

University of Nairobi
Department of sociology

**An Investigation Into Some of The Challenges Facing Trade Unions In
Kenya: - A Case Study of Bakery, Confectionery, Manufacturing and
Allied Workers Union in Nairobi.**

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1 Dedication

This is a special dedication to my family for their love and support.

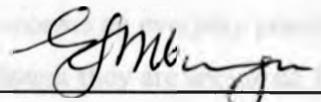
2 Declaration

This project paper is my original work and has not been submitted for examination in any other university.

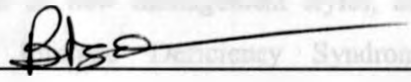
Signature 
MS. PURITY MUTHAMIA

Date 24/7/03

This project paper has been submitted for examination with our approval as University supervisors.

Signature 
PROF. EDWARD MBURUGU

Date 24/07/03

Signature 
MR. BENEAH MUTSOTSO

Date 24/7/2003

3 Abstract

This study addressed some of the challenges facing the Trade unions in Kenya. The case study was The Bakery Confectionery and Allied workers Union. Collective Bargaining has been and continues to be part and parcel of industrial peace and harmony. The history of Collective Bargaining in Kenya can be traced back to the Labour Movement in the 1900s when the European settlers introduced wage labour. Prominent leaders among them the late Tom Mboya and Achieng Onioko spearheaded the movement to fight for workers rights.

Though the broad objective of Collective Bargaining is well-intended, industrial peace and harmony has been elusive as industrial actions are met with hostility, retrenchment of workers has also become an everyday practice; workers are paid poorly and work in poor conditions even though they are unionized. On the contrary, the Union leaders are having a good time with most of them rising to high political positions.

The study therefore sought to understand some of the challenges facing Trade Unions in the advent of new management styles, advanced technology, the emergence of the Acquired Immune Deficiency Syndrome (AIDS) scourge, compounded with globalization.

A methodology was mapped out to carryout this study. The Bakers, Confectionery, Manufacturing and Allied Workers Union were purposively sampled. A questionnaire was used to collect primary data and secondary sources i.e. Journals, Records from the Industrial Court and relevant Acts were used. Data analysis was done qualitatively. The findings indicated that the challenges facing Trade Unions included, mismanagement of the Unions, financial crunches, lack of knowledge in procedures in trade unions,

encroachment of the civil society in this area among others.

The study recommends as a way forward that policy and institutional framework to address the crisis in trade unionism be looked into. Recommendations to the unions suggested training and change management as a priority; a further study was felt necessary to enrich the study in future.

4 Acknowledgement

Like any other activity this project took my time and energy. On my own, I could not have made it and on the basis of that, I would like to acknowledge quite a number of people and the institutions, which contributed positively to this write-up.

First and foremost, I am grateful to my family and in particular my husband Hon. R. Maore Maoka for the financial support to meet my study expenses and in particular the ample opportunity to study and finally prepare this write-up.

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In conclusion I thank the almighty God for the strength that he has given me always.

5 CHAPTER ONE: PROBLEM STATEMENT

5.1 Introduction (Background)

Collective Bargaining is a method of determining working conditions and terms of employment through negotiating between an employer, a group of employers or one or more organizations on the other hand and one or more representative of workers organization on the other hand with a view to reaching an agreement (ILO 1960). The Advisory, Conciliation and Arbitration Services (ACAS) defines Collective Bargaining as a process whereby procedures are jointly agreed and wages and conditions of work are settled by negotiation between employers and associations of employers and worker organization or representative (Green 1994). In Collective Bargaining the trade unions and worker organizations play a vital role in the process of bargaining. Hence, a trade union¹ is seen as an association or combination whether temporary or permanent with an objective or regulating the relation between employees and employers or between employers and employers (Trade Disputes Act 234).

In Kenya Collective Bargaining can be traced back to the early 1900s when the European powers shared among themselves the Nations of Africa. As the settler community grew in size the need for commercial labour increased. There was a need for the white settlers who were also the ruling race to pass legislation that could ensure enough supply of labourers. As such, labour laws emerged and subsequent trade unions.

The rise of trade union formation in Kenya was due to a number of factors such as the return of African soldiers who went to fight in the two world wars. The African soldiers enlisted to fight abroad came back with experience after being shown new ways of life. After experiencing different conditions of work they tried to resist the whites after they came back. However, the militant workers and their increased awareness led to the

†

¹ Another definition is “ ... A continuous association of wage earners for the purpose of maintaining or improving the conditions of their employment.” Source I.L.O the role of Trade Unions 1978 p.140.

formation of worker organizations in the 1940s. Due to the absence of necessary consultation, the wage earners resorted to strikes, which were illegal and other forms of civil disorder (Singh 1952). On this basis, the Federation of Registered Trade Unions in Kenya (KFRTU) was formed in 1950, with an aim of fighting for better wages and conditions of work.

The challenges of trade unions can be traced back to the inception of worker organization in Kenya. Singh (1969) notes that the African labourers were restricted in movement through the introduction of the Kipande system, which was a way of controlling movement of African labourers and locating as well as identifying them. The restriction of workers in itself was an issue challenging workers rights and freedom of movement. This shows that the introduction of capitalism in Kenya was the origin of the present labour relations in Kenya. During the period 1900s – 1960s began to make it felt within the major employer organization the Kenya-Uganda-Railway. With the emergence of Railway work. Africans were displaced from their source of livelihood thus forcing them to target urban areas to work as Domestic servants, Employees of Central Administration or the Municipality and railway work. They also worked as tailors, bakers and messengers. (Waweru)

In absence of effective machinery for consultation the wage earners resorted to strikes and other forms of civil disorder. As trade unions did not exist, most of the organized strikes were cases of tribal association, which were supported by a cross section of workers from different ethnic groups. White management and administration disapproved this industrial agitation as it was seen as rebellion.

At this time Kenyan leaders among them the Late Tom Mboya spearheaded the fight for worker rights and the management of White Administration was able to bend to probationary unions. In 1947 there were riots in Mombasa as workers demanded better

pay and better working conditions. As these demands could not be put to any particular employer the colonial government appointed a Commission of Inquiry to look at the riots. (Aluchio 1998).

In 1950, the spirit of trade unionism blew across Kenya, people were arrested but in 1950 Kenya Federation of Registered Trade Unions was formed which was restructured to form the Kenya Federation of Labour (KFL) in 1955.

During J. Kenyatta's bitter struggle for independence there was a strong link between trade union officials and party leaders. In 1952 Kenya African Union (KAU) was banned but the trade unions were allowed to function. KFL took over the substitute political roles however an important turning point in the trade union movement occurred in 1958 when the Federation of Kenya Employers (FKE) mainly commercial and industrial employers and KFL entered into a recognition agreement. This made trade unions powerful. (Ananaba: 1979).

In 1960 the trade unions became a force to reckon with and commented on political matters. Trade unions assisted in the struggle for independence but when the party (KANU) formed the government, there was political interference; this was because the KFL Secretary General was appointed Labour Minister. In his capacity as a Minister, he warned unions that their independence might be curtailed in the interest of economic growth. When emergency was declared in Kenya, Twenty seven (27) trade unionist were arrested with other freedom fighters. For instance, when Tom Mboya took over the leadership of Kenya Registered Trade Unionists, he widened the campaign for Kenya's liberation. At one time the trade union center, whose name had been changed to Kenya Federation of labour, was going to be banned because of speeches made by Mboya when visiting Europe. This trend of government interference has continued to be felt up to the 21st century. Trade unions have been springboards for politicians who use unions to rise

and join Parliament at the expense of workers. They use Trade Unions as piggy ride to wealth e.g. Joseph Mugalla.

The trade unions formation was seen as a political movement (Mboya 1963) as in 1949 a Trade Union Ordinance, and a Compulsory Labour Act were introduced to give the government stronger powers over union workers. This shows that political interference and governmental prerogatives became challenges to trade union activities long ago. However in 1963, an Industrial Relations Charter was formed to recognize the unions as official. The charter assisted to spread trade unionism in Kenya because it created an enabling environment in which workers could organize themselves through the tripartite committee to the government worker organizations and employers. The Industrial Relations Charter stipulates the responsibilities of the government, the Federation of Kenya Employers and the Central Organization of Trade Unions (COTU).

Another interesting feature in trade union operation in Kenya is that the /civil Servant Union was deregistered in 1980 (thou this position has currently changed by the re-introduction of the union late 2001). This was a government move to weaken the bargaining power of civil servants in essential services. After all the civil servants formed the majority of waged laborers and an industrial action would paralyze services countrywide (Damachi 1970). All trade unions are free to join COTU except the Kenya National Union of Teachers, which is also categorized as an essential service. This indicates that the government has not given the trade unions the freedom to organize and carry out union activities without interference.

On the basis of this background, trade unions have not only faced political interference but also negative impact of technology on industrial settling whereby many workers are being laid off as machines take over jobs that were initially done manually.

Technological changes have had negative impact on workers. This is because the mode

of production tends to be capital intensive as opposed to labour intensive. Production and services are mechanized such that very few workers are left for manual work. This renders people with potential left for manual work. This renders people with potential redundant as seen in the banking industry with Automated teller machines, computers for various uses in offices. This technological change leads to retrenchment of workers.

Other challenges facing trade unions in Kenya include the dwindling number of union members, as most people find unions to be toothless dogs – can bark but not bite. The declining level of membership is worrying. (Mihyo: 1995). Structural adjustment programmes have impacted negatively on trade unions as the issue of job security and worker rights are tampered with hence complicating the issue of membership. (ILO: 1998). Trade Union policies as in closed shops have been met with suspicion as non-members also benefit from bargains made by the trade union.

Trade Unions have been challenged by the Industrial Court of Kenya for their failure to educate their union official on industrial relations especially the knowledge of the labour laws. Political interference has always been a cancer to trade unions as seen in the KNUT demands of awards. Integrity of union officials has also been jeopardized by corruption and bribery.

The unions have reacted negatively to this technological change strikes have also been expensive among other challenges facing trade unions.

5.2 Statement of the Problem

Good industrial relations are vital for the prosperity of both the employer and employees. The main emphasis of this is the importance of having stable and cordial relations in work situations. The industrial relations in Kenya has not been that cordial. The cases

and challenges facing trade unions have presented themselves like a medical case. Analogically in a medical presentation a sick person and a doctor have a challenge. The doctor diagnoses a patient's problem prescribes drugs and then monitors the prognosis of the patient so that the patient heals to stand on his own to perform his duties and lead a normal life. Trade unions perform a similar function to workers. As official representatives of workers in terms of negotiating for better terms and conditions of work, they monitor to see that workers lead a comfortable life through Collective Bargaining. Collectivity has strength Vis Vis individuality.

In Kenya, the industrial court arbitrates workers disputes as the industrial court was up with a view of ensuring greater conformity and continuity in the Awards made by the arbitrators (Cockar 1981). The courts therefore link judicial authority with the responsibilities of the Ministry of Labour (Robert et al 1967). The trade unions work hand in hand under the Central organizations of trade unions (COTU), Federation of Kenya Employers and the government in a spirit of tripartism. It has not been a smooth sailing for the trade unions in Kenya. Continuous challenges have hampered the smooth operations of the unions. Mihyo (1995) explains that the major changes in the African economic, and political landscapes have had negative impact on the trade union movement. He further explains that the economic crisis and the changes in labour markets trends have eroded the membership base of the union. Membership levels or the numerical strength of trade unions is very important (Aluchio 1998). This is because the more members a trade union has the stronger it is. For various reason trade unions are challenged by declining levels of membership. This is a worrying trend. It is not clear why union membership is dwindling when it is expected to take an upward trend.

It is not clear yet whether the downward trend in union membership is due to poor service from the trade unions or the service offered is only Collective Bargaining as a routine. It's important to establish whether the unions offer any other service to the members

other than collective Bargaining. Cockar (1981), Aluchio (1998) stress the importance of training of the union representatives and the re-activating of the Tom Mboya Labour College to empower trade unions officials with knowledge on labour laws.

In Kenya, over the years workers have faithfully contributed to the trade unions, but issues concerning their welfare have not been a priority as retrenchment, poor working standards, threatened job loss are all evident (Peterman: 1980). The trade unions have failed to represent the workers, the situation is that the trade unionist are willing to sustain the spirit of Collective Bargaining yet they are not delivering union leaders have not distinguished themselves as leaders who can settle disputes through dialogue. Stringent industrial actions such as strikes like the giant KNUT strike has not delivered. Training of the Trade Unions leaders in seminars has also raised concern. As much as the training of union leaders take place it's important to determine whether the seminars and workshops are focused on the labour laws and matters pertaining to labour and industrial relations. ILO (1978) stresses the importance of relevant training of trade union officials with an aim of improving quality negotiations in Collective Bargaining and effective performance of duty.

All in all, thousands of unionized workers are being plunged into misery through retrenchment, arbitrary sackings, harassment, poor working conditions among others, yet the workers are unionized. Their respective workers unions including the giant Central Union of Trade Unions watch helplessly. These toothless dogs continue to draw dues from members whom they can't help and members are crying foul. These Unions ineptitude to vanguard the workers welfare is wanting

To undertake the study on challenges facing trade unions in Kenya, the study was guided by the following questions.

a) What is the cause of the continuous dwindling of trade union membership?

- b) What relevant training do trade union officials need to perform?
- c) How effective are the trade unions in the face of retrenchment and redundancies of workers in Kenya today?
- d) Why have the trade unions failed to ensure that workers salaries and other welfare issues are promoted and protected:
- e) How independent are trade unions in Kenya from external forces in their functioning
- f) Why is it that there are frequent strikes among workers yet they have unions?

5.3 Objectives of The Study

The broad objective of this study was to find out some of the challenges facing the Bakers, Confectioneries trade unions in Kenya.

- Specific objectives

The specific objectives of this study were as follows: -

- a) To investigate the causes of membership decline in this trade unions
- b) To establish the training needs of the trade union officials
- c) To find out why this trade unions fail to protect worker rights and improve their conditions of work
- d) To determine the effect of technology on Trade Unionism.
- e) To recommend means and ways of strengthening the collective bargaining Movement in Kenya.

5.4 Justification of The Study

Collective Bargaining is inexorable and yet Trade Union challenges have been experienced in many countries especially in the 20th century. Green (1994) explains the challenges of trade unionism, which hamper it from achieving the cardinal duty of safeguarding the rights and welfare of the workers. Despite the fact that trade union

membership in Kenya is voluntary, unionisable members feel insecure when not in any union, yet they are not served well, they cry of union leadership shifted interest from fighting for workers rights to patronage. Since challenges facing trade unions are experienced elsewhere, this justifies the purposive need to understand the challenges facing Kenya's trade unions.

The Industrial Relations system in Kenya has not been 100% stable. For instance the Kenya National Union of Teachers (KNUT) was delinked from COTU in 1970 and now its faced with a further split. The formation of the Kenya Union of Post Primary Teachers (KUPPET) implies serious decline of membership in the giant KNUT and consequently a cash crunch. The study, however will attempt to understand the clear sign of discontent in trade unions even when trade unions have the same interests and in the same trade.

The study unveiled the issues underlying the spirit of Collective Bargaining and the perceived ideas that Kenya's Labour Movement is dying. This could be true to some extent in that thousands of unionisable workers are being plunged into misery through retrenchments or arbitrary sackings as employers respond to crippling economic crisis. Respective workers' unions including COTU watch helplessly while they continue to draw dues from members. Disillusioned workers are now crying out for an alternative if any. (E.A. Standard 2001). Workers are not paid their salaries and one wonders what the trade unions really do for its members. The study therefore highlighted the situation of trade union's challenges in Kenya, and provide information that can be used to understand the challenges facing trade unions.

The Bakers Confectioneries, Manufacturing and Allied workers union, is one of the unions in Kenya that has experienced Industrial unrest in the recent past. This formed a Launching pad to investigate issues arising to trade union performance in strengths,

opportunities, threats and weaknesses.

The study sought to understand the role of external forces on trade unions. In Kenya for example, the government through the Ministry of Labour has a direct role in the functioning of the trade unions. The effect can be negative especially when strikes are quashed in very early stages. The industrial court also plays a significant role in judging worker related cases (Aluchio 1998) therefore, information gathered will enable the researcher to understand the effect of external forces on the trade union Movement in Kenya, especially when the civil society has penetrated an area like this.

The study of trade union challenges was necessary at this time when work ethics and styles have been influenced by diverse backgrounds based on technological advancement, new work organizations, redesign and globalization. The study therefore generated information for comparative purposes and for policy makers as the paper intensively explored the field of Trade Unions with a view to making applicable and practical recommendations for adoption by union representatives in their endeavor of tackling these challenges.

5.5 Scope

In this study, the role of government in issues related to workers such as parliamentary acts, and the Ministry of Labour was investigated on how they strengthen or challenge the functions of trade unions in Kenya. Economic issues like financial constraints were also investigated to determine whether cash crunches have played any role in pulling down the role of trade unions in Kenya. Social issues, envisaged in gender participation and ethnic interference will be investigated to show whether they play any negative role in problems associated with trade unions. The exercise took approximately 2 months in collecting primary and secondary data. It investigated registered trade unions in Kenya, and in particular the Baker, Confectionery, Manufacturing and Allied Workers Union in Nairobi.

6 CHAPTER TWO: LITERATURE REVIEW

6.1 Introduction to Literature Review

6.2 History of Trade Unions in Kenya

The Genesis of trade unions in Kenya is based on the associations of wage earners in Britain which started to appear in the late 18th century as a result of factory industry in Kenya, the unions came into being as a vehicle of protest against working conditions. As the white settlers took the rich African highlands, an emergent white settler economies and commercial production existed in Kenya. The trade union movement in Kenya began in the early 1900s but formation was challenged by strong opposition of the elite settler employers, the small number of wage earners and their lack of technical know how in the trade union organization. The authoritarian nature of the colonial political system, the restrictive labour laws and the high rate of illiteracy among wage earners.

The impact of the two world wars contributed to the emergence of and formalization of trade unions. The soldiers who came back brought experience from Egypt, India, and Italy only to the terms and conditions of work at home as compared to conditions of work in parts of the World. (Davies 1966).

With the increase of wage earners in the agricultural sector, urban employment as in Domestic servants, skilled workers comprising of tailors, bakers, messengers and others in the manufacturing sector led to the formation of the worker organizations in the 1940s. (Aluchio 1998).

In 1949, a trade union registration ordinance, compulsory Labour Act (CLA) was introduced to give the government stronger powers of control over unions and workers. The colonial government realized the danger of trade unions and encouraged staff associations and work committees, statutory wage determination machinery by forming

wage councils, provided close control over internal activities of the unions through the registrar of trade unions according him with the powers to de-register the unions and extended compulsory arbitration and other restriction to almost all major industries through a liberal application of the Essential Services Ordinance. (ILO: 1978).

In spite of the restrictive conditions on labour laws, trade unions developed. By 1964 4 trade unions had been registered comprising of East Africa trade unions congress EATUC in 1949, the Kenya Federation of Registered Trade Unions (KFRTU) 1952, Kenya Federation of Labour (K.F.L.) 1955 and Kenya Africa Workers Congress (KAWC) in 1964.

In spite of all the teething problems of Trade Unions in 1965, Central Organization of Trade Unions (COTU) was formed as an amalgamation of the previous two worker's National Organization namely the KFL and Kenya African Workers Congress. By 1996 there were 29 trade unions affiliated to COTU as the country's only National trade union umbrella. In total there are 31 registered Trade Unions in Kenya including KNUT and KUPPET. (See appendix I)

Trade Union Movement in Kenya has created a crisis in government trade union relationship because effective trade union participation in the process of economic development and modernization requires a more closely prescribed role for the unions and far closer ties and cooperation between union and political leadership in the 20th century. Good industrial relations are therefore vital for the prosperity of both the employer and employees.

6.3 Economic Crisis

The major changes in the African economic and political landscapes have had many

consequences for the trade union movement. Mihyo (1995) agrees that membership base of the union has been eroded by economic crisis and changes in labour market trends. Membership levels which form the numerical strength of trade unions is very important because the more members a trade union has, the stronger that union remains for Collective Bargaining purposes (Green 1994). For varied reasons trade unions are challenged by declining levels of membership and this is a worrying trend, which unless corrected can pull giant unions like Kenya National Union of Teachers to the ground. This is further worsened by the delinking of KNUT from COTU (Aluchio: 1998) and the emergence of KUPPET in 2001.

6.4 Structural Adjustment Programs SAPs

Trade union membership has been dwindling since 1980. Structural adjustment programmes have impacted negatively on the Trade Unions in that job security and participatory rights were tampered with. This issue of membership is further complicated by the colonial past that Kenya had. The running and organization of the unions in some cases reflect the colonial past and tutelage. The structures, administration and management were inherited from the colonial setting and this becomes a challenge to modern functions, as the colonial setting was very rigid and only suitable for that time. (ILO: 1978).

6.5 Trade Unions Policies and Regulations

The closed shop arrangement has also been met with suspicion in that an employee comes to realize that a particular job is only obtained and retained if they become and remain members of one of a specified trade union. These trade unions have shown a lot of incompetence in Kenya where the labour movement is ineffective as thousands of unionizable workers are being plunged into misery through retrenchments or arbitrary

sackings as employers respond to a crippling economic crisis. In contrast, their counterpart, the Federation of Kenya Employers (FKE) is better organized. FKE has better management in that even its strong financial position enables it to provide all sorts of assistance to its affiliated associations (Aluchio 1998).

6.6 Training Needs

Aluchio (1998) identifies the training gap that exists among trade union leaders. The training of trade union leaders was initially done at the Tom Mboya Labour College devoted exclusively to the educational needs of trade union leaders and members at large.

- i) The College is dilapidated physically and workers have not been paid their salaries. This is a paradox and self-defeating.
- ii) The initial purpose has been abandoned and the present set up is geared for seminars and workshops. This implies that not much training is conducted by trade unions to equip the officials with knowledge especially labour laws and matters pertaining to labour and industrial relations and this may hinder them from performing their duties effectively.

6.7 Trade Union Organizational Structures

Mihyo (1995) notes that the decline of trade union strength can further be alluded to internal factors such as insufficient attention to democratic structures within the trade unions, which means that trade organization of trade unions may make it hard to carry out its functions. Traditional recruitment grounds of trade unions have almost vanished. Rising inflation due to sudden and often massive devaluations and withdrawal of price controls has led to an economic crunch. The economic crisis for example in Kenya has led to structural adjustment programmes and retrenchment in the public and private sector in Kenya.

6.8 Political Issues in Trade Unionism

Political interference has also affected trade unions in that political leaders have reserved for themselves using trade unions movement as a springboard for furthering their political agenda. In Kenya for instance senior trade unionist end up as members of Parliament. This combined with management prerogatives in decision making over what they believed was their exclusive right (Von Hodlt 1991). Just like pre-independence period, trade unions were banned and this has created bad blood between the government and union activities. (Aluchio 1998). The bakery confectionery, manufacturing and Allied union (K) is among the Trade Unions organizations in Kenya as shown on appendix (I).

The Bakery, Confectionery, Manufacturing and Allied workers Union (K) (BCMAWU) had 22810 members by the year 2000. Like any other trade union, the Bakery Union has gone through a fundamental transformation and has faced challenges that are based on the status of the Kenyan Economy. Global pressures, internally induced structural economic and Political reforms have profound effects on many issues and in particular Industrial Relation.

An overview of the economy and its performance indicate that there has been a decline in the GDP, halted growth and economic decline which has affected the Industrial sector as Economic performance no longer responds to the reforms made whatsoever.

According to the Economic survey (2001) the social challenge that has faced the Economy is the impact of the HIV/AIDS Pandemic. It has adversely affected the labour market, particularly in terms of labour supply labour costs and productivity due to absenteeism; labour turnover, healthcare costs, burial expenses, recruitment and retaining such people in employment. The menace of HIV/AIDS could erode the economic and social gain the country has achieved since independence.

In the face of Industrial Relations, it has negatively impacted on the membership that has declined due to the subsequent deaths. Due to the nature of the disease, the spirit of Industrial Relations cannot prevail, as even in genuine cases the union may not defend workers absenteeism from work. Even union officials may not represent the members because they have not been spared by HIV/AIDS either. Indeed the effect of the disease has affected the union membership and ability to deliver.

6.9 Employment Challenge

Employment Challenge has been a key factor in the Industry. Overall employment rose between 1997 and 1998 from 4.7 to 5.1 million respectively. Since 2000 the slowdown in the economy has been pervasive affecting nearly all sectors of the economy. According to the Ministry of Labour and Human Resource Development Report, (The Kenya Economy performance prospects – GOK MLHRD – Nairobi April 2000), this decline led to job losses resulting in redundancies. This was escalated by the 1994 Finance Bill, which allowed Industry to reorganize and Restructure without following the procedures as laid down by the trade disputes Act. The downward unemployment trend has affected trade unions activities.

Due to this unemployment challenge, most people have been struck by high levels of poverty and have become victims of casual work where they labour for daily wages. Casual workers are exposed to poor working conditions and low wages their terms of service are generally unattractive as wages in the informal economy are significantly lower than in formal employment. Since they are not unionized, the activities of the union are put at crossroads, as the union cannot draw union membership fee from their earnings for sustainability.

Women in the labour market trend have attracted attention of many actors in the

economy. For instance, in 1999, a survey carried out by the Ministry of Labour and Human Resource Development (bid) showed that employment of women has shown an upward trend. In the modern sector, 29% of women were engaged both in the public and private sector. This impact negatively on union participation the traditional role of an African woman puts her in a passive role so that unions struggle to convince women to join trade unions. In strengthening social dialogue, women employees have revealed a negative attitude towards strikes, demonstrations and other Industrial actions. They shy away when they are most needed.

The issue of organization has greatly affected Trade Unions inclusively. The central organization of Trade Unions is charged wholesale with the responsibility of organizing the informal and formal economy. However it has failed to do as expected. This means that informal outlets of Jua Kali are not benefiting from the umbrella organization.

6.10 Integrity of Trade Union Officials

Corruption has crept into society and trade union officials are bribed at the expense of the members. This is lack of integrity and commitment to what one is entrusted with, and betrayal of workers. It has really discouraged membership hence subjecting the union to financial constraints. Some people remain “book” members but do not contribute membership fee or participate in strikes because they have no trust in the leaders.

6.11 Government Role in Trade Unions

Cocker (1981) highlights the need for the government support in the Labour Movement so as to enable the trade unions to represent workers effectively. He notes with concern how the government interferes with strikes by declaring them illegal. Instead the government should promote industrial peace according to the industrial relations charter.

The Government decision to reinstate the Civil Servants union is a step to the right direction only if its independence is guaranteed. This will augur well with the International Labour Organization conventions and recommendations on freedom of assembly (ILO, 1999). Robert (1967) explains how the governments of East African communities have refused to recognize the unions of Civil Servants. He notes with concern that this refusal jeopardizes the development of Collective Bargaining. At the same time the government's role is at crossroads as it plays a contradictory role both as an employer and a facilitator of Collective Bargaining. This leaves a lot to be desired.

6.12 Rivalry in Trade Unionism

Trade unions are formed to serve the needs of workers as a continuous association of wage earners for the purpose of maintaining or improving the conditions of their employment. However some trade unions have emerged alongside existing ones and recruits members from a union serving the same interest. A case in hand is that of KNUT/KUPPET. This rivalry and demarcation of people in the same trade weakens the bargaining strength.

7 THEORETICAL FRAMEWORK

7.1 Marxian Conflict Theory

Trade unions are formed as an opposing side to management prerogatives the latter offers low wages and poor conditions of work according to employees. The Trade Unions negotiate for workers rights because management does not care. Trade unions can be based on the Marxian conflict theory. The conflict theory views conflict as a reality that we cannot ignore in society or organizations. It is important to understand that conflict arises because of differing values and interest in organizations and in this case the interest of management and employees who form the Trade Unions. This prevalent viewpoint has molded industrial relations in other countries (Green 1994).

On this basis then, trade unions are seen to emerge and represent the views of workers differing from those owning the organization. Marx idea here is that society is made up of two conflicting classes, the capitalist who own the means of production and the workers who offer their labour to the capitalist. Marx says that the class war should lead to a socialist revolution, which should then be followed by a classless society to form a classless society. This is what (Giddens referred to as the world capitalist economy, the Nation state system, the world military order and industrial development). He analyses the world capitalist economy by proposing ways in which the world is dominated by capitalist economic mechanism (1997:25). Marx sees no difference between the class conflict in society generally and that which exists in organization.

The theoretical framework is appropriate to the objectives in studying the challenges facing trade unions because for one it acknowledges the fact that in a pluralistic society, there are many related but separate interests. The capitalists who are the employers are out to make profit using all means like stifling on worker rights, using them as cheap labour and cheap raw materials. Trade unions which represent workers have there overall aim, that of protecting and advancing the interests of workers. Marx advocates for a revolution of workers. This is because there exists rival sources of leadership between the union and the employer.

7.2 Social Exchange Theory

Trade unions issues can be based on the social exchange theory. In social exchange the moral type on the other hand is not based on stated terms, but the gift or other services as to a friend, although the giver expects to receive an equivalent or greater return. The reason of this is that all men or most men wish to be noble but choose what is profitable, and while it is noble to render a service not with an eye to receive in return (Blau 1964).

In the process of exchange, social association can be conceptualized as an exchange of activity, tangible or intangible and more or less rewarding or costly between two people (Homans 1961), but institutionalized form of the exchange of gifts frequently assumes in simpler societies highlights the two general functions of social as distinct from strictly economic exchange.

In economic exchange, there is superordination over others so that an individual who supplies regarding services to another obligates him. To discharge this obligation, the second must furnish benefits not primarily with rewards intrinsic to the association itself, although the significance of social commodities exchange is never perfectly of the interpersonal relation between partners.

In economic exchange, the exchange entails specific obligations (Homans G.) in that the proto type of an economic exchange rests on formal control that stipulates the exact quantities to be exchanged so that all the transfers to be made now or in the future are agreed upon at the time of sale. The nature of obligation in economic exchange can be bargained and there are ways to assure an appropriate return. (Homans 1961).

In this case economic exchange responds to stimuli in that in that people will react positively when treated likewise as in the process there is the issue of relation. If in the past, the occurrence of a particular stimulus-situation has been the occasion on which a man's activity has been rewarded, then the more similar the present stimulus situation is to the past one, the more likely he is to emit the activity or some similar activity. In economic exchange the more often within a given period of time a man's activity rewards the activity of another, the more often the other will emit the activity. This leads finally to distributive justice.

Distributive justice in economic exchange theory implies that there should be fair

distribution of rewards and cost between the exchanging parties. This is because people express anger, mild or severe when justice is not done. When a man makes a request of another and is turned down, he is apt to display some degree of anger. In Economic exchange theory, rationality plays a big role in calculations is made on economic value in return. In Industrial conflict where the cost and profit is a key issue, trade unions can be based on exchange theory.

Blau in his theory of economic exchange introduced the very important concept of reciprocity (give and take process in exchange (1994:89) that forms the very fundamental basis of unions who must bargain for more from the employer who gives very little for their hard labour. It is therefore felt that collective bargaining is a rational action that workers have strategized to bargain in order to get more for the work they do to their employers.

On the basis of the social exchange theory, the assumption is that if unionized members cannot get commensurate services from the unions due to their unions subscription, then members will withdraw and even potential members will refuse to join. However, if the unions can be reciprocate service with union fee, then the dwindling trend in numerical growth will not occur.

7.3 Globalization Perspective

The globalization theory stipulates clearly that the world is a global village and the 21st century has experienced common change of corporations and commodities, identities and lifestyles which have moved with such rapidity compressing time and space creating one village. This structural transformation has deepened the global element of economic crisis. The economic crisis has had a long drawn out manifestation on ecological, political and socio-economic problems. As the economy dwindles, the society is affected directly.

For instance retrenchment and redundancy is economic yet the effects are felt in society. People are not paid salaries, they die as a result of lacking money to buy drugs e.t.c Globalization has its role in this especially in the introduction of SAPS. SAPS redefined the social policy and generated a new array of social problems and intensify older ones. This is because the process of globalization implemented strategies uniformly, remaking the world diffusing social boundaries.

All done Economic restructuring and social change should factor in the key element of the working poor who form the majority of trade union membership The same way globalization process introduced the economic restructuring process through structural adjustment as a response to world crisis, it is in the same way it should respond to the effects of the same particularly the implication on social and economic issues. Social policymaking should consider the welfare of the poor, unemployed retrenches and security of those in unstable employment.

8 Definition of Concepts:

a. Employee

Means an individual employed for wages or a salary and excludes an apprentice and an indentured learner.

b. Employer

This is any person or public body or a firm, corporation or company who or which has entered into a contract of service to employ any individual and include the agent, foreman, manager or factor of such a person, public body, firm corporation or company.

c. Labour Inspector

Means a person appointed to the public service as a senior labour Inspector, and also industrial relations officer or wages inspector.

d. Labour Officer

A person appointed to the public service as a labour commissioner/ senior labour officer

e. Employee Relations

This involves the general relationship between employees and employers encompassing area created by collective arising from principles of employee involvement and communication.

f. Industrial Relation

Industrial Relations mean the formal and informal relationship between employers and trade unions and their members and are concerned with terms and conditions of employment and other rules arising from employment.

g. Industrial Relations Charter

This is a social dialogue through which the government of Kenya, the federation of Kenya employers and Central Organization of Trade Unions ratified and agreed to settle all future differences, disputes and grievances by mutual negotiation conciliation and voluntary arbitration in accordance with the laid down machinery.

h. The Federation of Kenya Employers

This is the federation of Kenya Employers an umbrella body of employers in Kenya. It is an association representing the collective interests of Kenya employers. As the most representative body in Kenya is accredited by the government to represent employers at the International Labour Organization Conference.

i. COTU

This is the Central Organization of Trade Unions. It is an umbrella body of Trade Unions in Kenya and represents the collective interests of Kenyan trade unions. It also represents the employees at the International Conferences.

j. Grievance

This is the formal complaints lodged with management by an employee in a matter or matters that he perceives to cause him injustice or hurt. Usually it concerns his conditions of employment such as disciplinary matters wages/salary, overtime, leave, and transfer style of supervision, uninterpretation of service agreements and job occupation.

k. Trade Dispute

A trade dispute is derived from a grievance. It occurs when parties fail to agree at their own level through voluntary negotiation and reach deadlock. At the stage, they invoke the intervention of the Ministry of Labour to effect reconciliation or failing which to seek the arbitration through the industrial court. At this stage the matter is referred to the Ministry of Labour, it ceases to be a grievance and becomes a trade dispute.

l. The Industrial Court

It is a very important court with both appellate and original jurisdiction. It promotes industrial peace. It is the apex of the dispute settlement machinery in the country after disputes have gone through the normal machinery of collective Bargaining i.e. investigation or conciliation. It is presided over by a judge.

m. Industrial Relations Procedures

Bargaining, Negotiating, settling disputes, settling grievances, handling discipline, handling redundancies, forming closed shops, achieving union recognition, policy making, rule changes, tribunal hearings, calling strikes, avoiding industrial action and referrals to conciliation or arbitration.

n. Characters in Industrial Relations

Shop stewards, conveners, fulltime officials, personnel officers and managers arbitrators, tribunal chairpersons' judges, Ministers of State etc.

o. Court Award

An award is compensation to a person under sub section (I) of the trade disputes Act.

p. Collective Bargaining

It is a method of determining working conditions and Terms of employment through Negotiations between an employer, a group of employers or one or more employers organization on the one hand and one or more representatives of workers organization on the other, with a view to reaching an agreement. (ILO 1960 p.3)

p. Trade Disputes Act Cap 233

This Act plays a major role in the field of industrial Relations. It 's main objective is to

provide for the settlement of trade disputes is essential services to provide for the establishment of Boards of inquiry and a standing industrial court to control and regulate strikes lockouts. It also makes provisions regarding collection of union dues and for matters thereto.

r. Trade Unions Act Cap 333

This Act recognizes the right of employee and Employers to form associations or organizations to represent them and to exercise their collective strength. The Act states the conditions under which such bodies can be registered or refused registration by the registrar.

s. Trade Union

This is an association or combination whether temporary or permanent of more than six persons and the principal objective under its constitution is the regulation of relations between employees and employers in improving the conditions of their working lives.

t. Industrial Action

These are actions that management and employees (union) can take with an intent to settle a dispute after formal settlement machinery have been exhausted in the form of lockouts, strikes, go slows, layoffs, sitting, sanctions etc.

9 CHAPTER THREE: METHODOLOGY

9.1 Site Selection and Description

The study was conducted in Nairobi. The choice was purposive because of the Environmental factors and how they influence the industrial Relations, peace and harmony. Collective Bargaining Environment is influenced by industrial Environment like size of the plant, from small to medium size and giant, which were available in Nairobi. The production pattern ranges from steady to seasonal, and intermittent production crisis depending on peaks and troughs. Technological advance in this towns range from moderate to severe, the nature of jobs range from skilled to unskilled, the locational factors plant of industry is relatively mobile, hence provided a universal population where a representative sample was drawn from.

This town presents a community environment with a complex workforce that is steady, inconstant and combative, the political environment of parties range from secure unions, homogeneous membership, local autonomy, to pattern settings, tone bargainer and strong central domination of local plant. The pattern also includes employers' associations, local autonomy in non-contractual matters. This eliminates the error of bias.

On the basis of this background, representative sample of respondents was drawn from the Bakery, Confectionery Manufacturing and Allied Workers ' Union (K).

9.2 Data Collection Instruments and Procedure

In this study an open and closed ended questionnaire was used, the researcher and her assistant administered a face-to-face questionnaire in a printed form containing a set of questions for gathering information. The researcher supervised the filling of the

questionnaire. It was a one to one supervision. This enabled the interviewer to answer any necessary question, maximize confidentiality in the face-to-face interview, and provided an in depth data on the answering of the questions.

The study also used key informants in the field of industrial relations to yield more information on trade unions. This included industrial court judges, COTU officials Ministry of Labour and Federation of Kenya employers. These key informants are people with unique skills and professional backgrounds related to industrial relations. They are knowledgeable about the trade unions' members and have the information of interest in this subject of labour laws and collective bargaining. This information collection approach was from an insider's point of view. This was a pipeline to pivotal groups and had a side benefit of solidifying the relationship between the researcher and other respondents*. Desktop research was also be used to collect information from books, journals and texts.

9.3 Sampling Procedure and Sample Size.

Since the population from which information on some of the challenges facing Trade Unions in Kenya, was too large and defied complete enumeration, the Bakery, confectionery Manufacturing and Allied Workers Union was sampled purposely, from whom 60 respondents using the Random sampling procedure was used.

Within an adequate sampling frame, elements were given a unique identifier (a number) and the numbers were selected from the population and then generated by reference to the table of random numbers.

In this exercise, primary data was recorded and analyzed on the basis of the response units of analysis who were trade union stewards, officials and key informants. However,

existing records often provided insights into the setting. This is because the records provided information, which was used for comparative and analysis purpose, they included public records, Relevant Acts and personal documents. Public records were used especially those attesting to events on industrial unrest in Kenya on vital statistical reports, trade union office records, newspapers, archives and historical accounts on trade union issues.

Internal records like diaries, portfolios, trade union mission's statements, annual reports, budgets and minutes of meetings, internal memoranda, policy manuals historical backgrounds of trade unions identifying institutional strengths and weaknesses were used. This enabled the researcher to obtain industrial values, resources, processes, priorities and concerns of trade unions. These documents provided a record history not subject to recall bias.

10 CHAPTER FOUR: DATA ANALYSIS AND PRESENTATION

10.1 Findings

This chapter deals with the analysis of the collected data and presents it in a qualitative manner highlighting the main findings in relation to challenges facing trade unions in Kenya today.

The Major findings included: -

- Poor economic growth and its impact on employment.
- Poor management of trade union movement.
- Fear of loosing jobs incase of participation.
- Political interference (GOK)
- Mass lay offs.
- Incompetent trade union officials.
- Introduction of flextime and part time jobs.
- Recruitment of casual workers.
- Little sensitization of workers
- Declining membership
- Retrenchment/redundancies
- Scope not well defined in the collective bargaining agreement
- Unclear government policy on trade unions.
- Non-recruitment of new members
- Financial challenges
- None active roles of members
- Inadequate dispensation of duties
- Poor services delivered by the unions
- Conflict in membership
- Union fragmentation
- Less bargaining power

- Introduction/changing technology
- Poor record management/versatile Data bank
- Centralization of trade unions
- Labour laws review/ILO conventions
- Policy review
- Undemocratic election process of union officials
- Mainstreaming gender issues in trade unions
- Loop holes in the industrial relation charter
- Negative media play & Public Relations
- Effect of Globalization
- Unemployment challenges
- Compromising trade union officials/Law enforcing skills
- Minimum Benefit to the members. (Distributive justice)
- Problem of succession planning
- Lack of skills in advocacy and member mobilization
- Lack of monitoring and evaluation mechanism
- Deficiency in skills, knowledge and attitude
- Problem of communication and feedback
- Private sector approach to trade unions
- Non-existing collective Bargaining Curriculum
- Rigidly and traditionalism in trade unionism
- Poor official nomination procedures
- Shortage of qualified industrial relation officers
- Poor co-ordination of trade unions
- Lack of information
- Lack of implementation of programmes/Recommendations
- Mishandling of disputes

- Poor delegation procedures
- Problems related to training activities
- Government industrial relations procedures
- Dilute collective bargaining agreement
- Lack of guidance and counseling skills
- Change and coping with change
- Boundary management
- Problem solving techniques
- Skills of social interaction and dialogue

10.2 Decline in Membership

In an attempt to find out some of the challenges facing trade unions in Kenya, declining membership was highlighted as a major set back to the wanting performance of trade unions. For instance, the Bakers unions indicated that for the last five years, they have experienced a downward trend in membership enrollment. The already unionized members were pulling out slowly citing the inefficiency of the Trade Unions to serve them and the monthly membership subscription fee. At the same time, the status quo of trade unions at plant, branch and even National level cannot be maintained because there are few members willing to join. The issue is that the union members strengthen collective bargaining among other factors. The more members a union has, the more bargaining power such a union has.

Industrial actions and in particular the strikes and go slows, numbers play a significant role as more members will refuse to work and this will make the industry feel negative impact severely. The reverse is true when few members take industrial action an industry can dismiss them as flimsy since the rest will be working.

10.3 Political Interference

In an attempt to find out some of the challenges facing trade unions, the Bakeries and Confectionery union, cited political interference as a hindrance to service delivery. In particular, the Bakers indicated that the government has not supported the trade union movement, as it ought to. Even though the industrial relations charter has clearly mandated the government to spear head the settlement of industrial unrest, the reverse is true. On the contrary, any strike as an industrial action has been met with hostility with the armed forces (police) crushing the strikes even where peaceful demonstrations are held. This intimidates the spirit of trade unionism and women in particular shy off from such areas where physical forces are applied, as strikes are always declared illegal.

10.4 Personal Ambition

On the other hand, people aspiring for political gain and recognition in society and eventual nomination and election to political post, use the trade unions to further their ambitions. Many a time, they pose like genuine trade union representatives but as soon as they get sound financial ability, the trade union only becomes a stepping-stone to their personal ambitions. They sacrifice the worker rights and as representatives compromise with the Government and the Federation of Kenya Employers to suppress the voices of their members. In many cases if not all, senior trade unionist end up as members of parliament for example the Late Tom Mboya, Ochieng Oneko and Joseph Mugalla to mention but a few. It becomes hard for the members to trust such leaders in future particularly when history repeats itself. This has killed the morale of potential members who see that they are used as stepping-stones.

10.5 Poor Economic Growth and The Unemployment Challenge

Trade unions have not been spared by the impact of the unemployment challenge, which has been occasioned by poor economic growth. The respondents expressed their fear of the slow growth of the economy. The slowdown in the economy has led to job losses, which in turn has led to redundancies and employment of people on casual basis.

This trend affects trade unions as most people render their services on a casual basis. Even those exposed to poor working conditions encompassed with low wages, since they are not unionized they cannot bargain. However, the situation could have been different and better if they were permanent and unionized. The union could have taken their cases and represented the members. The union could have also drawn membership fee from the employees and this could have facilitated union activities. The unions depend on the membership subscription fee for maintenance and sustainability and hence economic growth, membership fee and union sustainability are symbiotic in nature, as economic growth has a direct bearing on the recruitment exercise and increases the bargaining power. People can only bargain depending on the supply and demand principal.

10.6 Lack of political Goodwill

The respondents indicated that despite the fact that the government through its state machinery has crushed strikes at the points of inception, the government has failed to implement the International Labour Organization Conventions on Organization and freedom of Association. So far Union of Kenya Civil Servants has met hostility from the government. The Union of Kenya Civil Servants was banned and its recognition withdrawn by the government in 1980. Even prior to that, the union of senior civil servants was disbanded on the grounds that its members were management representatives. This denied them the right to negotiate terms and conditions of

employment.

In the year 2003, the union of Kenya civil servants became operative but this was due to the General elections wave hence the motive was wrong and no political good will even though the civil services is very large.

10.7 Training Challenge

In an attempt to understand the problems facing trade unions, at all levels there was a general indication that there is lack of sensitization and training on industrial relations issues, contemporary and emerging. This came up, as conclusion after the respondents could not answer some basic questions on operational procedures, rules and policy in relation to industrial peace and harmony. The respondents indicated that this is an area they were seeking redress at the shop, branch and even national level.

Due to lack of knowledge, skill and even right attitude, the trade union members, and officials are referred to as fire fighters with foul language who lack skill and tactics to ensure speedy settlement of disputes in all stages by discouraging members from engaging in union activities during office hours. The lack of in-depth provisions of industrial relation charter leads to negligence of duty, damage of property, careless operation and disturbance to normal work. They do not ensure compliance and this weakness spill over in the recruitment process of maintaining a high degree of membership.

The National industrial Training Council was mentioned as failed advice effectively so as to promote good labour management and relations. This exchange of knowledge could restraint in taking unnecessary industrial action and opts for social dialogue in the spirit of tripartism. This too calls for information and communication technology knowledge to address disparities in trade union organizations.

10.8 Lack of Policy Guidelines

The respondents cited the International Labour Organization convention No. 169 and its supplementary provision 1984 as an indicator of weakness in policy guidelines. From this research it came out clearly that Kenya, as a government has no employment policy in place. The employment policy could mainstream employment issues in totality. The policy, which is non-existent, could be a guideline on collective bargaining and matters related to industrial harmony.

Other than the trade disputes Act Cap 234, The Trade Union Act Cap 333, The Factories Act Cap 514, The Workers Compensation Act Cap 226, nothing much is said by the Kenyan laws on issues that affect workers. The issues that effect workers form the foundation for collective bargaining and yet these labour laws are outdated since they were effective in the early seventies. The provisions of the labour laws have been overtaken by time.

There is a discrepancy in policy in relation to industrial relation. Other than the industrial relations charter, which is a general tripartite relationship, there is no other place legally binding to ensure compliance among the parties concerned. This unclear government policy on trade union should be addressed. So far, the industrial relation charter cannot be enforced, as it is a voluntary agreement between the social partners.

10.9 Incompetent Trade Union Officials

The respondents indicated that trade union official have failed to represent them adequately. In probing the respondents, they elaborated that shop steward, branch officials and even the central organization of trade unions has not done much to improve the conditions of the workers. They cited cases on incompetence where by the union

leaders lack the basic skills to negotiate, arbitrate, appeal and general grievance handling. Trade disputes cannot be concluded because procedures are not followed and hence industrial action cannot be legalized by the Industrial Court simply because the agreed procedures have not been followed.

Trade union officials at plant level indicated that they are not able to handle the procedures adequately. From the findings, shop stewards, conveners, full time officials, arbitrators, and tribunal members consented that they were incompetent to bargain, negotiate, settle grievances, handle disciplinary matters in the union, contribute effectively in tribunal hearings and even strikes. Most of them think that trade unions are all about fire fighting or violence as opposed to conciliation and arbitration as stipulated in the industrial relations charter. This usually knocks them out technically in the industrial court.

From the findings the trade union officials and union members could not articulate clearly the terms of reference of Trade Unions. Very few indicated their knowledge of obvious areas like pay hours, conditions of work, content of work, contract of work Industrial and Government policy, Trade Union and Internationalism and safety of work. Majority assumed trade unions to be fire fighting in the form of lockouts, picketing and strikes. They were ignorant of the globalization perspective in collective bargaining. The conclusion is that the incompetence of the trade unions officials in performing their duties spills over to the members and this in term creates a big challenge to the unions efficiency.

10.10 New Management Styles

Trade Union officials indicated that in the Bakery & Confectionery Industry, the Human Resource Management styles are unique as compared to other industries. For instance

they lamented that most employees are engaged on flexi time and casual basis. This means that such employees could be working somewhere and takes this engagement as supplementary but in this particular case, it's the new management style based on a capitalist view of efficiency and profitability with an ultimate aim of making more from employees than the industry can give.

In such arrangement medical cover and pension scheme arrangements are no longer a burden for the employer but the most challenging issue to the union is that the management style does not favor Industrial Relation activities. The interviewees indicated that important issues cannot be discussed as they work in shifts, flex time and on causal basis. It becomes almost impossible to organize such a work force for collective bargaining sake. Such employees are unionizable technically due to their inconsistency, in job attendance.

10.11 The Impact of Advanced Technology on Industrial Relations

In this exercise, the interviewees pointed out the disadvantages caused by modern technology on Industrial Relations. Terms of Reference for trade unions include working conditions whereby modern technology cause nervous strain, mental fatigue, noise, faster tempo, and isolations and even reduced opportunity for social interaction.

Technological change also affect wage levels due to increased productivity but the bone of contention is that by putting all productivity gains into reserves for wage increases, by dividing the savings from increased productivity between wages, profits and reductions, through accumulation of automation funds derived from productivity gains or levies on sales of automation equipment to be shared with workers or used for the benefit of displaced workers. Technological changes therefore will affect wage structures and even the hours of work, security and status of the worker.

The respondents stressed their concern on the intensified technology and eventual displacement of workers, compensation for income losses due to downgrading, loss of promotion prospective and share of productivity gains.

The greatest concern was the effect of technology and redundancy and eventual retrenchment. All these concerns touch on status security and job security, which is the unions mandate. Top Management has resisted proposals made to management. The crux of automation has caused panic among unionized members in fear of redundancy, general fear of change and the unabated retrenchment, which has tended to informalize the labour market. This complexity has hindered the efficient running of trade unions.

10.12 Structures and Union Rivalry

The respondents indicated that the Bakers have consistently advocated for a union, which caters for Bakers, Confectioneries, Manufacturing and Allied workers Union as opposed to the amalgamated and amorphous union in place currently. This is because, it will allow union members to express their need articulately and clearly avoiding the clauses that are included in the collective bargaining agreement as it tries to accommodate other people. On the other hand top union officials felt that the union remains status quo as it has served them well to avoid demarcation, fragmentation as this will weaken the bargaining power. This rivalry with factions wanting it either way has led to discontent and uncertainty among members.

The emergence of splinter union group has contributed negatively to the trade movement in Kenya particularly in the growing abandonment of the existing trade union tradition. There is little doubt that the recent spate of splinter unions has been distracting, sapping the energy and resources of the unions affected and thereby reducing their capacity to provide useful and effective service to their members.

On the other hand, the respondents explained that the bakers, confectionery, manufacturing and allied workers union was amorphous. Given the unwieldy structure of the union, the internal squabbles and wrangles for division is probably inevitable. This is because of diverse membership, coupled with the unions inability to provide effective organizational support and leadership to its branches, hence three splinter groups in different sectors may succeed in forming autonomous unions. The prospective may be: -

- The Bakers Unions and confectionery
- Manufacturing union
- Allied workers union (a new name may be coined)

Its evident from the above explanation that structure is an issue and the government should be willing to jettison the principle of one union per sector.

10.13 Financial Challenges

In an attempt to investigate the challenges facing trade unions, the Bakers union members in various levels indicated that financial challenges affected the smooth running of the organization. At the individual, members indicated that they were not happy with the monthly union membership subscription fee. They lamented that their contribution to sustain the running of their union was over and above what they received in return. The services received do not commensurate the money they gave the union hence such an arrangement is a financial burden to them.

At the branch level the full time official indicated that they were experiencing a financial crunch and that the membership contribution does not serve the union adequately. In such a situation where justice in economic arrangement does not serve what it is meant, then a conflict arises. Most of the members indicated their wish to withdraw their membership citing evidence that they were experiencing financial difficulties. They further indicated

that even when they contribute so much from their meager salaries, those who are unionisable but not unionized gained from the awards that were hard earned. They displayed some degree of anger on this issue and were in a dilemma on how to handle it amicably.

The financial challenges facing the union hindered the furtherance of union activities. Training and sensitization seminars and workshops among many other activities cannot be carried out effectively due to lack of money. Even well intended strategies to enhance industrial relations activities cannot be implemented.

At the branch level, the union members and officials also accused the giant central organization of trade unions of financial embezzlement and mismanagement at the expense of the union member. This bottom up blame on financial misappropriation indicated that trade unions were experiencing such a crisis that needs professional intervention. This has come up as result of the question that members have to live without money that they contribute yet the service delivered is very poor that even simple items like furniture telephone and even stationery cannot be found.

10.14 The Effect of Globalization on Trade Unions

In Kenya, there is a legal and institutional framework for industrial relations. In labour legislation there is the employment in workplaces, The Regulation of wages Act Cap 229 that provides policy guidelines for the regulation of wages either by collective bargaining or by wage council. There is also the Trade Union Acts Cap 234, which regulates the formation and management of trade unions. The factories and other places of work Act Cap 514, and the Workmens Compensation Act Cap 226.

On the basis of the above legislation, the respondents indicated that conditions of

industrial relations have changed and are still changing. For instance, it was indicated that there is an enormous strain on labour market institution caused by globalization and this has put pressure on the parties to ensure that they maintain a manageable industrial relation framework. On the other hand, they indicated division within the trade union movement and continuing incursions by the civil courts. This is undesirable as it impacts negatively on the labour relations in a globalized economy.

The unions are no longer negotiating for terms on a national basis but as a member of state of the ILO, the provisions of the declaration on fundamental bind Kenya principles and rights at work. This has placed a lot of responsibility on trade unions that bargain at an international level, yet the demands are met at national level. Some challenges are posed by globalization and economic reform policies and the union has to address the issues beyond National level that have traditionally occupied their domain.

10.15 The Federation of Kenya Employers

The respondents indicated that trade union problems were exacerbated by the inability of FKE to promote Industrial harmony. The interviewees expressed that despite the fact that FKE has a role to play in mutual agreement as stipulated by the Industrial Relations Charter, the body has not strengthened its role in the management of Industrial Relations, the promotion of tripartism and labour issues.

The FKE has delayed meetings of tripartite consultative concern and has made the trade unions giant organization (COTU) to wait for many years for such a meeting. It was only on 20th July 1998 that such a meeting was held to discuss the relevant issues. It came out clearly that FKE regarded itself senior than COTU and with such a complex, good Industrial Relations cannot be realized.

10.16 Rigid Procedures

Trade union officials lamented their dissatisfaction of rigid procedures in relation to Industrial Relations. The procedures of registering a union, collective bargaining agreement, appeals, hearing, approvals and notices were too legalistic. These issues are solved in different offices and due to the long procedures, other issues like corruption occur and in the process justice is denied where it is due. This dilly dulling has dampened the spirit of good industrial relations.

Consequently short cuts have been sought and ignorantly even genuine cases have been knocked out on technical grounds. This problem has hampered the smooth running and operations of the trade unions as the bargaining process becomes a nightmare in a non-transparent environment

10.17 Employment of Foreigners

Although Kenya is experiencing economic hard times the interviews indicated that the engagement of foreigners in middle and lower cadre jobs was wanting. The respondents lamented that economic sectors such as agriculture, manufacturing and tourism have shown a decline in performance in recent years and yet they are the backbone of the Bakers, Confectionery Manufacturing and Allied Workers Union (K).

The dumping of cheap imports and non-payment of duties and other taxes levied on imported goods also heavily contributed to the economic hard times but the dumping of cheap unskilled labour in Kenya exacerbated this.

In such a situation where cheap labour mainly from the Asian community, take up jobs which can be done effectively by the locals, the trade unions get affected negatively.

This is because they form a large portion of the unionizable employees and yet they are not unionized. The main reason as to why they are not unionized is because most of the businesses are family or native. This means that their conditions of work are met on different terms as compared to the locals. The few who are left are Kenyans and form a very minute portion in numbers putting the recruitment and the collective bargaining process at crossroads.

This has made the trade union membership in Kenya weak in terms of membership and organization. This coupled with the workforce reduction strategies and high unemployment have weakened the voice and capacity of trade unions including the central labour federation COTU.

10.18 Structure of COTU

The trade union officials indicated that the giant federation of trade unions has let the trade unions down in many occasions. They cited the weaknesses in the structural shortcomings inherent in the trade union movement. As a federation COTU is not involved in collective Bargaining directly. Collective Bargaining is left to industry unions, which have the fine details of collective Bargaining Agreement. This has left COTU increasingly remote from Industrial issues and lacks a meaningful interface with the rank and file.

The respondents cited the remoteness of COTU and the decline in its Industrial influence as experienced in the abortive national strike, that it organized in 1993 to protest against what it regarded as indiscriminate retrenchment and improvement of wages. The branch officials indicated that part of the reason as to why the strike failed was that workers were not persuaded that the action taken by COTU was in their long-term interest.

10.19 Role of Civil Society

In an attempt to investigate on some of the challenges facing trade unions, the branch officials indicated that trade unions activities have been crippled by the role of some civil society groups. For instance, some respondents regret that although they have failed to perform to the expectation of the members and the wider society, the civil societies have contributed to the weakening of the trade unions, while it may be true that the participation of some civil society groups in labour relation issues and their tendency to enter the area of labour relations. On the pretext of promoting workers' human rights, they have represented workers without their mandate.

This has contributed to the increasing division in industrial unions; confused the traditional industry based structure and weakened the role of labour relations, both at company and national level. While this concern is critical to the trade unions, it has affected not only the baker confectionery manufacturing allied worker union but other unions too. This intense participation has left a crack in the union movement that the trade unions have failed to address the problems faced by various groups of workers and that is why the civil society has overtaken it.

It becomes critical to address the problem since some civil society groups have generous funding and advocate for change without necessarily seeking financial assistance from their beneficiaries. This has made unionizable employees lose trust in the trade unions.

10.20 The Role of The Ministry of Labour

In the attempt to find out some of the issues challenging the trade unions in Kenya, the respondents indicated that the Ministry of Labour and Human Resource Development have contributed to the inefficiency of the trade unions.

The Ministry of Labour as a key actor in conciliation and investigation of labour disputes. Among many other technical roles the Ministry of Labour is also concerned with the demarcation and jurisdiction of disputes. In spite of its enormous responsibility in promoting industrial harmony, the branch officials indicated that the Ministry's capacity to deliver timely and effective service to the union is inadequate. The service is poor and undermines the effectiveness of industrial relations system. Cases of corruption were cited as rampant and beat the process of industrial relations in inspection, processing claims, payment of benefit et cetera. The Ministry of Labour in most cases is pro employer, as they declare all strikes illegal. If anything they advice unions poorly.

10.21 The HIV Scourge

The respondents indicated that although trade unions activities have been impacted by social and economic crisis, a unique aspect of disease has challenged the collective bargaining negatively. The union officials cited the HIV/AIDS pandemic. In particular in terms of food handling, an AID victim suffering from skin ailment cannot be counted on.

AIDS victims suffer from cancerous skin problems with symptoms of virulent eruptions, fungal nail and general skin infections, constant coughs, tuberculosis, Herpes zoster, Kaposis sarcoma which occur especially in people with depressed immune systems. The later leads to the formation of tumours and lymph nodes on the skin.

This AIDS problem has affected union members who are at the shop floor and form majority in union formation activities and strength. Their physical status is weakened and costs the union a lot of time and energy to convince management to retain them in employment despite their little productivity if any. It has also costed the union a lot of money in visitation and burial of the members.

The ailment of members has put the union in dire financial problems. Some victims have

stopped their contributions to the union in anticipation for the worst (death). This has pointed out that in trade unions there is an occupational health and safety problem and an overhaul social protection is needed.

Bakery and food handling unlike other areas like construction where such (AIDS) victims can be retained, here the officials indicated that food is a very delicate issue and any sign of ill health automatically disqualifies the victim from work. Food handling rules are very inflexible and the trade union cannot dictate to management especially where standards of practice, benchmarks, and service delivery are likely to be comprised.

In conclusion, various factors were found to be impeding the role of trade unions. Other than the traditional blames of mismanagement, emerging aspects cutting across the, social, economic and political spheres centered in the growing economic difficulties in the face of globalization and technological changes were found to be key in this study.

11 CHAPTER FIVE: CONCLUSION/RECOMMENDATIONS

11.1 Summary

This chapter covers the recommendations and way forward based on the findings and conclusions on the study conducted on the investigations into some of the challenges facing Trade Unions in Kenya. This study was on the Bakery confectionary Manufacturing and Allied workers Union.

In this study, the researcher found out that the trade unions in Kenya were challenged by various problems. The challenges ranged from the traditional blame of mismanagement and emerging aspects cutting across technological advancement and the subsequent effect on industrial relations, political interference, poor economic growth and the unemployment challenge, lack of political goodwill, the training challenge, lack of policy guidelines, incompetence among trade union officials, globalization and new management styles and union rivalry.

Financial challenges due to mismanagement and lack of it have hindered operations at various levels; the HIV/AIDS scourge has not spared unions either. The tripartite dialogue has not been as effective as it should be hindered by rigid procedures among other factors. The employment of foreigners has contributed to the dwindling numerical size of trade unions, the civil society has penetrated to the trade unions causing unnecessary confusion while the Ministry of Labour has not done it's best to enhance the role of trade unions.

11.2 Recommendations

Various recommendations were made as a way forward and included the creation of an enabling environment, integrity assurance, and investment for poverty reducing employment. Training for effective management, addressing of policy gaps and labour

laws reviewed, development programmes and change management. Main streaming of the civil society and review of procedures were also recommended.

- **Creation of an enabling environment**

From the findings, it came out clearly that the environment was not conducive for trade unions. It is the recommendation of this study that the government of the day adopts a pluralistic systems approach to promote trade unionism. This can be done through the harmonization of economic, social and political concerns to promote industrial peace.

- **Integrity Assurance**

This call of transparency and accountability recommends that the integrity and ethics Act that is a legal framework in the civil service be applied to the private sector as well so that those people found exploiting union members for their selfish benefit should be prosecuted accordingly.

- **Investment for poverty Reducing Employment**

The industrial relations movement has felt the effect of poor economic growth like all other sectors negatively. This study recommends that different paradigm models aimed at generating sustainable real growth in the economy should be advocated for. Other than agricultural economy there should be diversification in industry and manufacturing both in the formal and informal sector.

- **Training For Effective Management**

Training for effective management should be a strategy that trade unions adopt for

survival. This approach will enhance and improve performance, as it will equip the partners in skills, knowledge and right attitude towards industrial relations matter.

- **Addressing Policy Gaps and Labour laws review**

This study recommends that clear-cut policies in industrial relations should be clearly spelt out in a document and retrievable form. This will enhance the work of the trade unions in relation to employment and in particular stream line the employment of foreigners in the labour laws.

Since Kenya got its independence in 1963, the labour laws have not been reviewed. The Ministry of Labour and Manpower development has not done much to update the labour laws, which are obsolete and irrelevant to the changing times. For instance, the trade disputes Act stipulates that only registered trade unions or the employer can declare a trade dispute to the Ministry of Labour. The legislation is biased and should be reviewed among others to create an enabling environment to the process of industrial harmony.

- **Development Programmes**

Training has been recommended to bridge the performance gap. The number of full time trade union officials, should be increased, the technical capacity of the officials to negotiate, arbitrate, appeal and handle trade disputes need to be enhanced through regular training and development programmes.

Continuous sensitization and refresher courses are recommended for the offices to upgrade their skills and knowledge in dispute handling. Through such development programmes officers will be more efficient. The government should enforce or implement the existing labour laws. While there exists incompetent trade union officers,

the labour inspectors should do their work and inspect all places of work, educate workers and trade union shop stewards on their rights so that trade unions officials should keep management on the up beat.

- **Change Management**

It is recommended that trade unions should employ more tactics to beat the employers tricks. On the basis of the findings on the impact of advanced technology on industrial relations, it is suggested that negative effects on workers such as security, work displacement, should be treated as part of change. All problems as many as they are in relation to industrial relations, require policies and strategies to address technology in the work places should be initiated by the central organization of trade unions. Legislation on redundancy, wage levels, occupational safety should be in place as those needs are so urgent and of such proportion as to require a comprehensive and coordinated approach on a national scale.

- **Mainstreaming of The Civil Society**

In order to strengthen industrial harmony, the trade unions should address the problems of various groups in industry so that the loopholes, which might have contributed to the emergence of counter groups, can be sealed. However, trade unions should be flexible to accommodate others whose aim is to further the interest of workers. Civil society has contributions to make and only clear spelt terms of reference can save such eventualities.

- **Review of Procedures**

A review of formal procedures should be done by the tripartite organization to map out ways and means of solving trade union activities expediently. It calls for joint effort to

handle this delicate process so that the three organizations may own the review process in a written form. Trade union issues should not be shelved for long because the parties feel that they have been denied justice due to the delay. It is recommended that jurisprudence should prevail at all times.

- **Expedite Dispute Resolutions**

The role of the Ministry of Labour was cited as important in the finding but it's inefficient to handle trade disputes. Since it's the key player in the industrial relations system, the Ministry should set up benchmarks and service delivery to settle disputes in conciliation and investigation of labour disputes, developing policy, implementation and monitoring of labour relations. There is need for the Ministry to improve services to the public generally.

The labour Ministry should expedite the settlement of trade dispute, consult the tripartite committee and recommend to the parties wherever a trade dispute has to be referred to the industrial court. The industrial court has both the appellate and original jurisdiction should register collective agreements very fast and enforce the honoring of agreements. It's therefore recommended that upon receipt of the application made by trade dispute parties, it should proceed to enquire into the dispute and make an award thereon as soon as possible. It should not succumb to political pressure, as that is the only way it will succeed in establishing fair labour practices and standards. It should also help in developing industrial law in Kenya and promote social justice in the country.

- **The HIV/AIDS Scourge Management**

The study found out that the HIV/AIDS pandemic has adversely affected the labour market and the industrial relation activities. Due to the complicated nature of the disease

and negative effect on labour supply, labour costs and productivity. The study recommends that the key stakeholders should determine a strategic response to the problem by such means as widening campaign on ways and means of containing the AIDS scourge. A long established consensus should be built and consultative mechanism put in place to monitor the effects of the disease such as labour advisory boards and committees which should ensure among other things that those infected with the virus are not discriminated against as it is now in the country but catered for as special groups by developing regulations on the matters that affect those groups.

Further, the directorate of occupational health and safety services should form a technical committee, which will be responsible for initiating and developing ideas discussed by stakeholders. The directorate in turn will turn these ideas to amendments to existing legislations, rule or regulations on health and safety. These will be recommended to the Ministry of Labour for further discussion in Parliament. In Parliament they can be discussed for eventual legislation. This way HIV/AIDS issues will have legal backing and victims may not be dismissed or discriminated against anyhow.

Policies on HIV/AIDS should also include insurance cover for the victims. The government should set up a forum for bringing up together experts in the tripartite venture as a measure to handle the aids scourge. The move, which should include intense lobbying and provision of care to those infected will contribute positively to the problem.

- **Effective Finance Management**

A regulatory framework and supervision of financial systems to monitor trade union finances should be in place to audit and give disclose rules on contributions made by members. A bank account should be officially opened for a branch and transactions must be a transparent as possible. Other details are beyond the scope of this study.

12 Further Research

The study on trade unions proved to be sensitive and delicate. However, this study recommends that a further study should be done to investigate matters and objective not covered here. Control groups should be formed to determine the unique features highlighted in this study. This will enrich the study of trade unions.

13 References

- Aluchio L.P.A. 1988. *The Trade Unions in Kenya: Development and the system of Industrial Relation*. Nairobi, Jomo Kenyatta, Kenya.
- Blau Peter. 1964. *Exchange and Power in Social Life*. New York, John Willey and sons, U.S.A.
- Cockar Saaed R. 1981. *The Kenya Industrial Court: Establishment and Development Legislation*. Nairobi, Longman Publishers, Kenya.
- Dahrendorf Rolf. 1951. *Class and Class Conflict in Industrial society*. London, Routledge & Paul, U.K.
- Federation of Kenya Employers Training Manual – 1997. Nairobi, Kenya
- Green G.D. 1994. *Case Studies in Industrial Relations*, 4th ed. London, Pitman, U.K.
- Holdt K Van 1991. *Participating to Achieve Control S A Labour Bulleting Vol. 16 No 2*
- John B. Miner and Mary Green Miner.1977. *Personnel and Industrial relations*, 3rd Ed. Macmillan Publishing Co.U.S.A.
- ILO, 1960 *Collective Bargaining Journal*, Geneva, ILO, Switzerland.
- ILO. 1978. *The Role of Trade Unions in Developing Societies*, Geneva, Switzerland.
- Malkhan S. 1952. *History of Kenya's Trade Union Movement to 1952*. Nairobi, East Africa Publishers, Kenya.

Mboya T. 1963. Freedom and After. London, Deutsch publishers, U.K.

Misra S.N. 1995. Labour and Industrial Laws. Allahabad, Central Law Publications, India.

John B. Miner et al. 1977. Personnel and Industrial Relations. New York, Macmillan Publishing Co, U.S.A. .

Roberts BC and Bellecombe L.G. 1967. Collective Bargaining in African Countries. London, Macmillan Publishing Co, U.K.

Scotts R. 1966. The Development of Trade Unions in Uganda. Nairobi, Kenya Litho Ltd.

Tade Akin Aina. 1977. Globalization and Social Policy in Africa. Published by CORDESRIA, Dakar, Senegal.

Trade Union Disputes Act cap 234. Nairobi, Government Printer, Nairobi, Kenya.

Trade Unions Act cap 233. Nairobi, Government Printer, Kenya.

14 Appendix: List of Registered Trade unions

1. Railway Workers Union
2. Printing Union
3. Tailors And Textiles Union
4. Local Government And Workers Union
5. Kenya Union Of Journalist
6. Game And Hunters Union
7. Agricultural And Plantation Union
8. Kenya Union Of Domestic, Health And Educational Institutions
9. Kware Mines Workers Union
10. Dock Workers Union
11. Shoe And Leather Workers Union
12. Amalgamated Trade Union
13. Postal Union
14. Sea Mens Union
15. Scientific Union
16. Chemical And Allied Workers Union
17. Banking Institute And Finances Union
18. Sugar And Agricultural Workers Union
19. Jockey Workers Union
20. Petroleum Workers Union
21. Union Of Fisheries
- 22. Bakers, Confectionery, Manufacturing and Allied workers Union.**
23. Union Of Building And Construction
24. Shipping And Warehouse Union
25. Music And Entertainment Union
26. National Union Of Research Of Kenya

- 27. Union Of Engineering
- 28. Transport And Allied Workers Union
- 29. Pilots Union
- 30. Food And Commercial Union
- 31. Civil Servants Trade Union (*Source-COTU Headquarters Solidarity House*)