

**EFFECTS OF PROVISIONS FOR LABOUR RELATIONS AND EMPLOYEE PARTICIPATION IN INSTITUTIONS OF LEARNING: A STUDY OF SUPPORT STAFF IN SECONDARY SCHOOLS IN KIRINYAGA COUNTY, KENYA**

**MERCY MUTHONI MUNYI**

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**2016**

**DECLARATION**

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**MUNYI MERCY MUTHONI**.....Date.....

**SHRD/PGD/031/12**

This thesis has been submitted for examination with our approval as University Supervisors.

**DR. ALICE KURGAT**..... Date.....

Department of Development Studies, School of Human Resource Development: Moi University, Eldoret, Kenya

**PROF. L. MULONGO** .....Date.....

Department of Development Studies, School of Human Resource Development, Moi University, Eldoret, Kenya

### **DEDICATION**

I wish to dedicate this thesis to my family for their love, support and for the encouragement that they accorded me during the challenging time of my studies. This enabled me to accomplish the completion of this task successfully.

## ABSTRACT

In Kenya, employment is governed by the provisions in the general law of contract and also by the principles of common law. It is thus basically seen as an individual relationship negotiated by the employee and the employer according to the special needs of each party. The general objective of this study was to establish the effects of provisions for labour relations on employee participation in learning institutions in Kenya. Specifically, it aimed at establishing the effects of provisions in: national laws and policies; human resource management processes; and institutional policies on participation in labour relations by support staff in learning institutions in Kenya. The theoretical framework for the study was based on the Employment Relationship theory which postulates how employers and employees work together in harmony. This theory is supported by the theory on Frontier of Control which is at play when management exercises power upon the worker. The target population was 3201 which was the number of support staff in all public secondary schools within Kirinyaga County at the time of the study. The study employed a combination of both quantitative and qualitative designs. A sample of one hundred (100) respondents drawn from fourteen public secondary schools was used for the study. Systematic random sampling technique was used to select the sample of schools and then simple random sampling was used to select the sample of respondents from these institutions. Data was collected using questionnaires with closed and open-ended questions. An interview guide was also used to collect data from trade union officials. Data was collected and analyzed using descriptive statistics which included frequencies and measures of central tendencies and presented using tables and charts. The study established that all the independent variables had a significant effect on participation and lack of awareness on the provisions in the national labour laws was a major factor affecting participation by the support staff in institutions of learning in Kenya. The study recommends that the necessary policy frameworks be created within institutions and deliberate efforts be made to encourage participation.

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## **ABBREVIATIONS AND ACRONYMS**

**COTU**- Central Organization of Trade Unions

**GoK**- Government of Kenya

**KUDHEIHA**-Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied (workers)

**BoG**- Board of Governors

**CIPD**- Chartered Institute of Personnel Development

**CGoK**- County Government of Kirinyaga

**IR**- Industrial Relations

**ILO**- International Labour Organization

**FKE**-Federation of Kenya Employers

**HRM**- Human Resource Management

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## **OPERATIONAL DEFINITION OF TERMS**

The following is a definition of key words and phrases as used in this thesis:

**Black Hole.** An object in space; areas in space with such a strong gravitational pull that no matter or energy can escape from it (Encarta, 2009). Figuratively used in this study to refer to a place or situation into which issues or concepts disappear and are not expected to be seen or attended to again.

**County.** This is the second level of government in the Kenyan constitutional dispensation. There are 47 Counties in Kenya (GoK, 2010). It is used in this study to

represent a selected area of study i.e. Kirinyaga County.

**Civil Service.** This is the government's work force. It is used here too refer to all government departments of a state and the people who work in them (GoK, 2007).

**Complaint.** This is a written or spoken dissatisfaction which is brought to the notice of management or trade union leaders.

**Dissatisfaction.** This is any act or activity that disturbs an employee whether he expresses it or not (Graham *et al*, 1998).

**Employee Engagement.** It is an individual's purpose and focused energy, evident to others in the display of personal initiative, adaptability, effort and persistence directed towards organizational goals (Armstrong, 2012). In this study, employees whose welfare is assured have greater engagement.

**Grievance.** This is a complaint which is being ignored, overridden, and in the employees' opinion, discussed without consideration and so the employee feels that an injustice has been done, particularly when the complaint was presented in writing to management representative or trade union official (Graham *et al*, 1998).

**Human Resource Management.** Employee recruitment and management: the field of business concerned with recruiting and managing employees (Armstrong, 2012). It is used in this study to refer to all process undertaken by management to oversee employee activities at the workplace.

**Industrial Revolution.** This was the transition to new manufacturing processes in the period from about the year 1760 to sometime between 1820 and 1840. This transition included going from hand production methods to machines, new chemical manufacturing and iron production processes (Encarta, 2009). In this study, it is used to show the

evolution of the labour movement.

**Motivation.** A feeling of enthusiasm, interest or commitment that makes somebody want to do something. It is the inner drive that propels an individual to perform a certain task and may arise out of satisfaction at the workplace (Armstrong, 2012).

**Reward.** This is the payment given out to someone after he/she has performed a certain duty or task. It may be financial or non-financial (Dessler, 2008). It is used in this study to refer to the total remuneration package paid to workers by employers.

**Support Staff.** Employees within public institutions who are involved in non-professional duties. In this study it is used as the main area of reference.

**Shop Steward.** This is a worker who acts as a trade union representative for employees within an institution (GoK, 2007). It is used in this study to refer to members of KUDHEIHA who are based in secondary schools.

**Tripartite.** This is something that is in three parts, done by three parties, as in an agreement. (Encarta, 2009). It is used in this study to refer to a threesome working relationship involving the government, employee and employer.



## CHAPTER ON: INTRODUCTION

### 1.1 Background of the Study

Industrial relations are defined by Dunlop (2013) as the complex inter-relations among managers, workers and agencies of governments. They constitute one of the most delicate and complex problems of the modern industrial society that is directly attributable to the emergence of Industrial Revolution. The scenario is fundamentally different from the pre-industrial revolution period that was characterized by a simple process of manufacture, small scale investment, local markets and small number of persons employed. Under such a set-up industrial relations were simple, direct and personal since there was direct relationship between the employer and the employee and it was easier to secure cooperation of the latter. Any grievance or misunderstanding on the part of either party could be resolved promptly and there was no interference by the State in the economic activities of the people.

This situation underwent a marked change with the advent of industrial revolution. The evolution of the workplace led to a close proximity between the manager and the managed as the size of businesses increased and this required investment of enormous financial and human resources. There emerged a new class of professional managers causing divorce between ownership and management, and relations between the employee and the employer became estranged and gradually antagonistic. This new set-up rendered the old philosophy of industrial relation irrelevant and gave rise to complex, indirect, and impersonal industrial relations (Mamoria *et al*, 1997).

According to Bhagoliwal (2008), industry today is neither viewed as a venture of employers alone nor is profit considered as its sole objective. It is considered to be a venture that is based on purposeful cooperation between management and labour in the process of production and maximum social good is regarded as its ultimate end where both management and employees contribute in their own way towards its success. Similarly, labour today is no more an unorganized mass of ignorant workers ready to obey without resentment or protest the arbitrary and discretionary dictates of management. The management has to deal with employees today not as individuals but also as members of organized social groups who are very much conscious about their rights and have substantial bargaining strength. Hence, the objective of evolving and maintaining sound industrial relations is not only to find our ways and means to solve conflicts to resolve differences but also to secure the cooperation among the employees in the conduct of industry.

But maintaining smooth industrial relation is not an easy task. Almost all the industrialized countries of the world face the problem of establishing and maintaining good management-worker relationships in their industries. Each country has sought to find out a solution, depending upon its economic, social and political environment. However, industrial conflicts still arise and therefore establishment and maintenance of satisfactory industrial relations forms an important plank in the personnel policies of modern organization.

In the broad sense, industrial relations cover all such relationships that a business enterprise maintains with various sections of the society such as workers, state, customers and public who come into contact with it. In the narrow sense, it refers to all types of

relationships between employer and employees, trade union and management, work and trade union, and between workers and workers. It also includes all sorts of relationships at both formal and informal levels in the organization. According to Yoder (1975), industrial relation is the process of management dealing with one or more unions with a view to negotiate and subsequently administer collective bargaining agreement or the labour contract. Industrial relations, therefore, seeks to maintain a healthy and harmonious balance of how people get on together at their work, what difficulties arise between them and how their relations including wages and working conditions etc., are regulated. Industrial relations, thus, include both 'industrial relations' and 'collective relations' as well as the role of the state in regulating these relations. Such a relationship is therefore complex and multidimensional resting on economic, social, psychological, ethical, occupational, political and legal levels.

Yoder (1975) continues to assert that there are mainly two sets of factors that determine the state of industrial relations – whether good or poor in any country. The first set, described as 'institutional factors' include types of provisions in labour legislation, policy of state relating to labour and industry, extent and stage of development of trade unions and employers' organizations and the type of social institutions. The other set of factors, described as 'economic factors' include the nature of economic organization (e.g. capitalist or socialist), technology, the sources of demand and supply in the labour market, the nature and composition of labour force.

In Kenya, employment is governed by the provisions in the general law of contract, as much as by the principles of common law. Thus, employment is basically seen as an individual relationship negotiated by the employee and the employer according to their

special needs. Parliament has passed laws specifically dealing with different aspects of the employer-employee relationship. These laws define the provisions, terms and conditions of employment, and they consist mainly of four Acts of Parliament:

According to GoK (2007), the *Employment Act* (Cap. 226) and the *Regulation of Wages and Conditions of Employment Act* (Cap. 229) make rules governing wages, housing, leave and rest, health and safety, the special position of juveniles and women and termination of employment. The latter Act, in addition, sets up a process through which wages and conditions of employment can be regulated by the Minister. *The Factories Act* (Cap. 514) deals with the health, safety and welfare of an employee who work in a factory. *The Workmen's Compensation Act* (Cap. 236) provides for ways through which an employee who is injured when on duty may be compensated by the employer. The Employment Act does not make any provisions for wages in general but the minimum wage is dealt with by the *Regulations of Wages and Conditions of Employment Act* (Cap. 229). According to the Kenyan constitution (GoK, 2010), every person has the right to: fair labour practices, fair remuneration; reasonable working conditions; join or participate in the activities and programmes of a trade union; and to go on strike. Additionally, the constitution also gives right to every employee to: form and join an employer's organisation; and to participate in the activities and programmes of an employer's organisation.

Existing and newly formed Trade Unions are expected to reach out the 'unorganized' segments of the working class - such as casual workers to assist them exercise their rights as provided in GoK (2010). However, but more often than not, the impact of labour relations is "felt" more among the higher cadres of staff and in spite of all the provisions,

non-professional workers in the Kenyan labour market have not been very active as members of trade unions ( KUDHEIHA, 2014).

### **1.2 Statement of the Problem**

The basis of employers' power may be seen to include interests that are clearly identifiable and discrete. References to the 'balance of power' between employers and employees, and shifts in this are seen to be superficial, given the underlying asymmetry of power that exists because of structural factors that favour employing organizations (Digon, 2004). Support staff in public institutions are either aware or not of the provisions in constitutional rights on labour relations although these, including the right to participate in strikes are enshrined in the constitution. Labour relations among Support staff in most public institutions including secondary schools are almost non-existent. This may portrays a false picture of satisfied workers who are rarely heard of when senior staff are agitating for better terms in their workplaces. However, with the growth of the Kenyan economy, the job market has become more and more informal and this *informalisation* of work is giving rise to a variety of organizational initiatives.

According to Guest (1995), one of the four industrial relation policy choices is that an organization can adopt is the “Black Hole” choice which advocates for no industrial relations. This option is becoming more prevalent in organisations in which HRM is not a policy priority for managements and where they do not realize that there is a compelling reason to operate within a traditional industrial relations system (where trade unions are engaged for convenience). When such organizations are facing a decision on whether or not to recognize a union, they are increasingly deciding not to do so.

According to Yoder (1975), industrial relations are interactions between managements and employees or among employees and their organizations that characterize or grow out of employment. In reference to GoK (2007), Kenya has strong labour laws to guide participation in labour relation activities at the workplace which mandate employees to organize themselves and pursue their interests as workers and form labour unions that are national in scope. An interview with union officials revealed that in spite of this, labour relationships rarely exist among support staff since in many institutions, managements often distance themselves from any initiatives by support employees to join trade unions. According to (GoK, 2010), employees are free to participate in labour relations activities but to what extent does this happen? Where is the meeting point between the theoretical letter of the provisions in law, management processes, institutional frameworks and the practice of the same?

Background information from KUDHEIHA officials revealed that trade unions face a lot of hardships in their efforts to recruit members from support staff in secondary schools. It cannot not be assumed that they are a contented lot in their work places who do not require to participate fully in labour relations. Since there are various provisions for participation in labour relations, this study investigated why these provisions have not been effective in enhancing participation with leaning institutions in Kenya.

### **1.3 Objectives of the Study**

The study was guided by the following objectives:

#### **1.3.1 General Objective**

The general objective of this study was to investigate the effects of the provisions for labour relations on participation by support staff within learning institutions.

### **1.3.2 Specific Objectives**

The specific objectives were:

- i) To establish the effects of provisions in national laws and policies on participation in labour relations by support staff within learning institutions.
- ii) To investigate the effects of provisions in HR management processes on participation in labour relations among support staff in learning institutions.
- iii) To examine the effects of provisions in institutional policy frameworks on participation in labour relations among support staff in learning institutions.

### **1.4 Research Questions**

This study sought to answer the following questions:

- i) How do provisions in national laws and policies affect participation in labour relations among support staff in learning institutions?
- ii) Do the provisions in HR management processes in learning institutions affect participation in labour relations among support staff?
- iii) What is the effect of institutional policy framework provisions on labour relations in learning institutions on participation by support staff?

### **1.5. Justification of the Study**

This study is significant in the following ways:

The findings will be of use by government departments that are in charge of labour issues by assisting in the review of the provisions in existing national laws and policies. This will in turn enhance industrial relations by support staff not only in learning institution, but also in other sectors of the labour market.

It will be of use in raising awareness on how provisions in HR management processes may be enhanced and incorporated in organizations' management programs to encourage participation in labour relations by support staff to achieve and maintain high levels of morale among workers.

The findings may also be used to create awareness of the need to have specific and strong institutional policy provisions in individual organizations so as to enhance participation in labour relations by support staff. This in effect will improve employee satisfaction and create avenues for employee voice thus avoiding industrial strikes at the work place. The findings may also be used by researchers in the same field as a baseline upon which to anchor further research.

### **1.6 Scope of the Study**

Labour relations are quite extensive and touch on various aspects of workers in various sectors. The scope of this study was extended only to the various provisions of labour relations specifically on laws and policies, HR management processes and provisions in institutional policies and their effects on participation of support staff in public secondary schools. The phenomenon that was studied maybe replicated in almost any other County in the republic but the study was conducted in Kirinyaga County and fourteen public secondary schools were used for the study which was carried out between the months of September 2014 and May 2015.

### **1.7 Limitations of the Study**

In carrying out the study, certain limitations were encountered and key among them were the following:



- i) The Schools' Management Boards were hesitant to support a study that would probably expose any malpractices on their part concerning labour relations by the support staff in their institutions. It took a lot of persuasion by the researcher to reassure them that the study was purely for academic purposes
- ii) In some instances, the researcher faced challenges in accessing the respondents. She had to get permission from schools' management before administering the questionnaires and interviewing the support staff.
- iii) In many instances, the staff studied felt insecure to release confidential information on the organization to a stranger and some were therefore not co-operative. The researcher had to assure them that this was purely an academic exercise and that the management had given their blessings for the same.
- iv) The labour movement is a very dynamic phenomenon. More educated workers who are well informed on the various provisions governing their rights are continually joining the labour market. The findings of this study may therefore not always hold true with the passage of time and future research on the same area will more likely than not yield differing results.
- v) Poor record-keeping by union officials was another limitation to this study. The KUDHEIHA office, which the researcher visited and interviewed its officials, did not keep updated records on National, County, District or workstation union membership register. The researcher overcame this by engaging the branch officials fully in an interview in order to get the necessary information.

## **1.8 Theoretical Framework.**

The study was supported by two main theories: the *Employment Relationship* theory which was proposed by Rubery *et al*, (2002) and the *frontier of Control theory* by Marsden *et al* (2007). The Employment Relationship theory is anchored on laws, regulations and policies and it represents the ideal situation in employment relations and which should be applicable to all workers irrespective of their rank in employment. This theory was supported and expounded further by Marsden *et al* (2007) who espoused the idea of *Frontier of Control* where management exercises control over the workers in order to have power over them.

### **1.8.1 Employment Relationship Theory**

This theory was proposed by Rubery (2002) who regarded the employment law as the cornerstone of the employment relationship (also known as the employment contract). According to this theory, employers and employees work together in a formal working relationship. Rubery (2002) argues that the employment relationship forms the cornerstone of the employment contract and can be defined by such means as procedure agreements and work rules. He continues to argue that this relationship is essentially an *informal and constant* process that happens whenever an employer has dealings with an employee and vice versa. Armstrong (2012), proposes that a positive employment relationship is ideally one where management and employees are interdependent and both benefit from this interdependency, and where there is mutual trust. According to him, such a relationship provides a foundation for employment and employee relations policies. Underpinning the employment contract is the psychological contract. Armstrong (2012) also asserts that employee voice is an important contributor to employee

satisfaction and quotes Boxall and Purcell (2003) thus:

Employee voice is the term increasingly used to cover a whole variety of processes and structures which enable, and sometimes empower employees, directly or indirectly, to contribute to decision making in the firm. It covers the provision of opportunities for employees to register discontent, express complaints grievances, and modify the power of management (Armstrong, 2012, p. 419)

According to Graham (1998), Industrial Relations (IR), may be regarded as all the rules, practices and conventions governing interactions between managements and their work forces, normally involving collective employee representation and bargaining. As Guest (2007) explains, it is concerned with the perceptions of both parties to the employment relationship (organization and individual) and the reciprocal promises and obligations implied in that relationship. A psychological contract therefore, is a system of beliefs which encompass certain assumptions and expectations about what managers and employees have to offer and are willing to deliver.

In their discussion on the various approaches to grievance resolution machinery, Saiyadain *et al* (2008), states that management can opt to take a legalistic view and follow the negotiated contract or it need not have a contract but have a grievance resolution mechanism oriented towards a human relations approach for its workers. Alternatively, management could, with or without a contract, have an open door policy. This scenario effectively discourages any active labour relations activities.

The Employment Relation as proposed by Rubery (2002) suggests a win-win situation for both employee and management. This may work well for senior employees who are not very far from managers in terms of education background, remuneration packages and general working conditions. The legal infrastructure also addresses and encourages participation in labour relations by all. This theory supported the variable on the effects of

national laws and policies on participation by support staff in labour relations and this was one of the gaps that this study focused on.

### **1.8.2 Frontier of Control Theory**

While contributing to the employment relation theory, Marsden *et al* (2007), observed that at the heart of the employment relationship theory lies a ‘zone of acceptance’ within which employees agree to let management direct their labour. This may relate to the range of tasks that employees are willing to undertake at management’s direction, but it may also include the priority to be accorded to different types of work and the willingness to vary working time according to management’s requirements. Marsden *et al* (2010), referred to this zone of acceptance as the Frontier of Control and noted that, generally, it is the employer who has the power to dictate the contractual terms unless they have been fixed by collective bargaining. Individuals, except when they are in high demand, have very little scope to vary the terms of the contract imposed upon them by employers. Sisson and Purcell (1983) in their work on types of industrial managements, stated that some organizations adopt the ‘*sophisticated moderns*’ type who are either constitutionalists, where the limits of collective bargaining are codified in an agreement but management is free to take decisions on matters that are not the subject of such an agreement, or consulters, who accept collective bargaining but do not want to codify everything in a collective agreement but instead aim to minimize joint consultation with ‘problems’ having to be solved rather than disputes settled.

According to Cole (2009), the Employment law gives an individual the specific right to join a trade union or not and to hold union meetings during working hours if need be.

According to him, employee's relations are basically about how management and employees work and live together and the measures that are taken to make their relationship to thrive. This theory supports the variable on effects of HR management and also effects of institutional policy provisions on participation in labour relations.

### **1.9 Conceptual Framework**

According to [Shields](#) and Rangarjan (2013), a conceptual framework is the way ideas are organized to achieve a research project's purpose. It is an abstract representation connected to the research project's goal and it directs the collection and analysis of data (on the plane of observation: the ground). The independent and dependent variables guided the development of the conceptual framework. Figure 1.1 is the illustration of the conceptual framework for the study.

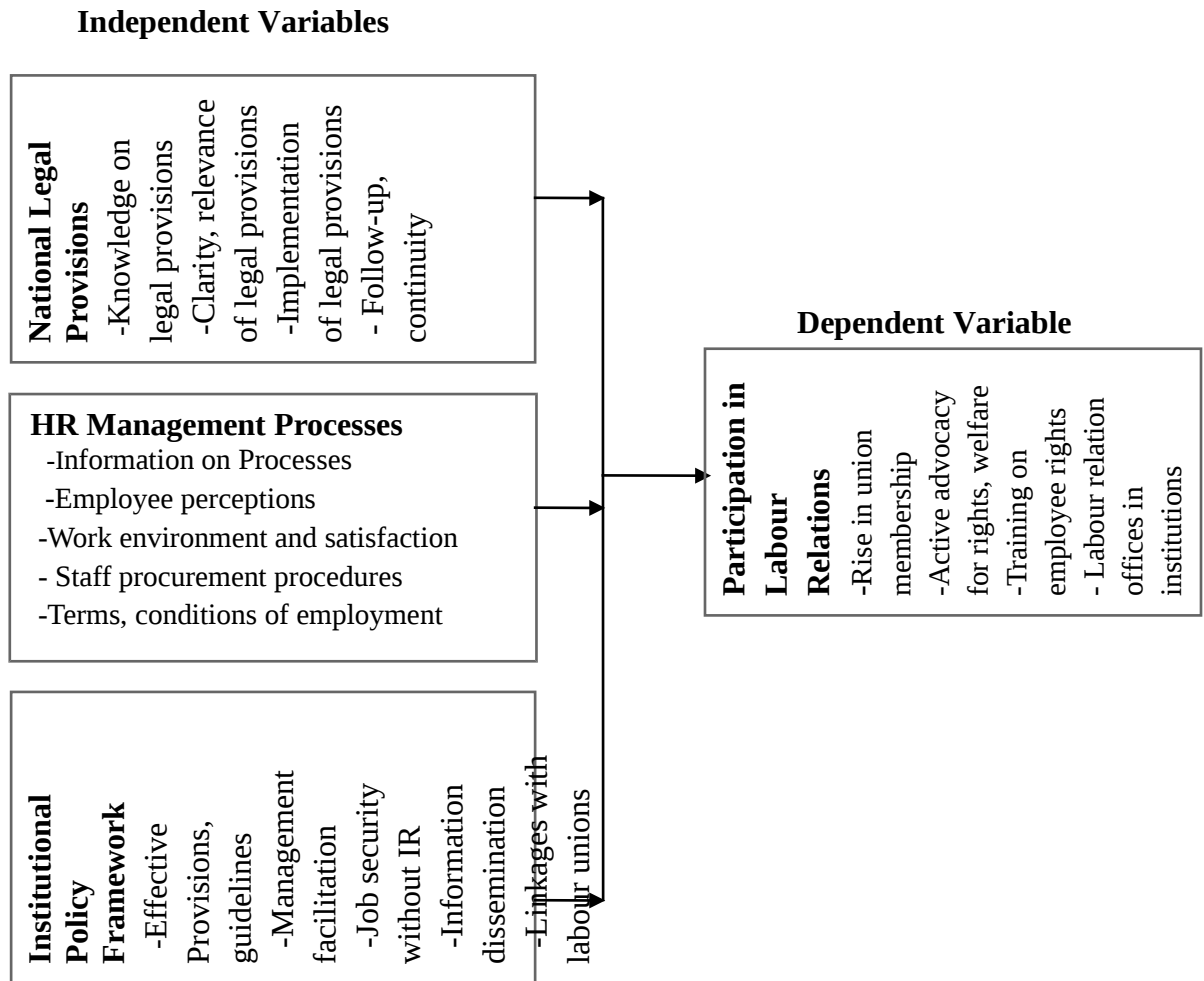


Figure 1.1 Conceptual Framework for the Study (Source: Researcher, 2015).

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

The literature review for this study focuses on the findings of other scholars and researchers on labour relation provisions and specifically how laws and policies, human resource management processes and institutional policies affect participation in labour relations within organizations. An empirical review, a summary and the research gaps that exist are also discussed.

#### **2.2 Provisions in National Laws and Policies and Participation in Labour Relations**

Employment relations in Kenya are regulated by a number of legal provisions: constitutional rights, statutory rights, as set out in statutes and regulations; rights set by collective agreements and extension orders of collective agreements; and individual labour contracts (GoK, 2007).

The government encourages workers to form trade unions and affiliate themselves to COTU which is one of the strongest labour federations in Africa due to its large membership, long organizational history and nationwide infrastructure. According to part two (2) of the Labour Relations Act (GoK, 2007), every employee has the freedom of association and has the right to:

Participate in forming a trade union or federation of trade unions; Join a trade union; or leave a trade union.

In addition to the above, every member of a trade union has the right, subject to the constitution of that trade union to:

Participate in its lawful activities; Participate in the election of its officials and representatives; Stand for election and be eligible for appointment as an officer or official and, if elected or appointed, to hold office; and Stand for election or seek for appointment as a trade union representative and, if elected or appointed, to carry out the functions of a trade union representative in accordance with the provisions of this Act or a collective agreement (GoK, 2007, p. 13).

Every member of a trade union that is a member of a federation of trade unions has the right, subject to the constitution of that federation, to participate in its lawful activities; participate in the election of any of its office bearers or officials, and stand for election or seek for appointment as an office bearer or official and, if elected or appointed, to hold office. The Act protects employees against any discrimination of any person seeking employment for exercising their right for labour relations (GoK, 2007).

Kenya is one of the countries that supported the adoption recommendations of Decent Work for Domestic Workers by the ILO and these recommendations are largely consistent with the provisions in the Kenyan Constitution which spells out the minimum terms and conditions of employment contained in the Labour Laws (ILO, 2011, GoK, 2010).

Given that the provisions of ILO (2011) are consistent with the provisions of the Kenyan Constitution and the Labour Laws, the key task is to enhance awareness of the basic minimum provisions of the law, creating knowledge of the social protection mechanisms (Masta and Mwamadzingo, 2011). According to Dessler (2008), many organizations and



employers opt for employees' participation programs where employees are encouraged to take part in the day to day issues of the organization and avoid participating in labour movements. However, employers and unions are continually grappling with the issue of these programs which aim at maintaining a healthy balance in employment relationships but cannot effectively replace the need for trade unions.

Under the Trade Disputes Act (GoK, 2007), the labour contract is suspended if a worker participates in a lawful strike or is affected by a lawful lock out. Therefore, the employee does not violate his or her contractual obligations to his or her employer when he or she participates in a strike. Likewise, lock outs do not terminate the employment relationship. When the labour contract is suspended by worker participation in a strike, the employer is not required to pay wages, since no work has been performed. Industrial Court judgments have held that an employer is not required to pay wages when the labour contract is suspended because of a strike (GoK, 2007). Even with this background, labour relations are almost non-existent among support staff in public secondary schools and this study aimed at investigating the main reasons for this.

### **2.3 Provisions in HR Management Processes and Participation in Labour Relations**

According to Armstrong (2012), the degree to which employees are satisfied with HR policies and practices can be measured by attitude surveys where opinions are obtained on such matters as their work, their pay, how they are treated, their views about the company and their managers, how well they are kept informed, the opportunities for learning and career development and their working environment. He continues to argue

that the balance of power, especially in the private sector, has shifted to management, who now has more choice over how they conduct relationships with their employees. But the evidence is that there has been no concerted drive by management to de-recognize unions as long as they did not stand in their way. He also argues that management's industrial relations objectives are now generally to control the work process, secure cost-effectiveness, reassert managerial authority and move towards a more unitary and individualistic approach.

Participation in Labour Relations can be affected negatively or otherwise by provisions in HR management processes especially those on recruitment and general management. These guide the management in making decisions on the right criteria to use in the process, which could be internal or external recruitment. According to Yoder (1975), recruitment is the process to discover the sources of manpower to meet the requirements of the staffing schedule and to employ effective measures for attracting that manpower in adequate numbers to facilitate effective relations of an effective workforce. Davis *et al* (1993) states that the recruitment process begins when new recruits are sought and ends when their applications are submitted.

A survey by CIPD (2011) established that the main method of employees resourcing used by corporations is through advertising in the organization's own website. About 60% of employees are sourced using this method. However, in the Kenyan context, the Basic Education Act states that the Board of Governors of secondary schools have powers to employ support staff directly (GoK,1998). This may not always involve

competitive resourcing.

Government workers receive tenure according to the requirements set out in the Civil Servants Law (Appointments) and the Civil Service Rules, which are determined by the Civil Service Department of the Government (GoK, 2007). According to Chapter 211 of the Education Act, the Schools' Boards of Governors are mandated to directly appoint certain cadres of employees. Active labour relations by employees who have been appointed through such a process was not expected to be very pronounced. One of the major areas of concern for this study was to establish whether individual secondary schools had a clear and open recruitment policy.

According to Nzuve (2010), in order to safeguard the reputation of the organization, recruitment processes should not be conducted using influential people or stakeholders. In some Kenyan institutions, it is not uncommon to find informal recruitment which is largely driven by nepotism and other factors. He continues to say that in times of high unemployment rates, nepotism thrives freely within organizations.

According to Pophal (2002), a survey on nepotism at the work place revealed that most prospective employees face problems associated with nepotism and favoritism. In recruitment and selection nepotism is defined as the act of unfairly giving the best jobs and employment preferences to members of one's family and friends when he/she is in a position of power. In most cases, nepotism happens when those in higher management positions influence the recruitment and selection process. Top management takes advantage of their positions to secure jobs to favour friends and relatives. Ideally an

organization should through the process of advertising a vacant post as a matter of procedure. This is not mandatory when filling in lower cadre positions in secondary schools since the management is mandated to employ the support staff (GoK, 1983). Some candidates do not even go through the recruitment and selection process as required in Human Resource Management practices.

If an employee secures a job through nepotism and favoritism, he/she is under obligation to reciprocate the good deed to the employer by being “good”. Loyalty and sycophancy are likely to characterize the employment relationship in such a case and hinder any advocacy for rights at the work place. One of the main concern of this study was to establish how the provisions in HR management processes affect participation of support staff in labour relations.

#### **2.4 Provisions in Institutional Policies and Participation in Labour Relations**

According to Armstrong (2012), the management in the private sector and that in the public sector tolerate living with trade unions but give the industrial relations lower priority. They also feel that it is easier to operate with a union because it provides a well established channel of communication and for handling of grievances, discipline and safety issues. The management perspective however, may be that it is safer to marginalize the unions than de-recognize them and risk provoking a confrontation.

Collective agreements regulate and limit the employers' ability to discharge workers. Grievance procedures and special dismissal procedures enable the union to represent the workers' interests and negotiate the employers' intent to make an individual or collective dismissal. When an agreement is not reached, the dispute is often settled in arbitration. Some collective agreements grant the employer within an organization the prerogative to dismiss a worker after the consultation and negotiation requirements have been met (Maina, 2014).

According to Graham (1998), multi-unionism within companies has been criticized for encouraging demarcation ('who does what') disputes, for increasing the cost and complexity of collective bargaining and leap-frogging of pay claims by various unions. A further difficulty is technological change and skill requirement of workers- meaning that a previous trade affiliation may no longer be appropriate for certain workers who have advanced in skills. Firms facing such problems may seek to de-recognize certain unions in favour of others. This is a somewhat drastic policy that may provoke adverse reaction from workers. Problems of industrial relations among support staff may also occur as a result of *pendulum arbitration* which is a method of fixing the level of pay increase to a group of workers after management and trade union each submit salary figures that each deem to be reasonable to an independent arbitrator. The arbitrator then settles on the figure that he thinks reasonable but there is no guarantee that the disadvantaged party will accept the offer of the arbitrator (Graham *et al*, 1998). He continues to say that another challenge to industrial relations among lower cadre staff is low level of wages. When the wage rate is disappointingly low, workers lack motivation to work and participate in

organizational goals. High discrimination in wages and incentives create a feeling of inequality in the minds of workers and they become either indifferent or ineffective at work and are observed to join trade unions in a lackluster manner.

According to the Kenya Constitution (GoK, 2010), every employee has a right to fair labour practices which include: fair remunerations; reasonable working conditions; right to form, join and participate in the activities and programmes of a trade union. However, there may be a distinction between espoused policies and the way in which these operate in practice. Organizational cultures are likely to be differentiated, with a range of subcultures existing in an organization. In most public institutions in Kenya, labour movements are active among the high cadre employees while the so called support staff is mostly voiceless.

Meyers (1981) advances a grievance redress machinery which enables the management as well as trade unions leaders to investigate and discuss the issues concerning problems that give rise to grievances. An illustration of Meyer's grievance resolution model is shown in figure 2.1.

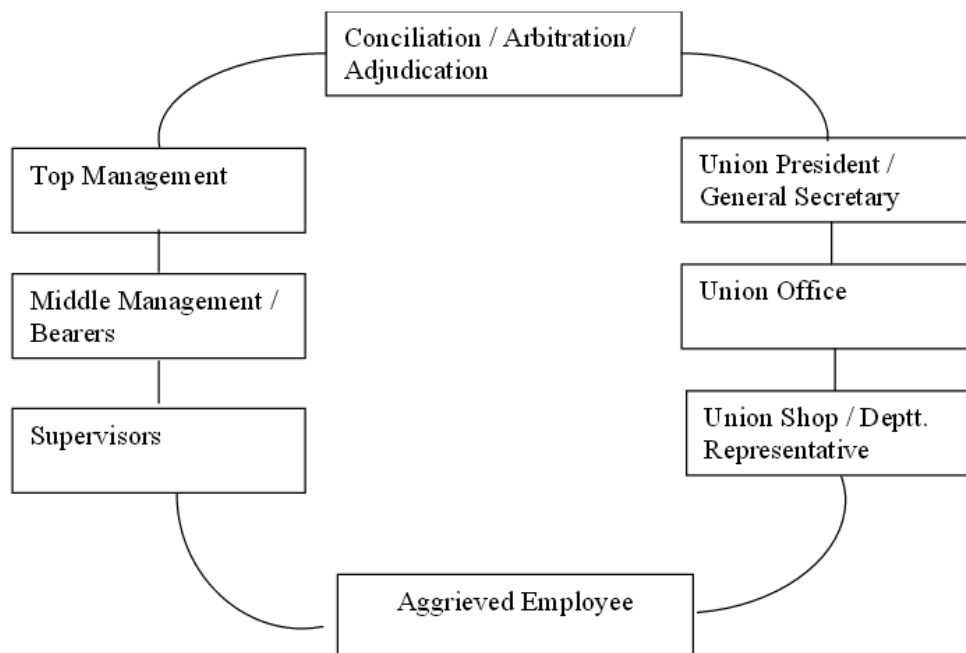


Figure 2.1. Meyer's grievance redress machinery model. (Source: Power Finance Corporation 2007, p. 7).

This model may represent the ideal situation for handling grievances but practically the support staff in most public institutions may not have the privilege of having their issues handled as thoroughly and professionally as the model suggests. Graham *et al* (1998) argues that grievance redressing among employees is hinged on the contentious view of the difference between HRM and personnel management. According to Walton (1985), there is a proposition that the latter is “pluralistic” in orientation while HRM has a “unitaristic” approach. In the industrial relations context, people with unitary frames of reference regard both sides of the industry (management and employees) as having identical interests, and in consequence, believe that workers should naturally co-operate

with management, should work together as a team, and actively seek to assist management achieve its objectives. On the other hand, pluralistic frame of reference is one which sees conflicts of interest and disagreement between managers and workers over the distribution of a firm's profits as the normal and inescapable state of affairs. Realistically therefore, management should accept that conflicts will necessarily occur and sound procedures should be put in place to settle them. Pluralism assumes that the best way to achieve consensus and long term stability in management/worker relations is for management to recognize conflicting interests, to negotiate compromises, and to balance the demand of various groups, this implies the need for grievance procedures generally associated with personnel management.

Trade union membership has dropped in many countries due to a decline of large manufacturing firms, the rise in service industries and the growing number of part time workers. Trade union membership has remained strong only among higher ranks of employees in the public sector (Armstrong, 2012). According to Graham *et al* (1998), subscription fees sometimes keep some potential members away from joining trade unions. This is more evident among employees who earn lower salaries. Dessler (2008) argues that the urge for workers to unionize often seem to boil down to the belief on their part that it is only through unity that they can get their fair share of the pie and also protect themselves from the management whims. However, experience has shown that unions cannot always ensure job security as evidenced in the recent past in manufacturing industries and airlines (Dessler, 2008). An interview with KUDHEIHA officials revealed that union membership among support staff in many public institutions including



secondary schools has largely been static over the years and has not kept pace with new employment trends. This has been a cause of concern for union management who view it as a threat to the labour relations even though the rights of workers are clearly spelt out in the Kenyan constitution.

In accordance with the laws of Kenya chapter 211, the then Ministry of Education Science and Technology entered into a “Memorandum of Agreement” with KUDHEIHA workers union and laid out procedures for negotiations in respect of claims and grievances. All Boards of Governors of public schools were required to recognize the union as a legitimate body mandated to champion the rights of workers within the set out memorandum. This agreement gave a blanket responsibility to the Board of Governors to serve as a first line solution to the workers’ grievances and only approach the trade union when this approach was unfruitful (GoK 1983). The agreement may have had good intentions but the prospect of an employee to face a whole board with a personal grievance is a big hurdle to many an employee of modest educational background. Although this Act has undergone various reviews and amendments with the latest contained in the Basic Education Act (2013), willingness to join trade unions by support staff is still a challenge.

## **2.5 Empirical Review**

Although previous studies on the welfare of lower cadre employees have established that more needs to be done to improve their plight, there are no specific solutions on how to deal with this problem of support staff in as far as their rights to labour relations are concerned. In most of the literature available, solutions to issues on support staff is

mostly on commercial organizations, where managements have some informal arrangements on how to ensure that there is employee satisfaction at the work place (Armstrong, 2012). There is therefore scanty or no information on measures to address plight of support workers in public institutions.

In an article appearing in the *Daily Nation* (2007), secondary school heads admitted that they were under-paying non-teaching staff in their schools “due to shortage of funds”. They also affirmed that “these workers are grossly exploited” and asked the Government to support them to improve their welfare. Whether this exploited lot of staff is aware of the various provisions and are utilizing them to enhance participation in labour relations in order to improve their welfare at the workplace has not been demonstrated adequately in any past studies.

## **2.6 Critique of Existing Literature**

The literature reviewed in this study shows that a gap exists between the worker and his/her representation on issues of labour relations. Most studies on industrial relations take the relationship between the single employer and its employees as their starting point both for theoretical and empirical analysis. From this perspective, it is widely accepted that the worker’s voice has been reduced, partly because trade unions are no longer recognized in as many workplaces as they ought to be. Even where they are, their influence has been reduced to the extent that collective bargaining is largely ineffective especially in what are termed as ‘continuing’ organizations (Cully *et al*, 1999; Blyton and Turnbull, 2004). In his study on employees in the private sector, Holzer (2008) noted that employees of high profitable organizations have a greater chance of receiving higher

wages than those working for less profitable enterprises.

According to Machin (2003), the problem for unions is even more marked in ‘new’ workplaces. This may be expected in ‘new’ work places such as upcoming day public secondary schools. Previous studies on labour relations have largely ignored or overlooked the specific circumstances surrounding the practical position on participation of support staff in labour relations in many organizations. This is expected to be even more so in a rural set up like that in Kirinyaga County where most of the secondary schools studied are located. According to Erickson *et al* (2002), a study on janitors in the Los Angeles showed that there had been virtually no research on worker voice and representation precisely on support staff.

## **2.7 Summary**

Whereas strong legal and policy provisions are necessary to guide the management and subsequent proper functioning of any organization, it is of no use in addressing and fixing of any deserving situations unless if there is awareness on the part of those it seeks to protect. Of necessity, this has to be followed by an application of the same if it has to be of benefit to those it is intended to assist. In the words of John Selden, an English historian, jurist, and politician (1584 - 1654): “Ignorance of the law excuses no man; not that all men know the law, but because 'tis an excuse every man will plead, and no man can tell how to confute him” (Encarta, 2009). No matter how strong and well intentioned the laws and policies are, they are of no consequence if workers are ignorant of the relevant provisions or are unable, afraid and unwilling to apply them to address their plight. The Kenyan law has very clear provisions on labour relations but the effects that these legal provisions have on the intended beneficiaries (support staff in this case),

and whether they help to address labour relations issues among them was the main concern of the study.

## **2.8 Research Gaps**

According to Wertheim (2013), there is growing pressure to decentralize industrial relations, to supplement the centralized focus of traditional employee-employer relationships with mechanisms at the firm, plant, or even at the shop level. However, the result of these pressures is not yet clear and in some places, both unions and management are resisting decentralization and the movement of collective bargaining or any other mechanism into the firm. Wertheim (2013), further argues that, over the last 30 years, both labour and management across the world have realized that profound changes in industrial relations are imminent. This has meant that their traditional prerogatives are being eroded and are beginning to approach the topic of worker participation on a more practical level. In public secondary schools, a traditional assumption is that the support staffs main purpose is to 'support' the management in its performance and thus there is no urgent need for unionizing them. Records by KUDHEIHA (2013) indicate that in these workplaces, workers are more often than not unionized and usually they work at the mercy of the employer who may violate their rights from time to time.

According to GoK, (2013), support workers in public secondary schools are under the direct control of the management. In light of this, this study sought to find out whether management boards have instituted formal channels, either at personal or institutional levels to educate and sensitise these staff on their rights, provisions and privileges under

the law. It is therefore against this background that this study sought to find out whether the laws that are meant to safeguard their interests and encourage their participation in activities of labour relations have achieved their aim and if not, investigated the reasons why.

Other gaps in this study included certain pertinent questions that needed answers: how do the relevant legal provisions at national and institutional level affect participation in labour relations? Do the HR management processes provide avenues for employee participation and improvement of work environment? Do the powers vested by the Education Act (Chapter 211) in secondary schools' Management Boards to employ and manage support staff in secondary schools act as a deterrent to any form of activism and participation in labour relations? Are support workers aware of any institutional policy provisions on labour relations at their workplace? If so, how do they affect their participation in labour relations? The answers to these questions were a critical pillar for this study.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

The methodology that guided the study is discussed under: Location of the study, research design, target population, sample and sampling procedure, instruments and data collection procedures, validity and reliability of instruments and data analyzing procedures.

#### **3.2 Location of the Study**

The study was conducted in fourteen (14) public secondary schools spread across the four districts of Kirinyaga County namely: Kirinyaga Central, Kirinyaga South, Kirinyaga East and Kirinyaga West.

#### **3.3 Research Design**

According to (Mugenda and Mugenda, 2003), a research design is a plan, structure and strategy to be used in carrying out the investigation so as to answer the research questions, achieve research objectives and control variance in a study. Broadly, this study

adopted a combination of both quantitative and qualitative approaches. One of the instruments, questionnaire, provided data that was both empirical and also subjective in nature. The open ended questions of the questionnaire and the the interview guide to which the union officials were subjected to provided data that was subjective as it was a perception of the respondents within the environment of the study.

Specifically, a descriptive study design, which involved a systematic collection and analysis of data, was adopted in this study. According to Mugenda and Mugenda (2003), this design helps a researcher to obtain information, describe and present a picture of a phenomenon or issue under investigation and involves measuring a variable or set of variables as they exist naturally. It aimed at describing single variables and obtained separate description for each of them since several were involved. The researcher was able to describe responses to questions on the phenomenon or situation with the aim of understanding the respondents' perception on the situation that was being investigated and their views were taken to represent those of the entire population.

### **3.4 Target Population**

The target population (universe of the study) consisted of all the lower cadres of employees commonly referred to as support staff in the one hundred and eighteen (118) public secondary schools in Kirinyaga County. According to data from Kirinyaga County Education Office, the population of support workers in public secondary schools was 3201 at the time of the study and of these, only 300 are unionized.

### **3.5 Sample and Sampling Procedure**

A sample of one hundred (100) respondents drawn from fourteen public secondary schools was used for the study. According to the County Education Office (2014), there

are 118 public secondary schools in Kirinyaga County and they spread over four districts: Kirinyaga Central, Kirinyaga South, Kirinyaga East and Kirinyaga West. The number of schools chosen is equivalent to 11.86% of the total number of schools in the County. For descriptive studies, 10% of the population is enough to provide a representative sample when the target population is in thousands (Mugenda and Mugenda, 1999; Kasomo, 2014).

Systematic random sampling was used to select the specific schools that were used in the study from each district in the county from the list provided by the County Education Office. The researcher randomly compiled a list of all secondary schools from each district and picked every 8<sup>th</sup> school until the sample for each district was attained. Table 3.1 shows the sample size and how it was distributed across the districts in the County. Respondents were selected randomly from members of support staff in the schools that were selected for inclusion in the study.

This sample size was determined by the formula proposed by Nachmias (2000). According to him, a sample size can be determined by using the following formula:

$$n = \frac{(N C_v^2)}{C_v^2 + (N-1) e^2}$$

Where n = Sample size

N = Population

C<sub>v</sub> = Coefficient of variation (take 0.5)

e = Tolerance at desired level of confidence, (used 0.05 at 95% confidence level)

After applying this formula to the population of 3201, a sample of 100 was obtained. In order to make it representative, the respondents were selected at random in proportion to the number of workers in each of the institutions selected for the study.



**Table 3.1 Sample Size for the Study**

<b>District</b>	<b>Total No. of Schools</b>	<b>Schools Sampled</b>	<b>Number of Workers</b>	<b>Respondents Per School</b>	<b>Total Respondents</b>
Kirinyaga Central	32	4	290	8	32
Kirinyaga East	28	3	213	6	18
Kirinyaga West	33	4	278	8	32
Kirinyaga South	25	3	179	6	18
<b>TOTAL</b>	<b>118</b>	<b>14</b>	<b>960</b>		<b>100</b>

**Source: Adapted from County Government of Kirinyaga, (CGoK, 2014)**

### **3.6 Instruments and Data Collection Procedures**

Data was collected using a questionnaire with open and closed-ended questions. The closed-ended questions confined the respondents to give their views strictly on the question asked while responses to the open-ended questions enabled the researcher to get a greater insight into the feelings, decisions and thinking of the respondents on the same. According to Kothari (2004), a good questionnaire must enable the respondents to provide answers to the research questions as validly, objectively and as economically as possible.

The questionnaire was administered in the English language but interpretation to the national language- Kiswahili, was done in very few instances where there was need to and the responses were recorded appropriately in English. An interview guide was used to collect data from officials of Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied workers' (KUDHEIHA) trade union. The researcher held an informative session with the Kirinyaga County branch chairman and acquired variable information for this study. A copy of the Memorandum of Agreement (GoK, 1983), was

also availed by this official and it was a source of crucial secondary data on the labour relations provisions for support staff (appendix 6).

### **3.7 Reliability and Validity of Instruments**

The reliability of an instrument (a questionnaire in this case), is its ability to produce the same results if another person were to use it to collect data elsewhere on the same variables (Bell *et al*, 2003). It is the degree to which study instruments yield consistent results of data. To test reliability of the instrument, a pilot study comprising of 10% of the sample size (i.e. 10 questionnaires) was conducted. A reliability measure was achieved by estimating how well the items checking the same concept yielded the same result. The reliability coefficient was obtained using Kappa statistics which gives a measure of intra and inter observed agreements and corrected for chance agreement of the responses on concepts being measured. The Kappa coefficient ranges between -1 and +1 and it is measured thus:

$$\text{Kappa} = \text{Total observed agreement} - \text{chance agreement}$$

If the Kappa ratio is below 0, there is no agreement on the reliability of the instruments. If it is between 0 and 0.19, the agreement is poor; if it is 0.2 to 0.39; there is fair agreement; 0.4 to 0.59 moderate agreements; 0.6 to 0.79 substantial agreements while 0.8 to 1 indicates almost perfect agreement. A high coefficient implies that items of the instrument correlate highly among themselves, i.e. there is consistence among the items in measuring concepts of interest (Kothari, 2004). In this study the pilot test yielded a kappa coefficient of 0.68 and this implied substantial agreement.

To achieve content validity for in the questionnaire, the researcher consulted various experts (supervisors) on various sections of the questionnaire and enriched it accordingly.

This ensured that the content and format of the instrument was adequate and appropriate for the intended purpose of the study. Construct validity was also ascertained by ensuring that the variables being measured were defined clearly, the research questions were formulated clearly based on the theory underlying the variables.

### **3.8 Data Analyzes and Presentation**

Data analysis involves the categorizing, ordering, manipulating and summarizing of the data obtained to answer research questions (Kerlinger, 1993). The filled questionnaires were cross-checked for accuracy by sorting them out to detect any errors and harmonize the responses. The data was then coded and analyzed using descriptive statistics which included frequencies and percentages. After analysis, the data was presented using tables and charts. Conclusions were then drawn based on the responses and this formed the basis for the presentation of findings. Data from interview guide, an instrument that was subjected only to the KUDHEIHA officials, was incorporated into the literature and background information for the problem in this study.

### **3.9 Ethical Issues**

The researcher was guided by strict ethical considerations in carrying out the study. The main ones considered were:

Ethical considerations on the research process: - the researcher took commensurate caution on methodological issues. In order to strictly follow the methodology, the researcher did not purposely avoid a pertinent research issue for fear of repercussions or because of conflict of interest. According to Mugenda and Mugenda (2003), a researcher is expected to be honest in search of genuine problems and enjoy academic freedom of

reflecting. Similarly, data collection method and instruments were such that they were fairly free of anxiety.

Ethics on the part of research subjects: - the researcher observed ethical concerns on privacy, confidentiality, consent and the participant's reaction to the study. The way in which the researcher used, analyzed and reported the data all had the provisions to protect the privacy of the participants (subjects) in the strictest manner possible.

Ethics on the part of the researcher: - the researcher observed personal ethical issues by avoiding plagiarism, fraud and misuse of privileges. All academic work referred to during the research was acknowledged, she ensured that all questionnaires were administered and completed by the respondents themselves and no questionnaire was completed on behalf of a respondent due to his/her absence. The findings of the study were recorded and analyzed as accurately as possible without exaggerations, omissions or willful falsification.

## **CHAPTER FOUR**

### **DATA ANALYSIS AND PRESENTATION**

#### **4.1 Introduction**

There are sound legal provisions and rights are enshrined in the law and other provisions also exist in HR management, but this study established that very little if any, trade union activity is evident among support staff of public secondary schools in Kirinyaga County.

While responding to interview guide questions, KUDHEIHA union officials revealed that there were 3201 support staff members in public secondary schools within Kirinyaga County at the time of the study but only 300 are unionized. This was equivalent to 10.6% of the total population of these workers and this scenario was a major concern for this research.

This chapter gives an in-depth analysis of the major findings on how the following affect participation in labour relations by support staff in secondary schools: the provisions of national laws and policies, the provisions in HR management processes and the provisions of institutional policies. According to the trade union's management, this low enrolment is a threat to the labour relations movement even though the rights of workers are clearly spelt in the legal framework in Kenya.

#### **4.2 Bio-Data and General Information**

The first part of the questionnaire, Section A, was designed to gather data on such general issues as departments in which the respondents worked, terms of employment (whether permanent or on contract), date of employment and gender. After analysing the filled questionnaires, it was realized that the departments in which the respondents worked did not have any notable influence on the way they responded. Similarly, other factors like terms of employment, date of employment and gender had no significant contributions to the findings of the study.

#### **4.3 Provisions of National laws and participation in Labour Relations**

The respondents were subjected to various questions on this variable and their responses were analyzed as follows:

##### **4.3.1. Knowledge on Provisions on Legal Provisions for Labour Relations**

**When asked whether they had enough knowledge on the provisions of national laws and policies only 13% were in agreement, 13% were neutral. A combined 68% were**

either in disagreement or strong disagreement on the issue. The pattern of responses is shown in table 4.3.1.

S/N	Response	No. of respondents	percentage
1	Strongly agree	5	5%
2	Agree	8	8%
3	Neutral	13	13%
4	Disagree	54	54%
5	Strongly disagree	14	14%
6	Do not know	6	6%
<b>Total</b>		<b>100</b>	<b>100</b>

**Table 4.3.1 Knowledge on Provisions on legal provisions for Labour Relations**

Source: Researcher, (2015)

This pattern of responses established that lack of information on the provisions of national laws and policies was a major drawback to participation in labour relations. It was an indication that the guidelines in GoK (2010) where existing and newly formed trade unions are expected to reach out the unorganized segments of the working class to assist them exercise their rights as has not been followed.

#### **4.3.2 Clarity and Relevance of National Legal Provisions**

Out of those sampled, only six (6) per strongly agreed, 12% simply agreed that there were clear and relevant laws governing participation in labour relations. Of the rest, 12% were neutral and a combined 57% strongly disagreed or simply disagreed. The relatively

small number of those in agreement was an indication that lack of awareness of the provisions in GoK (2010) had a significant effect on participation. It gives a right to every employee to form and join a trade union and to participate in the activities and programmes of an employer's organisation. Table 4.3.2 illustrates the pattern of the responses to this question.

S/N	Response	No. of respondents	Percentage
1	Strongly agree	6	6%
2	Agree	12	12%
3	Neutral	21	21%
4	Disagree	29	29%
5	Strongly disagree	28	28%
6	Do not know	4	4%
<b>Total</b>		<b>100</b>	<b>100</b>

**Table 4.3.2 Clarity and Relevance of Legal Provisions**

Source: Researcher, (2015)

#### **4.3.3 Implementation of Legal Provisions**

When asked whether labour laws were being implemented within the schools in order to cater for their welfare, 8% simply disagreed while 5% strongly disagreed. A combined 62% of those interviewed ranged from strong disagreement and simple disagreement while 21% were neutral. While responding to the open-ended questions, 54% of the respondents suggested provisions of labour laws should be taught to them through seminars and other methods. The pattern of responses is illustrated in table 4.3.3.

**Table 4.3.3 Implementation of Legal Provisions**

S/N	Response	No. of respondents	Percentage
1	Strongly agree	5	5%
2	Agree	8	8%
3	Neutral	21	21%
4	Disagree	33	33%
5	Strongly disagree	29	29%
6	Do not know	4	4%
<b>Total</b>		<b>100</b>	<b>100</b>

#### 4.3.4 Sustainable Follow-Up Procedures

On whether there were sustainable follow-up procedures of labour laws only 1% strongly agreed while 3% did not know. Twenty three percent (23%) were neutral on this issue while and therefore in total, 84% ranged from strong disagreement, simple disagreement and neutral. Figure 4.3.1 shows an illustration of the responses to this question.

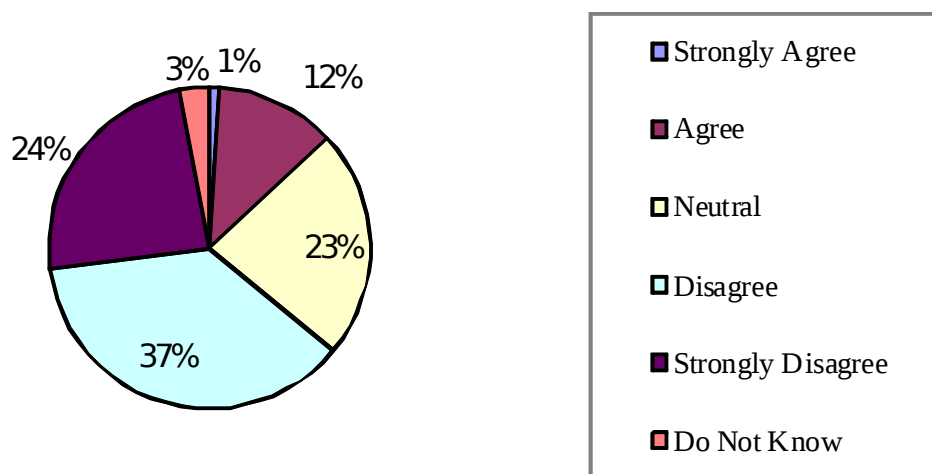


Figure 4.3.1. Sustainable Follow-Up Procedures (Source: Researcher, 2015)

The pattern was in contradiction with the proposal by Masta and Mwamadzingo ( 2011)



on how to enhance awareness of the basic minimum provisions of the law and creating knowledge of the social protection mechanisms. Instead, the pattern tends to be inclined towards findings by Dessler (2008) where organizations and employers opt for employees' participation programs and avoid encouragement for participation in labour movements. Whereas this may serve to maintain a healthy balance in employment relationships for sometime, it may not be an equivalent alternative trade unions.

#### 4.3.5 Access of Information on Labour Relations Processes

On whether the respondents had access to relevant information on labour relation issues, a combined 34% ranged from strong agreement to simple agreement while 44% either disagreed or strongly disagreed that information on labour relation laws was accessible to them. Seventeen per cent (17%) were neutral. The pattern of responses to this question is represented in figure 4.3.2.

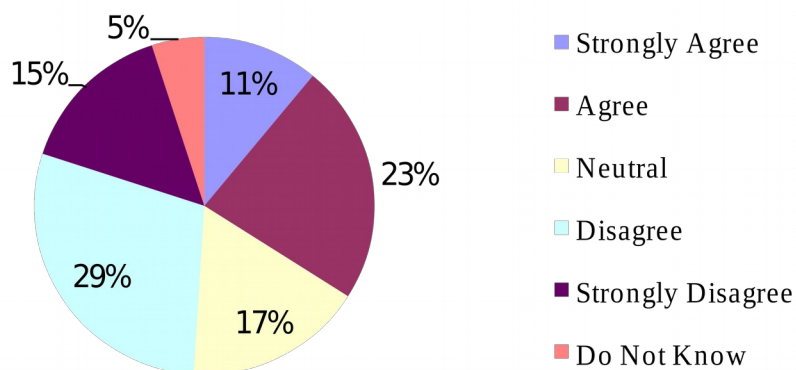


Fig. 4.3.2 Access to Information on Labour Relation Processes (Source: Researcher, 2015).

This response pattern was agreeable to the findings by Dessler (2008), who opined that many organizations and employers opt for employees' participation on day to day issues of the organization as opposed to actively participating in labour movements. The

findings indicate management may not have directly hindered workers in schools to engage in informal discussions on issues affecting them in the work environment.

#### **4.3.6 Legal Provisions and Trade Union Membership**

When asked in the open-ended questions whether they were members of trade unions in spite of provisions in law, most of the respondents did not know that there were provisions for it in law. When asked what needed to be done in order to enhance participation more than half of those polled did not know what needed to be improved since they were not even conversant with legal provisions. Only a small number suggested that trade union officials should be more active and be in direct contact with the workers in the various schools.

#### **4.4. Provisions in HR Management Processes and Participation in Labour Relations**

The respondents' answers to questions on this variable yielded the results that are analyzed as follows:

##### **4.4.1. Encouragement by Management**

Out of those sampled a total of 71% either strongly disagreed or simply agreed that there was encouragement by the management to the support staff to participate in labour relations while 17% either agreed or strongly agreed that there was encouragement. Eight percent (8%) were non-committal on the issue while 14% did not know. According to KUDHEIHA officials, most support employees were handpicked by management and offered employment and it is therefore inconceivable for the management to encourage them to belong to trade unions and be seen as opposing the very people to whom they owe allegiance.

The pattern of the findings on whether the school management boards encourage participation in labour relations are shown in table 4.4.1

**Table 4.4.1 Encouragement by Management**

S/N	Response	No. of respondents	Percentage
1	Strongly agree	5	15%
2	Agree	12	43%
3	Neutral	8	8%
4	Disagree	53	23%
5	Strongly disagree	18	8%
6	Do not know	14	3%
	<b>Total</b>	<b>100</b>	<b>100</b>

Source: Researcher, (2015).

#### **4.4.2 Merit and Fairness of Recruitment Process**

When asked whether employment procedure was fair and based on merit and whether it affected participation in labour relations, fifty one percent (51%) of the respondents ranged from strong agreement to agreeing in their responses. However, quite a sizeable number, 41%, disagreed or strongly disagreed. Twelve percent were neutral, while 4% did not know whether the process affected participation in any way. These findings were not surprising since according to (GoK, 2007) on the Education Act, the secondary schools' management boards are mandated to directly appoint certain cadres of employees and logically, these are expected to be submissive to the authorities that be. Active labour relations by employees who have been appointed through such a process and such employees in secondary schools would most likely say there is a clear and

open recruitment policy in place even in cases where this may be otherwise. It also tends to give credence to the assertion by Nzuve (2010) that in some Kenyan institutions, recruitment is largely driven by nepotism. This agrees with Pophal (2002), who argued that nepotism and favouritism at the work place is likely to breed loyalty and sycophancy since employee resourcing and employment are not always done on merit but mostly in favour of friends and relatives. In spite of all the provisions, labour relations may not therefore thrive much under such circumstances. The pattern of responses to this question is shown in table 4.4.2.

**Table 4.4.2 Merit and Fairness of Recruitment Process**

S/N	Response	No. of respondents	Percentage
1	Strongly agree	13	13%
2	Agree	38	38%
3	Neutral	12	12%
4	Disagree	24	24%
5	Strongly disagree	9	9%
6	Do not know	4	4%
<b>Total</b>		<b>100</b>	<b>100</b>

Source: Researcher, (2015).

#### **4.4.3 Transparency in Staff Procurement Procedures and Participation**

When asked whether there was lack of transparency in staff procurement and if this negatively affects participation, 64% either agreed or strongly agreed. Sixteen percent (16%) disagreed while 15% were neutral on this issue. It is only 18% who disagreed that procedures of staff recruitment had no effect on participation. According to those in this

category, their responses indicated that was transparency in recruitment. This pattern of responses was in agreement with the findings of Davis *et al* (1993) who argued that the recruitment process is a lengthy one which normally begins when new recruits are sought and ends when their applications are submitted. Table 4.4.3 illustrates this response pattern

**Table 4.4.3 Transparency in Staff Procurement Procedures and Participation**

S/N	Response	No. of respondents	Percentage
1	Strongly agree	29	29%
2	Agree	35	35%
3	Neutral	15	15%
4	Disagree	16	16%
5	Strongly disagree	3	3%
6	Do not know	2	2%
<b>Total</b>		<b>100</b>	<b>100</b>

Source: Researcher, (2015).

#### **4.4.4 Review of Terms and Conditions and Participation in Labour Relations**

In response to whether there was continuous review of terms and condition of employment and how it affected participation in labour relations, a total of 66% was the total of those in disagreement that there was continuous review of terms and conditions of employment which negated the need for join trade union. In addition, 19% were non-committal (i.e. neutral) on the issue while 12% agreed and only 2% strongly agreed. These findings were inconsistent with Yoder (1975) who opines an organization's management should have good staffing schedules and use effective measures to facilitate effective relations of an effective workforce. The pattern of these findings is illustrated in

table 4.4.3.

**Table 4.4.3 Review of Terms and Conditions and Participation in Labour Relations**

S/N	Response	No. of respondents	Percentage
1	Strongly agree	2	2%
2	Agree	12	12%
3	Neutral	19	19%
4	Disagree	30	30%
5	Strongly disagree	36	36%
6	Do not know	1	1%
<b>Total</b>		<b>100</b>	<b>100</b>

Source: Researcher (2015).

#### **4.4.5 HR Management Provisions Required to Improve Employee Participation**

The respondents' answers to the open-ended question on what management in particular institutions should do to improve participation showed that 86% wanted "management to allow" labour relations while not categorically claiming that management disallowed such activities. The rest, 14%, were ignorant of what should be done by their schools' management to improve participation.

#### **4.4.6 Fear of Management and Participation in Labour Relations**

When the respondents were questioned on their reasons for not joining trade unions, a combined 35% either strongly agreed or just agreed that the fear of management contributed to their failure to join labour movement. Nine percent were non-committal on the issue while a combined 54% disagreed or strongly disagreed that the fear of

management was the reason why. According to KUDHEIHA officials, fear to approach school management on labour issues had a significant effect on participation although the respondents may have been unwilling to admit this openly. Figure 4.4.2 illustrates how the workers responded when asked whether the fear of management deterred them from labour relations issues.

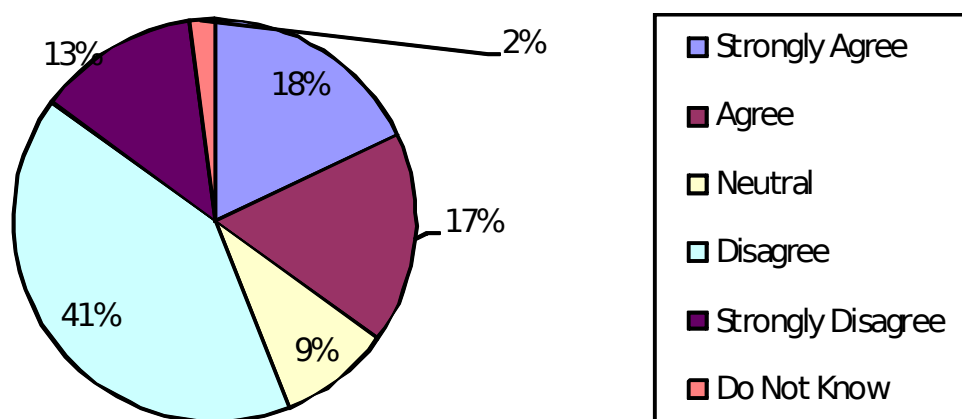


Fig. 4.4.2. Effects of fear of management on participation (Source: Researcher, 2015).

Although 54% disagreed or strongly disagreed that the fear of management was the reason they failed to join trade unions, Marsden *et al* (2010), in their theory on *frontier of control* assert that there is a zone of acceptance in an employment contract and the employer has the power to dictate the contractual terms unless they have been fixed by collective bargaining. The researcher therefore did not fully agree with the respondents that fear of management had only 35% contribution to failure to join trade unions.

#### 4.4.7 Work Environment and Participation in Labour Relations

On whether support staffs were satisfied with the conditions of the work environment and whether this was a reason for not joining trade unions, 78% disagreed that they were not satisfied with the conditions of the work environment. Only a combined 18% were in

agreement that they were satisfied with working conditions while four percent (4%) remained neutral on the issue. The relatively high percentage of dissatisfaction with working conditions implies failure to participate in labour relations was not due to satisfaction at the work place. It shows that support workers would wish to have the situation improved. The best they can do is to wait for management to do something about it but they did not seem to know how they can initiate remedial measures. Table 4.4.4 shows how the respondent answered when asked for their views on their satisfaction with working conditions at the workplace.

S/N	Response	No. of respondents	Percentage
1	Strongly agree	1	1%
2	Agree	17	17%
3	Neutral	4	4%
4	Disagree	49	49%
5	Strongly disagree	29	29%
6	Do not know	0	0%
<b>Total</b>		<b>100</b>	<b>100</b>

**Table 4.4.4 Work Environment and Participation in Labour Relations**

Source: Researcher, (2015).

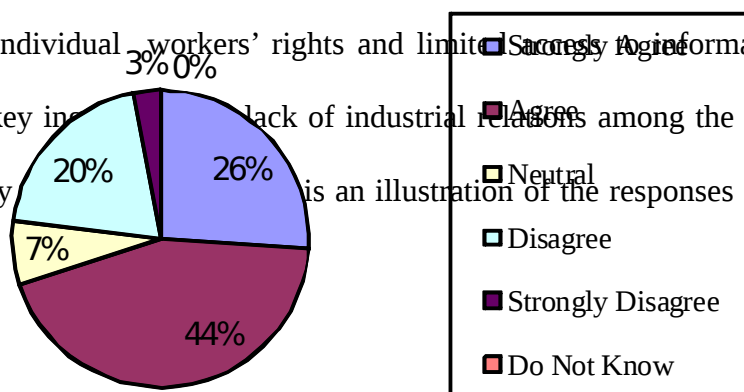
This was relatively in agreement with the findings of Walton (1985), where he argues that in the industrial relations context, people with unitary frames of reference regard both sides of the industry (management and employees) as having identical interests, and in consequence, believe that workers should naturally co-operate with management, work



together as a team and actively seek to assist management achieve its objectives. In actual sense however, the unitary frame of reference is not always applicable but the pluralistic frame of reference is one which sees conflicts of interest and disagreements between managers and workers as the normal and inescapable state of affairs. The findings concur with the conclusions of Watson (1985) that although this may not necessarily play out into full blown conflicts, peaceful co-existence does not necessarily mean satisfaction.

#### 4.4.8 Knowledge on Provisions and Rights to Participate in Labour Relations

In response to whether lack of knowledge on their rights to labour relations was a reason for not engaging on the same, 78% of those sampled either simply agreed or strongly agreed. Seven percent (7%) were neutral on the issue while 23% was the combined number of those who either agreed or strongly disagreed. Earlier theories by Armstrong (2012) showed that the management in the private sector tolerate living with trade unions but give the industrial relations lower priority. Although they feel that it is easier to operate with a union because it provides a well established channel of communication and for handling of grievances, discipline and safety issues and their perspective. It was therefore inconceivable that knowledge on Industrial Relations would be propagated by freely by management or conditions made conducive for it to thrive. When the responses on this variable were compared with those on access to information, it was deduced that knowledge on individual workers' rights and limited access to information on labour relations were key in lack of industrial relations among the support staff in public secondary schools. This is an illustration of the responses of the workers'



knowledge of their rights to join trade unions. From the interview with trade union officials, the study established that some of those who responded in agreement of having knowledge of their rights to join trade unions were likely registered members of KUDHEIHA.

Fig. 4.4.3. Knowledge on rights to join trade unions (Source: Researcher, 2015).

#### **4.4.9 Facilitation to Participate in Labour Relations**

On whether there was there was facilitation by management to participate in labour relations, only a combined 12% was in agreement while 66% was in general disagreement. Of the rest, 18% was non-committal (neutral) while 4% did not know. This pattern of response concurs with Armstrong (2012), who argues that satisfaction of employees with with HR policies and practices can be measured by attitudes on such matters as their work, their pay, how they are treated, their views about the company and their managers, how well they are kept informed, and the opportunities for learning and career development in their working environment. Table 4.4.5 illustrates the pattern of responses to this question.

**Table 4.4.5 Facilitation to Participate in Labour Relations**

<b>S/N</b>	<b>Response</b>	<b>No. of respondents</b>	<b>Percentage</b>
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1	Strongly agree	2	2%
2	Agree	10	10%
3	Neutral	18	18%
4	Disagree	40	40%
5	Strongly disagree	26	26%
6	Do not know	4	4%
	<b>Total</b>	<b>100</b>	<b>100</b>

Source: Researcher, (2015).

#### **4.4.10 HR Management Structures Necessary to Improve Participation**

The responses to this open-ended question on this what was required to improve participation, 64% suggested that all School Management Boards should be pushed by the government to facilitate participation in labour relations, 10% suggested that recruitment of union members be done in schools while the rest left the question blank. At one station, a worker, thinking that the researcher was from the labour office, requested her “to organize and conduct seminars on this issue”.

#### **4.5. Provisions in Institutional Policies and Participation in Labour Relations**

The respondents were questioned on the effect of provisions for labour relations on participation within the learning institutions and the findings are discussed as follows:

##### **4.5.1 Institutional Methods to Facilitate Participation in Labour Relations**

When questioned on the availability of methods to facilitate participation in learning institutions, only 18% agreed that there existed effective ways for this purpose. A total of 65% ranged between simple disagreement and strong disagreement on the issue. The remaining number of respondents was non-committal i.e. neutral at 9%; while 8% did not

know of any such methods. This was a clear indication that public secondary schools have no deliberate initiatives of addressing labour relations issues among lower cadre employees in individual institutions. Figure 4.5.1 illustrates how the sampled population responded when asked on the availability of any effective ways of improving labour relations at their places of work

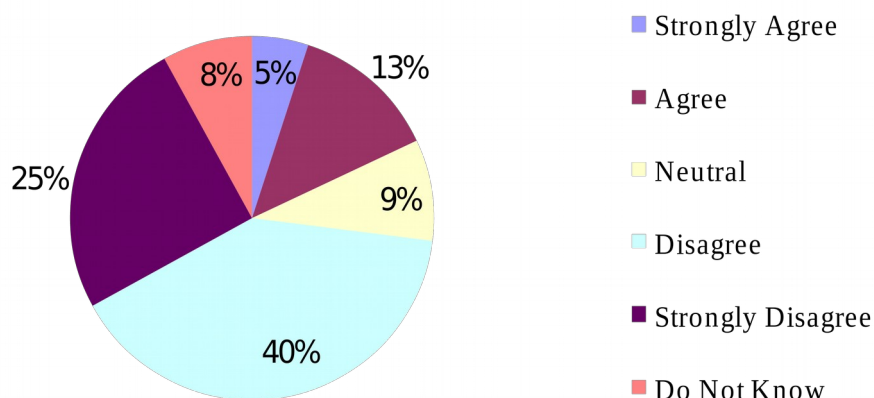
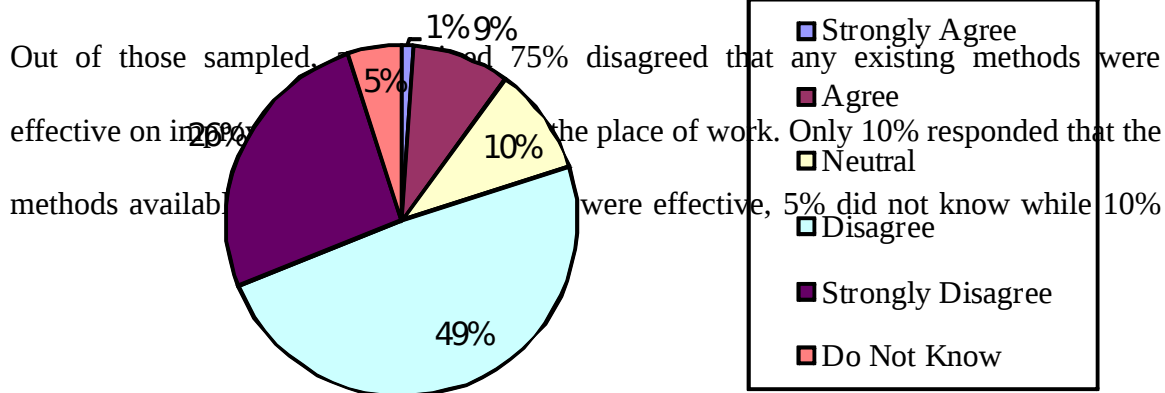


Fig.4.5.1. Availability of effective ways to improve labour relations (Source: Researcher, 2015).

Although the Kenya constitution (GoK, 2010), enshrines rights of every employee to fair labour practices which including right to form, join and participate in the activities and programmes of a trade unions, the findings of this question indicated that school management boards did not provide deliberate methods of improving labour relations in their stations.

#### 4.5.2 Effectiveness of Institutional Methods on Participation in Labour Relations

Out of those sampled, 49% disagreed that any existing methods were effective on in the place of work. Only 10% responded that the methods available were effective, 5% did not know while 10% strongly disagreed, 20% strongly disagreed, 1% strongly agreed, 9% agreed, and 5% did not know.



were non-committal (neutral). The relatively big percentage of those who disagreed suggests that whatever procedures available to improve participation in most schools had no significant influence on the support staff. Figure 4.5.2 is an illustration of the responses to this question.

#### Figure 4.5.2 Effectiveness of Institutional Methods on Participation in Labour Relations

The pattern of responses agree with Graham *et al* (1998) which argue that grievance redressing among employees is hinged on the contentious view of the difference between HRM and personnel management. Most organizations generally apply procedures that are more associated with personnel management in order to achieve consensus and long term stability in management/worker relations.

#### **4.5.3 Job Security and Participation in Labour Relations**

When asked on whether they felt secure in their jobs without being members of trade unions, only 17% agreed, 24% were non-committal, a combined 49% disagreed while 10% did not know. This response pattern indicated that a total of 83% were either neutral or leaned towards disagreement as illustrated in Table 4.5.1.

**Table 4.5.1 Job Security and Participation in Labour Relations**

S/N	Response	No. of respondents	Percentage
1	Strongly agree	2	2%
2	Agree	15	15%
3	Neutral	24	24%
4	Disagree	26	26%
5	Strongly disagree	23	23%
6	Do not know	10	10%
<b>Total</b>		<b>100</b>	<b>100</b>

Source: Researcher, (2015).

This pattern of response concurs with Graham *et al* (1998) who indicates that trade union membership has remained strong only among higher ranks of employees in the public sector and part of the reason is that subscription fees sometimes keeps some potential members away from joining trade unions. This is more evident among employees who earn lower salaries. The fact that only 17% agreed that their jobs were secure under the existing legal framework is supported by Dessler (2008) who argued that experience has shown that unions cannot always ensure job security.

#### **4.5.4 Management Facilitation and Participation in Labour Relations**

Asked whether the schools' managements created awareness and encouraged employees to join labour relations, 28% were non-committal while 45% disagreed. A combined 22% of the respondents either simply agreed or strongly agreed that there was awareness

creation to participate in labour relations. This showed that a combined 88% of the respondents were either neutral on the issue, in disagreement or did not know what was happening. This pattern of responses suggested that although there may be no outright restriction from management on joining labour movements by support staff, there is little creation of awareness to do it. Responses to this question are illustrated in Table 4.5.2.

**Table 4.5.2 Management Facilitation and Participation in Labour Relations**

<b>S/N</b>	<b>Response</b>	<b>No. of respondents</b>	<b>Percentage</b>
1	Strongly agree	8	8%
2	Agree	14	14%
3	Neutral	28	28%
4	Disagree	32	32%
5	Strongly disagree	13	13%
6	Do not know	5	5%
<b>Total</b>		<b>100</b>	<b>100</b>

Source: Researcher, (2015).

The findings were consistent with studies by Machin (2003) who asserts that the problem for unionization of employees is even more marked in new workplaces. They also compliment the findings by Erickson *et al* (2002) who, on a study on Janitors in the Los Angeles, showed that there has been little or no research on worker voice on support staff and as such, not much support or encouragement may be expected from management.

#### **4.5.5. Need to Join Trade Unions**

While responding to whether employees should join trade unions, a relatively huge

majority of respondents (72%), agreed that support staff members in public secondary schools should do so, 12% were neutral on the issue while only 5% disagreed. Those in strong agreement were 43% while those who simply agreed were 29%. Figure 4.5.3 is an illustration of the pattern of the responses to the question whether employees should belong to trade unions.

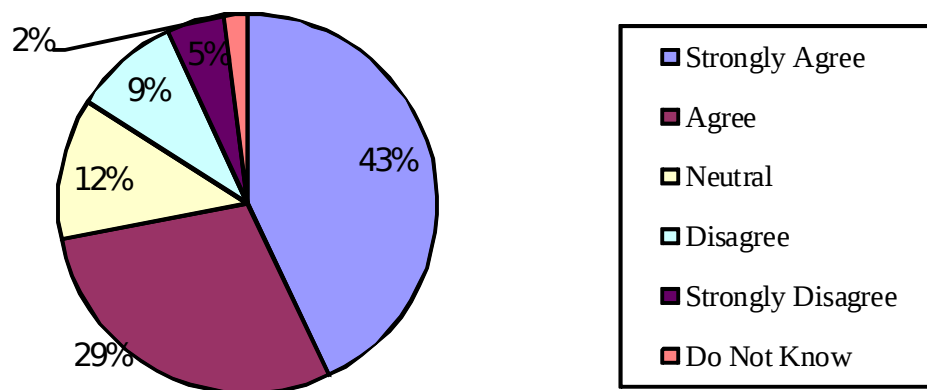


Fig. 4.5.3 Need to join trade unions (Source: Researcher, 2015).

These finding suggests that most support workers secretly desired to join trade unions but although this was their right under the law, a majority of them were not aware of it or knew how it could be achieved. Lack of awareness was cited as one of the contributors to lack of participation in trade unions. This however was inconsistent with findings by Graham *et al* (1998) who cited low level of wages and alternatives procedures to industrial relations like arbitrations as some of the reasons why employees fail to join trade unions. According to them, high discrimination in wages and incentives create a feeling of inequality in the minds of workers and they become either indifferent or ineffective at work and are observed to join trade unions without enthusiasm. This study was on American workers who are well aware of their rights and work in organizations



within a society with advanced labour relation procedures.

#### **4.5.6 Institutional Provisions Required to Improve Participation in Labour**

##### **Relations**

The respondents' answers to the open-ended question on what particular institutions should do to improve participation showed that 86% suggested that every school should have an officer for labour relations. It was therefore clear that the provisions for shop stewards within institutions were not being catered for. The rest, 14%, were ignorant of what provisions to be instilled by their schools' management to improve participation.

These findings indicated that most institutions favored the legal provisions given under (GoK 1983) where the schools' Board of Management had the mandate to serve as a *first line* solution to the workers' grievances and only approach the trade union when this approach was unfruitful. This meant that the employer was also the "trade union" as it were, and therefore, not much would have been expected in terms of participation in labour relations.

## **SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

### **5.1 Introduction**

This chapter is a discussion of the summary, conclusions and recommendations of the study.

### **5.2 Summary of Findings**

A summary of the main findings of the study is discussed under the effects of provisions in: national laws and policies; HR management processes and institutional policy frameworks on employee participation in labour relations by support staff in learning institutions.

#### **5.2.1 Effects of Provisions in National Laws and Policies on Participation**

The study established that there was a general lack of awareness and application of provisions of National laws and policies on labour relations and this resulted in low participation by support staff in public secondary schools. Only 5% of those sampled strongly agreed that the support staffs were well informed on the provisions of labour laws while 68% was a combination of those who either disagreed or strongly disagreed provisions in national legal framework encouraged participation a significant way. A combined 62% of those interviewed ranged from strong disagreement and simple disagreement while 21% were neutral that the provisions in the law were being implemented at the workplace. Similarly, it was established that there was inadequate sustainable follow-up procedures on the law governing participation with a total of 84% of the respondents ranging from neutral to strong disagreement. Trade union membership was found to be at only 19% and 96% of those polled did not know what needed to be done to improve participation as per the legal provisions.

### **5.2.2 Effects of Provisions in HR Management Processes on Participation**

A total of 71% either strongly disagreed or simply agreed that there was encouragement by the management to the support staff to participate in labour relations. while 17% either agreed or strongly agreed that there was encouragement. lack of transparency in staff procurement was also found to have a significant effect on participation with 64% either agreeing or strongly agreeing that this was so. A continuous review of terms and conditions of employment was not being done on a regular basis to warrant non-participation. This was shown to be so by a total of 66% who were in disagreement on the issue.

### **5.2.3 Effects of Provisions in Institutional Policies on Participation in Labour Relations**

A total of 65% were in general disagreement on the availability of methods to facilitate participation within learning institutions. A relatively good majority of respondents (72%) agreed that support staff members in public secondary schools belong to join trade unions. However, lack institutional procedures contributed significantly to poor participation in labour relations and where any such procedures existed, a combined 75% disagreed that they were effective at improving labour relations at the workplace

### **5.3 Conclusion**

The study established that all the independent variables had a significant contribution to the dependent variable. Provisions in national laws were largely unknown by the respondents and they were generally not implemented. Provisions in Human resource management processes were also found to have a significant effect on lack of active participation by support staff. According to union officials, support staffs that are in close

proximity to the Schools' Management like bursars, cateresses and account clerks never participated or register as union members in spite being members of the support staff. The study also established that some support staff members start their employment as *casuals* or *groundsmen* in schools and were later promoted to become cooks, clerks, security guards or even drivers. They are later engaged on more favorable terms and the union officials felt that this was part of the reason why it was difficult for such workers to participate actively as trade union members.

Provisions in institutional policy frameworks for labour relations was also significant in the study since most schools did not have active unions officials (or shop stewards as they are commonly known) to represent support workers. KUDHEIHA officials revealed that their engagement with support staff in institutions is largely through the management who were then expected to facilitate the resolution of any grievance within their institutions.

#### **5.4 Recommendations**

Although public secondary schools' managements are well aware that support staffs in their institutions are "underpaid and grossly exploited", they attribute this to shortage of funds and requires that the government supports them to improve the welfare of these employees. However, assisting support staff to participate in labour relations as stipulated by the law is not a priority for public schools management. The study found out that although there are clear provisions for support workers to actively participate in labour relations, lack of awareness on the part of the worker and failure to implement the provisions by the management significantly affected participation in a negative way. Following the findings of this study, the researcher recommends the following:

- i) Public schools' management to deliberately endeavor to create awareness among support staffs on their constitutional rights to participate in labour relations.
- ii) The government, through the ministry of labour and other relevant departments  
  - should be proactive in all sectors of public service in creating awareness on labour relations and sensitizing public institutions' managements on the need for the same.
- iii) The government through the Labour Ministry should ensure that recruitment of employees is progressively made more open and competitive. This would ensure that employees are not unnecessarily indebted to remain loyal to management at the expense of their welfare.

### **5.6 Areas of Further Research**

Although the study answered the research questions in a relatively conclusive manner, the researcher would wish to recommend further research in the following areas:

- i) A study on the most effective ways to enhance labour relations and uphold rights of lower cadre workers in the private sector in accordance with the provisions of the Kenyan constitution.
- ii) An empirical research on the Kenya labour relations as compared to the best practices in the developed labour markets of the world.
- iii) The effects of labour relations on workers' performance in organizations that

engage workers on short-term employment contracts.

- iv) Active union offices should be established in every learning institution to encourage support staff to participate in labour relations
- v) The future of labour relations in the modern world in view of emerging trends of performance contracting as a condition for continued employment in many organizations.

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## **APPENDIX 1: LETTER OF INTRODUCTION**

**MOI UNIVERSITY**  
**P.O BOX 3900-30100**  
**ELDORET, KENYA,**

Dear Respondent,

**RE: DATA COLLECTION**

I am a student at Moi University undertaking a master's degree in Human Resource Development. I am carrying out an investigation on: **EFFECTS OF PROVISIONS FOR LABOUR RELATIONS AND EMPLOYEE PARTICIPATION IN INSTITUTIONS OF LEARNING: A STUDY OF SUPPORT STAFF IN SECONDARY SCHOOLS IN KIRINYAGA COUNTY, KENYA** I request for your assistance and cooperation in this exercise and assure you that all information given will be treated with utmost confidentiality and used only for the purpose of this study.

Yours sincerely,

**MUNYI MERCY MUTHONI**

**SHRD/PGD/031/12**

### A. BIO-DATA

- i) Department / section.....
- ii) Terms of employment: Permanent ( ) Contract ( )
- iii) Other (specify).....
- iv) Date of employment.....
- v) Gender: Male ( ), Female ( )

Tick (✓) where appropriate

S/N	Effects of provisions National Legal Provisions	Strongly agree 6	Agree 5	Neutral 4	Disagree 3	Strongly disagree 2	Do not know 1
1	All employees know their rights under law of labour relations						
2	Labour laws are clear and relevant to me						
3	management has implemented labour relations laws						
4	There is follow-up and continuous review of labour laws						

### B. Effects of Provisions of National laws and Policies on Participation in Labour Relations

- i) Are you a member of KUDHEIHA? Yes ( ) No ( )
- ii) If no,  
why?.....
- iii) Are you familiar with National laws and provisions for labour relations? Yes ( ) No ( )  
If No, why? .....
- iv) What do you think should be done to improve labour relations participation as provided by the law.....

**C. Effects of Provisions in Human Resource Management Processes on Participation in Labour Relations**

S/N	a) Effects of Human Resources Management processes	Strongly agree 6	Agree 5	Neutral 4	disagree 3	Strongly disagree 2	Do not know 1
1	HR management encourage participation in labour relations						
2	Employment is on merit and this encourages participation in labour relations.						
3	Staff procurement process is transparent and encourages participation						
4	Terms and conditions of employment are always reviewed						

i) Do you think the way employees are managed affect participation in labour relations? Yes ( ) No ( )

ii) If Yes,  
how.....

iii) I  
**would recommend the following to be done in order to improve participation in labour relations by support staff.....**

S/N	b) Reasons For Not Joining Trade Unions	Strongly agree 6	Agree 5	Neutral 4	Disagree 3	Strongly Disagree 2	Do not know 1
1	Fear of management						
2	Working conditions are good, don't need improvement						
3	Lack of knowledge of provisions on rights to labour relations						
4	There is no provision for participation in labour relations						

i) Do you actively participate in trade union activities? Yes ( ) No ( )

- ii) If No,  
why.....  
.....
- iii) Do you think management supports participation in labour relations? Yes ( )  
No ( )
- iv) If No,  
why.....  
.....
- v) What do you think that school management should do to improve active participation?  
.....

#### **D. Effects of Institutional Policy Provisions on Participation in Labour Relations**

S/N	Effects of Provisions in Institutional Policies	Strongly agree 6	Agree 5	Neutral 4	Disagree 3	Strongly disagree 2	Do not know 1
1	There are effective ways of improving labour relations of support staff in this institution						
2	Management helps in improving labour relations in this institution						
3	My job is secure without being a member of a trade union						
4	Management provides enough information on labour relations						
5	Management creates linkages with labour unions						

- i) Is there an active trade union representative in this institution? Yes ( ) No ( )
- ii) If no, why.....
- iii) Does the institution encourage trade union activities in this institution? Yes ( ) No, ( )



iv) If no,  
why?.....

v) What should management do to encourage trade union activities in this institution?  
.....

**APPENDIX 3: INTERVIEW GUIDE**

**TO BE ADMINISTERED AND DISCUSSED WITH KUDHEIHA UNION  
OFFICIALS**

- 1) What is the number of support staff in secondary schools in Kirinyaga County? How many of these are members of your union?
- 2) Do you maintain updated records of the KUDHEIHA membership?
- 3) When handling labour disputes, do you deal with shop stewards or management?
- 4) What do you consider as the main challenge(s) to the participation in trade unions by support staff?
- 5) What should be done to reduce these challenges?
- 6) Are there policies within particular institution to improve participation of support workers in trade unions? If so, are they effective in encouraging participation in labour relations by support staff in Kirinyaga County?
- 7) Do you think there are provisions in HR management processes to encourage participation in learning institutions? If so, are they effective in encouraging participation in labour relations by support staff in Kirinyaga County?
- 8) To the best of your knowledge, do you think fear of management affect willingness to participate in trade unions by support staff?
- 9) What would be your suggestion on how to enhance labour relations by support workers in public secondary schools?

#### **APPENDIX 4: ACTIVITY BUDGET**

<b>CORE ACTIVITIES</b>	<b>ITEMS/PARTICULARS</b>	<b>COST (Ksh)</b>
Problem identification, literature review	Library research Typing, photocopying Travelling	15,000
Designing and developing research instruments		7,000
Internet services		10,000
Pilot survey	Transport, refreshments for researcher and assistants	5,500
Finalizing and correction of research instruments	Typing, photocopying	
Main field data collection	Transport, subsistence for researcher and assistant	15,000
Data processing analysis and report writing	Typing, subsistence for researcher and assistant	17,000
Miscellaneous	Contingencies and communication with supervisors	15,000
<b>TOTAL</b>		<b>81,500</b>

## APPENDIX 5: WORK PLAN

<b>ACTIVITY</b>	Sept 2014	Oct 2014	Jan 2015	Feb 2015	March 2015	Apr 2015	May 2015	Jun 2015	July 2015	Aug 2015	Sept 2015	Oct 2015
Feasibility and Problem Identification												
Proposal writing, supervision sessions, submission												
Data Collection												
Data analysis												
Report writing, consulting with supervisors												
Report writing, consulting with supervisors												
Report defence presentation												
Corrections after presentation												
Consulting supervisors, corrections												
Consulting supervisors,												

corrections												
Consulting supervisors, corrections												
Final report submission												

**APPENDIX 6: MAP OF KIRINYAGA COUNTY**

