

**CHALLENGES FACED BY LARGE CHINESE FIRMS IN ADAPTING
TOTAL KENYA LABOR LAWS**

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NAIROBI**

DECLARATION

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

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This research project has been submitted for examination with my approval as the University Supervisor.

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DEDICATION

This research project is dedicated to my parents and sisters for their inspiration, support, encouragement and understanding throughout my Masters Programme. God bless you all.

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ACRONYMS AND ABBREVIATIONS

EVT	Expectancy Violations Theories
IAT	Interaction Adaptation Theory
ILO	International Labor Organization
KCCC	Kenya Chinese Chamber of Commerce
MSEs	Medium Sized Enterprises
OBOR	One Belt and One Road
U.S.	United State

ABSTRACT

Nowadays, most organizations are investing in foreign countries as they look to expand their business opportunities as well as exploiting the opportunities available in the market. As they invest in these foreign countries they face myriad challenges in their operations. One of the main challenges that they face is compliance to labour law set by the hosting country. Most of the firms from China are investing in foreign countries and they also experience this challenge. To safeguard the employees against exploitation by the employers Kenya government has enacted labour law that every employer should adhere to it regardless of the status of the firm whether local or international. Thus the current study aimed to investigate challenges faced by large Chinese firms in adapting to Kenya labor laws. This study adopted descriptive research design. The target population of the study was 73 large Chinese firms operating within Nairobi County. Primary data was collected using questionnaires from the HR managers from large Chinese firms. The data collected was coded and entered in the SPSS. The findings of the study were presented using frequency tables and figures while interpretation was done in prose form. The study found that some of the challenges faced in adopting Kenya employment Act 2007 were compliance to employment contract, getting right skilled staff and dismissal of employee since the act has bureaucratic policies that protects the employee. Most of the employees opt to settle their grievances through industrial court which always see foreign firms/investor as an agent that aims to exploit local human capital thus making enforcement of labour law complicated to these firms. To the occupational safety, the study found that most of the government officials seek for bribes when an issue is brought to them from foreign firms which pose a challenge to adopting labour law. Labour law guarantees the worker against financial consequences a challenge to large Chinese firm and that protection against dismissal a challenge in large Chinese firm. The study recommends that employer should ensure that all set rules and policies within the labour law are adhered and that and take up employment in accordance with the contracts, national laws and administrative actions. Employer should allow employees to enjoy freedom of association and be part of trade unions which gives an opportunity to the staff to spearhead collective bargaining for better working conditions as stipulated by the labour laws.

CHAPTER ONE

INTRODUCTION

5.2 1.1 Background of the Study

Globalization, a very sensitive and intricate concept, is not a brand phenomenon but a perpetuation of contemporary approaches that have been existing on for some significant time (Mrak, 2002). Thanks to the development of the technology, the world has become a small village. An increasing number of organizations or individuals go abroad looking for opportunities to gain profit. The consequence may vary from the conduct of different organizations or individuals.

On the one hand, economic globalization helps to boost the local economy and improve the living standard of the citizens. On the other hands, it sharpens the social conflicts if they do not obey the local labor law accordingly. McKinsey Global Institute research asserted that not more than four hundred mid-level cities, that are developing markets, will contribute almost more than 39 percent of global expansion over the period more than fourteen years (Dewhurst, Harris & Heywood, 2012).

As a saying goes, “when in Rome, do as Romans do”. However, a quite number of them did not study the foreign culture and regulations properly before starting the business, especially the foreign labor laws. Ethical employment laws provide control by inhibiting employers from prejudicing on the basis of certain employee personality, such as ethnicity, religious affiliation, national decent, or gender, and by dictating or developing procedures or controls to prompt or compel employers to comply with that authority (Fiss, 1971).

Adaptation theory, also known as survival theory, is the capability to cope with discontinuous challenges imposed by the external context (King, 2017). The most popular scholar identified with adaptive theory is Charles Darwin whose key publications in the 1830s found a direct relationship between organism and its habitat. Besides a biological organism, the area of Adaptation Theory is also adamantly evolving due to the changes in its setting. The two good theories formulated are expectancy violations theories (Burgoon, 1993).

Expectancy violations theory (EVT) is a model of communication that evaluates how people adapt to unexpected breach of fundamental social norms and values. IAT is intended to provide a comprehensive account of multiple concurrent adaptation patterns (Burgoon & White, 1997). The theory escalates the framework of previous adaptation theories by highlighting the strong entrainment effect that take place in ordinary interventions and by incorporating a sizeable range of communication attitude and functions.

This study will focus on the Chinese firms in Kenya. Chinese enter into Kenya market since 1980s, starting from the construction of the Moi International Sports Center. With the Chinese strategy “One Belt, One Road”, more and more Chinese organizations and individual are on the way to Kenya.

1.1.1 Labor Laws in Kenya

Legal framework for labour is key to effective and efficient operation and long term productivity of an enterprise and the economy in general. This is based on the view that employee’s protection lowers administrative burdens and costs for enterprises. The global employment agenda, spearheaded by ILO, has put up a spirited campaign to have legal frameworks on employee protection prioritized by its member states. It

is against this, that the government has in the recent past accelerated its efforts to develop a legislative and institutional framework to guide in provision of decent work environments in Kenya.

The latest labor laws of Kenya are affected in 2007, aiming to improve the environment for employers, employees and trade unions. It consists of Kenya Employment Act of 2007, the Labor Institutions Act of 2007, the Labor Relations Act of 2007, the Occupational Safety of 2007 and Health Act and Work Injury Benefits Act of 2007. It combines the former six core labor laws (The employment Act, Cap 226; The Regulation of Wages and Condition of Employments Act, Cap 229;

The five constitutions of the labor laws try to protect the employee in different aspects. The employment act of 2007 determines the minimum terms and conditions of employment. It defines the rights and duties for both employer and employees. The labor institutions act of 2007 defines the various institutions toward labor relations.

The Work Injury Benefits Act of 2007 are renewed frequently in accordance with International Labor Organization to compensate the workers in the work place. The Labor Relations Act of 2007 concerned with the freedom of association of employees and employers and the rights to collective bargaining. The Occupational Safety and Health Act of 2007 aims to enforce the employers to maintain and improve the working conditions and environment to the employees (Kituo, 2015).

1.1.2 Adaption of Labour Law by Foreign Firms

The quest for a decent and quality job environment has dominated the labour debate in the last few decades. ILO is the lead international organization on this front with Bretton Wood system antagonistically pushing for deregulation of the market and

liberalization. The push for this legal adjustment is informed by the empirical studies on the question which hypothesize that while corporations have the likelihood to be the engine of employment creation and of economic sustainability, the efficiency of employment in most firms operating in Kenya is absolutely undesirable than in other parts of the economy; an invaluable contributing element is that a significant population of firms, particularly SMEs, operate in the informal economy (Fenwick et al, 2006).

Fenwick et al, (2006) observes that the legislation of labour laws is aimed at pursuing three inter-connected and mutually consolidating objectives and goals: enhancing human abilities, adjusting the quality of jobs, and fostering formalization firms. Labour law should be supported by the fundamental values of the indigenous Work Agenda by recognizing that all the job incumbent have the fair autonomy at work. Finally labour controls should be efficient and innovative.

It's therefore means that the size and involvement of labour law and the approach by which it will be executed and enforced should be developed together and developed by democratic processes, during its debut. The Kenya Labour Force Survey Report of 2008/2009 suggest that the industry incorporates all semi-organized and interventions that are not regulated of which are small size in terms of employment.

The report indicates that the activities are massively pursued by self-employed individuals or employees with smaller work force in the open markets, in market stands, in both developed and undeveloped businesses, in residential households or on street side walks (Kiiru, *et al.*, 2009).

With the labour market largely being dominated by MSEs who had in the previous decades fallen outside the precinct of most labour laws the percentage of workers

covered by the labour laws has been rising with the recent enactment of legislations on labour. However, the adoption of these laws is still a big challenge for the government and labour sector due to the structure of MSEs as a sector leading to uneven and a times ineffective application of these laws

On one hand, there is still low levels of trade union enrolment and collective bargaining, women workers and some levels of child labour are experienced in some firms especially those operating in informal economy (Dinning, 2010). On other hand, Chacaltana (2009) pointed that firms operating in a competitive labour environment often make strategic choice on labour laws, give higher remuneration and better working conditions. Their strategic choices involves selecting a particular element of labour laws they want to comply with from time to time even though they consider what it takes to be legitimate to labour laws as a major impediment on firm growth.

1.1.3 Chinese Firms in Kenya

In the current years, China's presence in sub-Saharan Africa has grown exponentially. Kenya has become one of an important direction and foothold in East Africa for China's Belt and Road Initiative and national strategy of going abroad (Kenya Chinese Chamber of Commerce, 2016). There are three big Chinese associations in Kenya now, namely Kenya China Economic and Trade Association, Kenya Overseas Chinese Association, and Kenya Chinese Chamber of Commerce. The Kenya China Economic and Trade Association are consists of 73 China state owned corporations. Kenya Overseas Chinese Association has around 400 individual members. Kenya Chinese Chamber of Commerce has 310 private organization members.

With many Chinese projects including construction of the Mombasa-Nairobi Standard Gauge Railway, the launch of the direct flight of China Southern to Kenya and the completion of the Thika Highway, a number of Chinese firms have been attracted to Kenya. Chinese firm through Chinese Chamber of Commerce helps in creating additional jobs for the local Kenyan people and contribute to Kenya's economic development programs.

Kenya Chinese Chamber of Commerce (2016) reported that the Chinese companies have hired 78% of Kenyans in full-time work, 95% of part-time tasks, and 93% of corporations indicated employing Kenyan employees. Chinese organizations had 102 full-time native task force upon inception and had selected 214 full-time local employees.

In a survey conducted by Sino Africa Centre of Excellence Foundation (2014) suggest that Chinese corporations have established nearly 2,200 direct jobs, which is equivalent to 5.3% of the total jobs developed via foreign direct investment. Majority of these opportunities are in automotive original equipment manufacturing, metals, and especially communications underpinning the concrete performance of the industry. China and India also consider themselves as leaders in job establishment.

Large Chinese firms, by definition are those firms that generate annual revenue in excess of US Dollar 5 million. And all of them are state-owned enterprises. More established firms are likely to possess more proprietary assets, business connections, intellectual property and skilled labour (Hagedoorn & Schakenraad, 1994), therefore, are more engaged in building strategic partnership than their less established competitors (Hagedoorn, 1995).

5.3 1.2 Research Problem

The labor laws are vital important for international or multinational organizations to go abroad. The understanding of the local labor laws is among the first priority for foreign companies to develop their organizations. Besides having the structure of the company being effective, comprehending a holistic view of the native laws and regulations governing a target markets is crucial. It's invaluable to consider that employment and labor requirements vary with the country. For example, European nations have stipulated that a limited scope of 14-weeks maternity leave be offered to workforce, while on the other perspective, there is no such requirement for U.S. employers (Hult News, 2017).

The more often renewal of the laws is another concern. The investors come to other country to explore the market and gain benefits. They are skeptical to expend too much time and energy to concentrate on the labor law which renews too frequently. In China, the employers are not required to provide accommodation the workers and the only basic medical care in working place. In the terms of annual leave, according to Chinese regulation, the employee who has the experience between one and ten years shall have 5 days annual leave, those who have ten to twenty years' experience enjoy 10 days annual leave, and those have over 20 years' experience empowers of 20 days annual leave.

In 2013, China's head of state, Xi Jinping, suggested developing a modern equivalent, creating a network of railways, roads, pipelines, and utility grids that would connect China and Central Asia, West Asia, and parts of South Asia. This initiative, One Belt and One Road (OBOR), are comprehensive of more than physical linkages. It focuses to establish the world's massive platform for economic cooperation, including policy

coordination, trade and financing partnership, and social and cultural alliances. To establish and develop the strategy of “One belt, One Rad”, the Chinese government and scholars have done a lot of studies of labor laws with South Korean, Japan, America, Russia, Poland and so on. In 2012, Jin Qintai published the paper “Comparative analysis of China and the ROK labor law system. Teng Yue exams the difference of labor laws between China and Russia in 2007.

Rosa and Lu Liya study the similarities and differences between Chinese and Polish labor law in 2015. Zander Rounds and Hongxiang Huang discuss the behavior of Chinese and America Firms regarding to labors in Kenya in 2017. However, as one of the most important stop, Kenya labor laws have not been studied so well. Therefore, it is vital important to do the comparative study of labor laws between Kenya and China. This study will seek to find out what challenges faced by large Chinese firms in adapting to Kenya labor laws.

5.4 1.3 Research Objective

The general objective of the study was to establish challenges faced by large Chinese firms in adapting to Kenya labor laws.

5.5 1.4 Value of the study

First of all, this study will contribute to the Chinese firms not only in Kenya but also the organizations or individual who are going to enter the Kenya market. The study helps to differentiate the Kenya and Chinese labor law, and try to reduce the inappropriate conducts caused by misunderstanding of Kenya labor law.

Secondly, the Kenya government also tries to attract greater investment from China. One of the best practices is to develop a friendly legislative framework. By this

comparative study, Kenya officers can understand the difference of the labor law between Kenya and China. Therefore, it will contribute to form a more friendly legal system to the Chinese investors.

Last but not the least, this study will provide a new angle for the legislative maker to modify the existing law. And enrich the knowledge of public to get more familiar with not only the Kenya labor law but also Chinese labor law which provides a guideline for Kenya organization to explore Chinese market.

CHAPTER TWO

LITERATURE REVIEW

5.6 2.1 Introduction

This chapter focuses on the previous studies regarding challenges faced by large Chinese firms in adapting to Kenya labor laws. The chapter also presents empirical studies that have been carried out on the relationship between challenges faced in adoption of labour law.

5.7 2.2 Theoretical review

2.2.1 Interaction Adaption Theory

The theoretical framework argues that individuals alter their behavior to redress the behavior of another person in interactions (Infante, 2010). The model was propounded by Burgoon (Hale, 1988). It intended to provide a comprehensive account of multiple concurrent adaption patterns (Burgoon & White, 1997). There are nine principles consists of the foundation of the theory (Burgoon, 2004).

This theoretical model perceives communication as an exchange of behaviors, where an individual's attitude can be used to breach the expectations of another. Occupants in communication will consider the exchange either positively or negatively, contingent upon an existing close relationship or how favorably the breach is considered (Le Poire, Beth, Yoshimura & Stephen, 1999). Expectancies are principally dependent upon social values and precise traits and idiosyncrasies of the communicators (McPherson & Yuhua, 2007).

Beyond proxemics and evaluating how individuals process violations in several given communicative settings, EVT also makes precise predictions as to how people will respond to a certain expectation breach. Before considering a prediction about reciprocation or remunerations, however, one must evaluate EVT's three key ideas: Expectancy, violation valence, and communicator reward valence (Dainton, Marianne & Zelle, 2010). Not long, this model has undergone some reconstruct by Burgoon and her fellow scholars and has conceived into an apparent proposed model known as interaction adaptation theory, which is a more broad description of adaptation in interpersonal interaction (Miller, 2005).

Interaction behaviors outside of those boundaries will often be characterized by non-accommodation; there are several pre-interactional variables such as cultural setting or the physical context for an encounter that may systematically influence interaction adaptation and functional groupings of behaviors will be related with more concise evaluation than single behaviors preferred in isolation from their communication activity.

2.2.2 Expectancy violations theory

Expectancy violations theory will be used to explicitly explain how individuals who feel confident about the work environment and positions they occupy within a work setting, have enhanced chance of responding to various turbulence including the parties that they have gone against their scope of respect and ethical boundaries. (Teven, 1998). As argued by Barrett, trust is vital to a leader , especially organizational superiors who formulate and oversee the implementation of various policies, as key to meeting and directing the functions much more effectively without resorting to criticisms (Barrett, 1986)..

Burgoon and Hale (1988) hypothesize the Expectancy Violations Theory theory that when there are situations of varying social considerations, the organizational purpose will be compromised. The underlying premise of this study to understand the effect of the model constructs and how they explain the phenomenon to be addressed as stated by Poire and Burgoon. In the beginning of Burgoon's research, she felt that individuals were effected when situations that they didn't anticipate emerged spontaneously (Griffin, 2009). Burgoon views arousal as a side effect of confronting external stimuli and if the effect is not met with relevant response it might be devastating to the person of interest whom may also respond absolutely differently if they didn't expect the situation to confront them (Griffin, 2009). The escalating attention of the person who has been effected by the external stimulus should be put into consideration (Burgoon & Hale, 1988).

Expectancy violations model is invaluable when it comes to effeciency. Individuals should be diligent when engaging other fellow individuals or they will plunge into regrets or infringing of other people's rights (Griffin, 2009). The expectancy violations theory model considers appropriate understanding of the phenomenon that might arise between the parties involved and how best to ramp up solutions to respond to the unfortunate occurrence.. However, if an employee has a negative perception or intentions towards his/her superior, the incidence might be considered undesirable. The model for this dissertation seeks to establish a connection between leadership credibility, utilization of power, and conversational narcissism and the influence these topics have on employee satisfaction.

5.8 2.3 Kenya Labor Laws

In Kenya employment, rights of employee are employers are governed by the set rules

and regulations that are anchored in employment act. Labour Law in Kenya consist; Kenya Employment Act of 2007, the Labor Institutions Act of 2007, the Labor Relations Act of 2007, the Occupational Safety of 2007 and Health Act and Work Injury Benefits Act of 2007. Kenya Employment Act of 2007, is one of the act that every employer in Kenya either foreign investor or local investor is required to adhere to.

The act requires that the employer provides basic conditions of employment of employees, to regulate employment of children, in this case, an individual who hasn't reached the age of 18 years. The focus of the Labour laws was to repeal and replace six core labour laws and get the laws into alignment with the existing intricacies and demands of national development and international labour standards.

Health Act and Work Injury Benefits Act of 2007, this is a legislation to provide for compensation to task force for work related injuries and diseases secured in the course of their employment and for relation purposes.

Though acts are set to be adhered to by the employers, the high level of unemployment and corruption in Kenya has resulted employers to employ fewer than 18 who have access to fake identification cards. This happens due to the reason that employers particularly foreign do not have a criteria to investigate the authentic of the documents and particulars of the ownership.

5.9 2.4 Challenges faced in Adapting Labor Laws by Large Japanese Firms

Organizations, in this day and age, are faced with several turbulence in the control of their human resources challenges that spans from consistent changes in organizational setting, through unmotivated employees to shortage of skilled work force even in the

face of huge unemployment syndrome. HR remains one of the key impediments hospitality strategic makers encounter. Industry leaders in both the hotel and restaurant industries report human resource gaps and overlaps recruiting, retaining, motivating, training and developing the employees as the hindrance that keep them burning the mid-night oil (Enz, 2004).

Labour law has grown over time and has been adamant on its propositions. Ever since the turbulence the settings have been successful in responding to various issues that might require the intervention of the these subjects, as a result of wide spread technology, there has been reduced environmental disenchantment and the increased battle between the more efficient and less cost effective nations, the jurisdictions have significant organizational routines (Hamamoto, 2010).

An explicit job nature would entail: side job, full jobs, expounded probation conditions, virtual employment and less committed jobs are examples of embedded designs of employment. Generally, the perception of employees in in an ordinary employment as explicit work tends to be related to unfortunate circumstances, most of the time, this perception might not reflect what has been speculated on spectrum of these legislations about labor.

Whether de facto or de jure, labour law is not enrooted within the informal economy. The informal economy's share in the overall labour market worldwide is escalating, thus proportionally whittling down the size of application of labour laws (Kettunen, Korhonen, Kosonen & Karhunen, 2007). Self-employment and other classes of non-subordinated albeit economically contingent work are on the increase, and minimum size of employees who fall under such patterns of employment can claim labour law protection.

Decentralization: this is a new organizational concept that reflect on contracting out operations that the firm are less likely to realize an edge over and retain the functions that they have competence on that would create an edge over rivals. In this type of setting the contractors or the organizations that carry out special routines for the contracting company are considered business partners but the outsourcing firm doesn't recognize any in efficiency related problems confronted to this firms, they are expected to be in depended. (Hamamoto, 2010).

Apart from certain unconventional settings, the national labour laws have been influenced by the various political environment depending on the nation or the economy of interest; but, as the international trade became incepted, resources and innovative interventions become an international concern and escalated more than expected. The thoughts after pre scientific era have different perspectives on the idea. The concept proposes for the capacity of the markets to be self-control and independent and suggest that that the employments rules and policies are factors that should be restricted the environmental context of preference. The pre scientific era percieves these rules as compromised under the current settings of the fast pace world.

CHAPTER THREE

RESEARCH METHODOLOGY

5.10 3.1 Introduction

This chapter depicted the fundamental approach to actualize in order to accomplish the research objectives of this study, exhibiting a detailed description of the selected research design. The purpose of this study was to identify challenges faced by Chinese firms in adapting to Kenya labor laws. This chapter exquisitely explain the research design, population of interest, sample/sample design frame, instruments used for data collection and data analysis technique and procedure.

5.11 3.2 Research Design

The study was conducted through use descriptive research design, which is extremely vital in obtaining data on a one-short basis, thus very cost effective and efficient. Data that was collected intended to establish challenges faced by Chinese firms in adopting Kenya labour laws. The approach is adopted, since the methodology displays an apparent and excellent opportunity for a detailed and explicit evaluation on how labour laws are adopted by foreign firms. Through the research technique, this study was able to carry out as a broad research from the population. The survey was conducted to HR officers or/and managers in charge of the Chinese firm targeted.

5.12 3.3 Population

This study was conducted only to large Chinese firm operating in Nairobi. According to the Kenya-China Economic and Trade Association, there are 73 large Chinese firms within Nairobi County conducting business as manufacturers, services and

construction sectors. Since the population is small, the study was a census.

5.13 3.4 Data Collection

The study employed primary data. Primary data from HR managers was collected by use of questionnaire comprising closed and open-ended questions based on the research objectives. The questionnaire was divided into three, part A covered general information of the respondent as well as the business. Part B covered labour laws adopted by the Chinese firm. Part C covered challenges faced by Chinese firm operating in Nairobi County. The questionnaires were distributed by the researcher through hand-delivery or email requests. The researcher made the follow up and the fully completed questionnaire were picked from the respondent. In some cases researcher gave clarification on some of the questions.

5.14 3.5 Data Analysis

Data from complete questionnaires were edited for uniformity, completeness and consistency. Quantitative data was collected and analyzed by the use of descriptive statistics using Statistical Package for Social Sciences and presented through percentages, frequencies, means and standard deviations. Tables and other presentations were used to present the data collected for ease of understanding and analysis. The qualitative data from the open ended questions were analyzed using content analysis. This was done by developing a thematic framework from the key issues, concepts and themes emanating from open ended questions. The information was generate and then interpreted and explained in prose forms.

CHAPTER FOUR
DATA ANALYSIS, RESULTS AND DISCUSSION

4.1 Introduction

This chapter focused on the data analysis, interpretation and presentation of the findings. The main purpose of this research was to examine challenges faced by large Chinese firms in adapting Kenya labor laws. This chapter presents the findings of the study and discussions on the findings. The finding is intended on answering the study's research questions. Data collected was collated and reports were produced in form of tables and figures and qualitative analysis done in prose.

4.2 Response Rate

Table 4.1 illustrates the response rate of the respondents that participated in the survey. The study targeted 73 respondents, however only 58 responded contributing to 79% response rate. The 21% were reluctant to take part in the study and after a follow up there was no positive response. The response rate demonstrates a willingness of the respondents to participate in the survey that the study sought.

Table 4.1 Response Rate

Response	Frequency	Percentage (%)
Filled in questionnaires	58	79
Un returned questionnaires	15	21
Total	73	100

Source: Author, (2017)

4.3 Demographic Characteristics of the Respondents

The study relied on this information of the respondents so as to classify the different results according to respondents' knowledge and responses.

4.3.1 Position held by the Respondents

The study aimed to investigate position held by the respondents within their department. From the findings (33%) of the respondents were unit heads, 22% were assistance manager, 18% were technical personnel, 14% were departmental heads while 4% were supervisors. Holbrough (2008) recommended that ranks or position one held in the workplace leads to easier application and strategic practices that leads to better performance of the organization towards achieving organizational goals and objectives. This depicts that all participant of the study were under the level to which the study targeted as stipulated in previous chapter.

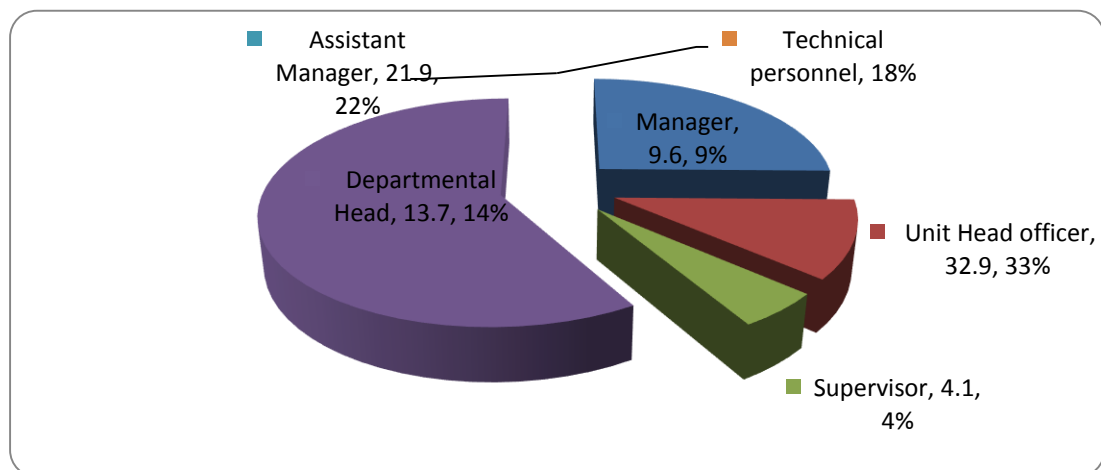


Figure 4.1 Position held by the Respondents

4.3.4 Education Level of the Respondents

The researcher was also inquisitive to determine the highest level of the academic qualification that the respondent held. Figure 4.2 shows the findings of the result,

most (34.2%) of the respondents were undergraduate and postgraduate as indicated in each case, 32% held diploma as their highest level of education. Perrett (2003) pointed that academic qualification of the staff in an organization enhances their ability to handle their tasks and also to understand any unique working formula in work place. This depicts that most of the staffs working at large Chinese firm are literate hence they are capable to adopt any strategic issues that the organization formulate with aim of improving business performance as well as mitigating occurrence of risk.

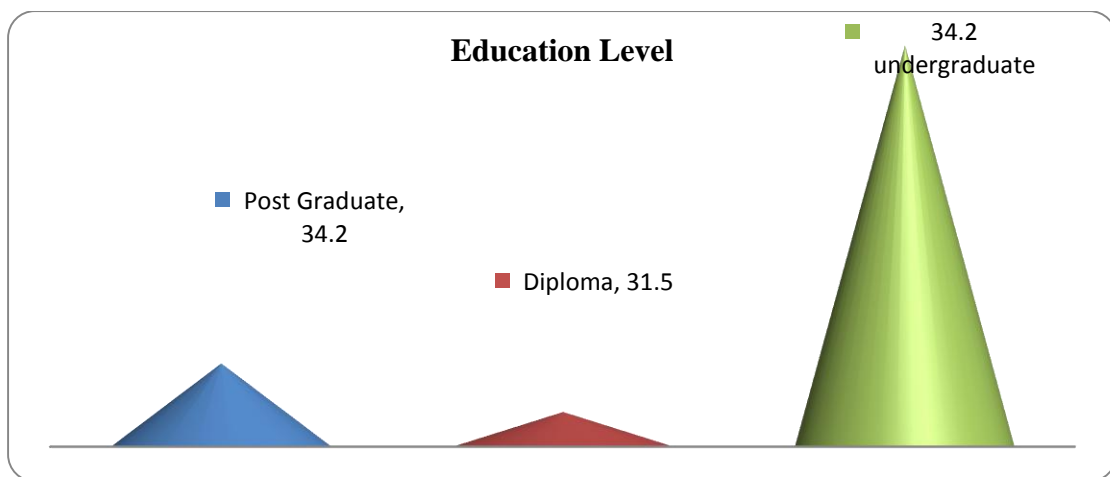


Figure 4.2 Education Level

4.3.3 Working Duration

Table 4.2 illustrates working duration of the respondents in their respective organization, from the findings most (40%) of the respondents had worked in the organization for a period of 6-10 years, 34% had worked for a period of 1-5 years, 21% had worked for a period of 11-15 years while the rest (5%) had served in the organization for a period of more than 16 years. This implies that most of the respondents of this study had worked for an ample time within the organization thus they were conversant of the information that the study sought pertaining to the organization.

Table 4.2 Working Duration

	Frequency	Percent
1 to 5 years	20	34
6 to 10 years	23	40
11 to 15 years	12	21
16 years and above	3	5
Total	58	100

4.3.1 Compliance to Labour Law

Figure 4.3 illustrates the summary of the findings on whether the firm complies to labor law set in Kenya. According to the findings, majority (98%) of the respondents alleged that they complies to labor law set in Kenya while the rest (2%) opposed the opinion of majority.

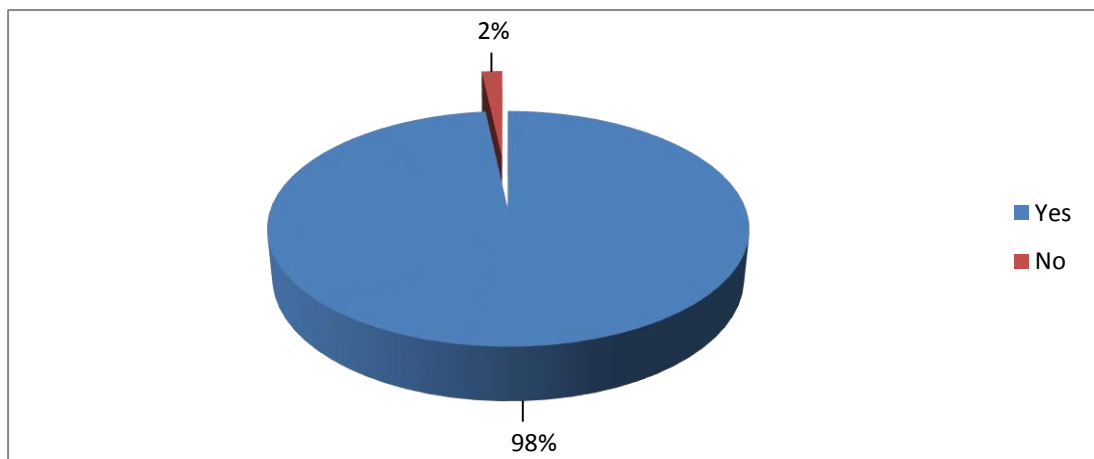


Figure 4.3 Compliance to Labour Law

4.3.2 Legal Business Ownership

Table 4.3 shows the findings of the study on legal ownership of the business. Most (48%) of the respondents indicated that their firm is privately owned, 38% of the business were sole traders while 14% were partnership.

Table 4.3 Legal Business Ownership

	Frequency	Percent
Sole trader	22	37.9
Private limited company	28	48.3
Partnership	8	13.8
Total	58	100.0

4.3.3 Number of Employees Working in the Firm

Table 4.4 show the finding of the study on the number of employees the firms had. Form the findings, majority (53%) had 11-20 employees, 16% had 20-30 years, 14% had less than 10 employees while 2% had 30-40 employees.

Table 4.4 Number of Employees Working in the Firm

	Frequency	Percent
less than 10	8	14
11-20	31	53
20-30	9	16
30-40	1	2
40-50	9	16
Total	58	100

5.15 4.4 Kenya Employment Act of 2007

4.4.1 Application of Working Permit

Figure 4.4 depicts the study findings on how application of working permit pose a challenge faced by large Chinese firm in Kenya to comply with labour law set. From

the findings, most (31%) pointed that application of working permit to moderate extent hinders Large Chinese firm to adhere to Kenya Employment Act of 2007, 28% to a very great extent, 19% to a great extent, 16% to a low extent while 7% to a no extent.

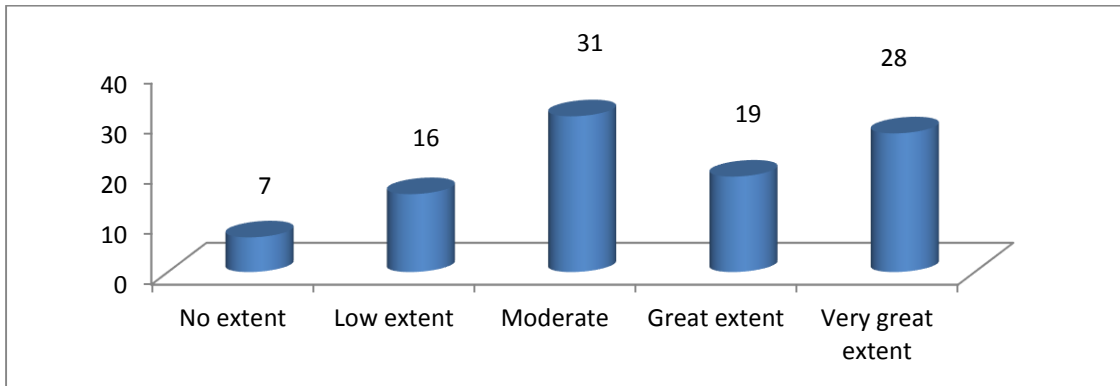


Figure 4.4 Application of Working Permit

4.4.2 Employment Contract

Table 4.5 shows the finding of the study on the extent to which employment contract is a challenge to large Chinese firms in adapting to Kenya labor laws. Most (43%) of the respondents pointed that employment contract is a challenge to large Chinese firms in adapting to Kenya labor laws, 19% to a great extent, 10% to a low extent, 9% to a very great extent and 19% to a no extent.

Table 4.5 Employment Contract

	Frequency	Percent
No extent	11	19
Low extent	6	10
Moderate	25	43
Great extent	11	19
Very great extent	5	9
Total	58	100

4.4.3 Right Skill Personnel

Figure 4.5 shows the finding on the extent to which get right skilled personnel is a challenge to the adherence of labour law set in Kenya. From the findings, most (43%) pointed that to moderate extent getting the right skill personnel hinders Large Chinese firm to adhere to Kenya Employment Act of 2007, 22% to a great extent, 14% to a very great extent, 16% to a low extent while 14% to a no extent.

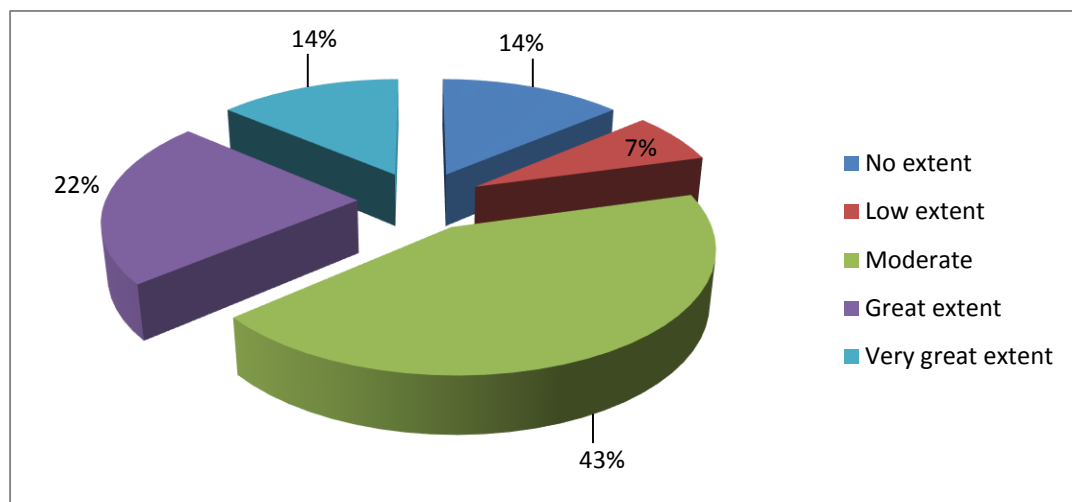


Figure 4.5 Right Skill Personnel

4.4.4 Employee Dismissal

Figure 4.6 shows the finding of the study on the extent to which dismissal of the employee is a challenge to Large Chinese Firm in adopting labour law in Kenya. Majority (50%) pointed that dismissal of employees to a moderate extent influence adoption of labour law in Kenya, 21% to a great extent, 9% to a very great extent while 21% to no extent.

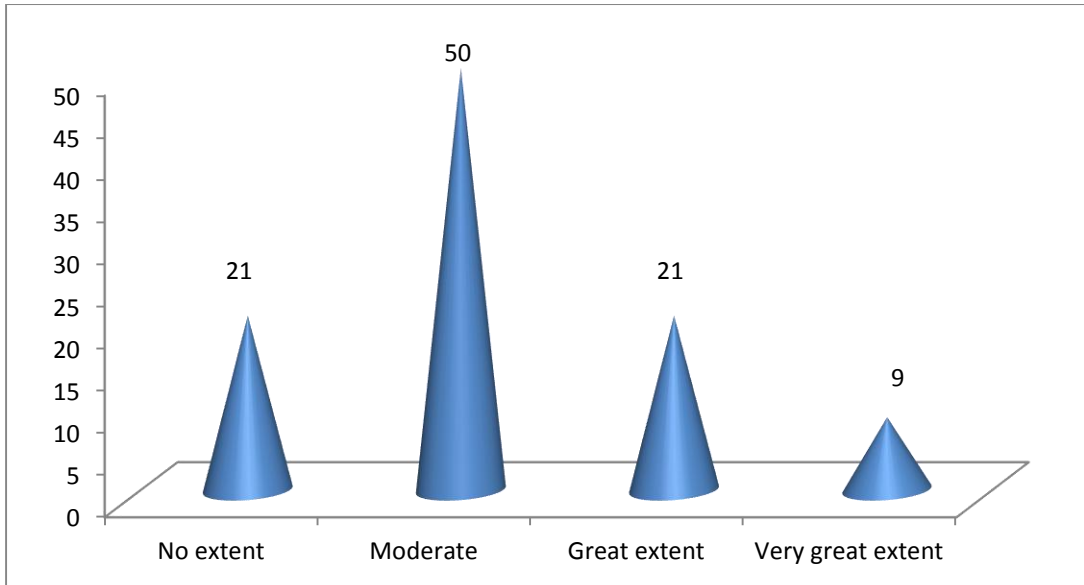


Figure 4.6 Employee Dismissal

4.5 Labor Institutions Act of 2007

4.5.1 Contractual Forms

Table 4.6 illustrated the finding of the study on the extent to which contractual forms introduced in labour institution represents a comprehensive adaptation of labour law and collective agreements in large Chinese firm. From the findings, majority (52%) of the respondent indicated that introduction of contractual form of employment to a great extent represents a comprehensive adaptation of labour law and collective agreements in large Chinese firm. Twenty one (21%) to a moderate extent, 12% to a Low extent, 9% to a very great extent while 7% to a No extent that introduction of contractual form of employment represents a comprehensive adaptation of labour law and collective agreements in large Chinese firm.

Table 4.6 Contractual Forms

	Frequency	Percent
No extent	4	7
Low extent	7	12
Moderate	12	21
Great extent	30	52
Very great extent	5	9
Total	58	100

4.5.2 Industrial Court

Table 4.7 shows the summary of the study finding on extent to which efficiency of the industrial court is a challenge to your management. Majority (55%) of the respondents indicated that to a great extent efficiency of the industrial court is a challenge the management in adopting labour laws. Seventeen percent (17%) pointed to a moderate extent, 16% to no extent, 9% to a very great extent while 3% to a low extent.

Industrial Court

Table 4.7 Industrial Court

	Frequency	Percent
No extent	9	16
Low extent	2	3
Moderate	10	17
Great extent	32	55
Very great extent	5	9
Total	58	100

4.5.3 Handling the Disputes Process

Figure 4.7 depicts the finding of the study on how process of handling dispute hinders adoption of labour law. Majority 52% of the respondent indicated the process of handling the disputes by the ministry is a challenge to most organization to a great extent, 23% to a low extent, 10% moderate extent, 5% to a very great extent while 10% to a no extent.

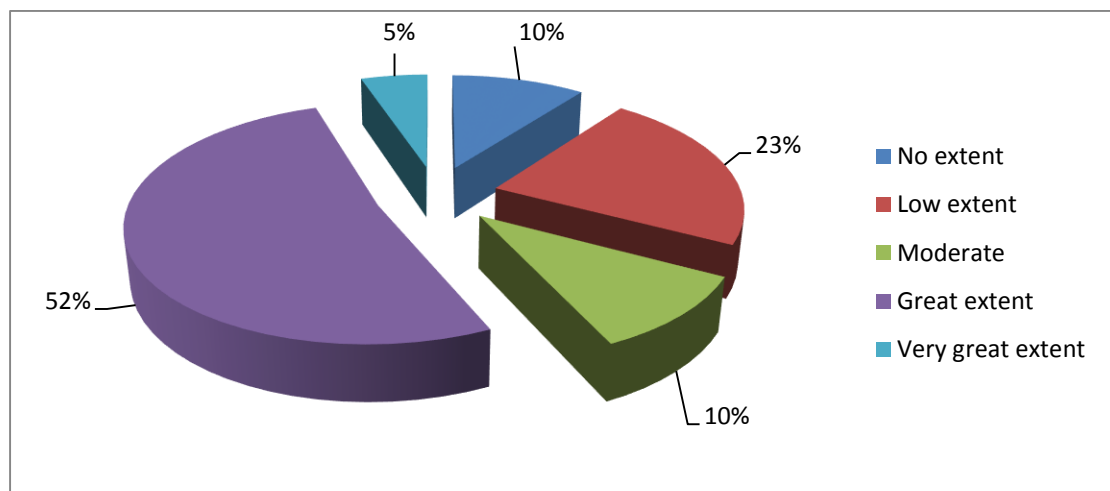


Figure 4.7 Handling the Disputes Process

4.5.4 General Minimum Wages

Figure 4.8 indicates the extent to which extent general minimum wages set by general wage council is a challenge large Chinese firm. From the findings, majority (50%) of the respondent indicated that general minimum wages set by general wage council is a challenge large Chinese firm to a great extent. Seventeen (17%) to a moderate extent, 14% to a Low extent, 9% to a very great extent while 10% pointed that to a no extent that minimum wages set by general wage council is a challenge large Chinese firm.

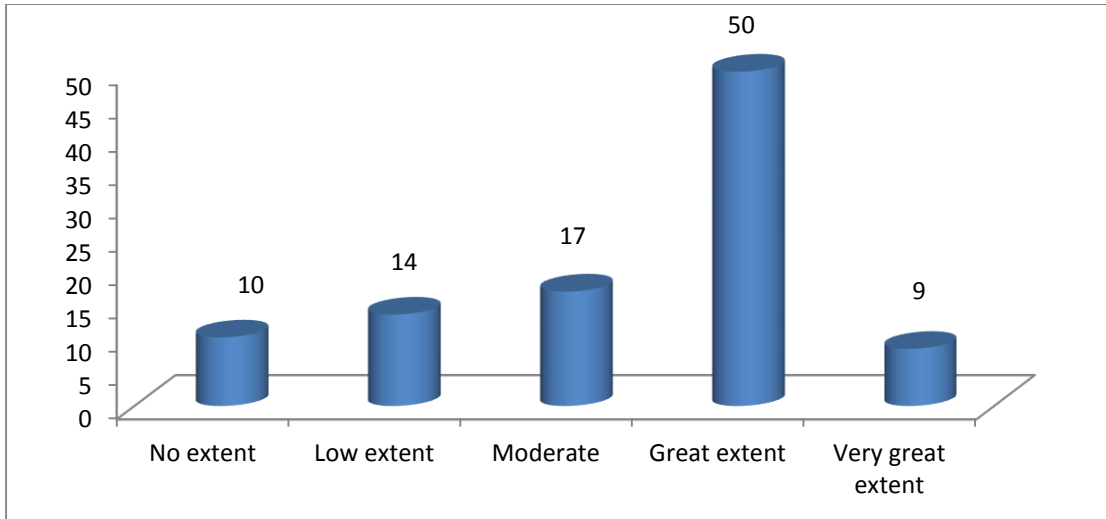


Figure 4.8 General Minimum Wages

4.5.5 Labour Law Enforcement

Table 4.8 illustrates the extent that labour inspection and law enforcement in general are not effectively applied is a challenge to Chinese Large firm. Most 47% of the respondent indicated to a great extent labour inspection and law enforcement in general are not effectively applied, 21% to a no extent that labour inspection and law enforcement in general are not effectively applied, 16% moderate extent, 12% to a very great extent while 5% to a low extent.

Table 4.8 Labour Law Enforcement

	Frequency	Percent
No extent	12	21
Low extent	3	5
Moderate	9	16
Great extent	27	47
Very great extent	7	12
Total	58	100

4.6 Labor Relations Act of 2007

4.6.1 Recognition of Trade Union

Figure 4.9 illustrates the finding of the study extent that to which recognition of a trade union is a challenge to Large Chinese Firm management. From the findings, most (40%) of the respondent indicated that recognition of a trade union is a challenge to large Chinese firm to a great extent. Twenty two (22%) to a low extent, 21% to a very great extent, 14% to a moderate extent while 3% pointed that to no extent recognition of a trade union is a challenge to large Chinese firm.

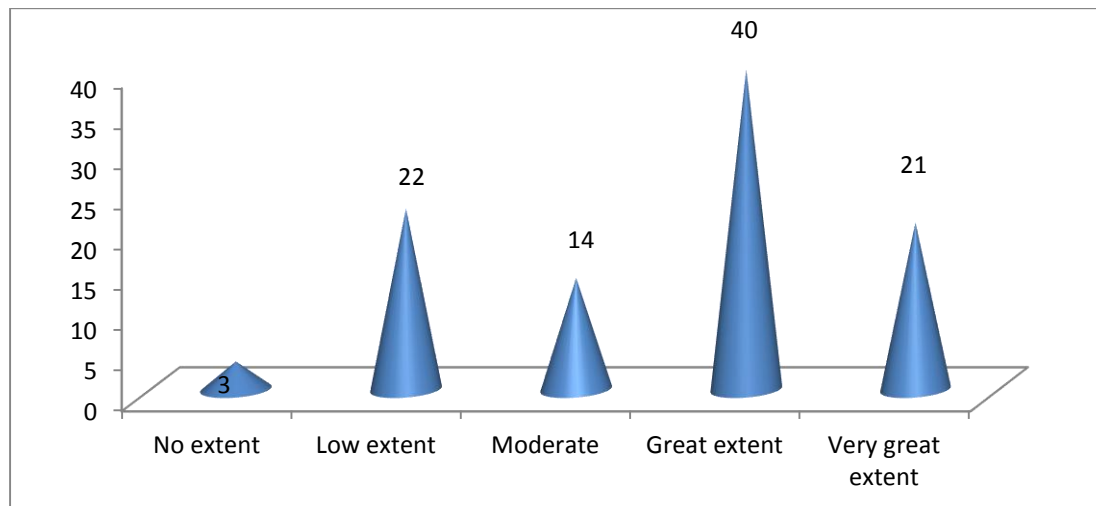


Figure 4.9 Recognition of Trade Union

4.6.2 Bargain Power of the Trade Union

Figure 4.10 shows the finding of the study on how bargain power of the trade union is a challenge to Large Chinese Firm in adoption of labour law in Kenya. Most 34% of the respondent indicated that to a great extent bargain power of the trade union is a challenge to Large Chinese Firm in adoption of labour law in Kenya. Twenty eight (28%) pointed that to a low extent, 19% to a moderate extent, 12% to a very great

extent while 7% of the respondent indicate to a no extent.

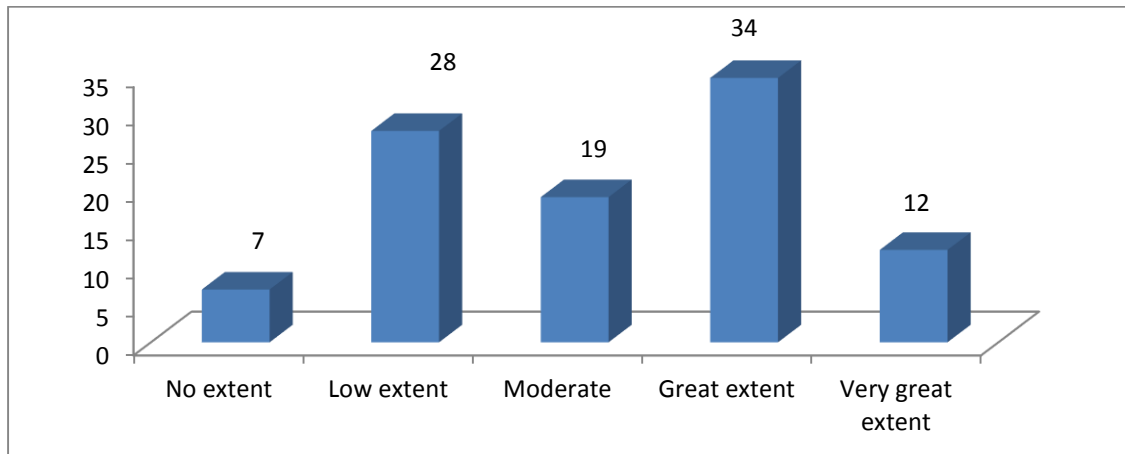


Figure 4.10 Bargain Power of the Trade Union

4.6.3 Trade Unions Representation

Table 4.9 summarizes the finding of the study on the extent that trade unions represent a primacy of the relationship between employer and workers in ways which can weaken outcomes for both in Large Chinese firm. Most 36% of the respondent indicated to a great extent trade unions represent a primacy of the relationship between employer and workers in ways which can weaken outcomes for both in Large Chinese firm, 19% to a moderate extent, 17% to a very great extent, 10% to a low extent while 19% to a no extent.

Table 4.9 Trade Unions Representation

	Frequency	Percent
No extent	10	17
Low extent	6	10
Moderate	11	19
Great extent	21	36

Very great extent	10	17
Total	58	100

4.6.4 Industrial Strikes

Figure 4.11 illustrates the finding of the study on how industrial strikes pose challenges to large Chinese firm in adopting labour laws in Kenya. Most 35% of the respondent indicated to a great extent industrial strikes is challenges to large Chinese firm when they are adopting labour laws in Kenya, 24% to a moderate extent industrial strikes is challenges to large Chinese firm when they are adopting labour laws in Kenya, 22% no extent, 16% to a very great extent while 3% to a low extent.

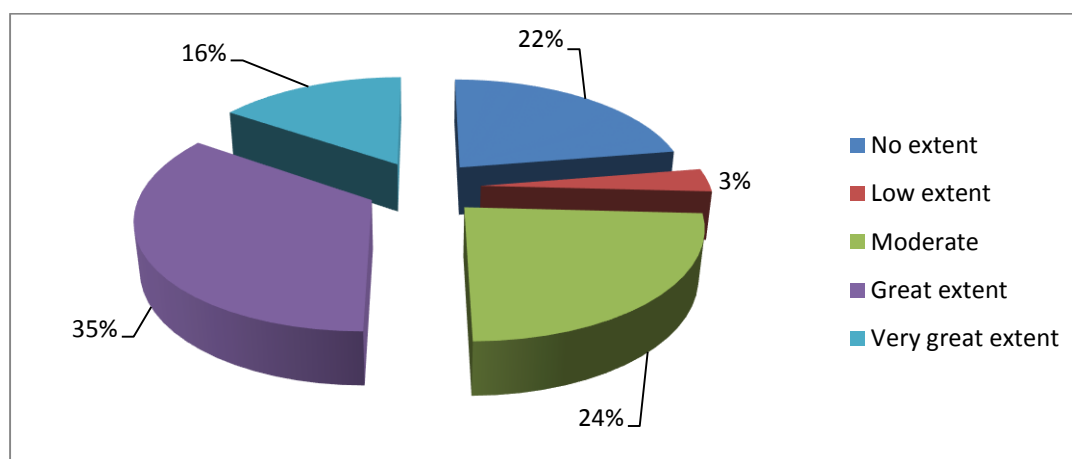


Figure 4.11 Industrial Strikes

4.7 Occupational Safety of 2007

4.7.1 Requirement for Employee Job Security

Table 4.10 indicates the finding on whether requirement for the security of employee pose a challenge to large Chinese firm in HR department. Table 4.10 shows that 46.6% of the respondents pointed that to a great extent requirement for employee job security pose a challenge to large Chinese firm in HR department. Twenty four

(24.1%) to no extent, 17.2% to a moderate extent, 6.9% to a low extent while 5.2% to a very great.

Table 4.10 Requirement for Employee Job Security

	Frequency	Percent
No extent	14	24.1
Low extent	4	6.9
Moderate	10	17.2
Great extent	27	46.6
Very great extent	3	5.2
Total	58	100.0

4.7.2 Creation of Job

Figure 4.12 illustrates the finding of the study on the extent to which need for employer to contribute for employees pose a challenge to the application of labour law to Large Chinese Firm. From the findings, majority (50%) of the respondent indicated that need for employer to contribute for employees pose a challenge to the application of labour law to Large Chinese Firm to a great extent. Sixteen (16%) indicated that which need for employer to contribute for employees pose a challenge to the application of labour law to Large Chinese Firm to a very great extent, moderate extent and low extent as shown in each case while 3% pointed that to no extent.

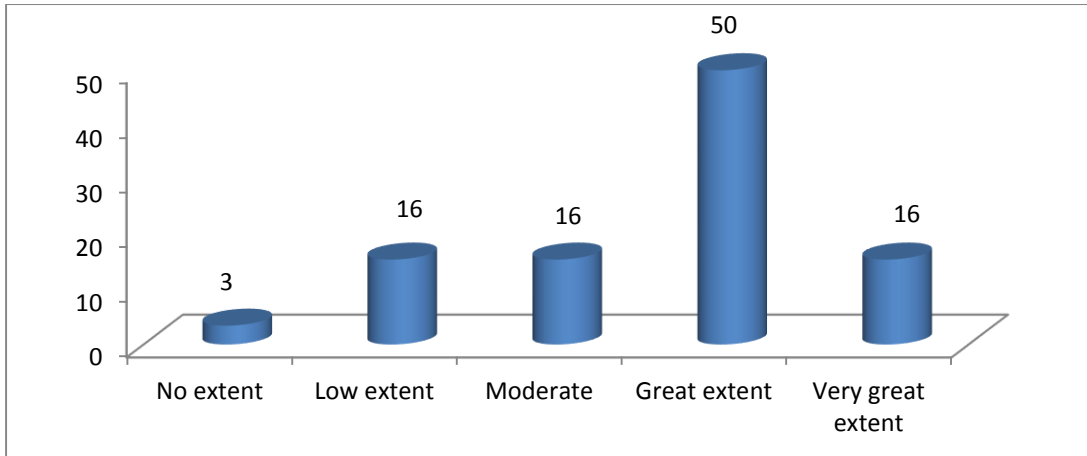


Figure 4.12 Creation of Job

4.7.3 Corruption and Bribery

Table 4.11 illustrates the finding of the study on the extent to which need for employer to contribute for employees pose a challenge to the application of labour law to Large Chinese Firm. From the findings, majority (55%) of the respondent indicated that to a great extent corruption and bribery takes place in Large Chinese Firm when dealing with the government officers, 20% to no extent, 12% to a moderate extent, 9% to a low extent while 3% pointed that need for employer to contribute for employees pose a challenge to the application of labour law to Large Chinese Firm.

Table 4.11 Corruption and Bribery

	Frequency	Percent
No extent	12	21
Low extent	5	9
Moderate	7	12
Great extent	32	55
Very great extent	2	3
Total	58	100

4.8 Health Act and Work Injury Benefits Act of 2007

Table 4.12 shows respondents level of agreement with aspects related to Health Act and Work Injury Benefits Act of 2007. From the findings most of the respondents pointed that HR policies and procedures on health matter a challenge to your organization as depicted by mean score of 3.45. Further respondent pointed that labour law guarantees the worker against financial consequences a challenge to your organization and that protection against dismissal a challenge in your organization as shown by mean score of 3.24 and 3.26 respectively. Respondents also pointed that protections of employee the against abuse by the employer in labour law a challenge in large Chinese Firm as illustrated by mean score of 3.21.

Table 4.12 Health Act and Work Injury Benefits Act of 2007

	Mean	StDev
To what extent does HR policies and procedures on health matter a challenge to your organization	3.45	1.231
To what extent does protection against dismissal a challenge in your organization	3.24	1.189
To what extent does labour law guarantees the worker against financial consequences a challenge to your organization	3.26	1.208
To what extent does protections of employee the against abuse by the employer in labour law a challenge in your organization	3.21	1.281

4.9 Discussion of the Study Findings

The study sought to investigate the challenges faced by large Chinese firms in adapting Kenya labor laws. From the findings, the study found that application of working permit to moderate extent hinders Large Chines firm to adhere to Kenya Employment Act of 2007. The study also found that employment contract, the right skill personnel and that dismissal of employees to a great extent is a challenge to adoption of labour laws

in Kenya. The study findings conforms to Kahanec (2012) that there seem to be reforms in the labour laws to enable movement of workers from one region to another, there have been several cases of denial of work permits or undue delays in processing of work permits that could have negative implication to the employers and employees. This is an indication that the legislative reforms that ought to facilitate work permit acquisition by foreign employers in the country have not been matched by practice-change.

On Labor Institutions Act of 2007, the study found that introduction of contractual form of employment to a great extent represents a comprehensive adaptation of labour law and collective agreements in large Chinese firm. Efficiency of the industrial court, handling the disputes by the ministry, general minimum wages set by general wage council and labour inspection and law enforcement in general are not effectively applied is a challenge large Chinese firm to a great extent. The study conforms to Gordon (2011) that employee should be able to conclude contracts and take up employment in accordance with the contracts, national laws and administrative actions.

To Labor Relations Act of 2007, the study established that recognition of a trade union, bargain power of the trade union, trade unions represent a primacy of the relationship between employer and workers in ways which can weaken outcomes and that industrial strike is challenges to large Chinese firm when they are adopting labour laws in Kenya. The study findings conforms to Clemens and Petterson (2007) that labour laws should provide provision allows employees to enjoy freedom of association and be part of trade unions allowing for collective bargaining for better working conditions in accordance with the national laws of the host partner state.

On Occupational Safety of 2007, the study found that requirement for employee job security pose a challenge to large Chinese firm in HR department. Need for employer to contribute for employees poses a challenge to the application of labour law to Large Chinese Firm. Corruption and bribery takes place in Large Chinese Firm when dealing with the government officers. Society for International Development (2012) pointed that Occupational Safety provision should allows employees the rights and benefits of social security as accorded to the workers of the host state. The provision also requires the host partner state to ensure that workers from other nations do not face discrimination in employment and remuneration based on their citizenship.

To the Health Act and Work Injury Benefits Act of 2007, the study revealed that HR policies and procedures on health matter a challenge to Large Chinese Firm. Labour law guarantees the worker against financial consequences a challenge to large chinese firm and that protection against dismissal a challenge in Large Chinese Firm. Protections of employee the against abuse by the employer in labour law a challenge in large Chinese Firm. According to Clemens and Petterson (2007) in order to facilitate free movement of workers, article 12 obliges partner states to harmonise the labour policies, national social security policies, laws, and systems so as to offer social security also to self-employed persons who are nationals of other Partner States.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter describe the summary on findings from the data on challenges faced by large Chinese firms in adapting Kenya labor laws. The conclusions and recommendations are emphasized in the chapter to foster more studies. The chapter will therefore be a comprehensive of the summary findings, conclusions, propositions and settings for further research.

5.2 Summary of the Findings

From the findings, the study found that application of working permit to moderate extent hinders Large Chines firm to adhere to Kenya Employment Act of 2007. The study also found that employment contract is a challenge to large Chinese firms in adapting to Kenya labor laws. To a moderate extent getting the right skill personnel hinders Large Chines firm to adhere to Kenya Employment Act of 2007.

To Labor Institutions Act of 2007, the study found that contractual forms introduced in labour institution act represents a comprehensive adaptation of labour law and collective agreements in your organization. Efficiency of the industrial court is a challenge to your management. General minimum wages set by general wage council is a challenge to your organization and that labour inspection and law enforcement in general are not effectively applied is a challenge to your organization.

On Labor Relations Act of 2007, the study found that the recognition of a trade union is a challenge to your human resource management and trade unions represent a primacy of the relationship between employer and workers in ways which can weaken

outcomes for both. Bargain power of the trade union strikes are challenges to your organization.

To Occupational Safety of 2007, the found that need for employer to contribute for employees pose a challenge to the application of labour law in your organization. Corruption and bribery takes place in your management when dealing with the government officers. In decentralized firm, a parent company does not take over the responsibilities and risks of the employer in regards to its subsidiaries or contractors.

5.3 Conclusion

Based on the findings the study made the following conclusion. The study concluded that employing the right skill talents is a challenge to your organization as well. Application of working permit is a challenge to your human resources management is also a great challenge.

Further the study concluded that found that contractual forms introduced in labour institution act represents a comprehensive adaptation of labour law and collective agreements in your organization. Efficiency of the industrial court is a challenge to your management. General minimum wages set by general wage council is a challenge to your organization and that labour inspection and law enforcement in general are not effectively applied is a challenge to your organization.

The study concluded that that recognition of a trade union is a challenge to your management and trade unions represent a primacy of the relationship between employer and workers in ways which can weaken outcomes for both. Bargain power of the trade union presents a challenge to your management and that strikes are challenges to your organization.

Finally, the study concludes that that need for employer to contribute for employees pose a challenge to the application of labour law in your organization. Corruption and bribery takes place in your management when dealing with the government officers. Decentralized company, a core company does not presume the responsibilities and risks of the employer in regards to its branches or contractors.

5.4 Recommendation

Given the objectives of the study, these scope of recommendations were arrived at. In order for termination to be just before the law, it has to be both substantively and explicitly rational. Failure of an employer to follow the due procedure on termination, that amounts to unfair termination. An employer is expected to provide the reasons for the ending engagement, otherwise, it will be considered unjust according to section 45 (2). The law demands that an employee is given an opportunity to be fairly accommodated prior to termination decision is placed against them as provided in section 41 (2).

5.5 Limitation of the Study

The researcher experienced a variety of limitations that tend to snag access to information that the study focused on majorly. The main limitation of the study was that respondents were reluctant to respond to the study hence not encompassing the targeted sample size. The study also failed to get all feedback from all organization that the study targeted. The study also was affected by the election since it was conducted during the repeat presidential election where respondent profiled research assistance based on the political affiliation hence determined their motivation to respondent to the questions that the study sought.

5.6 Areas of Further study

The research study was also quantitative in dimension, to a given extent, as it identified the integrated stand of the occurrence without interrogating the quality of respondents' responses through interviews. A qualitative case study could be carried out in future to gain further deeper perspectives into the reasons behind how and why employers perceive labour law set by different countries.

REFERENCES

- Armstrong, M. (2008). Non-tariff measures and the WTO.
- Barrett J. L. (1986). Exploring the natural foundations of religion. *Trends in Cognitive Sciences* 4 (1) 29–34.
- Burgoon, J. K. & Hale, J. L. (1988). Nonverbal Expectancy Violations: Model Elaboration and Application to Immediacy Behaviors. *Communication Monographs*. 55: 58–79.
- Burgoon, J. K. (1993). Interpersonal expectations, expectancy violations, and emotional communication. *Journal of Language and Social Psychology*, 12, 30-48.
- Burgoon, J. K. (2004). Nonverbal signals. In M. L. Knapp & J. Daly (Ed.), *Handbook of interpersonal communication* (pp. 240-299). Thousand Oaks, CA: Sage.
- Burgoon, J. K., & Hale, J. L. (1988). Nonverbal expectancy violations theory: Model elaboration and application to immediacy behaviors. *Communication Monographs*, 55, 58-79.
- Burgoon, J. K., & Le Poire, B. A. (1993). Effects of communication expectancies, actual communication, and expectancy disconfirmation on evaluation of communicators and their communication behavior. *Human Communication Research*, 20, 67-96.
- Burgoon, J. K., & White, C. H. (1997). Researching nonverbal message production: A view from interaction adaptation theory. In J. O. Greene (Ed.), *Message production: Advances in communication theory* (pp. 279-312). Mahwah, NJ:

Lawrence Erlbaum.

Burgoon, J. K., Stern, L. A. & Dillman, L. (1995). *Interpersonal adaptation: Dyadic interaction patterns*. Cambridge, UK: Cambridge University Press.

Chacaltana, J. (2009), Economic implications of labour and labour-related laws on MSEs: A quick review of the Latin American experience. *Employment Sector: Employment Working Paper No. 31*. ILO: Geneva.

Dainton, Marianne; Zelle, Elaine D. (2012). Applying Communication Theory for Professional Life: *A Practical Introduction*. Thousand Oaks, California: SAGE Publications. pp. 48–49.

Dewhurst, M. Harris, J. & Heywood, S. (2012). The Global Company's Challenge, *McKinsey Quarterly* 3: 76–80.

Dinning, R.J.D, (2010). *Micro Enterprise in Africa*, Ray Dinning, ESQ

Enz, C. A. (2004). Issues of concern for restaurant owners and managers. *Cornell Hotel and Restaurant Administration Quarterly*, 45(4), 315-332.

Fenwick, C. & Howe, J. (2006). Labor and labor-related laws in micro- and small enterprises: Innovative regulatory approaches, a paper prepared for the ILO, Geneva, 2006, based on I. Ayres and J. Braithwaite: *Responsive regulation. Transcending the deregulation debate*, New York, Oxford University Press, 1992.

Fiss, O. M. (1971). A Theory of Fair Employment Laws. *Faculty Scholarship Series*. Paper 1227.

- Floyd, K. & Voloudakis, M. (1999). Affectionate Behavior in Adult Platonic Friendships: Interpreting and Evaluating Expectancy Violations. *Human Communication Research*. 25 (3): 341–369.
- Gordon, J. (2011). *Free movement and equal rights for low-wage workers? What the United States can learn from the new EU migration to Britain*. California: The Chief Justice Earl Warren Institute on Law and Social Policy, University of California, Berkeley Law School.
- Griffin, E. (2009). *A first look at communication theory*. New York, NY: McGraw-Hill
- Griffin, S. & Em, R. (2012). Chapter 7: Expectancy Violations Theory. *A First Look at Communication Theory*. The McGraw-Hill Companies, Inc. pp. 84–92.
- Hagedoorn, J. & Schakenraad, J. (1994). The effect of strategic technology alliances in information technologies, *Strategic Management Journal*, 15(4), p. 291-309
- Hagedoorn, J. (1995). Research notes and communications a note on international market, *Strategic Management Journal* (1986-1998), p. 241
- Hale, J. L., & Burgoon, J. K. (1984). Models of reactions to changes in nonverbal immediacy. *Journal of Nonverbal Behavior*, 8, 287-314.
- Hamamoto, F. (2010). *International business: text and cases*. New Delhi: Asoke Ghosh.
- Hult News (2017). *Biggest Challenges of International Business in 2017*.
- Infante, D.A., Rancer, A.S. & Avtgis, T.A. (2010). Contemporary Communication Theory. *Journal of Nonverbal Behavior*, 8, 287-314.

- Kahanec, M. (2012). *Labour mobility in an enlarged European Union*. Bonn: Institute for the Study of Labour.
- Kenya Chinese Chamber of Commerce (2016). Trade Lobby Encouraging Chinese Investments in Africa.
- Kenya Employment Act (2007).
- Kettunen, A., Korhonen, G., Kosonen, R. & Karhunen, S. (2007). *International Business: Theory and Practice*.
- Kiiru, W., Pederson, G. & Nzioka, C. (2009). Kenya Rural Enterprise Program A Case Study of Sustainable Micro-finance Scheme Regional Archon Research on Sustainable Micro-financing Institutions in Africa Nairobi K-REP.
- King, S. (2017). What Is Adaptation Theory.
- Kituo Cha Sheria (2015). The kenyan worker and the law. *An information booklet on labour law*.
- Le Poire, B. A., & Burgoon, J. K. (1994). Two contrasting explanations of involvement violations: Expectancy violations theory versus discrepancy arousal theory. *Human Communication Research*, 20, 560-591.
- Le Poire, Beth A., Stephen M. & Yoshimura, S. (1999). The effects of expectancies and actual communication on nonverbal adaptation and communication outcomes: A test of interaction adaptation theory, *Communication Monographs*, 66:1, 1-30
- McPherson, M. B. & Yuhua, J. L. (2007). Students' Reactions to Teachers'

Management of Compulsive Communicators. *Communication Education*. 56: 18–33.

Miller, K. (2005). *Communication Theories: Perspectives, Processes, and Contexts*. New York: McGraw Hill.

Mrak, B. (2002). Globalization and the Pursuit of economy autonomy in Malaysia, *Pacific affairs*, 73(3):335-351.

Rao, M. (2010). *Using Supply Chain Analysis to Analyze the Costs of NTMs and the Benefits of Trade Facilitation*. Geneva, World Trade Organization, Working Paper ERSD.

Sino Africa Centre of Excellence Foundation (2014). Africa has more to gain from China's new status.

Society for International Development (2012). *Greater Horn of Eastern Africa (GHEA) Outlook #25: Human trafficking in the GHEA*.

Teven, J. (1998). Effects of supervisor social influence, nonverbal immediacy, and biological sex on subordinates' perception of job satisfaction, liking, and supervisor credibility. *Communication Quarterly*, 55(2), p. 155-177.

APPENDICES

Appendix I: Introductory Letter

Dear Sir,

REF: REQUEST FOR USE OF INFORMATION

I am an MBA student at the University of Nairobi and in the partial fulfillment of the requirements of the degree; I wish to undertake a research study on challenges faced by large Chinese firms in adapting to Kenya labor laws.

The purpose of this letter is to request your permission to collect data through interviewing the managers of these media stations. Your support and responses will be helpful in the study as I will be able to summarize, conclude the findings and help me come up with the right recommendations.

I take this opportunity to ensure that the data obtained will be kept highly confidential and will only be used for academic purposes. A copy of the final research report will be availed to you on request.

Your cooperation will be highly appreciated.

Yours Faithfully,

YANG HONGXIAO

REG NO: D61/81483/2015

Appendix II: Questionnaire

PART A: GENERAL INFORMATION

Please tick the appropriate box or write your answer for the questions below on the spaces provided.

PART ONE: GENERAL INFORMATION

1. Kindly indicate the name of your organization

(optional).....

2. Which position do you hold in the department?

Unit Head Departmental Head

Assistant Manager

Other (please specify).....

3. What is your highest level of education?

Masters Degree Undergraduate

Diploma Certificate

Any other (specify).....

4. How long have you worked in this organization?

1 to 5 years 6 to 10years

11 to 15 16 years and above

5. Does your organization comply with labour law set in Kenya?

Yes No

6. What is the legal business ownership of this firm?

Sole trader Private limited company

Partnership

Other (specify).....

7. How many employees work in this firm?

- Less than 10 [] 11-20 []
- 20- 30 [] 30- 40 []
- 40 – 50 []

Part B: Challenges faced by large Chinese firms in adapting to Kenya labor laws

1. Kindly indicate the extent to which Chinese company face challenges in compliance to labour law. Use a scale of 1 is to a low extent and 5 to a very great extent

Kenya Employment Act of 2007	1	2	3	4	5
To what extent does the application of working permit is a challenge to your human resources management					
To what extent does the does Fixed term contracts, part-time contracts, on-call contracts, zero-hour contracts, contracts for workers hired through temporary employment agencies, freelance contracts, etc., have become a challenge to your organization					
To what extent does employ the right skill talents is a challenge to your organization					
To what extent does dismiss an employee is a challenge to your organization					
Labor Institutions Act of 2007	1	2	3	4	5
To what extent doe a contractual forms introduced in labour institution act represents a comprehensive adaptation of labour law and collective agreements in your organization					
To what extent does the efficiency of the industrial court is a challenge to your management					

To what extent does the process of handling the disputes by the Minister is a challenge to your organization					
To what extent does the general minimum wages set by general wage council is a challenge to your organization					
To what extent does labour inspection and law enforcement in general are not effectively applied is a challenge to your organization					
Labor Relations Act of 2007	1	2	3	4	5
To what extent does the recognition of a trade union is a challenge to your management					
To what extent does the bargain power of the trade union presents a challenge to your management					
To what extent does trade unions represent a primacy of the relationship between employer and workers in ways which can weaken outcomes for both					
To what extent does the strikes are challenges to your organization					
Occupational Safety of 2007	1	2	3	4	5
To what extent doe requirement for the security of employee pose a challenge to your organization in HR department					
To what extent does the need for employer to contribute for employees pose a challenge to the application of labour law in your organization					
To what extent does the corruption and bribery takes place in your management when dealing with					

the government officers					
To what extent does decentralized organization, a parent company does not assume the responsibilities and risks of the employer in relation to its subsidiaries or contractors					
Health Act and Work Injury Benefits Act of 2007	1	2	3	4	5
To what extent does HR policies and procedures on health matter a challenge to your organization					
To what extent does protection against dismissal a challenge in your organization					
To what extent does labour law guarantees the worker against financial consequences a challenge to your organization					
To what extent does protections of employee the against abuse by the employer in labour law a challenge in your organization					

2. What would you recommend to be done to enhance compliance of labour law by the foreign countries as set by the host country?

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Thank you for your participation

List of the Chinese corporations to be investigated

1	中国水利水电建设集团公司国际公司 SINOHYDRO CORPORATION LTD
2	中国路桥工程有限责任公司肯尼亚办事处 China Road & Bridge Corporation (Kenya)
3	中国海外工程有限责任公司东非公司 China Overseas Engineering Group CO., LTD,
4	中国武夷肯尼亚分公司 CHINA WU YI CO., LTD. KENYA BRANCH
5	中国航空技术国际控股有限公司 AVIC-INTL
6	中国四川国际合作股份有限公司肯尼亚办事处 SIETCO
7	华为（肯尼亚）公司 Huwei Technologies Kenya Co. Ltd
8	中兴通讯肯尼亚代表处 ZTE Technologies Kenya Co. Ltd
9	中工国际工程股份有限公司 China CAMC Engineering Co.,Ltd.
10	中国石油长城钻井公司 GREATWALL DRILLING COMPANY
11	三一重工股份有限公司肯尼亚分公司 Sany Heavy Industry Co (K) Ltd
12	中石化胜利建设工程有限公司 Sinopec Petroleum Construction Shengli Corporation
13	中国江苏国际经济技术合作公司东非代表处 CHINA JIANGSU INTERNATIONAL ECONOMIC- TECHNICAL COOPERATION COPORATION EAST AFRICAN COMPANY LIMITED
14	中国江西国际经济技术合作公司 CHINA JIANGXI INTERNATIONAL KENYA LIMITED
15	中国银行股份有限公司内罗毕代表处 Bank of China, Nairobi Representative Office

16	肯尼亚标准银行 Stanbic Bank
17	中国石油天然气管道局肯尼亚分公司 China Petroleum Pipeline Bureau
18	中石化国际石油工程有限公司 Sinopec International Petroleum Service Corporation
19	四川华西企业东非有限公司 Sichuan Huashi Enterprises Cprporation East Africa(E.A)Limited
20	江西中煤建设集团有限公司 ZHONGMEI ENGINEERING GROUP LTD
21	北京送变电公司肯尼亚有限公司 BETT Company (K) Ltd.
22	中国能源建设集团广西水电工程局有限公司肯尼亚公司 Guangxi Hydroelectric Construction Bureau Kenya Limited
23	中铁五局（集团）有限公司 China Railway No.5 Engineering Group Co., Ltd
24	中铁七局集团有限公司肯尼亚办事处 China Railway Seventh Group Co., Ltd
25	中国中铁十局集团有限公司 China Railway No.10 Engineering Goup Co.Ltd
26	中国北方工业公司肯尼亚代表处 Kenya Office of China North Industries Corp.(NORINCO KENYA)
27	江西省水利水电建设有限公司
28	中电国际技术股份有限公司肯尼亚分公司 Sinotec.,Co.Ltd
29	中国建筑股份有限公司肯尼亚分公司 China State Construction Engineering Corporation Kenya Limited
30	中兴建设肯尼亚有限公司 CHINA ZHNGXING CONSTRUCTION COMPANY LTD
31	达纳福（肯尼亚）有限公司
32	威海国际经济技术合作股份有限公司 WIETC CO. LTD

33	特变电工（肯尼亚）有限公司 TBEA INTERNATIONAL KENYA LIMITED
34	中国河南国际合作集团有限公司肯尼亚分公司 China Henan International Cooperation Group Co.Ltd (Kenya)
35	中国葛洲坝集团肯尼亚分公司 China Gezhouba Group Company Limited
36	中国水利电力对外公司 China International Water & Electric Corp.
37	豪仕玛有限公司（森大国际）
38	中国抚顺建筑工程公司
39	松鹰实业公司
40	中国通信服务肯尼亚公司 China Communations Services Corporation Limited
41	中国电力工程顾问集团中南电力设计院肯尼亚分公司
42	中国电力技术装备有限公司（肯尼亚分公司） China Electric Power Equipment and Technology Co., Ltd.
43	中国铁建国际集团有限公司东非代表处 China Railway Construction Corporation International Limited
44	中国大连经济技术合作集团有限公司肯尼亚分公司 China Dalian Economic & Technical Cooperation Group Co.Ltd
45	南昌对外工程总公司肯尼亚分公司 Nanchang Foreign Engineering Commpany (Kenya) Limited
46	金帆亚非物流责任有限公司
47	威海建设集团股份有限公司肯尼亚分公司 Weihai Construction Group Co.Ltd
48	江苏永鼎泰富工程有限公司 Jiangsu Entern Co., Ltd.
49	正泰电气股份有限公司 Chint Electric Co., Ltd.
50	中国重汽销售服务肯尼亚公司 Sinotruck Machinery and Equipment Co., Ltd.
51	中昊海外建设工程有限公司 Zhonghao Overseas Construction Engineering Co., Ltd.

52	山西地矿海外工程建设（肯尼亚）有限公司 Shanxi Dikuang Overseas Engineering Construction (Kenya) Limited
53	中城建第三工程局集团有限责任公司 The Third Engineering Bureau of China City Construction Group Co.ltd.
54	中铁二十一局集团肯尼亚有限责任公司 China Railway 21st Bureau Group (Kenya) Co., Ltd.
55	格林福德肯尼亚分公司 Greenroad Kenya Ltd.
56	重庆外建 Chongqing International Construction Corporation (CICO)
57	威都国际运输有限公司肯尼亚分公司 Afasia Express Kenya Ltd.
58	中铁建工集团东非公司肯尼亚分公司 CRJE (East Africa) Ltd.
59	南方航空内罗毕办事处 China Southern Airlines Co., Ltd. Nairobi Office
60	中国电信 China Telecom (Kenya) Ltd.
61	中土肯尼亚有限公司 China Civil Engineering Construction Corporation (Kenya) Ltd.
62	福田肯尼亚销售公司 Foton Motor Kenya Ltd.
63	江西有色建设集团有限公司 Jiangxi Youse Construction(Group)Co.,Ltd
64	四达时代传媒（肯尼亚）有限公司 StarTimes Media (Kenya) Company Limited
65	友胜集团 Yocean Group
66	中国机械设备工程股份有限公司 China Machinery Engineering Coporation
67	恒道国际物流供应链有限公司

68	中地海外集团有限公司肯尼亚代表处 CGCOG GROUP CO., LTD
69	协鑫新能源肯尼亚有限公司 GCL New Energy Kenya Limited
70	南京南瑞集团公司 NARI Group Corporation
71	安粮投资（肯尼亚）有限公司 AHCOF INVESTMENTS (KENYA) COMPANY
72	江西省交通工程集团肯尼亚公司 Jiangxi Transportation Engineering Group Corporation Kenya Ltd.
73	湖南路桥建设集团有限公司 Hunan Road & Bridge Construction Group Corporation Ltd.