

Parties' Recognition in Labour Relations and its Influence on Labour Relations Equilibrium in Public Education Sector in Kenya

Dr. Onguso Keng'aya Asenath¹, Dr. Wario Guyo²,
Prof. Romanus Odhiambo Otieno³

¹College of Human Resource Development, Jomo Kenyatta University of Agriculture and Technology P.O BOX 62000-00200, Nairobi, Kenya.

² College of Human Resource Development, Jomo Kenyatta University of Agriculture and Technology, P.O BOX 62000-00200, Nairobi, Kenya.

³ Department of Statistics and Actuarial Science, Jomo Kenyatta University of Agriculture and Technology, P.O BOX 62000-00200, Nairobi, Kenya.

Abstract: *The purpose of this study was to establish the influence of parties' recognition in labour relations on labour relations equilibrium in public education sector in Kenya with a view to instil labour relations harmony to enhance labour productivity and in turn improve performance in public education sector, achieving economic growth, and enhancing living standards and quality of life. The study adopted a descriptive survey design. The target population of this study was 326,732 which comprised of employers (TSC staff and public universities council members), employees (academic and non academic) and the ministry of labour employees. The study population was 450 which comprised of the university registrars administration and the deputy vice chancellors administration of the 22 public universities in Kenya, TSC staff dealing with employee relations issues, the trade unions executive officers at the national level and the ministry of labour Nairobi office employees. The study used purposive sampling. This sampling approach involves selecting certain units or cases based on a specific purpose rather than randomly. In this study a census inquiry was used. The research instruments were the questionnaires. Quantitative and qualitative data was analyzed by the use of SPSS for production of graphs, tables, descriptive statistics and inferential statistics. It is recommended that parties' recognition in labour relations has to be given first priority because it is the first and foremost step in labour relation and the signed agreement serves as basis for making any decision related to employees to enable the public education sector manage strikes, now ranking as one of the top problem in all sectors particularly the public education sector in Kenya and globally, and the resulting losses that they create.*

Keywords: *labour relations equilibrium, parties' recognition in labour relations, ministry of labour, public education sector*

1.0 Background of the Study

Labour relation is one of the key elements in the system of labour administration [32]. The parties to the employment relationship should be encouraged to communicate and cooperate in resolving differences and in redressing workplace issues in a sound labour environment. The labour relationship is usually described as a tripartite relationship between employers, employees and the state. As this is a very complex relationship, it should be formally regulated [21]. Labour relations equilibrium refers to a friendly and cooperative agreement on working relationships between employers and employees for their mutual benefit [45]. Labour relations equilibrium enhances labour productivity and in turn improves performance in the education sector, achieving economic growth, and enhancing living standards and quality of life. It creates a peaceful working environment conducive to tolerance, dialogue and other alternative means of resolving labour disputes [45].

Education sector in an economy remains one of the most powerful engines for economic growth. It acts as a catalyst to transform the economic structure of countries from simple, slow growing and low value activities to more vibrant and productive economies. Education is recognized as a principal contributory factor to boost productivity of workers by generating skills that raise their working capacity, leading to economic growth [34]; [6]; [27]. This productivity gains can be contributed to enhancement of the income level of the individuals as well as the economy.

Apart from these direct economic benefits, indirect social benefits such as better work habits, particularly a greater awareness of time and more internalized norms that would make them more dependable, can be realized through better education which contributes to economic development process. Lower crime rates, greater participation of people in the regional development activities, greater awareness of human achievement, an appreciation for cultural diversity and spill over the knowledge among the colleagues and neighbours are indispensable requirements for efficient use of material resources to achieve fruitful results of the development activities. Endogenous growth theory asserts that investment in human capital will significantly contribute to economic growth, and indeed foster development [72].

Industrial actions have lately been common in the eastern Africa region, particularly Kenya, Uganda and Malawi where disparities in remuneration seem to be major areas of concern. A fitting imagery of this scenario is 'muzzling the ox that ploughs one's land'. According to Vernor Munoz [48], knowledge that is not built on the respect of human rights is knowledge of poor quality. Further, since there are certain cardinal values that motivate learning (including teaching, research and community outreach), it is essential to define the needs of students and teachers, as well as the adjustments needed to improve functions in the schooling and political systems.

1.1 Statement of the Problem

Labour relations have an important "value in use" in establishing consensus between the parties involved [20]. For the necessary labour relations equilibrium to exist the employer and employee organizations should have a relative balance of bargaining power. This equilibrium state of power is the key to the success of the labour relations system, and if this equilibrium is lost it becomes difficult to reach consensus based and balanced solutions. (RoC, 2011 – 2015).

In Kenya, from 1995 to 2000 a total of 381 strikes had been experienced [60]. In 2010 the Ministry of Labour recorded 82 strikes. According to Industrial Court Disputes Register the reported disputes increased from 159 in 2007 to 1624 in 2010. The economic survey 2011 indicates decline of CBAs to 266 in 2011 compared to 297 in 2009. From 2010, 2013 the Ministry of Labour indicated 10,339,818 lost man hours.

According to [62] & [63] the public education sector experience strikes each year, in the year

2012 there was a university academic and non academic staff strike. Further observations shows that in 2013 there was a nationwide strike by teachers; this was followed by the March 2014 strikes by teaching and non-teaching staff of the public universities and the January 2015 nationwide strike by teachers which crippled activities in public schools.

Strike and labour standoff is a sign of industrial disharmony which translates to a state of disequilibrium in labour relations [61]. Several local studies in Kenya [68] ; [33]; [12] relate to labour relations and have clearly shown the state of disequilibrium in labour relations; however none of these studies clearly explain the factors which tilt the state of equilibrium and harmony in labour relations. This study therefore examines the influence of knowledge of industrial relations on labour relations equilibrium in public education sector in Kenya.

1.2 Objectives of the Study

The overall objective was to evaluate the influence of parties' recognition in labour relations on labour relations equilibrium in the public education sector in Kenya

1.3 Study Hypothesis

To achieve the above objective the following hypothesis were developed;

Ho1: Parties recognition in labour relations has no positive and significant influence on labour relations equilibrium in the public education sector in Kenya.

Ha1: Parties recognition in labour relations has a positive and significant influence on labour relations equilibrium in the public education sector in Kenya.

2.0 Theoretical/ Empirical Review

The study will be grounded on five major theories namely: Unitary Theory, Marxist Theory, Comparative Employment Relations theory, Systems Theory, and Pluralist Theory.

2.1 Unitary Theory

The main elements of unitary theory are that there is only a single source of authority that is management. The role of organizational leaders is to promote loyalty and commitment among workers [23]. Organizations are seen as consisting of teams that are working together for mutual goals, and there are also no conflicts of interests between managers and employees. The unitary

theory believes that employers and employees can join forces for common objectives, interests, and values and that the management should exemplify strong leadership to attain organizational objectives. According to [73] trade unions under the unitary perspective are regarded as an intrusion into the organization from outside, competing with management for loyalty of employees. Trade unions are seen as a cause of industrial conflict thus not essential for the harmonious managing of conflicts. Conflicts in the organization are hence perceived as dysfunctional and often leading to disloyalty, and as a consequence impair the well-being of the organization [3]. The state is seen as a paramount contributor in the formulation of industrial relation systems.

2.2 Marxist Theory

Marxists like Pluralists regard conflicts between employees and employers as inevitable. Marxists however see conflict as a product of the capitalist society. The adversarial relations in the workplace are simply one aspect of class society. The Marxist focuses on the type of society in which an organization functions. Conflicts arise not just because of competing interests within the organizations but because of the division within the society between those who own or manage the means of production and those who have only their labour to offer. Industrial conflict is thus seen as synonymous with political and social unrest which the researcher concurs with [1].

Trade unions are seen both as labour reaction to exploitation by capital, as well as a weapon to bring about a revolutionary social change. Hence, concerns with wage-related disputes are secondary which the researcher disagrees with, since wage related disputes dominate industrial actions in Kenya and world over. Indeed, an adequate wage is a motivation of employees joining organizations. Moreover, trade unions focus on improving the position of workers within the capitalist system and not to overthrow which the researcher agrees with [80].

2.3 Comparative Employment Relations theory

Comparative Employment Relations theory is an interesting area of inquiry on the ground that employment relations institutions are substantively unimportant, mostly anti-market and transitory from a long-run perspective. The task of this theory is to identify the variables that generate conflictive interests and the institutions and practices designed by the three actors to ameliorate and resolve the

conflicts. Poole identified the state of economic development, the strategies of the actors, cultural values and ideologies, the nation's political - economic structure, the power of the actors and the institutional structure of firms, employment relations organizations as primary explanatory variables.

2.4 Systems Theory

The Systems Theory was developed by John Dunlop a sociologist in 1958. Dunlop is credited with the application of the Systems Approach to Industrial Relations (IR). He visualized IR to be a systematic construct namely, as a sub-system of society. Systems Approach essentially comprises four processes which include input acquisition, input transformation, output and feedback. An organization is considered an open system, existing in a context called environment. The organization influences its environment as well as gets influenced by the environment [80].

The environment may comprise social, political, technological factors and depends on organizations for essential supplies and to receive its outputs. The environment also influences the various processes of acquisition, transformation and delivery of outputs. IR system at any one time in its development is regarded as comprising certain actors and body of rules created to govern the actors at the workplace and work community [80]. This arrangement exists in Kenyan Industrial Relations.

Creation of rules according to Dunlop is the output that an IR System seeks to create. Rules in this context comprise one, rules governing all forms of compensation. Two, the duties and performance expected of workers including rules for maintaining discipline. Three, rules defining rights and duties of employers and employees including legislation and terms of collective agreements. Four, procedures for establishing rules, and Five, procedures for application of rules [81]

The rules are the output of IR. In the input transformation and feedback processes and their interaction, three 'actors' are involved. They include managers and their organizations, workers and their organizations and state and its agencies concerned with workplace. The actors in Kenyan context include the Kenyan Government represented by the Ministry of Labour, the employers and employees' organization and the Trade Unions. The actors do not function in isolation but in an environmental context. The technical context of workplace relates to how work

is organized and the state of technology that is whether it is labour or capital intensive [37].

The market context or the revenue related context comprises product demand, market growth, number of competitors and profit margins. The power context is how power is distributed among the three 'actors'. The three 'actors' hold common belief that employees are entitled to demand for a minimum quality of living. Besides, discussion and bargaining must be the preferred way to solve disputes and that the state does not have limited but clear roles as an arbiter in certain matters [80].

2.5 Pluralist Theory

The theories on Pluralism evolved in the mid-sixties and early seventies when England witnessed a dramatic resurgence of industrial conflicts. The recent theories of Pluralism emanate from British Scholars and in particular Allan Flanders who is regarded as the Chief theorist of Pluralism. He was a senior lecturer at Oxford School from 1949. The Pluralistic approach perceives organizations as being made up of powerful and divergent sub groups, each with its own legitimate loyalties, set of objectives and leaders. This is evident in public education sector which have management and labour unions each pursuing different interests [37].

Pluralist theory tends to see conflict as inherent in workplaces. In pluralism, the organization is perceived as being made up of powerful and divergent sub-groups, each with its own legitimate loyalties and with their own set of objectives and leaders. In particular, the two predominant sub-groups in the pluralist perspective are the management and trade unions [70]. Consequently, the role of management would lean less towards enforcing and controlling and more toward persuasion and co-ordination. Trade unions are deemed as legitimate representatives of employees; conflict is dealt by collective bargaining and is viewed not necessarily as a bad thing and, if managed, could in fact be channeled towards evolution and positive change [26].

2.6 Empirical Review

If partners in labour relations play their roles as expected, labour relations equilibrium will be achieved. [72] in their study examined the roles and influence of shop stewards under the partnership regime in Ireland. The duo has asserted that partnership rarely if ever involves the true distribution of power between equals. They contend that unions can be coerced into accepting partnership when faced with unpalatable

alternative. Similarly traditional form of consultation and collective bargaining may be hollow and fail to deliver effective involvement in management decision making. In Ireland a number of parallels are evident [72]; [30]. In particular, [19] argue that the balance of mutuality may be skewed to management yet that does not necessarily diminish the value of partnership for workplace union stewards.

Confrontational approach by labour unions developed out of the basic assumption that employers would not willingly grant improvement to pay and conditions of employment. [38]. [68] in her study examined the effects of the roles of social partners on the performance of state corporations in Kenya. The study provides evidence on the roles of the social partners and how they have affected the performance of state corporations. She observed that the registrar of trade unions had not avoided overlapping of trade union areas of activity and the Ministry of Labour had not adequately played its key role of dispute settlement between employers and trade unions. There is need to adopt the mechanism and implement it effectively through specific practices [46]. Unions at the enterprise are part of the management and most times acted against workers. The increased controls and employee participation has significant challenges for employers including higher labour costs, less management autonomy, stronger employee bargaining power, and weaker control of labour mobility [15] ; [16].

The binding award by arbitrators brings about organizational peace and continuity in performance due to lack of interruption inform of strikes. The employment relations in China appear to be in the state of flux with much complexity in how people are managed and dealt with in the diversity of enterprises that exist [11]; [78]. This has led to the preferred arbitration system where two adversarial parties submit their claims to a third party who should be independent, disinterested and unbiased. According to [78] the Chinese workers were found to be in great need of hearing of their grievances by impartial third parties, through which labour disputes could be settled and settlement enforced by law. Arbitration recognises the fact that court proceedings are too technically complex for resolving industrial disputes [36]. When the parties have agreed to abide by the arbitrator's ruling the decision is final and binding. Although the result of a labour arbitration hearing may not please the parties, the outcome is preferable to continuing strike or other action that in the long term benefits nobody.

Labour relation is an essential predictor of organization success. Labour relation is one of the key elements in the system of labour administration [32]. [33] in her study on employee perception of labour relations in Kenya commercial Bank revealed that the main cause of moderate labour relations in the sense of flow of information from the managers to the employees under them and the main cause of conflicts is poor communication followed by social relations. KCB needs to encourage all cadres of employee to participate in decision making especially if such decisions affected their lives and day to day performance of their duties. Other studies propose ways for the banks to survive competition to include more corporate responsibility [82] and relationship between employee participation in decision making and motivation in commercial banks.

Researches done in Eastern and Western Europe have shown that Union members are not satisfied with their Unions [24]. [12] in determining the factors affecting performance of trade unions in Kenya with focus to Kenya National Union of Teachers (KNUT). The major challenge facing KNUT according to members was found to be political manipulation where politicians use the unions for own political gains. In some countries unions do not exist at all or are relatively weak while other countries require firms that have union or worker representation on their boards of directors [7]; [18]. The study recommends that there should be effective communication between the union and members because it seems there is misunderstanding between the two, while unions are negotiating for salary increment, members do not recognize their efforts.

3.0 Methodology

The study adopted a descriptive research design. A research design is a logical thread which holds together all the crucial aspects of the research together so that they can derive meaning [41]. It is a process through which research questions are asked and answered [58]. Descriptive study is one that is undertaken with a view of offering the researcher a profile or to describe relevant aspects of the phenomena of interest from an individual, organization, organizational, industry oriented, or other perspective [76] ; [3]; [29]. This design method, presents procedures for collecting, analyzing and linking both quantitative and qualitative data in a single study [17]. The purpose of descriptive research is not only restricted to fact findings, but often results in formulation of important principles of knowledge and solution to significant problem [43].

The study adopted both quantitative and qualitative approach. Quantitative approach emphasizes data measurement and analysis in numerical form to give precise description. Quantitative approach places emphasis on methodology, procedure and statistical measures to test hypothesis and make predictions [9]. Qualitative research approach helps in analysing information in a systematic way in order to come to some useful conclusions and recommendations on the social settings and the individuals who portray the characteristics [15].

3.1 Sampling and Sample Size

A sample is a subset of population [35]. [59] defined a sample as subset of the population to be studied. [65] defines a sample as a subset of sampling units or cases for which data are collected. [85] states that the word 'sample' refers to the subset of a population. Therefore the goal of a research is to examine a sample and then generalize the results to the population. How accurately a researcher can generalize results from a given sample to the population depends on the representativeness of the sample. The degree of representativeness of a sample refers to how closely the sample mirrors the population [31]. [44] has explained that a sample size is the number of units in a sample and that the assumption behind sample size is that it is representative of the population from which it is drawn. [28] define sampling as a process of selecting a number of individuals in such a way that they represent the large group.

The study used purposive sampling. This sampling approach involves selecting certain units or cases based on a specific purpose rather than randomly. The sample was 450 comprising of the university registrar in-charge of administration who are equivalents of Human Resource Directors and the deputy vice chancellors administration of the 22 full fledged public universities in Kenya by October, 2014, TSC staff dealing with employee relations issues, the trade unions executive officers at the national level (KNUT, KUPPET, UASU, KUSU, KUDHEIHA) and the ministry of labour Nairobi office employees. This sample was focused because they are the ones involved in making key management decisions and hence have knowledge and skills on the determinants of labour relations equilibrium in public education sector in Kenya.

3.2 Measurement of variables

The dependent variable for this study which is labour relations equilibrium was measured by the use of dichotomous and multiple choice questions.

Structured questions were used for the statements corresponding to the various parameters of parties recognition in labour relations. The regression analysis was used to test the variation of the dependent variable explained by the variation in the independent variables by calculation of the R2 and adjusted R2 statistics. Logistic regression analysis was used to determine whether the independent variables predicted the dependent variable [4]. Labour relations equilibrium, as the dependent variable was regressed against the independent variable parties recognition in labour relations.

4.0 Findings

In the quest of finding out how parties are recognized in labour relations, this study surprisingly found out that a very high proportion (92%) of employees in public education sector who do belong to trade union and only 8% of the respondents are not in a trade union as shown in figure 4.8 below. This means that people do value the work of trade unions and that could be the reasons why they strive to stick to them.

Investigating further into methods recognized in getting bargaining rights by unions 11% of the respondents indicated that it is through voluntary recognition and the largest proportion (89%) through certification. The study sought to find out whether there are cases when employers and trade unions have failed to agree on the terms to be included in a collective agreement show that the larger proportion (94%) of the respondent said yes while only 6% said no to any trade unions having disagreed on collective agreement terms. This is as a result of the management failing to avail information to union officials as required by law in preparation of proposals. This meant that management failed to negotiate in good faith.

Further investigation in the number of times when the trade unions have failed to agree on the terms in collective agreement in the past two years revealed that most respondents (59.4%) showed that in the past two years trade unions have failed to agree between 2 and 5 times, 29.7% failed between 6 to 10 times, 8.3% failed more than 10 times and a few 2.6% said they failed only once. The findings show that trade unions have failed to agree between 2 and 5 times in the past two years.

The study also sought to find out whether all parties to labour relations negotiate or appear to be negotiating in good faith and overwhelming most respondents (98%) disagreed by saying no while 2% agreed to this by stating yes. The finding show that labour relations in the public education sector don't seem to be negotiating in good faith.

Respondents were also asked to what extent they are satisfied with the terms of collective agreements in the public education sector where most respondents (72.9%) were unsatisfied with these terms, 21.6% were strongly unsatisfied and 5.5% held a neutral position. The finding shows lack of satisfaction by the respondents with the terms of collective agreements in the public education sector.

Respondents were also asked on how labour relations are in public education sector and from the findings 10.3% of the respondents said it was fair while 89.7% were of the opinion that it should be improved. The findings indicated that the labour relations in the public education sector need to be improved. The study sought to find whether employees have free access to top management and majority of the respondent (88.6%) said they have no free access, 6.4% have free access and the remainder 5% were not sure. From the findings there was no free access to top management by the employees. The study also aimed to determine the labour relations player whether they have respect to each other's rights and surprisingly most of the respondents (98%) said no and 2% said there is respect to each other's right. From the findings there was no respect to rights of each labour relation parties.

4.1 Correlation Analysis Results

The study sought to establish the strength of the relationship between party's recognition in labour relations and labour relations equilibrium. To achieve this, Spearman's rank correlation was carried out since labour relations equilibrium was dichotomous and consequently in nominal measurement scale. According to Kothari (2004), product moment correlation should be carried out if and only if both dependent and independent variables are in either ratio or interval scale and if this condition is not satisfied then Spearman's rank correlation should be applied to test the strength of the relationship. Correlation coefficient as measured by rho ranges between $-1 < \rho < +1$. If correlation coefficient is +1 then there is a perfect relationship whereby an increase in the dependent variable is associated with an increase in the predictor variable and if negative there is an inverse relationship whereby an increase in the dependent variable is associated with a decrease in the predictor variable [41]. A correlation coefficient close to either +1 or -1, indicates there is a strong relationship [41].

The study findings depicted that there was a significant positive relationship between labour relations equilibrium and parties' recognition in

labour relations in public education sector in Kenya. This relationship has been illustrated by correlation coefficient of 0.221 at 0.05 significant levels. This suggests that parties' recognition in labour relations is good for explaining labour relations equilibrium in public education sector in Kenya and it is a critical factor to consider when taking decision to improve labour relations.

4.2 Regression Analysis Results

A test of the full model against the constant only model was statistically significant, indicating that parties' recognition in labour relations had a positive and significant influence on labour relations equilibrium in the public education sector in Kenya (Chi square=16.081, p-value <0.05 with d.f= 1). Nagelkerke R squared of 0.823 and R of 0.907 indicated a strong positive relationship between parties' recognition in labour relations and labour relations equilibrium. This means that 82.3% of total variability in the dependent variable (labour relations equilibrium) is explained by parties' recognition in labour relations. On overall prediction, success was 79.5%: From the classification Table, 70% for no labour relations equilibrium score and 89% for labour relations equilibrium score. The Wald criterion demonstrated that parties' recognition in labour relations made a positive and significant contribution to prediction of labour relations equilibrium ($\beta=0.101$, Wald =13.281 and p-value <0.05). B column indicates the magnitude and direction of the given independent variable in relation to labour relations equilibrium. The coefficient gives us the change in proportion of labour relations equilibrium given a unit change in parties' recognition in labour relations. It can be concluded that parties' recognition in labour relations in the public education sector increases the likelihood of labour relations equilibrium by 0.101. Exp (B) value indicated that when parties recognition in labour relations is raised by one unit, the odds ratio is 1.106 times as large and therefore this public education sector attribute of parties' recognition in labour relations is more likely to lead to realization of labour relations equilibrium as summarised in equation below. Thus the research hypothesis was not rejected and therefore parties' recognition in labour relations affects labour relations equilibrium in public education sector in Kenya.

Logit (p) =1.291+0.101(Parties' recognition in labour relations).....Equation.

4.3 Hypothesis Testing

The study hypothesized that parties recognition in labour relations has a significant and positive influence on labour relations equilibrium in public education sector in Kenya. The study findings indicated that there was a positive and significant relationship between parties recognition in labour relations and labour relations equilibrium ($\beta=0.101$, Wald =13.281 and p-value <0.05). This therefore means that an increase in parties recognition in labour relations will increase labour relations equilibrium in the public education sector in Kenya. Since the p-value <0.05) the null hypothesis that parties recognition in labour relations has no significant influence on labour relations equilibrium in public education sector in Kenya was rejected and the alternative hypothesis accepted. It was therefore concluded that parties' recognition in labour relations has a positive and significant influence on labour relations equilibrium in public education sector in Kenya.

5.0 Discussions

The Wald criterion demonstrated that parties recognition in labour relations made a significant contribution to prediction of labour relations equilibrium. The Wald criterion demonstrated that parties' recognition in labour relations made a positive and significant contribution to prediction of labour relations equilibrium ($\beta=0.101$, Wald =13.281 and p-value <0.05). B column indicates the magnitude and direction of the given independent variable in relation to labour relations equilibrium. The coefficient gives us the change in proportion of labour relations equilibrium given a unit change in parties' recognition in labour relations. It can be concluded that parties' recognition in labour relations in the public education sector increases the likelihood of labour relations equilibrium by 0.101. Exp (B) value indicated that when parties recognition in labour relations is raised by one unit, the odds ratio is 1.106 times as large and therefore this public education sector attribute of parties' recognition in labour relations is more likely to lead to realization of labour relations equilibrium. Parties' recognition in labour relations had a statistically significant positive influence on labour relations equilibrium in public education sector in Kenya. This necessitated rejection of the null hypothesis that knowledge of industrial relations does not affect labour relations equilibrium in public education sector in Kenya

These results are in line with the findings from other studies that have emphasized the significant role of parties recognition in labour relations in determining labour relations equilibrium. This finding concurs with the finding by [68] that the

government exercised its power over the other social actors through registration of trade unions and employers associations deregistration of trade unions and employers associations and adjudicated disputes between aggrieved parties. The result is consistent with finding by [81] that enlightened leadership will have the willingness to participate and cooperate in managing the organization for success and progress of success.

5.1 Conclusions

Based on the findings, Parties' recognitions in labour relations (parties' willingness to consult, procedural rights, bargaining power and joint decision making) had a positive relationship with labour relations equilibrium in public education sector in Kenya. The Labour Relations Act, 2007 requires that an employer, groups of employers or an employer's organization that has recognized a trade union, to conclude a collective agreement. The agreement sets out the terms and conditions of service for all employees covered by the recognition agreement. The agreement is the basis and point of reference when management makes decisions relating to employees. This is because quite often collective bargaining requires some form of authorization by labour ministries.

5.2 Recommendations

In general, the results provide labour relations parties in public education sector in Kenya with important insights by highlighting the benefits that the public education sector can derive through an effective implementation of parties recognition in labour relations. In particular, the three key stakeholders in tripartism as representatives of the government, employers and employees respectively can gain a deeper understanding of the importance of parties recognition in labour relations to harmoniously settle disputes in public education sector which experiences strikes each year which is a sign of industrial disharmony.

Adoption of strategic orientation initiatives like parties recognition in labour relations should be vigorously pursued by parties to labour relations in the public education sector in Kenya. Ensuring that there is parties recognition in labour relations will enable the public education sector manage strikes, now ranking as one of the top problem in all sectors particularly the public education sector in Kenya and globally, and the resulting losses that they create.

5.3 Areas for Future Research

The findings presented in this study are based on the influence of parties recognition in labour relations on labour relations equilibrium in public education sector in Kenya. Future research should be extended to the entire education sector in Kenya and other sectors as well. From the findings 82.3% of total variability in the dependent variable (labour relations equilibrium) is explained by parties' recognition in labour relations. A further study is therefore recommended to investigate the other determinants of labour relations equilibrium in the public education sector in Kenya.

The study relied on quantitative data where the respondents were asked to select from the explicit options on the item in the instrument. But some success factors of labour relations equilibrium are known to be strategic and dynamic in nature. Therefore, a longitudinal study would be more preferable as it could provide a better perspective of the determinants of labour relations equilibrium in public education sector in Kenya in addition to further informing the policy frameworks of labour relations.

Lastly, the findings presented in this study are based on the effect of parties recognition in labour relations on labour relations equilibrium in public education sector in Kenya. Future research should be extended to the entire education sector and other sectors in Kenya.

References

- [1] Aswathappa, K. (2009). *Human Resource Management*. New Delhi: The McGraw-Hill Companies.
- [2] Amin, M. (2005). *Social Sciences Research, Conception, Methodology and Analysis*. Kampala: Makerere University Prentice.
- [3] Bryman, A. & Bell, E. (2003). *Business Research Methods*. New York: Oxford University Press.
- [4] Bryman, A., & Bell, E. (2007). *Business Research Methods*. Oxford: Oxford University Press.
- [5] Borg, D. & Gall, R. (2007) *Educational research: An introduction*. Boston: Pearson Education.
- [6] Bloom D. Cannig D. & Chan K. (2006). *Higher Education and Economic Development in Africa*, Harvard University Human Development Sector, African Region, USA
- [7] Bolton, S. C., & Haulihan, M. (2007) *Management, work and organisations, Searching for the human in HRM*. New York: Palgrave Macmillan.
- [8] Bean, R. (1994), *Comparative Industrial Relations; An Introduction to Cross-national Perspectives*. London: Routledge.
- [9] Berg, B. (2004). *Qualitative Research Methods for the Social Sciences*. (5th Ed). Boston: Pearson.
- [10] Barry, M. & Wilkinson, A. (2011) *Research Handbook of Comparative Employment Relations*. Massachusetts: Edward Elgar Publishing Limited.

- [11] Cooke, F. L. (2005). Employment relations in small commercial businesses in China. *Industrial Relations Journal*, 36(1): 19-37.
- [12] Christine A., Nelson O., Evans A., Gerald O., Odhiambo O., and Mary E. (2013). Factors Affecting Performance of Trade Unions in Kenya. *American Journal of Business and Management*, 2 (2):181-185
- [13] Cooper, D. R., & Schindler, P.S. (2008). *Business Research Methods* (10thed) Irwin: McGraw-Hill
- [14] Cooper, D. R., & Schindler, P. S. (2006). *Business Research Methods*, (9th ed.). New Delhi: Tata McGraw-Hill.
- [15] Coberta, P. (2003). *Social Research: Theory, Methods and Techniques*. New Delhi: Sage publication.
- [16] Cafolla, L. (2009). *Conducting layoffs under the Labour Contract Law*. China Staff, 15(5): 8.
- [17] Chen, F., & Funke, M. (2009). China's new Labour Contract Law: No harm to employment? *China Economic Review* (1043951X), 20(3): 558-572.
- [18] Creswel, J.W. (2008). *Qualitative inquiry and research design*. California: Sage.
- [19] Clegg, S., Berger, M. K., and Pitsis, T. (2005) *Managing and organisations; An Introduction to Theory and Practice*. Sage Publications Limited
- [20] Dobbins, A., and Gunnigle, P. (2009), 'Can Voluntary Workplace Partnership Deliver Sustainable Mutual Gains?', *British Journal of Industrial Relations*, d.o.i: 10.1111/j.1467-8543.2009.00715.
- [21] Estanque, E., Costa, H. (2011), *O Sindicalismo Português e a Nova Questão Social: criseourenovação?* Coimbra: Almedina.
- [22] Ferreira, G. M. 2005. South African labour: a tripartite relationship. *Journal of Public Administration* 40 (3.2): 418±430.
- [23] Froissart, C. (2006). *Escaping from under the Party's Thumb: A Few Examples of Migrant Workers' Strivings for Autonomy*. *Social Research*, 73(1): 197-218.
- [24] Farnham, (2000). *Employee relations: theory and practice*. Australia: McGraw-Hill.
- [25] Fajana, S. (2010). "Industrial Relations and Collective Bargaining trends in Nigeria", unpublished ILO report.
- [26] Georgellis, Y., & Lange, T. (2010) Are union members happy after all? Evidence from Eastern and Western European Labour Market.
- [27] Gall, G. (2007). Changing industrial relations in the magazine industry in Britain. *Personnel Review*, 36. 1, 91-108.
- [28] Gad, B. (2003). *Communities and Law: Politics and Cultures of Legal Identities*. Ann Arbor: University of Michigan.
- [29] Galiani, S. (2008) On the emergence of public education in land rich economies, *Journal of Development Economics*, 86, Washington University in St. Louis, USA
- [30] Gall, M. D., Borg, W. R., & Gall, J. P. (2008). *Education research: An introduction* (8th ed.). New York: Pearson publishers.
- [31] Ghauri, P., & Gronhaug, K. (2005). *Research Methods in Business Studies: A Practical Guide*. Harlow: Prentice Hall.
- [32] Geary, J.F. (2008), 'Do Unions Benefit from Working in Partnership with Employers? Evidence from Ireland', *Industrial Relations*, 47 (4): 530-691.
- [33] Gravetter, F. J., & Forzano, L. B. (2006). *Research methods for the behavioural science* (2nd Ed). Mason, OH: Thompson.
- [34] Goolsarran, S. J. (2006). *Industrial Relations in the Caribbean, Issues and Perspectives*. International Labour Organization.
- [35] Grace, (2007). *The Effect of the Role of Social Partners on the Performance of State Corporations in Kenya*. Published MBA Thesis, UON, Kenya.
- [36] Hill Kent, Hoffman Dennis, Rex Tom R. (2005) The Value of higher Education: Individual and Societal Benefits (with Special consideration for the state of Arizona) L. William Seidman Research Institute, Arizona State University, USA
- [37] Hyndman, R. (2008). *Quantitative Business Research Methods*. Department of econometrics and Business Statistics. Monash University (Clayton campus).
- [38] Hagglund, G., & Provis, C. (2005). The Conciliation Step of the Unfair Dismissal Process in South Australia. *Labour Studies Journal*, 29(4), 65-86.
- [39] Ikeanyibe, M. O., & Onyishi, A. (2011). Global Determinants and Contexts of Contemporary Industrial Relations Policy in Nigeria. *Labour and Management in Development Journal* Vol. 12.1-12.
- [40] Jerome, T. B., & O'Dowd, J. C. (2005). *Interest - Based Bargaining*. A Users Guide. Toronto: Trafford Publishing Ltd.
- [41] Jean, F. (2012). What is the relationship between inflation and interest rates. Investopedia.
- [42] John M.M. (2012) *A Citizen's Handbook on Taxation in Kenya*. Institute of Economic Affairs.
- [43] Kothari, C. (2004). *Research methodology: Methods & techniques* (2nd Ed). New Delhi, India: New age International Publishers.
- [44] Kothari, C.R. (2009). *Research Methodology: Methods and Techniques*. New Delhi: New Age International Publishers.
- [45] Kombo, D.K., & Tromp, D. L. A. (2010). *Proposal and Thesis Writing. An introduction*. Nairobi. Paulines Publications Africa.
- [46] Kasomo, D. (2006). *Research Methods*. Egerton: Egerton University Press.
- [47] Ladan, M.T. (2012). *The imperatives of industrial harmony and academic excellence in a productive educational system*. University of Calabar, Cross River State, Nigeria, 13th November, 2012.
- [48] Lee, J., & Rolee, D. (2009) *Labour management partnership at Korean firms*. Its effects on organizational performance and industrial relations quality. Emerald Group Publishing Limited. 38(4):68-75.
- [49] Mugenda, O. M., & Mugenda, A. G. (2008). *Research Methods: Quantitative and Qualitative Approaches*. Nairobi Kenya: Acts Press.
- [50] Mugenda, O. M., & Mugenda, A. G. (2003). *Research methods: quantitative & qualitative approaches*. Nairobi: African Centre for Technology Studies.
- [51] Marczyk, G., DeMatteo, D., & Festinger, D. (2005). *Essentials of research design and methodology*. Hoboken, NJ: John Wiley & Sons.
- [52] Minja, D., & Aswani, D. (2009). *Industrial Relations in Kenya*. Wake Forest: IPI Integrity Publishers Inc.
- [53] Mathis, & Jackson, (2008). *Human resource management*, (12th Ed) Thomson: South Western.

- [61] Mutoro, S. (2011). Doctors Strike will Invite Consumer Boycotts. Retrieved February 11, 2012 from <http://www.capital/m.co.ke/eblog>.
- [62] Malalo, H. (2011). Kenya Public Hospital's Hit by Doctor's Strike. Retrieved February 11, 2012 from <http://atrenters.com/article/topnews>.
- [62] Murray, S.R., & Peyrefitte, J. (2007). Knowledge Type and Communication Media Choice in the Knowledge Transfer Process. *Journal of Managerial Issues*, 19 (1):111-133.
- [63] Newing, H. (2011). *Conducting research in conservation: Social science methods and practice*. New York, United States of America: Routledge.
- [64] Nixon, M. (2011). *The Link between the Conceptualisation of e-Government and its Perceived Impacts: An exploratory Empirical Study in Kenya*. Nairobi: University of Nairobi.
- [65] Nonaka, I., & Takeuchi, H. (1997), *Criac, aõ de Conhecimento na Empresa: Como as Empresas Japonesas Geram a Dina mica da Inovac, aõ*, (17th ed.). Rio de Janeiro: Elsevier.
- [66] Nzioki, S. (2013). The Effect of the Role of Social Partners on the Performance of State Corporations in Kenya. Published Ph.D (HRM) Thesis, JKUAT, Kenya.
- [67] Okatch, A. (2012). *Towards a framework for the development of effective subcontracting relations and networks among small, medium and large firms in the motor vehicle manufacturing industry in Kenya*. Published Ph.D (HRM) Thesis, JKUAT, Kenya.
- [68] Polsby, N.W. (2006). How to Study community Power: The Pluralist Alternative. *The Journal of Politics*, 474 – 484.
- [69] Rittau, Y., & Dundon, T. (2010). *The Roles and Functions of Shop Stewards in Workplace Partnership*. Evidence from the Republic of Ireland. Emerald Group Publishing Limited. 32 (1) 10-27.
- [70] Roche, W. K., & Geary, J.F. (2006), *Partnership at Work: The Quest for Radical Organizational Change*. London: Routledge.
- [71] Rose, E.D. (2008) *Employment Relations: Theory and Controversies*. Lagos: Malthouse Press Ltd.
- [72] Romer, D., (2011). *Advanced Macroeconomics* (4th ed.). New York: McGraw-hill
- [73] Republic of Kenya (2007). Kenya Vision 2030: A Globally Competitive and Prosperous Kenya. Nairobi: Ministry of Planning and National Development, and the National Economic and Social Council.
- [74] Sekaran, U. (2009). *Research Methods for Business: A skill Building Approach*. (4th ed.). New Delhi: Wiley India Pvt Ltd.
- [74] Simon M. (2013). Factors that influence the social performance of microfinance institutions in Kenya. Published Ph.D (Entrepreneurship) Thesis, JKUAT, Kenya.
- [78] Shen, J. (2007). *The Labour Dispute Arbitration System in China*. Emerald Group Publishing Limited. 29 (5) 520-539.
- [79] Singh, P.N., & Kumar. N, (2011), *Employee Relations Management*. India: Dorling Kindersley Pvt Ltd.
- [80] Singh P. N., & Singh P. N (2011) *Employee Relations Management*. Dorling Kindersley (India) Pvt Ltd, New Delhi.
- [80] Sivarethinamohan, R. (2010). *Industrial Relations and Labour Welfare*. New Delhi: PHIL earning Private Limited.
- [81] Slinn, S. (2010). *The limitations of pieces of paper: A role for social science in labour law*. Kingston, Canada, Queen's University Publications.
- [81] Tripathi. P. C. (1992) *Personnel management and industrial relations*. New Deihl: S. Chand K Co Ltd.
- [82] Thuo, O. M. (2006). Factors that Influence the Corporate, Social Responsibility Behaviour of Commercial Banks in Kenya. Unpublished MBA Project, University of Nairobi. Kenya.
- [83] Wenger, E., & Snyder, W. (2000). Communities of Practice: The Organizational Frontier, *Harvard Business Review*, January–February, 33–41.
- [84] Worlds of Education, (2007) Teachers United Despite Peril, No. 24, Education International, Brussels.
- [85] Yang, K. (2008). *Handbook of research methods in public administration*. New York: Taylor & Francis Group.