



CHALLENGES HINDERING SMOOTH DISPUTE RESOLUTION BY TRADE UNIONS AND EMPLOYERS IN KENYA

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ABSTRACT

The research was aimed at assessing challenges hindering smooth dispute resolution by trade unions in Kenya. This study adopted a descriptive survey in order to describe the challenges hindering smooth dispute resolution by trade unions in Kenya. Stratified random sampling was applied in carrying out the study as per the departments, a sample of 50% of the total population was used therefore 53 respondents constitute the sample population for the study. Data was collected using structured questionnaires.. Data collected, was analyzed using SPSS version 20 software. In addition, a multiple regression was used to measure the quantitative and quantitative data using SPSS. The study concludes that Human Resource Policies hindered smooth dispute resolution by trade unions Kenya by not giving sufficient directives for conflict resolution. The study found that leadership is an essential element of a successful organization it is imperative to understand what makes a successful business leader. The study also observes that rivalry of unions reduces the effectiveness of workers in securing their legitimate rights, multiplicity of unions weakens the power of collective bargaining and inter-union and intra-union rivalry undermines the strength and solidarity of the workers and finally that there has been drastic decline in trade union membership levels in most countries in the recent past which has led to renewed interest in the factors which influence the decision of employees to join unions. The study concludes that low bargaining power affects smooth dispute resolution by trade unions in Kenya.

Keywords: trade union, dispute resolution, human resource policies, employers, Central Organization of Trade Unions

INTRODUCTION

According to *Black law Dictionary* a dispute has been defined as a conflict of claims or rights, an assertion of a right or a demand. The employer-employee relationship is one that cannot lack conflict because from the existence of the employment contract there are rights and duties that arise. Dispute resolution is said to be smooth when the parties agree or agree to disagree given the circumstances (Nzuve 2007). A dispute emanates from grievances. In the business world however, the term grievance is usually more restricted in its meaning. Management distinguishes between a complaint and a grievance. Armstrong (2009) argued that a complaint is a discontent or dissatisfaction that has not yet assumed a great measure of importance to complaint. Complaints are always submitted in a highly informal fashion. Examples of complaints are; -The office is too hot, that other employees will not cooperate, or that one has been assigned a distasteful job.

There are many more complaints that are grievances. Further the writer has mentioned that a complaint becomes a grievance when the employee feels that an injustice has been committed. If the supervisor ignores the complaint and the dissatisfactions grow within the employee, it usually assumes the status of a grievance. According to Cole (1997) there are two types of disputes that may arise in an organization, namely individual and collective disputes. Individual disputes are between an employee and an employer. Therefore grievances are general individual disagreements with the employer. The writer further observed that if grievances or individual disagreement with the employer are not resolved well, they may graduate to the dispute level.

Collective Bargaining Agreement is a social process which continually turns disagreements into agreements in an orderly fashion. Disagreements may be about workloads, wage rates, layoffs and even classification of employees. Industrial relations are regulated through Collective Bargaining (Flanders, 1970). Armstrong (2009) explains that the outcome of Collective Bargaining would greatly depend upon bargaining power of the employees and the trade unions representing the employees. Cole (1997) gives the conditions under which collective bargaining can occur: among them are willingness by workers and their trade union official, willingness by the management to accept that the decision affecting workers is agreed on between the two parties before they are implemented and the power to force the employer to accept negotiation. This is well explained by Armstrong (2009) that if Collective Bargaining does not function effectively then a strike becomes an integral part of the collective bargaining process. Dessler (1999) continues to explain that a Collective Bargaining results into Collective Bargaining Agreement which is a written document between trade union and management and it specifies rules and procedures to be followed in the specified period. For example the teachers strike has been motivated by unsuccessful demand to have legal notice 16 which revoked 1997 deal degazetted, (Daily Nation, July 16th 2013).

Nzuve (2007) highlights some of the contents of a Collective Bargaining Agreement; among them are name of the parties (the employer and the trade union), duration to be covered by the agreement, provision for its renewal and signatures of the party's official, job security, termination, promotion, demotion and transfers, wage rates and fringe benefits, job classification and overtime and management rights. The role of trade unions are very varied, in some countries where fascist and communist regimes were in place, trade unions were overtaken or created by state authorities and the political elite and turned it to a tool for their oppressive regimes (Nzuve 2007). As a result of this historical reality, many people are skeptical of the role that trade unions can play. Trade unions were established to protect the working life of workers. Currently they are facing various challenges and hence weakening of the unions. Some of the problems faced by trade unions in Kenya include globalization, revolution in production technologies, splintering, changing mentality, mismanagement of funds and lack of innovation and visionary leaderships.

Globalization has a major impact on the management of human resources in developing countries including Kenya (Gachunga 2008). Further, the writer mentions that globalization has led to changes in organization design and organization structures are leaner thus improving efficiency but having a negative impact on staff numbers which have had to be reduced. This means employees have been retrenched in many sectors like telecommunications, the Kenya railways and the Kenya public sectors in order for those organizations to gain competitive advantage. This study therefore seeks to understand some of the challenges hindering smooth dispute resolution by trade unions and employers in Kenya, in the advent of new management's styles, advanced technology, the emergence of the acquired immune deficiency (AIDS), globalization, mismanagement of the unions, financial crunches, lack of knowledge in procedure in trade unions. The industrial relations system has changed quite significantly over the past 20 years or so (Bloch & Kuskin, 2008).

The growth of individual employment law has led to the development of an increasingly complex system of institutional arrangements that operate in a quasi-legalistic fashion to adjudicate on cases. Much of what formerly took place in the domain of collective bargaining is now handled by individual employment law and there has been a substantial accompanying increase in individual employees pursuing claims, (Deshpande, 2000). The problem facing trade unions is that the growth in employment legislation providing rights for individual employees has coincided with a decline in union density, (Datta, 1996). The South African trade union movement is arguably the strongest in the African continent, due to its role in the ending of apartheid and its continued growth in adverse circumstances. The first trade unions were established by immigrant craft workers who bargained on the basis of skill and then racial exclusivism, (Barchiesi & Kenny, 2002). South Africa has repositioned itself as an export-orientated economy, and is globally competitive in areas such as motor vehicle and component manufacture, steel,

processed foods and niche textiles. On the other hand, this competitiveness has been attained through a shift to leaner manufacturing and wholesale job shedding (Donnelly & Dunn, 2006). The ability to sustain membership levels has been further threatened by the apparent inability to organize informal workers (von Holdt & Webster, 2008), which in many developing countries is now the way of life for many (Peetz & Ollett, 2004). The underlying causes of the decline in union membership in a range of national contexts have been the subject of considerable debate. Common explanations centre on changes in government ideologies and policies, and the globalization of markets (Godard, 2007).

Trade unions are established to protect the working life of workers. Currently they are facing various challenges and hence weakening of the unions. Some of the problems being faced by trade unions in Kenya are challenges by globalization, revolution in production technologies and new management styles. Splintering, changing mentality, mismanagement of funds, lack of innovation and visionary leadership are a big handicap. Most unions are grappling with the democratization of social and political arena besides government interference (Musandu, 2007). Kenyan, like in most African countries, hates a strong labour movement with diverse membership. The punitive practice against agitation for better terms and decent wages persist to this date without the government's intervention. Unfortunately, the trade union movement ceased to be a post-independence partner but a sworn enemy of the government. Strikes have violently crashed; leaders arrested and detained without trial save for a new constitution that legalizes picketing and demonstrations. Oblivious of the role played by unions in the struggle for political independence, the beneficiaries of the sacrifices by unions chose to perpetuate colonial practice against the labour movement in independent Kenya (Machyo, 2003).

Trade unions in Kenya are facing challenges that are hindering smooth dispute resolution; these include that mass retrenchment of employee by both public and private institution (Musandu, 2007). A clear example is the case of, Aviation and Allied Workers Union vs. Kenya Airways Limited & 3 Others (2012), of which the matter in dispute was retrenchment. On 1st August 2012, CEO Titus Naikuni wrote staff notice which had been addressed to all Kenya Airways people. The notice stated that owing to the large increase in the headcount in 2011/2012, significant staff annual salary increment, adjustments arising out of job evaluation grade movements, and costly decisions driven by tough CBA negotiations, employee costs had risen to unsustainable levels. The company board of directors had resolved to embark on restructuring exercise that would result in redundancies and were applicable, result in outsourcing of labour. The notice advised also that the board had approved a voluntary early retirement (VER) programme, for any employees who wish to leave through this route.

After along submissions the court held that the current Kenya Airways (KQ) restructuring process, through retrenchment, redundancy and voluntary early retirement (VER) programme, is cheap monumental falsehood. The matter was decided in favor of the plaintiff. It was held that the restructuring, redundancy and retrenchment processes were substantively without justification, and procedurally wrong, amounting to unfair termination of employment. Further all unionisable employees were supposed to be reinstated to their roles at KQ. Collective bargaining is weakened and discouraged by new employers. They prefer and entertain individual contracts. This is one of the indicators of the anti-union attitude of the new employers which trade unions have to cope with. Further as a result of globalization, reward management systems have changed and even the human resources planning strategies is to have a leaner staff in the core areas and hire part time workers in a bid to reduce costs and to enable the business to run profitably and efficiently (Gachunga2008). Inter-union rivalry is another challenge attributed by multiplicity of trade unions. Inter-union rivalry and lack of cooperation has vividly been seen between Kenya union of teachers and Kenya union of post primary education teachers were Kuppet gets in to a settlement with the government while Knut members remain on strike (Daily Nation, July 16th 2013). Industrial court adjourn a case file by Teachers Service Commission (TSC) on the ongoing teachers strike, when Knut did not attend court to respondent to the case, only Kuppet sent a lawyer to argue the case out, (Daily Nation, July 16th 2013).

According to Durrani, (2011), low labor bargain power is a challenge that hinders smooth dispute resolution. This is caused by monopoly of companies i.e. government, Kenya Airways and Kenya Power, weakened and discouraged by new employers where they prefer and entertain individual contracts. This is one of the indicators of the anti-union attitude of the new employers which trade unions have to cope with. Further lack of credible legal system, weakened enforcement of laws and ineffective labor inspections, laws governing strike where by employee has to seek permission from government (employer). Empirical studies on trade union include were conducted by some researchers. Musandu (2007) in his study found out that the causes of fragmentation of Trade Unions are; poor management of the Trade Unions, poor leadership, lack of education, poor representation, leadership wrangles, conflict of interests, misappropriation and lack of union funds, increase in awareness of rights, and unfair elections. K'obonyo (1981) , Machyo (2003) , Busienei (2005) and Moraa (2006) found that trade union in Kenya were faced with various challenges .

From the reviewed empirical literature, it is evident that there is hardly any empirical study on challenges hindering smooth dispute resolution by trade unions Kenya. There is limited or no empirical study in Kenya on the challenges hindering smooth dispute resolution by trade unions Kenya. This study seeks to determine the challenges hindering smooth dispute resolution by trade unions Kenya with reference to Central Organization of Trade Unions and contribute to other studies by ascertaining if challenges faced by trade Union hinder smooth dispute resolution by trade unions in Kenya. The general objective of the study was to determine challenges hindering smooth dispute resolution by trade unions in Kenya

The specific objectives of this study are therefore:

- i. To determine the effect of human resource policies on smooth dispute resolution by trade unions in Kenya.
- ii. To establish the effects style of leadership on smooth dispute resolution by trade unions in Kenya.
- iii. To examine the effects of multiplicity of unions on smooth dispute resolution by trade unions in Kenya.
- iv. To find out the effects of Labor inferior bargaining power on smooth dispute resolution by trade unions in Kenya.

Theoretical Review

Several theories have been developed to explain industrial relation by trade unions. Among these theories are: the social custom theory, new social movement theory, social impact theory and social identification and categorization theory.

Social Custom Theory

Although the main role of unions is to bargain the wage with the employer, becoming a union member is not necessary in order to enjoy the right to be covered by the wage contract negotiated by the union (Booth, 1985). If one disregards the closed shop - an institution that has almost disappeared - union members who work in a given firm or sector are covered by the same collective contract as non-members (Naylor & Cripps, 1993). The basic answer delivered by the literature is that membership buys the worker a good social treatment in the community he lives in or, in other words, a good reputation (Booth & Chatterji, 1993, Corneo, 1997, Goerke, 1997). As there exists no formal obligation for the union to provide its members with social rewards, union membership gives rise to an implicit contract. To join the union may be considered as the focal action at which is directed a social norm. The norm is aimed at deterring the workers from free-riding on the bargaining effort provided by the trade union, and it is enforced by social sanctions and rewards mainly carried out by workmates (Kandori, 1992). Collective images of non-members as "scabs" and nasty individuals facilitate such beliefs and reduce the psychic cost of being cruel to them.

New Social Movement Theory

New Social Movement theory emerged in the 1970s and 1980s in a period of decline of trade union membership and influence in advanced capitalist societies. Partly as a result of this decline many academic commentators and social theorists became dismayed at the prospects for the union movement

and were influenced by the development of alternative 'New Left' projects such as the peace and environment movements in West Germany or the autonomous social centres in Italy. These NSM's differed from trade unions in their openness to new ideas of action and mobilization, and their anti-bureaucratic ways of working. In *Post-Industrial Society*, he argued that the labour movement had become anachronistic in the new post-industrial world, and was likely to obstruct social change as a result. Leadership and hierarchy were also challenged, (Alberto & Melucci, 1989). He observed in particular the practice of young peoples' movements based around social centres, which emphasized autonomy from the state and political parties and which appeared to eschew the practice of leadership. These networks, he argued, were 'latent' in a fracturing society.

Social Impact Theory

Social influence studies in social psychology examine changes in judgments, opinions, and attitudes of an individual as a result of being exposed to the judgments, opinions, and attitudes of others (Moscovici *et al.*, 1969). In general, the theory states that majority opinions will factor more heavily into group decisions. Minority factions can have an influence on group outcomes; however, there are a number of process losses that can interfere with team's ability to recognize minority opinion as being important and valuable (Park & DeShon, 2010). Latané's (1981) social impact theory predicts that majority influence increases as the size of the majority increases. Each additional group member, however, adds less to the majority's cumulative impact as group size increases. Hence, the amount of social influence exerted by a majority or minority faction is a function of the number of its members. Social impact theory states that a trainee has more influence over others in the group as the number of people who are trained increases, with each additional trainee having less impact on the group (Latané, 1981). According to the social impact theory, beliefs can be altered when a majority of a group has the ability to influence those beliefs.

Social Identification and Categorization Theory

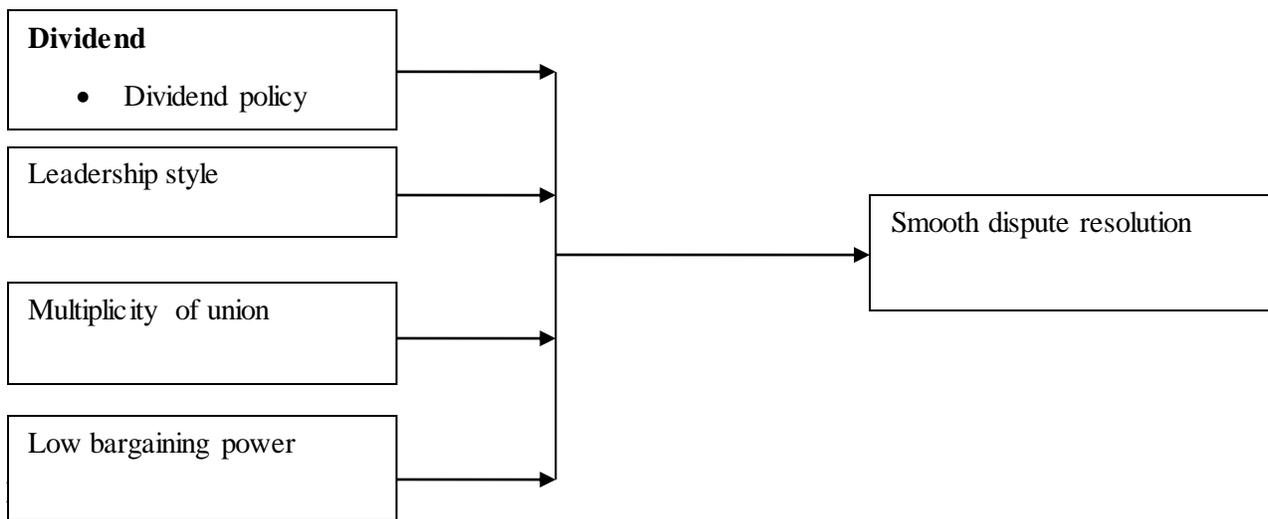
Social category diversity is defined as differences in social category membership. It can arise, for example, if team members differ in terms of gender or age or if they belong to different ethnic groups, (Jackson, 1992). According to social Identity theory, people develop personal identity based on part of the categories to which they themselves belong (Hogg, Terry & White, 1995). In effect people stereotype themselves by attributing to themselves the attitudes, behaviors and other attributes they associate with membership in a particular group. The process of seeing oneself as a member of a group is described as self-categorization (Kulik & Bainbridge 2006). Social identity theory suggests that if a perceiver encounters a new type of target, the perceiver compares features of the target to the self. Development of a new category (with a new stereotype) will most likely occur when the features of the target significantly differ from those possessed by the perceiver. Social identity theory also suggests that people regularly make social comparisons between the characteristics they (and other members of their group) possess and those possessed by other groups (Ashforth & Humphrey, 1993). This theory has an assumption that the perceiver's own category membership is positively valued and that membership in an identity group has an emotional significance to the perceiver.

Conceptual Framework

Conceptual framework is a scheme of concept (variables) which the researcher operationalizes in order to achieve the set objectives (Mugenda & Mugenda, 2003). A variable is a measure characteristic that assumes different values among subject (Mugenda & Mugenda, 2003). Independent variables are variables that a researcher manipulates in order to determine its effect or influence on another variable. (Kombo & Tromp 2006), states that independent variable also called explanatory variables is the presumed change in the cause of changes in the dependent variable; the dependent variable attempts to indicate the total influence arising from the influence of the independent variable Mugenda & Mugenda, (2003). This is illustrated in figure 1 below showing the two types of the variables. The independent variables in this study are human resource policies, style of leadership, multiplicity of unions and legal framework while the dependent variable is industrial relations.

Independent variables

Dependent variable



Research Gap

In Kenya, Musandu (2007) in his study of “the effects of fragmentation of Trade Unions on collective Bargaining in Kenya’s hotel industry” found out that the causes of fragmentation of Trade Unions are; Poor management of the Trade Unions, poor leadership, lack of education, poor representation, leadership wrangles, large membership of Trade Unions, conflict of interests, misappropriation and lack of union funds, increase in awareness of rights, and unfair elections. Poor management of Trade Unions was the greatest of these. Several other studies have been done on Trade Unions in Kenya. K’obonyo (1981) studied the operations of Trade Unionism in Kenya; a study of the railways African Union. Machyo (2003) studied women’s participation in Trade Union leadership in Kenya. Busienei (2005) added to the body of knowledge by his study of the moderating effects of Trade Union membership on employee perception of job security and fair treatment by management in the manufacturing industry in Kenya. Moraa (2006) surveyed the strategies used by Trade Unions in negotiating with employers in Nairobi. Mutung’ a (2006) did a study on the response of trade unions to challenges posed by conditions of work at the EPZ. This study will seek to fill the existing research gap by conducting a study to determine the various challenges hindering smooth dispute resolution by trade unions Kenya with special focus to Central Organization of Trade Unions.

RESEARCH METHODOLOGY

This study adopted a descriptive survey, Kothari, (2004) describes descriptive research as including survey and facts finding enquiries adding that the major purpose of descriptive research is description of affairs as it exists at present. The population for this study was employees of Central Organization of Trade Unions head office in Nairobi. There are a total of 106 employees in Central Organization of Trade Unions (COTU) head office in Nairobi. COTU is selected since it is the umbrella body for all trade unions in Kenya and thus they are in a position to explain the various challenges hindering smooth dispute resolution by trade unions Kenya. Stratified random sampling was applied in carrying out the study as per the departments; a sample of 50% of the total population was used therefore 53 respondents constituted the sample population for the study. According to Gay (1983) as cited by Mugenda and mugenda, (2003) suggests that for descriptive studies at least 10% - 20% of the total population is enough. Stratified random sampling ensures inclusion, in the sample, of sub groups, which otherwise would be omitted entirely by other sampling methods because of their small number of population, (Mugenda & Mugenda, 2003)/

Data was collected using structured questioners. Structured questionnaires refer to questions which are accompanied by a list of all possible alternatives from which the respondents select the answer that best describe their situation, (Mugenda & Mugenda, 2003). The questionnaire was administered to the respondents. Data collected was tabulated and analyzed for purpose of clarity, using SPSS version 20 software. It is a computer program used for statistical analysis and has the ability to handle statistical presentation with array of formulas for ease of interpretation. Data was presented using tables, and pie charts to make them reader friendly. In addition, a multiple regression was used to measure the quantitative data and will be analyzed using SPSS too. Challenges hindering smooth dispute resolution X (independent variables) and smooth dispute resolution Y (dependent variable). The regression equation is:

$$Y = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 X_4 + \varepsilon$$

Data Analysis and Interpretations

The study targeted a sample size 53 of respondents from which 50 questionnaires were filled and returned, the questionnaires making a response rate of 87.5%. This response rate was satisfactory to make conclusions for the study. The response rate was representative. According to Mugenda and Mugenda (1999), a response rate of 50% is adequate for analysis and reporting; a rate of 60% is good and a response rate of 70% and over is excellent. Based on the assertion, the response rate was considered to excellent.

Reliability Analysis

Gliem and Gliem (2003) established the Alpha value threshold at 0.6, thus forming the study’s benchmark. Cronbach Alpha was established for every objective which formed a scale. Table 1 shows that multiplicity of unions had the highest reliability ($\alpha = 0.820$), followed by leadership style ($\alpha = 0.815$), human resources policies ($\alpha = 0.812$) and low bargaining power ($\alpha = 0.715$). This illustrates that all the four variables were reliable as their reliability values exceeded the prescribed threshold of 0.6.

Table 1. Reliability Analysis

Scale	Cronbach's Alpha	Number of Items
Human Resource Policies	0.812	6
Leadership style	0.815	7
Multiplicity of Union	0.820	8
Low bargaining power	0.715	8

DISCUSSION OF FINDINGS

Human Resource Policies

Table 2. Human Resource Policies

Opinion	Frequency	Percentage
Yes	40	80
No	10	20
Total	50	100

The study sought to establish whether the Human Resource Policies hinder smooth dispute resolution by trade unions Kenya. From the findings as shown in Table 2 majority of the respondents as indicated by 80% agreed to the statement that Human Resource Policies hinders smooth dispute resolution by trade unions Kenya Whereas 20% of the respondents were of contrary opinion, this implies that the currently human resource policies do not give sufficient directives for conflict resolution.

Table 3. Statements relating to the Human Resource Policies

Statement	Strongly Disagree	Disagree	Neutral	Agree	Strongly agree	Mean	Standard deviation
Human resource policies influence the outcomes of wage bargaining, directly or indirectly by prescribing conflict settlement and arbitration procedures	0	0	0	7	43	4.86	0.37
Human resource policies are associated with minimum wage legislation and the practice of extending collective bargaining and it has centralizing effects as it tends to raise the level at which bargaining takes place	0	0	3	27	20	4.96	0.38

The study sought to determine the respondents' level of agreement with the above statements which relate to Human Resource Policies, as shown in Table 3. From the findings majority of the respondents strongly agreed that, Human resource policies are associated with minimum wage legislation and the practice of extending collective bargaining and it has centralizing effects as it tends to raise the level at which bargaining takes place as shown by a mean of 4.96. Human resource policies influence the outcomes of wage bargaining, directly or indirectly by prescribing conflict settlement and arbitration procedures as shown by a mean of 4.86, the study further established that policies are mostly constituted without proper consultation from with all stake holders, and thus this seems to undermine the opinions of the workers contrary to the expected protection which policies should guarantee.

Leadership Style

Table 4. Styles of leadership

Opinion	Frequency	Percentage
Yes	30	60
No	20	40
Total	50	100

The study sought to establish whether style of leadership affect smooth dispute resolution by trade unions in Kenya. From the finding majority of the residents agreed that the style of leadership do affect smooth dispute resolution by trade unions in Kenya as shown by 60% of the respondents , whereas 40 % of the respondents disagreed with the argument, this implies that respondents believed leadership patterns being exercised within trade Union created loopholes when it came to dispute resolution (Table 4).

The study sought to establish the respondents' level of agreement with the above statements which relate to the style of leadership and smooth dispute resolution by trade unions in Kenya. From the findings as shown in Table 5, majority of the respondents strongly agreed that; Effective leadership is at the core of successful of any trade union in industrial relations as shown by a mean of 4.96 Leadership has become even more important due to the noticeable decline of enduring successful leaders in the business world today as shown by a mean of 4.86, Leadership is an essential element of a successful organization it is imperative to understand what makes a successful business leader as shown by a mean of 4.74, Understanding leadership means recognizing the various definitions of leadership, examining the relationship between leadership and management, and applying the significance of past leadership

theories to today's business world as shown by a mean of 4.66, others agreed that Effective leaders build a sense of community within the workplace, that they not only increase employee retention figures as shown by a mean of 4.20 and finally that Trade unions in Kenya are faced with problem of poor leadership which has seen poor representation of members in trade disputes. As shown by a mean of 4.06 all cases were supported by a low mean which implies that majority of the respondents were didn't differ greatly in their opinion the study also revealed respondents were of the personal opinion that most leaders use their high positions to curry favor with the government and employer to the detriment of the workers who continue to suffer from low salaries and poor working conditions. A new breed of trade union leader is required to engage effectively on behalf of the workers and in the interest of the country.

Table 5. Statements relating to Styles of leadership

Attributes	Strongly Disagree	Disagree	Neutral	Agree	Strongly agree	Mean	Std deviation
Effective leadership is at the core of successful of any trade union in industrial relations	0	0	0	7	44	4.96	0.38
Leadership has become even more important due to the noticeable decline of enduring successful leaders in the business world today	0	0	0	17	33	4.86	0.37
Understanding leadership means recognizing the various definitions of leadership, examining the relationship between leadership and management, and applying the significance of past leadership theories to today's business world	0	0	3	7	40	4.66	0.30
Leadership is an essential element of a successful organization it is imperative to understand what makes a successful business leader	0	0	5	30	15	4.74	0.34
Effective leaders build a sense of community within the workplace, that they not only increase employee retention figures	0	0	6	35	9	4.20	0.25
Trade unions in Kenya are faced with problem of poor leadership which has seen poor representation of members in trade disputes.	0	0	0	5	45	4.06	0.29

Multiplicity of Unions

The study sought to determine whether Multiplicity of Unions affect smooth dispute resolution by trade unions in Kenya (Figure 2). From the findings, 80% of the respondents agreed that Multiplicity of Unions affects smooth dispute resolution by trade unions in Kenya where as 20% of the respondent were of contrary opinion, this implies that multiplicity of trade unions weakened the mother union in terms of its bargaining power.

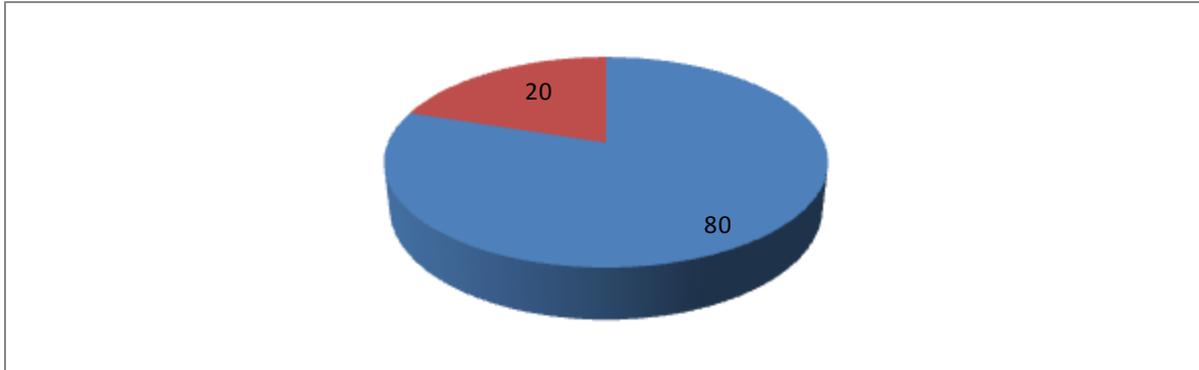


Figure 2. Multiplicity of trade unions

The study sought to establish the respondents’ level of agreement with the above statements which relate to Multiplicity of Unions and smooth dispute resolution by trade unions in Kenya. From the findings (Table 6) majority of the respondents strongly agreed that: rivalry of unions reduces the effectiveness of workers in securing their legitimate rights as shown by a mean of 4.94, Multiplicity of unions weakens the power of collective bargaining as shown by a mean of 4.80, Inter-union and intra-union rivalry undermines the strength and solidarity of the workers as shown by a mean of 4.64 and finally respondents agreed that There has been drastic decline in trade union membership levels in most countries in the recent past which has led to renewed interest in the factors which influence the decision of employees to join unions

Table 6. Effects of Multiplicity of Unions

Statement	Strongly Disagree	Disagree	Neutral	Agree	Strongly agree	Mean	Standard deviation
Inter-union and intra-union rivalry undermines the strength and solidarity of the workers	0	0	0	18	32	4.64	0.29
There has been drastic decline in trade union membership levels in most countries in the recent past which has led to renewed interest in the factors which influence the decision of employees to join unions	0	0	0	34	16	4.32	0.30
Multiplicity of unions weakens the power of collective bargaining	0	0	0	10	40	4.80	0.35
rivalry of unions reduces the effectiveness of workers in securing their legitimate rights	0	0	0	3	47	4.94	0.41

Low Bargaining Power

The study sought to verify whether low bargaining power affects smooth dispute resolution by trade unions in Kenya. From the findings majority of the respondents agreed that low bargaining power affects smooth dispute resolution by trade unions in Kenya as indicated by the 66% of the respondents, whereas 34% of the respondents were of contrary view, this implies that majority of the respondents believed that low bargaining power to some extent it hindered smooth dispute resolution by trade unions in Kenya (Figure 3).

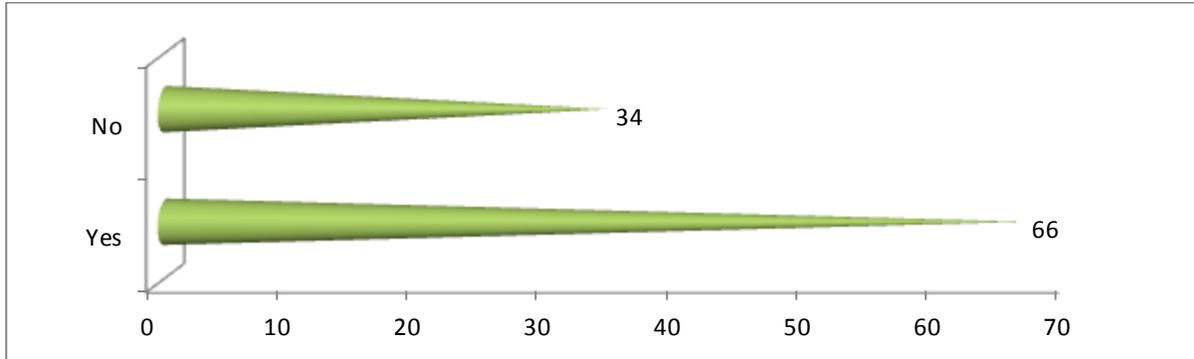


Figure 3. Low bargaining power

Table 7. Effects of low bargaining power

Attributes	Strongly Disagree	Disagree	Neutral	Agree	Strongly agree	Mean	Standard deviation
unorganized workers have low bargaining power in the determination of wage rates	0	0	0	36	14	4.28	0.31
Collective bargaining is weakened and discouraged by new employers	0	0	4	34	12	4.16	0.29
Lack of credible legal system, weakened enforcement of laws and ineffective labor inspections	0	0	0	33	17	4.34	0.30
Weak laws governing strike where by employee has to seek permission from government(employer)	0	0	0	39	11	4.22	0.34
Unemployment of which has a direct impact on membership of employees in the trade unions	0	0	8	30	12	4.08	0.25
Absolute laws and inadequate regulations which do not meet the present employment challenges	0	0	6	30	14	4.16	0.25

The study sought to establish the respondents’ level of agreement with the above statements which relate to effects of low bargaining power on smooth dispute resolution by trade unions Kenya as shown in Table 7. From the findings it was established that majority of the respondents agreed that :Lack of credible legal system, weakened enforcement of laws and ineffective labor inspections as shown by a mean of 4.34, unorganized workers have low bargaining power in the determination of wage rates as shown by a mean of 4.28, Weak laws governing strike where by employee has to seek permission from government(employer) as shown by a mean of 4.22, Absolute laws and inadequate regulations which do not meet the present employment challenges, Collective bargaining is weakened and discouraged by new

employers as shown by a mean of 4.16 in each case respectively, and finally that Unemployment of which has a direct impact on membership of employees in the trade unions AS shown by a mean of 4.08.

Regression Analysis

Table 8 Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.874 ^a	.764	.731	.12225

Adjusted R squared is coefficient of determination which tells us the variation in the dependent variable due to changes in the independent variable. From the findings in the Table 8 the value of adjusted R squared was 0.731 an indication that there was variation of 73.1% on the smooth dispute resolution due to changes in human resource practices, leadership style, multiplicity of unions and low bargaining power at 95% confidence interval. This shows that 73.1 % changes in smooth dispute resolution could be accounted to changes in human resource practices, leadership style, multiplicity of unions and low bargaining power. R is the correlation coefficient which shows the relationship between the study variables, from the findings shown in the table below there was a strong positive relationship between the study variables as shown by 0.874.

Table 9. ANOVA

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	0.744	2	0.372	3.131	.031 ^b
	Residual	25.662	48	0.329		
	Total	26.406	50			

From the ANOVA statics in the Table 9, the processed data, which is the population parameters, had a significance level of 3.1% which shows that the data is ideal for making a conclusion on the population parameters as the value of significance (p-value) is less than 5%. The calculated value was greater than the critical value (3.131>1.9861) an indication that human resource practices, leadership style, multiplicity of unions and low bargaining power were significantly influencing smooth dispute resolution. The significant value was less than 0.05 indicating that the model was significant.

Table 10. Coefficients

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
		1	(Constant)	.878		
	Human Resource Policies	.305	.097	.402	3.145	.002
	Leadership style	.245	.147	.182	1.664	.010
	Multiplicity of Union	-.158	.100	-.183	-1.583	.017
	Low bargaining power	-.071	.093	-.091	-.760	.049

The established regression equation was

$$Y = 0.878 + 0.305 X_1 + 0.071 X_2 - 0.158 X_3 - 0.245 X_4$$

From the above regression equation, it was revealed that human resource polices, leadership style, multiplicity of unions and low bargaining power to a constant zero, smooth dispute resolution would stand at 0.878, a unit increase in human resource policies would lead to increase smooth dispute resolution by a factor of 0.305, a unit increase in leadership style would lead to increase in smooth

dispute resolution by factors of 0.071, a unit increase in multiplicity of union would lead to decrease in smooth dispute resolution by a factor of 0.158 and unit increase in low bargaining power would lead to decrease in smooth dispute resolution by a factor of 0.245 (Table 10).

CONCLUSION

The study concludes that Human Resource Policies hindered smooth dispute resolution by trade unions Kenya by not giving sufficient directives for conflict resolution. The study also concludes that the current Human resource policies are associated with minimum wage legislation and the practice of extending collective bargaining and it has centralizing effects as it tends to raise the level at which bargaining takes place, policies also influence the outcomes of wage bargaining, directly or indirectly by prescribing conflict settlement and arbitration procedures. The study further established that policies are mostly constituted without proper consultation with all stakeholders, undermines the opinions of the workers contrary to the expected protection which policies should guarantee.

The study concludes that the current style of leadership affects smooth dispute resolution; respondents believed leadership patterns being exercised within trade Union created loopholes when it came to dispute resolution. The study found that leadership is an essential element of a successful organization it is imperative to understand what makes a successful business leader.

The study also concludes that rivalry of unions reduces the effectiveness of workers in securing their legitimate rights, multiplicity of unions weakens the power of collective bargaining and inter-union and intra-union rivalry undermines the strength and solidarity of the workers and finally that there has been drastic decline in trade union membership levels in most countries in the recent past which has led to renewed interest in the factors which influence the decision of employees to join unions.

The study concludes that low bargaining power affects smooth dispute resolution by trade unions in Kenya. The study concludes that lack of credible legal system, weakened enforcement of laws and ineffective labor inspections, unorganized workers have low bargaining power in the determination of wage rates and weak laws governing strike where by employee has to seek permission from government .

RECOMMENDATIONS

The study recommends that current human resource policies should be reviewed, amended and implemented. During the drafting stage, all the stake holders must be consulted, since this will ensure that neither of the sides will be sidelined. New policies should be communicated to all stake holders to the best way possible. This will promote understanding and even help to prevent unnecessary conflicts at the time of solving problems.

In regard to the inter union rivalry, the study recommends the following suggestions by which the inter union rivalry could be reduced:

- Building of internal leadership within the unions in order to eliminate party politics and outsiders
- Promotion of collective bargaining through recognition of sole bargaining agents
- Improving the system of union recognition by encouraging unions security; and
- Empowering the labor courts to settle inter union disputes, if the concerned central organization is unable to resolve these.

SUGGESTION FOR FURTHER RESEARCH

The study sought to determine challenges hindering smooth dispute resolution by trade unions in Kenya. The study recommends that a study should be done on to determine the effects of government policies on dispute resolution by trade unions.

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