsibilities effectively contradicts the literature that highly experienced and suitably educated players are in a position of understanding advantages of harmonious LR, disadvantages of division and dangers of multiplicity. They become receptive to dialogue on productivity and to show an adequate interest in improving productivity. Enlightened leadership will have the willingness to participate and cooperate in managing the organization for success and progress of success (Tripathi, 1992). They will be able to inform trade union members sufficiently about what is expected of them and how they should perform. The finding is also supported by Susan (2013) that the Ministry experiences many challenges such as human resource constraints in terms of numbers making it impossible to cover all counties effectively. The labour officers lack in training and

competence to offer adequate services. Infrastructural incapacity as regards inadequate equipment, vehicles, financial inadequacy occasioned by low budgetary allocation compared with other ministries was established as a big challenge for effective performance. Moreover, the ministry had very few officers trained in conciliation, mediation, and labour laws all being challenges faced in averting strikes.

The finding that trade unions are not instrumental in productivity improvement contradicts finding by Waweru (2007) that trade unions engage in collective bargaining which the study established. Indeed, Alby, Azam and Rospabe (2005) have elaborated that in response to the power of employers against workers, governments empower labour unions to represent workers collectively and protect particular union strategies in negotiations with employers. This protection is enshrined in the Labour Relations Act 2007, where unions are given a right to participate in collective bargaining and management is obliged to disclose all relevant information that allows unions to negotiate effectively. The findings that trade unions had not performed the roles above is supported by Rittau and Dundon (2010) who found that unions in Ireland had learnt to live with the paradox of declining influence while retaining bargaining power on macro- economic policy. Union influence had declined in Kenya and for the partners to play their roles effectively; they needed to be strong and independent as envisaged by Fashoyin (2001).

Findings that non-compliance of applicable labour laws could be a potential cause of industrial conflict is supported by finding by Susan (2013) that some management

failed to avail information to union officials as required by law in preparation of proposals. This meant that management failed to negotiate in good faith. In addition, sometimes union officials were given wrong information. These challenges led to stalemates and consequently industrial actions. Employees who participated in such industrial actions suffered consequences such as transfers, temporary layoffs and dismissals. Generally, there was a strong feeling that strikes had been an effective tool of addressing employees' grievances such as pay.

Table 4.8 Labour Relations Parties' Officials Competence Level

	Strongly disagree (%)	Disagree (%)	Somewhat (%)	Agree (%)	Strongly agree (%)	Total (%)
All labour relations parties' officials have studied labour relations courses formally	28.9	55.4	5.4	7.1	3.2	100
There are formal training programs in place to improve labour relations parties' officials skills	30.6	60.3	2	4	3.1	100
Labour relations players have got the necessary experience that enables them carry out their responsibilities effectively	41.4	49.4	0	2.1	7.1	100
Labour courts make informed settlement of disputes.	63.7	27.1	0	2	7.2	100
The players have the knowledge of collective bargaining.	28	57.2	0	7.7	7.1	100
Trade unions are instrumental in productivity improvement.	41.4	49.4	5.1	0	4.1	100
There is a strong and enlightened group of labour relations players	40.6	52.3	0	4	3.1	100
Non-compliance of applicable Labour Laws could be a potential cause of industrial conflict	37.1	46	9.7	3.1	4.1	100

N=350

4.5.3 Collective Bargaining Process

From Figure 4.5 displayed below, the study summarizes the mechanism of dispute resolution as expressed by the respondents. A larger proportion (83%) showed that most disputes are resolved through bilateral negotiation, 12% through arbitration and

5% through a conciliator. The findings show that most disputes in the public education sector are resolved through bilateral negotiations.

The result agrees with the findings by Trif (2005) that collective bargaining takes place between a negotiation team consisting of top managers and company trade union representatives. The study points out that on the employer side, the management board appoints the team responsible for collective bargaining.

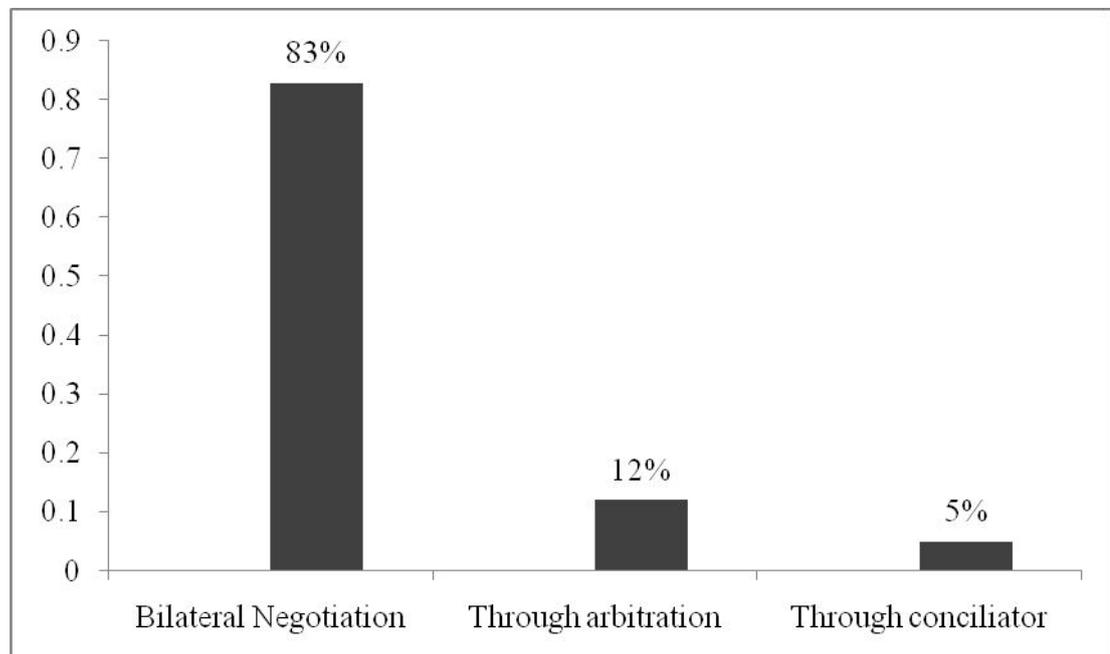


Figure 4.5 Dispute Resolution Mechanisms

Findings shown by Table 4.9 are a set of questions asked to respondents to get more understanding on collective bargaining process and by assessing various responses demonstrated by respondents we can make an informed conclusion based on answers given. Respondents were asked whether labour relations players prefer collective bargaining in solving labour disputes and majority (81.1%) said no while 18.9% said

yes. On whether respondents think parties involved in collective bargaining use due/legal influence was followed by an overwhelming said no (93.4%) response while a few (6.6%) gave a yes response. Also on whether failure of collective bargaining the potential cause for strike/lock out lead to most respondents (80%) agree by choosing yes, 17.4% were refuted this and 2.6% were not sure. On finding out whether all the employees' terms and conditions of employment determined through collective bargaining 2.5% gave a yes response, 95% gave a no response and 2.5% were not sure

The study sort to find out if the agreed terms of the settlement are implemented 11.4% said no, 86% said yes while the remaining percentage 2.3% were not sure. Also the study sought to know whether collective bargaining process in place are fair and legal, found that 88.6% said no, 9.7% were in agreement that collective bargaining are fair and legal and a small proportion (1.7%) were not sure. All the respondents disagreed on question as to whether all the employees' terms and conditions of employment determined through collective bargaining. Further study also investigated the dispute settlement reached without undue delay and ill will, 94.9% said no while 2% were in agreement and others 3.1% were not sure.

To find out whether there is fairness in the way the collective bargaining agreements are implemented 94.9% said no, 5.1% said yes. On whether agreed terms of the settlement subsequently monitored 97% of the respondents said no while 2.6% were not sure. Finally on whether there is trust between management and trade unions during the collective bargaining process 96.9% said no while the remaining percentage 3.1% said yes.

The findings that labour relations players do not prefer collective bargaining in solving labour disputes and of collective bargaining being the potential cause for strike /lock out is consistent with a study by Akhaukwa *et al.* (2013) which found that academic staff felt that union and management did not cooperate well neither did they have mutual regard of each other nor were they willing to confer. Besides, management did not facilitated union's operation and its attitude to the union was not favourable. The study further revealed that collective bargaining process had a significant effect on industrial relations environment in public universities in Kenya. Also, collective bargaining made a significant (and positive) contribution to industrial relations environment. This implies that a flawed process that is perceived to be unfair is likely to result in poor industrial relations environment and vice versa.

The findings that parties involved in collective bargaining don't use due /legal influence contradicts the findings by Nzioki (2013) that partnership had existed among the social actors since there were rules of play of how far each could go in agitation for rights. It was further gathered that confrontational relationship existed between the partners. Hence, employees used strikes to force their rights to be addressed. It was a common feeling that management had been rigid on employees' demand for their rights and hence unless employees agitated for their rights nothing would be granted.

The finding that collective bargaining process in place is not fair and legal contradicts the literature by Gomez *et al.* (2003) as quoted in Patrick (2013) that parties are said to be showing good faith in bargaining when; they are willing to meet and confer with each other at a reasonable time and place; they are willing to

negotiate over wages, hour and conditions of employment; they sign a written contract that formalizes their agreement and binds them to it; and each party gives the other adequate notice of termination or modification of the labour agreement before it expires. All the respondents disagreed on question as to whether all the employees' terms and conditions of employment determined through collective bargaining. This finding is supported by Foster *et al.* (2009) that unless employers are prepared to engage in dialogue with employees or third parties and unless the benefits to be gained from such a dialogue are more widely accepted it is unlikely they will engage in collective bargaining.

Findings that dispute settlement in the public education sector are delayed is supported by Jerome and O'dowd (2005) who have explained that adversarial approach developed on the basis of the assumption by unions that employers would not willingly grant improvement to pay and conditions of employment and thus workers had to fight for their rights. The failure to contain conflicts and tensions are further supported by registered strikes by the Ministry of Labour.

Table 4.9 Collective Bargaining Process

	Yes (%)	No (%)	Not sure (%)	Total (%)
Do Labour relations players prefer collective bargaining in solving labour disputes?	183.9	81.1	0	100
Do you think parties involved in collective bargaining process use due/legal influence?	6.6	93.4	0	100
Is failure of Collective Bargaining the potential cause for Strike/Lock-out?	80	17.4	2.6	100
Is the collective bargaining process in place Fair and legal?	9.7	88.6	1.7	100
Are all the employees' terms and conditions of employment determined through collective bargaining?	2.5	95	2.5	100
Is the dispute settlement reached without undue delay and ill will?	2	94.9	3.1	100
Are the agreed terms of the settlement implemented?	11.4	86.3	2.3	100
Is the dispute settlement reached without undue delay and ill will?	2	94.9	3.1	100
Do you think there is fairness in the way the collective bargaining agreements are implemented?	5.1	94.9	0	100
Are the agreed terms of the settlement subsequently monitored?	0	97.4	2.6	100
In your own view is there trust between management and the trade union representatives during the collective bargaining process?	3.1	96.9	0	100

Respondents also gave their views on the period taken for collective bargaining agreement to be implemented. 90% said that CBA are not implemented at all while 7% represent those who thought it takes between 1 to 90 days and others (3%) stated that it take more than 90 days as shown in Figure 4.6.

The finding that bargaining agreements are not implemented is supported by Irungu (2011) who has asserted that inflation had resulted in impasse emerging between the

partners. The increase in minimum wage by the government in 2011 made KAM to threaten to transfer payroll costs to increase in prize commodity. Besides, the delayed conclusion of Collective Agreement is supported by statistics collected from the Industrial Court Disputes Register which indicated an increase in unconcluded agreements in the last ten years.

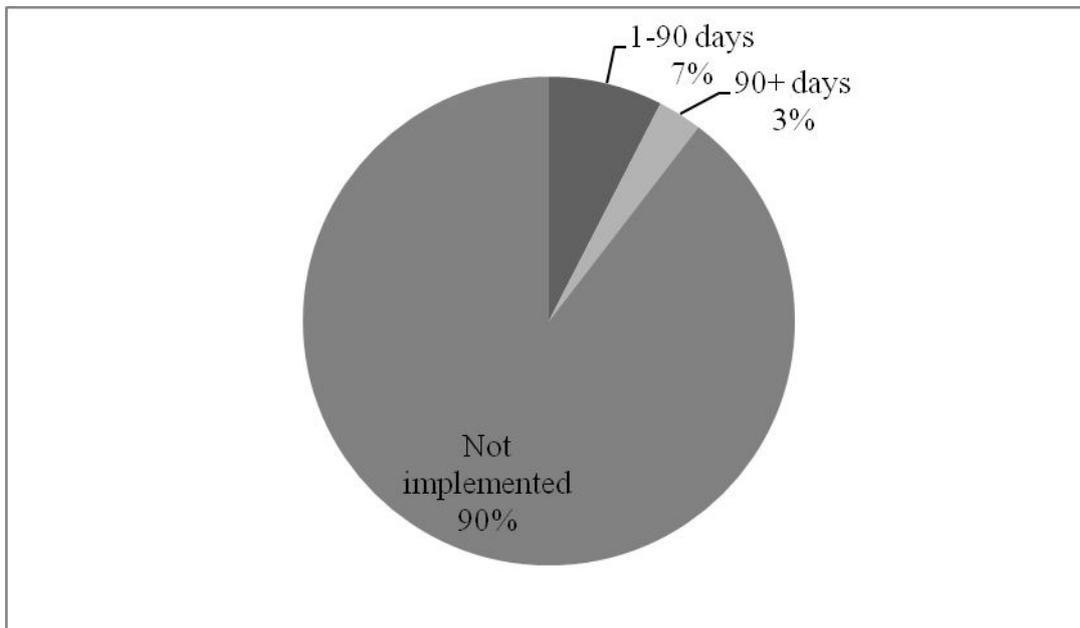


Figure 4.6 Collective Bargaining Agreement Implementation

The study also sought to know whether all the parties to the collective bargaining are involved in the collective bargaining processes, majority of the respondents (93.7%) disagreed to this, 2.3% were not sure and 4% said yes that is all parties are involved in collective bargaining process as shown in Figure 4.7 below. The findings were expected given the high number of strikes witnessed in the public education sector in Kenya. The findings corroborates the findings by findings by Nzioki (2013) that

trade unions and employers had not been involved in strategy formulation and implementation.

The finding that all the parties to the collective bargaining are not involved in the collective bargaining processes disagrees with the literature by Kelly (2002) who has elaborated that tripartite consultation is based on an ideology that advocates a certain accommodation between distinct interests, implicitly rejecting the doctrine of class struggle. The finding also contradicts the literature by Singh & Singh (2011) who are emphatic that participation by representatives embraces the fundamental assumption of societal pluralism, in which autonomous interest groups operate within a sovereign state. Hence, groups of divergent interests recognize each other's co-existence while promoting their own distinct views. This had been highly evident when partners agitated for their interests. This orientation disagrees with the pluralism theory by Allan Flanders that views organizational as coalitions of competing interests and trade unions as legitimate representatives of employees' interests (Ikeanyibe & Onyishi, 2011).

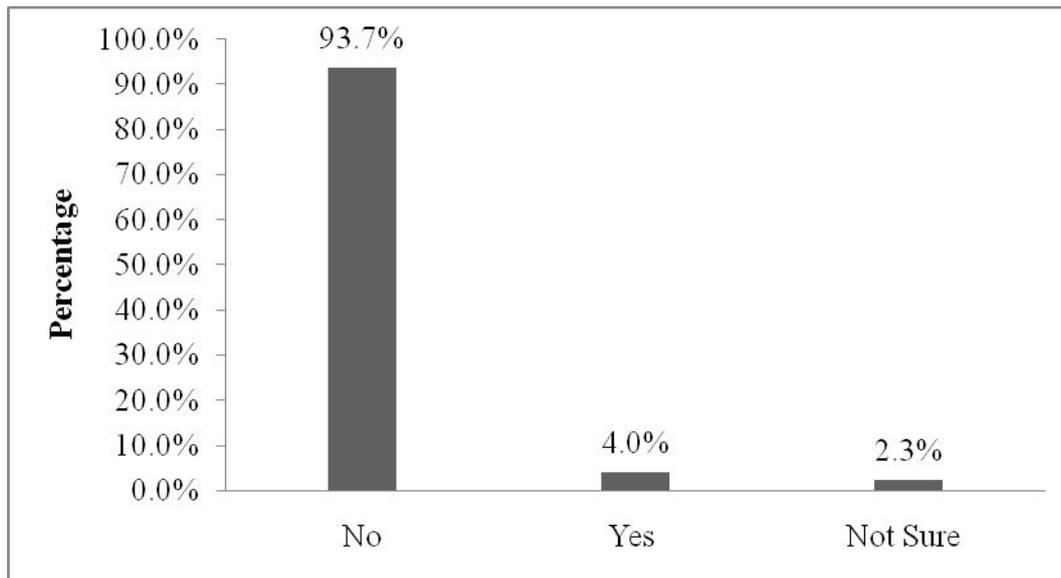


Figure 4.7 Parties Involvement in Collective Bargaining

4.5.4 Parties Recognition in Labour Relations

In the quest of how parties are recognized in labour relations, this study surprisingly found out that a very high proportion (92%) of employees in public education sector who do belong to trade union and only 8% of the respondents are not in a trade union as shown in figure 4.8 below. This means that people do value the work of trade unions and that could be the reasons why they strive to stick to them.

Trade unions had not helped secure fairer wages for employees in the light of the cost of living, had not improved workers working conditions by securing shorter working hours for them, had not helped in establishment of better working facilities, had not assured workers a share of profits of their organizations, had not safeguarded employees against exploitation and had not resisted retrenchment of employees to secure employees' work (Rittau & Dundon, 2010). Waweru (2007) has asserted that trade unions engage in collective bargaining which the study established is the reason

for a high proportion (92%) of employees in the public education sector belonging to trade unions. Indeed, Alby, Azam and Rospabe (2005) have elaborated that in response to the power of employers against workers, governments empower labour unions to represent workers collectively and protect particular union strategies in negotiations with employers. This protection is enshrined in the Labour Relations Act 2007, where unions are given a right to participate in collective bargaining and management is obliged to disclose all relevant information that allows unions to negotiate effectively.

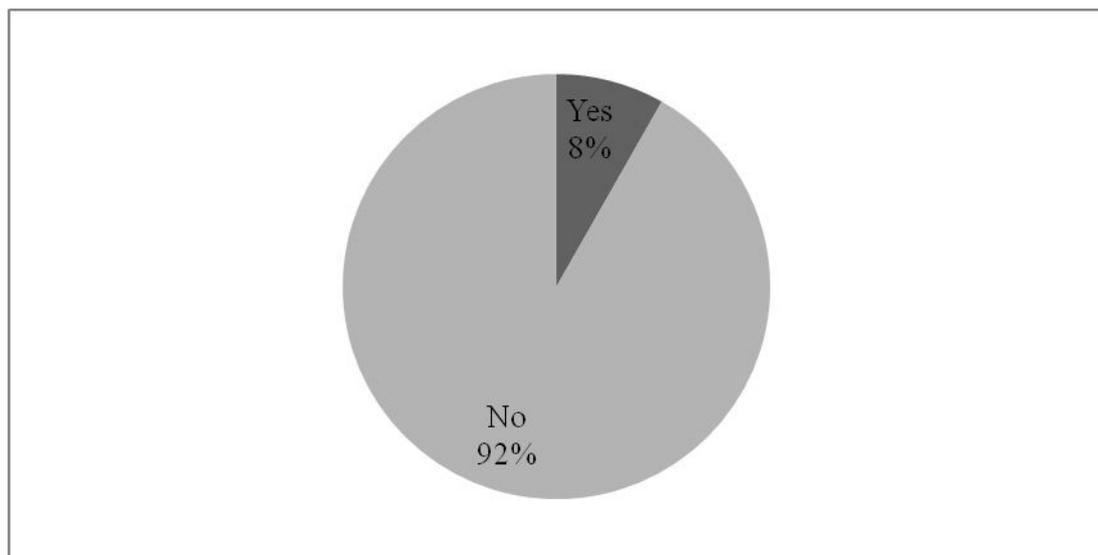


Figure 4.8 Trade Union membership

The finding in Figure 4.9 below that management had not recognized trade unions disagrees with the literature by Cockar (1981) who has pointed out that the first and foremost step in establishing the relationship between a trade union and an employer is the Recognition Agreement. The Agreement provides for the recognition of a trade union as the body entitled to represent the interests of employees. The finding agrees

with the statistics gathered from the Industrial Court Disputes Register on registered disputes indicated that between 2003 and June 2015, 472 cases of failure to recognize trade unions by management had been registered with the Court. The reported cases had increased in the last four years.

Investigating further the employees' pay and conditions of employment directly affected by agreements between the employer and trade union(s) or staff association 95% of the respondents said no while the rest 5% said yes. These finding is supported finding by Nzioki (2013) that the government exercised its power over the other social actors through registration of trade unions and employers associations, deregistration of trade unions and employers associations and adjudicated disputes between aggrieved parties. The government had not always consulted trade unions and employers before announcing some key decisions. The finding that the government has power over employers and trade unions agrees with the finding of the Second General Survey on 1976 Convention which has emphasized that the government is deemed to have a unique position compared to those of social partners irrespective of the actual number of its own representatives.

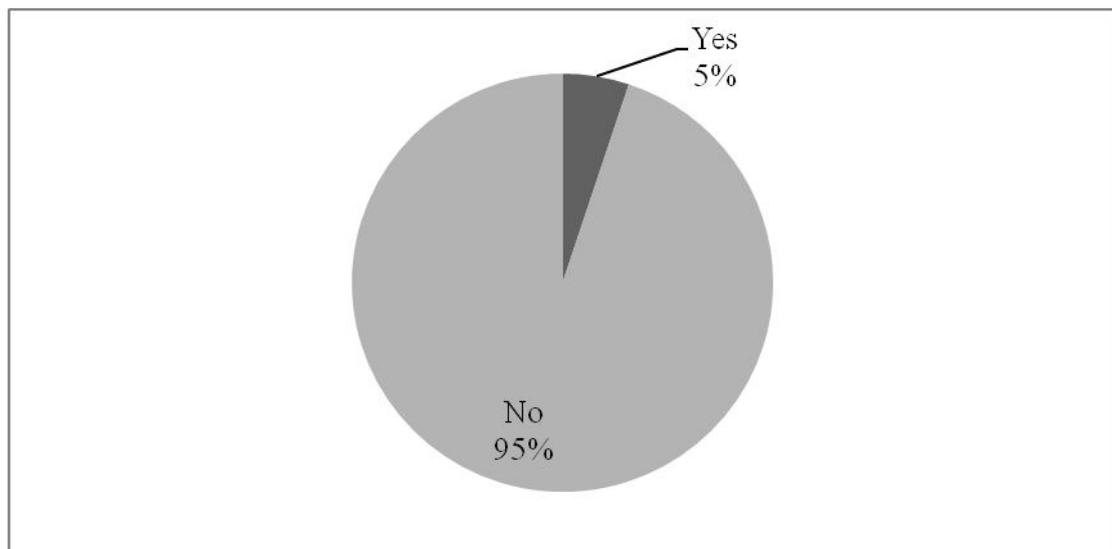


Figure 4.9: Agreements Influence on Employees' Conditions of Employment

Investigating further into methods recognized in getting bargaining rights by unions 11% of the respondents indicated that it is through voluntary recognition and the largest proportion (89%) through certification as shown below by Figure 4.10. In many African countries, the state effectively retains the potential to control collective bargaining due to statutory recognition protocols. The finding that trade unions recognition is through certification is in line with findings by Stirling (2011) that almost in all countries both trade unions and employers' organizations must be officially recognized and registered by the state in order to engage in collective bargaining. The Labour Relations Act, 2007 requires that an employer, groups of employers or an employer's organization that has recognized a trade union, to conclude a collective agreement. The agreement sets out the terms and conditions of service for all employees covered by the recognition agreement. The agreement is the basis and point of reference when management makes decisions relating to

employees. This is because quite often collective bargaining requires some form of authorization by labour ministries.

The government has power over other social partners in registration and deregistration of trade unions and employers' associations. Minja and Aswani (2009) have explained that the state is both master and servant of the two participants namely, employers and trade unions. On one hand its holds legislative power in labour and industrial law and on the other hand it is the employer with the biggest number of employees. Besides, the power to register and de-register is in conformity with the prescription of the Labour Relations Act 2007. These findings is supported finding by Nzioki (2013) that the government exercised its power over the other social actors through registration of trade unions and employers associations, deregistration of trade unions and employers associations and adjudicated disputes between aggrieved parties.

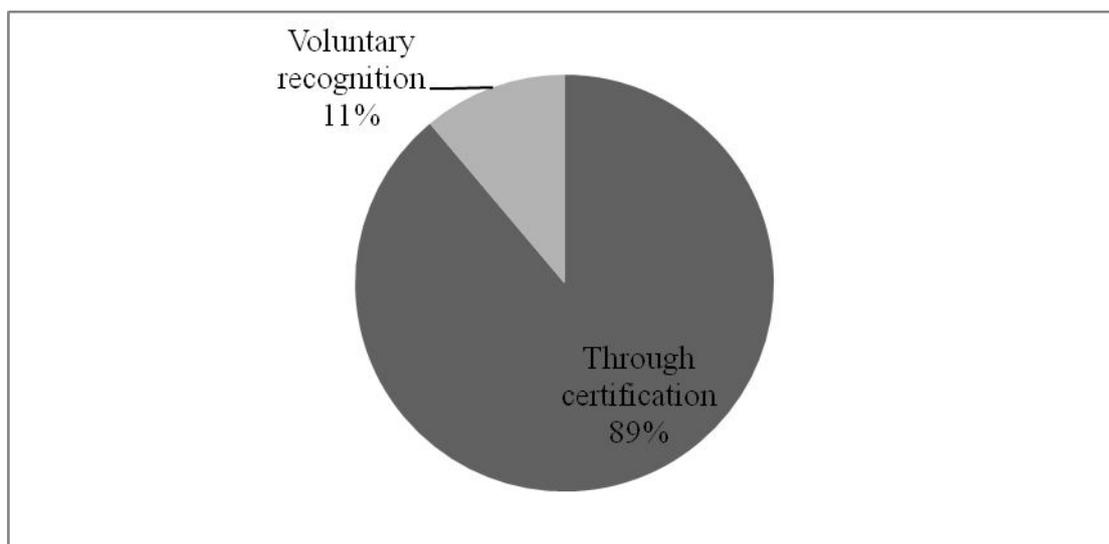


Figure 4.10 Recognized methods for getting bargaining rights

The study also sought to find out whether there are cases when employers and trade unions have failed to agree on the terms to be included in a collective agreement and result depicted in figure 4.11 below show that the larger proportion (94%) of the respondent said yes while only 6% said no to any trade unions having disagreed on collective agreement terms. This is as a result of the management failing to avail information to union officials as required by law in preparation of proposals. This meant that management failed to negotiate in good faith. In addition, sometimes union officials were given wrong information. These challenges led to stalemates and consequently industrial actions. Employees who participated in such industrial actions suffered consequences such as transfers, temporary layoffs and dismissals. Generally, there was a strong feeling that strikes had been an effective tool of addressing employees' grievances such as pay.

The finding is in agreement with that of Aswathappa (2009) that negotiations were clouded with suspicion that management always hid information from union officials. This made negotiations difficult and it was a cause of industrial acrimony in most organizations. Moreover, government representatives failed to attend meeting during stalemates and industrial actions. The officers sent to represent the government lacked in legal authority to make decisions on behalf of the government.

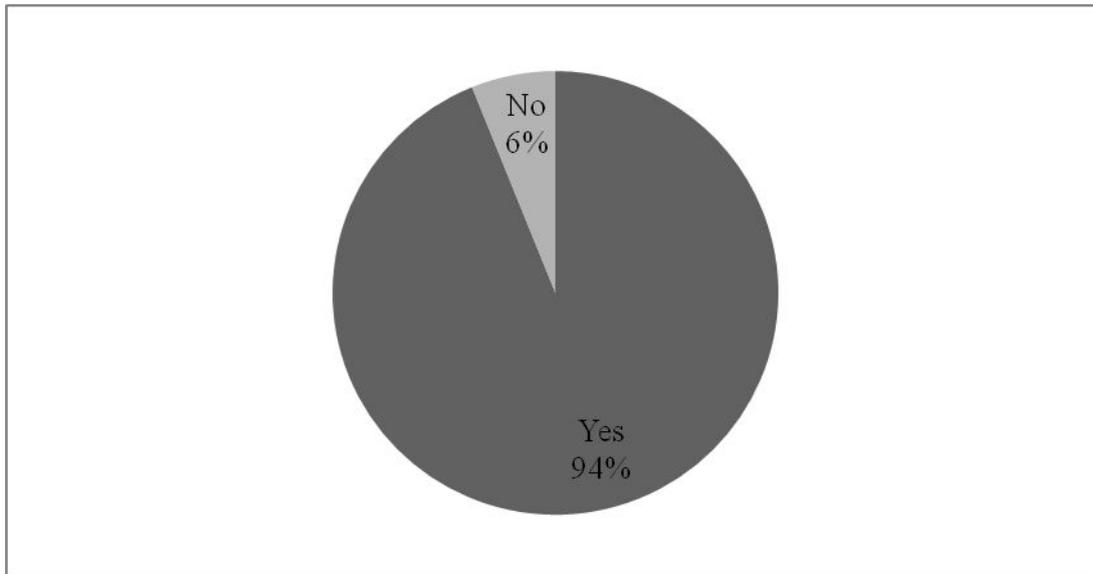


Figure 4.11 Trade unions

Further investigation in the number of times when the trade unions have failed to agree on the terms in collective agreement in the past two years, as shown in figure 4.13, revealed that most respondents (59.4%) showed that in the past two years trade unions have failed to agree between 2 and 5 times, 29.7% failed between 6 to 10 times, 8.3% failed more than 10 times and a few 2.6% said they failed only once. This is shown in Figure 12 below. The findings show that trade unions have failed to agree between 2 and 5 times in the past two years.

These findings were expected as it explains the reasons of increased use of strikes as a tool in negotiations when an impasse had been realized as prescribed by the Labour Relations Act 2007. Strikes had taken a centre stage in Kenya's labour relations. Indeed, they had negatively influenced performance where they had been experienced. This finding is supported by Minja and Aswani (2009) who showed that from 1995 to 2000 Kenya had experienced 381 strikes which involved 561,250

workers and 3,517,228 man hours were lost. Besides, between June 2011 and June 2012 the Ministry of Labour had recorded 49 strikes which involved 12,589 employees and 170,498 hours had been lost.

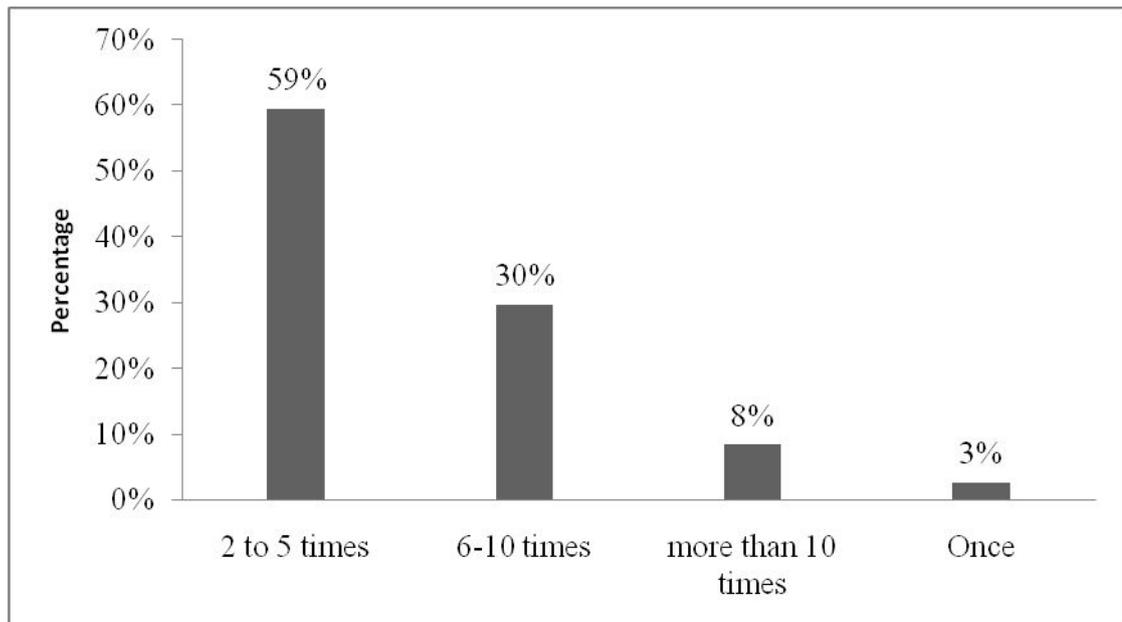


Figure 4.12 Trade Unions Failure to Agree on Terms of Collective Agreement

The study also sought to find out whether all parties to labour relations negotiate or appear to be negotiating in good faith and overwhelming most respondents (98%) disagreed by saying no while 2% agreed to this by stating yes as shown below in Figure 4.13. The finding show that labour relations in the public education sector don't seem to be negotiating in good faith.

The finding that the parties to labour relations in the public education sector don't seem to be negotiating in good faith is supported by Jerome and O'dowd (2005) that adversarial approach is associated with acrimonial or 'arms-length' industrial relations of a low trust kind. It has been the traditional way of settlement of pay,

conditions of work and workplace change issues in many unionized organizations. This appears to be the situation in Kenyan public education sector where unions have been militant in solving employees' issues.

The existence and functioning of the tripartite consultation system in Kenya supports the Industrial Relations System advanced by Dunlop in Singh & Singh (2011). The actors in the system include employers, employees and the state. Besides, the transformation in the system includes collective bargaining; conciliation, arbitration, legislation and judgment. This is followed in Kenyan context where collective bargaining is done between trade unions and employers and their representatives. Conciliation, arbitration, legislation and judgment are done through the third party intervention of the state through the Ministry of Labour.

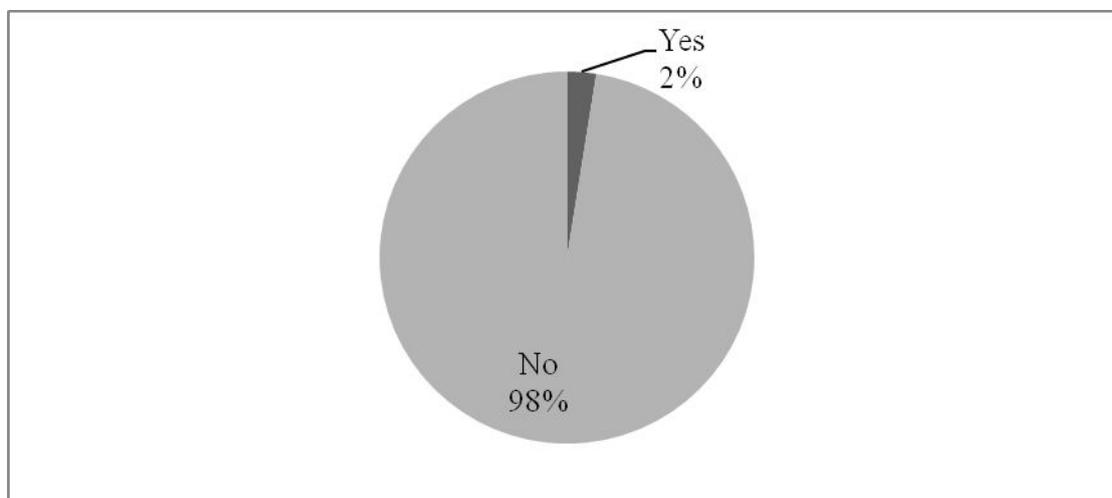


Figure 4.13: Parties' Negotiation

Respondents were also asked to what extent they are satisfied with the terms of collective agreements in the public education sector as shown in Figure 14 below where most respondents (72.9%) were unsatisfied with these terms, 21.6% were

strongly unsatisfied and 5.5% held a neutral position. The finding shows lack of satisfaction by the respondents with the terms of collective agreements in the public education sector.

This corroborates the findings by Mutoro and Malalo, (2011) that the public education sector experience strikes each year, in the year 2012 there was a university academic and non academic staff strike. Further observations shows that in 2013 there was a nationwide strike by teachers; this was followed by the March 2014 strikes by teaching and non-teaching staff of the public universities and the January 2015 nationwide strike by teachers which crippled activities in public schools. Strike and labour standoff is a sign of industrial disharmony which translates to a state of disequilibrium in labour relations (Mathis & Jackson, 2008).

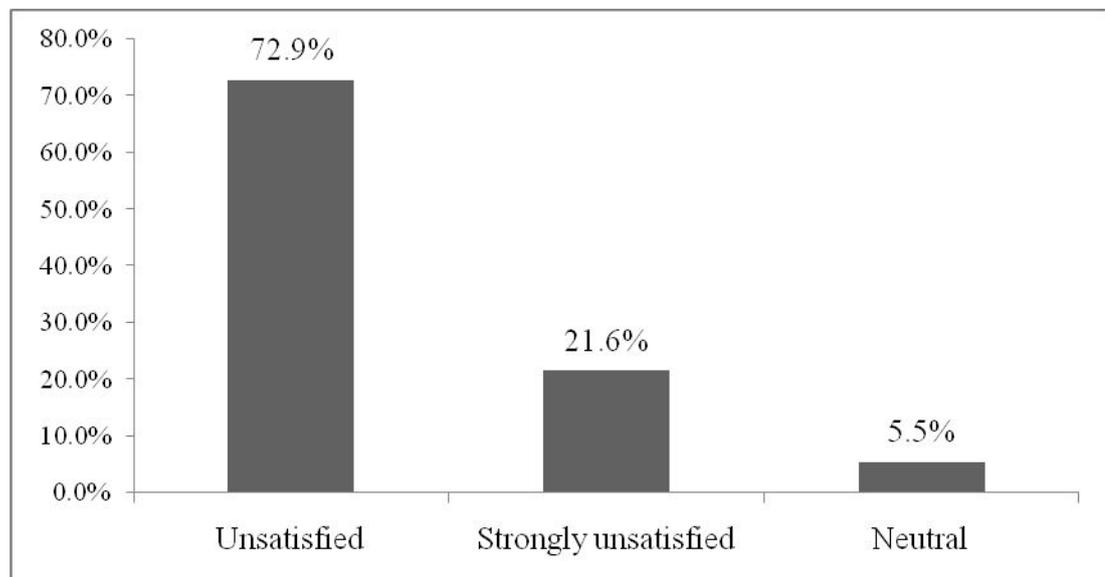


Figure 4.14: Parties' Satisfaction with Terms of Collective Agreements

Further in Figure 4.15 below the study sought why the respondents reported differing levels of satisfaction in relation to terms of collective bargaining agreements. The respondents reported that there were instances of ignoring their agreements during negotiations; the agreement excluded some of the labour force, some parties were either excluded or their interests excluded, there was no good will or faith among the negotiating parties, the negotiating parties lacked good leadership and was characterised with poor communication.

The findings that all parties are not on equal bargaining power contradicts the literature by Estanque and Costa (2011) that labour relations have an important “value in use” in establishing consensus between the parties involved. For the necessary labour relations equilibrium to exist the employer and employee organizations should have a relative balance of bargaining power. This equilibrium state of power is the key to the success of the labour relations system, and if this equilibrium is lost it becomes difficult to reach consensus based and balanced solutions. (RoC, 2011 – 2015).

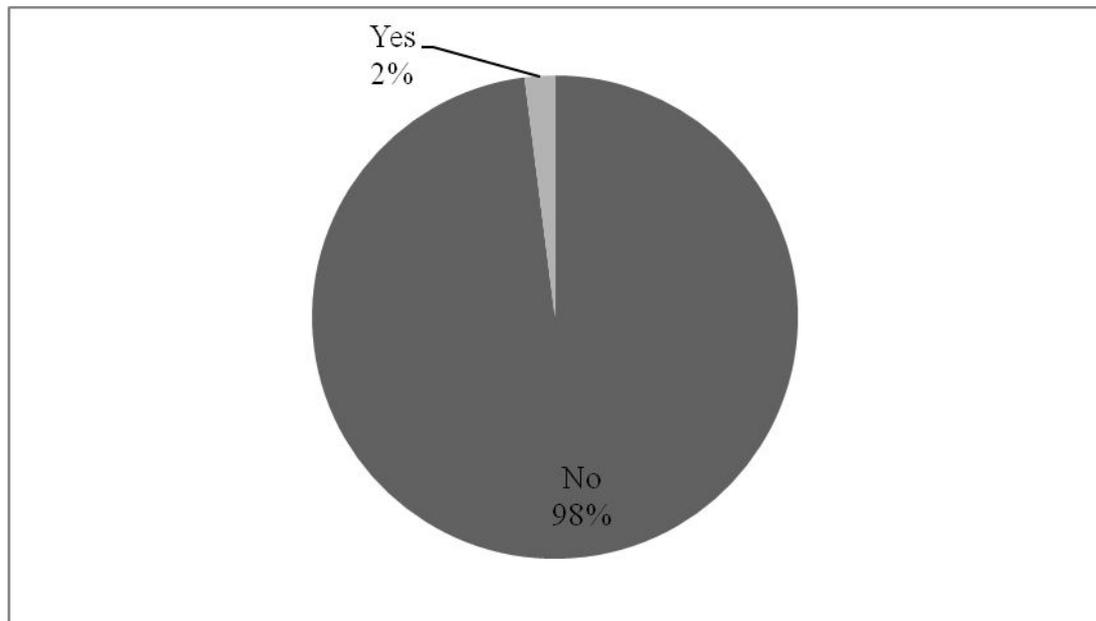


Figure 4.15: Unequal Bargaining power

The finding in Table 4.10 below that unequal bargaining power results from the political environment contradicts Dunlop who argued that an Industrial Relations System seeks to create rules which are the output of the system. The rules govern the duties and performance expected of workers and defines rights and duties of employers and employees (Sivarethinamohan, 2010).

As far as Employers Associations are concerned, collective bargaining had been hampered by lack of data on productivity and that every negotiation had been based on the cost of living, leading to compensating labour at the expense of capital. Besides, transparency in negotiations lacked and government concealed information. Hence, negotiations had been political instead of being economic. It was also established that there had been disrespect of wage guidelines which guide on review of wages after every twenty four months. The government had worked to be popular and hence there had been no line between technocrats and politicians. In the move to

gain support from employees, the government gave in to wage demands. These turned out to be unsustainable vis-a-vis the economic instability and national productivity. This culminated to industrial actions when unions blamed the government for not respecting signed pacts.

This is further supported by Irungu (2011) that the government offered a 10 percent increase in minimum wage without consulting and agreeing with FKE. Consequently, KAM threatened to pass the increase in payroll costs to consumers in form of high commodity prices, a pointer of lack of adequate influence in policy and legal environment. However, overall finding was that the role employers played improved the performance of organizations.

Table 4.10: Unequal Bargaining Power

	Frequency	Percent
The internal politics within the union and management.	21	6
The political environment	329	94
Total	350	100

Respondents were also asked on how labour relations are in public education sector and from the findings in table 4.11 below 10.3% of the respondents said it was fair while 89.7% were of the opinion that it should be improved. The findings indicated that the labour relations in the public education sector need to be improved.

The result agrees with the findings by Vernor Munoz (Worlds of Education, 2007), that industrial actions have lately been common in the eastern Africa region, particularly Kenya, Uganda and Malawi where disparities in remuneration seem to be major areas of concern. A fitting imagery of this scenario is ‘muzzling the ox that

ploughs one's land'. Knowledge that is not built on the respect of human rights is knowledge of poor quality. Further, since there are certain cardinal values that motivate learning (including teaching, research and community outreach), it is essential to define the needs of students and teachers, as well as the adjustments needed to improve functions in the schooling and political systems.

Table 4.11: Labour Relations in the Public Education Sector

	Frequency	Percent
Fair	36	10.3
To be improved	314	89.7
Total	350	100

In Table 4.12 below the study sought to find whether employees have free access to top management and majority of the respondent (88.6%) said they have no free access, 6.4% have free access and the remainder 5% were not sure. From the findings there was no free access to top management by the employees.

The information gathered contradicts Flanders theory that organizations have powerful and divergent sub-groups each with its own legitimate loyalties, objectives and leaders (Ikeanyibe & Onyishi, 2011). The existence of tripartite consultation system is made to harmonize the different interests of the social actors in Kenya's employment relations. The diversity of actors is reflected by the pluralism theory originally advanced by Elton Mayo and later picked up by Allan Flanders. Hence,

trade unions are legitimate representatives of employees' interests and therefore should be heard by the management.

Table 4.12: Employees Access to the Top Management

	Frequency	Percent
Yes	27	7.7
No	309	88.3
Not sure	14	4
Total	350	100

The study also aimed to determine the labour relations player whether they have respect to each other's rights and surprisingly most of the respondents (98%) said no and 2% said there is respect to each other's right. This is shown in Figure 16 below. From the findings there was no respect to rights of each labour relation parties.

The information gathered contradicts Systems Approach to Industrial Relations developed by Dunlop in 1958. Dunlop argued that an Industrial Relations System seeks to create rules which are the output of the system. The rules govern the duties and performance expected of workers and defines rights and duties of employers and employees (Sivarethinamohan, 2010). The actors by Dunlop who include employers, employees and the state were found to have performed their duties which had translated positively towards state corporations' performance. Lack of respect to each party to labour relations rights translates negatively towards public education sector performance.

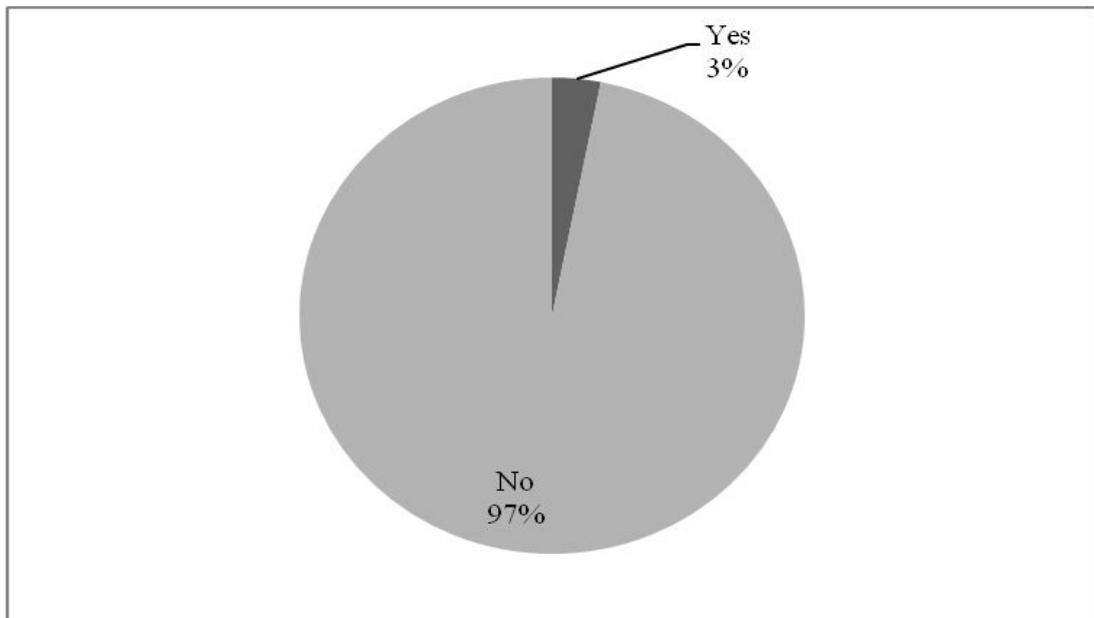


Figure 4. 16: Labour Relations Parties Respect for each Other's Right

4.5.5 Attitude Among Labour Relation Parties

Attitude among labour relation parties was determined by asking respondents several questions on level of agreement. Asked on whether respondents agree to labour relations parties trying to maintain a long-term commitment to each other and majority (71.1%) disagreed, 18% strongly disagreed, 7.4% somehow agreed and 3.2% strongly agreed to parties maintaining long-term commitment. On statement that labour relation parties want to maintain a relationship with each other, most of the respondents (59.1%) disagreed, 29.1% strongly disagreed, 8.6% somehow agreed and 3.2% strongly agreed to this.

Most of the respondents (53.9%) disagreed with labour relations parties having a long-lasting bond, 38.8% strongly disagreed to this statement and 7.3% agreed to these parties having long-lasting bond. A statement comparing other sectors with

public education sector labour relations, public education sector is valued lead to majority (64%) strongly disagreeing , 30.9% disagreed and 2% represent those who divided opinion and 3.1% strongly agreed equally that public education sector labour relations is valued.

On whether labour relations parties would rather work together than not the different level of agreement showed 46.3% (majority) disagreeing, 25.1% strongly disagreeing, 22.6% somehow agreeing while 2% agreed and 4% strongly agreed. Investigation on relationship between labour relation parties was carried out on desire to relate to each other; majority (58.6%) strongly disagreed,29.2% disagreed, 9% somehow agreed and 3.2% strongly agreed to desire to the relationship with all labour relation parties.

Also on agreement on whether labour relations parties have a sense of loyalty, most of respondents (53.1%) strongly disagreed, 37.7% disagreed, 6% somehow agreed and 3.2% agreed to having a sense of loyalty. 46% of the respondents disagreed on all parties to labour relations benefiting from the relationship, 41.1% strongly disagreed to the same, while 3.2% strongly agreed and 9.7% somehow agreed to benefiting from being a party in labour in relations. To add to that, there was overwhelming majority (54.9%) strongly disagreeing to labour relations parties being happy in interactions with each other, 40.9% also disagreed with the same and 1.1% were somehow agreeing while 3.1% strongly agreed. Whether labour relations parties are happy in their interactions with each other 69.7% strongly disagreed, 27.1% disagreed, and 3.2% of the respondents had a divided opinion.

Further the study also sought to know whether labour relations parties fail to satisfy the need of employees, most (74%) strongly agreed to this, 20.8% agreed and 2.6% respondents strongly disagreed and 2.6% disagreed respectively. On the relationship of each party to labour relations being important, a few respondents (2%) were somehow agreeing, 7.1% were agree to being important in the relation while 34% strongly disagreed and majority (56.9%) disagreed to feeling as if they relate importantly. There was a strong agreement (44.9%), in general, that nothing have been accomplished by labour relations parties, 25.7% disagreed, 22.3% agreed to no accomplishments and 7.1% somehow agreed to the same. In general, as to whether labour relations parties are pleased with the relationship with each other, 78%, majority, strongly disagreed to this and 22% disagreed. These results are shown in (Appendix vi).

The findings that labour relations parties are not trying to maintain a long-term commitment to each other contradicts findings by Redman and Snape (2006) that favourable perceptions of industrial relations environment are positively associated with commitment to both the employer and the union. These studies have further indicated that favourable perceptions of the industrial relations environment allows for commitment of employer and employee because of cognitive consistency between the role of employee and union member in workplaces with more cooperative union-management relations.

On whether labour relation parties want to maintain a relationship with each other, most of the respondents disagreed (62.9%). Where management is perceived by employees to oppose unions, the industrial relations climate is more likely to be

reported as poor. Stable industrial relations climate is therefore vitally important for the economic growth of any country (Khan, 2006). This observation is consistent with a study by Goolsarran (2006) which revealed that the climate of labour and industrial relations in any country has a direct impact on its economic and social development, which requires a favourable environment in which labour relations can be conducted in an orderly and responsible manner.

The information gathered showed that labour relations parties don't seem to have a long-lasting bond. This appears to be the situation in Kenyan public education sector where unions have been militant in solving employees' issues. This finding contradicts the literature by Kersley *et al.* (2006) that industrial relations environment refers to the atmosphere, norms, attitudes and behaviours reflecting and underpinning how workers, unions and managers interact collectively with each other in the workplace, which in turn, affects workplace outcomes.

Findings that labour relations in public education sector is not valued compared to other sectors is supported by the findings by Mutoro and Malalo (2011) that the public education sector experience strikes each year, in the year 2012 there was a university academic and non academic staff strike. Further observations shows that in 2013 there was a nationwide strike by teachers; this was followed by the March 2014 strikes by teaching and non-teaching staff of the public universities and the January 2015 nationwide strike by teachers which crippled activities in public schools.

The information gathered showed that labour relations parties would rather not work together the finding supported by Mutoro and Malalo (2011) who observed that Kenya's emerging trend of labour disputes threats was worrying. The National labour institutions such as the National Labour Board has been effective in dealing with issues of ratification of international standards, review of national legislation and plays an advisory role to the government. Conversely, the challenges of partners to consult in fixation of minimum wages are supported by Irungu (2011) who indicated standoff of sorts in negotiations. This is also in line with the finding of the study that labour relation parties have no desire to have a relationship with each other.

The information gathered showed that labour relations parties in the public education sector have no sense of loyalty, this is supported by the finding that management had delayed in concluding collective agreements and where the agreement had been concluded, management had not fully implemented the agreement culminating to strikes contradicts the legal requirement of the Labour Relations Act, 2007, that after recognition, management is required to conclude and implement a Collective Agreement with the union. This also supports the finding that not all parties to labour relations benefit from the relationship and that there was an indication that labour relations parties were not happy in interactions with each other the reason why there is high number of strikes being witnessed in the sector..

From the information gathered the labour relations parties have failed to satisfy the need of employees in the public education sector in Kenya. This finding contradicts the literature by Singh and Singh (2011) that employees join unions to protect their

interests and influence decision making. The duo is emphatic that in a pluralistic view which embraces diversity of interests, strong unions are not only desirable but necessary. The finding is supported by the finding by Nzioki (2013) that management had delayed in concluding collective agreements and where the agreement had been concluded, management had not fully implemented the agreement culminating to strikes contradicts the legal requirement of the Labour Relations Act, 2007, that after recognition, management is required to conclude and implement a Collective Agreement with the union. This is also in line with the finding that all parties to labour relations do not feel important in the relationship. Generally, the information gathered showed that nothing has been accomplished by labour relations parties and the parties are not pleased with the relationship with each other.

4.5.6 Arbitration Mechanism

The study went forward to investigate the arbitration mechanism following a set of closed questions as shown in Table 4.31 (Appendix V) . To start with, respondents were asked whether they have previously used arbitration as means of resolving disputes in the public education sector and majority 96.9% said yes and 3.1% have not used service of an arbitrator. For those who have not used this service they were further asked whether they would consider arbitration or any other alternative dispute resolution as means of resolving a dispute and 70% said strong no while 30% said yes.

Respondents were also asked if they are currently using or have previously used arbitration as a dispute resolution in the public education sector did a specialized

arbitrator handle the case, 84.9% said no, 15.1% were not sure and 4% agreed that a specialized arbitrator was used. It was also discovered that 77.8% of those who have used arbitrator service have it took 12 months to render an award, 9.1% equal division of the respondents said it took 6 months and 18 months respectively while 4% said that to render them an award it took more than 18 months.

Rating the level of service rendered by current or previous arbitrator, majority (87.1%) rated it bad while 12.9% said that the service was fair. Asked if the parties do have agreements on the issues in dispute before the arbitration hearing majority 95.8% refuted this claim, 3.1% were not sure to this and 1.1% agreed to this statement. As to whether the decisions reached by arbitrator(s) are implemented, 94.9% of the respondents said none is implemented. And on equal basis 3.1% agreed that there are implemented and others 2% were not sure about it. Further probing those who said yes on whether decisions given by arbitrator(s) are implemented fairly showed a 55% who said no.

The information gathered showed that arbitration has been previously used as a means of solving disputes. This finding has been supported by literature by Gross (2008) cited in Slinn (2010) that the workplace is the real playground for employment relations issues where class differences can be fully understood. Arbitration is a departure from the traditional concept of legal centralism, a concept that puts the government at the centre of dispute resolution through the courts. The finding was further supported by Fajana (2010) that in most jurisdictions, arbitration is preferred as an alternative to litigation in the courts where proceedings are technically complex. The finding from those who have not previously used arbitration saying that they will

not consider it was supported by Clarke *et al.* (2008) that pursuit of litigation in resolving labour disputes cannot satisfactorily achieve the desired ends and legal centralism has been criticised for being insensitive to the feelings of its subjects.

The results that a specialist arbitrator did not handle the disputes in the public education sector disagree with the findings by Trudeau (2002) that the arbitrator should have the expertise which is the competency of the principal actors in the arbitration process. The principal actors presiding over the process should be unquestionably competent and experienced in the field in which they operate. It was also discovered that it took 12 months to render an award the finding that disagrees with the literature that speed with which a system operates in dispensing justice is a paramount feature of justice delivery and a key feature of effectiveness. According to Trudeau (2002) the system of dispute resolution should not be cumbersome. It should allow for expeditious resolution of disputes by not lengthening the dispute resolution process. Justice delayed is justice denied.

These results are in agreement with the finding by Nzioki (2013) that strikes the public sector had been triggered by: management failing to adequately implement collective agreements, lack of preparedness and seriousness on dealing with simple issues which developed into major ones; embracing of militancy by unions as an effective way of granting employees their rights and failure by management to regularly review collective agreement within the stipulated time. On rating the level of service rendered by current or previous arbitrator, majority (88.6%) rated it bad. The results are supported by the finding that management had not adequately implemented Industrial Court Awards, which is against the Labour Relations Act

2007 which provides for the Minister to submit trade disputes for final settlement to labour courts. The failure to implement the ruling without following the procedure of appealing against the award is illegal in itself.

The finding that the parties do not have agreements on the issues in dispute before the arbitration hearing contradicts the Labour Institutions Act 2007, which prescribes the formation and membership of labour institutions. One such institution is the National Labour Board which has representatives from the three parties. One of the functions of the Board is the legislation affecting employment and labour. This touches on review of labour laws. This compliance is supported by Fashoyin (2001) who has emphasized the role of tripartite partners, especially in formulation and implementation of labour law as significant.

The result also showed that the decisions reached by arbitrator(s) were not implemented and for those who said they were implemented said they were not implemented fairly. This finding is against the Labour Relations Act 2007 which provides for the Minister to submit trade disputes for final settlement to labour courts. The failure to implement the ruling without following the procedure of appealing against the award is illegal in itself. Besides, information gathered showed that the Ministry of Labour had adequately played the role of submitting disputes for final settlement by the Industrial Court. However, many disputes had not been concluded by the Court. This is attributed to low staffing levels of the Industrial Court judges since, by 2011 the Court had only 5 judges but in 2012 the number was increased to 15. Attending to all issues of labour nationally presents a challenge to

the Court and hence inadequate service to members who present their cases to the Court.

The study also investigated the level of satisfaction as shown in Table 4.14 with the application of the following factors in choosing arbitrator(s). First, on the legal and factual basis of the dispute, 60% respondents indicated that they were unsatisfied, 34.9% were strongly unsatisfied and 2% felt satisfied and 3.1% strongly satisfied respectively. On technical expertise required, most respondents 42.3% were unsatisfied followed by 47.7% who were strongly unsatisfied, 2.9% had divided opinion and 5.1% were satisfied. About the experience of the arbitrator(s) 54% of the respondents were strongly unsatisfied, 34.9% were unsatisfied, 2% had a divided opinion, 6% were satisfied and 3.1% were strongly satisfied. With regard to the location of the parties 42.3% were strongly unsatisfied, 40.6% were unsatisfied, 8% had a divided opinion, 6% were satisfied and 3.1% were strongly satisfied.

From the findings there was lack of satisfaction on the legal and factual basis of the dispute knowledge of arbitrators. There has to be a linkage between shop floor rules and the state legal system for easy regulation of employment relationships. Clarke *et al.* (2008) argues that pursuit of litigation in resolving labour disputes cannot satisfactorily achieve the desired ends. The legal pluralist approach as described above was termed by Summers (1967), cited in Mumme (2008), as the 'Industrial policy-maker' model in view of its approach that advances the needs of industrial peace on behalf of the government. Arthurs (1999) cited in Mumme (2008), further supports this legal pluralist approach arguing that labour arbitration cannot operate on its own in isolation from the government's legal systems.

The finding contradicts the finding by Bishop and Reed (1998) that the principal actors presiding over the process should be unquestionably competent and experienced in the field in which they operate. They should also be disinterested and neutral parties. Decisions of arbitrators should not end at being merely reasonable; they should further satisfy the requirement of fairness.

Table 4. 13: Level of Satisfaction when choosing arbitrator(s)

	Strongly unsatisfied (%)	Unsatis fied (%)	Neut ral (%)	Satisfi ed (%)	Strongly satisfied (%)	To tal (%))
The legal and factual basis of the dispute	34.9	60	0	2	3.1	100
The technical expertise required	47.7	42.3	4.9	5.1	0	100
The location of the parties	42.3	40.6	8	6	3.1	100
The experience of the arbitrator(s)	54	34.9	2	6	3.1	100

The study sought to find out whether they were cases when the arbitrators decision is unbinding, 90.6% argued that the decision is not always bindings while 9.4% reported otherwise. With regard to how many times the arbitrator(s) decision has been unbinding for the last 2 years 4% of the respondents reported that it occurs once 71.4% reported that it occurs 2 to 5 times the decision was unbinding, between 2 to 5 times, 21.5% reported it is 6-10 times 3.1% reported it to occur more than 10 times. 92.9% argued that arbitrators are not willing to listen from both parties while 7.1% reported otherwise. 95.1% reported that the arbitration system in the public

education sector is bad, followed by 3.1% who reported it as good while 1.8% reported that it was fair. This is shown in the table 4.15 below. The findings indicate that the arbitrators' decision is not always binding. With regard to how many times the arbitrators' decision has been unbinding the finding indicated 2 to 5 times for the last 2 years. The findings showed that the arbitration system in the public education sector is bad.

The finding contradicts the finding by Sweet and Maxwell (2003) that arbitration limits appeals against awards, a fact which impacts policy on expediency of the arbitral process. Being a practical mechanism of conflict resolution that has been tested over the years, arbitration has a number of advantages. It is confidential; Parties select an arbitrator privately and proceedings are held privately. The process also has flexibility of time, procedure, venue and is not expensive compared to litigation. Further, there is minimum emphasis on formality, which fact encourages expeditious disposal of matters. According to Trudeau (2002) the system of dispute resolution should not be cumbersome. It should allow for expeditious resolution of disputes by not lengthening the dispute resolution process. Justice delayed is justice denied.

Table 4.14: Cases when Arbitrators Decision is Unbinding

	Frequency	Percent
Are there cases when the arbitrator(s) decision is unbinding?	Frequency	Percent
Yes	317	90.6
No	33	9.4
Total	350	100
If YES, how many times has it happened in the past two years?		Percent
Once		4
2-5 times		71.4
6-10 times		21.5
More than 10 times		3.1
Total		100
In your own view do you think the arbitrators are willing to listen to arguments from both parties?	Frequency	Percent
Yes	25	7.1
No	325	92.9
Total	350	100
What is your overall opinion on the arbitration system in the public education sector?	Frequency	Percent
Good	11	3.1
Fair	6	1.8
Bad	333	95.1
Total	350	100

4.6 Diagnostic Test

A diagnostic test to determine the suitability of the data for further statistical tests was done using sampling adequacy tests, heteroscedasticity, Multivariate normality test, correlation (autocorrelation) by use of the Durbin-Watson Statistic and Multicollinearity by use of Variance Inflation Factor (VIF) and tolerance. This

helped to show whether the data fulfils the requirements for logistic model. Prior to embarking on their analysis, Sazali, Haslinda, Jegak, and Raduan (2009) conducted preliminary analyses to ensure that there was no violation of the assumptions of normality, linearity, homoscedasticity, and homogeneity of error variance, in their study on Moderating Effects of MNCs' Size in the Relationship between Degree of Inter-Firm Technology Transfer and Local Firms' Performance.

4.6.1 Autocorrelation Test

The Durbin-Watson Statistic was used to check for autocorrelation on the dependent Variable (labour relations equilibrium) and Independent Variables (party's recognition in labour relations, collective bargaining process, knowledge of industrial relations, attitude among labour relations parties and arbitration mechanisms). The Durbin-Watson Statistic ranges from 0-4. A value less than 1.5 indicates positive autocorrelation between the variables. A value above 2.5 indicates negative autocorrelation between the variables. Both Verbeek (2004) and Gujarat (2009) agree that, "if the Durbin-Watson value is less than 1.5 or greater than 2.5, there may be reason to worry". Verbeek (2004) further concluded that the closer the value is to 2, the better it is. In this study, the result of the autocorrelation test was ranging between 1.5 - 2.5 which was a clear indication that there was no autocorrelation between the variables. The findings of the study were presented in Table 4.16, from which the Durbin-Watson value was 2.10.

Table 4.15: Check for Autocorrelation between the Variables

Model	Durbin-Watson
2	2.10

4.6.2 Heteroscedasticity

Heteroscedasticity happens when the variance of the errors varies across observations (Long & Ervin, 1998). When the errors are heteroscedastic, the OLS estimator remains unbiased, but becomes inefficient, and essentially, the usual procedures for hypothesis testing are no longer appropriate. In this study the Breusch-Pagan / Cook-Weisberg test was used to test for heteroscedasticity. Breusch-Pagan / Cook-Weisberg tests the null hypothesis that the error variances are all equal versus the alternative that the error variances are a multiplicative function of one or more variables (Sazali, Haslinda, Jegak & Raduan, 2009). Table 4.17 shows the result of hetttest by use of the Breusch-Pagan / Cook-Weisberg test. A large chi-square value, greater than 9.21 (Sazali *et al.*, 2009), would indicate that heteroscedasticity was present. In this study, the chi-square value was small, that is, 0.21, indicating heteroscedasticity was not a problem.

Ho: Constant variance

Variables: Knowledge of Industrial Relations, Collective Bargaining process, Parties Recognition in Labour Relations, Attitude among Labour Relations Parties, Arbitration Mechanisms.

Table 4.16: Heteroscedasticity Test

Ho	Variables	Chi2(3)	Prob> Chi2
Constant Variance	KIR, CBP, PRLR,ALRP,AM	0.21	0.8631

4.6.3 Test for Multivariate Normality

According to the review by Mecklin and Mundfrom (2005), more than fifty statistical methods are available for testing MVN. They conducted a comprehensive simulation study based on type I and type II error and concluded that no single test excelled in all situations. The authors suggested using Henze-Zirkler's and Royston's tests among others for assessing MVN because of their good type I error control and power. A test for MVN using the Shapiro-Wilk test with Q-Q plots yielded a skewedness coefficient of -0.014 and a Kurtosis coefficient of -0.726. These two coefficients indicated that the labour relations equilibrium scores obtained were not normally distributed as they were not between -0.5 and 0.5 (figure 4.17). This further implied that the data was not ideal for parametric analysis including linear modeling (Bryman & Bell, 2007; Sekaran, 2009). The data was thus analyzed using a logistic regression model. The analysis is in line with prior studies by Peter Nielsen and Bengt-Åke Lundvall (2009) who used logistic regression to establish the relationship between Innovation, Learning Organizations and Industrial Relations and Dong-One Kim (2012) who used logistic regression to examine whether trust between labour and management has significant effects on workplace employment relations. The basis for using a logistic regression model was the non-normality of the dependent variables in the studies.

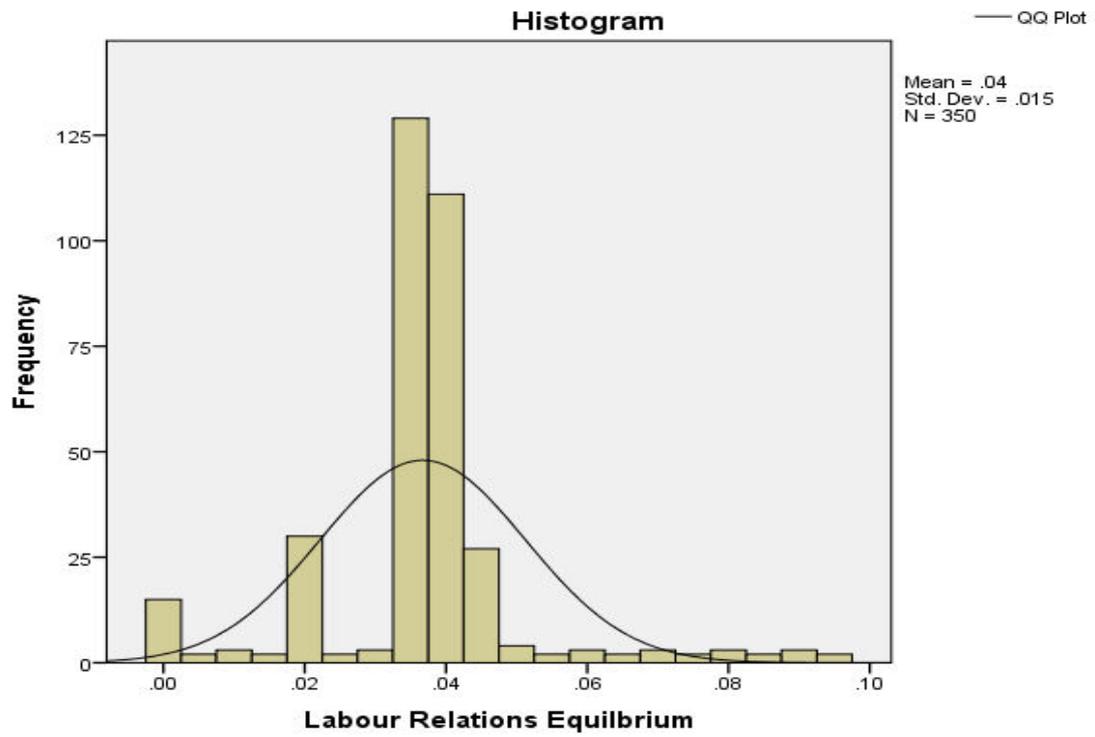


Figure 4.17: Multivariate Normality Test

4.6.4 Multicollinearity Test

Multicollinearity is the undesirable situation where the correlations among the independent variables are strong. In other words, multicollinearity misleadingly bloats the standard errors. Thus, it makes some variables statistically insignificant while they should be else significant (Martz, 2013). Tolerance of a respective independent variable is calculated from $1 - R^2$. A tolerance with a value close to 1 means there is little multicollinearity, whereas a value close to 0 suggests that multicollinearity may be a threat (Belsley, Kuh & Welsch, 2004). The reciprocal of the tolerance is known as Variance Inflation Factor (VIF). Equally, the VIF measures multicollinearity in the model in such a way that if no two independent variables are

correlated, then all the VIF values will be 1, that is, there is no multicollinearity among factors. But if VIF value for one of the variables is around or greater than 5, then there is multicollinearity associated with that variable (Martz, 2013). Table 4.18 indicates the test results for multicollinearity, using both the VIF and tolerance. With VIF values being less than 5, it was concluded that there was no presence of multicollinearity in this study. The VIF shows us how much the variance of the coefficient estimate is being inflated by multicollinearity.

Table 4.17: Multicollinearity Test

Variables	Tolerance (1-R ²)	VIF 1/(1-R ²)
Knowledge of industrial relations	0.94	1.0638
Collective bargaining process	0.932	1.0730
Parties' recognition in labour relations	0.955	1.0471
Attitude among labour relations parties'	0.93	1.0753
Arbitration mechanisms	0.913	1.0897
Mean	0.934	1.0698

4.7 Inferential Tests

When a research study includes several variables, beyond knowing the means and standard deviations of the dependent and independent variables, the researcher would often like to know how one variable is related to another (Sekaran, 2003). In this study, correlational analysis and binary logistic regression provided this information. From the information, a significance of $\alpha = 0.05$ is the generally accepted conventional level in social sciences research. This indicates that 95 times out of 100, the researcher can be sure that there is a true or significant correlation between the

two variables and there is only a 5% chance that the relationship does not truly exist (Kothari, 2004; Sekaran, 2003; Oso & Onen, 2009).

4.7.1 Correlation Analysis between Knowledge of Industrial Relations and Labour Relations Equilibrium

A correlation coefficient statistic that describes the degree of linear association between knowledge of industrial relations and labour relations equilibrium. Table 4.19 indicates that there is a moderate positive and significant linear relationship between knowledge of industrial relations and labour relations equilibrium of public education sector in Kenya. This relationship has been illustrated by correlation coefficient of 0.265 at 0.05 significant levels. This suggests that knowledge of industrial relations is good for explaining labour relations equilibrium in public education sector in Kenya and it is a critical factor to consider when taking decision to improve labour relations.

Table 4.18: Correlation Analysis between Knowledge of Industrial Relations and Labour Relations Equilibrium

			Labour Relations Equilibrium	Knowledge of Industrial Relations
Labour Equilibrium	Relations	Spearman	1	.265**
		Correlation		
		Sig. (1- tailed)		.000
		N	350	350
Knowledge of Industrial Relations		Spearman	.265**	1
		Correlation		
		Sig. (1- tailed)	.000	
		N	350	350

** . Correlation is significant at the 0.05 level (1-tailed).

4.7.2 Regression Line Fitting between Knowledge of Industrial Relations and Labour Relations Equilibrium

A regression line was superimposed on the scatter plot of knowledge of industrial relations versus labour relations equilibrium as shown in figure 4.18. The regression line indicates a positive gradient. The finding of a positive relationship between knowledge of industrial relations and labour relations equilibrium concurs with findings of past studies. The finding conforms to the finding by Murray and Peyrefitte, (2007) that formal training largely facilitates the exchange of explicit knowledge. Training is regarded as an important activity and continuous training is a characteristic of contemporary management approach which emphasis in philosophy of learning organization as indicated by Wenger & Snyder (2000).

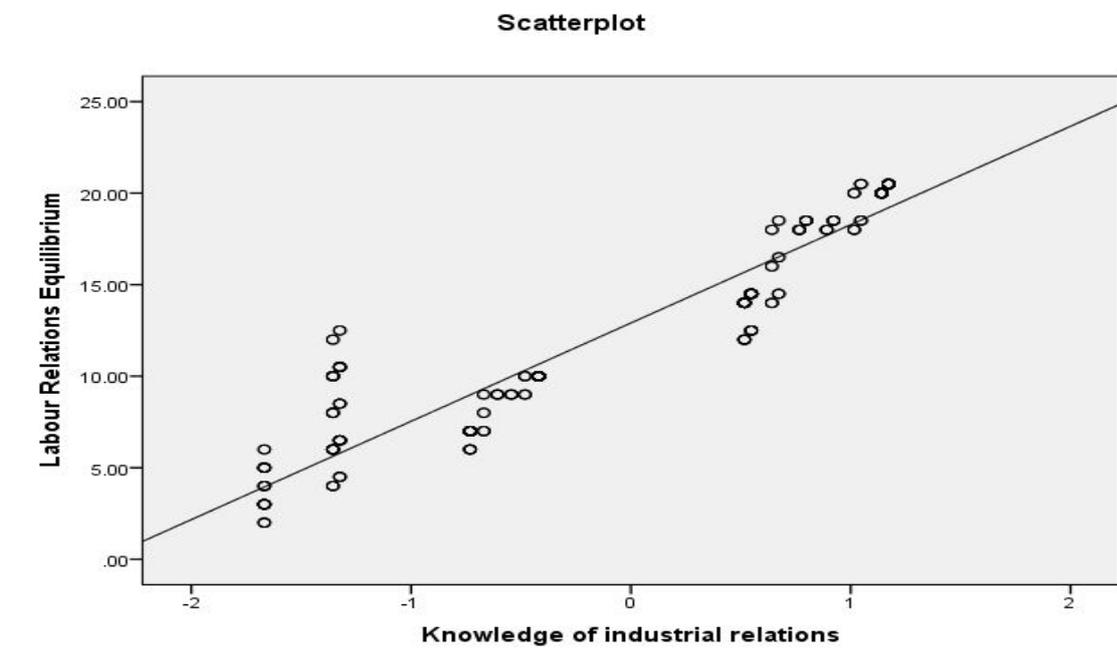


Figure 4.18: Curve Fit of Knowledge of Industrial Relations and Labour Relations Equilibrium

4.7.3 Correlation Analysis between Collective Bargaining Process and Labour Relations Equilibrium

A correlation coefficient statistic that describes the degree of linear association between collective bargaining process and labour relations equilibrium. Table 4.20 indicates that there is a moderate positive and significant linear relationship between collective bargaining process and labour relations equilibrium in public education sector in Kenya. This relationship has been illustrated by correlation coefficient of 0.281 at 0.05 significant levels. This suggests that collective bargaining process is good for explaining labour relations equilibrium in public education sector in Kenya and it is a critical factor to consider when taking decision to improve labour relations.

Table 4.19: Correlation Analysis between Collective Bargaining Process and Labour Relations Equilibrium

		Labour Relations Equilibrium	Collective bargaining process
Labour Relations Equilibrium	Spearman Correlation	1	.281**
	Sig. (1-tailed)		.000
	N	350	350
Collective bargaining process	Spearman Correlation	.281**	1
	Sig. (1-tailed)	.000	
	N	350	350

** . Correlation is significant at the 0.05 level (1-tailed).

4.7.4 Regression Line Fitting between Collective Bargaining Process and Labour Relations Equilibrium

A regression line was superimposed on the scatter plot of collective bargaining process versus labour relations equilibrium as shown on figure 4.19. The regression line indicates a positive gradient. The finding of a positive relationship between collective bargaining process and labour relations equilibrium concurs with findings of past studies. Nzioki (2013) found a positive relationship between tripartite consultation system and performance of state corporations. Grace (2007) on the other hand, found a positive significant relationship between collective bargaining process and labour relations equilibrium in her study on employee perception of labour relations in Kenya commercial Bank which revealed that the main cause of moderate labour relations is the sense of flow of information from the managers to the employees under them and the main cause of conflicts is poor communication followed by social relations.

education sector in Kenya and it is a critical factor to consider when taking decision to improve labour relations.

Table 4.20: Correlation Analysis between Parties Recognition in Labour Relations and Labour Relations Equilibrium

		Labour Relations Equilibrium	Parties' recognition in labour relations
Labour Relations Equilibrium	Spearman	1	.221**
	Correlation		
	Sig. (1- tailed)		.000
	N	350	350
Parties' recognition in labour relations	Spearman	.221**	1
	Correlation		
	Sig. (1- tailed)	.000	
	N	350	350

** . Correlation is significant at the 0.05 level (1-tailed).

4.7.6 Regression Line Fitting between Parties' Recognition in Labour Relations and Labour Relations Equilibrium

A regression line was superimposed on the scatter plot of parties' recognition in labour relations versus labour relations equilibrium as shown on figure 4.20. The regression line indicates a positive gradient. The finding of a positive relationship between parties' recognition in labour relations and labour relations equilibrium concurs with findings of past studies. This finding concurs with the finding by Nzioki (2013) that the government exercised its power over the other social actors through registration of trade unions and employers associations deregistration of trade unions and employers associations and adjudicated disputes between aggrieved parties. The finding also conforms to the study carried out by Stirling (2011) that

almost in all countries both trade unions and employers' organizations must be officially recognized and registered by the state in order to engage in collective bargaining.

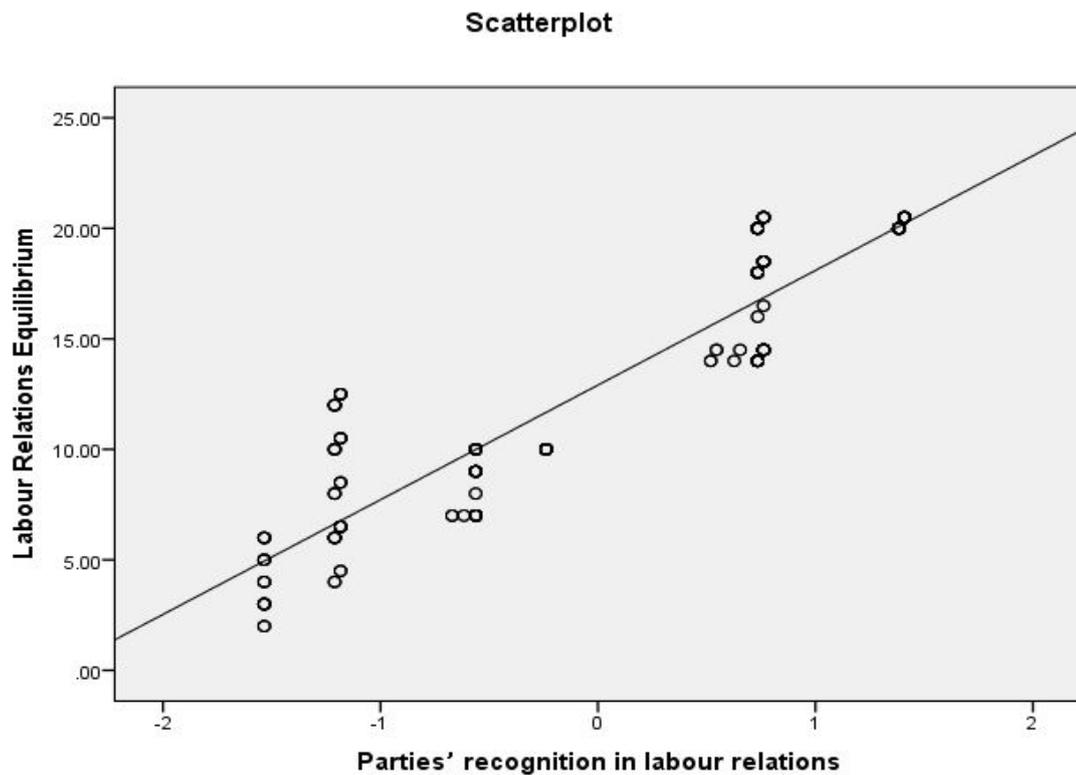


Figure 4.20: Curve Fit of Parties' Recognition in Labour Relations and Labour Relations Equilibrium

4.7.7 Correlation Analysis between Attitude among Labour Relation Parties and Labour Relations Equilibrium

A correlation coefficient statistic that describes the degree of linear association between attitude among labour relation parties and labour relations equilibrium. Table 4.22 indicates that there is a moderate positive and significant linear relationship between attitude among labour relation parties and labour relations

equilibrium in public education sector in Kenya. This relationship has been illustrated by correlation coefficient of 0.302 at 0.05 significant levels. This suggests that attitude among labour relation parties is good for explaining labour relations equilibrium in public education sector in Kenya and it is a critical factor to consider when taking decision to improve labour relations.

Table 4.21: Correlation Analysis between Attitude among Labour Relation Parties and Labour Relations Equilibrium

			Labour Relations Equilibrium	Attitude among labour relations parties'
Labour Equilibrium	Spearman Correlation Sig. (1- tailed) N		1	.302**
				.000
			350	350
Attitude among labour relations parties'	Spearman Correlation Sig. (1- tailed) N		.302**	1
			.000	
			350	350

** . Correlation is significant at the 0.05 level (1-tailed).

4.7.8 Regression Line Fitting between Attitude among Labour Relation Parties and Labour Relations Equilibrium

A regression line was superimposed on the scatter plot of attitude among labour relation parties versus labour relations equilibrium as shown on figure 4.21. The regression line indicates a positive gradient. The finding of a positive relationship between attitude among labour relation parties and labour relations equilibrium concurs with findings of past studies. This observation is consistent with a study by Goolsarran (2006) which revealed that the climate of labour and industrial relations

in any country has a direct impact on its economic and social development, which requires a favourable environment in which labour relations can be conducted in an orderly and responsible manner.

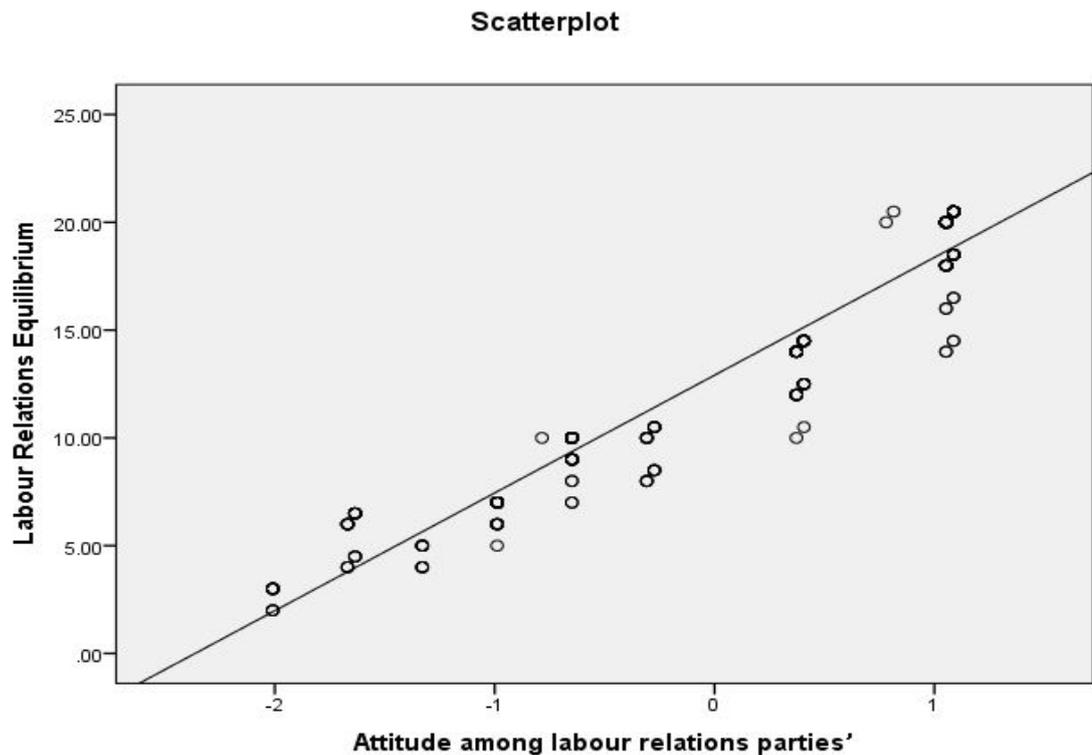


Figure 4.21: Curve Fit of Attitude among Labour Relation Parties and Labour Relations Equilibrium

4.7.9 Correlation Analysis between Arbitration Mechanisms' and Labour Relations Equilibrium

A correlation coefficient statistic that describes the degree of linear association between arbitration mechanisms' and labour relations equilibrium. Table 4.23 indicates that there is a moderate positive and significant linear relationship between arbitration mechanisms' and labour relations equilibrium in public education sector

in Kenya. This relationship has been illustrated by correlation coefficient of 0.302 at 0.05 significant levels. This suggests that arbitration mechanisms' is good for explaining labour relations equilibrium in public education sector in Kenya and it is a critical factor to consider when taking decision to improve labour relations.

Table 4.22: Correlation Analysis between Arbitration Mechanisms' and Labour Relations Equilibrium

			Labour Relations Equilibrium	Arbitration mechanisms
Labour Equilibrium	Relations	Spearman	1	.302**
		Correlation		
		Sig. (1-tailed)		.000
		N	350	350
Arbitration mechanisms		Spearman	.302**	1
		Correlation		
		Sig. (1-tailed)	.000	
		N	350	350

** . Correlation is significant at the 0.05 level (1-tailed).

4.7.10 Regression Line Fitting between Arbitration Mechanisms' and Labour Relations Equilibrium

A regression line was superimposed on the scatter plot of arbitration mechanisms' versus labour relations equilibrium as shown on figure 4.22. The regression line indicates a positive gradient. The finding of a positive relationship between arbitration mechanisms' and labour relations equilibrium concurs with findings of past studies. The finding concurs with the finding by Fajana (2010) that in most jurisdictions, arbitration is preferred as an alternative to litigation in the courts where proceedings are technically complex. The finding also agrees with the finding by Clarke *et al.* (2008) that pursuit of litigation in resolving labour disputes cannot

satisfactorily achieve the desired ends and legal centralism has been criticised for being insensitive to the feelings of its subjects.

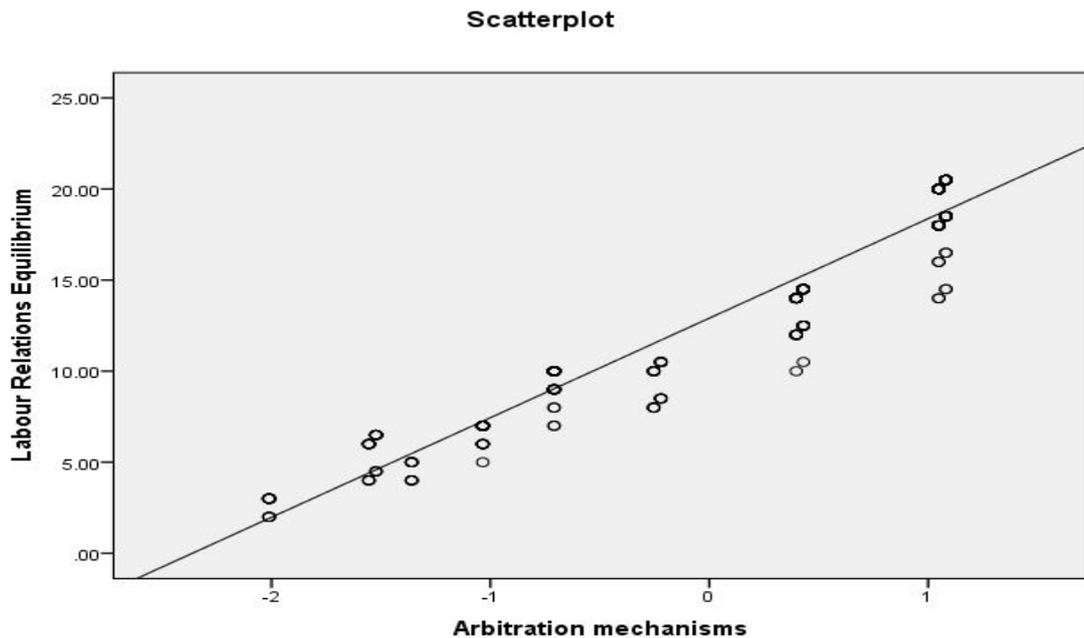


Figure 4.22: Curve Fit of Arbitration Mechanisms’ and Labour Relations Equilibrium

4.7.11 Combined Spearman Correlations of the Study Variables

The study sought to establish the strength of the relationship between party’s recognition in labour relations, collective bargaining process, knowledge of industrial relations, arbitration mechanisms, and attitude among labour relations parties and labour relations equilibrium. To achieve this, Spearman’s rank correlation was carried out since labour relations equilibrium was dichotomous and consequently in nominal measurement scale. According to Kothari (2004), product moment correlation should be carried out if and only if both dependent and independent variables are in either ratio or interval scale and if this condition is not satisfied then

Spearman's rank correlation should be applied to test the strength of the relationship. Correlation coefficient as measured by rho ranges between $-1 < \rho < +1$. If correlation coefficient is +1 then there is a perfect relationship whereby an increase in the dependent variable is associated with an increase in the predictor variable and if negative there is an inverse relationship whereby an increase in the dependent variable is associated with a decrease in the predictor variable (Kothari, 2004). A correlation coefficient close to either +1 or -1, indicates there is a strong relationship (Kothari, 2004; Oso & Onen, 2009).

The study findings depicted in Table 4.24 indicated that there was a significant positive relationship between labour relations equilibrium and knowledge of industrial relations ($\rho = 0.189^{**}$, p-value < 0.05). This means that an increase in knowledge of industrial relations attribute leads to an increase in labour relations equilibrium. There was a significant positive relationship between labour relations equilibrium and collective bargaining process ($\rho = 0.210^{**}$, p-value < 0.05). Therefore, an increase in collective bargaining process leads to an increase in labour relations equilibrium. Results of the study showed that there is a significant positive relationship between labour relations equilibrium and attitude among labour relations parties ($\rho = 0.233^{**}$, p-value < 0.05). This implies that an increase in attitude among labour relations parties increases labour relations equilibrium. The study findings showed that there was a significant positive relationship between labour relations equilibrium and party's recognition in labour relations ($\rho = 0.169^{**}$, p-value < 0.05). This implies that an increase in party's recognition in labour relations increases labour relations equilibrium. Finally, the results of the study showed that there is a

significant positive relationship between labour relations equilibrium and arbitration mechanisms ($\rho=0.235^{**}$, $p\text{-value} < 0.05$). This implies that an increase in arbitration mechanisms increases labour relations equilibrium in the public education sector in Kenya.

The public education sector labour relations attributes with the greatest influence on labour relations equilibrium was arbitration mechanisms ($\rho=0.235^{**}$ $p\text{-value} < 0.05$) which had the highest correlation coefficient while the attribute with the lowest influence on labour relations equilibrium was parties recognition in labour relations ($\rho = 0.169^{**}$, $p < 0.05$).

Table 4.23: Spearman Correlations of the Study Variables

			LRE	KIR	CBP	PRLR	ALRP	AM
Spearman's rho	LRE	Correlation Coefficient	1.000	.189**	.210**	.169**	.233**	.235**
		Sig. (1-tailed)	.	.000	.000	.001	.000	.000
	KIR	Correlation Coefficient	.189**	1.000	.967**	.890**	.925**	.931**
		Sig. (1-tailed)	.000	.	.000	.000	.000	.000
	CBP	Correlation Coefficient	.210**	.967**	1.000	.895**	.921**	.922**
		Sig. (1-tailed)	.000	.000	.	.000	.000	.000
	PRLR	Correlation Coefficient	.169**	.890**	.895**	1.000	.824**	.833**
		Sig. (1-tailed)	.001	.000	.000	.	.000	.000
	ALRP	Correlation Coefficient	.233**	.925**	.921**	.824**	1.000	.996**
		Sig. (1-tailed)	.000	.000	.000	.000	.	.000
	AM	Correlation Coefficient	.235**	.931**	.922**	.833**	.996**	1.000
		Sig. (1-tailed)	.000	.000	.000	.000	.000	.

** . Correlation is significant at the 0.05 level (1-tailed). N=350

4.8 Binary Logistic Regression Results

Binary logistic regression model was chosen to test the hypothesis of this study since the dependent variable (labour relations equilibrium) is dichotomous in nature and either there was or there was no labour relations equilibrium in the public education sector in Kenya. The model uses odds ratio being the probability of an event

occurring in relation to not occurring. In this current study, the aim was to investigate the odds of the public education sector having labour relations equilibrium.

Throughout the analysis, the change in the odds is measured by the value of expected (Exp) B. Further, the study employed -2log Likelihood (- 2LL) as a measure of the goodness of the logistic models while both Cox & Snell R square and Nagelkerke R square show the model explanatory power (Cox & Snell, 1989; Nagelkerke 1991). To check whether the logistic estimates were significant from zero, the study used Wald statistic. In this current section, the study investigated the relationship between labour relations equilibrium and the respective independent variables which are party's recognition in labour relations, collective bargaining process, knowledge of industrial relations, arbitration mechanisms, and attitude among labour relations parties and finally a full model was used as depicted in the conceptual framework. The study findings showed that all the independent variables were significant in the study and so all the independent variables contribute to labour relations equilibrium in the public education sector in Kenya.

4. 8.1 Hypothesis 1 (H₁): Knowledge of industrial relations affects labour relations equilibrium in public education sector in Kenya.

A binary logistic regression analysis was carried out to predict labour relations equilibrium in public education sector in Kenya using knowledge of industrial relations as the predictor variable as presented in Table 4. 25

A test of the full model against the constant only model was statistically significant, indicating that knowledge of industrial relations had a positive and significant

influence on labour relations equilibrium in the public education sector in Kenya (Chi square=21.083, p-value <0.05 with d.f= 1). Nagelkerke R squared of 0.732 and R of 0.856 indicated a strong positive relationship between knowledge of industrial relations and labour relations equilibrium. This means that 73.2% of total variability in the dependent variable (labour relations equilibrium) is explained by knowledge of industrial relations. On overall prediction, success was 69.5%: From the classification Table, 67% for no labour relations equilibrium and 72% for labour relations equilibrium (See Appendix III). The Wald criterion demonstrated that knowledge of industrial relations made a positive and significant contribution to prediction of labour relations equilibrium ($\beta=0.132$, Wald =17.413 and p-value <0.05). B column indicates the magnitude and direction of the given independent variable in relation to labour relations equilibrium. The coefficient gives us the change in proportion of labour relations equilibrium given a unit change in knowledge of industrial relations. It can be concluded that possession of the knowledge of industrial relations by labour relations parties' officials in the public education sector increases the likelihood of labour relations equilibrium by 0.132. Exp (B) value indicated that when knowledge of industrial relations is raised by one unit, the odds ratio is 1.141 times as large and therefore this public education sector labour relations parties' attribute of acquiring the knowledge of industrial relations is more likely to lead to realization of labour relations equilibrium as summarised in equation 1. Thus the research hypothesis was not rejected and therefore knowledge of industrial relations affects labour relations equilibrium in public education sector in Kenya.

Logit (p) = 1.030 +0.132 (Knowledge of industrial relations).....Equation 1.

Table 4.24: Relationship between knowledge of industrial relations and labour relations equilibrium

Variable	B	S.E.	Wald	Df	Sig.	Exp(B)
KIR	.132	.032	17.413	1	.000	1.141
Constant	1.030	.392	6.889	1	.009	2.801
-2 Log likelihood	125.859 ^a					
Cox & Snell R Square	.752					
Nagelkerke R Square	.732					
Chi square	21.083			1	.000	

4.8.2 Hypothesis 2 (H₁): Collective bargaining process affects labour relations equilibrium in public education sector in Kenya.

A binary logistic regression analysis was carried out to predict labour relations equilibrium in public education sector in Kenya using Collective bargaining process as the predictor variable as presented in Table 4. 26

A test of the full model against the constant only model was statistically significant, indicating that collective bargaining process had a positive and significant influence on labour relations equilibrium in the public education sector in Kenya (Chi square=24.587, p-value <0.05 with d.f= 1). Nagelkerke R squared of 0.597 and R of 0.773 indicated a strong positive relationship between collective bargaining process and labour relations equilibrium. This means that 59.7% of total variability in the dependent variable (labour relations equilibrium) is explained by collective bargaining process. On overall prediction, success was 80.1%: From the

classification Table, 79% for no labour relations equilibrium and 82% for labour relations equilibrium (See Appendix III). The Wald criterion demonstrated that collective bargaining process made a positive and significant contribution to prediction of labour relations equilibrium ($\beta=0.160$, Wald =20.393 and p-value <0.05). B column indicates the magnitude and direction of the given independent variable in relation to labour relations equilibrium. The coefficient gives us the change in proportion of labour relations equilibrium given a unit change in collective bargaining process. It can be concluded that effective collective bargaining process in the public education sector increases the likelihood of labour relations equilibrium by 0.160. Exp (B) value indicated that when collective bargaining process increases by one unit, the odds ratio is 1.174 times as large and therefore this public education sector attribute of having an effective collective bargaining process is more likely to lead to realization of labour relations equilibrium as summarised in equation 2. Thus the research hypothesis was not rejected and therefore collective bargaining process affects labour relations equilibrium in public education sector in Kenya.

$$\text{Logit (p)} = 0.598 + 0.160 (\text{collective bargaining process}) \dots\dots\dots \text{Equation 2.}$$

Table 4.25: Relationship between collective bargaining process and labour relations equilibrium

Variable	B	S.E.	Wald	Df	Sig.	Exp(B)
CBP	.160	.036	20.393	1	.000	1.174
Constant	.598	.443	1.824	1	.177	1.819
-2 Log likelihood	123.075 ^a					
Cox & Snell R Square	.681					
Nagelkerke R Square	.597					
Chi square	24.587			1	.000	

4.8.3 Hypothesis 3 (H₁): Parties' recognition in labour relations affects labour relations equilibrium in public education sector in Kenya.

A binary logistic regression analysis was carried out to predict labour relations equilibrium in public education sector in Kenya using Parties' recognition in labour relations as the predictor variable as presented in Table 4. 27

A test of the full model against the constant only model was statistically significant, indicating that parties' recognition in labour relations had a positive and significant influence on labour relations equilibrium in the public education sector in Kenya (Chi square=16.081, p-value <0.05 with d.f= 1). Nagelkerke R squared of 0.823 and R of 0.907 indicated a strong positive relationship between parties' recognition in labour relations and labour relations equilibrium. This means that 82.3% of total variability in the dependent variable (labour relations equilibrium) is explained by parties' recognition in labour relations. On overall prediction, success was 79.5%: From the classification Table, 70% for no labour relations equilibrium score and 89% for labour relations equilibrium score (See Appendix III). The Wald criterion

demonstrated that parties' recognition in labour relations made a positive and significant contribution to prediction of labour relations equilibrium ($\beta=0.101$, Wald =13.281 and p-value <0.05). B column indicates the magnitude and direction of the given independent variable in relation to labour relations equilibrium. The coefficient gives us the change in proportion of labour relations equilibrium given a unit change in parties' recognition in labour relations. It can be concluded that parties' recognition in labour relations in the public education sector increases the likelihood of labour relations equilibrium by 0.101. Exp (B) value indicated that when parties recognition in labour relations is raised by one unit, the odds ratio is 1.106 times as large and therefore this public education sector attribute of parties' recognition in labour relations is more likely to lead to realization of labour relations equilibrium as summarised in equation 3. Thus the research hypothesis was not rejected and therefore parties' recognition in labour relations affects labour relations equilibrium in public education sector in Kenya.

Logit (p) =1.291+0.101(collective bargaining process).....Equation 3.

Table 4.26: Relationship between Parties' recognition in labour relations and labour relations equilibrium

Variable	B	S.E.	Wald	Df	Sig.	Exp(B)
PRLR	.101	.028	13.281	1	.000	1.106
Constant	1.291	.400	10.413	1	.001	3.638
-2 Log likelihood	131.581 ^a					
Cox & Snell R Square	.811					
Nagelkerke R Square	.823					
Chi square	16.081			1	.000	

4.8.4 Hypothesis 4 (H₁): Attitude among labour relations parties' affects labour relations equilibrium in public education sector in Kenya.

A binary logistic regression analysis was carried out to predict labour relations equilibrium in public education sector in Kenya using attitude among labour relations parties' as the predictor variable as presented in Table 4. 28

A test of the full model against the constant only model was statistically significant, indicating that attitude among labour relations parties' had a positive and significant influence on labour relations equilibrium in the public education sector in Kenya (Chi square=25.236, p-value <0.05 with d.f= 1). Nagelkerke R squared of 0.692 and R of 0.832 indicated a strong positive relationship between attitude among labour relations parties and labour relations equilibrium. This means that 69.2% of total variability in the dependent variable (labour relations equilibrium) is explained by attitude among labour relations equilibrium. On overall prediction, success was 84%: From the classification Table, 71% for no labour relations equilibrium and 97% for labour relations equilibrium (See Appendix III). The Wald criterion demonstrated that attitude among labour relations parties' made a positive and significant contribution to prediction of labour relations equilibrium ($\beta=.145$, Wald =22.598 and p-value <0.05). B column indicates the magnitude and direction of the given independent variable in relation to labour relations equilibrium. The coefficient gives us the change in proportion of labour relations equilibrium given a unit change in attitude among labour relations parties'. It can be concluded that attitude among labour relations parties' in the public education sector increases the likelihood of labour relations equilibrium by 0.145. Exp (B) value indicated that when attitude

among labour relations parties increases by one unit, the odds ratio is 1.156times as large and therefore this public education sector attribute of attitude among labour relations parties' is more likely to lead to realization of labour relations equilibrium as summarised in equation 4. Thus the research hypothesis was not rejected and therefore attitude among labour relations parties affects labour relations equilibrium in public education sector in Kenya.

Logit (p) = 0.576 + 0.145 (attitude among labour relations parties')..... Equation 4.

Table 4.27: Relationship between attitude among labour relations parties' and labour relations equilibrium

Variable	B	S.E.	Wald	Df	Sig.	Exp(B)
ALRP	.145	.030	22.598	1	.000	1.156
Constant	.576	.432	1.783	1	.182	1.779
-2 Log likelihood	122.426 ^a					
Cox & Snell R Square	.701					
Nagelkerke R Square	.692					
Chi square	25.236			1	.000	

4.8.5 Hypothesis 5 (H₁): Arbitration mechanisms affects labour relations equilibrium in public education sector in Kenya.

A binary logistic regression analysis was carried out to predict labour relations equilibrium in public education sector in Kenya using arbitration mechanisms as the predictor variable as presented in Table 4. 29

A test of the full model against the constant only model was positive and statistically significant, indicating that arbitration mechanisms had a positive influence on labour relations equilibrium in the public education sector in Kenya (Chi square=25.266, p-value <0.05 with d.f= 1). Nagelkerke R squared of 0.702 and R of 0.838 indicated a

strong positive relationship between arbitration mechanisms and labour relations equilibrium. This means that 70.2% of total variability in the dependent variable (labour relations equilibrium) is explained by arbitration mechanisms. On overall prediction, success was 70.6%: From the classification Table, 75% for no labour relations equilibrium and 65% for labour relations equilibrium (See Appendix III). The Wald criterion demonstrated that arbitration mechanisms made a positive and significant contribution to prediction of labour relations equilibrium ($\beta=0.145$, Wald =22.608 and p-value <0.05). B column indicates the magnitude and direction of the given independent variable in relation to labour relations equilibrium. The coefficient gives us the change in proportion of labour relations equilibrium given a unit change in arbitration mechanisms. It can be concluded that arbitration mechanisms in the public education sector increases the likelihood of labour relations equilibrium by 0.145. Exp (B) value indicated that when arbitration mechanisms is raised by one unit, the odds ratio is 1.156 times as large and therefore this public education sector attribute of arbitration mechanisms is more likely to lead to realization of labour relations equilibrium as summarised in equation 5. Thus the research hypothesis was not rejected and therefore arbitration mechanism affects labour relations equilibrium in public education sector in Kenya.

$$\text{Logit (p)} = 0.287 + 0.145 (\text{arbitration mechanisms}) \dots\dots\dots \text{Equation 5.}$$

Table 4.28: Relationship between arbitration mechanisms and labour relations equilibrium

Variable	B	S.E.	Wald	Df	Sig.	Exp(B)
Arbitration Mechanisms	.145	.030	22.608	1	.000	1.156
Constant	.287	.482	.354	1	.552	1.333
-2 Log likelihood	122.396 ^a					
Cox & Snell R Square	.731					
Nagelkerke R Square	.702					
Chi square	25.266			1	.000	

4.9 Combined Effect Test

A binary logistic regression analysis was carried out to predict combined effect test as shown in Table 4.30. A test of the full model against the constant only model was positive and statistically significant, indicating that all independent variables when combined had a positive and significant influence on labour relations equilibrium in the public education sector in Kenya (Chi square=33.425 , P value <0.05 with d.f= 5). Since F computed (227.386) is greater than F tabulated (5.19) at 0.05 level of significance and therefore falls in the rejection region we reject the Null hypothesis, we conclude that all independent variables combined had positive influence on labour relations equilibrium. Nagelkerke R squared of 0.725 and R of 0.851 indicated a strong positive relationship between all the independent variables and labour relations equilibrium. This means that 72.5% of total variability in the dependent variable (labour relations equilibrium) is explained by all the independent variables combined. On overall prediction, success was 75%: From the classification Table, 74% for no labour relations equilibrium and 76% for labour relations equilibrium

(See Appendix III). Since all the independent variables had standard errors less than 2, multicollinearity was not a problem in the data.

The Wald criterion demonstrated that knowledge of industrial relations made a positive and significant contribution to prediction of labour relations equilibrium in the public education sector in Kenya ($\beta=1.720$, Wald =3.368 and p-value <0.05). The Wald criterion showed that having an effective collective bargaining process in the public education sector made a positive and significant contribution towards the realization of labour relations equilibrium ($\beta= 0.707$, Wald = 24.177 and p-value <0.05). Exp (B) value indicated that when collective bargaining process is raised by one unit, the odds ratio was 2.027 times as large and therefore having effective collective bargaining process in the public education increased labour relations equilibrium by 2.027.

The Wald criterion showed that attitude among labour relations parties made a positive and significant contribution towards the realization of labour relations equilibrium ($\beta= 1.785$, Wald =26.916 and p-value<0.05). Exp (B) value indicated that a unit increase in the odds ratio for attitude among labour relations parties increased labour relations equilibrium by 5.959. Regarding the party's recognition in labour relations, the study showed that it had a positive significant contribution towards labour relations equilibrium ($\beta=0.615$, Wald =7.541 and p-value<0.05). Finally, arbitration mechanisms had a positive and significant contribution towards labour relations equilibrium ($\beta=2.756$, Wald =27.191 and p-value <0.05). Exp (B) value indicated that with a unit increase in arbitration mechanisms the odds ratio for labour relations equilibrium increased by 15.736. The logistic model to depict the

nature of the relationship is as summarised in equation 6. In general, the amount of change in R2 is a measure of the increase in predictive power of a particular dependent variable or variables, given the dependent variable or variables already in the model (Stockburger, 2001). Thus the research hypothesis was not rejected and therefore knowledge of industrial relations, collective bargaining process, party's recognition in labour relations, attitude among labour relations parties and arbitration mechanisms affects labour relations equilibrium in public education sector in Kenya.

$$\text{Logit (p)} = 6.702 + 1.720 (\text{knowledge of industrial relations}) + 0.707 (\text{collective bargaining process}) + 1.785 (\text{attitude among labour relations parties}) + 0.615 (\text{parties recognition in labour relations}) + 2.756 (\text{arbitration mechanisms}) \dots \text{Equation 6.}$$

Table 4.29: Combined Effect Test

Variables	B	S.E.	Wald	Df	Sig.	Exp(B)
Constant	6.702	4.775	2.738	1	.000	814.03
Independent Variables						
KIR	1.720	.442	3.368	1	.000	5.584
CBP	.707	.144	24.177	1	.000	2.027
ALRP	1.785	.533	26.916	1	.000	5.959
PRLR	.615	.184	7.541	1	.000	1.849
AM	2.756	.587	27.191	1	.000	15.736
-2 Log likelihood	114.238 ^a					
Cox & Snell R Square	.810					
Nagelkerke R Square	.725					
Chi square	33.425				5	.000

The formula for the F-test of the goodness of fit

$$F = \frac{R^2 / K - 1}{(1 - R^2) / (N - K)}$$

$$F = \frac{0.725 / 5 - 1}{(1 - 0.725) / (350 - 5)}$$

$$F_{comp} = 227.386$$

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

The summary of the study are presented in this chapter as guided by the specific objectives. These are followed by conclusions and recommendations. The chapter finally gives direction on areas of further research.

5.2 Summary of Findings

The general objective of this study was to investigate the determinants of labour relations equilibrium in public education sector in Kenya. The study relied on theoretical and empirical studies on labour relations and consequently developed a conceptual model of the relationship between the independent variables and the dependent variable. The hypothesized relationships were then tested empirically.

Prior to the empirical test, certain assumptions about the variables used in the analysis were tested for, since most statistical tests rely upon them. The study also found no violation of the assumptions of multivariate normality test, heteroscedasticity, multicollinearity, and spearman correlation (autocorrelation).

5.2.1 Find out if knowledge of industrial relations affects labour relations equilibrium in public education sector in Kenya.

Knowledge of industrial relations had a positive relationship with labour relations equilibrium in public education sector in Kenya. Knowledge of industrial relations had a statistically significant positive influence on labour relations equilibrium in

public education sector in Kenya. This necessitated rejection of the null hypothesis that knowledge of industrial relations does not affect labour relations equilibrium in public education sector in Kenya

5.2.2 Determine if collective bargaining process affects labour relations equilibrium in public education sector in Kenya.

Collective bargaining process had a positive relationship with labour relations equilibrium in public education sector in Kenya. This necessitated rejection of the null hypothesis that collective bargaining process does not affect labour relations equilibrium in public education sector in Kenya. Three factors namely, fairness of the process, willingness of parties to negotiate, and concern for other parties view point contributed to collective bargaining process influencing labour relations equilibrium in public education sector in Kenya.

5.2.3 To establish whether parties' recognitions in labour relations affect labour relations equilibrium in public education sector in Kenya.

Parties' recognitions in labour relations (parties' willingness to consult, procedural rights, bargaining power and joint decision making) had a positive relationship with labour relations equilibrium in public education sector in Kenya. Consequently, the null hypothesis that parties' recognition in labour relations does not affect labour relations equilibrium in public education sector in Kenya was rejected. As well, parties' recognitions in labour relations had a statistically significant positive effect on labour relations equilibrium in public education sector in Kenya. Parties' recognitions in labour relations also explained a substantial variation in labour relations equilibrium in public education sector in Kenya. All the four factors of

parties' recognitions in labour relations, namely parties' willingness to consult, procedural rights, bargaining power and joint decision making had a positive contribution to parties' recognitions in labour relations positively influencing labour relations equilibrium in public education sector in Kenya.

5.2.4 To determine the effect of attitude among labour relations parties' on labour relations equilibrium in public education sector in Kenya.

The study investigated the effect of attitude among labour relations parties on labour relations equilibrium in the public education sector in Kenya. The results from the logistic regression analysis indicated that the effect of attitude among labour relations parties sub-variables examined was positively significant in the model. The results also indicated that the level of a public education sector labour relation compliance with positive attitude positively affect labour relations equilibrium significantly.

5.2.5 To find out the effect of arbitration mechanisms on labour relations equilibrium in public education sector in Kenya.

Arbitration mechanisms had a positive relationship with labour relations equilibrium in public education sector in Kenya and all the three factors of arbitration mechanisms, namely pre-hearing briefs, arbitration hearing, and arbitrator's decisions contributed significantly to the positive effect of arbitration mechanisms on labour relations equilibrium in public education sector in Kenya. The findings also show that arbitration mechanism was positively significant in the model. Thus the null hypothesis that arbitration mechanisms do not affect labour relations equilibrium in public education sector in Kenya was rejected.

5.3 Conclusion

Based on the findings, it can be concluded that knowledge of industrial relations facilitates labour relations equilibrium in the public education sector in Kenya. The study found out that for labour relations equilibrium to be realized there is need for organizations in this 21st. Century to increasingly emphasize on increasing the competencies of its professionals in order to transform them into knowledge workers. This will enable employees to stay at the forefront of their professional fields and be constantly aware of developments within their specific disciplines and professions. Thus, public education sector in Kenya is expected to place a premium on labour relations parties' training as part of embracing trends in contemporary human resource management philosophies.

Collective bargaining process had a statistically significant and positive influence on labour relations equilibrium in public education sector in Kenya. Collective bargaining takes place between a negotiation team consisting of top managers and trade union representatives. On the employer side, the management board appoints the team responsible for collective bargaining. The study revealed that collective bargaining process had a positive and significant effect on labour relations environment in public education sector in Kenya. Also, collective bargaining made a significant and positive contribution to industrial relations equilibrium. This implies that a flawed process that is perceived to be unfair is likely to result in poor labour relations environment.

The findings indicated that confrontational relationship existed between the partners. Hence, employees used strikes to force their rights to be addressed. It was a common

feeling that management had been rigid on employees' demand for their rights and hence unless employees agitated for their rights nothing would be granted. Partnership should exist among the social actors since there were rules of play of how far each could go in agitation for rights for labour relations equilibrium to be realised.

The findings concluded that collective bargaining process was not fair and legal. For there to be labour relations equilibrium in the public education sector in Kenya, parties should show good faith in bargaining when; they are willing to meet and confer with each other at a reasonable time and place; they are willing to negotiate over wages, hour and conditions of employment; they sign a written contract that formalizes their agreement and binds them to it; and each party gives the other adequate notice of termination or modification of the labour agreement before it expires

Parties' recognitions in labour relations (parties' willingness to consult, procedural rights, bargaining power and joint decision making) had a positive relationship with labour relations equilibrium in public education sector in Kenya. The Labour Relations Act, 2007 requires that an employer, groups of employers or an employer's organization that has recognized a trade union, to conclude a collective agreement. The agreement sets out the terms and conditions of service for all employees covered by the recognition agreement. The agreement is the basis and point of reference when management makes decisions relating to employees. This is because quite often collective bargaining requires some form of authorization by labour ministries.

Attitude among labour relations parties' had a positive and significant relationship with labour relations equilibrium in public education sector in Kenya. Two factors, namely parties' satisfaction and parties' commitment contributed to attitude among labour relations parties' positively influencing labour relations equilibrium in public education sector in Kenya. The information gathered showed that labour relations parties in the public education sector have no sense of loyalty, this is supported by the finding that management had delayed in concluding collective agreements and where the agreement had been concluded, management had not fully implemented the agreement culminating to strikes contradicts the legal requirement of the Labour Relations Act, 2007, that after recognition, management is required to conclude and implement a collective agreement with the union. Arbitration mechanisms had a positive relationship with labour relations equilibrium in public education sector in Kenya. Arbitration is a departure from the traditional concept of legal centralism, a concept that puts the government at the centre of dispute resolution through the courts.

Overall, the study has demonstrated positive relationship between all the independent variables (knowledge of industrial relations, collective bargaining process, party's recognition in labour relations, attitude among labour relations parties and arbitration mechanisms) and the dependent variable (labour relations equilibrium). It is hoped that this study can provide insights for future research in this area and help the public education sector in Kenya and in the rest of the world to realize labour relations equilibrium and implement effective strategies related to all the determinants (knowledge of industrial relations, collective bargaining process, party's recognition

in labour relations, attitude among labour relations parties and arbitration mechanisms) of labour relations equilibrium. This study also fills the gaps identified at the literature review stage where it was revealed that limited attention has been paid to investigating the determinants of labour relations equilibrium in the public education sector in Kenya. Moreover, the few studies that have been done in this area of labour relations mostly in Europe, Asia and the United States of America fail to clearly explain the factors which tilt the state of equilibrium and harmony in labour relations. This study therefore has added value to existing literature by providing empirical labour relations equilibrium determinants that the public education sector in Kenya can adopt in order to realize labour relations equilibrium.

5.4 Recommendations

In general, the results provide labour relations parties in public education sector in Kenya with important insights by highlighting the benefits that the public education sector can derive through an effective implementation of determinants of labour relations equilibrium. In particular, the three key stakeholders in tripartism as representatives of the government, employers and employees respectively can gain a deeper understanding of these determinants of labour relations equilibrium to harmoniously settle disputes in public education sector which experiences strikes each year which is a sign of industrial disharmony which translates to a state of disequilibrium in labour relations. This is because the proposed model can serve as a guide for realizing labour relations equilibrium within the sector.

Specifically, factors associated with labour relations equilibrium need to be accorded special attention as they have shown to have the greatest impact on labour relations

equilibrium in public education sector in Kenya. Thus adoption of strategic orientation initiatives like knowledge of industrial relations provision should be vigorously pursued by parties to labour relations in the public education sector in Kenya. Investing in knowledge of industrial relations will enable the public education sector manage strikes, now ranking as one of the top problem in all sectors particularly the public education sector in Kenya and globally, and the resulting losses that they create. Particularly, parties' recognition in labour relations has to be given first priority and resources availed if the public education sector in Kenya has to realize labour relations equilibrium. This study therefore recommends that the public education sector need to invest in parties' recognition in labour relations since it also ensures labour relations equilibrium in the public education sector and other sectors.

Top management commitment should be accorded priority number two as the commitment of the top managers (decision makers) and participation in collective bargaining gives an impression of their support in realization of labour relations equilibrium. Undoubtedly, failure of the top management to support or understand the need for collective bargaining would result in labour relations disequilibrium. Another area requiring special attention in terms of investment is attitude among labour relations parties' consisting of parties' satisfaction and parties' commitment. Proper satisfaction and commitment would inculcate a labour relationship that is free from frequent strikes and stand offs in the public education sector consequently improving the productivity of the sector. The public education sector should therefore invest in the five major areas for the realization of labour relations equilibrium in public

education sector in Kenya. Top management should also ensure there is recognition of all labour relations parties' in the public education sector in Kenya.

Determining factors affecting labour relations equilibrium in the public education sector in Kenya will curb the frequently witnessed strikes in the sector which is a big obstacle to labour relations equilibrium and productivity. Indeed the Kenyan government, as it tries to achieve Vision 2030, can develop a labour relations system which will guide the various sectors in Kenya in adopting the determinants of labour relations equilibrium, considered to be a best practice in the achievement of peace.

Another area requiring special attention in terms of labour relations equilibrium is arbitration mechanisms consisting of pre-hearing briefs, arbitration hearing, and arbitrators decisions. Arbitration is a departure from the traditional concept of legal centralism, a concept that puts the government at the centre of dispute resolution through the courts. In most jurisdictions, arbitration is preferred as an alternative to litigation in the courts where proceedings are technically complex. Pursuit of litigation in resolving labour disputes cannot satisfactorily achieve the desired ends and legal centralism has been criticised for being insensitive to the feelings of its subjects.

Arbitration is a practical mechanism of conflict resolution that has been tested over the years. Arbitration has a number of advantages. It is confidential; Parties select an arbitrator privately and proceedings are held privately. The process also has flexibility of time, procedure, venue and is not expensive compared to litigation. Further, there is minimum emphasis on formality, which fact encourages expeditious

disposal of matters. Arbitration also limits appeals against awards, a fact which impacts policy on expediency of the arbitral process.

In summary, factors associated with labour relations equilibrium need to be enhanced by including them in the mission and vision statements in various sectors and making them part of their code of conduct as the study has demonstrated positive relationship between knowledge of industrial relations, collective bargaining process, party's recognition in labour relations, attitude among labour relations parties and arbitration mechanisms and labour relations equilibrium. Finally, the public education sector labour relations parties' should be enlightened on the various determinants of labour relations equilibrium for harmonious relationship.

5.5 Areas of Further Research

The study of collective bargaining process concentrated on only four sub-variables. It was not possible to study all factors that determine success of collective bargaining process. From the findings 59.7% of total variability in dependent variable is explained by collective bargaining process. Without a doubt, other factors come into the interplay and provide perceptive results to the issue of collective bargaining process influencing labour relations equilibrium in the public education sector in Kenya. Attitude among labour relations parties on the other hand, concentrated on only two sub-variables. Other factors come into the interplay and provide perceptive results to the issue of attitude among labour relations parties positively influencing labour relations equilibrium in the public education sector in Kenya. Future research should concentrate on all the sub-variables of collective bargaining process and attitude among labour relations parties. Secondly, from the findings 72.5% of the

total variability in labour relations equilibrium in the public education sector in Kenya is explained by party's recognition in labour relations, collective bargaining process, knowledge of industrial relations, arbitration mechanisms, and attitude among labour relations parties. A further study is therefore recommended to investigate the other determinants of labour relations equilibrium in the public education sector in Kenya.

The study relied on quantitative data where the respondents were asked to select from the explicit options on the item in the instrument. But some success factors of labour relations equilibrium are known to be strategic and dynamic in nature. Therefore, a longitudinal study would be more preferable as it could provide a better perspective of the determinants of labour relations equilibrium in public education sector in Kenya in addition to further informing the policy frameworks of labour relations.

Lastly, the findings presented in this study are based on determinants of labour relations equilibrium in public education sector in Kenya. Future research should be extended to the entire education sector and other sectors in Kenya.

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APPENDICES

APPENDIX I: INTRODUCTION LETTER

ASENATH KENG'AYAONGUSO (PhD –
Student)

JKUAT –CBD CAMPUS

NAIROBI

Dear Sir/Madam

RE: QUESTIONNAIRE

I am a PhD Human Resource Management Student at the Jomo Kenyatta University of Agriculture and Technology. One of the requirements to the award of the degree would be to write a dissertation in an area of my studies. I would be very grateful for your assistance in giving me your sincere feedback on the questionnaire attached.

I have chosen the public education sector for my study. The gap from the reviewed literature led me to research on '**Determinants of labour relations equilibrium in public education sector in Kenya**'.

The research is purely for academic purpose and all information will be held in confidentiality. Please note that it would be optional to identify yourself and thus can remain anonymous.

Thank you.

ASENATH KENG'AYA ONGUSO

APPENDIX II: QUESTIONNAIRE

INSTRUCTION: Please answer all the questions honestly and exhaustively by putting a tick (✓) or numbers in the appropriate box that closely matches your view or alternatively writing in the spaces provided where necessary.

NB: This information will be used strictly for academic purposes only and will be treated with utmost confidence.

PART A: BACKGROUND INFORMATION

1. Name.....(Optional)

2. Gender: Male Female

3. Job Title.....

4. Number of years you have worked for the Union/Ministry/Commission/University.

Less than 2 years 2 to 10 years 11 to 20 years More than 20 years

5. Level of Education

A. KCSE

B. Certificate/Diploma

C. Bachelor's Degree

D. Master's Degree level

E. Doctorate

Others (Please specify).....

PART B: LABOUR RELATIONS EQUILIBRIUM

1. How many strikes does the public education sector face per year?

- a) No strike at all b) 1-10 strikes per year
c) 11-20 strikes per year d) Others (please specify).....

2. On average how long did these strikes take?

- a) 5 Days b) 2 Weeks c) 2 Months

3. How often do you experience employees' grievance in the public education

- sector?
Mostly Rarely Sometimes
Not at all

4. How much time do you take in solving a complaint (duration of handling process)?

- 2 Weeks 6 Weeks Indefinite

5. What is your overall opinion on the top management?

- Good Fair Bad

6. What is your position in this sector when compared to other sectors?

- Better On par with others Lower than others

7. Industrial peace, more than the prevailing scenario can be achieved through.

- a) Increasing the facilities and amenities
b) Increasing wages/other monetary benefits
c) Through counseling individual employees

d) Can't say

Answer the following questions by putting a tick (√) in the appropriate box that matches your answer.

		YES	NO	NOT SURE
8	Is lack of cooperation from the top management the main reason for grievance in public education sector?			
9	Do you think the complaints/grievances are taken care of well in the public education sector?			
10	Is the party which submits the grievance always satisfied with the way the grievance is settled?			
11	Are you satisfied with the existing grievance settlement system?			
12	Are all labour relations parties performing their responsibilities effectively?			
13	Do trade unions and employers reach collective agreements within a reasonable time frame?			
14	Are the collective bargaining agreements reached implemented?			
15	Are the collective bargaining agreements reached fairly implemented?			
16	Do unions and management act complementarily for the cause of industrial peace?			
17	Is the labour information available and transparent?			

		YES	NO	NOT SURE
18	Does the information flow among the players without interruption?			
19	In your own view is the employment policy in place effectively adopted?			
20	Employees are satisfied with management's offers			

Indicate your level of agreement with the statements below about the competence of other labour relations parties' officials (**where 1= strongly disagree, 2 =disagree, 3= somehow agree, 4= Agree, 5=strongly agree**)

	Statement	5	4	3	2	1
10	All labour relations parties' officials have studied labour relations courses formally					
11	There are formal training programs in place to improve labour relations parties' officials skills					
12	Labour relations players have got the necessary experience that enables them carry out their responsibilities effectively					
13	Labour courts make informed settlement of disputes.					
14	The players have the knowledge of collective bargaining.					
15	Trade unions are instrumental in productivity improvement.					
16	There is a strong and enlightened group of labour relations players					
17	Non-compliance of applicable Labour Laws could be a potential cause of industrial conflict					

PART D: COLLECTIVE BARGAINING PROCESS.

1. Which one of the following dispute resolution mechanism do you prefer?

- a) Bilateral Negotiation
- b) Through Conciliator
- c) Through Arbitration
- d) Through Labour Courts
- e) Others (please specify).....

Answer the following questions by putting a tick (√) in the appropriate box that matches your answer.

		YES	NO	NOT SURE
2	Do Labour relations players prefer collective bargaining in solving labour disputes?			
3	Do you think parties involved in collective bargaining process use due/legal influence?			
4	Is failure of Collective Bargaining the potential cause for Strike/Lock-out?			
5	Is the collective bargaining process in place Fair and legal?			
6	Are all the employees terms and conditions of employment determined through collective bargaining? \\			

		YES	NO	NOT SURE
7	Is the dispute settlement reached without undue delay and ill will?			
8.	Are the agreed terms of the settlement implemented?			
9	Do you think there is fairness in the way the collective bargaining agreements are implemented?			
10	Are the agreed terms of the settlement subsequently monitored?			
11	In your own view is there trust between management and the trade union representatives during the collective bargaining process?			

12. How long does it take for the collective bargaining agreements to be implemented from the day it is signed?

1-90 days 90+ days Not implemented

13. Are all the parties to the collective bargaining involved in the collective bargaining processes?

Yes No Not sure

PART E: ATTITUDE AMONG LABOR RELATIONS PARTIES.

Indicate your level of agreement with the statements below (where 1= strongly disagree, 2 =disagree, 3= somehow agree, 4= Agree, 5=strongly agree)

	Statements	(5)	(4)	(3)	(2)	(1)
1	Labour relations parties are trying to maintain a long-term commitment to each other.					
2	Labour relation parties want to maintain a relationship with each other.					
3	There is a long-lasting bond between labour relations parties.					
4	Compared to other sectors, public education sector labour relations is valued.					
5	Labour relations parties would rather work together than not.					
6	Labour relation parties have no desire to have a relationship with each other.					
7	There is a sense of loyalty among labour relations parties.					
8	Labour relations parties are happy with this relationship.					

	Statements	(5)	(4)	(3)	(2)	(1)
9	All parties to labour relations benefit from the relationship.					
10	Labour relations parties are happy in their interactions with each other.					
11	The labour relations parties fail to satisfy the needs of employees.					
12	Each party to labour relations feel important to the relationship.					
13	In general, nothing of value has been accomplished by the labour relations parties.					
14	Generally speaking, labour relations parties are pleased with the relationship with each other.					

PART F: PARTIES RECOGNITION IN LABOUR RELATIONS.

1. Do all the employees in the public education sector belong to a trade union?

Yes

No

2. If yes. Do you think all the trade unions are recognised by management for negotiating pay and conditions of employment?

Yes

No

Not sure

3. Are the employees' pay and conditions of employment directly affected by agreements between the employer and any trade union(s) or staff association?

Yes

No

4. Through which of the following recognition methods does unions get bargaining rights?

a) Through certification

b) Voluntary recognition

c) Others

(Please

Specify).....

5. Are there cases when employers and trade unions have failed to agree on the terms to be included in a collective agreement?

Yes

No

Not sure

6. If YES, how many times has it happened in the past two years?

Once

2-5 times

6-10 times

More than 10 times

8. Do all parties to labour relations negotiate or appear to be negotiating in good faith?

Yes

No

Not sure

9. To what extent are you satisfied with the terms of collective agreements in the public education sector?

Strongly satisfied Satisfied Neutral
Unsatisfied Strongly unsatisfied

10. Explain your answer in (9) above.....

11. Do you think all the parties in labour relations are on equal bargaining power?

Yes No Not sure

12. If No. Which one of the following do you think is the cause of unequal bargaining power?

- a) The structure of the bargaining parties
- b) The internal politics within the union and management.
- c) The political environment
- d) The cultural background of the actors
- e) Others (please specify).....

13. How are the labour relations in the public education sector?

Good Fair To be improved

14. Do employees have free access to the top management?

Yes No Not sure

15. Does labour relations players have respect to each other's rights?

Yes No Not sure

PART G: ARBITRATION MECHANISMS.

1. Have you previously used arbitration as a means of resolving disputes in the public education sector?

Yes No

2. If you haven't already, would you consider arbitration or any other alternative dispute resolution as a means of resolving a dispute?

Yes No Maybe

3. If you are currently using or have previously used arbitration as a dispute resolution in the public education sector, who appointed the arbitrator?

- a) Courts
- b) Parties to dispute
- c) Third parties (i.e. Arbitration Centre)
- d) Others (Please Specify).....

4. If you are currently using or have previously used arbitration as a dispute resolution in the public education sector, did a specialized arbitrator handle the case?

Yes No Not Sure

5. If you are currently using or have previously used arbitration as a dispute resolution, in public education sector how long did it take to render an award?

6 months 12 months 18 months
18+ months

6. If you are a current or previous user of arbitration, how would you rate the level of service?

Good Fair Bad

7 Does the parties have agreements on the issues in dispute before the arbitration hearing?

Yes No Not Sure

8. Are the decisions reached by the arbitrator(s) implemented?

Yes No Not Sure

9. If Yes. Do you think the decisions by the arbitrator(s) are implemented fairly?

Yes No Not Sure

10. If No. Briefly explain.....

Please indicate your level of satisfaction with the application of the following factors in choosing arbitrator(s) (where 1= strongly unsatisfied, 2 =unsatisfied, 3= neutral, 4= satisfied, 5=strongly satisfied)

	Factors	5	4	3	2	1
11	The legal and factual basis of the dispute					
12	The technical expertise required					
13	The location of the parties					
14	The experience of the arbitrator(s)					

15. Are there cases when the arbitrator(s) decision is unbinding?

Yes No

16. If YES, how many times has it happened in the past two years?

Once 2-5 times 6-10 times
 213

More than 10 times

17. If NO. Are there any reasons?.....

18. In your own view do you think the arbitrators are willing to listen to arguments from both parties?

Yes

No

19. What is your overall opinion on the arbitration system in the public education sector?

Good

Fair

Bad

Thank you

APPENDIX III: LOGIT REGRESSION OUTPUTS

Knowledge of Industrial Relations Classification

Observed		Predicted		
		Equilibrium in public education sector in Kenya		Percentage Correct
		No	Yes	
Equilibrium in public education sector in Kenya	No	0	19	67
	Yes	0	331	72
Overall Percentage				69.5

Collective Bargaining Process Classification

Observed		Predicted		
		Equilibrium in public education sector in Kenya		Percentage Correct
		No	Yes	
Equilibrium in public education sector in Kenya	No	0	25	79
	Yes	0	325	82
Overall Percentage				80.1

Parties' Recognition in Labour Relations Classification

Observed		Predicted		
		Equilibrium in public education sector in Kenya		Percentage Correct
		No	Yes	
Equilibrium in public education sector in Kenya	No	0	50	70
	Yes	0	300	89
Overall Percentage				79.5

Attitude among labour relations parties' Classification

Observed		Predicted		Percentage Correct
		Equilibrium in public education sector in Kenya		
		No	Yes	
Equilibrium in public education sector in Kenya	No	0	62	71
	Yes	0	288	97
Overall Percentage				84.0

Arbitration mechanisms Classification

Observed		Predicted		Percentage Correct
		Equilibrium in public education sector in Kenya		
		No	Yes	
Equilibrium in public education sector in Kenya	No	0	70	75
	Yes	0	280	65
Overall Percentage				70.6

Independent Variables Classification

Observed		Predicted		Percentage Correct
		Equilibrium in public education sector in Kenya		
		No	Yes	
Equilibrium in public education sector in Kenya	No	0	78	74
	Yes	0	282	76
Overall Percentage				75

APPENDIX IV: LIST OF PUBLIC UNIVERSITIES IN KENYA

In line with Section 28 (4) of the Act, CUE shall cause to be published, the list of universities accredited to undertake university education in Kenya. The following is the list of accredited universities in Kenya as at 24th October 2014:

ACCREDITED UNIVERSITIES		YEAR OF ACCREDITATION
PUBLIC CHARTERED UNIVERSITIES		
1.	University of Nairobi (UoN)	Established - 1970 Chartered - 2013
2.	Moi University (MU)	Established - 1984 Chartered - 2013
3.	Kenyatta University (KU)	Established - 1985 Chartered - 2013
4.	Egerton University (EU)	Established - 1987 Chartered 2013
5.	Jomo Kenyatta University of Agriculture and Technology (JKUAT)	Established - 1994 Chartered - 2013
6.	Maseno University (Maseno)	Established - 2001 Chartered 2013
7.	Masinde Muliro University of Science and Technology (MMUST)	Established - 2007 Chartered - 2013
8.	Dedan Kimathi University of Technology	2012
9.	Chuka University	2013
10.	Technical University of Kenya	2013
11.	Technical University of Mombasa	2013
12.	Pwani University	2013
13.	Kisii University	2013
14.	University of Eldoret	2013
15.	Maasai Mara University	2013
16.	Jaramogi Oginga Odinga University of Science and Technology	2013
17.	Laikipia University	2013
18.	South Eastern Kenya University	2013
19.	Meru University of Science and Technology	2013
20.	Multimedia University of Kenya	2013
21.	University of Kabianga	2013
22.	Karatina University	2013

APPENDIX V: ARBITRATION MECHANISMS

Table 4.30 Arbitration Mechanisms

	Frequency	Percent
Have you previously used arbitration as a means of resolving disputes in the public education sector?	Frequency	Percent
Yes	339	96.9
No	11	3.1
Total	350	100
If you haven't already, would you consider arbitration or any other alternative dispute resolution as a means of resolving a dispute?	Frequency	Percent
Yes	105	30
No	245	70
Total	350	100
If you are currently using or have previously used arbitration as a dispute resolution in the public education sector, did a specialized arbitrator handle the case?	Frequency	Percent
Yes	14	4
No	297	84.9
Not sure	53	15.1
Total	350	100
If you are currently using or have previously used arbitration as a dispute resolution, in public education sector how long did it take to render an award?	Frequency	Percent
6 months	32	9.1
12 months	272	77.8
18 months	32	9.1
18+ months	14	4
Total	350	100
If you are a current or previous user of arbitration, how would you rate the level of service?	Frequency	Percent
Fair	45	12.9
Bad	305	87.1
Total	350	100
Does the party have agreements on the issues in dispute before the arbitration hearing?	Frequency	Percent
Yes	4	1.1

	No	335	95.8
	Not sure	11	3.1
	Total	350	100
Are the decisions reached by the arbitrator(s) implemented?		Frequency	Percent
	Yes	11	3.1
	No	332	94.9
	Not sure	7	2
	Total	350	100
If Yes. Do you think the decisions by arbitrator(s) are implemented fairly?		Frequency	Percent
	Yes	2	18.2
	No	6	54.5
	Not sure	3	27.3
	Total	11	100

APPENDIX VI: ATTITUDE AMONG LABOUR RELATION PARTIES

Table 4.31 Attitude among Labour Relation Parties

	Strongly disagree (%)	Disagree (%)	Some how agree (%)	Agree (%)	Strongly agree (%)	Total (%)
Labour relations parties are trying to maintain a long-term commitment to each other.	18	71.1	7.7	0	3.2	100
Labour relation parties want to maintain a relationship with each other.	29.1	59.1	8.6	0	3.2	100
There is a long-lasting bond between labour relations parties.	38.8	53.9	0	7.3	0	100
Compared to other sectors, public education sector labour relations is valued.	64	30.9	2	0	3.1	100
Labour relations parties would rather work together than not.	25.1	46.3	22.6	2	4	100
Labour relation parties have no desire to have a relationship with each other.	58.6	29.2	9	0	3.2	100
There is a sense of loyalty among labour relations parties.	53.1	37.7	6	3.2	0	100
Labour relations parties are happy with this relationship.	41.1	46	9.7	0	3.2	100
All parties to labour relations benefit from the relationship.	40.9	54.9	1.1	0	3.1	100
Labour relations parties are happy in their interactions with each other.	69.7	27.1	3.2	0	0	100
The labour relations parties fail to satisfy the needs of employees.	2.6	2.6	0	20.8	74	100
Each party to labour relations feel important to the relationship.	34	56.9	2	7.1	0	100

In general, nothing of value has been accomplished by the labour relations parties.	0	25.7	7.1	22.3	44.9	100
Generally speaking, labour relations parties are pleased with the relationship with each other.	78	22	0	0	0	100

APPENDIX VII: LIST OF FORMULAE

FORMULA 1: The Kuder-Richardson (Kr₂₀) Formula

FORMULA 2: The Content Validity Formula

FORMULA 3: F-Test of the Goodness of Fit