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Effects of Collective Bargaining on Industrial Disputes Management

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Abstract

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 relationship 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 enable creativity and performance of employees and the organization at large. This paper focuses on reviewing the effect of collective bargaining on industrial disputes management. The existing literature on collective bargaining, joint consultation, grievance handling, and industrial dispute management was also examined. The study objectives further establish how collective bargaining, joint consultation, and grievance handling mechanism influence dispute management in an organization. Pluralism theory and human relations theory was used as a guide for this study. It was concluded that collective bargaining agreement, joint consultation, and grievance handling are key tenets of industrial dispute management. All parties are recommended to respect the rights of each party in negotiation and the agreement reached should be documented and cited as the point of reference in resolving disputes. The management should strive to allow a give and take position while resolving conflicts, provide grievance handling process that is timely, fair, involve both parties, and ensure that

grievance capturing mechanism is readily available to all parties. Joint consultation committees, union, and management should also 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 organisation.

Keywords: Collective Bargaining Agreement, grievance handling, Joint Consultation, 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 enable creativity and performance of employees and the organization at large. Badekale et al. (2016) also contend that dispute in employee-employer relations is a phenomenon which cannot be wished away whether the organization is unionised or non-unionised. Badekale et al. (2016) argues 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. According to Abioro et al. (2019), the organization has currently adopted autocratic leadership and goes further to argue that collective bargaining can achieve a better result in resolving conflict. 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 a positive effect in industrial disputes 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 is guided by human relations theory and pluralism theory. Pluralism theory perceives workers and the management of organization as opposing forces working their own interests. 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, which puts 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. Omodan et al. (2020) states that human relations theory is meant to manipulate workplace relations in ways that enable employees to feel personal satisfaction with being involved with the organization. While pluralism perceives the employers and employees to be in dynamic struggle to better their interest, human relations theory tries to bring order by aligning the employer and the employees towards a common goal and taking into consideration the diversity of the parties in employment disputes.

In accordance with the 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. Kibe (2014) asserts that industrial disputes emanate from protests organized against terms of employment which 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. Musyoka (2013) avers that industrial dispute are caused in most cases by factors associated with pay and when there is lack of clear procedures on how to carryout duties at work. It has been established that industrial disputes cause economic losses to organizations and poor relationship among employees and employers. Therefore, the objective of this study focuses on how collective bargaining, grievance handling mechanism, and joint consultations influence dispute management in organization.

Collective bargaining is the process in which working people, through their unions, negotiate contracts with their employers to determine their terms of employment (Onguso et al., 2016). Do and Pham (2021) avers that collective bargaining takes place between employer and employee representatives so as 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 labour conditions of employment to counterbalance the bargaining strength of the employer. Akhaukwa et al. (2013) also indicated that collective bargaining fosters cooperation and mutual understanding between workers and management by providing a framework for dealing with industrial relations issues without resorting to strike and lockouts.

Similarly, 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 procedure, working facilities, ambiguities in company's policies, and the violation of provisions of terms and conditions of employment (Eromafulu et al., 2020). Organizational grievance handling involves managing complaints and dissatisfaction pertaining to and arising from employee-employee relationship and employee-employer relationship and addressing them through established parameters. 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 common interest. Tharuka and Sajeevanie (2020) argue that effective grievance handling is an integral part of the relationship between management and workforce, which will benefit both workers and management when executed in a sound manner. Ochieng and Juma (2019) have established that management are obligated to organize formal grievance solving before they turn into disputes in order to avoid the adverse effects of disputes.

According to Okpu and Jaja (2014), joint consultation is a formal system of communication between the organization leadership and worker's representatives prior to taking decisions that affect the workforce. Onyeizugbe et al. (2018) opined 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. Gomez et al. (2019) argues that when joint consultation is embraced, organizations are able to tap latent knowledge from employees to improve organizational performance, upgrade work life of employees, and ensure that the opinion and interests of employees is given due consideration. Employees also benefit from improved job security or higher pay, high morale, and a highly engaged workforce may reap performance benefits.

2.0 Theories Underpinning the Study

This section will examine theories which support the variables of this independent study paper. The study will rely on human relations theory and pluralism theory.

2.1 Human Relations Theory

Human relations theory comes from the so-called human relations school (Maslow, 1954; Mayo, 1933; Child, 1967). It focuses its attention on 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. In the case of Unitarism theory, the management believes it has the sole responsibility to rule whip workers to focus on organization objectives but must be humane and consider how workers are treated in the organization. From this end, it is evident that employees need to be treated right and been involved in decision making affects how they handle work and any dispute that arises from work related activities. Therefore, there is a need for joint consultation and grievance handling mechanism that is 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.

2.2 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 since 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, which puts the organization in a permanent state of dynamic tension. Based on pluralism, an employer relates mainly towards influencing and bringing about togetherness within the institution and is inclined to be obligatory and

dominant. On the other hand, unions are regarded as the rightful representatives of the workers.

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 relationship while in employment, which will involve dispute management.

The main criticism for this theory is that it seems to ignore the reality that there are groups which 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. It is evident that there will always be groupings within the employment relationship fighting for their rights and each group shall have varied power. Therefore, collective bargaining and joint consultation in the organization will be inevitable to manage disputes.

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 interview which allowed the researcher to probe further on the research topic. Snowball sampling technique was used 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 collective agreement 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. It is indicated in this study 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 and collected data from a sample of 99 respondents drawn from a population of 550 employees

of three departments in the health sector. It was established that dispute resolution has positive influence on organization performance. Also, trade unions participate 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. The study also targeted a total of 8877 employees and 12 Human Resource managers in the manufacturing companies in North Rift Counties. Stratified and simple random sampling technique was used to pick a sample of 2488 employees. Census was employed and the 12 Human Resource managers were included in the study. Questionnaire and interview schedule were employed as data collection techniques. It was established that there is a relationship between collective bargaining agreement and employment relationship. Therefore, the study recommended that structures be put in place for collective bargaining.

Agbo (2020) examined the effect of collective bargaining on conflict resolution in organizations by carrying out a study of Juhel Pharmaceutical Company in Enugu State, Nigeria. The data was collected from a population of 60 members of staff and simple random sampling was used to select a sample of 30 respondents who were given 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 descriptive research design. The population was 106 employees working in Kenya national teacher's union office in Nairobi. Stratified random sampling was used to select a sample of 53 respondents who were given questionnaires. The study established that Kenya national union of teachers has put in place avenues for handling grievances at work and the presence of grievance capturing systems has positively influenced conflict management in Kenya National Union of Teachers. The presence of timely grievance procedure which assures grievant confidentiality and fairness creates committed employees. A well-managed conflict brings together the conflicting parties to

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 satisfies the concerns of both employer and employee.

Ntabo and Oyogo (2019) carried out a study on the influence of grievance handling process on conflict management in public universities in Nakuru County, Kenya. The study adopted a descriptive research design methodology and the population was drawn from six selected public universities in Nakuru County. The study targeted 147 employees from the selected universities and data was collected through a questionnaire using closed-ended questions. It was revealed that grievance capturing system and grievance handling mechanisms are in place in selected universities under study. Also, 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. As a result, both parties work together to resolve the matter in question. 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.

Gomathi (2014) observed 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 identify how the factors relate to employee performance. Descriptive research design was adopted and 1000 respondents were targeted. However, a sample of 500 respondents were selected from the study's target. Direct interview and structured questionnaire were used to collect data. The study revealed that the organization does not have established grievance handling procedure. Nonetheless, 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, which indicates that 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 grievant. The study concluded that grievance is one of the major challenging jobs for the organizations but prevention is always better than cure. More so, it was 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. Therefore, there

should be proper mechanism to prevent or resolve the issues of an individual or a group of employees.

3.3 Joint Consultation Committee in Industrial Disputes Management

Gomes et al. (2019) carried out a study to observe 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 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 employers introduce joint consultation to enhance efficiency by increasing the stock of ideas, which are available within the organization, because of the wider exposure of an issue or problem. It also helps to reduce industrial action since it provides an opportunity for employees to express their views. Furthermore, employee satisfaction level is increased 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. It was found that implementation of JCC in the company as a form of employee voice was a result of a planned intervention of the new Human Resources (HR) team of the company, with the intentions of increasing employee involvement, commitment, employee relations and most importantly, communication. The study established that issues concerning employee welfare and matters affecting their employment were discussed and employees were later given the 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 significant role in management of industrial disputes. For instance, Tapakuwa and Sheifa (2019) examined the effectiveness of collective bargaining in conflict resolution in the retail industry. Sawe et al. (2018) considered 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 resolution of grievances relating to worker's interest. Tapakuwa and Sheifa (2019) argued that the success of collective bargaining will relate to how effective it results to conflict resolution. On the contrary, Sawe et al. (2018) were keen on associating the success of collective bargaining to well defined collective bargaining structures. Furthermore, Karimi and Nyawira (2019) sought to establish the relationship between trade union campaigns and organizational performance. Interestingly, when unions participate in collective bargaining negotiation, it results to better management of disputes and performance of employees. This is in agreement 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 & Gachunga, 2015; Ntabo & Oyogo, 2019), the 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 the grievant. Gomathi (2014), while 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 informal procedures used to handle their grievance, which indicates that they are satisfied. Thus, it is evident that the studies by Njiraini and Gachunga, (2015), Ntabo and Oyogo (2019), and Gomathi (2014) 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, it brings out the best in employees which allows them to perform better in their duties. However, the study by Ramlal and Mozumder (2016) has not linked grievance handling to dispute management.

In addition,, Gomes et al. (2019) carried out a study to look at the relationship between joint consultation systems at 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 enhances efficiency by increasing the stock of ideas which are available within the organization. It also reduces industrial action since 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 space to make decision on issues that affect them. Organizations operating in the spirit of consulting its workers on matters recognize the principles and tenets of human relations theory which believes that for employees to be governed, the management of organization will need to treat employees as human beings and respect their rights.

4.0 Conclusion and Recommendations

4.1 Conclusion

From existing literature, it has been established that organization and worker's representatives participate 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 reduction of industrial conflicts. When disputes are resolved through a mechanism entrenched in collective bargaining agreement, it results to a positive influence on organization performance. The actors in collective bargaining need to be trained on industrial relations for 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 grievance capturing systems have also been made available to the grievant. The presence of 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 to freely communicate with each other, thus enhancing intergroup harmony. Grievance handling process improve problem solving between workers and management where each party is brought to speed in an open manner with the underlying issues in the grievance. As a result, both parties work together 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 since it provides an opportunity for employees to express their views. Furthermore, employee satisfaction level is increased 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 should be documented and cited as the point of reference in resolving disputes. The parties to negotiate should be guided by a common objective, which is working towards achieving the vision of the organization. Therefore, parties in collective bargaining should strive to allow a give and take position while keeping in mind the common goal of achieving solutions intended to satisfy both parties resolving conflicts. It is important to also work with employees to find solutions that fully satisfies the concerns of both parties to a dispute.

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 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. The presence of timely grievance procedure which assures grievant confidentiality and fairness creates committed employees. Furthermore, 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 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, because of the wider exposure of an issue or problem. More so, industrial action is reduced since it provides an opportunity for employees to express their views.

4.3 Areas for Further Studies

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

Subsequently, the same study should also be replicated in other areas of the economy so as to check whether the same results would hold. The study also suggests that further research should be carried out on the challenges affecting the implementation of grievance handling mechanism, collective bargaining agreement, and the impact on dispute management in organizations.

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