

**FACTORS AFFECTING SETTLEMENT OF INDUSTRIAL DISPUTES
BY THE KENYA NATIONAL UNION OF TEACHERS (KNUT)**

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for the Award of the Degree of Master of Education in Corporate
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DECLARATION

This research project is my original work and has not been presented for the award of a degree in any other university.

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DEDICATION

I dedicate this work to my husband Boniface Wathiari, my loving daughters Gladys Muthoni, Damaris Wacu, Rosemary Wairimu, Christine Wanjiru, their brother Naftaly Kamatu and Grandson Felix Kamatu for their help contribution and endless patience in this journey

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ABSTRACT

Trade unions were established to protect the working life of workers. Currently they are facing various challenges and hence weakening the unions. The objective of this research was to determine factors affecting settlement of industrial disputes in the KNUT. The specific objectives of this study was; a) to establish the effect of training among union officials on settlement of industrial disputes in KNUT; b) to determine the extent top management commitment affects settlement of industrial disputes in Kenya National Union of Teachers; c) to determine the extent members involvement affects settlement of industrial disputes in KNUT and d) to establish the effect of communication on settlement of industrial disputes in KNUT. The research design which was used in this study was descriptive cross- sectional survey. The study sampled 20% of the target population of 500 which made a sample size of 100 respondents. The sample size of the study was 40 primary school teachers, 40 secondary school teachers and 20 KNUT officials. Stratified random sampling technique was used to select the sample. This research study used both primary and secondary data. Data collected was mainly quantitative in nature and was appropriately analyzed using descriptive statistics. Therefore, SPSS was used in analyzing the questions. The study established that the top management commitment affected settlement of industrial disputes in KNUT through; establishing communication channels, positive relationship with employees, mediation on behalf of employees, and through proper rewards respectively. The study found that; the different ways through which employee involvement affected settlement of industrial disputes at KNUT included; full recognition of the workers, development of workers' free personality and through developing consciousness of workers democratic rights. The study also established that for the effective settlement of industrial disputes in KNUT, communication should ensure; neutral mediation process, confidence and trust of the parties, importance of timing, labor management interaction respectively. The study concluded that the top management commitment affected settlement of industrial disputes at KNUT to a great extent; the employee involvement affected settlement of industrial disputes at KNUT to a great extent and finally concluded that communication affected settlement of industrial disputes at KNUT to a great extent. The study recommends that labour organizations should conduct regular training on their officials on settlement of industrial disputes; the management of labour organizations should enhance top management commitment towards settlement of industrial disputes in KNUT. The study further recommends that labour organizations should increase the level of members' involvement in settlement of industrial disputes.

TABLE OF CONTENT

Content	Page
Title	
Page.....	i
Declaration	ii
Dedication	iii
Acknowledgments.....	iv
Abstract	v
Table of Content	vi
List of Tables	x
List of Figures.....	xi
List of Abbreviations and Acronyms	xii

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study	1
1.2 Kenya National Union of Teachers (KNUT).....	4
1.3 Statement of the Problem	6
1.4 Objectives	8
1.5 Objectives of the Study	8
1.6 Research Questions	9
1.7 Significance of The Study	9
1.8 Limitations of the Study	10
1.9 Delimitations of the Study	11

1.10 Definition of Terms.....	11
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CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction.....	12
2.2 Empirical Review.....	12
2.2.1 Training of Union Officials	12
2.2.2 Top Management Commitment	14
2.2.3 Members Involvement in Management of Unions.....	17
2.2.4 Communication during Mediation	20
2.3 Theoretical Review	23
2.3.1 Unitary Theory	23
2.3.2 Conflict Theory	24
2.3.3 Pluralistic Theory	26
2.4 Conceptual Framework	28

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction.....	31
3.2 Research Design.....	31
3.3 Target Population.....	31
3.4 Sample Size and Sampling Procedure.....	32
3.5 Research Instruments	33
3.6 Instrument Validity	34
3.7 Reliability of the Instruments	34
3.8 Data Analysis.....	35

CHAPTER FOUR

DATA ANALYSIS, DISCUSSION, PRESENTATION AND INTERPRETATION

4.1 Introduction.....	36
4.1.1 Response Rate.....	36
4.2 Analysis of Demographic Data.....	37
4.3 Extent Training among Union Officials affects Settlement of Industrial Disputes.....	41
4.4 Effects of Top Management Commitment on Settlement of Industrial Disputes.....	44
4.5 Members Involvement in Settlement of Industrial Disputes.....	48
4.6 Effects of Communication on Settlement of Industrial Disputes.....	51

CHAPTER FIVE

SUMMARY OF STUDY, CONCLUSION AND RECOMENDATIONS

5.1 Introduction.....	56
5.2 Summary of Study.....	56
5.3 Summary of the Research Findings.....	57
5.3.1 The Effects of Training of Union Officials on Settlement of Industrial Disputes in Kenya National Union of Teachers.....	57
5.3.2 Effects of Top Management Commitment to Settlement of Industrial Disputes in Kenya National Union of Teachers.....	58
5.3.3 Extent Teachers Involvement affects Settlement of Industrial Disputes in Kenya National Union of Teachers.....	59
5.3.4 The Effects of Communication on Settlement of Industrial Disputes in Kenya National Union of Teachers.....	59
5.4 Conclusions.....	60

5.5 Recommendations	61
5.6 Areas for further Studies	63
REFERENCES	65
Appendices	69
Appendix 1 : Questionnaire for Unionized Teachers	69
Appendix 11: Interview Guide for KNUT Officials.....	73
Appendix 111: Introduction Letter	75

LIST OF TABLES

Table 3.1 Sample size	32
Table 4.2 Training and settlement of industrial disputes	43
Table 4.3 Top management commitment and settlement of industrial disputes	46
Table 4.4 Employee involvement and settlement of industrial disputes.....	50
Table 4.5 Communication and settlement of industrial disputes.....	53
Table 4.6 Frequency of occurrence of various forms of industrial dispute.....	54

LIST OF FIGURES

Figure 2.1 Conceptual framework	29
Figure 4.2 Gender of the Teachers.....	37
Figure 4.3 Distribution of the Teachers by Age	38
Figure 4.4 Highest level of education of the teachers.....	39
Figure 4.5 Years of Experience	40
Figure 4.6 Training and settlement of industrial disputes.....	41
Figure 4.7 Top management commitment and settlement of industrial disputes	45
Figure 4.8 Employee Involvement and Settlement of Industrial Disputes	48
Figure 4.9 Communication and settlement of industrial disputes	51

LIST OF ABBREVIATIONS AND ACRONYMS

ADC	Annual Delegates Conference
CPID	Chartered Institute of Personnel and Development
HR	Human Resources
KNUT	Kenya National Union of Teachers
NEC	National Executive Council
SPSS	Statistical Package for Social Sciences
TSC	Teachers Service Commission
UK	United Kingdom
WPM	Workers' Participation in Management

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Developments that have affected labour both in quality and quantity worldwide are closely related to political, social and economic environments. Organized labour has affected the development of society and is responsible for securing workplace protections and privileges (Beardwell & Claydon, 2007).

Industrial disputes are organized protests against existing terms of employment or conditions of work. According to the Industrial Dispute Act (1947), an industrial dispute means “any dispute or difference between employer and employer or between employer and workmen or between workmen and workmen, which is connected with the employment or non-employment or terms of employment or with the conditions of labor of any person”. In practice, Industrial dispute mainly refers to the strife between employers and their employees. An Industrial dispute is not a personal dispute of any one person. It generally affects a large number of workers’ communities having common interests (Kapur & Punia, 2002).

Unionization results when employees feel disrespected, unsafe, underpaid and unappreciated therefore they see unions as viable option. Trade unionism is seen by some to be in terminal decline and no longer relevant to an advanced

society. Others believe that unionism has moved to a marginal position in employee relations and some sense of resurrection is required, based on support. Trade Unions worldwide are facing a lot of challenges. Researches done in Eastern and Western Europe have shown that Union members are not satisfied with their Unions (Georgelles& Lange, 2010). Among the issues that have been reported in several states including UK, Japan, Canada and others are the declining membership, de-recognition, political manipulation of union among others. The proportion of younger people who choose to join unions has declined dramatically, suggesting that they do not see membership of collective employee body as necessary or desirable (Waddington, 2003). Generally trade unions perform significant role in employee's life and always provide checks and balances to the government regarding accountability of its leaders. KNUT in Kenya represents teachers thereby its influence on the quality of education and work life for the teachers is important and affects everybody.

For more than a quarter century, the labor movement in Kenya has made significant strides for workers. The transition from colonial rule to independence saw the installation of important labor laws which were progressive by Third World standards. A comprehensive minimum wage law mandates both wages and wage increases. Strikes are legal. Dismissals can and are regularly appealed by unions to the industrial court. In recent years, however, these rights have been gradually eroded because of an ever

increasing population and a slow-growing economy where job creation has simply not kept pace with the numbers looking for work. It's a combination that could be a "time bomb" for the country. The Kenyan government has created a new Ministry to address the problem, but the Ministry's mandate—to create jobs with little capital in a tight world economy—may be impossible (Tripathi and Arya, 2002).

Mwembe (2009) indicates that since the cost of living index keeps increasing, workers generally bargain for higher wages to meet the ever rising cost of living index and to increase their standards of living. In 2002, 21.4% of disputes were caused by demand for higher wages and allowances. This percentage was 20.4% during 2003 and during 2004 increased up to 26.2%. In 2005, wages and allowances accounted for 21.8% of disputes.

The effectiveness of the procedures and systems which are established for better information flow, understanding and, where possible, consensus building, is critical today to the successful management of organizations and for achieving competitiveness. As such, the basic ingredients of sound labor relations are inseparable from some of the essentials for managing an enterprise in today's globalized environment (Daver, 2005). Equally important are dispute preventions through communication, consultation and negotiation procedures and mechanisms which operate largely at the enterprise level. They are not particularly common in many African countries (Michaelowa, 2002). Their importance has increased in the current decade when changes in the way

organizations are structured and managed have created the potential for workplace conflict.

Trade unions were established to protect the working life of workers. Currently they are facing various challenges and hence weakening the unions. Some of the problems being faced by trade unions in Kenya are revolution in production technologies and new management styles. Splintering, changing mentality, mismanagement of funds, lack of innovation and visionary leadership are a big handicap. Most unions are grappling with the democratization of social and political arena besides government interference. The objective of this research will be to determine factors affecting settlement of industrial disputes in the Kenya National Union of Teachers (KNUT handbook for school representatives, 1993)

1.2 Kenya National Union of Teachers (KNUT)

The Kenya National Union of Teachers (KNUT) is the largest teachers' trade union in Kenya. It was formed on December 4, 1957. The KNUT is a trade union registered under the trade unions act Cap 233 of the laws of Kenya. Its mandate is both of a trade union and professional organization that serves all Kenyan teachers who choose to join and as such, we recognize the need to anchor our operations on certain key principles and values.

The Kenya National Union of Teachers vision is: to become the most effective and self-reliant teacher unions in the world. Its mission is to unite teachers of all

grades for quality service, socio economic improvement and professional advancement and strengthen their bargaining power, and promote quality education. The Kenya National Union of Teachers core values includes integrity, equity, teamwork, continuous improvement, professional interest, efficiency and courage and bravery

The core functions of the union includes the following: To bring together and unite teachers of all grades and qualifications in Kenya and providing a forum for co-operation; to fight for improved terms and conditions of service for teachers and protecting teachers interests; to promote programmes aimed at improving teachers' welfare or socio-economic status; to offer assistance to individual members in professional as well as legal matters; to settle disputes between members of the union or between its members and their employers through collective and constitutional means; to co-operate with other societies, bodies, unions or organisations within or outside Kenya with similar objectives; to promote matters leading to the improvement of education and the establishment of a common system of education and to secure effective representation of the teaching profession on the government, public and private bodies or organizations where such representation may be necessary.

The leadership of the union is based a structure contained in her constitution. The top policy organ of union is the National Executive Council (NEC). The NEC is composed of 28 members, of whom eight are the top national officials and the rest are drawn from province as follows:- Nairobi and North Eastern

(one each), Coast (two), Eastern, Central, Western and Nyanza (three each), Rift Valley (Four) and two women representatives. Three Trustees also sit in the NEC as ex-officio members without voting powers.

The eight top officials work full time at the KNUT Head Office and constitute the National Steering Committee. The Steering Committee is responsible to the NEC for management of union affairs besides the coordination and supervision of branch activities. The NEC is responsible for all policy issues - formulation, implementation and monitoring and reports to the Annual Delegates Conference.

Collective bargaining has traditionally been concerned with wage/salary determination; its scope has widened considerably over the years and today encompasses working hours, holiday's entitlement, sick pay, promotion policies and pensions. All these expectations should be met by the employer and it is the duty of union leaders to ensure that they are met. Union leaders need a reasonable membership to have their needs addressed by the employer. Membership of KNUT in the early days was mandatory for the newly employed teachers in Kenya; this enabled the union to have the numbers required by TSC to enable collective bargaining.

1.3 Statement of the problem

Most countries have long-standing dispute settlement procedures at the national level (conciliation, arbitration, industrial or labor courts). Essential as

these are, they operate only when a dispute arises. In addition, Yesufu (2000) observes that industrial relations problems do flow from circumstances both external and internal to the enterprise. The problem is that there has been overemphasis on the environment external to the enterprise, so that inadequate attention has been paid to the policies and practices needed within the enterprise (Herbert and Henzler, 2005).

Akintade et al (2000) maintained that industrial disputes occur as a result of non-realization of worker's aims and aspirations. The outcome of poor industrial relations are strike actions, trade disputes, lock-out, go-slow, work-to-rule and the like which have proliferated in the recent past. Although labor unions have been celebrated in folk songs and stories as fearless champions of the downtrodden working man, most of these industrial actions have not been bearing fruit. This has made the need to establish factors that affect settlement of industrial disputes in these institutions more urgent.

The average salary of a teacher remains low. The overall structure of their pay shares most of the pervasive characteristics of public sector pay systems in most developing countries and Kenya in particular (Michaelowa, 2002). The salary scales for teachers are often very flat despite the rapidly increasing costs of living with very small salary increments awarded on the basis of seniority/experience, with little or no link to actual job performance.

It should be noted that it is not uncommon in Kenya to have teachers going on strike protesting against poor pay. The recognized teachers' trade union (KNUT) is also very frequently threatening to take industrial action over the poor salaries and teachers' employment terms. This high turnover is interpreted as a protest against poor pay. The government keeps on incurring the cost of training teachers' who do not last to offer their needed service in the teaching profession (Hyde, Muito and Muito, 2005). During such industrial protests, students in the in schools suffer a lot. The government will instead of addressing the teachers' demands, issue threats to sack those striking. This means that the strikes would continue year in year out with no permanent solution. The objective of the study therefore was to establish factors that affect settlement of industrial disputes in the Kenya National Union of Teachers.

1.4 Objectives

The purpose of the study was to investigate the factors affecting settlement of industrial disputes in Kenya National Union of Teachers.

1.5 Objectives of the study

The study was guided by the following specific objectives;

- i. To establish the extent training among union officials affects settlement of industrial disputes in Kenya National Union of Teachers

- ii. To determine the extent top management commitment affects settlement of industrial disputes in Kenya National Union of Teachers
- iii. To determine the influence of union members involvement in settlement of industrial disputes in Kenya National Union of Teachers
- iv. To establish the effect of communication on settlement of industrial disputes in Kenya National Union of Teachers

1.6 Research Questions

The study sought to answer the following research questions

- i. To what extent does training of union officials affects settlement of industrial disputes in Kenya National Union of Teachers?
- ii. To what extent does top management commitment affects settlement of industrial disputes in Kenya National Union of Teachers?
- iii. What is the influence of union members' involvement in settlement of industrial disputes in Kenya National Union of Teachers?
- iv. What is the effects of communication on settlement of industrial disputes in Kenya National Union of Teachers?

1.7 Significance of the Study

This study would benefit to the Kenya National Union of Teachers as it would seek to unearth the factors affecting settlement of industrial disputes therein.

The study would also outline the effect of training among union officials, management competence, employee involvement and communication on settlement of industrial disputes.

To the government of Kenya, the study would provide information that would be used to formulate policies in relation to settlement of industrial disputes in other sectors of the Kenyan economy. The study would also recommend the best methods that would be used to curb industrial disputes in the country.

To the researchers and academicians, the study would not only set a base upon which secondary material on the factors affecting settlement of industrial disputes in Kenya National Union of Teachers would be drawn but also provide good literature on settlement of industrial disputes in Kenya. To the general academic fraternity the study would form a basis upon which further research on the factors affecting settlement of industrial disputes would be carried out.

1.8 Limitations of the study

The researcher encountered unwillingness by respondents to reveal information as it was on the ground. To counter this, the researcher assured respondents of confidentiality for information given. The researcher further assured the respondents that the study was purely an academic endeavor and therefore the information given was not revealed to any other authority but used for academic requirement only.

1.9 Delimitations of the study

This study set out to establish the factors affecting settlement of industrial disputes in Kenya National Union of Teachers. The study was limited to training among union officials, top management commitment, employee involvement and communication. The study was carried out in Kenya National Union of Teachers.

1.10 Definition of terms

Communication it is the process of conveying/sharing information.

Industrial disputes a conflict or difference of opinion between management and workers on the terms of employment.

Labor relations collective relations between the management of an organization and its employees or employees' representatives while in a wider context it may relate to relations in an industry, or in a national economy.

Management commitment direct participation by the highest level executives in a specific and critically important aspect or program of an organization.

Participation the act of sharing in the activities of a group.

Training the action of teaching a person a particular skill or type of behavior.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This focuses on factors affecting settlement of industrial disputes. The chapter discusses into details the effect of training among union officials on settlement of industrial disputes, how management competence affects settlement of industrial disputes, the effect of employee involvement and the effect of communication on settlement of industrial disputes. It also provides the theoretical and conceptual frameworks of the study.

2.2 Empirical review

2.2.1 Training of union officials

The workers in a country should be regarded as the most significant component of the citizen community and they should be psychologically satisfied by providing them with opportunities for education and training. It has been aptly said that the major capital stock of an industrially advanced country is not in its physical equipment, it is the body of knowledge amassed from the tested findings and the capacity and training of population to use this knowledge effectively. It has now been increasingly realized that there is a growing need for the kind of education that will properly equip the workers

and trade unions to meet their increasingly heavy economic and social responsibilities (Tripathi& Arya, 2002).

Settlement of industrial disputes training provides the basic skills necessary for mediation. The training includes an overview of Alternative Dispute Resolution, confidentiality, defining mediation and its stages, using effective communication skills in the mediation process, and applying the interest-based approach in mediating disputes. Exercises and role-plays are used throughout the course to provide the participants an opportunity to practice the techniques and skills taught throughout the training.

According to CPID (2008), more than half of the UK workforce (55%) has had no training on settlement of industrial disputes, despite it costing British business £24 billion a year. As a result, around a third of all employees (28%) simply allow industrial disputes to continue, causing untold damage to morale and productivity.

This approach is widespread, even though eight out of ten British workers (82%) have to spend time dealing with disputes in the workplace, and the vast majority (89%) have experienced workplace disputes that have escalated. The research also reveals that every full-time UK employee spends an average of nearly two hours dealing with disagreements every week, translating to nearly six months out of the average career. The extent to which HR professionals' time is consumed by disputes is getting more pronounced, with 94% admitting

that they have to deal with disputes regularly, spending an average of 3.4 hours a week managing disagreements between employees. The crux of the issue is a marked lack of training, even among the top management who often shoulder the responsibility of day-to-day dispute management. More than two thirds (68%) of the top management say they have had no formal training in managing disputes, leaving them hopelessly under-skilled when addressing the issue (Kapur & Punia, 2002)

However, 95% of workers cite dispute management as a critical leadership skill in today's resource-short organizations. And training clearly adds value. Among HR practitioners, a third said that training in dispute management skills for managers had led to a reduction in formal disciplinary and grievance cases; 28% of respondents cite improvements in team morale and 25% report that training has helped team productivity and performance. The vast majority (95%) of those receiving training as part of leadership development indicated that it helped, and incidences of positive outcomes from conflict increased significantly in line with the amount of training received.

2.2.2 Top management commitment

Organizations and managers are increasingly aware that they face a future of rapid and complex change. This wave of future oriented uncertainty, coupled with individual demands for increased participation at all levels of the organization, has dramatically changed perceptions of leadership, specifically

with regard to the respective roles played by the leader and the follower. Daver (2005) commenting on the role of leadership said that the top management has to lead the way in ensuring that their employees have ways in which they can channel their grievances and therefore ensure that they are well settled. It is the management role to ensure that disputes are managed successfully through benchmarking from the practices and business processes of the world class organizations and excellent enterprises (Herbert & Henzler, 2005).

Transformational leaders are said to be responsible for settling disputes and motivating employees to go beyond ordinary expectations. The transformational leader elicits this performance level by appealing to follower's higher order needs and moral values, generating the passion and commitment of followers for the mission and values of the organization, instilling pride and faith in followers, communicating personal respect, stimulating subordinates intellectually, facilitating creative thinking and inspiring followers to willingly accept challenging goals and a mission or vision of the future. The leader thus identifies the future of the organization and "pulls, rather than pushes", lifting individuals to focus their commitment and energies towards the organization and its goals. This can only take place if all the organization's top management is well skilled in settling industrial disputes. This is because industrial disputes lead to strikes and low employee productivity (Daver, 2005).

Top management formulates and decides objectives and strategies for organizational strategy formulation and implementation activities, mission and overall objectives (Ross & Irwin, 2006). Young and Jordan (2008) suggest that “the essence of top management support relates to effective decision-making to ensure dispute resolution and to authorize business process change. A crucial part of a successful project is top management support, the benefit of which is related to improving decision making in order to develop strategies which are also aimed at improving business performance and employee morale. Top-level management responds to business processes and manages risk as well as disputes in the work places. Successful mitigation or bearing of risk is contingent upon commitment and support from top management. Moreover, commitment and support from top management plays a key role in influencing success in almost any initiative within an organization and not just in dispute resolution (Raub&Weesie, 2002).

Raub and Weesie (2002) further argues that commitment and support from top management is important in every kind of management and it is thus an important factor for dispute resolution without compromising on company performance. The essence of commitment and support from top management is for effective decision-making processes in order to formulate strategies to ensure that employee grievances are handled and addressed adequately. Employees may wish that senior management discusses future plans with staff. Internal communication should support business strategy and improve

business processes as well as performance. Communication is an important skill for leaders and top-level management. The effective leader or manager who is good at communication can set clear mutual expectations, objectives and goals. Communication ensures that the team members understand and support not only where the team is now but also where they want to be in the future (McConnell, 2003).

2.2.3 Members involvement in management of unions

Member's involvement in management of unions is an essential ingredient of industrial democracy (McAdam & Paulsen, 2004). The concept of workers participation in management is based on "Human Relations" approach to management which brought about new set of values to labor and management. Traditionally, the concept of Workers' Participation in Management (WPM) refers to participation of non-managerial employees in the decision-making process of the organization. Workers' participation in management meets the psychological needs of the workers to a great extent (McAdam & Paulsen, 2004). That way, it may also be treated as the process of delegation of authority in the general areas of managerial functions. According to McAdam and Paulsen, (2004), workers participation is based on the fundamental concept that the ordinary worker invests his labor in, and ties his fate to, his place of work and, therefore, he has a legitimate right to have a share in influencing the various aspects of company policy.

Tripathi (2002) considers management to be participative, if it gives scope to the workers to influence its decision making process on any level or sphere or if it shares with them some of its managerial prerogatives. It implies a situation where workers representatives are, to some extent, involved in the process of decision making, but then the ultimate power is in the hands of the management. It is a mental and emotional involvement of a person in a group situation which encourages him to contribute to goals and share responsibilities in them.

Mauro (2007) noted that when individuals are provided with opportunities for expression of opinions and share in decision-making, they show much initiative and accept responsibility substantially. According to Mauro (2007) the rationale of workers' participation in management is in the fact that it helps in creation amongst the workers a sense of involvement in their organization, a better understanding of their role in the smooth functioning of industry and provides them a means of self-realization, thereby, promoting efficiency and increased productivity.

According to MacDowell (2005) workers' participation is possible at all levels of management; the only difference is the degree and nature of application. For instance, it may be vigorous at lower level and faint at top level. According to MacDowell (2005) there are five levels of participation: Information participation ensures that employees are able to receive information and express their views pertaining to the matters of general

economic importance. In Consultative participation workers are consulted on the matters of employee welfare such as work, safety and health. However, final decisions always rest with the top management and employees' views are only advisory in nature.

According to MacDowell (2005) associative participation is extension of consultative participation as management is under moral obligation to accept and implement the unanimous decisions of employees. Administrative participation ensures a greater share of workers in discharge of managerial functions. Here, decisions already taken by the management come to employees, preferably with alternatives for administration and employees have to select the best from those for implementation. Decisive participation is the highest level of participation where decisions are jointly taken on the matters in relation to production, welfare, etc.

Haas and Stack (2003) noted that workers' participation schemes in India provide a wide scope for application and uplifting of workers. But in practice, these schemes have not met a lot of success except in some few private sector units. The factors responsible for failure are largely to do with the attitudes of management towards the scheme. The workers' representatives are not given due recognition by management; the attitude of trade unions too towards the schemes is negative as they consider them to be reducing the power of Trade Unions. Some Trade Unions boycott Joint Management Council meetings. For success, these schemes require the fulfillment of certain conditions;

management should appreciate the schemes and accept them, trade unions have to cooperate with the schemes and workers have to be educated. Thus workers' participation in management in India is yet to succeed (Haas & Stack, 2003). It can be done by educating the workers and creating an environment in the organization for coordination of workers and management.

2.2.4 Communication during mediation

Mediation's is a process available to the parties involved in contract negotiations by which an outside party is called in by union and management to help them reach a settlement (Franzosi, 2007). The neutral mediator does not ultimately resolve the dispute, but instead tries to move the parties towards agreement by maintaining communication and suggesting alternative solutions to dead-locked issues. The mediator's function is to provide a positive environment for dispute resolution by drawing on extensive professional experience in the field of labor management interaction. The mediator must possess thorough knowledge of the issues, and an ability to innovate solutions to problems. The mediator must be an effective communicator, know the importance of timing and most of all, have the confidence and trust of the parties (Franzosi, 2007). A mediator must possess attributes such as integrity, impartiality and fairness.

In the work situation, an individual worker has to face many problems such as, low wages, long hours of work, loss incentive, etc. These problems of an

individual or few individuals cannot attract the attention of the employer because of their less bargaining power. The growth of trade unions increases the bargaining strength of workers and enables them to seek for better working conditions collectively.

According to Clegg (2006) collective bargaining is a source of solving the problems of employees in the work situation collectively. It provides a good climate for discussing the problems of workers with their employers. The employees put their demands before the employers and the employers also give certain concession to them. Thus, it ensures that the management cannot take unilateral decisions concerning working terms and conditions and ignore the workers' views. It also helps the workers to achieve commensurate wages, better working conditions, fringe benefits, etc. It provides them a collective strength to bargain with the employer. It also provides the employers some control over the employees (Clegg, 2006).

Collective bargaining takes place when a number of work people enter into negotiation as a bargaining unit with an employer or a group of employers with the object of reaching agreement on conditions of the employment of the work people. Analoui and Kakabadse (2003) defines collective bargaining as, negotiation about working conditions and terms of employment between an employer, a group of employers or one or more employers' organizations on the one hand, and one or more representative workers' organization on the other with a view of reaching an agreement.

Collective bargaining restricts management's freedom for arbitrary action and thereby management learns a new code of behavior by conceiving of the union as a method of dealing with employees. The management also comes to know the grievances of workers in advance and it gives an opportunity to take precautionary measure. Moreover, collective bargaining opens a channel of communication between top and bottom levels of an organization.

From the point of the view of the society, collective bargaining if properly conducted, results in the establishment of a harmonious industrial climate which helps in the socio-economic development of the nation (Salamon, 2000). It builds up a system of industrial jurisprudence by introducing civil rights in industry and ensures that management conducts itself by rules rather than by an arbitrary decision. It extends the democratic principles from the political to industrial field.

Collective bargaining enhances the status of the working class in the society (Salamon, 2000). Wage earners have enhanced their social and economic position in relation to other groups. Employers have also retained high power and dignity through collective bargaining. Collective bargaining serves as a peace treaty between the employers and employees. However the settlement between the two parties is a compromise. It establishes rules which define and restrict the traditional authority exercised by employers over their employees placing part of the authority under joint control of union and management (Salamon, 2000).

2.3 Theoretical review

The study will be based on the following theories

2.3.1 Unitary theory

The unitary frame of reference is credited to Alan Fox who proposed in 1966. The unitary perspective views the organisation as pointing towards a single or unified authority and loyalty structure. Emphasis under the unitary perspective is placed on common values, interest and objectives. Unitarism in essence implies the absence of factionalism within the enterprise (Fajana, 2000). A core assumption of unitary approach is that management and staff, and all members of the organization share the same objectives, interests and purposes; thus working together, hand-in-hand, towards the shared mutual goals. Furthermore, unitary theory has a paternalistic approach where it demands loyalty of all employees. Trade unions are deemed as unnecessary and conflict is perceived as disruptive.

The theory is applicable to study as from the employee point of view the theory means that: Working practices should be flexible. Individuals should be business process improvement oriented, multi-skilled and ready to tackle with efficiency whatever tasks are required. It also means that if a union is recognized, its role is that of a further means of communication between groups of staff and the company. The theory as well emphasis on good relationships and sound terms and conditions of employment. According to

Rose (2008), under the unitary perspective, trade unions are regarded as an intrusion into the organisation from outside, competing with management for the loyalty of employees.

The theory also ensures employee participation in workplace decisions is enabled. This helps in empowering individuals in their roles and emphasizes team work, innovation, creativity, discretion in problem-solving, quality and improvement group's etc. Finally the theory ensures that employees should feel that the skills and expertise of managers supports their endeavors.

The theory is applicable to study as from the employer point of view, unitary theory means that: Staffing policies should try to unify effort, inspire and motivate employees. The organization's wider objectives should be properly communicated and discussed with staff. Reward systems should be so designed as to foster to secure loyalty and commitment. Line managers should take ownership of their team/staffing responsibilities. Staff-management conflicts - from the perspective of the unitary framework - are seen as arising from lack of information, inadequate presentation of management's policies. The personal objectives of every individual employed in the business should be discussed with them and integrated with the organization's needs.

2.3.2 Conflict theory

Conflict theory is synonymous with the pluralist or the pluralistic frame of reference which is also credited to Alan Fox who proposed it in 1966. Conflict

theory views the organisation as combination of sectional groups with different values, interests and objectives. Thus, employees have different values and aspirations from those of management, and these values and aspirations are always in conflict with those of management. Conflict theorists argue that conflict is inevitable, rational, functional and normal situation in organizations, which is resolved through compromise and agreement or collective bargaining. Conflict theorists view trade unions as legitimate challenges to managerial rule or prerogatives and emphasize competition and collaboration. This view recognizes trade unions as legitimate representative organizations which enable groups of employees to influence management decisions (Rose, 2008). Rose further states that the pluralist perspective would seem to be much more relevant than the unitary perspective in the analysis of industrial relations in many large unionized organizations and congruent with developments in contemporary society

The study applies Conflict theory as it engages managers or state functionaries to be tolerant of unions or labour based political organisations, and realize that from the point of view of the trade unions, legitimacy of their rule is not automatic but rather the management control function should be shared with labour.

2.3.3 Pluralistic theory

The Pluralist doctrine is a political theory by Blain and Gennard, (1970) which seeks to redress the shortcomings of a capitalist political order in order to prevent its overthrow and safeguard the status-quo. Pluralism's major concern is a safeguard of existing production relations and power structure. It is the ideology of those who preach 'end of ideology', that is end of class based politics and the possibility of harmonious relations between the oppressed and the oppressor. That instead of class domination and class antagonism, it is possible to have a neutral, central sovereign authority, the State, which can be lobbied by competing pressure groups to satisfy the interests of all classes equally.

The pluralist theory maintains that the social system (or an industrial enterprise as a sub-system of the social system) is not a unitary organization but a coalition of individuals and groups with sectional interests and distinct perception of the social structure. However, the coalition of groups that make up the enterprise shares the commitment to maintain a structure which allows each group to pursue its aspirations through bargaining.

The pluralist ideology does not claim perfection of the social structure. A certain amount of conflict is expected as an assurance that no group is being suppressed. Hence, there is recognition that it may be necessary to reform the system in terms of making marginal adjustments in rewards or in work rules.

However, where one party, particularly the working class, coerces the other to accept claims outside the bargained normative consensus, it will be justifiable to apply legal sanctions.

On this premise, pluralist advocates see unions not as a regrettable historical carry over but a manifestation of one of the values of competitive and democratic societies in which freedom of association, assembly and action is guaranteed within legal limits. Thus, trade unions are welcome to play a role in job regulation, collective bargaining, and so on. Advocates of pluralism seem confident that given patience and skill, mutually agreed and fully legitimized procedure, agreements can always be reached to resolve grievances when they arise.

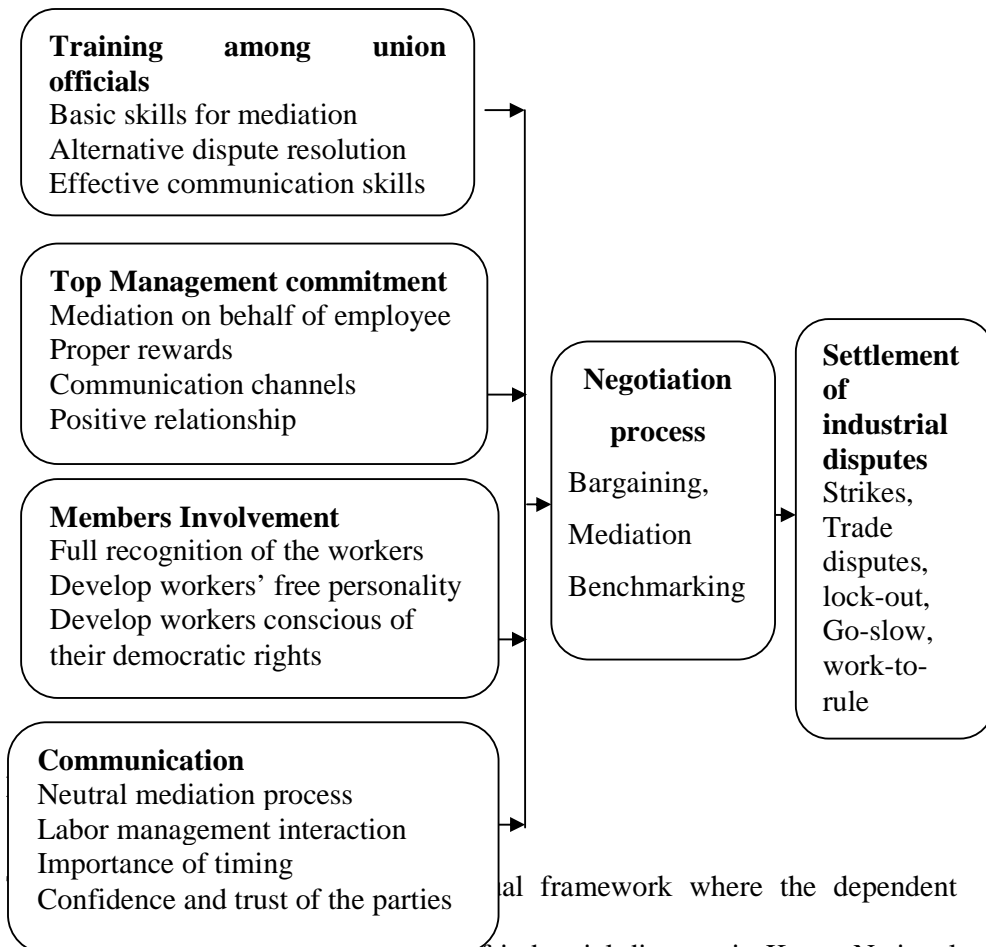
The study applies Pluralist perspective as it engages managers or state functionaries to be tolerant of unions or labour based political organisations, and realize that from the point of view of the trade unions, legitimacy of their rule is not automatic but rather the management control function should be shared with labour.

Pluralists do not see transgressors of the general existing societal norms as aberrant but as non-conformers whose punishment would be counter-productive. Therefore what should be done is a re-negotiated reconstruction of those norms - provided they are within the pluralist frame-work rather than a separate ideology altogether. Thus, the need for procedural agreements to

resolve conflicts before they degenerate is rooted in pluralism. From the foregoing, the central idea that runs through pluralism is the notion that: traditional rights and liberties are under threat from increasing state authoritarianism produced by unitarist ideology and that a reinforcement of the status of intermediate associations is a pre-condition for the protection of individual freedom as well as a guarantee for political democracy and stability.

2.4 Conceptual framework

This research study sought to establish the factors affecting settlement of industrial disputes by Kenya National Union of Teachers. The independent variables in this study were inadequate/lack of training among union officials, top management commitment, employee involvement and communication. The study therefore sought to determine the relationship between the independent variables and the dependent variable which were settlement of industrial disputes in Kenya National Union of Teachers. The figure 2.1 represent the conceptual framework.



al framework where the dependent variable in this study was settlement of industrial disputes in Kenya National Union of Teachers. Settlement of industrial disputes in Kenya National Union of Teachers is influenced by several factors that constitute the independent variables. Based on the literature review the factors affecting settlement of industrial disputes in Kenya National Union of Teachers includes training among union officials, top management commitment, union members involvement and the effect of communication.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter describes the methods that were used in the collection of data pertinent in answering the research questions. The chapter discusses the research design, population and sample, research instruments, data collection procedure and data analysis.

3.2 Research design

Research design refers to the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in the procedure (Babbie, 2002). The research design which was used in this study was descriptive cross-sectional survey. A descriptive cross sectional survey is justified as this approach allows generalization of findings and is representative.

3.3 Target population

Mugenda and Mugenda (2010) described population as the entire group of individuals or items under consideration in any field of inquiry and have a common attribute. The population for this study was primary school teachers, secondary school teachers and KNUT officials. The target population of this

study was 500 respondents which consisted of 200 primary school teachers, 200 secondary school teachers and 100 KNUT officials in Nakuru County.

3.4 Sample Size and Sampling Procedure

The sample size was chosen using the Krejcie and Morgan Table (1970) which determines sample size based on a standard formula. Based on the target population therefore, the sample size was 217 extracted from the Krejcie and Morgan Table (1970) for a population size of 500. From a total sample size of 217, a specific sample size of the study was 40 primary school teachers, 40 secondary school teachers and 20 KNUT officials was selected using the formula proposed by Saunder, Lewis, and Thornhill (2009).

The sample size of the study was 100. The distribution of sample shown on table 3.1 below;

Table 3.1 Sample size

	Target Population	Percentage (%)	Sample size
Primary School Teachers	200	20%	40
Secondary School Teachers	200	20%	40
KNUT Officials	100	20%	20
TOTAL	500		100

According to Orodho and Kombo (2002) sampling is the process of collecting a number of individuals or objects from a population such that the selected

group contains elements representative of the characteristics found in the entire group. Nsubuga (2000) argues that no specific rules on how to obtain an adequate sample have been formulated. In a homogenous situation a small sample would be required while a heterogeneous variable situation a large sample is required. Mugenda and Mugenda (2010) suggest that 10 percent of the accessible population would be enough for descriptive surveys. Stratified random sampling technique was used to select the sample of 40 primary school teachers, 40 secondary school teachers and 20 KNUT officials. This is because the technique produces estimates of overall population parameters with great precision (Cooper& Schindler, 2003).

3.5 Research Instruments

This research study used both primary and secondary data. Questionnaires items were closed ended or open ended type. The researcher observed that questionnaires were very economical in terms of time, energy and finances. Similarly, it yielded quantitative data which was easy to collect and analyze.

Questionnaires were therefore used to collect information relating to effect of inadequate/lack of training among union officials, top management commitment, workers participation and employee involvement and communication on settlement of industrial disputes in KNUT. According to Robinson (2002) questionnaires give a scientific reassurance of the data

collected. Secondary data in this study was obtained from journals, KNUT website and research articles.

3.6 Instrument Validity

Validity of a questionnaire refers to the extent to which it measures what it claims to measure (Mugenda & Mugenda, 2010). Validity is the degree to which result obtained from the analysis of the data actually represents the phenomenon under study. Validity was ensured by having objective questions included in the questionnaire. As emphasized by Schindler and Cooper (2003) this can be achieved by pre-testing the instrument to be used to identify and change any ambiguous, awkward, or offensive questions and technique.

3.7 Reliability of the Instruments

Reliability refers to a measure of the degree to which research instruments yield consistent results (Mugenda & Mugenda, 2010). In this study a pilot study was conducted where 2 primary schools teachers, 2 secondary schools teachers and 2 KNUT officials were picked for the pilot study. Test re-test method was used to test for reliability of the instrument. The instruments were administered to the respondents and re-administered to the same respondents after one week. This was in line with Shuttleworth (2009) who stated that the instrument should be administered at two different times and then the correlation between the two sets of scores computed. A correlation coefficient of above 0.7 at 0.05 significance level of confidence was deemed to mean that

the instrument were reliable thus the questionnaire was used for data collection.

3.8 Data analysis

The researcher perused the completed research instruments and document analysis recording sheets. Quantitative data collected using questionnaires was analyzed by the use of descriptive statistics using SPSS (Statistical Package for Social Sciences) and was presented through percentages, means and frequencies. The information was also displayed by use of frequency tables and charts. Content analysis was used to analyze data that was collected using open ended questions that were qualitative in nature. According to Baulcomb, (2003), content analysis uses a set of categorization for making valid and replicable inferences from data to their context.

CHAPTER FOUR

DATA ANALYSIS, DISCUSSION, PRESENTATION AND INTERPRETATION

4.1 Introduction

This chapter presents the data analysis that was found on factors affecting settlement of industrial disputes by the Kenya National Union of Teachers (KNUT). To achieve this, the study was guided by the following specific objectives; To establish the extent training among union officials affects settlement of industrial disputes in Kenya National Union of Teachers; To determine the extent to which top management commitment affects settlement of industrial disputes in Kenya National Union of Teachers; To determine the influence of union members involvement in settlement of industrial disputes in the Kenya National Union of Teachers ; and To establish the effect of communication on settlement of industrial disputes in the Kenya National Union of Teachers.

4.1.1 Response Rate

The study targeted 100 unionized teachers out of which 80 teachers' responded and 20 KNUT officials returned their questionnaires contributing to the response rates of 100%. This response rates were sufficient and representative and conforms to Mugenda and Mugenda (1999) stipulation that a response rate of 50% is adequate for analysis and reporting; a rate of 60% is

good and a response rate of 70% and over is excellent. This commendable response rate was due to extra efforts that were made via personal calls and visits to remind the teachers to fill-in and return the questionnaires.

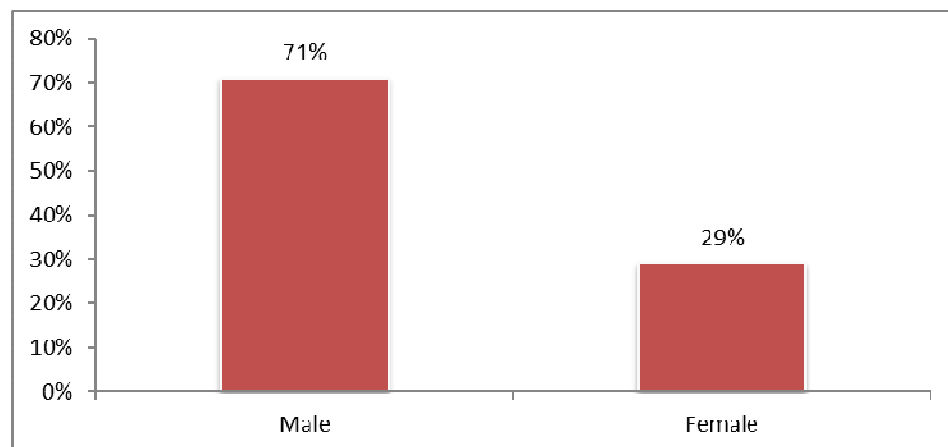
4.2 Analysis of Demographic Data

The study initially sought to ascertain the demographic information on the respondents involved in the study with regards to the gender, age, highest level of education, and duration of working. The demographic information points at the respondents' suitability in answering the questions on factors affecting settlement of industrial disputes by the Kenya National Union of Teachers (KNUT).

4.2.1 Gender of the Respondents

The study sought to establish the gender of the unionized teachers and the findings are as shown in Figure 4.2.

Figure 4.2 Gender of the Teachers

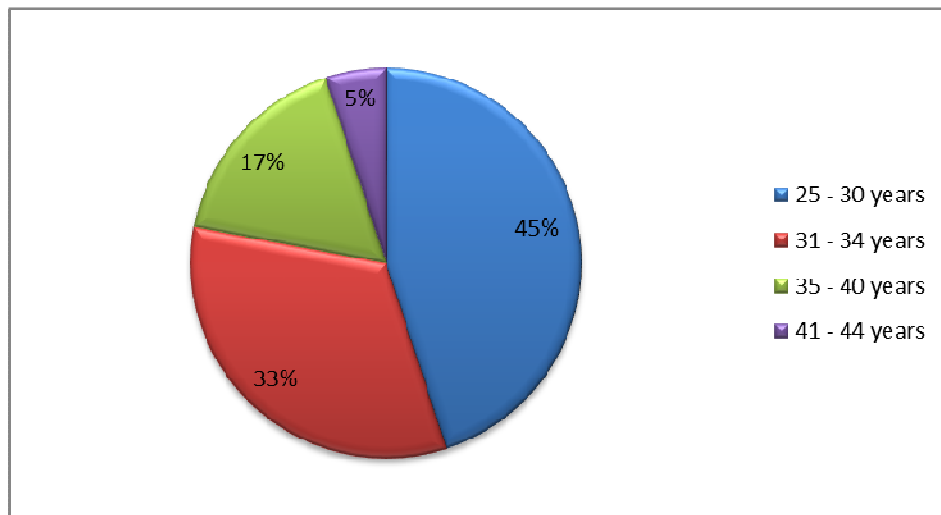


From the findings, majority 56 (71%) of the teachers were male while 24 (29%) were female. This implied that KNUT had a greater proportion of male officials than females in the various levels of management and consequently, most of the responses emanated from the males. This implies that the study was not gender bias.

4.2.2 Distribution of the teachers by age

The teachers were asked to indicate their age bracket. The study findings are illustrated in figure 4.3.

Figure 4.3 Distribution of the Teachers by Age



From the findings, the highest proportion of the teachers 36 (45%) were between 25-35 years old, 26 (33%) were 31-34 years, 13 (17%) were 35-40 years while 5 (5%) were 41-44 years old. The findings indicate that a higher

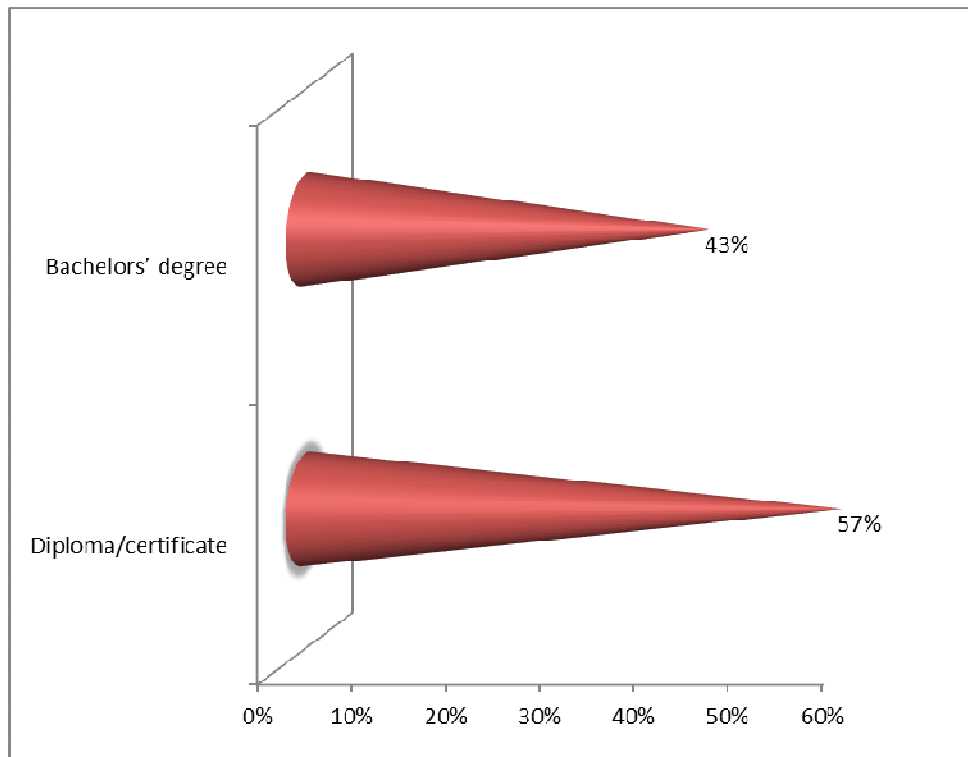
proportion of the unionized teachers in KNUT were aged 25-34 years. This implies that teachers are dominated by a youthful population.

4.2.3 Highest level of Education of the Teachers

The study sought to establish the highest level of education for the teachers.

The results are as tabulated in the Figure 4.4

Figure 4.4 Highest level of education of the teachers



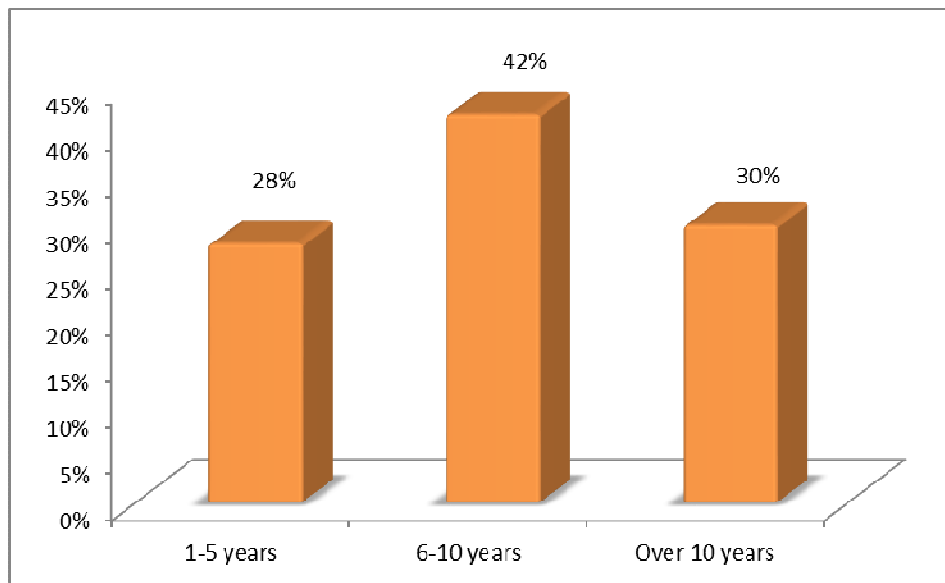
From the findings a higher proportion 45 (57%) of the teachers had a diploma/certificate as their highest level of education while 35 (43%) had bachelors' degree as their highest level of education. This shows that most of

these teachers had attained college education and thus had rich information and knowledge on factors affecting settlement of industrial disputes by the Kenya National Union of Teachers (KNUT). Therefore teachers have been indiscriminately employed.

4.2.4 Years while working in KNUT

The union officials were asked to indicate the number of years of service/work experience. Figure 4.5 illustrates the study findings.

Figure 4.5 Years of Experience



According to the findings, highest proportion of the teachers 34 (42%) had work experience of 6-10 years, 24 (30%) of over 10 years while 22 (28%) had work experience of 1-5 years. These findings mean that most of the union officials were highly experienced as they had a long work experience, and

hence they had rich information on factors affecting settlement of industrial disputes by the Kenya National Union of Teachers (KNUT).

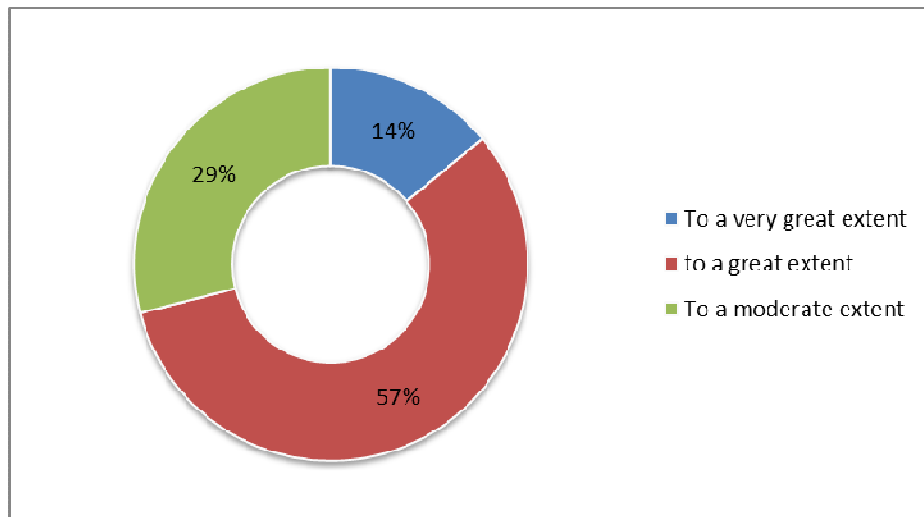
4.3 Extent training among union officials affects settlement of industrial disputes

The first objective was to establish the extent training among union officials affects settlement of industrial disputes in Kenya National Union of Teachers. The findings are presented in the subsequent sub themes.

4.3.1 Training and Settlement of industrial Disputes

The teachers were required by the study to indicate to the extent to which the training among union officials affected settlement of industrial disputes at KNUT. Figure 4.6 shows the findings of the study.

Figure 4.6 Training and settlement of industrial disputes



The study findings in Figure 4.6 shows that the highest proportion of teachers 45 (57%) indicated that the training among union officials affected settlement of industrial disputes at KNUT to a great extent, 23 (29%) to a moderate extent while 12 (14%) indicated that training among union officials affected settlement of industrial disputes at KNUT to a very great extent. Therefore training among union officials affected settlement of industrial disputes in Kenya National Union of Teachers to a very great extent.

4.3.2 Training among union officials and Settlement of Industrial Disputes

In order to establish the extent to which training among union officials affects settlement of industrial disputes in Kenya National Union of Teachers, the teachers were requested to indicate their level of agreement on the extent to which various aspects of training among union officials affected settlement of industrial disputes in KNUT. The responses were rated on a five point Likert scale where: 5-To a very great extent, 4-To a great extent, 3-To a moderate extent, 2-To a little extent, and 1-To no extent. Table 4.2 shows the findings of the study.

Table 4.2 Training and settlement of industrial disputes

		1	2	3	4	5	Mean
Basic skills necessary	f	1	0	7	52	20	4.1539
for mediation	%	1.25	0	8.75	65	25	
Alternative dispute	f	1	1	8	51	19	4.0124
resolution	%	1.25	1.25	10	63.75	23.75	
Effective	f	2	1	6	54	17	4.000
communication skills	%	2.5	1.25	7.5	67.5	21.25	

From the study findings, the majority of the teachers agreed that the most significant forms of training that helped in settlement of industrial disputes included; basic skills necessary for mediation (Mean=4.1539), alternative dispute resolution (Mean=4.0124) and effective communication skills (Mean=4.0000) respectively.

This infers that training among union officials affected settlement of industrial disputes in Kenya National Union of Teachers to a very great extent. The training among union officials imparted the KNUT officials with basic skills necessary for mediation, alternative dispute resolution and effective communication skills.

The study findings are in line with Kapur and Punia, (2002) whose research also revealed that every full-time UK employee spends an average of nearly two hours dealing with disagreements every week, translating to nearly six

months out of the average career. The root of the issue according to Kapur and Punia, (2002) is a marked lack of training, even among the top management who often shoulder the responsibility of day-to-day dispute management. More than two thirds of the top management as noted by Kapur and Punia, (2002) have had no formal training in managing disputes, leaving them hopelessly under-skilled when addressing the issue.

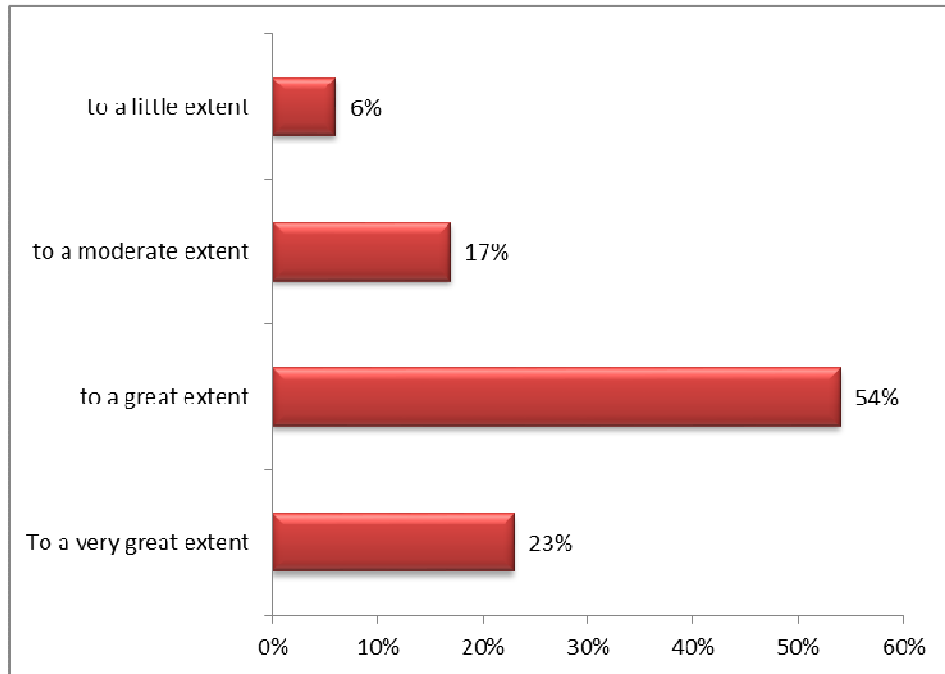
4.4 Effects of Top Management Commitment on Settlement of Industrial Disputes

The second objective was to determine the extent to which top management commitment affects settlement of industrial disputes in Kenya National Union of Teachers. The findings are presented in the subsequent sub themes.

4.4.1 Top Management Commitment and Settlement of Industrial Disputes

The union officials were required by the study to indicate to the extent to which top management commitment affected settlement of industrial disputes at KNUT. Figure 4.7 shows the findings of the study.

Figure 4.7 Top management commitment and settlement of industrial disputes



The study findings in Figure 4.7 shows that majority of the union officials 10 (54%) indicated that the top management commitment affected settlement of industrial disputes at KNUT to a great extent, 5 (23%) to a very great extent, 3 (17%) to a moderate extent while 2 (6%) indicated that top management commitment affected settlement of industrial disputes at KNUT to a little extent. Therefore, the top management commitment was critical in defining the success rate in settlement of industrial disputes at KNUT.

4.4.2 Top Management Commitment and Settlement of Industrial Disputes

In order to establish the extent to which top management commitment affects settlement of industrial disputes in Kenya National Union of Teachers, the union officials were requested to indicate their level of agreement on the extent to which various aspects of top management commitment affected settlement of industrial disputes in KNUT. The responses were rated on a five point Likert scale where: 5-To a very great extent, 4-To a great extent, 3-To a moderate extent, 2-To a little extent, and 1-To no extent. Table 4.3 shows the findings of the study.

Table 4.3 Top management commitment and settlement of industrial disputes

		1	2	3	4	5	Mean
Mediation on behalf of employees	f	1	2	2	13	2	3.7143
	%	5	10	10	65	10	
Proper rewards	f	1	2	5	9	3	3.5333
	%	5	10	25	45	15	
Communication channels	f	0	1	1	10	8	4.2136
	%	0	5	5	50	40	
Positive relationship with employees	f	1	0	1	12	6	4.1521
	%	5	0	5	60	30	

From the study findings, the majority of the union officials agreed that top management commitment affected settlement of industrial disputes in Kenya National Union of Teachers through; establishing communication channels (Mean=4.2136), positive relationship with employees (Mean=4.1521), mediation on behalf of employees (Mean=3.7143), and through proper rewards (Mean=3.5333) respectively. Therefore, top management commitment was key in defining the success of settlement of industrial disputes in Kenya National Union of Teachers. The top management would achieve this via establishing integrated communication channels, establishing positive relationship with employees, mediation on behalf of employees and through proper rewards.

The study findings concur with Daver (2005) that the top management has to lead the way in ensuring that their employees have ways in which they can channel their grievances and therefore ensure that they are well settled. The findings also tally with Herbert and Henzler (2005) that it is the management role to ensure that disputes are managed successfully through benchmarking from the practices and business processes of the world class organizations and excellent enterprises.

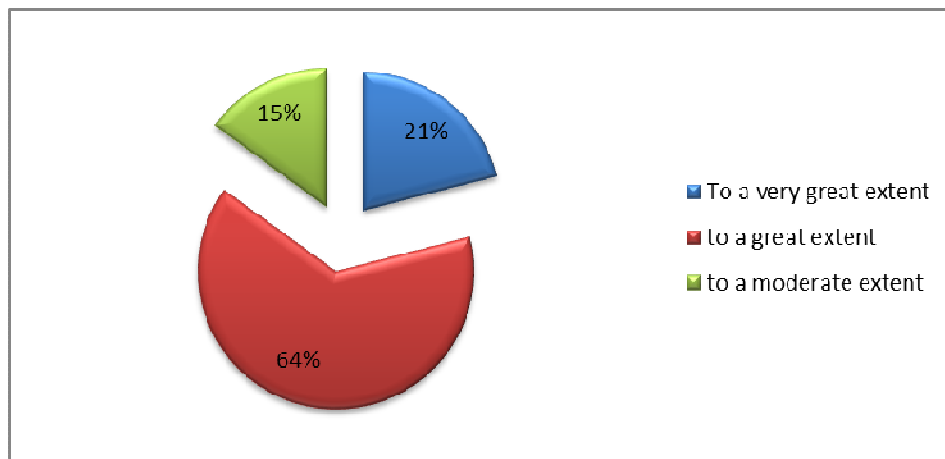
4.5 Members Involvement in Settlement of Industrial Disputes

The third objective was to determine the influence of union members' involvement in settlement of industrial disputes in the Kenya National Union of Teachers. The findings are presented in the subsequent sub themes.

4.5.1 Employee Involvement and Settlement of Industrial Disputes

The union officials were required to indicate to the extent to which employee involvement affected settlement of industrial disputes at KNUT. Figure 4.8 shows the findings of the study.

Figure 4.8 Employee Involvement and Settlement of Industrial Disputes



The study findings in Figure 4.8 shows that majority of the union officials 13 (64%) indicated that the employee involvement affected settlement of industrial disputes at KNUT to a great extent, 4 (21%) to a very great extent while 3 (15%) indicated that employee involvement affected settlement of

industrial disputes at KNUT to a moderate extent. This implies that the KNUT members' involvement was strategic in the settlement of industrial disputes in the KNUT.

The findings of the study concur with McAdam and Paulsen (2004) that member's involvement in management of unions is an essential ingredient of industrial democracy. They noted that the concept of workers participation in management is based on "Human Relations" approach to management which brings about new set of values to labor and management. According to McAdam and Paulsen (2004), workers participation is based on the fundamental concept that the ordinary worker invests his labor in, and ties his fate to, his place of work and, therefore, he has a legitimate right to have a share in influencing the various aspects of company policy.

4.5.2 Employee involvement and settlement of industrial disputes

In order to establish the extent to which employee involvement affects settlement of industrial disputes in Kenya National Union of Teachers, the teachers were requested to indicate their level of agreement on the extent to which various aspects of employee involvement affected settlement of industrial disputes in KNUT. The responses were rated on a five point Likert scale where: 5-To a very great extent, 4-To a great extent, 3-To a moderate extent, 2-To a little extent, and 1-To no extent. Table 4.4 shows the findings of the study.

Table 4.4 Employee involvement and settlement of industrial disputes

		1	2	3	4	5	Mean
Full recognition of the	f	0	0	0	11	69	4.8571
workers	%	0	0	0	13.75	86.25	
Develop workers' free	f	1	1	3	56	19	4.1429
personality	%	1.25	1.25	3.75	70	23.75	
Develop consciousness	f	1	1	3	56	19	4.1213
of workers democratic							
rights	%	1.25	1.25	3.75	70	23.75	

From the study findings, the majority of the teachers agreed that the different ways through which employee involvement affected settlement of industrial disputes at KNUT included; full recognition of the workers (Mean=4.8571), development of workers' free personality (Mean=4.1429) and through developing consciousness of workers democratic rights (Mean=4.1213) respectively. This implies that employee involvement was critical in the settlement of industrial disputes at KNUT through full recognition of the workers, development of workers' free personality and through developing consciousness of workers democratic rights.

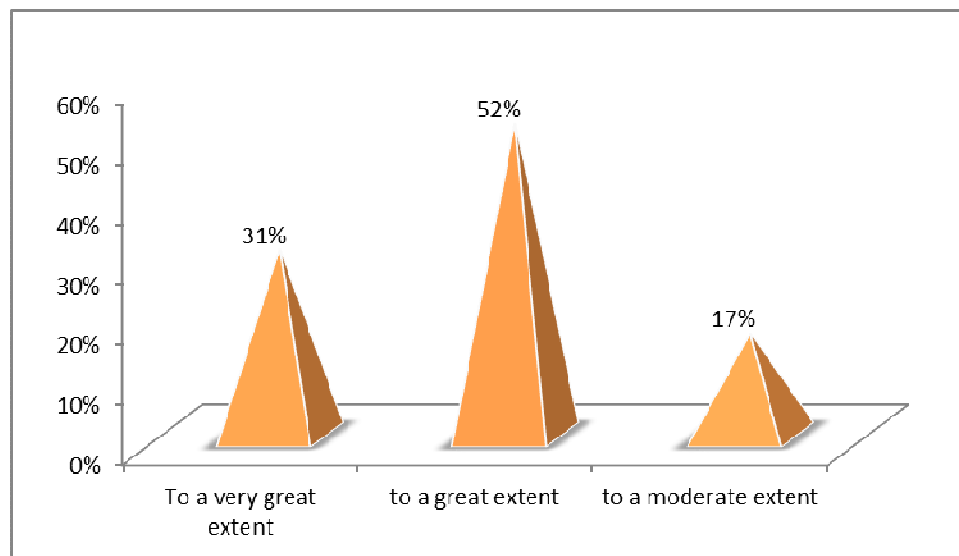
4.6 Effects of Communication on Settlement of Industrial Disputes

The fourth objective was to establish the effect of communication on settlement of industrial disputes in the Kenya National Union of Teachers. The findings are presented in the subsequent sub themes.

4.6.1 Communication and settlement of industrial disputes for unionized teachers

The teachers were required by the study to indicate to the extent to which the communication affected settlement of industrial disputes at KNUT. Figure 4.9 shows the findings of the study.

Figure 4.9 Communication and settlement of industrial disputes



The study findings in Figure 4.9 show that a majority of the teachers, 41 (52%), indicated that communication affected the settlement of industrial disputes at

KNUT to a great extent, 25 (31%) to a very great extent while 14 (17%) indicated that communication affected settlement of industrial disputes at KNUT to a moderate extent. This depicts that communication was a strategic factor that defined the settlement of industrial disputes in the Kenya National Union of Teachers. The settlement of industrial disputes in the Kenya National Union of Teachers was highly dependent on the communication strategies that KNUT had adopted.

4.6.2 Communication and Settlement of Industrial Disputes

In order to establish the extent to which communication affects settlement of industrial disputes in Kenya National Union of Teachers, the teachers were requested to indicate their level of agreement on the extent to which various aspects of communication affected settlement of industrial disputes in KNUT. The responses were rated on a five point Likert scale where: 5-To a very great extent, 4-To a great extent, 3-To a moderate extent, 2-To a little extent, and 1-To no extent. Table 4.5 shows the findings of the study.

Table 4.5 Communication and settlement of industrial disputes

			1	2	3	4	5	Mean
Neutral mediation process	f	1	1	4	18	56		4.5714
	%	1.25	1.25	5	22.5	70		
Labor management interaction	f	3	2	9	55	11		3.8571
	%	3.75	2.5	11.25	68.75	13.75		
Importance of timing	f	2	3	3	57	15		4.0001
	%	2.5	3.75	3.75	71.25	18.75		
Confidence and trust of the parties	f	1	1	1	55	22		4.2114
	%	1.25	1.25	1.25	68.75	27.5		

From the findings, the majority of the teachers indicated that for effective settlement of industrial disputes in Kenya National Union of Teachers, communication should ensure; neutral mediation process (Mean=4.5714), confidence and trust of the parties (Mean=4.2114), importance of timing (Mean=4.0001), labor management interaction and (Mean=3.8571) respectively.

Rating the frequency of occurrence of various forms of industrial dispute

The study inquired from the teachers on the frequency of occurrence of the various forms of industrial dispute in at the work place. The responses were rated on a five point Likert scale where: 5-To a very great extent, 4-To a great

extent, 3-To a moderate extent, 2-To a little extent, and 1-To no extent. Table 4.6 below shows the findings of the study.

Table 4.6 Frequency of occurrence of various forms of industrial dispute

		1	2	3	4	5	Mean
Strikes	f	1	2	4	52	21	4.1181
	%	1.25	2.5	5	65	26.25	
Trade disputes	f	6	4	11	47	12	3.6632
	%	7.5	5	13.75	58.75	15	
Lock-out	f	2	3	3	57	15	4.0013
	%	2.5	3.75	3.75	71.25	18.75	
Go-slow	f	0		1	53	26	4.3221
	%	0	0	1.25	66.25	32.5	
Work-to-rule	f	7	5	12	47	9	3.5714
	%	8.75	6.25	15	58.75	11.25	

According to the findings, the most frequent forms of industrial dispute at the KNUT were; go-slow (Mean=4.3221), strikes (Mean=4.1181), lock-out (Mean=4.0013), trade disputes (Mean=3.6632), and work-to-rule (Mean=3.5714) respectively. This infers that the KNUT faced diverse forms of industrial dispute which required the adoption of various communication strategies to enhance the settlement of industrial disputes in the Kenya National Union of Teachers.

The study findings are in agreement with Franzosi (2007) that a mediator must possess thorough knowledge of the issues, and an ability to innovate solutions to problems. The mediator must be an effective communicator, know the importance of timing and most of all, have the confidence and trust of the parties. A mediator must possess attributes such as integrity, impartiality and fairness. According to Salamon (2000) collective bargaining enhances the status of the working class in the society as settlement between the two parties is a compromise.

CHAPTER FIVE

SUMMARY OF STUDY, CONCLUSION AND RECOMENDATIONS

5.1 Introduction

This chapter presents summary of the main findings, conclusion and recommendations.

5.2 Summary of study

The purpose of the study was to investigate the factors affecting settlement of industrial disputes in Kenya National Union of Teachers. The study sought to answer the following research questions: - What is the effects of training of union officials on settlement of industrial disputes in Kenya National Union of Teachers? To what extent does top management commitment affects settlement of industrial disputes in Kenya National Union of Teachers? To what extent does teachers involvement affects settlement of industrial disputes in Kenya National Union of Teachers? What is the effects of communication on settlement of industrial disputes in Kenya National Union of Teachers? The research design which was used in this study was descriptive cross- sectional survey. The study sampled 20% of the target population of 500 which made a sample size of 100 respondents. The sample size of the study was 40 primary school teachers, 40 secondary school teachers and 20 KNUT officials. Stratified random sampling technique was used to select the sample. This research study used both primary and secondary data. Data collected was

mainly quantitative in nature and was appropriately analyzed using descriptive statistics. Therefore, SPSS was used in analyzing the questions.

5.3 Summary of the research findings

The analysis of data solicited from unionized primary school teachers, secondary school teachers and KNUT officials shows that the industrial disputes settlement were influenced by training of union officials, top management commitment, union members involvement and the effect of communication on settlement of industrial disputes.

5.3.1 The effects of training of union officials on settlement of industrial disputes in Kenya National Union of Teachers

The study found out that training among union officials affected settlement of industrial disputes at KNUT to a great extent as indicated by majority 45 (57%) of the teachers. Therefore training among union officials affected settlement of industrial disputes in Kenya National Union of Teachers to a very great extent.

The study revealed that the most significant forms of training that helped in settlement of industrial disputes included; basic skills necessary for mediation, alternative dispute resolution and effective communication skills respectively. Therefore, training among union officials affected settlement of industrial disputes in Kenya National Union of Teachers to a very great extent. The

training among union officials imparted the KNUT officials with basic skills necessary for mediation, alternative dispute resolution and effective communication skills.

5.3.2 Effects of top Management commitment to settlement of Industrial Disputes in Kenya National Union of Teachers

From the study findings, it was established that the top management commitment affected settlement of industrial disputes at KNUT to a great extent as indicated by the majority 10 (54%) of the union officials. Therefore, the top management commitment was critical in defining the success rate in settlement of industrial disputes at KNUT.

The study established that the top management commitment affected settlement of industrial disputes in Kenya National Union of Teachers through; establishing communication channels, positive relationship with employees, mediation on behalf of employees, and through proper rewards respectively. Therefore, top management commitment was key in defining the success of settlement of industrial disputes in Kenya National Union of Teachers. The top management would achieve this via establishing integrated communication channels, establishing positive relationship with employees, mediation on behalf of employees and through proper rewards.

5.3.3 Extent teachers involvement affects settlement of industrial disputes in Kenya National Union of Teachers

The study established that the employee involvement affected settlement of industrial disputes at KNUT to a great extent. This implies that the KNUT members' involvement was strategic in the settlement of industrial disputes in the KNUT.

The study further revealed that the different ways through which employee involvement affected settlement of industrial disputes at KNUT included full recognition of the workers, development of workers' free personality and through developing consciousness of workers democratic rights. This implies that employee involvement was critical in the settlement of industrial disputes at KNUT through full recognition of the workers, development of workers' free personality and through developing consciousness of workers democratic rights.

5.3.4 The effects of communication on settlement of industrial disputes in Kenya National Union of Teachers

The study revealed that communication affected settlement of industrial disputes at KNUT to a great extent as the majority of the teachers alluded. This depicts that communication was a strategic factor that defined the settlement of industrial disputes in the Kenya National Union of Teachers. The

settlement of industrial disputes in the Kenya National Union of Teachers was highly dependent on the communication strategies that KNUT had adopted.

The study also established that for the effective settlement of industrial disputes in Kenya National Union of Teachers, communication should ensure; neutral mediation process, confidence and trust of the parties, importance of timing, labor management interaction respectively.

The study further revealed that most frequent forms of industrial dispute in at the KNUT were go-slow, strikes, lock-out, trade disputes, and work-to-rule. This infers that the KNUT faced diverse forms of industrial dispute which required the adoption of various communication strategies to enhance the settlement of industrial disputes in the Kenya National Union of Teachers.

5.4 Conclusions

The study concludes that the most significant forms of training that helped in settlement of industrial disputes included; basic skills necessary for mediation, alternative dispute resolution and effective communication skills respectively. Therefore, training among union officials affected settlement of industrial disputes in Kenya National Union of Teachers to a very great extent.

From the study findings, it was concluded that the top management commitment affected settlement of industrial disputes at KNUT to a great

extent. Therefore, the top management commitment was critical in defining the success rate in settlement of industrial disputes at KNUT.

The study also concluded that the employee involvement affected settlement of industrial disputes at KNUT to a great extent. This implies that employee involvement was critical in the settlement of industrial disputes at KNUT through full recognition of the workers, development of workers' free personality and through developing consciousness of workers democratic rights.

The study finally concluded that communication affected settlement of industrial disputes at KNUT to a great extent. This depicts that communication was a strategic factor that defined the settlement of industrial disputes in the Kenya National Union of Teachers. The settlement of industrial disputes in the Kenya National Union of Teachers was highly dependent on the communication strategies that KNUT had adopted.

5.5 Recommendations

Based on the findings the recommendations are as follows

- i. The **Kenya National Union of Teachers** should conduct regular training on their officials on settlement of industrial disputes. This would increase their competitiveness in resolving industrial disputes.

- ii. It should enhance top management commitment towards settlement of industrial disputes. This would help to avert any weakness of the strategies being applied in settlement of industrial disputes.
- iii. It should also increase the level of members' involvement in settlement of industrial disputes. This would help in fast tracking the industrial disputes settlement process as interest by different stakeholders will be taken into account.
- iv. It should adopt an integrated communication approach which should be two way communication. This would reduce the frequency of occurrence of various forms of industrial disputes and consequently enhance the settlement of industrial disputes.
- v. The Kenya Education Management Institute should provide training programs, seminars and workshops aimed at promoting peaceful industrial disputes settlement between teachers' union representatives and the government.
- vi. The Teachers Service Commission policy makers should propose policies that move away from the traditional adversarial structures and processes of collective bargaining and grievance resolution.
- vii. The Ministry of Labour must adapt regulations to reflect a contemporary labour market.

- viii. Finally the Ministry of Education should adopt effective practices to resolve disputes at the local level.

5.6 Areas for further studies

Since this study explored the factors affecting settlement of industrial disputes by the Kenya National Union of Teachers (KNUT), the study recommends that a similar study should be done in other workers union involved in settlement of industrial disputes for comparison purposes on the effects of the following to allow for generalization of the findings.

- i. The effects of basic skills necessary for mediation, alternative dispute resolution and effective communication skills of union officials on settlement of industrial disputes
- ii. The effects of establishing communication channels, positive relationship with employees, mediation on behalf of employees, and how proper rewards affects settlement of industrial disputes
- iii. The effects of full recognition of the workers, development of workers' free personality and effective development of workers democratic rights on settlement of industrial disputes.
- iv. The effects of communication on go-slow, strikes, lock-out, trade disputes, and work-to-rule on settlement of industrial disputes.

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APPENDICES

Appendix 1 : Questionnaire for Unionized Teachers

This questionnaire consists of two parts. Kindly answer all the questions by ticking in the appropriate box or filling in the appropriate spaces provided.

SECTION A: GENERAL INFORMATION

1. What is your gender? Male Female

2. What is your age bracket? (Tick whichever appropriate)

18 - 24 years 25 - 30 years 31 - 34 years 35 - 40 years

41 - 44 years 45 - 50 years 51 - 60 years Over- 61 years

3. What is your education level? (Tick as applicable)

Primary Secondary Diploma/certificate Bachelors' degree

Others-

specify.....

.....

4. How many years of service/work experience (Tick as applicable)

1-10 years 11-20 years 21-30 years Over 31 years

Section b: Factors Affecting Settlement of Industrial Disputes

Training among Union Officials

5. To what extent does the training among union officials affect settlement of industrial disputes at KNUT?

To a very great extent [] to a great extent []

To a moderate extent [] to a little extent [] to no extent []

6. What is the extent to which the following facets of training among union officials affect settlement of industrial disputes at KNUT? Where 1 = Not at all; 2= Little extent; 3 = Moderate extent; 4 = Great extent and 5 = Very great extent

	1	2	3	4	5
Basic skills necessary for mediation					
Alternative dispute resolution					
Effective communication skills					

Top Management Commitment

7. To what extent do you think top management commitment affects settlement of industrial disputes at KNUT?

To a very great extent [], to a great extent [], to a moderate extent [], to a little extent [], to no extent []

8. What is the extent to which the following facets of top management commitment affect settlement of industrial disputes at KNUT? Where 1 = Not at all; 2= Little extent; 3 = Moderate extent; 4 = Great extent and 5 = Very great extent

	1	2	3	4	5
Mediation on behalf of employees					
Proper rewards					

Communication channels					
Positive relationship with employees					

Members Involvement

9. To what extent does employee involvement affect settlement of industrial disputes at KNUT?

To a very great extent [] to a great extent [] to a moderate extent [] to a little extent [] to no extent []

10. What is the extent to which the following faces of employee involvement affect settlement of industrial disputes at KNUT? Where 1 = Not at all; 2= Little extent; 3 = Moderate extent; 4 = Great extent and 5 = Very great extent

	1	2	3	4	5
Full recognition of the workers					
Develop workers' free personality					
Develop workers conscious of their democratic rights					

Communication

11. To what extent does the communication affect settlement of industrial disputes at KNUT?

To a very great extent [] to a great extent [] to a moderate extent [] to a little extent [] to no extent []

What is the extent to which the following facets of communication affect settlement of industrial disputes at KNUT? Where 1 = Not at all; 2= Little extent; 3 = Moderate extent; 4 = Great extent and 5 = Very great extent

	1	2	3	4	5
Neutral mediation process					
Labor management interaction					
Importance of timing					
Confidence and trust of the parties					

12. On a scale of 1 to 5, how would you rate the frequency of occurrence of the following forms of industrial dispute in your work place? Where 1 = very rare and 5 = very common.

	1	2	3	4	5
Strikes					
Trade disputes					
Lock-out					
Go-slow					
Work-to-rule					

Thank You for your participation !

Appendix 11: Interview Guide for KNUT Officials

1. What is the most important thing in settlement of industrial disputes in an organization?
2. How effective is settlement of industrial disputes in KNUT?
3. What are the factors that determine settlement of industrial disputes in KNUT?
4. Who is responsible for settlement of industrial disputes in KNUT?
5. How does training affect settlement of industrial disputes in KNUT?
6. Which specific issues about training pose a challenge in settlement of industrial disputes in KNUT?
7. How does KNUT deal with challenges of training in settlement of industrial disputes in the organization?
8. What are some of the challenges about training that KNUT has not been able to address?
9. How does top management commitment affect settlement of industrial disputes in KNUT??
10. What could be the major cause of lack of commitment of the people involved in settlement of industrial disputes in KNUT??
11. Which areas of settlement of industrial disputes are affected by challenges of commitment of top management in KNUT?
12. What are the possible ways of dealing with the challenges of lack of commitment by top management in KNUT?
13. How does members' involvement affect settlement of industrial disputes in the organization?

14. What are the policies in place that ensure members' involvement affect settlement of industrial disputes in the organization?
15. How does communication affect settlement of industrial disputes in the organization?
16. What causes delays in communicating with members concerning issues related to the settlement of industrial disputes in the organization?
17. What would you use to suggest the possible measure that could also be implemented to counter the challenges of settlement of industrial disputes at KNUT?

Thank You for your participation !

Appendix 111: Introduction letter

University of Nairobi

P.O Box 30197

NAIROBI.

Date.....

Dear Sir/Madam,

RE: LETTER OF INTRODUCTION

I am a student at The University of Nairobi taking a master of education in corporate governance as a requirement for the fulfillment of the master of education in corporate governance; I intend to carry out a study on “**Factors Affecting Settlement of Industrial Disputes by the Kenya National Union of Teachers (KNUT).**” Kindly spare some of your time to complete the questionnaire attached herein. Your assistance in this study is greatly appreciated.

Yours faithfully,

Kibe Jacinta W.



**NATIONAL COMMISSION FOR SCIENCE,
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Date:

12th June, 2014

NACOSTI/P/14/7347/2074

Jacinta Wanjiku Kibe
University of Nairobi
P.O.Box 30197-00100
NAIROBI.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on "*Factors affecting settlement of industrial disputes by the Kenya National Union of Teachers (KNUT)*," I am pleased to inform you that you have been authorized to undertake research in **Nakuru County** for a period ending **31st December, 2014.**

You are advised to report to **the Secretary General, Kenya National Union of Teachers, the County Commissioner and the County Director of Education, Nakuru County** before embarking on the research project.

On completion of the research, you are expected to submit **two hard copies and one soft copy in pdf** of the research report/thesis to our office.


SAID HUSSEIN
FOR: SECRETARY/CEO

Copy to:

The Secretary General
Kenya National Union of Teachers

The County Commissioner
The County Director of Education
Nakuru County.

