

**DETERMINING THE SUCCESS OF THE IMPLEMENTATION OF
INDUSTRIAL AND LABOUR RELATIONS LAW ON ECONOMIC
GROWTH AND DEVELOPMENT IN KENYA**

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*A dissertation submitted to the faculty of law in partial fulfillment of the
requirements for the degree of law in Riara University*

June, 2021

DEDICATION

To my family and friends who are my role model and my epitomes of diligence.

DECLARATION

I hereby declare that this dissertation is my own unaided work, and that all my sources of information have been acknowledged. To my knowledge, neither the substance of this work, nor any part thereof, is being submitted for a degree in any other University.

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ACKNOWLEDGEMENT

Human life is intelligibly only as a linear narrative, as a story with beginning, middle and end. As the story of my protracted undergraduate studies comes to an end, it is not easy to acknowledge all the people and circumstances from the beginning to the end that shaped this dissertation.

Above all I would like to thank the almighty God, whose strength and faithfulness has been sufficient in all seasons of my life.

I am most grateful to the department of law, for giving me the opportunity to write this work, am most beholden to my supervisor Dr. Augustus Mbila for giving me the space to develop my ideas but then pushed me to redefine my own limits as a scholar. His support and reassurance despite my lateness in giving continued feedback and meet deadlines due to unavoidable and trying personnel problems and commitments.

Finally, am beholden beyond words to my family members, including my in-laws and parents, for their invaluable input and bearing with my shortcomings in relating to them during this research especially during the field work times that were afflicted with much delays and difficulties of data collection, and later on bearing with my paralysed fears of self-doubt and chaos on being terrorised by literature on the other hand and on seeing the great gap between the rhetoric of the literature and the reality of the field observations on the other side that led to mental immobilisation and writer's block so to say.

To all I say, thank you.

Table of Contents

DEDICATION	ii
DECLARATION	iii
ACKNOWLEDGEMENT	iv
LIST OF ABBREVIATIONS AND ACRONYMS.....	viii
ABSTRACT.....	ix
CHAPTER ONE	1
BACKGROUND OF THE STUDY	1
1.0 Introduction.....	1
1.1 Background.....	2
1.1.2 Kenya's Labour Relations Law	3
1.1.3 Structure of industrial relations in Kenya	4
1.1.4 Kenyan Labour Relations Laws condemnation	6
1.2 Problem statement.....	7
1.3 Objectives if the study	8
1.3.1 General Objective	8
1.3.2 Specific Objectives	8
1.4 Research questions.....	9
1.5 Justification of the study	9
1.6 Hypotheses.....	10
1.7 Limitations of the study	10
1.8 Chapter breakdown	10
CHAPTER TWO	12
LITERATURE REVIEW	12
2.0 Introduction.....	12
2.1 Mechanism of establishing Industrial democracy through collective bargaining process.....	12
2.1.1 Economic Contribution of collective bargaining	13
2.2 Influence of trade unions participation on employee's productivity in the work place.	14
2.2.1 Challenges facing Trade Unions	15
2.3 Factors impeding the Kenya labour laws and the various ways of reducing industrial disputes.	16
2.3.1 Economic Satisfaction of the Workers.....	16
2.3.2 Social and Psychological Satisfaction.....	16

2.4 Theoretical framework	17
2.5 Summary of the literature review.....	23
2.6 Conceptual framework	24
CHAPTER THREE	26
RESEARCH METHODOLOGY	26
3.1 Research design	26
3.2 Data Collection Instruments and Procedure.....	26
3.2.1 Questionnaire	26
3.2.2 Interviews.....	27
3.3 Sample size and sampling procedures	28
3.3.1 Sample Size.....	28
3.3.2 Research Procedures	30
3.4 Pilot study	30
3.5 Reliability of the research instruments.....	30
3.6 Ethical Considerations	30
3.7 Data Analysis Methods	31
3.8 Chapter Summary	31
CHAPTER FOUR.....	32
DATA ANALYSIS, FINDINGS AND DISCUSSION.....	32
4.1 Response Rate.....	32
4.2 Demographic Characteristics of the Respondents.....	32
4.2.1 Age Distribution of the Respondents	33
4.2.2 Gender of the Respondents	36
4.2.3 Marital Status of the Respondents	38
4.2.4 Length of Service.....	40
4.2.5 Respondents' Highest Level of Education.....	43
Figure 4.4: Education Level of the respondents.....	45
4.3 Industrial Relation Procedures	45
4.3.1 Grievance Handling Procedure	45
4.3.2 Disciplinary Procedures	46
4.3.3 Collective Bargaining	46
4.3.4 Dispute Handling Procedure	47

4.4 Role of Management, Trade Unions and ombudsmen from Government	48
4.5 Factors Affecting Industrial Relations	49
CHAPTER FIVE	53
SUMMARY, CONCLUSIONS AND RECOMMENDATIONS	53
5.1 Summary	53
5.2 Conclusions.....	54
5.3 Recommendations.....	54
5.4 Suggestion for Further Research.....	54
REFERENCES	56
Books	56
Journals	58
Constitution.....	58
Acts of Parliament.....	58
Official presentations /Newspapers	58
Website	58
APPENDICES	59
APPENDIX 1: INTRODUCTION LETTER.....	59
Appendix 2: Research Questionnaire.....	60
SECTION A: Demographics	60
Part B Objectives Based Questions.....	61

LIST OF ABBREVIATIONS AND ACRONYMS

COTU -Central Organisation of Trade Unions

ILO -International Labor Organisation

LRA -Labor Relation Act

OHS -Occupational, Health and Safety

OSHA -Occupational Safety and Health Act

WIBA -Work Injury Benefits Act

ABSTRACT

The adoption of national labour relations laws and industrial laws are an important means of guaranteeing decent work and promoting the rule of law. The constitution of Kenya 2010, Article 36, is committed to extending its advisory services to employees' bodies and to assist tripartite constituents in assessing and, where necessary, framing or revising their labour laws. The performance of the workforce in Kenya's Labour force is still poor and this could be due to poor implementation of industrial and labour relations law.

Several employees in Kenya are unable to improve their employment interest because of being unorganised and failure to use collective bargaining process. This is due to employer's reluctance to develop a bargaining relationship with the workers, or because the employees are not organised. This has led to poor performance in the ministry of labour which in the end has resulted into loss of the credibility of the officials of the labour unions.

The general objective of the study was; to assess the effectiveness of the implementation of industrial and labour relations law on Kenyan's economic growth and development. It was guided by five research objectives namely: to examine the mechanism of establishing industrial democracy through collective bargaining process, to establish the influence of trade unions participation on employee's productivity in the work place, examine how industrial relations and labour laws contribute to the economic growth and development in Kenya, analyse factors impeding the Kenya labour laws and the various ways of reducing industrial disputes, promote and sustain peaceful relations in the workplace between the employer and employees and to examine how the labour relations act help in ensuring inclusivity to help in addressing the unfair treatment and discrimination that people with special abilities face in employment duties.

The study employed use of descriptive research design. A sample of 100 number respondents was selected out of the population of 320 employees of different industries within the country, labour unions and various ombudsmen from the government within the county using stratified sampling technique. This represented a 30% sample of the whole population. A structured questionnaire was used to collect data from the respondents. The data was analysed using the statistical package for social sciences (SPSS). It will be interpreted in frequencies, percentages and correlations. The findings were presented using tables, bar charts and pie charts. The findings indicated that, there is poor grievance handling procedure, poor collective bargaining process as well as poor dispute handling procedures which affected implementation of labour relations laws in Kenya. The study recommended that management come up with other means of communication and employee participation such as team talk and use of suggestion box. The study also recommended the government to fasten the dispute handling procedure. More women to be elected as both management and union representatives to enhance gender balance.

CHAPTER ONE

BACKGROUND OF THE STUDY

1.0 Introduction

Sarker,S.,& Palit,M in their book expounded that; increased competition, changing customer needs, influence of technology and globalisation in the changing business environment, labour relationship management is a human resource management aspect that is influencing performance of small, medium and large organisations in the 21st century .¹

Flanders in his book explained that, organisations' success greatly depends on management and employees' relationship. Employee commitment, productivity and loyalty are important role in the growth of the organisation in a business environment that is competitive. In order to achieve a healthy relationship between the workforce and organisation, a well-organised program on employee relations should be established. In his book he expounded that the relationship between employers, trade unions and employees is a an important driver of competitive firms operating in the dynamic business environment.²

¹ Sarker, S., & Palit, M. (2015). *Strategic orientation and performance of small and medium enterprises Bangladesh*.

² International journal of entrepreneurship and small business,24(4),572-586

1.1 Background

Local companies are driven to maintain good employee relations to enhance their productivity and performance in the changing business environment. Employee relations has become an important determinant of competitive organisations in the global environment for many businesses. Maintaining good interrelationships among various stakeholders is the critical aspect that determines organisational performance.³

Creating employment opportunities and reducing poverty are important areas of policy concern in most developing countries such as African countries like Kenya.⁴ All development policies and programs that have been formulated in post-independent Kenya have been geared towards promoting employment growth and poverty reduction. The government's current blueprint, the Economic Recovery Strategy for Wealth and Employment creation, is also built around high and sustained economic growth capable of fostering the creation of productive and durable employment opportunities.

The Strategy Paper targets creating 500,000 jobs annually and reducing poverty levels in the country by at least five percentage points by the end of 2030. The government has, since independence in 1963, implemented minimum wage policy. By implementation of this policy, the government has helped in improving living standards of workers as well as creating more job opportunities for its citizens.

According to Kenyan Human Development report, poverty and unemployment levels in the country have continued to rise despite the minimum wage policy. Poverty levels in Kenya has increased from 3.7 million to 11.5 million between 1972 to 2004 and was estimated to have reached approximately 17 million or 56.8 per cent of the population in 2020.⁵

³ Barrow, Charles. Industrial Relations Law. London, UK: Cavendish Publishing, 2nd ed., 2002.

⁴ Monappa, A. (2004) Employment in Kenya .2nd Edition

⁵ United Nations. (2005) Kenya Human development report. UNDP, Oxford University Press.

Several sources regulate Industrial laws in Kenya which include: constitutional rights, statutory rights which are set out in statutes and regulations, rights set by collective agreements and extension orders of collective agreements. The Industrial court is mandated to interpret these legal sources. A particular important role to play has been the tripartite Industrial Relations Charter that laid the foundation for an industrial relations system already prior to Kenya's independence in 1963. International standards, especially ILO Conventions ratified by Kenya are used by the government and courts as guidelines, even though they are not binding.

1.1.1 Industrial relations

For the purposes of this study, labour relations are an area where legislative intervention, in addition to management doctrines and practices, could promote industrial democracy. Industrial relations are usually that web of interrelations between employers and employees. Labour disputes occur within the production environment, mediated by labour relations systems.

Michael Mann in his book explained that, the state is both an employer and an arbiter in labour relations, it follows then that where the state adopts an interventionist role in labour relations, it reacts as a stakeholder. Thus state-driven industrial relations are a process of structuring the labour market in order to achieve a stable socio-economic environment. Such a method is reminiscent of both the colonial legislative framework and the logic of capitalist development.⁶

In sanctioning compulsory dispute resolution, the state assumes a defensive posture on behalf of the public in labour relations. By curtailing strikes and other manifestations of dispute, the state contains conflict and maintains civil peace. More importantly, through collective bargaining, the state steers labour relations in a preferred direction, using the law as an agent to regulate the parameters of working conditions of employees.⁷

1.1.2 Kenya's Labour Relations Law

During 19th century, enterprise such as agriculture and industries started to emerge and this increased the need to supply cheap labour, this prompted the colonial government to pass legislation and this gave the origin of labour law and practice.

⁶ Michael Mann, *The sources of social power. Volume 2: The rise of Classes and Nation-States, 1760-2014* (New York, 2012), pp.54-70

⁷ Repo, P. 2007. *Trade Union experiences in collective bargaining in Central Europe*, Geneva, and ILO.

The conditions of work and terms of employment of workers was regulated by the statutes and the common law. The common law and the statutes regulated terms and conditions of employment. The contract Act, 1872, of India gave the basis of original formation of the contract of Kenya. This was only applied to contract entered before the beginning of January 1961.⁸

The Indian Contract Act was applicable to the three countries: Kenya, Uganda and Tanzania. Since then English common law of contract was the bases of the Kenyan law of contract. With the advent of industrialisation, towards the middle of the 20th century, an organisation of trade union movement was established. This resulted in establishment of a landmark rule, in October 1962 with the signing of the Industrial Relations Charter by the Kenyan government, the Federation of Kenya Employers and the Kenya Federation of Labour, the forerunner of COTU (K) and the Central Organisation of Trade Unions (Kenya). The Industrial Relations Charter highlighted out the responsibilities agreed on management's and unions' respective obligations in the field of industrial relations,⁹ it defined a recognition agreement as a model to guide the parties involved, and it set up a joint Dispute Commission.¹⁰

Since then, the Industrial Relations Charter has been revised twice, but it has remained the basis for social dialogue and labour relations in Kenya for many years. For the development of a sound conflict resolution in Kenya, this basic cornerstone was laid with the set-up of industrial court in 1964.¹¹

1.1.3 Structure of industrial relations in Kenya

The industrial relations system is composed of several parties, the main one are: are employers and their associations, employees and their unions and the Government. Federation of Kenya Employers (FKE) is the recognised as the only party representative of employers by the Kenyan Government. Its principal objectives are; Promoting good industrial relations between employers and trade unions, providing a forum for consultation amongst members, collate and advice members on their rights and obligations on employment matters and to present advocate and defend the interest of business owners.

⁸ Law of Contract Act _Cap. 23

⁹ Holley, W., & Kenneth, J (2004). Labour Relations Process

¹⁰ Aluchio, L.P. Trade Unions in Kenya: Development and the system of Industrial relations. Nairobi, Jomo Foundation, 1998, pp.60-70.

¹¹ www.fke-kenya.org/download/industrialrelationscharter.pdf

A trade union as an association is committed to protecting and advancing the economic interests of its members in connection with their day to day work. It is also a continuous association of the owners for the purpose of maintaining and improving the conditions of their work lives.¹² The main characteristics of trade unions is that, they are voluntary association of workers and (employees) which are permanent in nature and not temporary or casual, they are formed for collective action by the workers to strengthen their bargaining power with their employers. Trade unions change with changes in socio-economic, legal and political environment and strive to protect and promote the common interest of member states.

Trade unions facilitates: industrial democracy, cooperation and socialism. They are established to protect both the economic, social and political interests of the workers. Sometimes, trade unions are considered to be institutions that is experimenting industrial democracy for the benefit of the working class. The element of cooperation among workers with employers, government and other competing groups, is designed to eliminate exploitation of the workers. Through workers' participation in industries, trade unions may help in the promotion of socialism.¹³

The Central and State Government evolve, influence and regulate relations through laws, rules, agreement, awards of courts, executive and financial machinery. The Government has played a major role in industrial relations as part of becoming the biggest employer and partly regulating working conditions in private sectors in Kenya.

The industrial court was established under the Trade Dispute Act. Cap 234 of the laws of Kenya and its main objective is the settlement of trade disputes which have not been settled between the employer and the employees. The industrial court in Kenya has been empowered to make awards to the aggrieved party or parties. This award is final and there is no provision for appeal and the decisions are binding. The courts take into consideration the economic conditions of the nation's

¹² Clegg, H. A 1976. Trade Unionism under Collective Bargaining, Basil Blackwell.

¹³ Teklè, Tzehainesh. Labour Law and Worker Protection in Developing Countries. Oxford, UK: Hart/Geneva: International Labour Office, 2010.

when making decisions, the financial position of the employer(s) and the existing Collective Bargaining Agreement.¹⁴

1.1.4 Kenyan Labour Relations Laws condemnation

The enactment of new labour laws are constantly frustrating most employers in Kenya as they continue struggling with the negative side effects of implementing these rules and regulations.¹⁵ While the new laws are seen by many as a bonus to employees, they will most likely lead to a major upset in the local job market. Despite the noble intention of the labour laws, the relationship between employer and employees may not be enhanced by the recently enacted new labour laws. This is because they seem to favor employees against employers. In actual fact, they're attributed in even causing acrimony between the employees and the employer. It is indeed a fact that the changes that have occurred within the local job market over the past few years as a result of structural adjustment programmes, liberalization of the economy and technological innovations called for a review of the labour laws. There has been a great concern by the government and the public to review the labour laws but all the manner and efforts for such review remains questionable.¹⁶ Most businesses today suffer a heavy burden of costs such as taxation, inflation among others costs.¹⁷ Therefore, the introduction and entrenchment of requirements such as the medical surveillance, Health into the laws have increased the cost of doing business in Kenya. Most of this changes were implemented without stakeholders' participation. The department of Occupational Health and Safety (OHS) had no capacity to undertake any of these activities at the Ministry without loading the burden of this activities onto businesses.

The most important concern is the Work Injury Benefits Act (WIBA) and the Occupational Safety and Health Act, which are gotten rid of in work places yet they are considered instrumentation ensuring there are no oppressive practices at the work place. WIBA is an Act of Parliament in Labour laws that seeks to provide fairness by compensation employees for work related injuries and diseases contracted by employees in the course of their employment and or for other connected purposes while at work. It should be noted that the definition of a dependent in WIBA is too wide

¹⁴ Carrell, Michael R. and Christina Heavrin. Labor Relations and Collective Bargaining: Cases, Practice, and Law. Upper Saddle River, NJ: Pearson Prentice Hall, 8th ed., 2006.

¹⁵ Frank, B. (2007). Labour Relations law .UK: Palgrave Publishers.

¹⁶ Kenneth, J. (1994). Labour Relations Process

¹⁷ Nzuve, S. (1997). Management of Human Resources. A Kenyan Perspective. Nairobi: Basic Management Consultants

and it can result in unnecessary litigation. The definition does not also include an employee's spouse. It would have been important if the definition limited the dependents to the immediate family only. WIBA also provides provision for compulsory insurance of employees.¹⁸ This is unfortunate since premiums that are given to employees have increased to levels that threaten the survival and competitiveness of most industries established in Kenya.

Implementation of labour laws is already proving to be a challenge since there is no platform of Level of competition advisers and other factors related to it.¹⁹ The establishment of The National Labour Board with wider mandate of : appointment of members of the Industrial Court, setting up of compensation benefits in accordance with WIBA and the productivity committee has not been established. Consequently, Occupational Safety and Health Act (OSHA) No 15 of 2007 provides for the safety, health and welfare of workers and all persons who are lawfully present at workplaces have not been established.

OSHA introduced a compulsory annual safety and health audit, risk assessment and the requirement for a health and safety statement by all employers. Instead of the government doing these undertakings, it has loaded these undertakings to employers making them suffer losses. This cost of compliance with this requirement have driven out small investors who are unable to conform due to lack of capacity to conduct the audits and assessments.²⁰ There is need to incorporate representation of private sector or make the public sector representatives, ex-officio to avert them from influencing decisions unfairly. This study sought to assess the effectiveness of implementation of industrial relations and labour laws on Kenya's economic development.

1.2 Problem statement

Kenya's Labour Relations Act of 2007 has been one of the most progressive labour legislation in Africa. However, the volatile strike action in the country that has threatened to cripple the country over recent years, industrial action instead of uniting workers as a fortified front, it has been replaced by generating fear and breakdown of businesses. This necessitates a closer examination of Kenya's labour relations laws in order to critique how effective it is in regulating industrial action.

¹⁸ Gupta, C. (2005). Human Resource Management. Sultan Chand & sons Publishers.

¹⁹ Frank, B. (1997). Labour Relations.UK: Pelgrave Publishers

²⁰ Holley, W. & Kenneth, J. (1994). Labour Relations Process

One of the labour relations reforms that the Kenya government has sought to achieve over time is to remove labour market rigidities and other impediments to growth and development of the country.

The transition from oppression to democracy in Kenya has ultimately led to the enactment of numerous legislation intended to protect employees by extending various rights and implementing frameworks to address the consequences of century long inequalities such as right to collective bargaining.

In Kenya, strategies used by trade unions in negotiating with the employers have failed because the shop stewards who represent the employees are not fully equipped to do so which has resulted to disparities in the content and style of collective bargaining. Most of the employees are union represented at the various industries within the Country. To achieve organisation objectives union representatives and management should strive towards ensuring that there is industrial peace in companies as well as industries. Despite the several CBAS signed by the government and trade unions in Kenya, a lot needs to be done to reduce the ever increasing strikes and fidgeting in both the private and the public businesses.

This study sought to determine effectiveness of industrial and labour relations laws on Economic growth and development in Kenya.

1.3 Objectives if the study

1.3.1 General Objective

The study sought to determine effectiveness of industrial and labour relations laws on Economic growth and development in Kenya.

1.3.2 Specific Objectives

The study was guided by the following specific objectives:

1. To examine the mechanism of establishing Industrial democracy through collective bargaining process.
2. To establish the influence of trade unions participation on employee's productivity in the work place.

3. Examine how Industrial relations and labor laws contribute to the economic growth and development in Kenya.
4. Analyse factors impeding the Kenya labor laws and the various ways of reducing industrial disputes, promote and sustain peaceful relations in the workplace between the employer and employees.

1.4 Research questions

The study was guided by the following research questions:

2. What are the mechanisms of establishing Industrial democracy through collective bargaining process?
3. What is the influence of trade unions participation on employee's productivity in the work place?
4. How do Industrial relations and labor laws contribute to the economic growth and development in Kenya?
5. What are the factors impeding the Kenya labor laws and the various ways of reducing industrial disputes, promote and sustain peaceful relations in the workplace between the employer and employees?

1.5 Justification of the study

A systematic study on industrial and labour laws in Kenya was examined and that is where this research was grounded. The industrial laws and labour relations laws were established under the Trade Dispute Act Cap 234 of the laws of Kenya and its main objective is the settlement of trade disputes which have not been settled between the employer and the employees.²¹ This study will assess the effectiveness of the implementation of industrial and labour relations law on Kenya's economic growth and development and answer the question on how trade union participation fail in establishing industrial democracy in industries in Kenya.

This paper sought to examine the effectiveness of industrial and labour relations law on Kenya's economic development and expounded more on the influence of trade unions participation on employee's productivity in the workplace. This topic is a relatively new area and not much research

²¹ Trade Dispute Act Cap 234 of the laws of Kenya

has been done about effectiveness of industrial and labour laws plea in Kenya so this research will provide a clear analysis and critique on Industrial and labour relations laws. This research will benefit scholars, legal practitioners and the government. The government will particularly find the comparative analysis in this research paper an invaluable guide in initiating collaboration between employers and employees to help them create better working environment, working conditions for the purpose of boosting the economy and strengthening the country's socio-economic affairs.

1.6 Hypotheses

- i) Industrial democracy has failed in Kenya.
- ii) High cases of industrial disputes between employer and employees have negatively affected employee's productivity
- iii) Labour relations Act does not help in ensuring inclusivity in employment duties

1.7 Limitations of the study

Khan defined limitations as conditions beyond control of the researcher that may affect the conclusions of the study and their application to other situations.²²

Some of the limitations experienced during the research include;

The researcher had no control over the attitudes of the respondents, which affected the validity of the responses. This limitation was mitigated through use of observation checklist and document analysis which will helped to verify some of the responses given by the respondents.

Some of the respondents from trade unions were reluctant to participate in the study because of their busy schedule this was overcome by administering the questionnaire at their own convenient time.

1.8 Chapter breakdown

Chapter One includes; the abstract, introduction, background, justification of the study, hypothesis, limitations of the study, literature review, theoretical framework, research objectives, questions and methodology.

²² Khan, 2009." The political Economy of Industrial Policy". Oxford: Oxford University Press

Chapter Two entailed an analysis of the Industrial relations and labour relations framework

Chapter Three focused on an extensive contrast and comparison of industrial and labour relations laws and its contribution to economic development in the country

Chapter Four gave an analysis on why industrial relations and labour relations has failed as a determinant to economic development in Kenya

Chapter Five included conclusions and summations of the findings together with relevant recommendations.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter reviewed literature of current knowledge including substantive findings, theoretical and methodological contributions to the area of industrial laws and its effectiveness in promoting economic growth and development in the country. The review addressed; Mechanism of establishing Industrial democracy through collective bargaining process, establish the influence of trade unions participation on employee's productivity in the work place, examine how Industrial relations and labour laws contribute to the economic growth and development in Kenya, analyse factors impeding the Kenya labour laws and the various ways of reducing industrial disputes, promote and sustain peaceful relations in the workplace between the employer and employees and to examine how the Labour Relations Act, help in ensuring inclusivity to help in addressing the unfair treatment and discrimination that people with special abilities experience in employment duties.

2.1 Mechanism of establishing Industrial democracy through collective bargaining process.

Hayter²³ in his book defined collective bargaining as a substantive process involving negotiation between the representatives of an employer (or employers) and of workers. The intention aims at arriving into a collective agreement which will govern the employment relationship. In his book, he expounded that, collective bargaining gives worker a veto power in determining the rules that govern the relationship between the employer and the employees as well as providing structures and set of procedures for resolving such differences.

According to Hayter, collective bargaining is premised on a well-defined employment relationship and the workers' freedom and employers to associate to an organisation that represents both of their interests. He emphasized that collective bargaining is a means to address work-related issues in a way that accommodates the interests of all parties concerned. Milton Derber, in his studies asserted that establishing industrial democracy is derived from flexibility and adaptability. He

²³ Hayter S. (2010) *Collective bargaining in the Global economy*. Geneva: ILO and Edward Elgar

argued that collective agreements are developed out of pragmatic experiences which have the capacity for change as conditions change.

Kaufman²⁵ in his book expounded that, origins of collective bargaining can be traced back from industrial revolution in the 18th and early 19th centuries, which was a period of profound technological, economic and social change that started in the United Kingdom and then spread to Western Europe, North America, and other parts of the other continents.

According to Kaufman, the transition from manual home- based to mechanized factory- based production dramatically increased the intensity of production and transformed labour relations. At the same time demographic changes and the steady flow of people from the countryside to industrial cities led to an increase in the numbers of people available to work in factories.

Windmuller²⁶ in his book expanded that, Workers sought to protect themselves from the effects of new production methods and increased competitive pressures by forming organisations capable of representing their interests to employers and the government.

2.1.1 Economic Contribution of collective bargaining.

Collective bargaining has a great contribution to efficiency, productivity, and macroeconomic performance.

Korpi and Shalev²⁷ explained that, firms can benefit from collective bargaining institutions in several ways. Collective bargaining can enhance social peace and helping to reduce conflict through providing a formal structure at the establishment of a company or industrial level for labour-management. According to them, strikes have been found to be less frequent in countries with high union density and a centralised labour movement can effectively push their demands with the employers and the government in institutions.

Webb S ²⁸ in his book expounded that, collective agreements can help to correct inefficiencies associated with information asymmetries, under-investment in human capital. In his book, he

²⁵ Kaufman, B.2004.*The global evolution of industrial Relations laws: Events, ideas and IILA* (Geneva, International Labour Office).

²⁶ Windmuller, P.1987.*Collective bargaining in Industrialized Market Economies: A Reappraisal* (Geneva, International Labour office)

²⁷ Korpi, W M. Shalev.1979: Strikes, Industrial Relations and class conflict in Capitalist Societies the *British journal of sociology*, volume 30 number 2 June 1979

²⁸ Webb S. and Web, B 2007.*Industrial democracy*, London, Longman

expounded that, collective agreements can be a means for establishing transparent administrative rules and procedures, such as internal labour markets help in encouraging firm-specific investments in training and reduce employee turnover.

Medoff ²⁹ in his book explained that Collective bargaining also provides workers with the opportunity to exercise 'collective voice' in decisions concerning work organisation or pay setting. According to Medoff, this can reduce hiring and training costs associated with quits and provide worker input on changes in production that may stimulate increased efficiency.

International labour office (ILO) has examined the role of collective bargaining institutions in facilitating Productivity-enhancing work reorganisation.

Collective bargaining also raises wage levels (and labour costs) to the point that unionized enterprises begin to restrict or reduce employment. The displacement of workers to the non- union sector depresses wages there and exacerbates wage inequality overall. Enterprises may also pass these (inflationary) wage increases onto consumers as higher prices eroding the real wage of all workers and undermining macroeconomic stability.

2.2 Influence of trade unions participation on employee's productivity in the work place.

Walton³⁰ in his book defined a trade union as any "organisation of workers" whose principal purposes are the regulation of relations between workers "of one or more descriptions" and employers or employers' associations. He argued that, trade unions enhance employee involvement by creating an enabling environment in which workers have an impact on actions and decisions that influences their terms of employment. According to him, the formation of trade union structure started as discussion groups which were formed into professional organisations with the following functions, -negotiating for better wages, -working hours and working conditions.

McCarthy³¹ in his book explained that, a union's purpose is to represent worker's interest, he explained that a union involvement consists of a collective bargaining process in order for awards and agreements which provide protection around the application performance appraisal of and

²⁹ (Friendman and Medoff, 1984). *Theory of collective voice and skill formation*: (Geneva, International Labour Office)

³⁰ Walton, R.E. and Mc Kersie, R.B.1965. *A behavioural Theory of Labour Negotiations*. New York: MCGraw-Hill

³¹ McCarthy, W.E.J.1972. *Trade Unions*, Penguin, Harmondsworth

performance related pay. He added that, the union is also Involved through consultation in the development, implementation, the review, and the modification in anything that concerns its members as well as; Protecting employees from unfair labour practices, encourage training of employees and offering incentives to members.

Freeman and Medof³², in their work explained that, Trade Unions affect distribution of wages in two main ways. First; they explained that, unions push up the wages of low-skilled workers more than those of high skilled workers and, thereby, they reduce wage dispersion. Secondly, trade unions reduce wage inequality within the union sector by increasing the wages of workers. Hong³³ explained that, the union plays an important role, by encouraging the employer to discharge this responsibility. He explained that Union defense of high salaries and job security it provides an incentive to the employer to invest in skills to maximize worker's productivity.

2.2.1 Challenges facing Trade Unions

The position of unions among traditional members has been affected by the gradual changing environment. The global flight of capital and the decline or migration of specific industries has added to the growing vulnerability of labour.

Kelly³⁴ in his book explained that Privatization, the downsizing of enterprises and the adoption of flexible employment practices have all affected the strength of unions in their traditional bastions. He added that, in the United States and other nations where no such formal ties exist, unions themselves may engage in political activities, including lobbying for legislation and supporting political candidates favorable to labour.

Rosemary³⁵ in her work explained the rise of wage disparities, the differentiation of workers based on widening skill gaps has weakened the solidarity platform of trade unions. Unions are pressured to develop wage policies that will accommodate productivity differentials for greater efficiency in optimal resource allocation. In his book, he added that worker's perceptions of union effectiveness

³² Freeman. R.B., (1980). *Unionism and the dispersion of wages. Industrial and Labor Relations Review*, 34(1),3-23.

³³ Hong N. S, 1998. *Trade Unions and Management*, St Marti's Press

³⁴ Kelly, J.2004, *Organisation Behaviour*, rev.ed.1977.Industrial Conflict. Armo Press, A New York Times Company

³⁵ Rosemary, A.1998.*Trade Unions and the management of Industrial Conflict*: Macmillan Press Limited

were traditionally enhanced by the unions' role in administering labour market policies and helping in channeling benefits, such as employment services as well as skill upgrading.

2.3 Factors impeding the Kenya labour laws and the various ways of reducing industrial disputes.

Salamon ³⁶ explained that industrial relation is concerned with the relationship between management and workers and the role of regulatory mechanism in resolving industrial dispute. In his book he expounded that in order to protect the interests of the employed and their employers as well as regulating the ways in which employers treat employees, both the employers should determine the reward for effort and other conditions of employment as well as Unions to give a formal description that states rules and procedures to use as a way to reward for effort.

Some of the salient factors impeding Kenya Labour laws include; Economic satisfaction of the workers, social and psychological satisfaction, strong labour relations, negotiating skills and attitude of management and workers, public policy and legislation, education background of the workers as well as leadership .³⁷

2.3.1 Economic Satisfaction of the Workers

According to Saleemi, many developing countries do not maintain sound industrial relations such as satisfying the primary needs of the workers namely; food, clothing and shelter. Verma in his book also added that there are poor human relations at workplace among developing countries; the management does not ensure that the workers' wages and salaries are up the market rate, fair and just as well as giving reasonable living of the employees.³⁸

2.3.2 Social and Psychological Satisfaction

Verma in his book expounded that Organisations do not develop supportive climate around social and psychological rewards to employees and thus they do not to maintain sound industrial relations. In his work, he explained that, to improve industrial relations an organisation should have a well-planned communication system so that any changes in the organisation may be known to employees, it should also develop and encourage democratic work atmosphere, and get the work

³⁶ Salamon, M.1987.*Industrial Relations Theory and practice*, Prentice -Hall

³⁷ Saleemi, N. (1997). *Personnel Management Simplified*. Nairobi: Saleemi Publishers

³⁸ Saleemi, N. (1997). *Personnel Management Simplified*. Nairobi: Saleemi Publishers

done by consultation, suggestion and participation rather than by autocratic, dictatorship forceful manner.³⁹

Stagner⁴⁰ explained that Social and psychological urges of workers affect industrial relations. He explained that social and psychological rewards are vital in developing a supportive climate for employees. He stated that, Workers are interested in participating in managerial decisions, suggesting some fruitful changes in organisations, helping in re-addressing of grievances, job enrichment and two-way communications. In his work he argued that in order for management to maintain sound industrial relations, it is necessary for it to identify the social and psychological needs of workers and strive to meet these needs.

Livernach⁴¹ in his book expounded that, an inexperienced and ill trained negotiator would spoil the relations between management and labour since he would not understand that collective bargaining is a challenging human activity that is affecting the emotions of employees and management. In his book, he expounded that Collective bargaining must be carefully exercised by competent people. He added that both labour and management should have empathy and should strive to live in others shoes to have a sound industrial relations.

2.4 Theoretical framework

Claims concerning the relationship between labour law and development are particularly contested in the context of developing- and developed countries. In the 1950s, 'structural adjustment' theory predicted that development, understood in terms of the transition from a subsistence economy to one based on wage-labour and formal market relations, would lead to greater equality based on a compression of incomes and of differentials of wealth.

In Arthur Lewis's model, economies in the early stages of industrialisation benefit from access to a pool of low-cost labour, but as agriculture gives way to industry and an urban working class is

³⁹ Verma, A. (1999). *Industrial Management*. 1st Edition. Delhi: S. K. Kataria & Sons

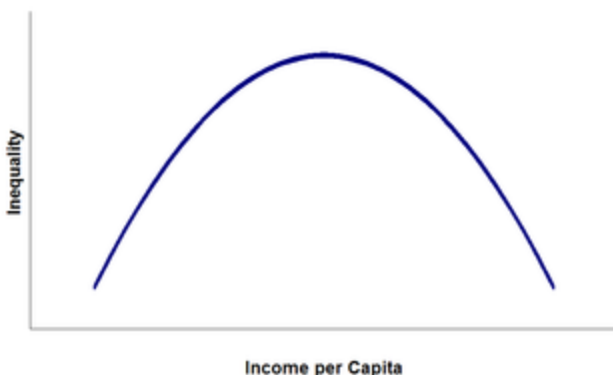
⁴⁰ Stagner, R.1956.*Psychology of Industrial Conflict*. New York: Wiley.

⁴¹ Livernarch, E.R.2006.*The Impact of Collective Bargaining on Management*, The Book Institution, Washington, D.C.

formed, this cost advantage is eroded, in part because ‘capitalist workers organize themselves into trade unions’.⁴² One interpretation of Lewis’s model is that, as the economy nears a ‘Lewisian turning point’, a policy of upgrading the labour force through education and training, coupled with encouragement for investment by firms in productivity enhancing technologies, is more viable than the one based on continued reliance on the comparative advantage offered by cheap labour.

Kuznets⁴³ in his book similarly predicted that inequality increases as low income economies start to industrialize; this trend is reversed as market-led economic grows. The ‘inverted U’ of the Kuznets curve explains capitalism as self-equilibrating, in the sense of achieving more equal and hence stable social outcomes, in the medium to long term. Factors tending to reduce inequality in industrialized countries, according to Kuznets, included ‘legislative interference and “political” decisions... aimed at limiting the accumulation of property directly through inheritance taxes and other explicit capital levies’. Such interventions, reflecting ‘the view of society on the long-term utility of wide income inequalities’, constituted ‘a vital force that would operate in democratic societies’ to compress incomes and wealth even in the absence of other countervailing effects.⁴⁴

Simon Kuznets in the 1950s and 1960s developed a hypothetical expression known as the **Kuznets curve**. According to him, as an economy develops, market forces first increase and then decrease economic inequality. He explained that the Kuznets curve appeared to be consistent with experience at the time it was proposed. However, since the 1960s, inequality has increased in the US and other developed countries. According to estimates put forward by Thomas Piketty inequality, it shows that inequality has now returned to the levels of the late 19th century.

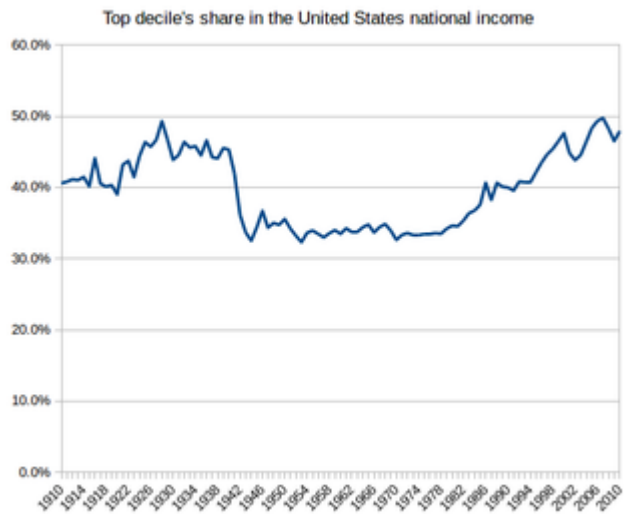


⁴² Webb, S .and Webb, B.2007 *Trade Unionism*, Longman, London

⁴³ Kuznets, K.K.2003 *Industrial Relations in developing countries*, McGraw-Hill Brook Company

⁴⁴ Knowles, K.G.J.C.2002: *Strikes: A study in Industrial Conflicts*. Oxford, Blackwell

Hypothetical Kuznets curve. Empirically observed curves aren't smooth or symmetrical—see reference [1]for examples of "real" curves.



A measure of income inequality: the top decile shares in the US national income, 1910–2010. Piketty argues in his argument criticize Kuznets the 1930-1950 decrease in inequality for the endpoint of its development. He alerts that, since 1950, inequality has again reached pre-WW II levels. Similar trends are visible in most European countries.

Kuznets thought that a ‘dynamic’ market economy would create opportunities for new entrants who would erode away the advantages of elites, but he also discussed the potential for self-organisation among an urban working class which he thought was a product of economic growth: ‘in most democratic societies the growing political power of the urban lower-income group has led to a variety of protective and supporting legislation, much of it aimed to counteract the negative effects of rapid industrialisation and urbanisation and help to support the claims of the broad masses for more adequate shares of the growing income of the country’.⁴⁵

Thus it is important to bear in mind, when assessing the contemporary relevance of structural adjustment theory, that both Lewis and Kuznets saw a role for democratic politics in achieving conditions of increasing equality; income compression was not an inevitable feature of capitalist dynamics. Other factors account for the failure of many low- and middle-income countries to

⁴⁵ Likert, R.1991.*New Patterns of Management*, McGraw-Hill.

follow the growth path envisaged by the Kuznets curve. Perhaps the most obvious difference between the experience of developing countries today and those of the global north during the period of early industrialization is that the latter did not have to contend with other countries whose level of development was already more advanced than theirs.⁴⁶

Kaufum⁴⁷ in his book expounded on effect of uneven development is that the terms of trade between countries systematically favor those which have already industrialized. This phenomenon can be ascribed to a number of factors including the legacy of colonialism, but one reading of it is that the gains made by the working classes of industrialised countries are reflected in the terms on which goods and services are internationally traded. This was; and remains; a large part of the justification for the ILO's programmes of extending compliance with labour standards to developing countries: the logic of this approach is that leveling up of the conditions under which working class groups can mobilize for a larger share of national income will reduce the tendency for global trade to favor wealthier countries.

Cross-national variations mean that it is not straightforward to assess the current empirical status of the hypothesis inherent in the Kuznets curve. Thirty years of neoliberal reforms coupled with trade liberalization and the removal of constraints on capital flows have led increases in income inequalities in nearly all countries regardless of their level of development, but there are significant cross-country differences in patterns of inequality. The Gini coefficient, which presents inequality in terms of the degree of dispersion of incomes within countries, is broadly correlated with levels of development, with the Nordic systems and Japan appearing at one (more equal) end of the spectrum and Latin American and Southern Africa at the other (more unequal) end.

Rensburg⁴⁸ in his work shown, the main factor driving cross-country differences in income inequality is the share of high income groups and in particular those in the top ten per cent. Data for the period since the 1980s indicate that across the world there is relatively stable and homogenous middle class, associated with the fifth to ninth deciles by distribution, which receives around half of national income. Differences across countries are accounted for the share taken by

⁴⁶ Fossum J.A. *Labour Relations: Development, Structure, Process*:1992: Richard d. Irvin, Inc., USA

⁴⁷ Kaufum, B.2007. " *Industrial Relations: Core principles and Theoretical Foundation. Paper prepared for 2007 European Regional IIRA Congress, Manchester, 3-6 September.*

⁴⁸ Rensburg, R., ed.2000.*Contemplary Labour relations, REVISED* First Edition, Butterworth's, Durban

the top decile and the implications this has for the bottom 40 per cent. Highly unequal regions, which include parts of Latin America, middle-income Southern Africa and the oil-producing Middle East countries, are those in which there is extreme polarization between the experience of the very rich and those in the lower income segments.

There is no statistical evidence to support the rising part of the inverted U when these regions are excluded from analysis: in other words, the evidence is weak that ‘things have to get worse before they can get better’. Reducing the share of national income taken by the very wealthy can more effectively be addressed through fiscal measures rather than by labour market regulation, but labour laws protecting the right to organize and setting a floor to wages and employment conditions have a role to play in narrowing inequalities within the wider population.

In most low and middle income countries, an apparent obstacle to the extension of labour standards to combat poverty is the size of the informal sector. In most cases, labour law rules presuppose at least a certain minimum level of stability to the employment relationship if they are to function effectively, and such stability is precisely what is lacking where there is a large informal or unorganised sector. The informal sector’s work tends to be characterized by irregular or incomplete access to wages with adequately high living costs and subsistence needs, but this may be replaced for by partial access to the land or to kin-based relations, or participation in own-account work or micro-enterprises in the unorganised economy. Where workers in the informal sector merge receipt of wages with access to these other forms of subsistence, as they generally do, the SER model, which presupposes a more complete form of wage-dependence, is not only irrelevant but to some degree unnecessary.

However, persistence of informal work in low and middle income countries is correlated not just with high levels of poverty and economic insecurity, but with low productivity and hence with underutilisation of economic capacity. It is therefore not surprising that promoting formal employment should be an express policy goal of the ILO and of many national governments.

The ILO’s World Employment and Social Outlook report for 2015⁴⁹ reported that only around half of the world’s working population was in regular waged employment. The report purported to reveal ‘a shift away from the standard employment model, in which workers earn wages and

⁴⁹ ILO .2016. Key Indicators of the Labour Market database (Geneva).

salaries in a dependent employment relationship vis-à-vis their employers, have stable jobs and work full time’.

Todaro⁵⁰ pointed out that the experience of different middle income countries, in that their economic growth does not translate automatically into an increase in wage or salaried employment. In India, the proportion of the working population in formal employment has barely increased above the 10 per cent level in the last twenty-five years, although there has recently been a small rise and it cannot be said that in general there is a trend away from the SER in India. In China, by contrast, the growth of GDP experienced since the mid-1980s, averaging around 10 per cent per annum until recently, has translated into a significant increase in waged employment. This shift does not necessarily signify that employment has become more secure.

However, the decline of the protected employment previously associated with the state-owned sector needs to be understood as a consequence of a process of constituting a labour market which operates along capitalist lines. Under the ‘iron rice bowl model’, workers in the larger state-owned enterprises had de facto security of tenure, but there was state direction of labour and wages played little or no role in resource allocation. China’s move to a market-based economic order signifies a shift towards, not away from, the SER, which implies commodification of labour power as well as access to protection against labour market risks.

The central and state government of Kenya uses laws, rules, awards and financial machinery to: evolve, influence and regulate industrial relations. The Government has played an important role in industrial relations in part by becoming the biggest employer and partly by regulating working conditions in both the private sector and public sector. The Kenyan government has also enacted procedural as well as substantive laws to regulate industrial relations in the country.⁵¹

⁵⁰ Todaro, M.P.2005.*Economies for a Developing world, An Introduction to Problems and policies for development*, Singapore Publishers (Pte) Ltd

⁵¹ Saleemi, N. (1997). *Personnel Management Simplified*. Nairobi: Saleemi Publishers

Reasonably educated workers are easily convinced by management about the corporate goals and motivated unfortunately, in Kenya workers have high rate of illiteracy in general (rank & file workers) and perhaps that is the reason why labour unrest is high and industrial relations poor. Uneducated employees fall prey to the outside trade union leaders who have their own axe to grind, and trouble the organisations in which they are working. Saleem in his book expounded that, better worker education results in sound industrial relations. Training of workers on issues of labour relations and human relation skills if an organisation is vital in maintaining good labour relations.⁵²

2.5 Summary of the literature review

Labour laws which embed fairness norms in the employment contract help to overcome coordination failures within the firm and can contribute to positive productivity and employment effects across the wider economy. In the industrialised economies of the global north, social legislation played a role in the transition to capitalism by providing mechanisms for diffusing labour market risks.⁵³

In today's low and middle income countries such as Kenya, labour law reform can help build institutional capacity in areas which include social insurance, collective bargaining and dispute resolution, and can contribute to the formalisation of employment which is an important step in reducing economic insecurity.⁵⁴ Over the long run, Kenyan labour laws, along with other institutions of the 'social state', has modified the operation of the market in ways which have, far from undermining capitalism, have made it more stable and enduring.

Whether capitalism is ultimately sustainable by these or other means, and whether labour law in its current form is assisting or obstructing the evolution of a more just economic order, are open questions in our current state of knowledge, but it would seem that some element of worker-

⁵² Saleemi, N. (1997). *Personnel Management Simplified*. Nairobi: Saleemi Publishers

⁵³ Cihon, Patrick J. and James Octavio Castagnera. *Employment and Labor Law*. Cincinnati, OH: West/Thomson, 7th ed., 2010.

⁵⁴ Gorman, Robert A. and Matthew W. Finkman. *Basic Text on Labor Law: Unionization and Collective Bargaining* (Hornbook). St. Paul, MN: West Publ., 2nd ed., 2004

protective labour regulation is a precondition for the operation of a market economy and not simply a side-effect of market-led growth.⁵⁵

If labour regulation is a positive sum game for economies at various stages of development, it does not follow that labour law reform is a straightforward process.⁵⁶ Labour law may have an efficiency-enhancing dimension, but it is also concerned with the redistribution of wealth and power. Entrenched interests are generally well placed to resist worker-protective laws, and the conventional wisdom of any given time must also be overcome. Neo-liberal arguments against labour regulation have proved remarkably persistent, to the extent that they have come to frame parts of labour law scholarship. Empirical research can help, however, to sort out good arguments from bad in the debate over the economic effects of labour law.

Labour lawyers should be prepared to question conventional wisdom on the supposed negative impact of worker protective norms and to query claims made over the desuetude of its core institutions, in particular the standard employment relationship. It would seem that labour law is still a work in progress, and central to contemporary capitalist dynamics.

2.6 Conceptual framework

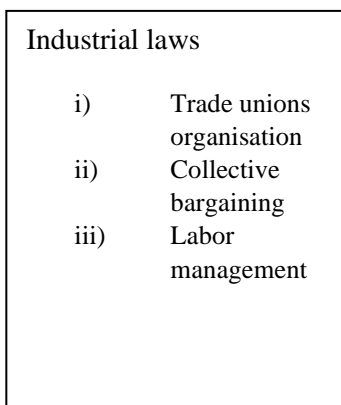
Based on the review of the previous literature, the following relationship was proposed by the study;

Figure 1; Proposed model of the study.

The Framework shown below indicated that the independent variable was industrial and labour relations laws while the dependent variable was Kenya's Economic growth and development.

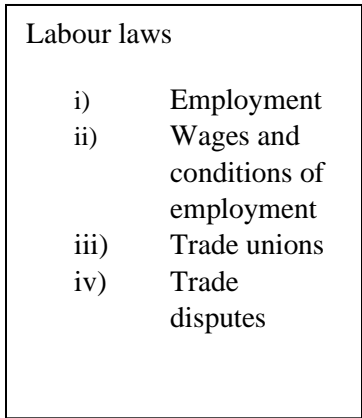
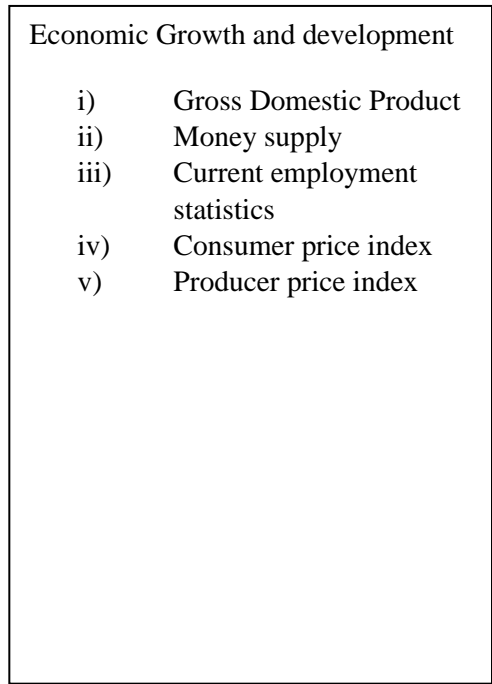
The main purpose of this research was to determine the effectiveness of the implementation of industrial and labour relations laws on Kenya's economic growth and development.

Independent Variable



Enforcement of EC Labour Law. The Hague: Kluwer Law International, 2003.
Relations Law. London, UK: Cavendish Publishing, 2nd ed., 2002.

Dependent variable



CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Research design

Cooper and Schindler⁵⁷ define research Design as the blueprint for the collection, measurement and analysis of data for the fulfillment of objectives and answering questions. Orodho⁵⁸ in his work defines research design as a scheme, plan or outline that is used to generate answers to research problems. This research employed qualitative approach which sought to examine the value of implementation of labour relations law and Industrial laws on Kenyans' economic growth and development.

3.2 Data Collection Instruments and Procedure

Primary data was collected using a structured questionnaire developed to answer to the study objectives.

3.2.1 Questionnaire

More often a questionnaire is a document containing questions and other types of items designed to solicit information appropriate for analysis as elaborated by Babbie in his book.⁵⁹

On the other hand, Kothari⁶⁰ in his book argued that, the use of questionnaire has several advantages such as; being an economical effective tool, easy to analyse in terms of money and time, free of interviewer biasness and also respondents are reached easily and large sample can be made use of, thus the results can be made more dependable and reliable.

A structured questionnaire was preferred in this study because it offered an effective way of collecting information from large samples in a short period of time. Questionnaires were very

⁵⁷ Cooper, D.R., & Schindler, P.S. (2006). *Business Research Methods* (9th edition). USA: McGraw-Hill.

⁵⁸ Orodho, J.A. (2009). *Techniques of writing research proposals and reports in education and social sciences*. Nairobi Kanezja publishers.

⁵⁹ Babbie, 2009. *Survey Research Methods*, Second Edition. California: Wadsworth Publishing Company.

⁶⁰ Kothari, C.R., *Quantitative Techniques*, 2nd ed., New Delhi: Vikas Publishing House Pvt. Ltd., 2004.

useful in the collection of demographic information, personal opinions, facts, or attitudes from respondents.

Additionally, the use of questionnaire facilitated easier coding and analysis of data collected. The responses from different respondents were measured on an ordinal (Likert) scale for the closed ended questions. Likert scale is an interval scale that specifically uses five anchors namely; strongly disagrees, disagree, neutral, agree and strongly agree. Trochim⁶¹ in his work expounded that, the Likert scale has scales that assist in converting the qualitative responses into quantitative values. Study questionnaire were self-administered by the respondents with respect to Covid-19 rules that affected face to face conversations. The methods of administration were appropriate for the study because of the diverse experiences and roles the respondents may have with respect to utilizing data for decision making, the huge spread of the facilities in the population, cost effectiveness and for increased chances for a higher response rate.

The primary data to be collected was done by use of semi structured questionnaires and interviews. Some selected respondents were also be interviewed.

There are two types of questionnaires; the open-ended and closed- ended questions and both were used during the research. The design of the questionnaire corresponded with the objectives of the research.

3.2.2 Interviews

An interview is a form of conversation which is meant to gather information involving an interviewer, who coordinates the process of the conversation and asks questions, and an interviewee, who responds to those questions. The interviews conducted in this research were semi-structured.

Secondary data was collected mainly through bibliographic and documentary research related to the subject, both the world in general, and particularly in Kenya.

Emphasis were given to documents/ articles/books that highlight issues to do with the current state of industrial and labour relations system in Kenya. Reports from the Government of Kenya, Central Organisation of Trade Union of Kenya (COTU-K), Federation of Kenya Employers, National Labour Board of Kenya among others that highlighted the issues of the existence of

⁶¹ Trochim, William M K, 2006. *Social Research Methods*, Knowledge Base.

Industrial Relations System in Kenya were used. Based on the choice of methodology, this paper acknowledged and cited properly all sources used to collect the information herein.

Other entities and organisations that care for the cause of industrial relations were also considered to ensure that an ample research was conducted. The data collected was analysed and presented qualitatively; drawing conclusions and possible recommendations was made that aimed to strengthen the industrial relations system in Kenya.

3.3 Sample size and sampling procedures

3.3.1 Sample Size

Kothari in his work defines a sample size as a representation of the number of items selected from the population.⁶²

Marshall in his book also added that a good sample size depends on three key factors namely; the level of confidence desired the margin of error and the variability of the population.⁶³

Corbin in his work also confirmed the same by stating that the adequacy of a sample depends on a number of factors connected with the research as weighed by the researcher in the process of reaching decision on sample size.⁶⁴

Mugenda and Mugenda in his book expounded that even a sample size of 10% could be sufficient. A 30% was deemed to be a sufficient sample and a good representation of the whole population on the basis of two main reasons. The first reason was minimizing cost due to the diverse spread of the respondents across the county. The second reason was the case for supporting homogeneity of services offered by the various respondents.⁶⁵

10 ombudsmen from government, 60 General employees within various industries, 10 labour relations officers, 10 industrial relations officer and 10 human resource managers /assistants from

⁶² Kothari, C.R., 2011. *Research Methodology, methods and techniques*. New Delhi: New Age International Publishers.

⁶³ Marshall, G., & Rossman, C. (2016). *Designing qualitative research* (6th ed.). Thousand Oaks, California: SAGE.

⁶⁴ Corbin, J., & Strauss, A. (2014). *Basics of qualitative research: Techniques and procedures for developing grounded theory* (4th ed). Sage publications.

⁶⁵ Mugenda, A. and O. Mugenda, 2013. *Research Methods: Qualitative and Quantitative Approaches*. Nairobi: ACTS Press.

the various industries were selected as the representative sample of the study. This sample size of 10 ombudsmen from the labour unions were selected by use of purposive sampling while the employees, industrial relations officer, labour relations officer and managers were selected by use of stratified sampling. The respondents were then stratified according to strata; ombudsmen, labour officers, industrial officers, employees, managers/assistant managers.

Table 1 : sample size

Strata	Criteria for proportions	Sampled %	Sample
Ombudsmen	30	30	10
General hand employees	200	30	60
Labor relations officer	30	30	10
Industrial relations officer	30	30	10
Human resource managers/Assistant managers	30	30	10
Total	320		100

A population which is more than 10,000, 10% is used as the sample size while in a population of less than 10,000, 30% was used as a sample size. Therefore, from the above table the resultant sample size was 100.

3.3.2 Research Procedures

The researcher started by writing an introductory letter for the questionnaire. The letter described what the research was all about, how the respondent would answer was also explained and the letter also assured the respondents that confidentiality was to be observed strictly.

The information of time span expected in regards to the questionnaire was also provided. The main purpose of writing the letter was made to make the respondent understand the reason for the study; this made them more willing to participate.

3.4 Pilot study

The questionnaires designed by the researcher were first administered to some respondents as a pilot study, these respondents were not included in the sample, and this enabled the researcher fine tune the questionnaire for efficiency and objectivity. Once the researcher was satisfied, the questionnaires were then administered by means of hand delivery to all respondent; the questionnaire had an estimated time of 20 minutes to complete the survey. Personal hand delivery, self-explaining of the purpose and assisting manually to fill questionnaire was done to all respondents to ensure a high rate of response.

3.5 Reliability of the research instruments

Mugenda and Mugenda define reliability as the extent to which results are consistent over time and an accurate representation of the total population under study. Further, reliability refers to the extent to which the results of a study can be reproduced under a similar methodology. Reliability in the context of the study was the extent to which items included in the research instrument yielded similar results across the categories of the samples.

In this study, the method used to ensure reliability was test retest method. If the results obtained from the same sample using the instruments administered at different times were positively correlated, the instruments were assumed reliable. The items found to elicit vague responses were eliminated while some more focused items were added to the revised questionnaire.

3.6 Ethical Considerations

There is a need for informed consent since human beings are involved in research. Whether to be interviewed or not, depends on the respondent and it is his/her right. The respondent has a right to

share or not to share his or her beliefs, behavior and attitude. Also, the respondent chooses time and circumstances under which he or she could be interviewed.

And finally, all information given to the researcher is confidential and is meant only for the purpose of study and for academic purpose.

In the process of carrying out the study the following ethical considerations were made:

- **Honesty:** The findings were reported with all the honesty and the researcher's opinions were not featured. This study reports the findings as they are, without any manipulation or undue assumptions.
- **Confidentiality:** The responses gathered from the subjects were treated with utmost confidence to protect their privacy.
- **Accuracy:** The researcher reported the findings accurately and refrained it from bias and subjective analysis of data.

3.7 Data Analysis Methods

The questionnaires were collected and sorted to eliminate those with errors and the incomplete ones. Data was then analysed using descriptive statistics like percentages and frequencies as well as bar charts. Descriptive statistics are methods used for describing the basic features of the data in a study. The tools used for the analysis were; first, by use of Microsoft excel and further by use of computer assisted programme called Statistical Package for Social Sciences (SPSS). This was done to explore the relationship between dependent and independent variables. The data was then being presented using tables and figures.

3.8 Chapter Summary

This chapter introduced and discussed the choice of the methodology used in the study. It described the population of focus, sample taken, sampling frame and the technique of sampling and finally the data collection instruments.

CHAPTER FOUR

DATA ANALYSIS, FINDINGS AND DISCUSSION

4.1 Response Rate

Findings on this chapter were based on determining the effectiveness of industrial and labor relations law on Kenyans economic growth and development. The data was collected from various respondents in form of questionnaires as well as using secondary data derived from online sources such as Google. Analysis was done using descriptive statistics such as percentages, bar charts and frequencies to determine the distribution of the respondents' response to effectiveness of industrial relations in Kenya. The data was presented in form of distribution tables, pie charts and bar charts. The response rate was high and all the questionnaires issued were returned. Out of the 100% administered questionnaires, all were completed and were returned as shown in the table below.

Table 4.1: Response Rate

Category	Percentage (%)
Total Responses	100
Total Non-Responses	0
Total	100

This was a good representative of the whole population and thus gave reliable results.

4.2 Demographic Characteristics of the Respondents

Respondents were asked to give information about their personal background such as age, gender, marital status, number of years they had worked in the various sectors, industries and the various labour unions and their highest level of education.

4.2.1 Age Distribution of the Respondents

None of the respondents were aged below 30 years. 25% of the respondents were aged 30-39 years, 40% 40-49 years and 35% of them were above 50 years.

Table 4.2: Age distribution of the respondents

Age	Percent
20 – 29 Years	0
30-39 Years	25
40-49 Years	40
Above 50 Years	35
Total	100

AGE

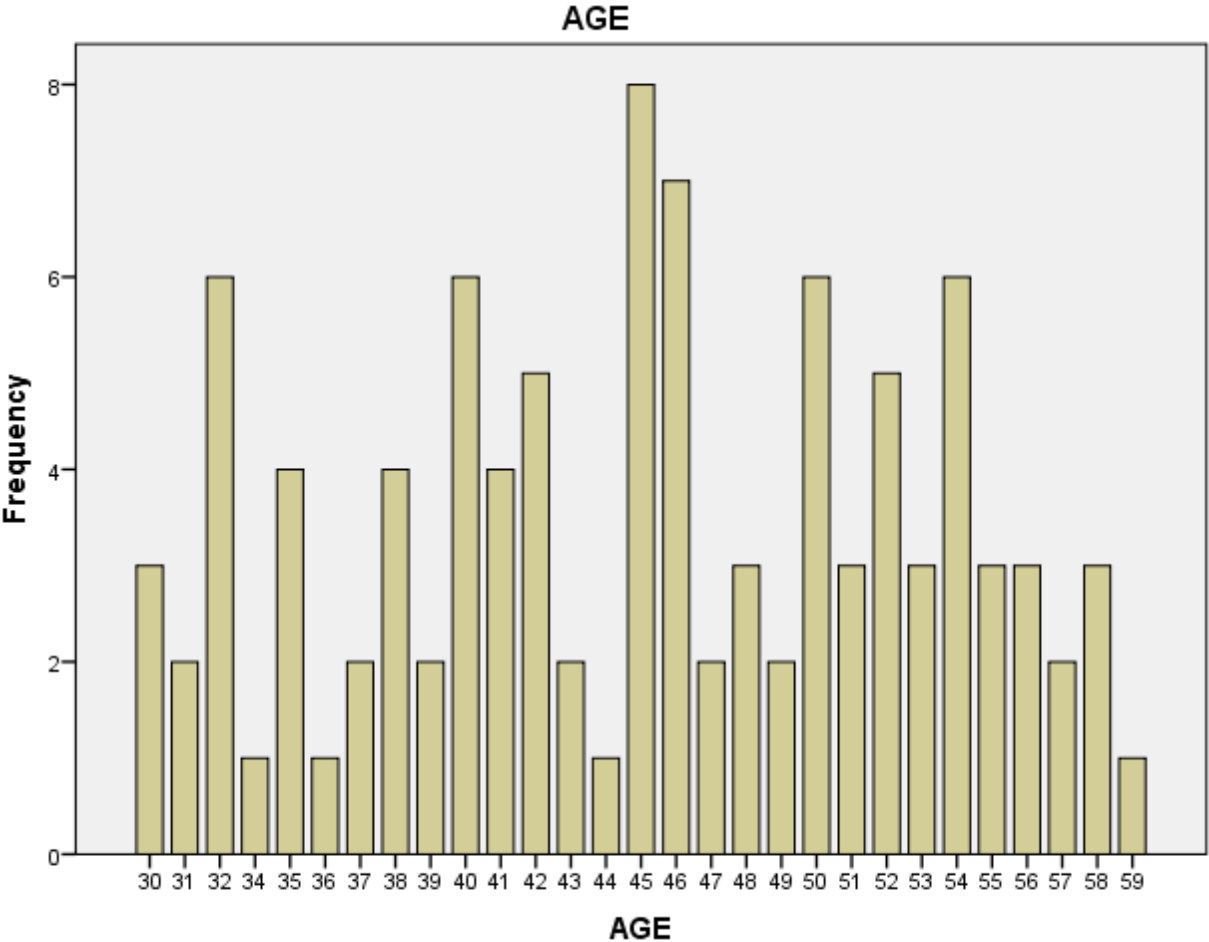
	Frequency	Percent	Valid Percent	Cumulative Percent
30	3	3.0	3.0	3.0
31	2	2.0	2.0	5.0
32	6	5.9	6.0	11.0
34	1	1.0	1.0	12.0
35	4	4.0	4.0	16.0
Valid 36	1	1.0	1.0	17.0
37	2	2.0	2.0	19.0
38	4	4.0	4.0	23.0
39	2	2.0	2.0	25.0
40	6	5.9	6.0	31.0
41	4	4.0	4.0	35.0

42	5	5.0	5.0	40.0
43	2	2.0	2.0	42.0
44	1	1.0	1.0	43.0
45	8	7.9	8.0	51.0
46	7	6.9	7.0	58.0
47	2	2.0	2.0	60.0
48	3	3.0	3.0	63.0
49	2	2.0	2.0	65.0
50	6	5.9	6.0	71.0
51	3	3.0	3.0	74.0
52	5	5.0	5.0	79.0
53	3	3.0	3.0	82.0
54	6	5.9	6.0	88.0
55	3	3.0	3.0	91.0
56	3	3.0	3.0	94.0
57	2	2.0	2.0	96.0
58	3	3.0	3.0	99.0
59	1	1.0	1.0	100.0
Total	100	99.0	100.0	
Missing System	1	1.0		
Total	101	100.0		

This shows that those who were chosen as employees, trade and labour unions officers, member of the union and management representatives of different industries and various ombudsmen from the government were mature experienced people. This is in line with the expectation that for one to be a union or management representatives, ombudsmen or a manager you must have worked in the company for more than 5 years. The age and level of experience are thus key determinants on who is chosen as management, managers/assistants, employees, ombudsmen or union

representatives, young inexperienced people are thus disadvantaged. This is also represented in the chart below which shows a positive relationship between age and management representation.

Figure 4.1: Figure showing Age distribution of the respondents.



4.2.2 Gender of the Respondents

85% of the respondents were male and 15% were female. Table 4.3 below shows the summary of the results.

Table 4.3

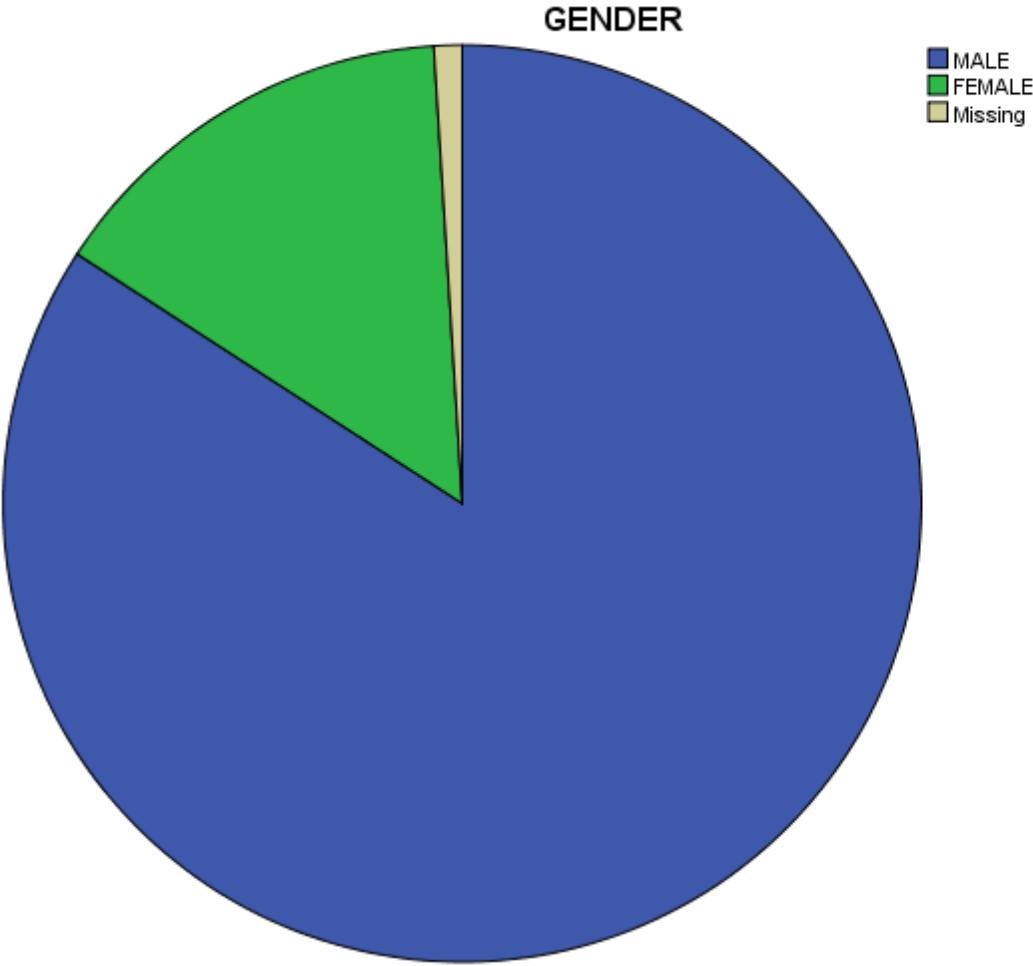
Gender	Percentage
Male	85
Female	15
Total	100

This shows that women were not well represented in labour unions and in most industries. Majority of the representatives were men. Since the representatives are selected, men seem to have an upper hand. This is also in line with the fact that most of the people who held senior positions in the company were men.

Gender

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid MALE	85	84.2	85.0	85.0
FEMALE	15	14.9	15.0	100.0
Total	100	99.0	100.0	
System	1	1.0		
Total	101	100.0		

Figure 4.2: Gender of the respondents



4.2.3 Marital Status of the Respondents

Out of 100 respondents, 90 were married, 2 were widowed, while 8 were separated in their relationships. Table 4.4 below summarizes their responses.

Table 4.4

Gender	Percentage (%)
Single	0
Married	90
Widow/Widower	2
Separated	8
Total	100

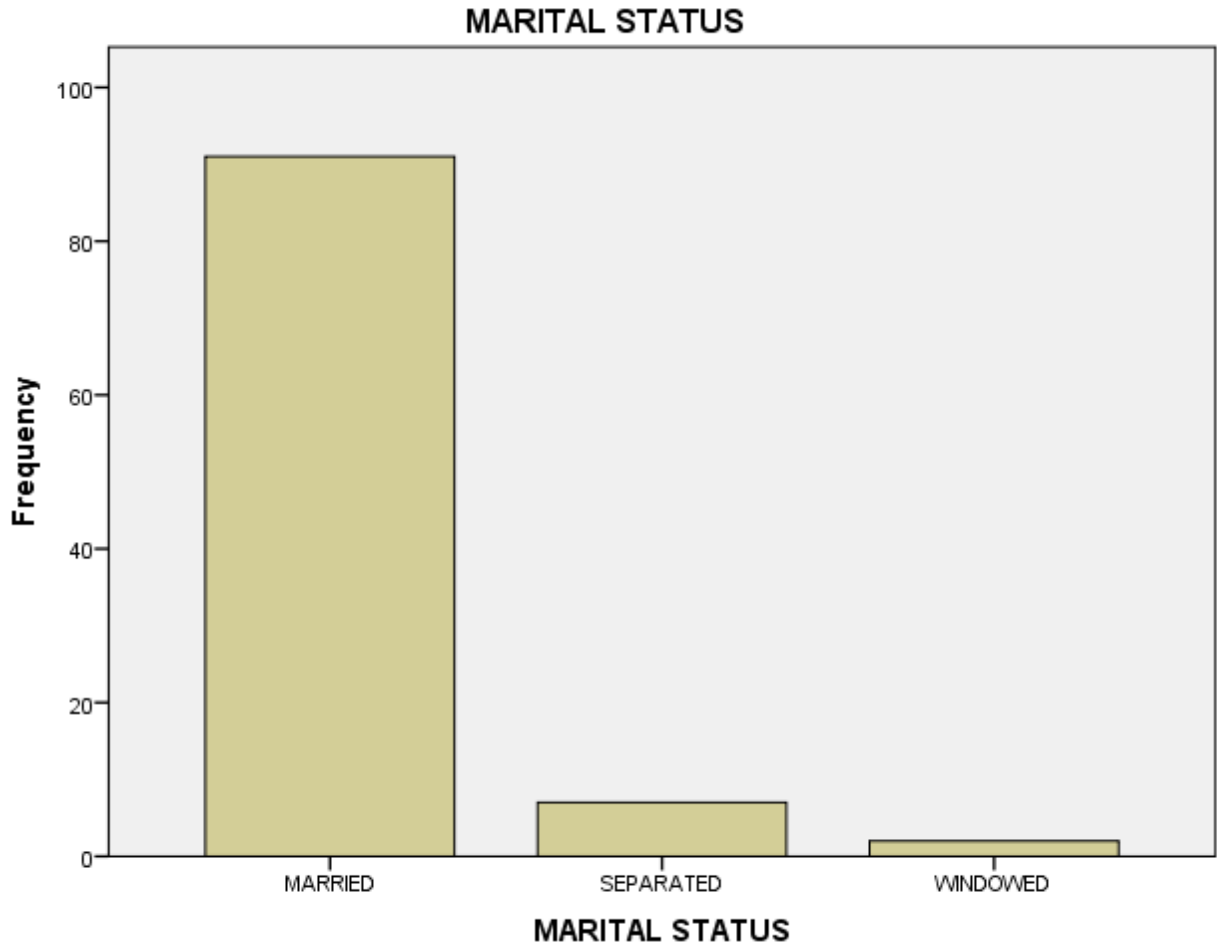
From the above results, we can conclude that the representatives were mature and responsible people. This is also in consistence with the age of the respondents.

Marital status

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	MARRIED	91	90.1	91.0
	SEPARATED	7	6.9	98.0
	WIDOWED	2	2.0	100.0
	Total	100	99.0	100.0
System	1	1.0		
Total	101	100.0		

Figure 4.3: Marital status of the respondents

The figure below gives similar conclusion that the representatives were mature and responsible people as given by a higher response rate of married people. This is also in consistence with the age of the respondents.



4.2.4 Length of Service

All the one hundred respondents had worked for more than ten years in the various Companies. Their responses are summarized in table 4.5 below.

Table 4.5: Respondent Length of Service in the various industries

Number of Years Worked at different industries in Kenya /Labour unions.	Percent (%)
1-5 Years	0
6-10 Years	0
11-19 Years	45
Above 20 Years	55
Total	100

This showed that most of the respondents who represent management and labour unions, employees had worked with the companies for more than ten years as shown by the minimum number of years. Some respondents have worked for a maximum of 35 years in different companies and industries within the country. This means that they understand the operations of the various companies and were experienced people. Most of them had grown up the ladder to their current positions. This is also in consistent with the age of the respondents.

Length of service

Valid	100
system	1
Mean	20.10
Std. Deviation	6.242
Minimum	11
Maximum	35

Length of service

	Frequency	Percent	Valid Percent	Cumulative Percent
11	8	7.9	8.0	8.0
12	11	10.9	11.0	19.0
13	3	3.0	3.0	22.0
14	1	1.0	1.0	23.0
15	6	5.9	6.0	29.0
16	4	4.0	4.0	33.0
17	2	2.0	2.0	35.0
18	5	5.0	5.0	40.0
19	4	4.0	4.0	44.0
20	9	8.9	9.0	53.0
21	6	5.9	6.0	59.0
Valid 22	3	3.0	3.0	62.0
23	6	5.9	6.0	68.0
24	6	5.9	6.0	74.0
25	7	6.9	7.0	81.0
26	2	2.0	2.0	83.0
27	4	4.0	4.0	87.0
28	4	4.0	4.0	91.0
29	2	2.0	2.0	93.0
30	3	3.0	3.0	96.0
32	2	2.0	2.0	98.0
35	2	2.0	2.0	100.0
Total	100	99.0	100.0	
Missing system	1	1.0		

Total	101	100.0		
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4.2.5 Respondents' Highest Level of Education

5% of the respondents had Secondary level education, 55% had college education whereas 40 % of the respondents had reached university level. The table below gives a summary of the respondents' qualifications.

Table 4.6: Respondents' Highest Level of Education

Highest Level of Education	Percentage
Primary	0
Secondary	5
College	55
University	40
Total	100

Most of the respondents had college level education and had a wealth of experience in the working field. This is also in line with the expectation that the management and union representatives must have considerable knowledge if they are to succeed in their role of enhancing industrial relations.

Education level

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	UNIVERSITY	40	39.6	40.0	40.0
	COLLEGE	55	54.5	55.0	95.0
	SECONDARY	5	5.0	5.0	100.0
	Total	100	99.0	100.0	
	Missing system	1	1.0		
Total		101	100.0		

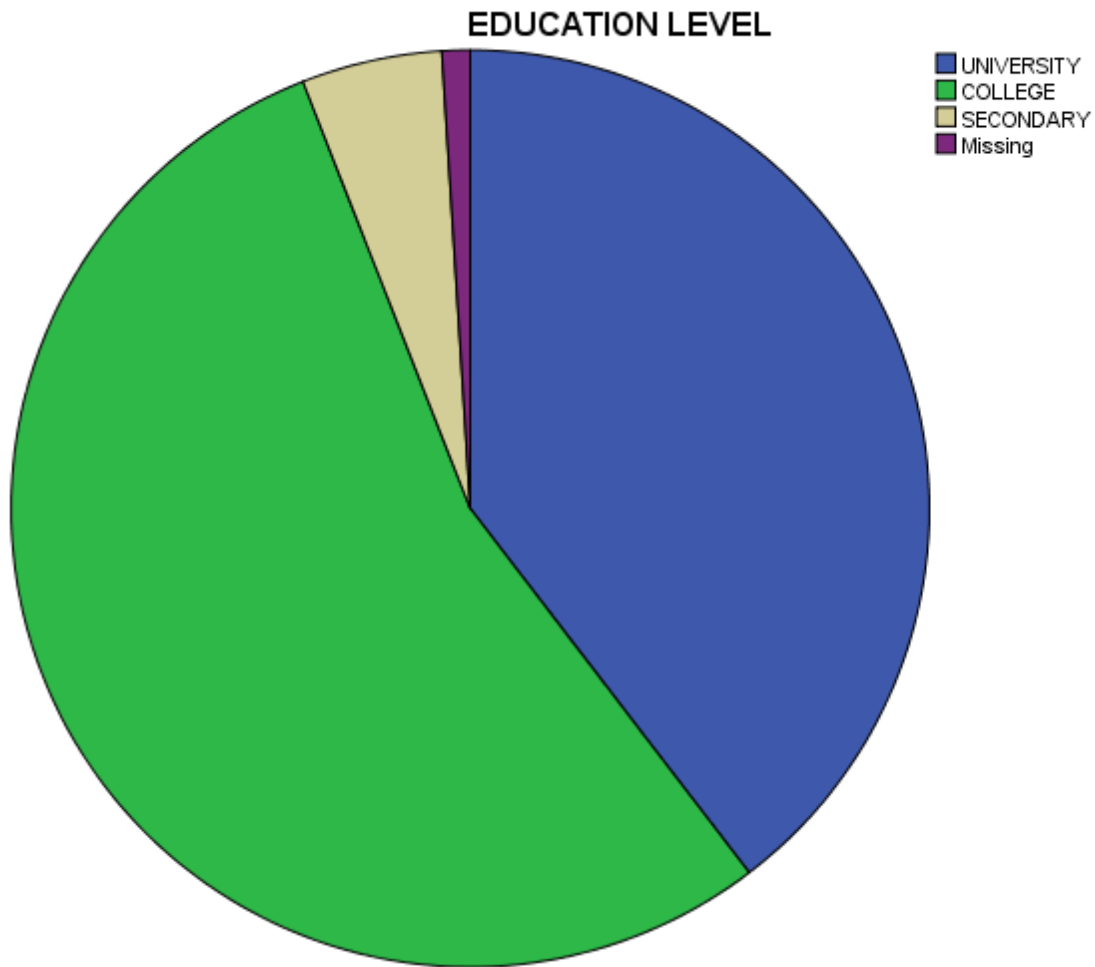


Figure 4.4: Education Level of the respondents

The above figure indicates that, most of the respondents had college level education and had a wealth of experience in the working field.

4.3 Industrial Relation Procedures

The respondents were asked to rate the processes of industrial relations such as grievance handling procedure, collective bargaining, disciplinary procedures, and dispute handling procedures. They were also told to rate trade union, management, and the Government in their role of enhancing industrial relations.

4.3.1 Grievance Handling Procedure

Table 4.7 below summarizes the results.

	Average Rating
Fairness of Grievance Handling	4.05
Length of time taken to resolve a grievance	4.2
Overall Satisfaction with the Grievance Handling Procedure	4.1

From the above results, the respondents were generally satisfied with fairness of grievance handling procedure which had a mean of 4.05. This may be because there were consultations between management and union before making final decisions on grievances matters. The respondents were also satisfied with the length of time taken to resolve grievances which was rated at a score of 4.2. This may be attributed to the fact that this mechanism is within the organisation thus making it faster. They were also satisfied with the overall grievance handling procedures which was rated at a score of 4.1. The internal mechanisms i.e. management and labour union seem to be working well towards resolving grievances. Generally, therefore the grievance handling procedure was satisfactory and was rated above the average score of 4. The fact that less time is spent on grievance handling means that management and union representatives are released to

involve themselves on other productive and important activities that are beneficial to the various companies in Kenya. Also the employees' openness is enhanced because they know that their issues will be fairly dealt with, their morale is also enhanced leading to higher productivity. It is also likely that there will be fewer disputes since most of the grievances are fairly resolved.

4.3.2 Disciplinary Procedures

The table below summarizes the results.

Table 4.8

	Average Rating
Fairness of Disciplinary Measures	4.05
Length of time taken to investigate Disciplinary cases	4.2
Overall satisfaction with the Disciplinary Procedures	4.2

From the above results, the respondents were generally satisfied with fairness of disciplinary handling measures which was rated at 4.05. They were generally satisfied with the length of time taken to resolve disciplinary cases and with the overall disciplinary procedures that were rated at 4.2 each. This could be because the management and union are the ones involved in this procedure and they seem to be effective in their role of enhancing industrial relations. Generally, therefore the disciplinary procedure was satisfactory. The fairness of disciplinary measures means that the employees will not work in fear of being criminalized or victimized and their morale will also be enhanced. The less time taken to resolve the disciplinary issues also means that tension and anxiety which may lead to more conflicts in Unions and Industries is reduced and maintained at a level that may not cause serious industrial action.

4.3.3 Collective Bargaining

Table 4.9 below summarizes the results.

	Average Rating
Length of time taken to complete the Collective Bargaining Process	2.0
Overall satisfaction with the Collective Bargaining Process	2.05

From the above results, respondents were generally not satisfied with the time taken to complete collective bargaining process which was rated poor at 2.0. The respondents were also dissatisfied with the overall collective bargaining process which was rated at 2.05. This is in line with the above finding that the procedures handled by management and union representatives seem not to be effective. Generally, therefore the collective bargaining was not satisfactory. The dissatisfaction in collective bargaining means that the employees are not satisfied with the terms and conditions of service as discussed by the management and union representatives. Trust is not likely to develop between the two parties and working together in implementing the Collective Bargaining Agreement will be stressful and in effective.

4.3.4 Dispute Handling Procedure

Table 4.10 below summarizes results

	Average Rating
Length of time taken to resolve Dispute by the Industrial Court	2.7
Overall satisfaction with the Dispute Handling Procedure	3.0

From the above results, respondents were not satisfied with the length of time taken to resolve disputes which was rated poor at a score of 2.7. This could be due to the fact that the length of time taken to resolve disputes once reported to the government was too long compared to the length of

time taken to resolve grievances and disciplinary issues. Respondents were fairly satisfied with the overall dispute handling procedures which was rated at 3.0. This could be due to the fact that disputes took too long to be resolved in the industrial court. It could also be because the management and union have no control of how the disputes are resolved in the industrial court or by the Government. The dissatisfaction with dispute handling procedure may lead to less disputes being reported to the industrial court since the management and union trust have already been eroded. The management and union may then be motivated to work together to resolve issues within their means without having to involve the external mechanisms i.e. the government or the industrial court.

4.4 Role of Management, Trade Unions and ombudsmen from Government

Table 4.11 below summarizes the results.

	Average Rating
Management	4.25
Trade Unions	4.05
Government	2.55

The respondents were satisfied with the role of management and trade union representatives in enhancing industrial relations which were rated above the score of 4. This could be because the management and trade union seem to be working on the same pace to improve industrial relations. They are committed and in control of the level of industrial relations in the organisation. The respondents were however not satisfied with the role of government in enhancing industrial relations which was rated poor at a score of 2.55. The respondents seem to be blaming the Government which they have no control over. This is in consistent with the rating of the dispute handling procedure which was found to take a long time. The rating of management and trade union is in line with the finding on the satisfaction with disciplinary, grievance and collective bargaining which are management and trade union responsibility. The dissatisfaction with

government dispute handling machinery may result to more initiative on the side of management and trade union to resolve issues without reporting them to the industrial court or to the government since they seem to have lost trust in the government.

4.5 Factors Affecting Industrial Relations

Respondents were asked to rate industrial relations at the various companies and factors affecting industrial relations. These factors included salary, house allowance, medical cover, performance related bonuses, communication, employee participation, employee representation by trade unions, negotiation skills of union representatives, negotiation skills of management representatives, attitude of management to workers, attitude of workers to management, implementation of legislation, training on industrial issues, leadership and education levels of the workers.

Table 4.12 below summarizes the results.

Salary	2.1
House Allowance	3.1
Performance Related Bonuses	4.25
Communication	3.9
Employee Participation	3.9
Employee Representation by Trade Unions	4.15
Negotiating Skills of the Union Representatives	4.15
Negotiating Skills of Management Representatives	4.25
Attitude of Management to Workers	4.1

Attitude of Workers to Management	4.05
Implementation of Legislation	4.05
Leadership	4.05
Education Levels of the Workers	4.1
Medical Cover	3.2
Training of Industrial Issues	2.85

Most of the above factors were rated above 4 which were good. This included, performance related bonuses, employee representation by trade unions, negotiating skills of management representatives, negotiating skills of union representatives, attitude of management to workers, attitude of workers to management, implementation of legislation, leadership and education level of the workers. Salary and house allowance were rated poor and fair respectively at a score of 2.1 and 3.1 this could be because these two are not reviewed in most industries from time to time such as every year thus there is no continuous improvement of their terms of service each year. The performance related bonuses was also rated good at a score of 4.25. This was recently introduced in the various companies. All these factors are in control of management and union and as established in this study, they are harmoniously working together towards sound industrial relations. The fact that the employees are dissatisfied with the salary and house allowance is in line with the finding on the dissatisfaction with the collective bargaining, since these are issues of collective bargaining. Dissatisfaction with some of the above factors may be the reason of continuous need of industrial action in the organisation for last three years.

The respondents were fairly satisfied with communication and employee participation which were rated at 3.9 This could be due to the fact that the employee satisfaction survey which gives employees a chance to air their views and opinions is only held once every year. This may not be a sufficient enough channel of employee participation. Medical cover was also rated fair at 3.2. This could be because the medical cover has not been reviewed over the last four years. The fair satisfaction with the communication, employee participation may lead to lower social and

psychological satisfaction of the workers which may then be reflected as poor interpersonal relationships among the workers and their supervisors. However, Training in industrial relations was rated poor at a score of 2.85 thus the respondents were not satisfied with training of industrial issues. The dissatisfaction with the training on industrial relations issues could be because the training only targets the representatives and rarely the line managers who are also responsible for industrial relations. The frequency of the training may also be lacking as well as relevance. Less training on industrial relations to the line managers may lead to poor interrelations between them and the workers which may then result to more grievances. The table below shows how the factors affecting industrial relations were ranked in descending order by the respondents.

Table 4.13 summarizes the results

No.	Ranking of Factors Affecting Industrial Relations in descending order
1	Economic Satisfaction
2	Negotiation Skills
3	Trade Union
4	Attitude of Management and Workers
5	Social and Psychological Satisfaction
6	Education Background of the Workers
7	Public Policy & Legislation

Economic satisfaction was ranked as the first factor affecting industrial relations at the various industries within the Country followed by negotiating skills, trade unions, attitude of the management and workers, social & psychological satisfaction, education background of the workers and lastly the public policy and legislation in that order. This ranking was attributed to the fact that financial satisfaction is one of the major reason why employees engage in organisations thus it was in line with the expectation that one would be more concerned with their

financial stability before their social and psychological satisfaction. Negotiation skill of the representatives and the trade union was also seen as key factors determining the industrial relations at the various companies. This is because the representatives are expected to be knowledgeable and the trade union should be willing and able to represent the workers if the company is to achieve its target of sound industrial relations. The internal mechanisms i.e. the management and union were ranked first because they were in full control of the industrial relations issues. The public policy and legislation was ranked last since it is the last option in resolving industrial relations issues. The management and the union have no control of the government and how they resolve disputes.

The respondents were generally satisfied with the industrial relations at the various industries which were rated at 4.1. This could be because the internal mechanisms i.e. the management and the union seem to be working jointly and are able to resolve grievances, disciplinary issues and other conflicts in time without engaging in industrial action. This satisfaction is reflected by less industrial action which may then result to overall employee satisfaction and boost their morale.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Summary

The response rate was 90% and it thus gave reliable results. The age distribution of the respondents was above 30 years and all the respondents were married. This showed that the representatives were mature, experienced people who had worked for the various industries within the Country for more than ten years. Most of the respondents had reached college level, however their working experience seem to give them an edge in their negotiating skill and ability to represent union and management and in their role of enhancing industrial relations.

The respondents were generally satisfied with the grievance handling procedure. No fairness in the length of time taken and overall satisfaction of the grievance handling procedure was rated poor. The respondents were also fairly satisfied with the disciplinary handling procedures; they were not satisfied with fairness of the procedure, length of time taken and with the overall disciplinary handling procedures. The respondents were generally not satisfied with the collective bargaining process; they were dissatisfied with the length of time taken to complete the collective bargaining process and the overall process. The respondents were however, not satisfied with the dispute handling procedure in terms of length of time taken to resolve dispute and the overall satisfaction with the whole procedure. Generally, the respondents seemed to be satisfied with the role of management and trade union in enhancing industrial relations at the various industries within the country. The respondents were however not satisfied with the role of the Government in enhancing industrial relations.

Respondents were generally satisfied with the industrial relations at the various industries within Country. They were also dissatisfied with some of the factors affecting industrial relations such as salary and house allowance but they were satisfied with performance related bonuses, employee representation by trade union, negotiating skills of union representatives, negotiating skills of management representatives, attitude of management to workers, attitude of workers to management, implementation of legislation, leadership and education level of the workers. They

were fairly satisfied with communication, employee participation and medical cover. They were however not satisfied with training in industrial relations issues. Economic satisfaction was ranked as the first factor affecting industrial relations at the various industries followed by negotiating skills, trade unions, attitude of the management and workers, social & psychological satisfaction, education background of the workers and lastly the public policy and legislation in that order.

5.2 Conclusions

The objective of the study was to establish the effectiveness of industrial and labor relations laws on Kenya's economic growth and development. The study found out those industrial and labour laws affects economic satisfaction of the workers, negotiation skills of the management and union representatives, the trade union, attitude of both management and workers, social and psychological satisfaction, education background of the workers and public policy and legislation. The study also found out that the respondents were satisfied with most of the industrial relations processes apart from the dispute handling procedure, the role of government in enhancing industrial relations issues and training of industrial relations issues.

5.3 Recommendations

From the findings and conclusion of this study the following recommendations are very crucial; first the management should look at the issue of salaries of workers to be reviewed each year as well as house allowances and training, they should carry out an evaluation of the training policy to assess its relevance, efficiency, and value additions towards improving industrial relations at the various industries within the county. Secondly the training and development should be conducted frequently to enhance industrial relations. Thirdly, the medical cover should be reviewed in accordance with the changes in the economy. Also the management should come up with other means of communication and employee participation such as team talk and use of suggestion box. The government should also fasten the dispute handling procedure. More women should also be elected as both management and union representatives to enhance gender balance.

5.4 Suggestion for Further Research

The following related areas can be researched on to add up to the knowledge of what this study has achieved as far as industrial relations and labour relations law are concerned. First there is need

to carry out an evaluation of factors affecting industrial relations in government parastatals in Kenya, secondly a study should be done to establish training needs of management and union representatives at the various industries in the Country. This will help in designing training and development activities that will meet the target industrial peace. Thirdly, a study should be conducted to establish the effects of factors affecting industrial relations to organisation's performance. The findings from this study will help to improve performance of the organisation.

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APPENDICES

APPENDIX 1: INTRODUCTION LETTER

ABDIRAHMAN ABDULLAHI MOHAMED

P.O BOX 3087-00506,

NAIROBI-KENYA.

Dear Respondents,

Re: Data Collection

My name is ABDIRAHMAN ABDULLAHI MOHAMED and I am pursuing a bachelor degree in Law. In order for me to complete my studies, I am carrying out a research on effectiveness of industrial relations and labor relations laws on Kenya's economic growth and development.

I have chosen you to kindly participate in answering the questions contained in this questionnaire. Kindly answer the questions without biasness or subjectivity. It is important that the opinions you express are your own personal views. Please feel free to state your own honest views. Your views will be held in utmost confidence and will not be revealed to anyone. You do not need to fill your name. There is no right or a wrong answer, what matters is your personal views.

Than you

Yours sincerely,

ABDIRAHMAN ABDULLAHI MOHAMED

Appendix 2: Research Questionnaire

SECTION A: Demographics

1. What is your age bracket?

a) 20 years – 29 years []

b) 30 years – 39 years []

c) 40 years – 49 years []

d) Above 50 years []

2. State your Gender

3. What is your marital status?

a) Single []

b) Married []

c) Window/Widower []

d) Separated []

4. Occupation (the section/department where you work)

.....

5. How many years have you worked in an Industry in Kenya?

a) 1 year – 5 years []

b) 6 years – 10 years []

c) 11 years – 19 years []

d) Above 20 years []

5. What is your highest level of Education?

a) Primary []

b) Secondary []

c) College []

d) University degree []

Part B Objectives Based Questions

To indicate your response, please circle the number (code) that best suits your opinion.

To answer the questions, you will use a 5-point scale.

1. Looking at the grievance handling procedure at the various industries in Kenya, how can you rate the following?

	Very Poor				Very Good
Fairness in grievance handling	1	2	3	4	5
Length of time taken to resolve a grievance	1	2	3	4	5
Overall satisfaction with the grievance handling procedure	1	2	3	4	5

2. Looking at the disciplinary procedure in the various companies, how do you rate the following?

	Very Poor				Very Good

Fairness of Disciplinary Measures	1	2	3	4	5
Length of time taken to investigate disciplinary cases	1	2	3	4	5
Overall satisfaction with the disciplinary procedures	1	2	3	4	5

3. Looking at collective bargaining, how can you rate the following?

	Very Poor				Very Good
Length of time taken to complete the collective bargaining process	1	2	3	4	5
Overall satisfaction with the collective bargaining process	1	2	3	4	5

4. Looking at dispute handling procedure, how can you rate the following?

	Very Poor				Very Good
Length of time taken to resolve dispute by the industrial court	1	2	3	4	5

Overall satisfaction with the dispute handling procedure	1	2	3	4	5
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5 How can you rate the following in their role of enhancing industrial relations at different industries?

	Very Ineffective				Very Effective
Management	1	2	3	4	5
Trade Unions	1	2	3	4	5
Government	1	2	3	4	5

Section II

6. How would you rate the various industries you have worked on the following issues?

	Very poor				Very good
Salary	1	2	3	4	5
House Allowance	1	2	3	4	5
Performance Related Bonuses	1	2	3	4	5
Communication	1	2	3	4	5
Employee Participation	1	2	3	4	5
Employee Representation by Trade Unions	1	2	3	4	5

Negotiating Skills of the Union Representatives	1	2	3	4	5
Negotiating Skills of Management Representatives	1	2	3	4	5
Attitude of Management to Workers	1	2	3	4	5
Attitude of Workers to Management	1	2	3	4	5
Implementation of Legislation	1	2	3	4	5
Leadership	1	2	3	4	5
Education Levels of the Workers	1	2	3	4	5
Medical Cover	1	2	3	4	5
Training of Industrial Issues	1	2	3	4	5

7. Arrange the following factors in the order in which they affect industrial relations at the various industries within the country. Starting with the most prevalent.

- a) Economic satisfaction of workers
- b) Social and Psychological satisfaction
- c) Trade unions
- d) Negotiating skills
- e) Attitude of management and workers

f) Public policy and legislation

g) Education background of the workers

8. How can you rate industrial relation at the various industries?

Very poor	1	2	3	4	5	Very good
-----------	---	---	---	---	---	-----------

9. Other comments regarding industrial relations at the various industries in Kenya

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

Thank you for your cooperation

