



RESEARCH ARTICLE

Industrial Relations System as a Factor of Tripartite Consultation Influencing the Performance of State Corporations in Kenya

Nzioki S*, Mukulu E

Department of Human Resource Management, School of Human Resource Development, Jomo Kenyatta University of Agriculture and Technology (JKUAT), Kenya.

*Corresponding Author: Email: sknzioki@yahoo.com

Abstract

The study sought to establish the effect of Industrial relations system in Kenya on the performance of state corporations. Methodology: Data was obtained through a descriptive design involving 279 employees both unionized and non-unionized of state corporations in Nairobi County. A structured questionnaire with likert scale questions was used to collect data from the selected subjects of the study. Interviews were also conducted with human resource managers/ employee relations officers, shop floor union officials, officers of the Ministry of Labour, officers of Federation of Kenya Employers (FKE), officers of Central Organizations of Trade Unions, Kenya. The study used the Dunlop's systems model credited with the application of the systems approach to Industrial Relations (IR). The model explains the input acquisition, input transformation, output and feedback to explain the process of Kenyan Industrial Relations System. Finding: The study found that there existed a prescribed Industrial Relations System in Kenya, but its adherence had been faced with a lot of challenges namely, reluctance to recognize trade unions, delay in conclusion of collective agreement, and partial implementation of collective agreements resulting to high rate of industrial actions in the country and delayed settlement of cases submitted to the industrial court. Besides, tripartite consultation as the study's intervening variable had intervened positively enhancing the performance of state corporations. Moreover, partnership approaches such as training, harmonization of partners' interests and high commitment had been experienced, translating to enhanced performance of organizations. Limitation: The study was concentrated in unionised state corporations and therefore cannot be generalized in the private sector and non unionised state corporations. Practical implications: provide evidence on the effect of the industrial relations system on the performance of state corporations in Kenya and offer recommendations on what the three social partners and specifically the Kenya government needed to do to improve effectiveness of the industrial relations system in the country. Originality: This is the first study of this nature to be conducted in Nairobi County focusing on industrial relations system and intervention of tripartite consultation in the performance of state corporations.

Keywords: *Industrial relations system, Kenya, Nairobi County, Social partners, Tripartite consultation.*

Introduction

Kenya has one of the oldest institutions for tripartite consultation for effective functioning of the prescribed industrial relations system in the country. However, the established mechanism appeared not to have been used with degree of consistency [1]. A number of studies had shown that trade unions had been subjected to severe restrictions by the government, and were weak in influencing key managerial decisions [2]. The industrial relations system arrangement in Kenya appears a good intervention practice by the government in industrial relations. However, the arrangements are not only powerful variables in Industrial relations process, but also a dominant source of delay, frustration and hopelessness on

the other partners [1]. The government statistics shows that in 2010, 82 strikes were recorded, involving 12,773 employees and 405,278.5 man hours were lost. Besides, the industrial court disputes register recorded an increase in reported disputes from 159 in 2007 to 1,624 in 2010. In addition, between 7th September 2011 to 17th November, 2012 Kenya had been plunged by industrial actions. They covered paralysed learning in all public secondary schools, all the public universities were involved in a eight days strike affecting negatively 170,000 students, besides the only source of electricity supply namely, Kenya Power and Lighting Company's strike was averted on the last hour, threatening

to plunge the country with total darkness. Doctors, in public hospitals withdrew labour, causing uncalled for deaths [3]. All these industrial actions involved essential service providers prescribed by the national labour laws and not supposed to participate in strikes. It is therefore evident that though there exists a prescribed industrial relations system there lacked consistency in the application of the procedure of managing it. Hence, the purpose of the study was to establish whether industrial relations system had influenced the performance of state corporations.

Model that Supports the Study

Dunlop's Systems Model

This study is supported by Dunlop's Systems Model which integrates the whole industrial relations system. Dunlop is credited with the application of the systems approach to Industrial Relations (IR). He visualized IR to be a systematic construct namely, a sub-system of society. An organization is considered an open system, existing in a context called environment. The organization influences its environment as well as gets influenced by the environment [4]. The industrial relations in its operations is regarded as comprising certain actors and a body of rules created to govern the actors at the work place. The actors are employers, employees and the state [4]. The creation of rules according to Dunlop is the output that an IR system seeks to create. Rules govern all forms of compensation, duties and performance expected. They also define rights and duties of employers and employees and govern the procedures for establishing and application of rules [5].

The three 'actors' interact in the input transformation and feedback process. The 'actors' include managers and their organizations, workers and their organizations, the state and its agencies concerned with workplace issues. The actors do not function in isolation but in an environmental context which influences them as they influence it. The technical context of workplace relates to how work is organized and the state of technology whether it is labour or capital intensive [4]. The transformation in an industrial relations context relates to the activities of bargaining, conciliation, arbitration, legislation and judgment, which comprise the industrial relations system in Kenya.

The market context or the revenue comprises product demand, market growth, number of competitors and profit margin. These influence

the interaction of the 'actors'. The power context is how power is distributed among the 'actors'.

Besides, discussion and bargaining must be the preferred way to solve disputes. In their interaction the state has a clear role as an arbiter in certain matters [5]. The Dunlop's systems model is as presented in Fig. 1.

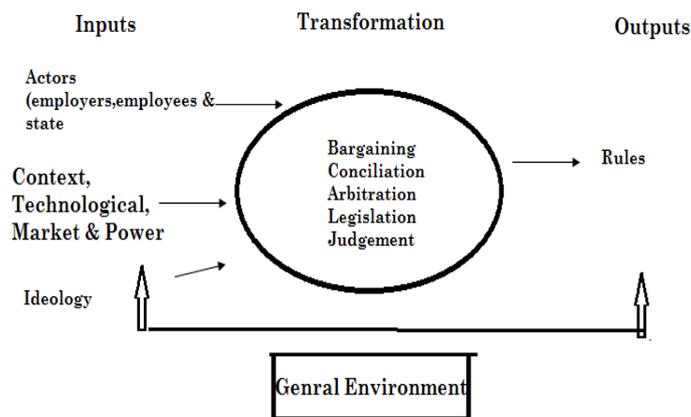


Fig. 1: Dunlop's Systems Model

Literature Review

Cockar [6] has explained that the first and foremost step in establishing the relationship between a trade union and an employer or a group of employers is the recognition agreement. The agreement provides for the recognition of a trade union as the body entitled to represent the interests of employers. The agreement formally establishes the relationship relating to recognition and negotiating procedures. It sets out matters on which the employer concedes the right of negotiation with the trade union. Management of state corporations are required to recognize trade unions as representatives of employees' interests.

Aluchio [2] has explained that it should be understood that recognition right is a very sensitive issue in Kenyan industrial relations. Even after recognition rights have been settled, there is always infighting within unions, culminating in new groups which continuously seek recognition rights. The apparent infighting is basically caused by greed for power and material wealth among union officials and the desire to enter into national politics through labour movement. This situation has derailed the very purpose of unionization and active role of unions in protecting and agitating for employees' rights in the workplace.

The Labour Relations Act [7] requires that an employer, groups of employers or an employer's organization that has recognized a trade union, to conclude a collective agreement. The agreement

sets out the terms and conditions of service for all employees covered by the recognition agreement. The agreement is the basis and point of reference when management makes decisions relating to employees.

The Economic Survey [8] has disclosed decline in the number of Collective Bargaining Agreements in the country to 266 in 2010 compared to 297 in 2008. This is supported by statistics of the registered collective bargaining agreements in the

Industrial Court Register which indicated a decline. The register recorded 316 collective agreements in 2000 and a decline of the same to 266 in 2010. The decline has been caused by stalemate in negotiations which prevent conclusion and eventual registration of collective agreements.

Cockar [6] has observed that every collective agreement should be submitted to the Industrial Court for registration within fourteen days of its conclusion. If an agreement does not conflict with the law and complies with all directives and guidelines concerning wages, salary levels and other conditions of employment, it is registered by the Court, which maintains a register of all concluded collective agreements and expected to enforce compliance of the same. The Court had been found to perform the registration role effectively.

The Labour Relations Act [7] provides for submission of grievances for settlement outside an undertaking by the minister of labour. This is what constitutes third party intervention by the government through its department of labour. The minister is expected to intervene in industrial disputes in the following ways:- consultation with a tripartite committee; arrangement for determining methods of conciliation; arrangement for furnishing industrial court with a copy of every collective agreement that has been lodged with him or her by parties; arrangement for appointment of a board of inquiry to look into the matter(s) related to any trade dispute; arrangement to declare any strike or lockout, whether actual or threatened unlawful and arrangement for appointment of an investigator [9].

One of the paramount institutions of industrial relations system in the country is the Industrial Court. The Court is responsible for the effective functioning of collective bargaining and dispute settlement machinery. Hence, the responsibility

for effective functioning of tripartite consultation, both a tripartite national level and at the company level lies with the labour court [1].

Hence, the Labour Relations Act [7] provides the Minister of Labour to submit trade disputes for final settlement by labour courts or tribunals. Such tribunals are expected to be manned by impartial and competent personnel with adequate knowledge in labour law and labour practices. The tribunals are part of the judicial system and are vested with appropriate powers to adjudicate

rights and disputes with authority and finality. The Kenya Industrial Court is a replica of such arbiter institutions. However, although the Court had been passing awards between aggrieved parties, the awards may not have been implemented fully by employers. The Industrial Court Disputes Register had shown an increase in the number of disputes reported to the Court. This means that though the Court is supposed to be used as the last option, the other mechanisms of consultation may not have served the parties well.

Tripartite consultation is generally understood to refer to a process whereby workers, employers and governments contribute to the development of labour standards and the protection of workers rights through voluntary interaction and dialogue. It is a means of reconciling interests of the various social actors and of achieving fair and reasonable conditions of work [9]. For it to work effectively the social partners must recognize that they must work together, a situation which had been faced with challenges in Kenya.

Tripartite consultation has its origin from the International Labour Organizations (ILO). It is one of the established ILO conventions aimed at protection against labour condition involving injustice, hardship and privation [10]. The purpose of consultation according to Trebilcock [11] is to promote mutual understanding and good relations. It aims at joint consultation by employers' and workers' organizations on matters of mutual concern to arrive at fullest extent possible at agreed solutions.

Besides, tripartite consultation ensures that competent public authorities seek views, advice and assistance of employers' and workers' organizations affecting their interests, establishment and functioning of labour bodies responsible for labour administration. Indeed, the

Second General Survey [12] has explained that consultation should be distinguished from mere information and co-determination. That it is not negotiation but implies initiatives taken by parties with differing interests to reach an agreement. Hence, consultation is intended rather than leading to an agreement to assist a competent authority in taking a decision. This framework of consultation exists in Kenyan industrial relations, it has been seen at play but decisions often take long culminating to withdrawal of labour and strained relations among the parties.

Method of Data Collection and Analysis

A descriptive design was adopted to establish the effects of industrial relations system on the performance of state corporations in Kenya. Tripartite consultation was used as an intervening variable between industrial relations system and performance of state corporations. The population of the study was concentrated on the state corporations in Kenya, which specific attention to unionized state corporations in Nairobi County. Nairobi County houses 108 state corporations out of the 172 nationally, hence making a 62 percent. Out of the 108 state corporations 34 are unionized and fourteen were chosen from which study subjects were drawn. The sample size of the study was 341 respondents. These constituted, unionized and non-unionized employees, officers from the Ministry of Labour, Federation of Kenya Employers, Central Organization of Trade Unions Kenya, and shop floor union officials.

A questionnaire was administered on the employees. An interview schedule was developed and conducted on human resource managers, shop floor union officials, officers of the Ministry of Labour, FKE and COTU (K). Cronbach's Coefficient Alpha was used to determine the reliability of the instrument and validity of data [13]. Out of the 341 questionnaires given out, 279 were responded to making a response rate of 82%, hence the data could be relied upon [14]. To analyze the data, Statistical Package of Social Sciences (SPSS) was used. Then, Factor Analysis was administered on data to establish factor thresholds and those with loading of .33 and above were considered for interpretation [15]. Descriptive statistics such as percentages, tables and stack graphs were used to present the data. Besides, correlation and regression analysis were applied on the data. Partial correlation coefficient

was used to determine the intervening effect of the intervening variable.

Findings and Discussions

Performance of State Corporations

Performance of state corporations was the dependent variable of the study. The study sought to establish whether performance of state corporations was influenced by industrial relations system in the country. As Armstrong [16] put it performance is a multi-dimensional construct whose measurement varies depending on a variety of factors. The study considered partnership practices enhancing performance. It also investigated whether effects of tripartite consultation in relation to performance had been experienced in state corporations.

The study found that consultation had led to low absenteeism and low rate of turnover. Davis and Lanbury [17] emphasized that low absenteeism and low turnover rates are linked to workforce performance. The duo are emphatic that maximum available productivity can only be achieved through a workforce that willingly and constantly commits itself to responsibility for production, growth and quality control. Such enterprises in turn have better-motivated and committed workforce. However, it could not be established through responses whether consultation had led to improved performance of organizations. This finding is echoed by Trebilcock as quoted in Ishikawa [18] that while economic impact of tripartite social dialogue cannot be easily measured, it can be emphasized that it ensures a degree of social peace and progress that sets a healthy stage for economic growth. Indeed, evidence has shown that social dialogue has helped to revive countries' economic performance in developed and developing countries such as Ireland, Netherlands, Denmark and Australia, hence Kenya is not an exception. The findings were as presented in Table 1.

The partnership practices which had enhanced performance included training. Training was considered by workers to increase their marketability in the labour market and their personal contribution to their organizations. This gave them a sense of job security and fair financial rewards, all translating to better performance [19]. Besides, there had been integration of management interests with those of employees. This supported the principle of involvement as a strategy of high commitment,

Table 1: Item statistics on the effects of tripartite consultation on the performance of state corporations

| Statements | SA | A | N | D | SD |
|-------------------------------|------------|-----------|-------------|-------------|------------|
| More productive organizations | 10.8 | 31.9 | 25.8 | 28.3 | 3.2 |
| Improved quality services | 7.2 | 27.2 | 21.9 | 38.9 | 5 |
| Better motivated staff | 2.5 | 6.8 | 11.1 | 7.6 | 9 |
| More committed staff | 3.2 | 6.1 | 10.8 | 69.5 | 10.4 |
| Recorded low absenteeism | 11.2 | 45.3 | 19.4 | 17.6 | 6.5 |
| High staff retention | 9 | 47 | 21.5 | 15.8 | 6.8 |
| Improved performance | 9 | 25.1 | 42.3 | 14 | 9.7 |
| Average | 7.6 | 27 | 21.8 | 36.4 | 7.2 |

having been heralded as a Panacea for success in organizational performance for decades. Integration had led to increased job satisfaction

giving employees a sense of fulfillment and control over their work [20].

Moreover, there was a strong feeling that fair financial rewards lacked. This was echoed by Siringi and Manaseh [21] who explained that Kenya is ranked among the top ten unequal countries in the world and the fifth in Africa in regard to income distribution. This had been compounded by high inflation rates which, though there had been increase in salaries by 3.5 percent, prices of goods and services rose at a higher rate of 4.1 percent, leaving workers with negative real wages [22]. It is worth noting that the Kenya Government under the new dispensation had realised the effect of salary differentials. This led to establishment of Salaries and Remuneration Commission; whose one of its terms of references is harmonization of salaries nationally. However, its move had been highly challenged by the current members of parliament, who felt that they were underpaid, though they had been quoted as among the best paid legislators globally. The findings were as presented in Fig. 2.

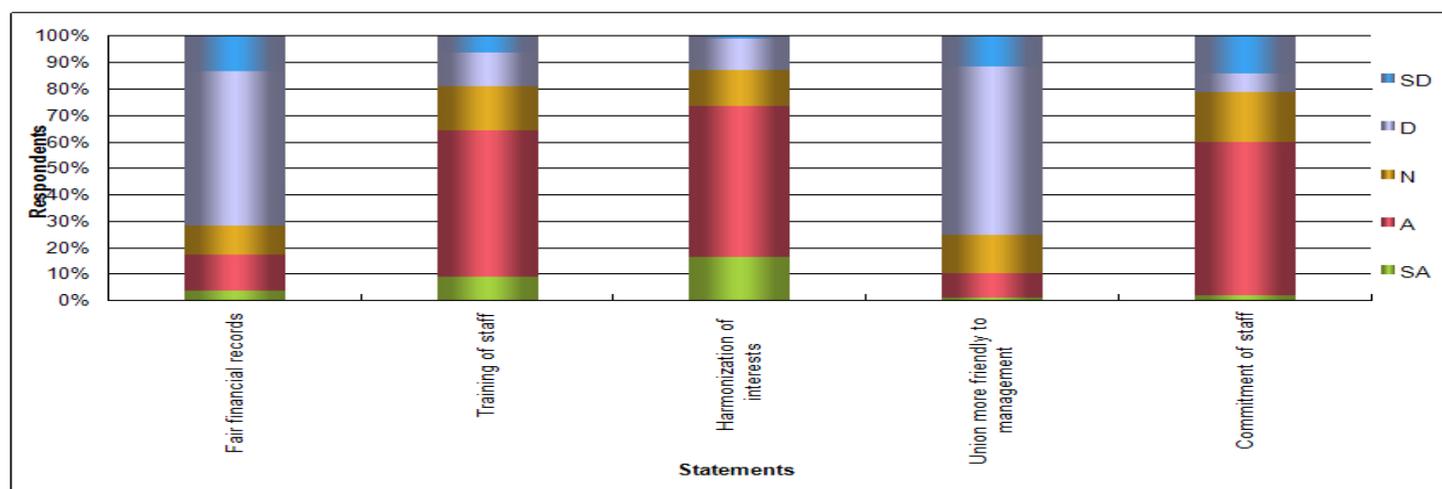


Fig. 2: Partnership approaches enhancing performance

Tripartite Consultation

Tripartite consultation was the study's intervening variable. The study was out to determine whether tripartite consultation intervened between industrial relations system and performance of state corporations. It was found that there had been consultation in establishment of labour boards. Hence, there were established labour boards for management and consultation in labour issues in Kenya like elsewhere in Africa [23]. Such institutions include the National Labour Board, the Wages Council and the Industrial Court among others. It is worth noting that though there had been

consultation in ending strikes and fixation of minimum wages, the consultation had stalled culminating to work stoppages. However, finally settlement was arrived at. The Second General Survey of 1976 Convention [12] distinguished consultation from mere information and co-determination. The survey emphasized that consultation is intended rather than leading to an agreement to assist the competent authority in making decisions. This then does not mean that the Kenyan government had not been consulting, but what needs to be noted is that she is the final decision maker, regardless of the form of

consultation employed being the competent authority.

It was further established that government took time to make final decision to bring consultation to an end. In times of industrial actions government officers could boycott consultative meetings or send representatives who lacked the legal authority to make key decisions in the course of consultation. However, though delays had been experienced settlements were finally arrived at, after suffering and costs of all sorts had been experienced. The finding that there had been consultation in establishment of labour boards is supported by Sivananthiran and Ratham [24] who have explained areas of consultation by citing Japan's experience that, before enactment or amendment of labour legislation or major labour policy changes there had been first discussion in tripartite deliberative councils. Moreover, Alby, Azam and Rospabe [25] have emphasized that most African countries have tripartite cooperation framework, and in the Kenyan context labour institutions exist their power and legal authority being enshrined in Labour Relations Act [26].

Hence, institutional structures such as labour advisory bodies substantially had been effective in dealing with issues of ratification of international standards, review of national legislation and played an advisory role to the government. Conversely, the failure of partners to consult in fixation of minimum wages is supported by

Irungu [22] who indicated a standoff of sorts which had emerged in the process of reviewing minimum wage in 2011 where COTU threatened a nation wide strike if the minimum wage for Nairobi workers was not revised to Kshs. 7,347. Employers on the other hand threatened to react to the rise in minimum wage by raising prices of consumer goods and further moving workers on permanent and contract status to casual terms. The failure in consultation to effectively bring strikes to an end is supported by Mutoro [27] who observed that Kenya's emerging trend of labour disputes threats was worrying. The threat of strike by KPLC was averted at the eleventh hour and had it been effective it would have plunged the country into total darkness [27]. The areas of consultation are as presented in Fig.3.

Kenyan Industrial Relations System

The study found that management had recognized trade unions as sole representatives of employees. This is the first step in Industrial Relations System as envisaged by Cockar [6]. However, though recognition existed statistics gathered from the Industrial Court Disputes Register, indicated that between 2002 and June

2012, 345 cases of failure to recognize trade unions by management had been recorded. The Court intervened and recognition rights were granted. The reported disputes were as presented in Table.2.

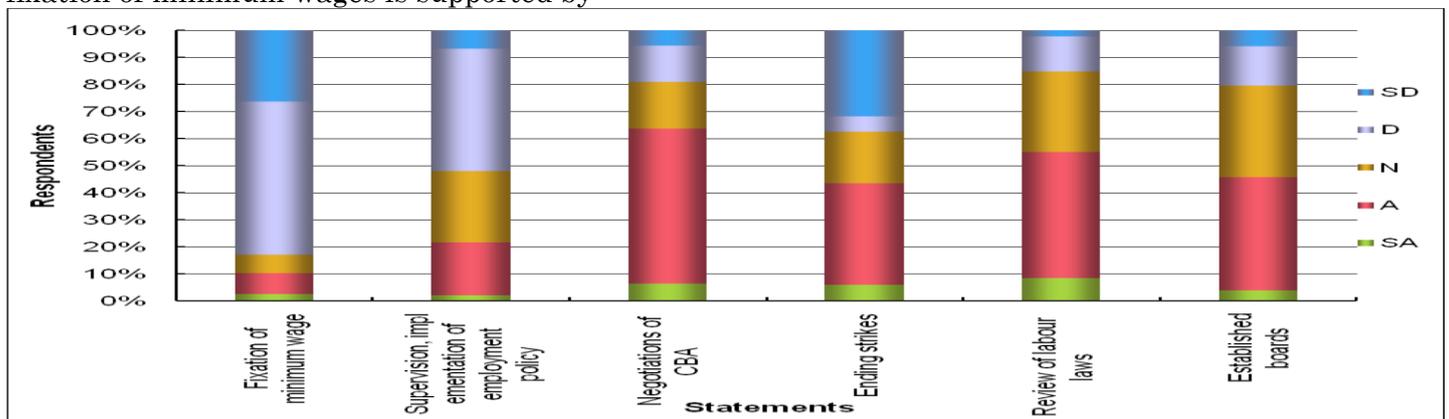


Fig 3: Areas of consultation

Table 2: Reported disputes on union – non- recognition in Kenya

| Year | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|----------------|------|------|------|------|------|------|------|------|------|------|------|
| Reported Cases | 345 | 15 | 18 | 11 | 25 | 28 | 31 | 35 | 53 | 43 | 76 |
| Total | 345 | 15 | 18 | 11 | 25 | 28 | 31 | 35 | 53 | 43 | 76 |

Source: Industrial Court Disputes Register.

Besides, the study found that there was delay in conclusion of collective agreements and where they had been concluded management had

partially implemented them culminating to strikes. This was against the Labour Relations Act [7]. The Economic Survey [8], supported the finding since it had indicated a decline of

collective agreement from 266 in 2010 compared to 297 in 2008. It was also found that strong cohesion within unions lacked culminating to break up and new groups seeking registration [2]. This was supported by statistics gathered from the trade unions register at the Ministry of Labour which indicated that thirteen trade unions had split from their mother unions and formed new independent ones. This move weakened trade unions influence. Indeed, as Singh and Singh [4] put it strong unions are not only desirable but necessary, a case contrary to some weak unions. However, there existed strong unions which effectively agitated for employees rights in organizations.

The Ministry of labour had adequately submitted disputes for final settlement by the Industrial Court. However, many disputes had not been

concluded. This was attributed to low staffing levels of the Court since by 2011 the Court had only 5 judges but in 2012 the number was increased to 15 judges. It is worth noting that attending to labour issues nationally had posed a challenge on the capacity of the Court. Statistics gathered from the Industrial Court Disputes Register indicated that in 2011- 2012 financial year 2267 disputes had been received, 955 had been finalized and 1312 had not be settled. The increase of disputes is further attributed to direct access of aggrieved employees to the Court in the repealed Labour Relations Act [7]. This was contrally to the former Trade Unions Act Cap 233 which only allowed collective representation at the Court. This had prohibited aggrieved individual employees who were not union members from seeking redress at the Court. The findings were as presented in Fig. 4.

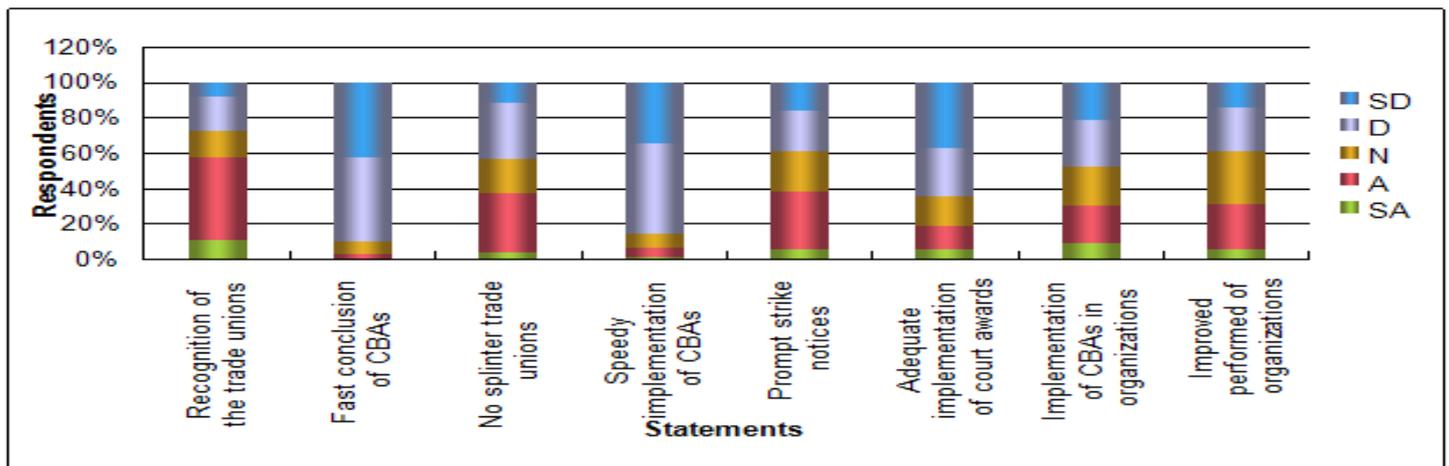


Fig. 4: Kenyan industrial relations system

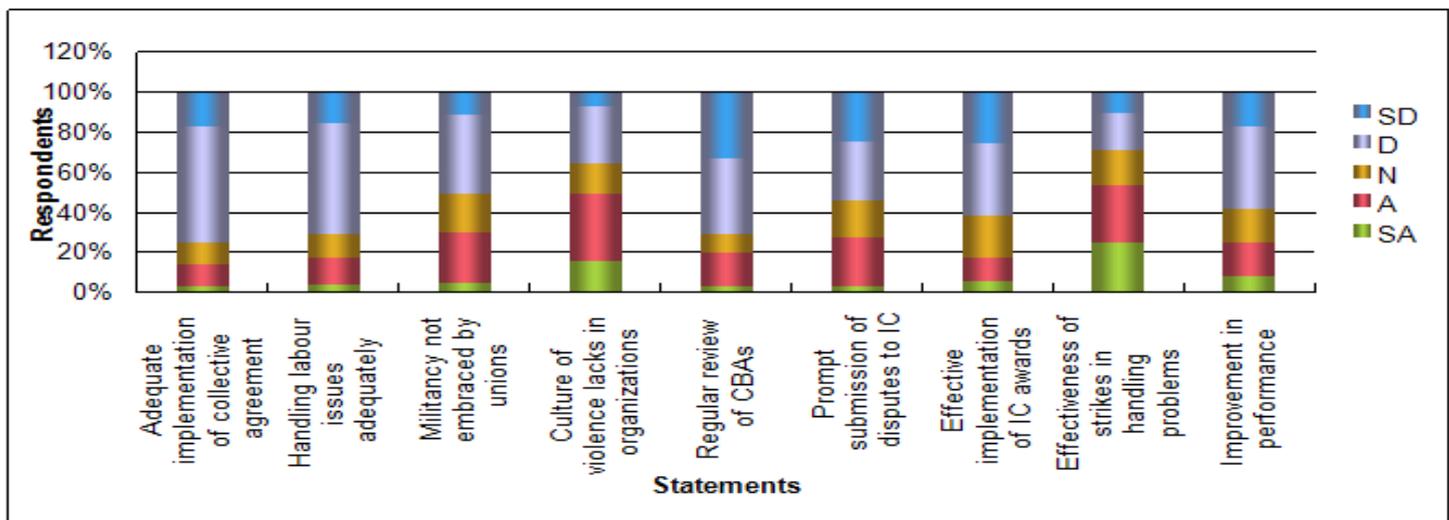


Fig. 5: Factors contributing to strikes in state corporations

The Industrial Relations System second stage is conclusion of collective agreement. Findings indicated that there was delay culminating to industrial actions. The study sought to further investigate the causes of strikes. Strikes are tools

used by workers in negotiations incases of deadlock [28]. Strikes were found to be triggered by failure to implement collective agreement as supported by Mutoro [27], who pointed out that strikes by universities' academic and non-

academic staff which paralysed public university learning, was caused by government's failure to implement 2008 – 2009 collective agreement. Strikes were also compounded by the fact that unions embraced militancy as the most effective way of solving labour disputes like payand unions considered strikes as making their legitimacy demonstrated [2]. The finding of causes of strikes was as presented in Fig. 5.

The correlation of the industrial relations system and performance of state corporations was computed. A scatter plot which gives a visual picture of the relationship between two variables, [29] indicated an upward trend. Hence, a linear regression model was appropriate [29]. The scatter plot was as presented in Fig.

Besides, the Pearson Correlation Coefficient of the two variables were computed and established to be 0.528. This implied a strong positive correlation between the two variables since the results belonged to a strong category of 1.0 to 0.5 [30]. Hence, industrial relations system significantly influenced the performance of state

corporations at 95% confidence level, since the Pearson Correlation Coefficient was 0.000 which is less than 0.05.

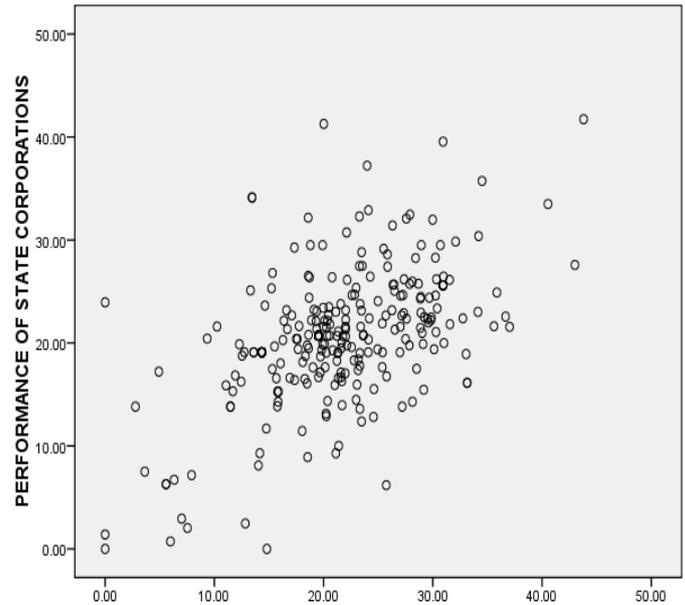


Fig. 6: Scatter plot for industrial relations system items versus performance of state corporations

Hence, alternative hypothesis was accepted that, Industrial Relations Systems has affected the performance of state corporations. The Pearson Correlation Coefficient is presented in Table 3.

Table 3: Pearson correlation coefficient for industrial relations system

| | | Performance of state corporations | Role of social partners |
|-----------------------------------|---------------------|-----------------------------------|-------------------------|
| Performance of State Corporations | Pearson Correlation | 1 | .528** |
| | Sig. (2-tailed) | | .000 |
| | N | 279 | 279 |
| Industrial Relations System | Pearson Correlation | .528** | 1 |
| | Sig. (2-tailed) | .000 | |
| | N | 279 | 279 |

From Table 4, it is clear that industrial relations system has a positive effect on the performance of state corporations, with a gradient of 0.473. This

implies that a unit change in the Industrial Relations System increases performance of state corporations at the rate of 0.473.

Table 4: Coefficient of the industrial relations system

| Model | Unstandardized coefficients | | Standardized coefficients | t | Sig. |
|-----------------------------|-----------------------------|------------|---------------------------|--------|------|
| | B | Std. error | beta | | |
| (Constant) | 10.542 | 1.030 | | 10.237 | .000 |
| Industrial Relations System | .473 | .046 | .528 | 10.356 | .000 |

The Goodness of Fit was computed by establishing the R-Square to explain how successful the fit is in explaining the variation of data [31]. The value of R-Square was .279. This meant that 27.9% of

the variation in the performance of state corporations was explained by the Industrial relations system. The remaining percentage could be explained by other variables. The Goodness of Fit is shown in table 5.

Table 5: Goodness of fit for industrial relations system

| Model | R | R square | Adjusted R square | Std. error of the estimate |
|-------|-------------------|----------|-------------------|----------------------------|
| 1 | .528 ^a | 0.279 | 0.277 | 5.453915 |

Partial correlation coefficient when the effect of tripartite consultation is present between the industrial relations system as the independent variable and performance of state corporations as a dependent variable was 0.528. The correlation coefficient when the effect of tripartite consultation was controlled was 0.376. Hence, the

difference between the two coefficients was 0.152. It is therefore clear that tripartite consultation intervened positively between industrial relations system and performance of state corporations as presented in Table 6.

Table 6: Effects of the tripartite consultation as an intervening variable

| Performance of State Corporations | | | |
|-----------------------------------|--|--|------------|
| Independent variable | Correlation coefficient when the effect of intervening variable is present | Correlation coefficient when the effects of intervening variable is controlled | Difference |
| Industrial relations system | 0.528 | 0.376 | 0.152 |

Summary and Conclusions

The findings of this study revealed that the existing industrial relations system in Kenya is adhered to but with a lot of challenges. There are established structures and mechanisms of handling labour issues but these had not been fully optimized. The study found that management of state corporations had entered into recognition agreements with trade unions. The agreements however were not arrived at without challenges. The statistics gathered from the Industrial Court Disputes Register indicated that between 2002 and June 2012, 343 cases of failure to recognize trade unions had been submitted to the Court for arbitration. After the Court's Intervention, the non-recognized unions were recognized.

The study also established that there had been delay in conclusion of collective bargaining agreements in some state corporations. Where the agreements existed, some management had hesitated implementing some parts of the agreement; culminating to industrial actions.

Besides, statistics gathered from the Industrial Court Disputes Register showed that registered agreement had reduced from 292 in 2008/2009 to 220 in 2011/ 2012 financial years. The delay in conclusion of collective agreements and inadequate implementation had been caused by the hard economic situations which had faced the country. As far as employers associations are concerned, collective bargaining had been hampered by lack of data on productivity and the fact that negotiations were based on the cost of living, leading to compensation of labour at the expense of capital. Besides, there was lack of transparency in negotiations and government concealed information. Hence, negotiations were political instead of being economic. Government was viewed to have worked to be popular and thus there was no line between technocrats and politicians. Hence, labour issues had been politicized.

Industrial actions in form of strikes were very common in many state corporations, occasioned by stalemates in negotiations and failure to

implement Collective Bargaining Agreements, failure to review agreements biannually as expected and salary differentials, where employees compared themselves with relevant others in public and private sector and felt disadvantaged.

Though the Ministry of Labour had submitted labour disputes for final settlement by the Industrial Court, many disputes had not been concluded by the Court. This was attributed to low staffing levels of the Industrial Court and direct access of aggrieved employees for redress by the Court. For instance from 2011 to 2012, 2267 disputes had been submitted to the Court, 955 cases had been finalized leaving 1312 cases not finalized.

Tripartite consultation thus existed which involved the partners in consultation over various issues of labour. Consultation had been substantially effective in harmonization of the 'actor' divergent interests. It was however faced with challenges of lack of good faith especially on the side of the management and government. In addition labour unions had embraced militancy

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which though a strategy were free to choose it had led to a feeling that they were disruptive to the organizations' operations. Generally, it was evident that tripartite consultation intervened positively between the industrial relations system activities and helped to enhance the performance of state corporations [31-34].

Recommendations

The government should enforce the adherence to the prescribed Industrial Relations System for harmony in the world of work which will consequently translate to high performance in organizations. The government should empower its labour department, the Ministry of Labour to play its role without fear or favour when it comes to conciliation and arbitration and adjudication of labour disputes. The government still should expand the capacity of Industrial Court judges to settle the backlog and handle labour disputes in a timely manner. Government should endeavour to depoliticize its influence on labor issues. Any final decision arrived at regarding disputes should be as objective as possible since any subjectivity with aggravate the problem.

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