

**PERCEIVED INFLUENCE OF THIRD PARTY INTERVENTIONS IN
TRADE DISPUTE RESOLUTION BY TRADE UNIONS IN KAKAMEGA
COUNTY, KENYA**

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**A RESEARCH PROJECT REPORT SUBMITTED IN PARTIAL
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2016

DECLARATION

STUDENT'S DECLARATION

I declare that this research project is my original work and has not been presented for Examination or Academic purposes in any other University or College.

.....

.....

Signature

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SUPERVISOR'S DECLARATION

I confirm that this project has been submitted for examination with my approval as the university Supervisor.

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Date

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DEDICATION

I dedicate this research project to my three beloved daughters: Michelle Vihenda, Alliance Girls' High School; Hillary M'mbone, Goibei Girls' High School and Sandra Kageha, Starlight Academy- Utawala. May they strive to excel beyond my academic achievement.

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ACRONYMS & ABBREVIATIONS

AMWU:	Amalgamated Metal Workers Union
CBA:	Collective Bargaining Agreement
COTU:	Central Organisation of Trade Unions
CWU:	Communication Workers Union
ILO:	International Labour Organisation
FKE:	Federation of Kenya Employers
KBTFWU:	Kenya Building, Timber, Furniture Workers Union
KCSWU:	Kenya Civil Servants Workers Union
KCGWU:	Kenya County Government Workers Union
KETAWU:	Kenya Electrical Trades and Allied Workers Union
KEWU:	Kenya Engineering Workers Union
KFL:	Kenya Federation of Labour
KUCFAW:	Kenya Union of Commercial and Allied Workers
KUDHEIHA:	Kenya Union of Domestic Health Hotel Educational Institutions

Hospitals and Allied

KHAWU:	Kenya Hotel and Allied Workers Union
KMPDU:	Kenya Medical Practitioners and Dentists Union
KNNU:	Kenya National Nurses Union
KNPSWU:	Kenya National Private Security Workers Union
KNUT:	Kenya National Union of Teachers
KPAWU:	Kenya Plantation Agricultural Workers Union
KUPPET:	Kenya Union of Post Primary Education Teachers
KUSU:	Kenya University Staff Union
KSPWU:	Kenya Sugarcane Plantation Workers Union
TAWU:	Transport and Allied Workers Union
UASU:	University Academic Staff Union

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ABSTRACT

Industrial relations is vital for the smooth flow of work. In the course of working together, the employers and the employees have divergent expectations from each other and these have to be harmonized to ensure the realization of the firms' objectives. In this process there are often complaints, disputes and conflicts. The ideal situation as envisioned in the industrial relations act is for the employer and the employee unions to sit together and amicably work towards resolution. This is however not the case in most instances as these conflicts often spill over to third party involvement. The study was thus aimed at determining the perceived influence of third party interventions in trade dispute resolution. The objective of the study was to determine the perceived influence of third party interventions in trade dispute resolution among trade unions in Kakamega County, Kenya. This called for a cross sectional descriptive research design as well as a qualitative design. The quantitative aspect of the research used mean and standard deviation while the qualitative aspect used phrase analysis and factor analysis qualitative research. The study targeted officials from the trade unions in Kakamega County from whom responses were collected using semi structured questionnaires. The data was then sorted then analyzed using descriptive statistics followed by qualitative analysis. The study found that most of the industrial relations conflicts reached levels of third party intervention to imply that the agreements between trade unions and employers are getting fewer with time with nearly all conflicts solved by third parties. The study also found that the third parties are perceived to be neutral, have legal knowledge, are perceived to be wise have a higher formal power than both parties in the conflict, have high moral and ethical standing, are credible, accessible and are fair as well as have charisma. The limitations of the study was that it was carried within Kakamega County and not the whole country and therefore there is need for further study

CHAPTER ONE: INTRODUCTION

1.1 Background of the Study

Industrial relations is best explained as a sub-system of labor administration that is concerned with the relationship which occurs at the place of work between employer and employees. It can be seen as a relationship between the employee and the employer at the enterprise level in relation to rules of employment (Green, 1994). It concerns itself with making and administering of rules, which regulate employment relationship regardless of whether the rules are seen to be formal or informal. This leads to sound industrial relations policies and industrial relations conflict resolution practices which are among the essential elements of good governance (Kaufmann, 2004). In any given labour market and industrial relations system, the framework of handling disputes is crucial to ensuring healthy industrial relations after the dispute has been resolved. In essence therefore, in the event that these rules do not naturally apply to trade dispute resolution between an employer and a trade union, other means have to be sought; usually, a third party (Rawls, 2003; Miller, 2003; Furnham et al, 2007). Third party intervention is the involvement of a third person or organization to help solve a disagreement between an employer and employees (Khan, 2007). A third party is a person or a group of people who intervene in a trade dispute to help those stuck in deadlock resolve their conflict (Bercovitch, 1991). To intervene is to come in to assist and solve a conflict. This is the focus of third parties in trade disputes in organizations and work environments.

The study was anchored on the theory of perception (Dale et al 1989, 2012), theory of attribution (Fiske and Taylor 1991) and the third party intervention theory (Khan 2007). The theory of perception is concerned with how sensory systems incorporate information about statistical properties of the natural world into unique designs by relating incoming stimuli to the information received. This then results in a reaction that is shaped with constant similar experiences. The theory of attribution deals with how individuals attach meaning to other people's behavior as well as how they attach meaning to their own behavior.

Trade unions in Kakamega County arose from the need by workers to fight for their rights with regards to a perception that the working conditions and terms of conditions of employment were not favoring workers at large. Most workers perceive their employers as exploiters who get more from the workers than what they give back to the same workers in terms of remuneration, allowances and recognition of workers' rights. On the other hand, the employers feel they have either given the workers more than they deserve or that the workers are making unrealistic demands; hence they ignore the grievances raised by the workers through their unions. Thus, these differences in perception inevitably lead to conflict between both parties that usually ends in third party interventions due to hard stands that are taken by both parties while disputing.

1.1.1 The Concept of Perception

Perception is how individuals form opinions about things based on the information they gather from their environment and how they relate that

information to triggers in their environment. According to George pitcher (1973), perception entails how sensory systems incorporate information about statistical properties of the natural world into unique designs by relating incoming stimuli to the information received then reacting to the information. The theory of perception is concerned with how individuals form opinions about things based on the information they gather from their environment and how they relate that information to triggers in their environment. It also purports that perception is basically shaped by learning, memory, expectation and attention. With regards to employees and employers, both undergo different experiences in the work environment and therefore tend to perceive things differently. This is especially so with regards to what each desires to attain from the working relationship (Helmholtz, 1842; Dale et al, 1989, 2012).

Jones & Davis (1965) Opine that perception concentrates on intentional behaviour, rather than accidental or unthinking behaviour. This means that people's perceptions, reactions and attitudes are never accidental. They are formed over time under environmental conditions in which an individual lives. In terms of trade dispute resolution, trade unions that have observed how government imposed third party interventions have turned out to form opinions and perceptions. These in turn influence formation of further perceptions about any other suggested or eventual third party intervention in similar issues that may be beneficial or detrimental to both disputing parties.

1.1.2 Trade Dispute Resolution

According to the Labour Relations Act No. 13 of 2007 Laws of Kenya, trade dispute resolution involves intervention in a conflict arising among employers and employees that is connected with the terms or conditions of employment. It occurs in five different forms namely: coercion, litigation, arbitration, mediation and conciliation. Coercion involves persuading either party to act in accordance with what the aggrieved party expects using threats and force. Litigation entails a decision reached at by a jury or judge in court after proceedings that have been initiated between two opposing parties to enforce or defend a legal right. In terms of trade dispute, this could arise due to breach of the industrial relations act with regards to the minimum wages for workers or withdrawal of allowances and medical cover for workers. Arbitration is a private consensual process where parties involved in a dispute agree to present their grievances to a third party for resolution (Khan, 2007). Mediation is a voluntary, non-binding dispute resolution process in which a neutral third party helps the parties to reach a negotiated settlement which is formalized through writing and signing so that it becomes binding (Fenn, 2002). Conciliation is the process where a commissioner or a panelist, in the case of a bargaining council or agency meets with the parties in a dispute to explore ways that can be used to settle the dispute by agreement (Totterdill, 2003).

In the event of a trade dispute, alternatives to litigation have gained popularity and most people are adopting them for dispute resolution (Burgess & Burgess, 1997; Morrill, 2006). The commoner of these two are mediation and arbitration

(Rebach, 2001). The basis for trade dispute resolution is in the theory of social justice and neoliberalism. The theory of attribution that was first posited by Kelly (1967) and adopted by Fiske & Taylor (1991), deals with how the common people in society explain events in their lives, as they do. Kelly's (1967) posits that individuals have information gathered from multiple observations, at different times and situations. These perceptions are further shaped by their observations on consensus reached in most related issues, the distinctiveness in handling other issues and the consistency of doing these. In trade dispute resolution, trade unions are very keen on consensus reached in other trade disputes by unions and employers, the distinctiveness in some unique cases that are handled differently and the consistency of third parties in intervening. These shape their perceptions about trade disputes and help them decide on certain behaviour to adopt in engage in trade dispute resolution. According to Heider (1958), human beings are naïve psychologists constantly trying to make sense of the world around them. They thus tend to see cause-effect relationships in events in when the relationships do not exist. After internally forming the relationships, they project them in their behaviour, attitudes and decisions. This generally affects dispute resolution due to already formed opinions.

1.1.3 Third Party Intervention

Third party intervention is the involvement of a third person or organization to help solve a disagreement between an employer and employees (Khan, 2007). A third party is a person or a group of people who intervene in a trade dispute to help those stuck in deadlock resolve their conflict (Bercovitch, 1991). To

intervene is to come in to assist and solve a conflict. This is the focus of third parties in trade disputes in organizations and work environments. Third parties play several significant roles in trade dispute resolutions. They sometimes act as facilitators by organizing and arranging meetings between disputing parties. They also facilitate by setting agendas, guiding productive discussions and keeping records of the discussions held in dispute resolution meetings. In addition, they serve as consultants by providing an analysis and an understanding of the conflict from a neutral point of view so that the two parties disputing outline a resolution strategy (Young, 1967).

However, not all disputes can be resolved amicably using these two mild approaches of consultation and facilitation. Some disputes usually call for a more aggressive approach that usually involves mediation and arbitration. Mediation is a voluntary, non-binding dispute resolution process in which a neutral third party helps the parties to reach a negotiated settlement which is formalized through writing and signing so that it becomes binding (Fenn, 2002). Conciliation is the process where a commissioner or a panelist, in the case of a bargaining council or agency meets with the parties in a dispute to explore ways that can be used to settle the dispute by agreement (Totterdill, 2003). Conciliation is the practice by which the services of a neutral third party is used in a dispute in order to help the disputing parties to reduce or bridge the extent of their differences and arrive at an amicable settlement. It is usually a process of rational and orderly discussion of differences between the parties to a dispute under the guidance of the conciliator. Mediation involves a neutral outside third

party representative known as a mediator, listening to both sides of the conflict in a casual setting (Monroy et al, 1986). He or she should remain impartial and be independent in order to end up with a peaceful and fair resolution. The concept of third party intervention is tied to negotiation techniques with regards to industrial relations (Walton & Mckersie, 1991); and management studies (Lewicki& Saunders, 1996). Besides, the concept spans several methodological approaches such as first person account (Kissinger, 1982); case studies (Zartman, 1995); and rational choice-based approaches (Raiffa, 1982).

Eventually, every trade dispute has to be resolved; irrespective of whom the decision favours; since every economic entity has an economic implication on the country's economic market. Thus, the third party influence may be perceived as either a benefit or a threat to either party that will feel favored or disadvantaged in the resolution reached. In turn, this affects the working relationship between the employer and employees either to the detriment of the organization or to its benefit.

1.1.4 Trade Union Movement in Kenya

The Trade Union Movement in Kenya began in the colonial days with the change of British Labour Policy in her colonies in 1937, when it enacted the Trade Union's Ordinance that stipulated conditions under which Africans could organize themselves into trade unions. Three unions were immediately registered, namely: East African Standard Union (EASU); East African Standard Staff Union (EASSU) and the Labor Trade Union of East Africa (LTUEA). Later, the Ordinance was

revised in 1940 due to the increased activism of Africans in agitating for what they felt and perceived to be their rights. The movement then took on a political tempo especially with the rise of the Kenya African Study Group (KASG), which was later replaced by the Kenya African Union (KAU). This union elicited support from the Asian community, specifically from one Brother Makhan Singh. Thereafter, several more unions emerged in pre-independent Kenya before formation of a major National Trade Union that was known as the Kenya Federation of Registered Trade Unions in 1952 by Brother Aggrey Minya as the Secretary General. This period was characterized by rivalries among trade union leaders and bad machineries in running the affairs of the employers. The workers were also not paid for the work done yet they were expected to pay hut tax. When they began being paid, the wages were very minimal- they could hardly meet their basic needs and pay the hut tax (Mboya, 1955). Initially there were laws which were not elaborate on how to deal with trade unions and trade disputes. Such were the Trade Unions Act Cap 236 and the Trade Disputes Act Cap 234, which were later merged into the Labour Relations Act. The Employment Act 226 was revised into the Employment Act No. 11. The Regulations of Wages and Conditions of Employment Cap 229 was revised to The Labour Institutions Act No. 12. The promulgation of the new constitution in 2010 ushered in a whole chapter on Labour Relations matters that has provisions for workers picketing and even going on strike without victimization, for as long as they follow the right procedure.

1.1.5 Trade Unions in Kakamega County

Trade unions in Kenya and Kakamega County in particular have been in existence for decades. With the enacting of new labour laws 2007, promulgation of the new constitution 2010, the county manages trade disputes. According to records at the Registrar of Trade Unions Kenya, (Annual Report 2015) there are still splinter groups that keep on arising in the trade unions. These continue weakening the unions and render them incapable of fighting for the workers' rights effectively. The former Kenya Union for Domestic, Health, Education, Institutional and Hospital Allied (KUDHEIHA), which represents workers in domestic, hotels, hospitals, educational institutions and allied workers, has since split into many factions such as: the Hotel Workers Union, Kenya National Union of Teachers (KNUT) for teachers, KNNU for nurses, KMPDU for medics among others. KNUT has also over time had a splinter group emerge from it, Kenya Union of Post Primary Education Teachers (KUPPET), for post primary teachers, which was a creation of the government; to counter the might of the mother union, KNUT.

All the splinter groups have led to very many power wrangles among the leaders, causing disunity and lack of direction in handling disputes whenever they have arisen. The two separate unions signed contradictory agreements with the TSC and the teachers ended up missing the award. In addition, their medical allowance was duly transferred to AON Insurance Company, without the consent of both unions on the matter. The nurses felt that their issues were not being well handled by the union representing both nurses and doctors. In addition, they felt

that the Kenya Nurses National Union (KNNU) that is a national body for all nurses seems to be very amorphous and cannot meet the needs of all nurses in their respective Kakamega County. They thus formed the Kenya Nurses National Union – Kakamega Branch. The hospitality industry too is faced with the same issues with the rise of Kenya Hotel Allied Workers Union (KHAWU) for hotels and allied workers.

Since the decree about basic pay for the lowest employed workers issued by the president in gazette Supplementary Issue No. 19 Wages (General) Order No. 117 of 1st May 2015 in the Labour Institutions Act, the domestic workers and security guards each felt they needed to have a separate representation for their rights and demands. Kenya National Private Security Workers Union (KNPSWU) came up to fight for the rights of security workers. Their focus is on basic pay and allowances as well as conditions of work such as availability of necessary security tools and working hours.

As each of the given unions registers splinter groups, more keep on arising as workers demand to have their own devolved unions to fight for their rights at the county level. Some are as a result of power hungry individuals who would wish to have their political aspirations realised in the creation of new factions that will avail new positions for them. Others are out of genuine need to have better representation at the grassroots level. All in all, they still attract intervention by third parties and in such cases; the unions' perception about this influence can be detrimental to the running of key organizations at the county level, and

consequently, a major influence to other counties and the country at large.

1.2 Research Problem

The beginning of conflict resolution must involve “accountability, truth telling, reconciliation, institutional reforms, good governance and reparations. In a transitional process of justice, economic consideration must be given first priority because the reconciliatory process requires incentives” (Chesterman, 2005). The incentives are important for policy makers because the costs and benefits they present tend to alter people’s behaviour. Moreover, those disputing must be informed about the costs that come with refusal to embrace reconciliation and peace, even if it means inviting a third party to assist in the process (Mankiw, 2001). Mbugua (2011) However Mbugua discussed alternative dispute resolution mechanisms and the legal institutions framework but did not look into perceived influence of third parties in trade union dispute resolution. Amwayi (2015) studied on factors affecting performance of trade unions including leadership styles, the organizational structure and the regulatory framework in Kenya; citing the case study of the Communication Workers Union. However, he does not discuss the perceived influence of third party intervention in trade disputes. There is therefore need to do more research on the perceived influence of third party intervention by trade unions in trade dispute. There are some Trade Unions which are perceived to be pro-government while others are not. Therefore, perception of Third Party influence on trade union dispute resolution will depend on which side of the divide one belongs to.

In Kakamega County, with 29 trade unions handling trade disputes, it is inevitable that third parties have to employ tact to act as the voice of reason between the employers and the employees, represented by their union leaders. Such cases have occurred between doctors, nurses, teachers and sugarcane farmers and sugar companies. In some cases, conciliation and mediation has been used. In others, arbitration has been helpful in arriving at amicable resolutions. At some point, either party has always been suspicious of the third party having been compromised either by the employer, government or employees. Resolutions reached have rarely been taken in good faith since either party may perceive the third party to be lacking impartiality; or just outrightly irrational.

Although there have been several reports such as the KNUT report on teachers needs assessment and the Koech Report reviewed (2015) touching on third party interventions in the Kenyan education sector; there is no known study that has been done on the perceived influence of third party interventions in trade dispute resolution in Kakamega County. The reports are not sufficient in drawing conclusions on what approach should be taken in handling perception of third parties in trade union disputes. Kakamega County, being one of the largest counties, inevitably faces most of the challenges with regards to trade disputes and third party interventions. The perceptions held by both employers and employees, represented by their unions are the driving force behind carrying out this study. The findings will be of help to other counties and the country at large, on how to handle trade disputes and will answer the question: What is the perceived influence of Third Party intervention in trade Union dispute resolution

among Trade Unions in Kakamega County, Kenya?

1.3 Objective of the Study

The objective of the study was to determine the perceived influence of third party interventions in trade dispute resolution among trade unions in Kakamega County, Kenya.

1.4 Value of the Study

Although there are theories of perception, there is no in-depth research on theory that has been carried out on how trade unions perceive third party interventions. This research thus enables in-depth study on the perceived influence of third parties by trade unions in Kakamega County. Besides, third party interveners have had no theory or foundation on how trade unions perceive their influence in trade dispute resolution. This research helps inform their decisions regarding their roles.

In practice the study sought to assist trade union officials to ensure effective trade dispute resolution. The study also aimed at assisting academia to carry out further research on Third Party intervention in Trade Union disputes. The Ministry of Labour and other related departments would also be able to use the research in policy formulation and guidelines with respect to third party intervention. Such as the creation of commission for mediators and arbitrators as an independent body.

Therefore, this study was motivated to determine extent of the perceived

influence of third party interventions in disputes among trade unions in Kakamega County. It also forms the framework for handling third party interventions in other counties in the country, as well as other work environments. In addition, it contributes to the formulation of theories on perceived influence of third parties in trade dispute resolution, a topic on which very little research has been carried out.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

This section explores theoretical, conceptual and empirical literature touching on theories of job satisfaction, theories of social justice and third party intervention frameworks. The purpose of this section was to establish the foundation for the proposed study and identify a framework within which primary data would be contextualized and interpreted.

2.2 Theoretical Foundation

This study is anchored on the social justice theory by Miller (1991 and Rawls (1971); the attribution theory by Fiske and Taylor (1991) and the perception theory (Dale et.al. 1989, 2012).

Social justice is usually measured using explicit and tacit terms for the distribution of wealth, opportunities for personal activity and social privileges. In the Western and older Asian communities, the concept of social justice often referred to the process of making sure that individuals fulfilled their social responsibilities and received what was their due from society. However, basing on the current global trends in social justice, the emphasis has been on breaking of barriers for social mobility, the creation of safety nets and economic justice for all classes of people in society, irrespective of their capabilities. The term justice has been in existence since time immemorial but the term was understood differently from what it is right now (Hantal, 1996). With regards to Outhwaite and Bottomore (1993), justice is the evolution of basic social and political institutions with consequent burdens and benefits. These are normally expressed in terms of justice and injustice. Thus, each individual should have what is due to him or her. Sabine (1973), states that the state is perceived as moral communities whose people possess the law and live by it. With regards to trade disputes, trade unions and employers engage in trade dispute resolution in order to provide justice for both parties; even if it involves inviting a third party to facilitate the resolution.

Other theorists have different concepts about social justice. The most significant ones are the Theory of Justice by Rawls (1971), supported by Miller (1991). Rawls' conception of social justice is developed around the idea of a social contract. In this case, people freely enter into an agreement to follow specifically set out rules for the good of everyone, without considering the implications of

these rules for their own selfish gain. Rawls posits that rational, free people will agree to play by the rules under fair conditions and that this agreement is necessary to assure social justice. This is because public support is very vital for acceptance of the rules of the game (Rawls, 2003: 27-28). These rules or principles "specify the basic rights and duties to be assigned by the main political and social institutions, and they regulate the division of benefits arising from social cooperation and allot the burdens necessary to sustain it" (Rawls, 2003).

Rawls (2003) is very clear that beyond this social arrangement, "certain requirements must be imposed on the basic structure beyond those of the system of natural liberty. A free market system must be set within a framework of political and legal institutions that adjust the long-run trend of economic forces so as to prevent excessive concentrations of property and wealth, especially those likely to lead to political domination." Beyond political domination, extreme concentrations of wealth "are likely to undermine fair equality of opportunity as well as the fair value of the political liberties" (Rawls, 2003: 53). The implication of this is that perceived neutral third parties have to step into industrial disputes to ensure that they prevent excessive concentrations of property and wealth that could cause political domination. This provides a platform that is a neutral playground for the two parties engaged in trade conflicts so that the aggrieved party feels their grievances have been effectively handled. However, in most cases, the intervention by a third party is always looked at suspiciously by the aggrieved party. They perceive it as a threat to their attaining of social justice. According to (Miller, 2003),

people's views about justice are pluralistic and "very often people decide what a fair distribution consists of by balancing claims of one kind against claims of another." It follows that "the social context in which the distribution has to be made -- or more precisely how that context is perceived by those making the judgment -- will determine which principle stands out as the relevant principle of justice" (Miller, 2003: 63). Everyone who is working, regardless of their job, deserves a salary to provide for basic needs. Salaries can still be based on education level, skill level, degree of responsibility associated with the job and dangers face, This means that social justice is not inconsistent with a market economy . Hence, Miller holds that inequalities in society are at times just. He gives two reasons for this observation. First, economic inequalities that motivate people to strive for more are sometimes justifiable. Secondly, inequalities may result from differential claims on merit. This implies that, those individuals who merit more because of their performances deserve more than those who merit less. The basis of this is education, skills, and performances). Although he posits this, Miller (2003: 70) notes that today's economic disparities are not acceptable. In addition, he argues that citizens believe the gap between the rich and the poor today is very wide. Besides, the bottom wage is not a living wage and that those at the top are being paid money that they have not earned (Miller, 2003: 71). This is a justification to use all means available, including use of third parties to intervene in trade disputes, so as to strike a balance in economic disparities between the employers and employees.

The theory of perception is concerned with how individuals form opinions about things based on the information they gather from their environment and how they relate that information to triggers in their environment. It also purports that perception is basically shaped by learning, memory, expectation and attention. Employees and employers both undergo different experiences in the work environment and therefore tend to perceive things differently depending on what each desires to attain from the working relationship (Helmholtz, 1842; Dale et al, 1989, 2012). As the employer strives to meet the employees' needs, he or she expects that the employees will give back to the organization equally by improved sales and production. However, motivators cannot be neutrally applied to all employees because what may be a motivator to one employee may be a demotivator to another. For instance, increase in basic pay may motivate the lower cadre of employees but the higher cadres may be seeking for cognitive advancements in terms of advanced training and job promotions. It is therefore inevitable that trade disputes will arise. In most cases, the employer and the employee do not reach a consensus between the two of them and usually seek a third party intervention. However, they again both view the third party's influence differently; either as a threat or benefit to the welfare of the employer or employees, depending on the outcomes reached (Dale et al, 2012).

The attribution theory deals with how the social perceiver uses information to arrive at causal explanations of events. Information gathered especially by the ordinary people is examined and combined to form a causal judgment that is carried on with the individual, thus forming the basis for their behavior (Fiske and

Taylor, 1991). Attribution is both internal and external. Internal attribution involves assigning the cause of the behavior to internal characteristics such as the person's personality traits, motives or beliefs; rather than outside forces. External attribution entails assigning the cause of behavior to some situations or events outside a person's control, rather than to internal characteristics. These external attributions include situational or environmental features. Hence, in accordance to how either party perceives the other in a trade dispute, a deadlock may be reached in dispute resolution, necessitating intervention by a third party. In addition, how a third party intervener is perceived by either party will influence the process of dispute resolution, especially based on previous disputes handled by third parties.

2.3 Third Party Interventions in Trade Union Disputes

Third party intervention is the bringing in of a third person or organization to help solve a disagreement between an employer and employees (Khan, 2007). A third party is a person or a group of people who intervene in a trade dispute to help those stuck in deadlock resolve their conflict (Bercovitch, 1991). To intervene is to come in to assist and solve a conflict. This is the focus of third parties in trade disputes in organizations and work environments. Third parties play several significant roles in trade dispute resolutions. They sometimes act as facilitators by organizing and arranging meetings between disputing parties. They also facilitate by setting agendas, guiding productive discussions and keeping records of the discussions held in dispute resolution meetings. In addition, they serve as consultants by providing an analysis and an understanding of the conflict from a

neutral point of view so that the two parties disputing outline a resolution strategy (Young, 1967).

However, not all disputes can be resolved amicably using these two mild approaches of consultation and facilitation. Some disputes usually call for a more aggressive approach that usually involves mediation and arbitration. Mediation is a voluntary, non-binding dispute resolution process in which a neutral third party helps the parties to reach a negotiated settlement which is formalized through writing and signing so that it becomes binding (Fenn, 2002). Conciliation is the process where a commissioner or a panelist, in the case of a bargaining council or agency meets with the parties in a dispute to explore ways that can be used to settle the dispute by agreement (Totterdill, 2003).

Conciliation is the practice by which the services of a neutral third party is used in a dispute in order to help the disputing parties to reduce or bridge the extent of their differences and arrive at an amicable settlement. It is usually a process of rational and orderly discussion of differences between the parties to a dispute under the guidance of the conciliator. Mediation involves a neutral outside third party representative known as a mediator, listening to both sides of the conflict in a casual setting (Monroy et al, 1986). The advantage of mediation is it encourages parties to reach an agreement on disputed matters amicably thus achieving a win- win situation. He or she should remain impartial and be independent in order to end up with a peaceful and fair resolution.

The concept of third party intervention is tied to negotiation techniques with

regards to industrial relations (Walton & Mckersie, 1991); and management studies (Lewicki & Saunders, 1996). Besides, the concept spans several methodological approaches such as first person account (Kissinger, 1982); case studies (Zartman, 1995); and rational choice-based approaches (Raiffa, 1982). Most of these theories and methodological approaches are drawn from military approaches and outlooks on intervention. Hence, they have a dictatorial connotation to them, attracting a negative perception of third party intervention by trade unions (Rowlands, 1998 & Weiss, 1999). Butler (2003) also emphasizes that intervention is still very ambiguous and that it is still mainly in the form of militarized intervention. The route issue is the focus. Arbitration is done outside the courts of law whereby both parties agree on a specific third party to be contracted to arbitrate between them. They also agree to abide by the decision or award made by the arbitrator irrespective of whether it favours either party or not (Raymond 1994 and Raiffa, 1982; the Kenyan, Labour Relations Act 2007, revised 2010). These are enshrined in the Constitution of Kenya, 2010; Labour Relations Act 2007 revised 2010, with respect ILO Convention No.98 on the Rights of Workers.

Reagan (2002) argues that the focus of most third party interventions is to affect the duration of conflicts. It is always difficult to measure the intentions and motives of the third parties but this may be done in either a biased or unbiased manner (Bett, 1994). All in all, literature largely exists only on quantitative, empirical or case studies of third party interventions in interstate conflicts or civil conflicts. Thus, the findings available on such case studies are not very

applicable in the trade disputes cutting across counties and their employees' unions. Moreover, suggested outlooks on how to handle the perceived influence by third parties are skewed towards militarized approaches that are not applicable to the trade disputes involving peaceful initiatives in forcing employers to meet workers' demands such as go slows. Literature also reveals that the global trend to third party intervention is the biased approach in which the intervener takes sides, especially with a hidden motive (Rioux, 2001; Carment & Harvey, 2001; Licluder, 2001). Moreover, some interventions interfere with conflicts that may have taken a natural course so as to result in something meaningful for both parties (Luttwak, 2001).

Eventually, every trade dispute has to be resolved; irrespective of whom the decision favours; since every economic entity has an economic implication on the country's economic market. Thus, the third party influence may be perceived as either a benefit or a threat to either party that will feel favored or disadvantaged in the resolution reached. In turn, this affects the working relationship between the employer and employees either to the detriment of the organization or to its benefit. Mbugua (2011) in his paper "Overview of Arbitration and Mediation in Kenya" discusses alternative dispute resolution mechanisms and the legal institutions framework. He does not look into perceived influence of third parties in trade union dispute resolution. Amwayi (2015) discusses factors affecting performance of trade unions including leadership styles, the organizational structure and the regulatory framework in Kenya; citing the case study of the Communication Workers Union. However the

two studies have not discussed the perceived influence of third party intervention in trade disputes. There is therefore need to do more research on the perceived influence of third party intervention by trade unions in trade dispute.

2.4 Perceived Influence of Third Party Intervention

Several theories of influence exist to explain social behaviour with regards to perception of issues. The theory of cognitive dissonance posits that people seek consistency in their lives hence are sensitive to contradictions and inconsistencies. Internal and external attribution are based on the cognitive dissonance theory with regards to consequences of failed persuasion (Kerr, 1992). The social influence theory centres on attitude, which is one's evaluative orientation towards a person, thing or idea. Persuasion involves changing people's attitudes with a goal of changing behaviour using non-coercive verbal influence (Cartwright, 1971). The social judgment theory purports that persuasion occurs at the end of the understanding process after a message has been passed. Thereafter, the individual compares what the message means with their position on the issue at hand. The position could be the most preferred one, based on alternatives available or the person's ego-involvement with the issue. (Joachim, 1992; Davis, 1982; Wagner, 1984)

With regards to perceived influence of third party intervention by trade unions in Kenya, their internal and external attributions have been formed over time based on their past experiences with third parties in trade dispute resolution. These past experiences are coupled with their take on their most preferred position on

matters raised in the trade dispute as well as the alternatives available and the leaders' ego-involvement that determines the public's perception of them. In most cases, third party intervention in Kakamega County has involved coercive verbal influence that has been taken in differently by trade unions. Thus, there is need to explore these influences with regards to perception in the dispute resolution process where third party intervention is sought.

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Introduction

This chapter provides the methodology of the study. It gives the specific procedures that will be followed in undertaking the study. The research design, target population, sample and sampling techniques, data collection methods and

data analysis are described in this chapter.

3.2 Research Design

This research design adopted was cross-sectional, descriptive survey of trade unions. This design enabled the researcher to determine the perceived influence of third party interventions in trade dispute resolution. The reason for using descriptive is able to determine and report the exact way in which variables are (Cooper & Scindler, 2007). The design is more relevant to this study because it made possible to draw conclusion about the variables without manipulating the respondents and hence allowed the measurement to be controlled.

3.3 Population

The population of the study consisted of trade unions in Kakamega County. There are 29 trade unions in the county and all of them were involved in the study; thus, it was a census survey. The study targeted at least two union officials in each of the unions. These officials thus comprised the target population thus a target of 58 officials.

3.4 Data Collection

The study collected primary data through semi structured questionnaires. The questionnaires were distributed to two (2) trade union officials from each trade union using the drop and pick method. Mugenda and Mugenda (2003) observed that, the pre-requisite to questionnaire design is definition of the problem and the specific study objectives. The study used questionnaires primarily due to their

practicability and applicability to the research problem. The questionnaires contained a mixture of open-ended and closed- ended questions. The respondents were also given options of checking several boxes and questions.

3.5 Data Analysis

The data collected was qualitative. This was first sorted for consistency and reliability before being subjected to the analysis. Inferential statistics was therefore used to make inferences about different perceptions held by trade unions about third party interventions in trade dispute resolutions. The analysis then moved to qualitative aspects where there was first a phrase analysis using frequency of different phrases in the responses. There was also a factor analysis to explore deeper into the perceptions and rank them based on the magnitude of their impact.

CHAPTER FOUR: DATA ANALYSIS FINDINGS AND DISCUSSION

4.1 Introduction

This chapter focuses on the data analysis and gives a detailed outlook of the data analysis as pointed out in chapter three with emphasis on the findings of

the analysis. The chapter first analyses the response rate and the demographic characteristics of the respondents to establish the credibility of the respondents thus validity of the study. This is followed by descriptive analysis of the study items in terms of mean and standard deviation.

4.2 Response Rate

All the questionnaires were returned however, five questionnaires were found invalid during the sorting thus a total of 36 questionnaires were used for the study making a response rate of 87.81%. Since this is within the 67% accepted threshold for a scholarly study (Baruch & Holtom, 2008), the analysis was carried out.

4.3 Demographic Characteristics of the Respondents

The demographic characteristics of the respondents was used to determine suitability for the study and designation, length of service, interactions with third parties, responsibilities in the said union and other responsibilities. Those officials with the long service in trade union movement were the ones who adequately responded on how they perceive the influence of third party intervention in trade dispute resolution. Because of their experience they were able to respond adequately.

4.3.1 Designation

Figure 4.1 Designation

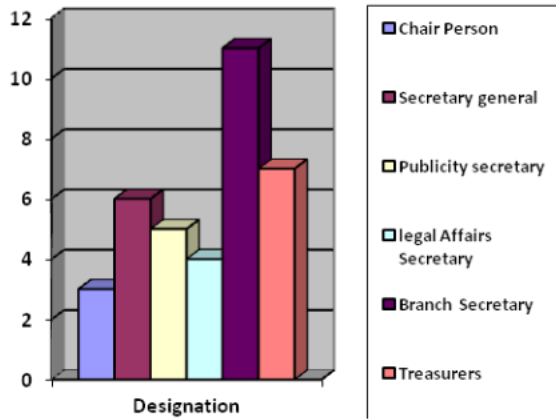


Table 4.1 Designation

Designation	Percentage
Chairperson	6
Secretary General	22
Publicity Secretary	18
Legal Affairs Secretary	12
Branch Secretary	32
Treasurers	10

Figure 4.2 and Table 4.1 above show that the respondents were drawn from all levels of the trade unions from chair persons, secretary generals, specialist secretaries and treasurers. The study used more chairpersons and branch secretaries as they are the technical officers in charge of the industrial relations.

This implies that the respondents were evenly spread among the designation with concentration on the active participants in the industrial relations processes.

4.3.2 Length of service

Figure 4.2 Length of service

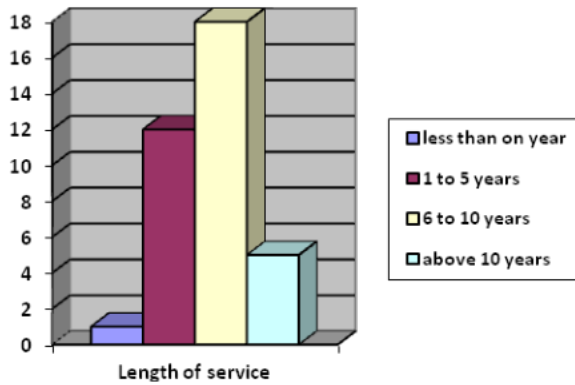


Table 4.2 Length of Service

Length (yrs)	Percentage
Less than one yr	4
1 – 5 yrs	30
6 – 10 yrs	55
Above 10 yrs	25

Figure 4.3 and Table 4.2 above show that only one respondent had stayed in the current designation for less than a year with a majority having taken between 1 to

above ten years. This then implies that the respondents had taken long enough in the organizations to respond adequately to the questionnaire items.

4.3.3 Experience in Trade Unionism

Figure 4.3 Experience in Trade Unionism

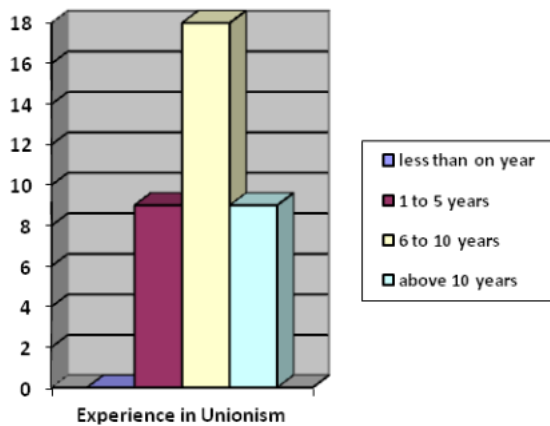


Table 4.3 Experience in Trade Unionism

Experience (yrs)	Percentage
Less than one yr	2
1 – 5 yrs	20
6 – 10 yrs	58
Above 10 yrs	20

Figure 4.4 and Table 4.3 above show that no respondent had taken less than one

year in trade unionism. Majority of the respondents had between 6 to 10 years and above 10 years of experience in trade unionism. This then implies that the respondents had enough grasp of industrial relations concepts to respond adequately to the study.

4.4 Quantitative Analysis

Quantitative analysis was done in terms of mean and standard deviation for the structured questionnaire items and results given in table 4.4 and 4.5 below.

4.4.1 Performance of Third Parties in Trade Dispute Resolution

Table 4.4 Performance of Third Parties in Dispute Resolution

	N	Mean	Std. Deviation
How adequately do third parties respond when trade unions report a trade dispute	36	3.3793	.72771
Success of third party intervention in Trade Union dispute Resolution	36	3.2759	.88223
Has your trade union adopted a third party intervention criterion in their most recent industrial conflicts	36	1.1786	.39002
Frequency that your union benefited from third party intervention	36	3.0000	1.13389
Quick resolution of the trade dispute by adoption of the third party intervention	36	1.3333	.51640
Valid N (listwise)	36		

Table 4.4 above shows that third parties somehow adequately responded whenever trade unions reported disputes, (mean 3.3793, standard deviation

0.72771), were fairly successful in resolving disputes reported to them by trade unions (mean 3.2759, standard deviation 0.88223), and that the unions somehow frequently benefited from third party intervention in dispute resolution (mean 3.00, standard deviation 1.13389). It also shows that more trade unions adopted third party intervention (mean 1.1786, standard deviation 0.39002) and that the third party intervention almost certainly led to quick resolution of disputes (mean 1.3333, standard deviation 0.51640).

4.4.2 Perceptions on Factors Leading to Third Party Success

Table 4.5 Perceptions on Factors Leading to Third Party Success

The third parties succeed because of the following factors	N	Mean	Std. Deviation
Empathy	36	2.7241	.64899
Neutrality	36	3.0000	1.06904
Skewdness	36	2.2759	.79716
Decision	36	2.8966	.77205
Assurance	36	3.0000	.88641
Establishment	36	3.0000	.88641
Location	36	3.2069	1.01346
Knowledgability	36	3.3448	.93640
Valid N (listwise)	36		

Table 4.5 above shows that the respondents rated the third parties good in knowledgability (mean 3.3448, standard deviation 0.93640), location (mean 3.2069, standard deviation 1.01346), establishment (mean 3.00, standard

deviation 0.88641), assurance (mean 3.00, standard deviation 0.88641), neutrality (mean 3.00, standard deviation 1.06904), decision (mean 2.8966, standard deviation 0.77209), and empathy (mean 2.7241, standard deviation 0.64899). It however shows that the respondents rated the third parties as fair in skewdness (mean 2.2759, standard deviation 0.79716)

This implies that the third parties are good in knowledgability, location, establishment, assurance, neutrality decision and empathy but fair in skewdness.

4.5 Frequency Analysis

Frequency analysis was used for the qualitative word analysis that sought to quantify the frequencies of particular phrases to the open ended questions and this is given in tables 4.6 to 4.10 below.

Table 4.6 Model Summary

	Reliance on third party	Key issues in the dispute	How third party intervention influenced the conflict	Effects of third party intervention
N Valid	31	36	34	35
Missing	5	0	2	1

Table 4.6 above shows that all the analyzed questionnaires responded to the item on key issues in the dispute, one did not respond on effects of third party intervention, two did not respond on item on how third party intervention influenced the conflict and five did not respond on item on reliance on third

parties in conflict resolution. Since these were within the negligible margins, the analysis on all the items was seen as valid.

4.5.1 Trade Union Reliance on Third Party to Resolve Disputes

Table 4.7 Trade Union Reliance on Third Party

	Frequency	Percent	Cumulative Percent
Valid	31	86.11	86.11
Adjudication	4	12.90	12.90
Arbitration	2	6.45	19.35
breaking stalemate	6	19.35	38.70
conciliation	5	16.2	54.90
expert opinion	3	9.67	64.57
Guidance on technical aspects	3	9.67	74.24
lack of trust	1	3.23	77.47
legal advice	4	12.9	90.37
mediation	3	9.67	100.00
Total	31	100.0	

Table 4.7 above shows that 19.35% of the cases that go for third party intervention involve stalemate in negotiations, 16.2 % conciliation, 12.9% adjudication, 12.9% involve seeking of legal advice, 9.67% expert opinion, 9.67% advice on technical issues 9.67% mediation, 6.45% arbitration and 3.23 due to lack of trust between the employer and the employee.

This thus implies that most of the disputes that reach third party intervention levels are involving stalemate in negotiations, conciliation, adjudication and seeking of legal advice. The ones that averagely reach this level involve expert opinion, advice on technical issues mediation and arbitration and the least cases reaching third party intervention involve lack of trust between employer and employees

4.5.2 Key issues in the trade dispute.

Table 4.8 Key Issues in Third Party Involvement

	Frequency	Percent	Cumulative Percent
Valid	36	100	100
breach of CBA	8	22.22	22.22
election dispute	3	8.33	30.55
Pay dispute	14	38.89	69.44
working conditions	11	30.56	100.0
Total	36	100.0	

Table 4.8 above shows that 38.89% of disputes reaching third party intervention were about pay disputes, 30.56% on working conditions, 22.22% on breach of CBA and 8.33% on election disputes

This implies that the unions most frequently take issues involving pay disputes, working conditions and breach of CBAs for third party intervention and rarely take issues of election disputes for third party intervention

4.5.3 Perceived Influence of third party intervention on the Trade Dispute Resolution

Table 4.9 Influence of Third Party Intervention of the Trade Dispute Resolution

	Frequency	Percent	Cumulative Percent
Valid	34	94.44	94.44
legal advice	18	52.94	52.94
peaceful solution	13	38.24	91.18
timely resolution	3	8.42	100.0
Total	34	100.0	

Table 4.9 above shows that 52.94% of the unions benefited from legal advice from the third parties, 38.24% benefited from peaceful resolutions and 8.42% benefited from timely resolutions.

This implies that the intervention of third parties benefited the unions and the employers by giving legal advice and leading to peaceful resolutions. It however shows that the matters that went for third party interventions did not lead to timely resolution.

4.5.4 The effects of third party Interventions to Trade Union

Table 4.10 The Effects of Third Party Interventions to Your Trade Union

	Frequency	Percent	Cumulative Percent
	35	97.22	97.22
enforcement of orders	5	14.29	14.29
legal understanding	4	11.43	25.72
neutrality	12	33.41	59.13
saving time,	1	2.86	61.99
bench marks	6	17.14	79.13
peaceful resolution,	4	11.43	90.56
enhance performance	3	8.57	100
Total	35	100.0	

Table 4.10 above shows that the adoption of third party intervention in industrial relations disputes led to neutrality in 33.41% of the cases, getting appropriate bench marks in 17.14% of the case, enforcement of order in 14.29% of the cases, legal understanding in 11.43% of the cases, peaceful resolution in 11.43% of the cases, enhancing performance in 8.57% of the cases and saving time in 2.86% of the cases.

This implies that the biggest strength of the third parties is neutrality followed by getting appropriate bench marks, enforcement of orders, legal understanding and peaceful resolution. There is however a slight challenge in the third party

intervention leading to enhanced performance. The most serious weakness in the third party intervention is the time taken to solve the disputes.

4.6.1 Total variance

Table 4.11 Total Variance

Component	Initial Eigenvalues			Extraction Sums of Squared Loadings		
	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %
1	4.310	30.784	30.784	4.310	30.784	30.784
2	2.237	15.976	46.760	2.237	15.976	46.760
3	1.566	11.187	57.947	1.566	11.187	57.947
4	1.112	7.945	65.892	1.112	7.945	65.892
5	.994	7.097	72.989	.994	7.097	72.989
6	.831	5.939	78.928	.831	5.939	78.928
7	.689	4.922	83.850	.689	4.922	83.850
8	.604	4.316	88.166	.604	4.316	88.166
9	.569	4.061	92.227	.569	4.061	92.227
10	.388	2.768	94.995			
11	.338	2.415	97.410			
12	.201	1.435	98.845			
13	.108	.775	99.620			
14	.053	.380	100.000			

Extraction Method: Principal Component Analysis.

Table 4.11 above shows that the analysis identified a total of 14 factors that identify the perceptions of trade unions on third party intervention in conflict

resolution. These factors were then listed in order of the magnitude to which they influence the outcome. However, the system eliminated factors whose influence was below 0.5 eigen value as this is seen as a weak correlation. This thus left 9 factors with strong influence on the identification of the perceptions of trade unions on third party intervention in conflict resolution. Factor 1 has the strongest influence with a 30.784 eigen value. That is followed by factor two up to factor 14 in that order.

4.6.2 Component Matrix

Table 4.12 Component matrix

	Component								
	1	2	3	4	5	6	7	8	9
B1	.870	-.138	.137	-.032	.032	-.048	.118	-.028	-.009
A4	.777	.148	-.012	-.089	.206	.055	.129	-.051	-.384
B2	.720	-.453	.060	.049	-.130	.178	-.308	-.027	.178
A3	.610	.023	-.323	-.215	.394	-.019	-.153	.459	.137
B3	.576	.266	-.434	-.003	-.005	-.219	-.118	-.415	.399
A6	.536	-.037	-.146	.406	-.500	-.247	.021	.398	.018
A2	.520	-.343	.323	.290	.111	-.515	.193	-.138	-.097
A10	.510	.115	.359	.445	.334	.318	-.342	-.062	-.085
C2	-.447	.311	.439	.296	.391	-.067	.217	.167	.373
B4	.399	.856	.133	-.002	.038	-.126	.060	-.029	-.040
A5	.396	.813	-.126	-.194	-.143	.107	.110	.052	-.022
A9	.372	.122	.654	-.114	-.444	.314	.123	-.005	.171
A8	.365	-.411	.360	-.640	.139	-.110	.115	.046	.115

	Component								
A7	.349	-.334	-.463	.246	.113	.420	.529	-.048	.099

Extraction Method: Principal Component Analysis.

a. 9 components extracted.

The table 4.12 above shows the nine components extracted that have a high influence on the perceptions of trade unions on third party intervention in conflict resolution. These factors have also been listed with the questionnaire items that they correspond to. The top shows factors 1 to 9 while the rows show the questionnaire items. This is then the factor used to identify the variables by identifying the commonalities in the test items they correspond to.

4.6.3 Component identification

Table 4.13 Component Identification

Component	Component name
1	Neutrality of third party
2	Legal knowledge
3	Wisdom
4	Formal power
5	Moral standing
6	Credibility
7	Accessibility
8	Fairness
9	Personality

The table 4.13 above shows that the third party derive their success and merit attention of trade unions based mostly on their perceived neutrality followed by

legal knowledge, wisdom, formal power, moral standing, credibility, accessibility, fairness and lastly personality. This implies that trade unions mostly prefer third parties that are seen to be neutral, have legal knowledge, are perceived to be wise have a higher formal power than both parties in the conflict, have high moral and ethical standing, are credible, accessible and are fair as well as have charisma.

4.7 Discussion of the findings

The quantitative analysis found out that more trade unions adopted third party intervention. This is in line with the findings of Dale et al (2012) that industrial relationship is fast leaving the hands of employers and employees and moving into the domain of third parties. This is contrasted with the earlier times when there was almost certainty of disputes being solved by employers and employees amicably raising no need for third party intervention (Miller 2003). The argument by Khan, (2007) that third parties are not very motivated to take up industrial relation issues is shown by the finding that the third parties responded averagely whenever trade unions reported disputes, Chesterman, (2005) attributes this to the rigorous nature of industrial relations disputes and the cunning nature of the lawyers both from the employer and employee with each trying to optimize and cede the least ground. This often puts the third party under constant strain in bringing the two parties together (Mbugua, 2011).

The study also determined that the third parties were fairly successful in resolving disputes reported to them by trade unions and that the unions

averagely benefited from third party intervention in dispute resolution. This is in agreement with Sifuna (2010) who says that in the Kenyan context, the efforts of the third parties are often frustrated by any party feeling dissatisfied leading to appeals and counter action by the parties. This is however countered by the fact that the third parties are considered knowledgeable, well located, established, give assurance to the parties, are neutral, make firm decisions and have empathy (Gathoga, 2011). They are however seen to lack skewdness thus often outwitted by the employers' lawyers impacting on their success, (Husnah *et al*, 2013).

The study also determined that most of the disputes that reach third party intervention levels are involving stalemate in negotiations, conciliation, adjudication and seeking of legal advice. The ones that averagely reach this level involve expert opinion, advice on technical issues, mediation and arbitration and the least cases reaching third party intervention involve lack of trust between employer and employees. This is however contrary to the findings by Fenn, (2002) who put election disputes, discipline and mediation on top of the list. This is explained by Amwayi (2015) who asserts that the recent legislations in the country and the rise of the government as an employer has with time empowered the employers and weakened the unions such that union positions are no longer major sources of conflicts and that the unions are under constant pressure by their members to give them better terms putting the core of union activity to better pay and better working conditions.

The factor analysis revealed that trade unions mostly prefer third parties that are

seen to be neutral, have legal knowledge, are perceived to be wise have a higher formal power than both parties in the conflict, have high moral and ethical standing, are credible, accessible and are fair as well as have charisma. This is in agreement with the assertion of Ojiambo (2012) that the third party choice is more based on perception and mostly neutrality and legal as well as technical knowhow.

CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The chapter deals with a summary of the findings as given in chapter two followed by a discussion of the findings in relation to the literature review as depicted in chapter two; followed by recommendations both for theory and practice and future studies; then finally a conclusion

5.2 Summary

The demographic characteristics of respondents showed that the respondents were evenly spread across the trade unions eliminating any possible bias, were evenly spread among the designation with concentration on the active participants in the industrial relation processes, had taken long enough in the organizations to respond adequately to the questionnaire items, had enough grasp of industrial relations concepts to respond adequately to the study.

The quantitative analysis found out that more trade unions adopted third party intervention and that the third party intervention almost certainly led to quick resolution of disputes. It also found out that third parties responded averagely whenever trade unions reported disputes, were fairly successful in resolving disputes reported to them by trade unions and that the unions averagely benefited from third party intervention in dispute resolution. In addition, it was seen that the third parties are good in knowledgability, location, establishment, assurance, neutrality decision and empathy but fair in skewdness.

It is also seen that most of the disputes that reach third party intervention levels are involving stalemate in negotiations, conciliation, adjudication and seeking of legal advice. The ones that averagely reach this level involve expert opinion, advice on technical issues mediation and arbitration and the least cases reaching third party intervention involve lack of trust between employer and employees.

Moreover, the study determined that the unions most frequently take issues involving pay disputes, working conditions and breach of CBAs for third party intervention and rarely take issues of election disputes for third party intervention and that the intervention of third parties benefited the unions and the employers by giving legal advice and leading to peaceful resolutions. It however shows that the matters that went for third party interventions did not lead to timely resolution.

The study also found out that the biggest strength of the third parties is neutrality followed by getting appropriate bench marks, enforcement of orders, legal

understanding and peaceful resolution. There is however a slight challenge in the third party intervention leading to enhanced performance. The most serious weakness in the third party intervention is the time taken to solve the disputes.

5.4 Recommendations for Policy and practice

Based on the findings of the study, the following recommendations are made:

First, the third parties should find ways of ensuring higher success in their intervention as the study showed that it is average. The areas of more serious concern as seen in the study is the speed of the resolution and the ability of the third parties to enforce the decisions arrived at in their presence. This would thus call for looking into the legislative and technical areas around the role of third party intervention into industrial relations to make it more successful.

The study also recommends for more structural engagements between employers and employees to avoid all issues going for third party intervention. This is from the fact that most of the issues making it to third party involvement stem from stalemates in the negotiation process. This can be avoided by both the employers and the employees willing to concede grounds and conclude the deliberation amicably without need for third party intervention given that it consumes time and resolution of conflicts through third party. Besides, it does not lead to increased performance as it indicates strained relationships between employers and employees especially where arbitration and conciliation is sought rather than mediation.

There is also a recommendation for the third parties to go more for mediation rather than arbitration and conciliation as most third parties are seen to go for the latter leading to more strained relationship between the major players in the industrial relationships.

5.5 Limitations of the study

Having the study based in Kakamega County it was not entirely to the whole country.

Given that the study has given preferred traits of third parties by employees through their unions, a similar study should be carried out among the employers such that there is a balanced perception of the third party intervention considering both unions' and employers' perception.

A study should also be taken to determine the institutions or kinds of individuals that meet these perceptions such that there is an established body of third parties for consistency and reliability in third party intervention. This is from the wide discrepancies seen in the responses as seen in the standard deviations above to show there is no standardized approach by third parties as each third party follows his or her intuition on the matter brought to attention.

Finally, there should be a quantitative study to determine the effect of third party intervention on the solution of industrial relation disputes and conflicts.

5.6 Suggestions for Further Research

The study has thus found the traits of third parties to industrial conflict resolutions that make them successful in solving these disputes. It however should not imply that the third parties should be the first option in conflict resolution as they do not do this in good time, do not create harmony in the work place and do not bring improvement in performance even after solving the conflicts. Employers and employees are thus better off engaging in dialogue to solve the conflicts between themselves without involving third parties and only taking that option when the conflict escalates to levels beyond the two of them. Since the research concentrated on perceived influence of third party intervention by trade unions, there is need for further research by the employers so as to get a comprehensive results.

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APPENDICES

Appendix 1: Letter of Introduction



UNIVERSITY OF NAIROBI
SCHOOL OF BUSINESS
KISUMU CAMPUS

Telegrams: "Varsity" Nairobi
Fax: 4181650
Kisumu, Kenya
Telex: 22095Varsity
Mobile: 0720348080
Email: ajaleha@uonbi.ac.ke

P.O Box 19134-40123
Kisumu, Kenya

Date: 15th October 2016

TO WHOM IT MAY CONCERN

The bearer of this letter Mr. George Imbaya Tsimuli

REGISTRATION NO: D61/78027/2015

The above named student is in the Master of Business Administration degree program. As part of requirements for the course, he is expected to carry out a study on **"Perceived Influence of Third Party Intervention in Trade Union Dispute Resolution by Trade Unions, Kakamega County, Kenya"**


He has identified your organization for that purpose. This is to kindly request your assistance to enable him complete the study.

The exercise is strictly for academic purposes and a copy of the final paper will be availed to your organization on request.

Your assistance will be greatly appreciated.

Thanking you in advance.

Sincerely,


ALEX JALEHA

CO ORDINAOTR, SOB, KISUMU CAMPUS

15 OCT 2016

Cc File Copy

Appendix II: Research Questionnaire

Kindly answer the following questions by ticking in the appropriate box or filling the spaces provided.

Part A: General information

1. Name of your trade union _____

2. What is your designation? _____

3. What is your total work experience in years?

Less than a year []

Between 1 and 5 years []

Between 6 and 10 years []

Above 10 years []

4. What is your length of time in the trade union?

Less than a year []

Between 1 and 5 years []

Between 6 and 10 years []

Above 10 years []

Part B: Third Party Intervention

5. In your view, how can trade unions rely on third parties to resolve their disputes?

6. How adequately do third parties respond when trade unions report a trade dispute? (Rate the items in the box below: 5= very adequately, 4= fairly adequately, 3= adequately, 2= poorly and 1=very poorly.)

Very adequately	Fairly Adequately	Adequately	Poorly	Very Poorly

7. a) How would you rate the following aspects with respect to third parties in the process of trade dispute resolution? (Rate the items in the box below: 5= excellent, 4= very good, 3= good, 2= fair and 1=poor)

Aspect	5	4	3	2	1
Empathy					
Neutrality					
Skewdness					
Indecision					
Assurance					
Establishment					
Office location					

Knowledgeability					
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b) How do you rate the success of third party intervention in Trade Union dispute?

5	4	3	2	1

c) How Frequent has your union benefited from third party intervention? (Rate in the box below: 5= very frequently, 4= fairly frequently, 3= frequently, 2= minimally and 1=not at all.)

5	4	3	2	1

8. Has your trade union handled any industrial conflicts in the recent past?

Yes No

9. Has your trade union adopted a third party intervention criterion in their most recent industrial conflicts?

Yes No

10. How many trade disputes are settled through third party intervention in your union:

In one week []

In one month []

In a year []

11. If the answer is yes, kindly state the name of the third party and the key issues in the trade dispute.

.....
.....
.....

12. Did the adoption of the third party lead to a quick resolution of the trade dispute in your trade union?

Yes No

i. If your answer is yes, please explain how it influenced the conflict?

.....
.....

If your answer is no, please explain how it influenced the conflict?

.....
.....
.....


13. Which are the effects of third party interventions to your trade union?

a).....

b).....

c).....

Appendix III. List of Trade Unions in Kakamega County


REPUBLIC OF KENYA
MINISTRY OF EAST AFRICAN COMMUNITY, LABOUR AND SOCIAL PROTECTION
Department of Labour

Telephone: 056-30739
When replying, please quote
REF NO. MLSS/KAK/TU7/VOL4

COUNTY LABOUR OFFICE
P.O. BOX 165
KAKAMEGA

Date: 11th August, 2016

TO WHOM IT MAY CONCERN

Appended here below please find a list of registered trade unions in Kakamega County:

1. Kenya Plantation and Agricultural Workers Union - Nyanza/Western
2. Kenya Union of Commercial Food and Allied Workers
3. Kenya Union of Sugar Plantation and Allied Workers – Mumias Cane Transporters
4. Kenya Union of Sugar Plantation and Allied Workers – Mumias Sugar Branch
5. Kenya Union of Sugar Plantation and Allied Workers – Butali Sugar Branch
6. Kenya Union of Domestic, Hotel, Education Institutions and Allied Workers
7. Kenya Building & Construction, Timber, Furniture Industries Employees Union
8. Kenya National Union of Teachers – Butere Branch
9. Communication Workers Union
10. Kenya National Union of Teachers – Lugari Branch
11. Kenya National Union of Teachers – Kakamega South Branch
12. Kenya National Union of Teachers – Kakamega Central Branch
13. Kenya National Union of Teachers – Mumias Branch
14. Kenya National Union of Teachers – Kakamega East Branch
15. Kenya National Union of Teachers – Kakamega North Branch
16. Kenya National Union of Teachers – Kakamega County
17. Kenya National Union of Teachers – Western Regional Council
18. Kenya National Private Security Workers Union – Kakamega Branch

19. Kenya Union of Post Primary Education Teachers
20. Kenya University Staff Union – MMUST Chapter
21. University Academic Staff Union – MMUST Chapter
22. Kenya Medical Practitioners and Dentist Union
23. Kenya National Union of Nurses – Kakamega County Branch
24. Kenya County Government Workers Union
25. Union of Kenya Civil Servants
26. Kenya Hotel and Allied Workers Union
27. Kenya Scientific Research International and Institutions Workers Union
28. Kenya Union of Water and Sewerage Employees
29. National Union of Shops, Retailers and General Merchants Workers*


COUNTY LABOUR OFFICER
KAKAMEGA COUNTY
H. Bahati
For: County Labour Officer.
KAKAMEGA