



Effect of Collective Bargaining on Industrial Disputes Management

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Abstract

The industrial conflict appears to be a major problem hindering development in developing countries in general. It has been established that industrial disputes cause economic losses to organizations and poor relationships among employees and employers. Although conflict in an organization is inevitable, it should be understood that disputes between employees and employers must be reduced through mutually agreed mechanisms to a reasonable level that enables the creativity and performance of employees and the organization at large. This independent study paper seeks to review the effect of collective bargaining on industrial dispute management. The study will be guided by pluralism theory, Unitarian theory, systems theory, and human relations theory. The study concluded that collective bargaining agreement, joint consultation, and grievance handling are key tenets of industrial dispute management. The management and employee must embrace dispute management in totality to enhance industrial harmony, foster organizational performance, and enhance employee trust in management. It is recommended that all parties should respect the rights of each party in negotiation and that the agreement reached is documented and cited as the point of reference in resolving disputes. The study also recommends that management should strive to allow a give and take position while resolving conflicts, provide a grievance handling process that is timely and fair, involve both parties, and ensure that grievance capturing mechanism

is readily available to all parties. The study further recommends that joint consultation committees, unions, and management should coexist to resolve any dispute which arises. In mutual coexistence environment, the organization is able to tap into the stock of ideas, which are available within the organization.

Keywords: Collective Bargaining Agreement, grievance handling, Joint Consultation, and Industrial Dispute Management

1.0 Introduction

Conflicts in organizations have become inevitable and a major concern for organization management. According to Elenwo (2020), employees and management in the organization must work in harmony for industrial peace. Adeoti et al. (2020) contend that although conflict in an organization is inevitable, it should be understood that disputes between employees and employers must be managed through mutually agreed mechanisms to a reasonable level that enables creativity and performance of employees and the organization at large. Badekale et al. (2016) posit that dispute in employee-employer relations is a phenomenon that cannot be wished away whether the organization is unionised or non-unionised. Badekale et al. (2016) posit that while threats of strike cannot be absolutely prevented, conflicts or misunderstandings that often emanate from it can be well managed. Consequently, disputes in an organization can be managed through joint consultation forums, collective bargaining agreements, and grievance handling mechanisms set by organizations. Abioro et al., (2019) argue that collective bargaining can achieve a better result in resolving conflict in an organization. Organizations must have acceptable grievance handling mechanisms in place if industrial disputes must be arrested at an infant stage. Employee involvement in dispute management, recognizing the democratic rights of workers, and full recognition of workers has positive effect on industrial dispute management (Kibe, 2014). The objective of this study is to establish the role played by collective bargaining, grievance handling mechanisms and joint consultation on industrial dispute management.

The study will be guided by unitarism theory, human relations theory, pluralism theory and systems theory. The unitarism theory postulates that management and workers will work together as a unit for the good of the organization. Binyanya (2021) asserts that employees are expected to be loyal to the management, and the management in return, must do everything possible to uplift the welfare of the employees. On the contrary, pluralism theory argues that workers and management to work as independent entities in an organization with workers forming trade unions to balance the power of management. According to this theory, conflicts are inevitable and are

regarded as health for existence of the organization. According to Mzangwa (2015), the different groups in an organization are competitive in terms of leadership, authority and loyalty putting the organization in a permanent state of dynamic tension. On the other hand, human relations theory which this study will rely on, contends that workers are regarded qualitatively different from other resources, and they need to be valued, given autonomy, and developed in order to remain productive. According to Omodan et al. (2020), human relations theory is meant to manipulate workplace relations in ways that enable employees to feel personal satisfaction with being involved with the organization. Further, systems theory holds that work is to be governed by a wide range of formal and informal rules and regulations. It asserts that these rules are what industrial actors try to determine, that their establishment is influenced by the wider environmental context in which the actors operate and that the actors themselves share an interest in maintaining the processes of negotiation and conflict resolution.

1.1 Collective Bargaining

Collective bargaining is the process in which working people, through their unions, negotiate contracts with their employers to determine their terms of employment. In industrial relations, collective bargaining helps in managing industrial conflicts between employers and employees through collective negotiation and consultation with the workers' representatives and management. Do and Pham (2021) avers that collective bargaining takes place between an employer and employee representatives to come up with working conditions of employment, resolve the relationship between employers and workers, or resolve the relationship between employers or their organizations and one or more workers' organizations. According to Raj and Rani (2021), a trade union conducts collective bargaining on behalf of workers, which helps in negotiating labor conditions of employment to counterbalance the bargaining strength of the employer. The employer negotiates with only recognized trade unions that must demonstrate to represent a simple majority of unionizable workers. The strength of the union to collective bargain lies in the numbers of its members and its ability to remain permanent to represent members. The product of collective bargaining is a collective bargaining agreement signed by both parties in negotiation which is binding for the period under consideration.

Akhaukwa et al. (2013) indicated that collective bargaining had been noted to assist in fostering cooperation and mutual understanding between workers and management by providing a framework for dealing with industrial relations issues without resorting to strikes and lockouts. The relationship between management and employees will be peaceful if collective

bargaining agreement is implemented in a manner that is acceptable to elicit trust and productivity among the workers (Opara, 2013).

1.2 Grievance Handling Mechanisms

Grievance represents discontent by employees resulting from the actions or decisions of management representatives, whether real or imagined. Employee's grievances are often connected with dissatisfaction among employees on issues relating to work procedures, working facilities, ambiguities in the company's policies and the violation of provisions of terms and conditions of employment (Eromafulu et al., 2020). Organizational grievance handling is all about the process of handling complaints and dissatisfaction pertaining to and arising from the employee-employee relationships and employee-employer relationships and addressing them following established parameters. The steps followed in handling a grievance are explained below:

Defining and describing the nature of the grievance: This step helps to define and describe the nature of the grievance as clearly as possible.

Collect all the facts: All the facts regarding grievance are collected and analyzed. This helps to explain how, when, where, why, and to whom the grievance occurred. This step helps to gather all the information with facts and figures.

Establishing a tentative solution to the grievance: After getting a clear picture of the grievance, the next step involves the establishment of a tentative solution to the grievance.

Check the validity of tentative solution: Facts are gathered on the basis of the tentative solutions. Management establishes a tentative solution and then observes critically whether the hypothesis is right or wrong. It analyzes and searches for multiple solutions to the grievance.

Apply the solution: Management may seek an audience with the aggrieved employee and may also seek more information from other employees before applying the solution. It finally selects the best feasible and possible solution and implements the same.

Follow-up: Follow-up is the last step. Management may not conclude that the grievance has been resolved until a check is made to determine whether the employee's attitude has been favorably changed. Checking can be done through casual observation while the employees are working.

However, six major types of grievance handling methods are discussed here-under:

Under open door policy, Ngetich (2016) posits that the aggrieved employee is free to meet the top executive of the organization and get his/her grievance redressed. Such may work well for small or departmentalized organizations but may be difficult to enforce in large organizations as management most likely will not have time to attend to all grievances.

The other method used in grievance handling is the step ladder policy. Under this method, grievance settling involves a series of ladder-like- steps starting from the employee's immediate supervisor to top management or voluntary arbitration depending on the organization and the individual pursuing redress. Grievant-supervisor stage involves the grievant orally presenting his/her grievance to his/her immediate supervisor. Grievances of employees are analyzed and recorded one by one. Supervisor tries to settle such grievances as much as possible. Where the supervisor is unable to resolve the issue or the grievant is not satisfied with the outcome of the resolution he or she may proceed to the next stage.

The grievant-departmental head stage allows the grievant discusses the issue with his/her departmental head which normally is senior to the supervisor. The grievant moves to the next stage on the ladder if he or she fails to get the required resolution (Ogadmira and Zwingina, 2019).

Grievant-grievance committee is another method used in grievance handling. A grievance handling committee is set up to handle the issues raised by the grievant (Jules et al., 2021). Grievance committee members, especially for large organization with regional branches, are normally drawn from staff or management staff who work outside where the incidence of discontentment took place. For smaller organizations, it may comprise staff from other departments.

Finally, Grievant- top management is the final stage in the internal grievance handling process. At this stage, the top management attempts to resolve the issue in the best way it can in the overall best interest of the organization. Grievants in the unionized organization may seek external arbitration or an alternative dispute settlement process if he/she is not satisfied with the resolution at this stage.

Grievance handling is a paramount role of managers in the organization, and when grievances are not handled properly may result in low motivation, poor productivity, and low satisfaction in employees. Onyebuchi and Uchechi (2019) posit that grievances are indications of dissatisfaction on the part of individual members of an organization and groups with members that have a common interest. The suppression of grievances has far-reaching implications for the survival, growth and performance of industrial organizations. Tharuka and Sajeevanie (2020) argue that effective grievance handling is an integral part of the relationship between management and the workforce which when done in a sound manner will benefit both workers and management. Ochieng and Juma (2019) have established that management is obligated to organize formal grievance solving before they turn into disputes hence avoiding the adverse effects of disputes.

1.3 Joint Consultation

Joint consultation is a formal system of communication between the organization's leadership and worker's representatives prior to making decisions affecting the workforce. Joint Consultation embraces the rights of workers and aims to enhance decision-making processes by drawing upon employees' expertise and considering their interests. Employees may be consulted indirectly (through representatives) or directly (through opinion surveys). These forms of employee involvement can occur through suggestion schemes, quality circles, problem-solving groups (such as kaizen, or continuous improvement programs), total quality management, daily briefings, and consultation committees, depending on preference and the type of information sought. Onyeizugbe et al. (2018) say that employers are required to consult employees in time and provide adequate information for workers and their representatives to make informed decisions in a timely manner.

According to Gomez et al. (2019) when joint consultation is embraced, organizations are able to tap latent knowledge from employees to improve organizational performance, improve the work life of employees, and can ensure that the opinion and interests of employees have been given due consideration. Employees also benefit from improved job security or higher pay, high morale, and a highly engaged workforce may reap performance benefits.

1.4 Role of Government in Dispute Management

The government of Kenya has made tremendous efforts through the enactment of various labour legislations and domestication of international labour organizations statutes that touches on matters of labour relations and dispute management. Various parties in industrial relations play different roles in dispute management. The intervention of Government in industrial disputes is meant to safeguard the interest of industries while at the same time fostering economic growth in the country. Each country has developed legislation guidelines for industrial relations management. For instance, in India, the government passed industrial relations act in 1947 for the purpose of managing industrial disputes (Rathnamma and Rajendra, 2017). In Kenya, industrial dispute resolution is guided by Labour Relations Act 2007. The government, through various bodies and institutions, helps in the management and settlement of industrial disputes among members. For instance, the National Labour Board (NLB) is the successor to the Labour Advisory Board and operates as a tripartite advisory body to the Minister of labour on general issues pertaining to various elements of the labour market, including employment, productivity and wages, training, employment relations, labour legislation and matters relating to trade unions. It deals also with issues relating to the institutions and processes pertaining to the settlement of labour

disputes. Another important institution set up by the government is the employment and labour relations court (Tubey et al., 2015). The Court plays an important role in facilitating social dialogue. The Industrial Court is established in accordance with Article 162 (2) of the Constitution and has the same status as the High Court. The Industrial Court has the power to make the following orders within its jurisdiction: interim preservation orders, including injunctions in cases of emergency, prohibition, specific performance, declaration of rights, compensation, damages, reinstatement, or any other appropriate relief as the court may deem fit. The court orders are enforceable in accordance with the rules made under the Act. A dilemma exists when it comes to a court giving orders when employees who provide essential services go on strike. The right of employees to go on strike is envisaged in labour laws Gathongo and Ndimurwimo (2020) aver that the government and other stakeholders need to conclude on agreeing the minimum required employees in essential services providers not to enter into a strike.

Another important body established by the government is the wage councils established under section 43 of the Labour Institutions Act 2007. The act empowers the minister responsible for labour to establish wage councils whose functions include (a) investigating the remuneration and conditions of employment in any sector; (b) inviting and considering written and oral representations, in the prescribed manner, from interested parties and (c) making recommendations to the Minister on minimum wage remuneration and conditions of employment. Wage councils have the goal of putting in place a general (minimum) wage, in addition to a separate council in agriculture and in several industrial sectors, particularly where collective bargaining is weak or nonexistent.

1.5 Industrial Disputes

Industrial Dispute Act (1947) an industrial dispute means “any dispute or difference between employer and employer or between employer and workmen or between workmen and workmen, which is connected with the employment or non-employment or terms of employment or with the conditions of labor of any person”. In practice, Industrial dispute mainly refers to the strife between employers and their employees. According to Kibe (2014) industrial disputes emanate from protests organized against terms of employment that are not compliant with existing laws governing employment or conditions of work. Nzuve and Kiilu (2013) posit that industrial disputes may arise out of economic, political, social or from socio - economic background. At the same time, the attitude of the employers and employees is also responsible to a great extent. The factors leading to industrial disputes may be industry related, management related, government-related or union related. Musyoka (2013) avers that industrial disputes are caused in most cases

by factors associated with pay and when there is lack of clear procedures on how to carry out duties at work. Organization leadership has also been blamed on the rise of industrial disputes when they don't involve employees in decision-making affecting workers. It has been established that industrial disputes cause economic losses to organizations and poor relationships among employees and employers.

2.0 Theories Underpinning the Study

This section will look at theories which support the variables of this independent study paper. The study will rely on unitarism theory, human relations theory, pluralism theory and systems theory.

2.1 Unitarism theory

Whilst reference to 'unitarism' in employment relations appears first in the work of Ross (1958), it is with Alan Fox that the concept is predominately associated.

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The concept of unitarism is predominantly associated with Alan Fox but the concept of unitarism appeared in the works of Ross (1958), who associated the theory with being employer centered. This theory assumes that the management and workforce are working together for the good of the organization (Kaufman, 2004). It perceives the organization being a coherent team united by a common purpose. The management and other members of staff are presumed to share a common purpose emphasizing mutual cooperation. Kagwira (2019) assert that Unitary view has a paternalistic orientation where employees are expected to be loyal to the management and the management in return, must do everything possible to uplift the welfare of the employees.

Keith (2006) posits that conflict in the workplace may periodically emerge between the two but such occurrences are believed to be aberrations in a relationship that is inherently prone to be cooperative. Divisions that do exist are assumed to be the product of personality disorders, inappropriate recruitment and promotion practices, the deviance of dissidents, or poor communication. To ensure such division does not thwart the 'natural order' of things, it is thought that the rational management team must pay careful attention to remove the sources of potential conflict. Under Unitarism, trade unions are seen as unnecessary and unwanted in places of work (Cullinane and Dundon, 2012).

The theory becomes handy to explain how the management perceives another center of power emanating from workers who are uniting to form a

union and how the management of organization intends to handle conflicts and disputes that may emerge in the organization. The theory provides room for grievance handling mechanism which the organization puts in place to handle conflicts and disputes. In unitarism frame of reference, conflict resolution through negotiation is seen as a waste of time and management has the sole responsibility of exercising authority. The theory assumes that workers are not supposed to unite as unit to champion their grievance to management. Further the theory did not anticipate a situation where the right of association will be a right for all workers.

2.2 Human relations theory

Human relations theory comes from the so-called human relations school (Maslow, 1954; Mayo, 1933; Child, 1967). It focuses its attention to the condition of the work environment and the attention the management provides to its workforce. The Hawthorne experiment from 1927 to 1932 was a major breakthrough in investigating informal groups, informal relationship or associations, different patterns of communication and different styles of informal leadership (Emmanuel, 2021). Workers are regarded as qualitatively different to other resources used in production. Thus, if workers are denied autonomy on the job, or are reduced to acting as mere extensions of the machinery they operate or are given work that inhibits their capacity to create and think, it is argued that they will invariably find ways to subvert the methods of control that enforce these conditions. According to Omodan et al. (2020) the principal task of management on this conception is to manipulate workplace relations in ways that enable employees to feel personal satisfaction with being involved with the organization. Emmanuel (2021) avers that if the conditions at work satisfy employees, they will be motivated to work.

From this end it is evident that employees need to be treated right and involved in decision-making affecting how they handle work and any dispute that arises from work-related activities thus the need for joint consultation and need for grievance handling mechanism acceptable to all parties in employment. The theory informs the objectives of joint consultation and collective bargaining.

Organizations operating on this basis are expected to recognize the right of employees to have a say in how they are governed. They are also expected to take an active interest in developing the skills of employees as a means of demonstrating a commitment to their personal well-being. The proponents of the theory assumed that there will be job security, employee recognition, employee autonomy and participation in planning of work which in the ever-changing work environment is hard to accomplish with certainty.

2.3 Pluralism

Political philosophers trace the origins of the concept of pluralism to Aristotle in 350 BCE. Elements of pluralism grew popular in the 1700s with the development of political concepts by David Hume, John Stuart Mill, Charles Montesquieu and others. Pluralists differ from unitarists in that they start from a set of assumptions and values that workplace conflict is inevitable. They view the organization as a complex social construction made up of different interest groups who are invariably subscribing to different values and objectives. According to Mzangwa (2015) the different groups in an organization are competitive in terms of leadership, authority and loyalty putting the organization in a permanent state of dynamic tension. Based on pluralism, on the one hand, the role of management or employer relates mainly towards influencing and bringing about togetherness within the institution and is viewed as little inclined to be obligatory and dominant. On the other hand, unions are regarded as the rightful representatives of the workers. Both management and the union negotiate through collective bargaining, whereby differences that lead to conflict are resolved collectively.

By recognizing the inevitability of workplace conflict, those holding this perspective tend to regard conflict as necessary for the health of an enterprise as it serves to bring grievances held by workers to the surface. It is also argued that the potential for conflict provides a spur to managers to explore innovative methods for handling it in a way that will produce the best results (Dobbins et al, 2021). In this regard, it is argued that it does not only provide management with the most efficient means for institutionalizing employment rules and minimizing the level of workplace conflict but also encourages fairer outcomes by enabling employees to organize and counter-balance the power of managers when negotiating workplace contracts. According to Heery (2016), it is inevitable that workers will organize to take part in collective bargaining to come up with rules governing their relationships while in employment among them, which will involve dispute management.

The main criticism of this theory is that it seems to ignore the reality that there are groups that are dominant over others. These groups can influence the small groups and it could lead to phenomena when small interest groups only follow them to play chorus songs. This theory supports the need for collective bargaining and joint consultation in the organization to manage disputes.

2.4 Systems theory

This theory drew its frame of reference on a pluralist and was developed by Dunlop's (1958). According to Jayeoba et al. (2013), Dunlop essentially views the industrial relations system as a subsystem of the wider social system, similar to the economic and political sub systems. According

to Dunlop (1958), industrial relations at any time in its development involves certain actors, contexts, the ideologies that hold the system together and the body of rules created to govern the actors at the place of work and work community.

The theory holds that work is to be governed by a wide range of formal and informal rules and regulations, which cover everything from recruitment, holidays, performance, wages, hours and a myriad of other details of employment. It asserts that these rules are what industrial actors try to determine, that their establishment is influenced by the wider environmental context in which the actors operate and that the actors themselves share an interest in maintaining the processes of negotiation and conflict resolution. On the back of these assertions, four elements are held to make up the system of industrial relations rule-making.

- a. The first is industrial actors, which consists of employers and their representatives (i.e., employer associations), employees and their representatives (i.e., trade unions), and external agencies with interest in industrial relations (i.e., government departments and labour courts).
- b. The second is the environmental context, which was made up of prevailing economic and technological conditions, as well as the distribution of power in wider society, each of which is thought to influence or constrain the actions of actors engaged in industrial relations.
- c. The third is a so-called ‘web of rules’ that governs the employment relationship and is held to be the outcome of interactions between the actors.
- d. The last is a ‘binding ideology’, which is a set of common beliefs and understandings that serve to encourage compromises on the part of each actor for the sake of making the system operable.

Therefore, all actors in employment relationship will engage in collective bargaining, consult jointly to establish rules governing their conduct while in employment relationship. Out of the engagement, the actors will establish grievance handling mechanism. Thus this theory informs the need for joint consultation, grievance handling mechanism and collective bargaining which this study wishes to explore.

An important aspect of this framework conceives the industrial relations system as self-adjusting towards equilibrium. Change in one element has repercussions for the other elements. They are held to set in motion a range of processes that invariably restores a sense of order on the system. Systems theory suffers a weakness of a tendency to offer generalized ideas, especially when applied in specific scenario. It fails to give measures to take when handling a specific situation thus giving practitioners to think of solutions outside the theory.

3.0 Literature review

3.1 Collective Bargaining Agreement in Management of Industrial Dispute

Tapakuwa and Sheifa (2019) looked at the effectiveness of collective bargaining in conflict resolution in the retail industry. The study used qualitative research approach with face-to-face interviews allowing the researcher to probe further into the research topic. The study used snowball sampling technique to select a sample from a population of 500 employees in the retail industry in Mutare urban. The study revealed that most of the retailers participate in the collective agreements and are compliant with the labour acts. Further established work councils at work participate in collective agreement and facilitate resolution of disputes relating to rights and interests. The study indicated that collective bargaining promotes industrial peace, harmony and industrial relations, which has resulted in reduction of industrial conflicts.

Karimi and Nyawira (2019) sought to establish the relationship between trade union campaigns and organizational performance in the health sector in Kiambu County. The study used descriptive research design, collecting data from a sample of 99 respondents drawn from a population of 550 employees of three departments in the health sector. The study established that dispute resolution has a positive influence on organization performance. It was further established that trade unions are participating in negotiation and management of disputes in the organization which has resulted in improved performance.

Sawe, Kimutai and Kemboi (2018) looked at the influence of collective bargaining agreement structures on tripartite employment relationships in manufacturing companies in North Rift Counties. The study focused on determining the influence of collective bargaining agreement structures, dispute resolution mechanisms, industrial relations training and labour legislation on industrial relations in manufacturing companies in North Rift Counties.

Agbo (2020) examined the effect of collective bargaining on conflict resolution in organizations by carrying out a study of Juhel Pharmaceutical Company, Enugu, Enugu State in Nigeria. The data was collected from a population of 60 members of staff with simple random sampling used to select a sample of 30 respondents who were issued with questionnaires. The study established that there is a positive relationship between collective bargaining and conflict resolution. It was further established that sex and age have a positive relationship in conflict resolution. Collective bargaining provides amicable mechanisms for settling grievances and conflicts between employees and management.

3.2 Grievance Handling in Industrial Disputes Management

Njiraini and Gachunga (2015) studied the effect of grievance handling procedure on conflict management in Kenya. The study adopted a descriptive research design. The population was 106 employees working in Kenya's national teacher's union office in Nairobi. Stratified random sampling was used to select a sample of 53 respondents who were issued with questionnaires. The study established that Kenya national union of teachers has put in place avenues for handling grievances at work and that presence of grievance capturing systems has positively influenced conflict management in Kenya National Union of Teachers. Presence of timely grievance procedure which assures greavants confidentiality and fairness creates committed employees. A well-managed conflict brings together the conflicting parties, the parties freely communicate with each other, thus enhancing intergroup harmony. Also the management should strive to allow a give-and-take position while resolving conflicts and work with employees to find solutions that fully satisfy the concerns of both employer and employee.

Ntabo and Oyogo (2019) carried out a study on the influence of the grievance handling process on conflict management in public universities in Nakuru County, Kenya. The study adopted a descriptive research design methodology and with the population being drawn from six selected public universities in Nakuru County. The study targeted 147 employees from the selected universities, with data being collected through a questionnaire using closed-ended questions. The study revealed that grievance capturing systems and grievance handling mechanisms are in place in selected universities under study. It was further revealed that the grievance handling process has enhanced problem solving between workers and management where each part is brought to speed in an open manner with the underlying issues in the grievance with both parties working to resolve the matter in question. The study recommended that the grievance handling process must be timely and fair, involve both parties, and ensure that grievance capturing mechanism is readily available to all parties.

Gomathi, S. (2014) looked at grievance management in improving employee performance in a Pvt enterprise. In the study, the researcher sought to establish a grievance management system prevailing in a Pvt. Enterprise, understand how employee's grievances are redressed establish factors that influence employee retention and how the factors relate to employee performance. The study adopted descriptive research design targeting 1000 respondents from which a sample of 500 respondents being selected. Direct interview and structured questionnaire was used to collect data. The study revealed that the organization does not have established grievance handling

procedure however, workers find it easy to approach management whenever they have an issue they want resolved. The employees are happy with informal procedures used to handle their grievance hence they are satisfied. Ramlal and Mozumder (2016) carried out a theoretical review to understand the role of grievance handling procedure by reviewing existing literature and legislations in dispute management. The duo alleges that grievance handling procedure is a formal forum for communication of information to grievants. The study concluded that grievance is one of the major challenging job for the organizations but prevention is always better than cure. The study established that employee will give their best effort when every genuine problem is addressed by the employer. Grievance Redress system develops the trust of employees in the organization so there should proper mechanism to prevent or resolve the issues of individual or group of employees.

3.3 Joint Consultation Committee in Industrial Disputes Management

Gomes et al (2019) carried out a study to look at the relationship between joint consultation systems at the workplace and employee satisfaction in four countries namely; Australia, USA, Canada and Britain. The study focused on contexts where there is possible interaction between union and management with high commitment strategies. In particular, the authors focused on non-union employee representation at the workplace, in the form of joint consultative committees and the potential moderating effects of union representation and high-involvement human resource practices. The study established that there is a need to re-evaluate the role that joint consultation committees play in the subjective well-being of workers. The evidence from the study suggests that joint consultation committees have a positive influence on employee satisfaction. In high commitment/involvement environments, joint consultation committees, union and management have coexisted for the better.

A study by Okpu, and Jaja, (2014) examined the relationship between joint consultation, a form of employee voice and worker's commitment. The study adopted a cross-sectional survey design, and a sample size of 357 workers from the banks in the South-South zone of Nigeria was used as respondents. The study established that joint consultation results in committed and satisfied employees. It is evident that that employers introduce joint consultation to enhance efficiency by increasing the stock of ideas, which are available within the organisation because of the wider exposure of an issue or problem; to reduce industrial action as it provides an opportunity for employees to express their views; it leads to increased employee satisfaction due to the greater level of commitment that joint consultative committee brings.

Adikaram (2016) carried out a case study to outline and explore the implementation of a Joint Consultative Council (JCC) and the related outcomes, challenges and issues faced by an information technology (IT) company in Sri Lanka. The study established that issues concerning employee welfare and matters affecting their employment were discussed and later employees were given opportunity to make decisions. However, it was established that more time was needed for implementation to build trust between parties.

3.4 Critical Review of Literature

From the reviewed literature, it is evident that collective bargaining agreement plays a role in the management of industrial disputes. For instance, Tapakuwa and Sheifa (2019) looked at the effectiveness of collective bargaining in conflict resolution in the retail industry. Sawe et al. (2018) looked at the influence of collective bargaining agreement structures on tripartite employment relationships in manufacturing companies in North Rift Counties. It was revealed that collective bargaining agreement plays a role in employee relationship stability by facilitating the resolution of grievances relating to worker's interest. Whereas Tapakuwa and Sheifa (2019) looked at how collective bargaining relates to conflict resolution, Sawe et al. (2018) were keen on collective bargaining structure. Further, Karimi and Nyawira (2019) sought to establish the relationship between trade union campaigns and organizational performance who established that when unions participate in collective bargaining negotiation, it results to better management of disputes and performance of employees, which agrees with the study by Agbo (2020) who averred that collective bargaining provides amicable mechanisms for settling grievances and conflicts between employees and management.

From the literature reviewed (Njiraini and Gachunga, 2015; Ntabo and Oyogo, 2019), presence of grievance handling mechanism and grievance capturing system is paramount in management of conflict at work. They contend that grievance handling mechanism should be timely, allow parties to communicate openly and provide confidentiality to grievant. Gomathi (2014) in studying how grievance management can improve employee performance established that workers find it easy to approach management whenever they have an issue they want resolved. The employees are happy with the informal procedures used to handle their grievance hence they are satisfied. It is evident that the studies by Njiraini and Gachunga, (2015), Ntabo and Oyogo (2019) and Gomathi (2014) all failed to link grievance management to industrial dispute management. A study by Ramlal and Mozumder (2016) has indicated that when grievances are handled in a procedural manner, they bring about the best in employees that allow them to perform better in their duties. The study

by Ramlal and Mozumder (2016) has not linked grievance handling to dispute management.

Further, Gomes et al. (2019) carried out a study to look at the relationship between joint consultation systems in the workplace and employee satisfaction. The evidence from the study suggests that joint consultation committees have a positive influence on employee satisfaction. In high commitment/involvement environments, joint consultation committees, union and management have coexisted for the better. A study by Okpu, and Jaja (2014) established that joint consultation results in committed and satisfied employees. Joint consultation to enhance efficiency by increasing the stock of ideas, which are available within the organization, to reduce industrial action as it provides an opportunity for employees to express their views. The studies however failed to link joint consultation committee to industrial dispute management. A study by Adikaram (2016) has established that trust between the parties in joint consultation is important for continuous growth in joint consultation as a means of resolving disputes. Employees will be willing to participate in joint consultation if they have trust in management and they have space to make decision on issues that affect them.

4.0 Conclusion and Recommendations

4.1 Conclusion

From existing literature, it has been established that organization and worker's representatives are participating in collective bargaining with dispute resolution as the key component in the agreement. It has been shown that collective bargaining promotes industrial peace, harmony and industrial relations, which has resulted in a reduction in industrial conflicts. When disputes are resolved through a mechanism entrenched in collective bargaining agreement it brings a positive influence on organization performance. The actors in collective bargaining need to be trained on industrial relations for the purposes of ensuring quality in agreements and adequacy in implementation. It is evident that a number of organizations have put in place avenues for handling grievances at work and that grievance capturing systems have also been made available to grievant. Presence of a timely grievance procedure which assures grievant confidentiality and fairness creates committed employees, group harmony and organization performance. A well-managed conflict brings together the conflicting parties, the parties freely communicate with each other thus enhancing intergroup harmony. The grievance handling process enhance problem solving between workers and management where each party is brought to speed in an open manner with the underlying issues in the grievance with both parties working to resolve the matter in question.

Joint consultation committees have a positive influence on employees' satisfaction. In high commitment/involvement environments, joint

consultation committees, union and management have coexisted for the better. It is evident that employers introduce joint consultation to enhance efficiency by increasing the stock of ideas which are available within the organisation because of the wider exposure of an issue or problem. It also helps to reduce industrial action as it provides an opportunity for employees to express their views. Further it leads to increased employee satisfaction due to the greater level of commitment that joint consultative committee brings.

Consequently, this independent study paper concludes that collective bargaining agreement, joint consultation and grievance handling are key tenets of industrial dispute management in organizations which the management and employee must embrace in totality to enhance industrial harmony, foster organization performance and enhance employee trust.

4.2 Recommendations

4.2.1 Collective Bargaining

For collective bargaining to be effective, the parties involved in negotiation should do so with utmost good faith. The management should allow workers to form trade unions and negotiate with workers through their elected representatives. It is recommended that all parties should respect the rights of each party in negotiation and the agreement reached documented and cited as the point of reference in resolving disputes. Further, the management should strive to allow a give and take position while resolving conflicts and work with employees to find solutions that fully satisfies the concerns of both employer/employee organization and employee/employee representatives.

4.2.2 Grievance Handling Mechanisms

The study recommended that employees must be made aware of grievance handling mechanism in place within the organization. The study recommended that grievance handling process must be timely, fair, involve both parties and ensure that grievance capturing mechanism is readily available to all parties. The management should be open and willing to resolve grievances in a timely and professional manner as per laid down procedures. Presence of timely grievance procedure which assures grievant confidentiality and fairness creates committed employees. The study recommends that the management should strive to allow a give and take position while resolving conflicts and work with employees to find solutions that fully satisfies the concerns of both employer and employee.

4.2.3 Joint Consultation Committees

The study recommended that for joint consultation committees to have a positive influence on employee satisfaction, it is paramount that joint consultation committees, union and management should coexisted to resolve

any dispute which arises. In mutual coexistence environment, the organization is able to tap into the stock of ideas, which are available within the organisation because of the wider exposure of an issue or problem and to reduce industrial action as it provides an opportunity for employees to express their views.

4.3 Areas for Further Studies

There is need to carryout longitudinal research over a period of time to establish how over a period of time implementation of collective bargaining, grievance handling mechanisms and joint consultation committees affect industrial dispute management.

There is need to replicate the same study in other areas of the economy so as to check whether the same results would hold.

The study also suggests that further research be done on the challenges affecting the implementation of grievance handling mechanism, collective bargaining agreement and how the impact on dispute management in organizations.

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