

**A SURVEY OF PERCEPTION OF MEMBERS OF THE USE OF
INDUSTRIAL ACTION IN RESOLVING LABOUR DISPUTES
AMONG SELECTED TRADE UNIONS IN THE EDUCATION
SECTOR IN KISUMU COUNTY**

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**A Management Research Project Submitted in Partial Fulfillment of the
Requirement for the Award of the Degree of Master of Business
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DECLARATION

This Management Research Project is my original work and has not been presented for award of a degree in the University of Nairobi or any other University.

Signed í í í í í í í í í í í í í í í í í í . Date í í í í í í í í í í í í

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This Management Project has been submitted for examination with my approval as University Supervisor.

Signed í í í í í í í í í í í í í í í í í í . Date í í í í í í í í í í í í ...

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DEDICATION

This Management Project is dedicated to my late father, Julius Tertius Ouma, whose belief in the power of education has lived in me up to this day, and my late mother Helen Akeyo Lamba, whose perseverance and humility motivated me.

ACKNOWLEDGEMENT

I am grateful to God for seeing me through the entire period of my study and research project.

I owe my supervisor Mr. George Omondi special thanks for his immeasurable support and guidance. His positive criticism greatly enhanced and enriched this study. His uncompromising stance on quality and detail greatly motivated me.

Special thanks go to my Human Resource Seminar course instructor Professor Peter KØObonyo of the University of Nairobi for recognizing and appreciating the effort I gave the course thereby inspiring me to further my studies.

Lastly, my deep gratitude goes to my family, friends and well-wishers for the belief they have in me.

ABSTRACT

The use of industrial action by workers in the education sector in settling disputes with their employers is a common occurrence in Kenya. This study examined the perception of members of the use of industrial action in resolving labor disputes among selected trade unions in the education sector in Kisumu County. Descriptive survey research design was used to study the perception of 200 members of trade unions in the education sector using stratified random sampling method. The data collection instrument was a self administered semi structured questionnaire and the responses were analyzed using descriptive statistics.

The main causes of industrial action in the education sector include demand for better salary and welfare and failure to honor collective bargaining agreements by the employers. Sack threats made to employees during an industrial action are never implemented. This has made employees immune to such threats and so do not adhere to them. Industrial action also causes harm to innocent learners leading to their poor performance.

As an effort to avert industrial actions, the employer should adopt a more proactive approach to managing crisis situations through a collective bargaining and effective negotiation. The employers in the education sector should incorporate employees or their unions on issues pertaining to their welfare to help avert industrial actions. The employer should also try as much as possible to honor collective bargaining agreements reached between them and the employees in order to avert the recurrence of industrial actions.

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CHAPTER ONE: INTRODUCTION

1.1 Background

Employees occupy a very strategic place in an organization because of their centrality to the production process. They contribute a very indefinable role both in the achievement of various organization goals and objectives as well as the government economic program. However, for employees to perform their crucial role effectively and efficiently there must exist a strong cordial relationship between the employer and employee of such organizations. Although conflict in an organization is inevitable, it must be noted that friction between employer and the employee must be reduced through a vibrant collective bargaining process to ensure smooth operation in the business of the organization (Harcourt and Wood, 2004). Employment relations describe how the management and the employees of a company interact with each other. It includes processes, procedures and channels of communication; the employment policies and practices; the development, negotiation and application of formal systems, rules and procedures for collective bargaining, handling disputes and regulating employment; and policies and practices for employee involvement and communications (Godard, 2011).

Employment relations face many challenges such as narrow focus by the employees who simply see their managers as someone who tells them what to do rather than as a facilitator that can help the employee achieve their own professional goals as well as bring the company to a point where it reaches the goals of the business (Buttigieg, 2008). Inflexibility to creativity by employers can cause strife between the employees and management of the business. Employers that allow employees to participate in running

the company by allowing suggestions and feedback from the employees and even empowering employees to take on more responsibility for the route the business takes, typically enjoys a more successful business environment (Osewe, 2011). Also, many employees believe there is a great divide that exists between them and the management of the company. This division between the two groups of a business can cause a myriad of issues such as industrial actions and the required intervention of trade and labor unions.

1.1.1 Labor disputes

A labor dispute is a controversy between an employer and its employees regarding the terms (such as conditions of employment, fringe benefits, hours or work, tenure, wages) to be negotiated during collective bargaining, or the implementation of already agreed upon terms (Barling, et al., 2007). The causes of labor disputes can be broadly classified into two categories namely economic and non-economic causes. The economic causes include issues relating to compensation like wages, bonus, allowances, and conditions for work, working hours, leave and holidays without pay, unjust layoffs and retrenchments. The non economic factors include victimization of workers, ill treatment by staff members, sympathetic strikes, political factors and indiscipline.

Parties to a labor dispute normally seek to find mutually acceptable solutions to both individual and collective problems during an industrial dispute (Gitonga, 2011). The dispute may be settled through collective bargaining or arbitration. Collective bargaining involves discussions and negotiations on the basis of mutual give and take for settling the grievances. It is accompanied by signing of a formal agreement or an informal understanding in the event that negotiations result in mutual satisfaction and fulfilling

each other's demands. When collective negotiations reach a deadlock, the parties themselves may call in third persons to help interpret the view point of one party to the other, in an attempt to arrive at an agreement (Waswa & Katana, 2008). Bargaining with the help of the third party is generally called conciliation or mediation. Conciliation and mediation machinery consists of personnel trained in the art of negotiating disputes. The conciliator explains the stand and the view- points of one party to the other, convey messages and generally keeps the negotiation going. Suggestions may come from the conciliator but the parties are free to accept or reject them. The government under some conditions may decide to refer the dispute to arbitration and force the parties to abide by the award of the adjudicator and at the same time, prohibit the parties from causing work-stoppages. Usually the adjudicators are drawn from the judiciary. The longer a dispute continues, the more likely it is that people will become fixed in their positions. If discussions appear to be unproductive members will need to consider the possibility of an industrial action.

1.1.2 Industrial action by trade unions

The unpleasant side of industrial relation and on which the public often associate trade unions are industrial actions. Industrial action is a sign of a breakdown of cordial relationships between staff and employer. According to Waswa and Katana (2008), industrial actions represent the climax of unresolved conflicts between employers and employees. Most industrial actions involve attempts by the union to change the bargaining power of the other party. When an industrial action is adequately used for the demand of the employees, it can force employers to concede to their demands. It can

impose exorbitant costs and thereby induce them to reach an agreement. According to Cramton (2003), one is regarded as being engaged in industrial action if he/she decides to do something which restricts/limits or delays the performance of work in an organization. This may therefore include actions such as strikes, work stoppages, bans and other restrictions but not including picketing, blockading or similar conduct. Trade unions in Kenya have always called upon their members to take to industrial actions to press for their demands.

According to Bowry (2011), industrial action covers a range of types of action where employees, with or without trade union support, take action in concert to pressurize an employer to do or refrain from doing something. The actions can either be overt or covert. Overt industrial action is highly visible, direct and aimed at gaining maximum awareness. It is well organized by unions. They include picketing, strikes, go-slow and work-to-rule.

Picketing is where employees form a line preventing other employees, contract labor or suppliers from entering the workplace. During strikes, workers enjoy the right to peaceful picketing which is the marching to and fro before the premises of an establishment involved in a labor dispute, generally accompanied by the carrying and display of signs, placards or banners with statements relating to the dispute (Clottey, 2011). When a legal strike or lockout is in progress, the law allows employees to picket. The purpose of picketing is to exert pressure on the employer by persuading other people not to do work for, or do business with, the employer (Godard, 2011).

Strikes occur when employees withdraw their labor. Legal strike is one called for a valid purpose and conducted through means allowed by law. Illegal strike is one staged for a purpose not recognized by law, or if for a valid purpose, conducted through means not sanctioned by law (Bowry, 2011). Economic strike is one staged by workers to force wage or other economic concessions from the employer which he is not required by law to grant (Godard, 2011). Unfair labor practice strike is one called to protest against the employer's acts of unfair labor practice, including gross violation of the collective bargaining agreement (CBA) and union busting (types of industrial action 2010). Wildcat strike is one declared and staged without filing the required notice of strike and without the majority approval of the recognized bargaining agent. Sit down strike is one where the workers stop working but do not leave their place of work (Ombati and Otieno, 2011).

Work-to-rule is an industrial action in which employees do no more than the minimum required by the rules of their contract, and follow safety or other regulations to the letter to cause a slowdown rather than to serve their purpose (Godard, 2011). This is considered less disruptive than a strike or lockout; and just obeying the rules is less susceptible to disciplinary action. Examples may include refusing to answer telephones, refusal to work overtime, travel on duty or sign up to other tasks requiring employee assent are other manifestations of using work-to-rule as industrial action.

A slowdown, also known as a 'go-slow', is an industrial action in which employees perform their duties but seek to reduce productivity or efficiency in their performance of these duties. Striking workers usually go unpaid and risk being replaced, so a slowdown

is seen as a way to put pressure on management while avoiding these outcomes. A rule book slow down refers to the "rule books" that govern workers' actions, usually either for safety or quality purposes (Adebimpe, et al., 2010). In practice, many rules are loosely interpreted in the interest of efficiency. A union seeking to employ a slowdown tactic may take advantage of these common rule oversights by having workers obey each and every rule to the fullest extent, which consequently will greatly reduce productivity. Slowdowns are related to but can be distinguished from work-to-rule, in which workers refuse to perform more than their required duties. Covert action on the other hand is used to refer to a situation where industrial action is carried out in such a manner that it is masked or disguised as some other form of conduct that has to be regarded as permissible. Covert action may include; exclusion from decision making, labor turnover, sabotage and absenteeism (Freshfields, 2010).

1.1.3 Concept of Perception

Perception (also known as social perception) has been defined in a variety of ways since its first usage (Anami, 2011). Perception is defined as an act of being aware of one's environment through physical sensation in the layman's perspective. This denotes an individual's ability to understand. Many social psychologists however, have tended to develop the concept around one of its most essential characteristics that the world around us is not psychologically uniform to all individuals (Olick and Jakaa, 2011). This is the fact that accounts for the difference in the opinions and actions of individuals or groups that are exposed to the same social phenomenon.

According to Nelson & Quick (1997) social perception is the process of interpreting information about another person. They argue that the opinions you form about another person depends on the amount of information available to you and the extent to which you are able to correctly interpret the information you have acquired. In other words, you may be in possession of the same set of information that other people have on a particular situation, person or group but still arrive at different conclusions due to individual differences in the capacity to interpret the information that you all have.

Rao & Narayan (1998) emphasize that perception is the process whereby people select, organize, and interpret sensory stimulations into meaningful information about their work environment. According to them, perception is the single most important determinant of human behavior, stating further that there can be no behavior without perception. Though focusing on managers in work settings, Rao & Narayan (1998) draw attention to the fact that since there are no specific strategies for understanding the perception of others, everyone appears to be left with his own inventiveness, innovative ability, sensitiveness and introspective skills to deal with perception.

From a third perspective social perception refers to constructing an understanding of the social world from the data we get through our senses (Michener, De Lamater & Myers, 2004). Thus, perception refers to the process by which we form impressions of other people's traits and personalities. Accordingly members' perception is the way workers select, organize and interpret the consequences of the industrial action they have taken, in a bid to develop a justification to take part or not in subsequent ones in future. Their

perception may in future lead to strikes being called off by trade unions, or slow kick-off of an industrial action, due to lack of cooperation by members

1.1.4 Trade Unions in Kisumu County

Trade unions are essentially associations or organization brought together by labor workers to deal with problems faced by laborers, which may be of any nature such as those concerning the pay, unfair work rules, timings and so on (Harcourt and Wood, 2004). In Kenya, the umbrella body for all trade unions is the Central Organization of Trade Unions (COTU), which has its headquarters in Nairobi and branches spread all over the country. Employees who choose to form staff associations do not benefit from the legal stature enjoyed by trade unions. There is little government intervention in the administration either of COTU or individual unions, although there is significant control over their structure and the settlement of industrial disputes through the Ministry of Labor (Bowry, 2011). Some of the challenges currently facing trade unions in Kenya include; declining union density, diminishing power and authority to bargain for their members, increasing levels of unemployment, technological innovation, increasing awareness among members of their rights, lack of funds, and mismanagement by union leaders.

Kisumu city which is within Kisumu County is the third largest town in Kenya and an administrative centre for western part of Kenya. It has the same political, social and economic characteristics as the other cities in the country. Industrial activities taking place in Kisumu County are therefore a representation of trade union activity in the rest of the country. Kisumu County comprises three districts namely Kisumu West, Kisumu

East and Nyando. Trade unions in Kisumu County are mainly branches of the main trade unions whose headquarters are based in various parts of the country. The headquarters of COTU is in Tom Mboya Labor College in Kisumu East district. Workers in Kisumu County have always taken industrial actions to demand higher wages in the face of spiraling inflation precipitated by run-away prices of consumer commodities (Oduor, 2011). Major industrial actions taken by workers in the education sector in Kisumu County in the last few years have ended up with either empty promises, weak concessions between the government and workers' representatives or outright defeat, leaving workers demoralized and hopeless (Clotney, 2011). These factors have led to reduced union density, lack of confidence and the eventual collapse of industrial action activity in Kisumu County (Oduor, 2011).

There has been significant decline in response to calls for industrial actions by members of trade unions in the education sector. Lack of confidence in the ability of the union to push for members' demands has made it impossible for members to take part in industrial actions called by their union. An example is Kenya Union of Post Primary Education Teachers (KUPPET) which had to call off a strike the following day due to poor response by members as some felt that their union was not strong enough to push for their demands. The timing of the industrial action also hampers efforts by their members to take to industrial actions as some members feel that they will lose on the peak of the festive season (Orengo, 2011). Trade unions' actions are also viewed as immoral by the members since they cause suffering to the public and deny them of essential services such as healthcare and education. Trade unions in Kisumu County such as University Academic Staff Union suffered a blow when some of the members refused to take up

industrial actions called by their union arguing that they did not want to defy the management (Muindi, 2011). Many trade union members in the education sector also do not agree with their leaders' calls to take to industrial action since they feel that they will be compromised. An example is the teachers' strike in 2002 where members insisted that their strike was still on after it had been called off the previous day by Kenya National Union of Teachers. They felt that their leaders had been compromised to call off the strike.

1.2 Statement of the problem

Industrial action involves the adoption of a practice in relation to work by an employee, the result of which is a restriction or limitation on, or a delay in, the performance of the work (Osewe, 2011). Industrial actions provide a meaningful voice for employees to express their concerns, though at times they yield very little results or none at all. Trade unions have always called upon their members to take to industrial actions to demand higher wages, and to agitate for healthy working conditions among other reasons. Members on the other hand perceive the use of industrial action in resolving labor disputes differently (Adebimpe et al., 2010). The activities involved during an industrial action may lead to mixed feelings among members of trade unions as some may be perceived by members as not effective in addressing their demands (Oduor, 2011).

The recent past has witnessed a number of industrial actions called by trade unions on their members. However there has been a decline in response to calls by trade unions in the education sector in Kisumu County by their members to take to industrial action (Osewe, 2011). Major industrial actions taken by employees in the education sector in

Kisumu County in the last few years have ended up with empty promises, weak concessions between the government and workers' representatives or outright defeat (Clotney, 2011). These have the potential of affecting the confidence trade union members have always entrenched in the use of industrial action as a tool for resolving labor disputes leading to mixed feelings about its effectiveness in resolving labor disputes.

There have been empirical studies to determine the perception of members of the use of industrial actions including those of Bryson (2003) who looked at union effectiveness in delivering for employees; Waswa and Katana (2008) looked at academic staff perspectives on operating beyond industrial actions for sustainable quality assurance in public universities in Kenya; Buttigieg, Deery and Iverson (2008) attempted to identify the factors affecting the willingness of union members to take industrial action; and Godard (2011) conducted an analysis to determine reasons for the rise and decline of strike activity and its unevenness across nations. None of the above studies focused on the perception of members of the use of industrial action in resolving labor disputes in the education sector in Kisumu County. This leads to the question; how do members of trade unions perceive the use of industrial action in addressing their grievances? This study therefore seeks to address the knowledge gap.

1.3 Objective of the study

To determine the perception of members of the use of industrial action in resolving labor disputes among selected trade unions in the education sector in Kisumu County.

1.4 Value of the study

The research findings of this study will be beneficial to various stakeholders including the following; administrators of various unions, employers, trade union members and researchers.

To the administrators of the various trade unions, this study will give a clear picture of how their members view the industrial actions they are called upon to take. On this basis, the unions will device better and effective means of addressing members' grievances.

To the employers, this study will be of much importance in bargaining for better terms for employees. It will help them determine whether to give in to the union demands in the wake of an eminent industrial action or not.

To the union members, this study will help in determining whether to take part fully in an industrial action or not to. This will mainly depend on the previous results yielded by taking to industrial action in an attempt to address members' grievances

The perception of members of the use of industrial action is an area understudied. This study expects to make significant contribution to the growing body of knowledge in the area of industrial disputes. It is anticipated that the study will be used as a source of research by other scholars.

CHAPTER TWO: LITERATURE REVIEW

2.1 Industrial conflict and dispute resolution

Trade Unions and management tend to have opposite views because of the divergence between the expectations of management and labor in organizations which often leads to conflicts. Bryson (2003) holistically defined industrial conflict as all expressions of dissatisfaction within the employment relationship especially those pertaining to the employment contract and effort bargain. He expatiated further that it includes formal expressions of conflict, organized along the lines of trade unions and employers associations as well as the informal conflict that lack systematic organizations such as covert grievances that may be expressed in the form of industrial sabotage, absenteeism, or lateness. Orengo (2011) defined it as the inability of two conflicting bodies to reach agreement on any issue connected with object of industrial interaction, whether or not, this conflict results into an industrial action. He added that the fact that there is no sign of overt conflict in a given period does not mean other forms of industrial conflicts are not occurring.

A labor dispute is a controversy between an employer and its employees regarding the terms and conditions of employment (Barling, et al., 2007). The dispute may be settled through collective bargaining which involves discussions and negotiations on the basis of mutual give and take for settling the grievances accompanied by signing of a formal agreement or an informal understanding in the event that negotiations result in mutual satisfaction and fulfilling each other's demands (Bryson, 2003). When collective negotiations reach a deadlock, the parties themselves may call in third persons.

Bargaining with the help of the third party is generally called conciliation or mediation where suggestions come from the conciliator but the parties are free to accept or reject them. (Waswa & Katana, 2008). The government under some conditions may decide to refer the dispute to arbitration and force the parties to abide by the award of the adjudicator who are usually drawn from the judiciary. The longer a dispute continues, the more likely it is that people will become fixed in their positions. If discussions appear to be unproductive members will need to consider the possibility of an industrial action.

2.2 Industrial action

Whenever there is an industrial dispute, trade unions seek to find mutually acceptable solutions to both individual and collective problems. If discussions appear to be unproductive members will need to consider the possibility of an industrial action. According to Waswa & Katana (2008), industrial actions represent the climax of unresolved conflicts between employers and employees. It is a sign of a breakdown of relationships between staff and employer. Industrial action is generally, but not always, a last resort for unions and is used when collective bargaining avenues have been exhausted. According to Coon (1998), an industrial action is a weapon used by trade unions and other labor associations to get the demands of their members accepted. He argues that industrial action involves quitting of work by a group of workers for the purpose of bringing the pressure on their employer so that their demands get accepted. When workers collectively cease to work in a particular industry, they are said to have taken an industrial action.

According to Cramton & Tracy (2003), an industrial action is a cessation of work by a body of persons employed in an industry acting in combination; or a concerted refusal of any number of persons who are or have been so employed to continue to work or to accept employment; or a refusal under a common understanding of any number of such persons to continue to work or to accept employment. This definition throws light on a few aspects of the action. Firstly, an industrial action is referred to as stoppage of work by a group of workers employed in a particular industry. Secondly, it also includes the refusal of a number of employees to continue work under their employer. Wood & Brewster (2006) argue that industrial action involves a group of workers who have agreed to stop working to protest against something they think is unfair at their place of work. Workers withhold their services in order to pressurize their employment or government to meet their demands. Demands made by the workers can range from asking for higher wages or better benefits to seeking changes in the workplace environment. A union will enjoy statutory immunity where the industrial action is in contemplation of furtherance of a trade dispute and the union has complied with complex statutory balloting and notification requirements (Freshfields 2010).

2.3 Types of industrial action

Industrial action is variously described as official, unofficial and protected. Official industrial action is industrial action endorsed by a trade union in circumstances where the union has complied with statutory balloting and notification requirements (Freshfields 2010). Industrial action organized under the statutory rules is protected. Industrial action may be official but not protected (namely where the action is endorsed by the trade union

but where necessary requirements are not met). Unofficial industrial action is where the requirements outlined above are not met. According to Bowry (2011), industrial action covers a range of types of action where employees, with or without trade union support, take action in concert to pressurize an employer to do or refrain from doing something. Overt Industrial action is highly visible, direct and aimed at gaining maximum awareness and is well organized by unions. They include, picketing, strikes, bans and work-to-rule.

Picketing is where employees form a line preventing other employees, contract labor or suppliers from the entering the workplace. During strikes, workers enjoy the right to peaceful picketing which is the marching to and fro before the premises of an establishment involved in a labor dispute, generally accompanied by the carrying and display of signs, placards or banners with statements relating to the dispute (Clottey, 2011). When a legal strike or lockout is in progress, the law allows employees to picket. The purpose of picketing is to exert pressure on the employer by persuading other people not to do work for, or do business with, the employer (Godard, 2011). However, a picket line must be peaceful and cannot be used to forcibly prevent people from entering an employer's premises.

Strikes occur when employees withdraw their labor. It could be a particular site or the industry. Legal strike is one called for a valid purpose and conducted through means allowed by law while illegal strike is one staged for a purpose not recognized by law, or if for a valid purpose, conducted through means not sanctioned by law (Bowry, 2011).

Economic strike is one staged by workers to force wage or other economic concessions from the employer which he is not required by law to grant (Godard, 2011). Unfair labor

practice strike is one called to protest against the employer's acts of unfair labor practice, including gross violation of the collective bargaining agreement (CBA) and union busting (types of industrial action 2010). Wild-cat strike is one declared and staged without filing the required notice of strike and without the majority approval of the recognized bargaining agent. Sit down strike is one where the workers stop working but do not leave their place of work (Ombati and Otieno, 2011).

Bans occur when employees continue to work but refuse to perform certain tasks. Bans and limitations may be imposed for similar reasons as strike action but the industrial point is made without stopping work altogether. There may be bans on overtime, or limits placed on the amount of overtime workers will do, thus disrupting employer scheduling. Work-to-rule is an industrial action in which employees do no more than the minimum required by the rules of their contract, and follow safety or other regulations to the letter to cause a slowdown rather than to serve their purpose (Godard, 2011). This is considered less disruptive than a strike or lockout; and just obeying the rules is less susceptible to disciplinary action. Examples may include refusing to answer telephones, refusal to work overtime, travel on duty or sign up to other tasks requiring employee assent are other manifestations of using work-to-rule as industrial action.

A slowdown, also called a 'go-slow', is an industrial action in which employees perform their duties but seek to reduce productivity or efficiency in their performance of these duties. A slowdown may be used as either a prelude or an alternative to a strike, as it is seen as less disruptive as well as less risky and costly for workers and their union. Striking workers usually go unpaid and risk being replaced, so a slowdown is seen as a

way to put pressure on management while avoiding these outcomes. A rule book slowdown refers to the "rule books" that govern workers' actions, usually either for safety or quality purposes (Adebimpe, et al., 2010). In practice, many rules are loosely interpreted in the interest of efficiency. A union seeking to employ a slowdown tactic may take advantage of these common rule oversights by having workers obey each and every rule to the fullest extent, which consequently will greatly reduce productivity. Slowdowns are related to but can be distinguished from work-to-rule, in which workers refuse to perform more than their required duties.

Covert action is used to refer to a situation where industrial action is carried out in such a manner that it is masked or disguised as some other form of conduct that has to be regarded as permissible. For example, employees can use mass resignation in order to exert pressure on the employer in a dispute situation, while the employer can impose a layoff, or at least threaten to do so, for a similar purpose. They may also include; exclusion from decision making, labor turnover, sabotage and absenteeism (Freshfields, 2010). Deliberately slowing down the pace of work, working to rule and refusing to work overtime are other possible forms of covert industrial action. However, if the real purpose of the party acting in such ways is to pressurize the other party regarding matters relating to terms and conditions of employment the situation is deemed to constitute actual industrial action.

2.4 The Concept of Perception

The perceptual process operates regularly between us and reality through three well established perceptual mechanisms namely; selection, organization and interpretation

(Robbins, 2005). He argues that the key to understanding perception is to recognize that it is a unique interpretation of the situation, not an exact recording of it. The process of perceptual selection occurs because the perceiver cannot absorb everything that he/she observes about an individual or group of people. Perceptual organization on the other hand refers to the way in which the perceiver organizes the information he receives into meaningful pictures to the perceiver. Perceptual interpretation is a process undertaken to create meaning out of the perceived world. Interpretation is a subjective and judgmental process. Interpretation is influenced by factors such as halo effect, stereotyping, attribution, impression and inference.

Like most concepts within the social science disciplines, perception (also referred to as social perception) has been defined in a variety of ways. From the lay man's perspective, perception is defined as an act of being aware of one's environment through physical sensation, which denotes an individual's ability to understand (Raduan, Naresh, & Kumar, 2008). However, many social psychologists have tended to develop the concept around one of its most essential characteristics that the world around us is not psychologically uniform to all individuals (Olick and Jakaa, 2011). This is the fact, in all probability, that accounts for the difference in the opinions and actions of individuals or groups that are exposed to the same social phenomenon. According to Nelson and Quick (1997), perception is the process of interpreting information about another person. This may mean that, one can be in possession of the same set of information that other people have on a particular situation, person or group but still arrive at different conclusions due to individual differences in the capacity to interpret the information that you all have. Workers perceive differently the use of industrial action as some get to work even before

the strike is called off as was with the case of the nurses' strike in Kenya where some members felt mercy for the sick and attended to them when an industrial action was on.

According to Rao and Narayan (1998) argue that perception is the single most important determinant of human behavior, stating further that there can be no behavior without perception. If workers receive a pay rise as a result of an industrial action they undertook, then they will perceive it as the best method and will participate in any other called with a lot of energy contrary to if it did not yield to their demands. According to Michener, De Lamater and Myers (2004), perception refers to constructing an understanding of the social world from the data we get through our senses. Thus, perception refers to the process by which we form impressions of other people's traits and personalities. In this context employees may feel that industrial actions cause more harm than benefit to the general public and therefore opt out of it.

Rao and Narayan (1998) summarized the elements of the concept of perception as follows: our attention, feelings and the way we act are influenced by our environment; perception helps you to gather data from your surroundings, process the data and make sense out of it; in perception it is sometimes difficult to separate the information from the action; It is basically a process of gaining mental understanding, and that perception guides the perceiver in harnessing, processing and channeling relevant information towards fulfilling the perceiver's requirements.

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Research design

Descriptive survey research design was used. The design enabled rapid data collection since members of all the trade unions in the education sector in Kisumu County were targeted.

3.2 Population

The target population consisted of all the 9,618 members of Kenya National Union of Teachers, Kenya Union of Post Primary Education Teachers, Kenya Union of Domestic, Hospitals Educational Institutions, Hotels and Allied Workers and Universities Academic Staff Union in Kisumu County. All the trade unions have their branches in Kisumu County.

Table 1: Trade Union Membership in Kisumu County

TRADE UNION	DISTRICT	NUMBER OF MEMBERS
KNUT	KISUMU EAST	1950
	KISUMU WEST	840
	NYANDO	2500
KUPPET	KISUMU EAST	632
	KISUMU WEST	321
	NYANDO	1800
UASU	KISUMU EAST	950
	KISUMU WEST	220
	NYANDO	98
KUDHEIHA	KISUMU EAST	562
	KISUMU WEST	256
	NYANDO	389
TOTAL		10518

3.3 Sample

Three trade unions namely Kenya National Union of Teachers, Kenya Union of Post Primary Education Teachers, Kenya Union of Domestic, Hospitals Educational Institutions, Hotels and Allied Workers and Universities Academic Staff Union respectively were considered. Using the sample size calculation for population of less than ten thousand, a sample of 200 respondents was drawn using stratified sampling technique; 100 from Kenya National Union of Teachers, 50 from Kenya Union of Post Primary Education Teachers and 50 from Universities Academic Staff Union depending on the size of the union.

3.4 Data collection

Primary data was used in the study. The primary data was obtained using semi-structured questionnaire. The questionnaire had two sections A and B. Section A collected data on the profile of the respondents while section B captured data on members' perception of use of industrial action in resolving labor disputes. The questionnaire was self-administered.

3.5 Data analysis

Descriptive statistics was used to analyze the data. These included percentages, proportions, frequencies and mean.

CHAPTER FOUR: DATA ANALYSIS, RESULTS AND DISCUSSION

4.1 Response rate

The response rate stood at an aggregate of 83% which was considered good enough to enable adequate representation of the population of study.

Trade Union	No. of questionnaires administered	No. of respondents	Percentage (%)
KNUT	100	81	81
KUPPET	50	43	86
UASU	50	41	82
Total	200	165	83

4.2 Demographic Profiles of the Respondents

4.2.1 Level of responsibility

Table 3: Level of responsibility

RESPONSIBILITY	Frequency
Head of Department	38
Deputy Principal/Headmaster	11
Principal/Headmaster	8
NONE	108
TOTAL	165

The above table indicates that majority of trade union members (65.45%) did not hold administrative positions. The findings are consistent with the normal trend that managers are excluded from union representation.

4.2.2 Age of Respondents

Most of the respondents were of the age between 25-35 years represented by 47%. Respondents aged between 36-45 years were 36% while those above 46 years were 11%.

Table 4: Age of respondents

Age (in years)	Percentage (%)
Under 25	6
25-35	47
36-45	36
46-55	11
56 and above	0
TOTAL	100

The findings indicate that majority of members of trade unions are adults of the age between 25 and 45 years (83.03%). It is important to note that respondents above 56 years are negligible. This may be explained by the fact that most of the educators are adults who are in the working age as per the old constitution and those with 56 years and above are either retired or prefer working in rural areas.

4.2.3 Gender of Respondents

Out of the one hundred and sixty five (165) respondents, 95 were male representing 57.58% of the population, while female respondents were represented by 42.42%. This is shown in the table below:

Table 5: Gender of respondents

Gender	Percentage (%)
Male	57.58
Female	42.42
TOTAL	100

This shows that more males are members of trade unions as compared to their female counterparts. These findings agree with industrial action habits where more men than women take part.

4.2.4 Marital Status

Respondents were asked to indicate their marital status by showing whether they were single, married, etc. majority of the respondents were married (84.24%) while 12.73% were single. Only 0.61% of the respondents were nuns as shown below:

Table 6: Marital Status

Marital Status	Percentage (%)
Single	12.73
Married	84.24
Divorced	1.21
Widowed	1.21
Nun	0.61
TOTAL	100

The findings indicate that majority of those who take part in industrial actions are those that are married and most probably have families to take care for.

4.2.5 Highest Academic Qualification

The respondents were required to state their highest level of academic qualification. Most of the respondents were holders of a first degree (34.55%). Respondents with certificate level were 27.88% while diploma was 13.33%. Post graduate degree comprised 24.24% of the total respondents.

Table 7: Highest Academic Qualification

Academic qualification	Percentage (%)
Certificate	27.88
Diploma	13.33
First Degree	34.55
Masters	12.72
Doctorate	11.52
TOTAL	100

Majority of the respondents were degree holders representing by 58.79% of the population. This is necessitated by the fact that they reside in a cosmopolitan county (Kisumu County) where both middle level colleges and universities are easily accessible. The findings illustrate that the respondents were enlightened and did not require further guidance on their perception of industrial actions as used by their unions.

4.2.6 Work Experience

Respondents were spread all over in their levels of teaching experience. Majority (27.27%) of the respondents had an experience of between 10 to 15 years. Most respondents (53.34%) had an experience of less than 10 years. This is consistent with the

yearly recruitment of teachers for the last ten years. Those with an experience of ten years and above were 46.66%. Respondents who had worked for more than 21 years were only 8.48%.

Table 8: Work experience

Years	Frequency
2 years and below	26
3-5	39
6-9	23
10-15	45
16-20	18
21 years and above	14
TOTAL	165

The above results indicate that a majority of the respondents have experienced more than one industrial action during the time of their employment. This is represented by the level of experience between 6 years and above which is 60.1% (13.94%, 27.27%, 10.91 and 8.48%) of the total respondents.

4.3 Perception of Members of the Use of Industrial Action

The study sought to determine the perception of members of trade unions in the education sector of the use of industrial action in resolving labor disputes. The respondents gave their perceptions described by statements based on a five point likert scale with 5 strongly agree, 4 agree, 3 neither agree nor disagree, 2 disagree and 1 to strongly disagree. The perception of members was based on three broad areas namely causes of industrial actions, implications of industrial actions and possible ways of averting frequent industrial actions.

Demand for better salary and welfare was felt to be the major cause of industrial actions in the education sector. This was supported by 76% of the respondents while 13% indicated that industrial action was caused by other reasons such as disagreement on principle, discriminative labor laws and mass sacking of workers. 11% of the respondents were not sure whether industrial action was caused by demand for better salaries or not. There was no significant difference in the response among the three trade unions about industrial action being caused by demand for better salaries and welfare. Participants felt that workers should take to industrial action for improved working conditions, better wages and improved conditions for learners.

Felt implications of industrial actions were sack threats being issued to intimidate workers to return to work 91%, sack threats leading to sacking of workers 26%, promises being made to help end industrial actions 80%, promises made during an industrial action are never realized 65%, industrial action causing harm to innocent learners 77%, industrial actions being stopped by industrial courts and industrial disputes resolved amicable 62%, learners being mismanaged by unqualified staff during an industrial action 59%, industrial actions interfering with learning schedule 57%, industrial action leading to poor performance by learners 55% and that industrial actions benefit union officials 53% of the respondents.

Perceived solutions to averting frequent industrial actions include motivating workers financially and professionally 87.4%, and involving workers in decisions pertaining to their welfare 85% of the respondents. Any other comments at the end of the

questionnaire revealed that 86.7% of the respondents had strong feelings that Industrial action is the best solution to resolving labor disputes amicably.

The results suggest that trade union members in the education sector have at one point or another been involved in an industrial action as 100% of the respondents knew about industrial action and had an opinion regarding their methodology and outcome. The demographic data obtained from the respondents also indicates that the frequency of industrial actions in the education sector is high for all the three trade unions. This is consistent with earlier studies which indicated that strikes in the education sector have been on the rise (Oduor, 2011).

In this study, demand for better salary and welfare is the reason given by majority of the respondents. This is supported by a similar study by Anami (2011). The recent wave of industrial actions experienced in the education sector was caused by demand for better salaries. As earlier studies suggest, teachers and lecturers are poorly paid as compared to their counterparts in other professions (Waswa and Katana, 2008). This has made them consistently agitate for salary increments to make them comparable with their colleagues with whom they went to same colleges with.

The felt implications of industrial action found out in this study could be supported by earlier studies. Coon (1998) found out that during industrial actions employers tend to issue sack threats to their employees. These threats are meant to scare them to return to work and abandon the industrial action. This was evident in the recent wave of industrial actions experienced in the country where sack threats were used as a way of intimidating workers to return to their places of work. However 74% of the respondents felt that the

sack threats are never implemented. This is consistent with an earlier study which indicated that failure by the employer to implement sack threats has made workers immune to such threats and therefore ignores them (Buttigieg, 2008).

Promises in form of agreements between the employer and the employee are normally made to get the latter to return to work. However 65% of the respondents felt that these promises are rarely implemented by the employer. A study by Godard, J. (2011) also revealed the same results. The recent recurrence of industrial actions in the country can be attributed to failure to honor collective bargaining agreements by the employer. This has been the major cause of recurrence of industrial actions in the education sector (Osewe, 2011).

Industrial action causing harm to innocent learners was supported by 77% of the respondents although this is normally done as a way of pressurizing the employer to yield to the demand of the unions so as to avoid hurting learners. A study by Coon (1998) revealed the same. This is also consistent with studies where withdrawing teaching services was found to be used as a tool to make the employer bulge to the demands of the employees (Oduor, 2011). The employer on the other hand uses the industrial courts as a way of forcing the employees to return to work by declaring their actions illegal. These are events that are common in the labor industry by both the employers and the employees

Respondents in this study felt that motivating workers financially and professionally can help prevent future industrial actions. As the findings suggest, the major cause of industrial action was demand for better pay and welfare. Any attempt to address these

issues will therefore help prevent future industrial actions (Waswa and Katana, 2010). Workers should also be involved in issues pertaining to their welfare as they will be able to input in the discussion what is best for them. Earlier studies by Adebimpe (2010) produced similar findings. However, majority of the respondents felt that Industrial action remains the most sought way of resolving labor disputes among most workers. This is because industrial actions put pressure on the employer by reducing productivity in institutions.

From the foregoing, the employers in the education sector should not wait for an ultimatum from workers demanding an improvement in condition of service or wait until when industrial relations have deteriorated to the extent of workers taking to industrial action rather the management should adopt a proactive approach to managing crisis situation like this through a collective bargaining and effective negotiation.

The study demonstrated that in as much as members of trade unions in the education sector would wish to take to industrial actions to demand for better pay, they also have a feeling for the learners who suffer the consequences of their actions. This is evident in the fact that 77% of the respondent felt that learners suffer more harm during an industrial action. However, the other implications, causes and ways of averting future industrial actions were found to be consistent with earlier studies.

CHAPTER FIVE: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Summary

The study findings indicate that majority (83%) of the respondents were aged between 25 to 45 years with 60.1% having an experience of 6 years and above. This is expected to enhance their understanding of the intricacies surrounding the use of industrial action in resolving labor disputes. Majority of the respondents (84.24%) were married with only 12.73% single.

The major cause of industrial action as indicated by 76% of the respondents was demand for better salary while 78% of the respondents felt that failure to honor collective agreements by the employer would also trigger the same. Members felt that industrial actions address their grievances. Employers make promises to employees which are never realized.

The study indicates that 91% of the respondents felt that employers issue sack threats during an industrial action to intimidate them back to work. The threats are however never implemented. 77% of the respondents felt that industrial action hurt innocent learners and leads to poor performance by learners as they are normally left at the hands of unqualified people. It was also felt by 57% of the respondents that industrial action interferes with the learning schedule and that this leads to poor performance by learners in the exams.

As a way of averting frequent industrial actions, 87% of the respondents felt that the employer should motivate workers financially and professionally and also 85% felt that involving workers in decisions pertaining to their welfare would help avert frequent industrial actions. However 86.7% of the respondents felt that industrial action is the best method of resolving labor dispute.

5.2 Conclusion

The study sought to determine the perception of members of trade unions in the education sector of the use of industrial action in resolving labor disputes. The study felt strongly that the cause of industrial actions was demand for better pay and welfare. Failure to honor collective bargaining agreements by the employer was also seen as a trigger to the recurrence of an industrial action. This is consistent with the reasons given for recent industrial actions experienced all over the country. Employers should also desist from issuing sack threats which are never implemented as they make employees become immune to such threats and disobey any further calls even from industrial courts.

Motivating workers financially and involving workers in decisions pertaining to their welfare were the most preferred alternatives to averting frequent industrial actions in the education sector. However respondents felt strongly that the use industrial action remains the most effective method of resolving labor disputes in the education sector. On the other hand, trade union officials at times use industrial action to force the employer to recruit more workers which in turn leads to increased union density.

5.3 Recommendations

From the foregoing, the employers in the education sector should not wait for an ultimatum from workers demanding an improvement in condition of service or wait until when industrial relations have deteriorated to the extent of workers taking to industrial action. Rather the employer should adopt a proactive approach to managing crisis situations through a collective bargaining and effective negotiation.

The employers in the education sector should incorporate employees or their unions on issues pertaining to their welfare to help avert industrial actions. The employer should also try as much as possible to honor collective bargaining agreements reached between them and the employees in order to avert the recurrence of industrial actions.

Both financial and professional motivation should be implemented equitably to ensure there is no disgruntlement among the employees. Also, employers should desist from infringing upon the rights of employee. Trade unions should respect employer's prerogatives. However, the education sector must always be prepared for the occurrences of conflict and be able to contain them within reasonable bounds.

5.4 Limitations of the study

The study was conducted at a time when all the trade unions in the education sector were calling on their members to take to industrial action limiting perceptions on the aftermath of the industrial actions. Another limitation is that the study did not take into consideration the perception of members in the rural areas, and as a result, findings may not be binding all over the country. The study considered only trade unions in the

education sector and findings may not apply to other unions. Finally, trade union members' perceptions are subject to change and these findings may not hold in future due to changes in factors in the external environment such as the formation of the Salaries and Remuneration Commission.

5.5 Suggestions for further research

Having noted that the major cause of industrial action is demand for wages and welfare of workers, there is need to investigate the effect of the formation of the Salaries and Remuneration Commission on Trade Union activity. Also, a study similar to this one should be done to all trade unions in the education sector in rural areas. Similarly, a comparative study between perception of rural and urban members of trade unions should be done to assess their views about industrial actions.

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APPENDIX I: LETTER OF INTRODUCTION

Ouma Onyango

P.O. Box 1571,

Kisumu.

Dear sir/madam,

RE: TO WHOM IT MAY CONCERN

I am a Master of Business Administration student at the University of Nairobi, Kisumu Campus, undertaking a study on the perception of members of trade unions in the education sector in Kisumu County of the use of industrial action in resolving labor disputes. This is a requirement for the degree program. I would be grateful if you provided me with your valuable time to fill out the questionnaire. The results and responses will also be held in strict confidence and will be used solely for academic purposes.

Thanks in advance.

OUMA ONYANGO

Registration Number: D61/63516/2010

APPENDIX II: QUESTIONNAIRE

SECTION A: DEMOGRAPHIC DATA

Please answer the following questions by putting a tick in the spaces provided:

1. State your trade union:

i) KNUT ()

ii) KUPPET ()

iii) UASU ()

2. What is your current title/designation (e.g. H.O.D). í í í í í í í í í í í í í í ..

3. Please tick where your age falls

i) Under 25 () (iv) 46-55 ()

ii) 25-35 () (v) 55 and above ()

iii) 36-45 ()

4. Gender:

i) Male () (ii) Female ()

5. Marital status:

i) Single ()

ii) Married ()

iii) Other (please specify) í í í í í í í í í í í í í í í í í í .

6. Highest academic qualification you have attained?

- (i) Primary level ()
- (ii) Secondary Level ()
- (iii) Diploma ()
- (iv) First Degree ()
- (v) Masters ()
- (vi) PhD ()
- (vii) Other please specify ..

7. How long have you worked for the organization? (years)

SECTION B: Members’ Perception of the use of industrial action

Please put a tick in the box that represents the extent to which you agree with each of the statements.

Scale: 5=Strongly Agree	4=Agree	3=Neither Agree Nor Disagree	2=Disagree	1=Strongly Disagree
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Statement	1	2	3	4	5
1. Industrial action in the education sector is caused by poor salary and welfare					
2. Disagreements e.g. recruitment of more workers have led to industrial action					
3. Industrial action in the education sector is caused by discriminative labor laws.					
4. Mass sacking of workers has caused industrial action in our institution					
5. Our grievances are addressed effectively after an industrial action					
6. Industrial courts solve disputes amicably when industrial action is stopped by court orders					
7. Promises made by the employer helps end industrial actions					

8. Promises made after an Industrial action deals are never realized					
9. The employer threatens workers with sack during an industrial action					
10. Sack threats during an Industrial action leads to sacking of workers					
11. Industrial action benefit union officials in terms of pay					
12. Industrial action causes harm to innocent learners					
13. Industrial action leads to Poor performance by learners					
14. Industrial action interferes with learning schedule					
15. Industrial action leads to transfer of learners to private institutions					
16. Learners are left at the hands of unqualified personnel during an industrial action					
17. Other methods e.g. dialogue can help prevent industrial action					
18. Considering the harm caused to the learners helps prevent industrial actions					
19. Industrial action should be used whenever there is a dispute					
20. Motivating workers financially and professionally can help reduce industrial actions					
21. Reviewing salaries as per prevailing economic conditions can prevent industrial actions					
22. Involving workers in decisions pertaining to their welfare reduces industrial actions					

THANK YOU FOR YOUR COOPERATION