



**INFLUENCE OF TRADE UNION'S PROTECTION OF EMPLOYEES' RIGHTS ON EMPLOYEE'S PRODUCTIVITY IN TVET INSTITUTIONS IN KENYA**

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**ABSTRACT**

*The study aimed at establishing the influence of trade union's protection of employees' rights on employee productivity in Technical and Vocational Education Training (TVET) Institutions in Kenya. The research adopted cross sectional survey research design. The target population was TVET Institutions with 5718 individuals that included Principals, Deputy Principals, heads of departments, teaching staff, non-teaching staff, a ministry of science and technology education official, Secretary Generals of KNUT, KUPPET, COTU, TUC and representative from the TVET Institutions. The sample size was 361 of which 315 responded. Purposive sampling was used to select 10% of sample size of institutions for pilot testing. Normal approximation to the binomial distribution and stratified sampling were used to arrive at the sample size. A structured questionnaire and an interview schedule were used to collect primary data. The questionnaire was pretested before data collection for validation and reliability. Secondary data was collected through evaluation of journals, reports, and publications. The Statistical Package for Social Sciences (SPSS) version 22 was used for the statistical analyses. The study revealed a positive linear relationship between trade union's protection of employee's rights and employees' productivity. The study recommended that TVET Institutional Heads should always avoid any intimidation activities towards union officials. The study is beneficial to Education stakeholders, trade union officials and the Government at large.*

**Key Words:** Trade Union Protection, Employee Productivity, TVET Institutions in Kenya

## INTRODUCTION

According to Adewumi (2012), since the inception of paid employment, through a combination of sustained struggles and appeals to the conscience of the rest of society, workers using the platform provided by their organizations (trade unions), have been able to secure for themselves a number of rights. These rights are predicated on, and complemented by, some constitutional provisions which confer certain rights on workers as citizens of their countries. Employees and trade union rights are those legal provisions which are meant to protect workers in the course of employment. Workers' rights can be described as a subset of human rights. Such rights are conferred on workers and their organizations taking into consideration their special role and the need to protect them from extreme abuse and exploitation in the hands of profit-conscious employers often backed by a collaborative state (Adewumi, 2012). Trade unions are agencies for commenting on economic, social and political affairs including securing legislative protection for workers from the government by acting in accordance with existing laws and regulations, the rules of the union and good industrial relations practice; liaising with and seeking advice and assistance from the appropriate full-time trade union official (Beardwell & Claydon, 2007). According to Cote, (2013) trade unions try to defend their member's right to work and are supportive of both macro and micro economic policies that would be conducive to high employment.

These rights are embedded in conventions and recommendations of the International Labour Organization (ILO) as well as the national legislation. The ILO, which was established in 1919, has been the major international and intergovernmental body driving the need to ensure that workers, individually and collectively, enjoy certain minimum rights. The member countries of the ILO are

expected to comply with its conventions and recommendations, while national governments are expected to take a cue from the international instruments to enact similar domestic legislation. There is need to stress that worker struggles, based on the need to secure certain measures of dignity for workers, have also assisted in conceding some rights to workers. The need for these rights was also reinforced by Articles 23 and 24 of the United Nations Universal Declaration of Human Rights of 1948. Article 23 says:

*“Everybody has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. Everyone, without discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented if necessary by other means of social protection. Everyone has the right to form and join trade unions for the protection of rights (cited in Committee for Defence of Human Rights (CDHR) 1996, Annual Report, 113)”*. On its part, Article 24 reads: *“Everyone has the right to rest and leisure, including, reasonable limitation of working hours and periodic holidays with pay.”*

Although the United Nations (UN) declaration came much later after some of the core ILO conventions, it has the effect of reinforcing them as it addresses all the major issues in the employment relationship. These cited articles are enough grounds for employees and their organizations to insist on an employment relationship that respects their dignity as human beings (Adewumi, 2012). Halpern *et al.*, 1980 cited in Nyombi, (2013), indicate that the need for policy measures to rescue employees from the uncertain and distressing position they find themselves during corporate insolvencies has been a much debated issue since the enactment of the Limited Liability Act in 1855 which allowed company

promoters to keep their personal assets during bankruptcy proceedings.

It was until 1949 that the International Labour Organization (ILO) sought to provide general protection for employees during employer insolvency. The organization produced a protection of wages convention, which under Article 11.1 called for employees to be treated as “privileged creditors” (ILO, 1949 cited in Nyombi, 2013). By giving national regulators the right to determine the relative priority of employee claims watered down the effect of the convention (ILO, 1982 cited in Nyombi, 2013). This meant that where a guarantee institution protected employees’ claims, such claims would not be given the priority status. The ILO strengthened the position of employees in 1982 by passing the Termination of Employment Convention (ILO, 1982). Article 11 of the convention required employers to provide employees with reasonable notice for termination of employment contracts and if they were unable to provide a reasonable notice, compensation was required. It also called for direct participation of worker representatives during redundancy, particularly due to employer insolvency (Halpern *et al.*, 1980 cited in Nyombi, 2013).

The European Union (EU) picked up where the ILO’s left off by issuing a directive calling on member states to protect employees in cases of insolvency (The Council of the European Communities, 1980 cited in Nyombi, 2013). This directive, which was updated in 2002, requires guarantee institutions to secure claims related to employment. The directive also requires outstanding to be paid claims within the period of 18 months. Equally, member states were authorized to set limits on employee outstanding claims during insolvency as long as the commission was notified. However, member states were not issued with a specific method of setting employee claims. According to the directive, employers seeking to enforce collective dismissal

are supposed to consult with worker’s representatives beforehand, with the aim of reaching a more favourable outcome for both parties (Centre for Environmental Informatics, 1998 cited in Nyombi, 2013).

According Nyombi (2013), to employees’ rights under insolvency procedures should be protected by trade unions. This can be achieved by including provisions that enable employees to claim redundancy payment, wages and pension contributions when a company falls under any restructuring process or rescue procedure. This applies to those who are subject to dismissal or find themselves in an uncertain position in regard to their liabilities, guarantees of their arrears and compensation.

According to Gichaba (2013), trade unions play critical role in championing for continued improvement of job security and terms and conditions of employment for employees. Further research should be carried out on these two aspects (Gichaba, 2013). Daud and Tumin (2013), states that employees are less secured than a group. Individuals gain power in their relationship with their employers by forming unions. Employees get their strength and power from the trade union they belong to. Employees expect by joining trade union, they can be protected from discrimination, unfair treatment and exploitation in the workplace.

Perlman (1928) cited by Daud and Tumin (2013), for example, suggested that employees join unions in order to obtain job security. This suggestion was confirmed by Farber and Saks (1980) cited by Daud *et al.*, (2013) who found job security and possibility of alternative employment to be linked with joining a union. Trade union can protect their members and ensure job security. Trade union plays an important role to protect their members from unethical retrenchment and unfair dismissal (Farber and Saks 1980, cited by Daud *et al.*, (2013). During

economy slowdown, employers took drastic approaches to maintain their profit and to reduce business operating cost. Trade unions protect their members from unethical retrenchment and unfair dismissal

Hills (1985) cited by Daud *et al.*, (2013) found that employees with fewer alternative job options were likely to rely on the trade union to provide job security, wages, and benefits. Several characteristics of employees may be associated with attitude of joining the union. Employers who denies employees rights to be organized, violates human rights and practicing unequal treatment triggers employees motivation to join trade union. Trade union can be used by workers to voice their views and ideas. Davis (1955) cited by Daud *et al.*, (2013) suggested that trade unions are agencies of protest and hence they reflect labor's grievances and aspirations. DeCotiis and LeLouarn (1981) cited by Daud *et al.*, (2013) contended that workers who feel isolated from employers or who are unable to influence management were likely to turn to unions. Trade unions presence can enhance job security perceptions and lead to requests for salary bonuses linked to performance and promotion (Damiani & Ricci, 2014).

### **Employees' Productivity**

According to Haenisch (2012), early researchers discovered that a limited number of factors had the most effect on the productivity of workers. Taylor (1998) cited by Haenisch (2012) found that four key principles could be applied to improve workplace productivity. Taylor's principles advocated that managers should systematically design each job, scientifically select and train the employees, cooperate closely with the employees and divide the work and responsibility equally between the employee and management. Other studies focused on the argument that the quality of leadership directly affects productivity.

Over the years, trade unions in Nigeria have evolved from formal to highly formal bureaucratic organizations. Despite sustained hostility from some employers and occasional state repression coupled with membership passiveness and indifference of the public, trade unions remain an enduring institution in the employment relations. Trade unions carry on many different activities, for example, those which produce direct benefit-negotiations, grievance handling, community service, and uncertain trades, job search or referral (Anyim, Ilesanmi, & Alaribe, 2013).

Trade unions in Kenya especially those representing lecturers, employees, civil servants, doctors and nurses have been agitating for higher salaries, job security, improved terms and conditions of employment for their members among other things. The Constitution of Kenya (COK) 2010, which provides for industrial action under Article 41 in the Bill of Rights, has led to a fresh vibrancy in trade unionism. Some 14 trade unions have been registered since the promulgation of the Constitution on August 27, 2010, bringing the total number to 79 (Nyaencha, 2014).

Central Organization of Trade Unions of Kenya (COTU) plays an important role in providing assistance to individual trade unions, whether they are its affiliate members or not. Many times COTU proffers its assistance voluntarily. UASU was initially not a member of COTU but after a bruising start UASU opted to be affiliated to COTU to get inured to the turbulence of industrial actions. KNUT, a large and powerful both craft-based and industry based union is not affiliated to COTU but they often cooperate whenever there are industrial actions by KNUT, the former offering indispensable brotherly support when they are on good terms. With the formation of Public Service Trade Unions of Kenya (PUSETU-K) this type of cooperation may not be tenable (Nyaencha, 2014).



There is a research evidence that shows that trade union can play an important and positive role in enhancing organization competitiveness through facilitating the implementation of High Performance Work Practices (HPWPs) (Gill, 2009) cited by Gill *et al.*, (2013). Trade unions can play an important role in removing barriers to the adoption of HPWPs by advocating long-term investment in change that is positive for the firm (Freeman & Medoff, 1984 cited by Gill *et al.*, (2013). They can provide the communication infrastructure that facilitates the introduction of HPWPs (Rubinstein, 2000) cited by Gill *et al.*, (2013). Trade unions can help create employee trust, co-operation and job security that HPWPs need to be introduced effectively (Gill & Meyer, 2013) It has also been argued that HPWPs can be a union substitute since they introduce direct employee individual voice which negates the need for collective employee voice (Galang, 1999) cited by Gill *et al.*, (2013). The desire for Kenya to attain global competitiveness must be anchored on sound productivity. One of the drivers of productivity is social productivity or productivity consciousness, which is arguably lacking in many sectors (education included) of the Kenyan economy (Omolo, 2010). Trade unions perform several core functions among them trade union participation, trade union protection of employee rights, trade union and management of collective bargaining and trade union conflict resolution strategies. This study intends to establish the influence trade unions functions on employees' productivity in TVET institutions in Kenya.

### **Statement of the Problem**

Trade Unions worldwide are facing a lot of challenges. Despite impressive performance and contribution to national economy, the Education, Health and Flower sectors are still faced with decent work deficit. Omolo, (2006) cited by Odhong' & Omolo state that these could be manifested in terms and conditions of employment

leading to industrial unrest in these organizations (Odhong' & Omolo, 2014). Some of the problems being faced by trade unions in Kenya are poor negotiation skills and poor procedures for collective bargaining agreements (Anyango, 2010) cited by (Morara & Gakure, 2015). The effectiveness of the collective bargaining process is often hampered by poor negotiating skills of the bargaining parties.

Examples of poor negotiation skills and poor procedures for collective bargaining agreements include among others; negotiation style that does not allow them to reach satisfactory outcomes, lack of knowledge and understanding of consensus building approaches, adversarial negotiations (ILO-COTU, 2015). The results of these poor negotiation skills and poor procedures are anger, fear, greed, and uncertainty that influence employee's productivity negatively (Ionescu, 2015). Despite much research being done by researchers like Daveri *et al.*, (2005), cited by (Damiani & Ricci, 2014) and (Gray, 2013), on the influence of trade unions functions on employee's productivity, productivity across the world has been slowing for years. The findings by the Conference Board, a global business research institute cited by Gray (2013), show that productivity globally, had declined by 1.8 percent in 2012, the largest drop since 2001. This is a global problem (Gray, 2013). Technical skills form the basis for the realization of industrial transformation and a meaningful quest for Kenya's Vision 2030. Technical skills are a basic requirement that enable graduates of TVET in Kenya to engage productively after graduating. This implies that employees in TVET should have a higher productivity (Sang, Muthaa, & Mbugua, 2012). In Kenya there has been declining labour productivity in all sectors of the country's economy, increasing unit labour cost and low levels of competitiveness. Kenya's labour productivity growth has, for example, declined from 4 per cent in 2007 to 1.4 per cent in 2012 (Odhong, Were and

Omolo, 2014). There is a marked expansion of vocational and technical training institutions in Kenya but despite this, the system has some marked shortcomings. There is no feedback from the employers to training institutions leading to a supply driven training skewed in favour of technologists. The technical graduates lack hands on experience and have poor work attitudes and are inflexible to change. This is an indication of low employee productivity in TVET institutions (Republic of Kenya, 2002, cited in Makworo *et al.*, 2013).

In a research conducted by Commonwealth Secretariat in TVET institutions in Kenya, one of the recommendations was that there is need to strengthen teacher training and professional development, particularly in terms of developing and improving a competency-based approach to teaching and assessment. This is an indication that there is low employee productivity in TVET institutions (Commonwealth Secretariat, 2013). Empirical evidence from developed countries shows that salaries in the public sector are higher than in the private sector, while evidence from developing countries is either limited or lacking (Nancy, Mwange, Onsomu, & Wanjala, 2015). As a result of these glaring disparities, and coupled with the rising cost of living in the recent past, various categories of public servants (lecturers, and health employees) have “downed their tools” to demand higher wages. The trade unions (KNUT and KUPPET) representing the education sector in Kenya have been in the news (electronic and printed media) for organizing strikes due to poor terms and conditions of employment for their members. It is against this background that this study carried out research to examine the influence of trade union’s protection of employees’ rights on employee’s productivity in Technical and Vocational Education Training Institutions (TVET) in Kenya.

## **Objective of the Study**

The objective of the study was to examine the influence of trade unions’ protection of employees’ rights on employees’ productivity in Technical and Vocational Education Training Institutions in Kenya.

## **Research Hypotheses**

H<sub>2</sub>: Trade unions protection of employee’s rights has a positive significant influence on employees’ productivity in TVET Institutions in Kenya.

## **LITERATURE REVIEW**

### **Theoretical Framework**

#### **Universalistic theory**

This theory is also referred to as the best practice model, which is based on the assumption that there is a set of best HRM practices, and that adopting them leads to superior organizational performance (Luthans & Summer, 2005, cited by Waiganjo, 2013). Universalistic approach also states that a fixed set of best practices can create surplus value in various business contexts (Naqvi & Nadeem, 2011). The notion of best practice was identified initially in the early US models of HRM, many of which formed the idea that the adoption of some ‘best’ human resource practices would result in enhanced organizational performance, manifested in improved employee attitudes and behaviours, lower levels of absenteeism and turnover, higher levels of skills and hence higher productivity, enhanced quality and efficiency and increased profitability (Marchington & Wilkinson, 2008 cited by Waiganjo, 2013). It is argued that organizations will benefit and see improvements in organizational performance if they can identify, gain commitment to and implement a set of best HRM practices. Universalistic perspective indicates that firms will realize performance gains by identifying and implementing best practice irrespective of the

product market situation, industry or location of the firm (Pfeffer, 2001 cited by Waiganjo, 2013). Timiyo (2014) indicates that the Universalist view suggests that some HR practices (or best practices) are likely to produce maximum results when adopted irrespective of the nature and type of organizations and employees. While the Contingency supporters believe that a combination of HR practices will only work best if applied within specific organizational setting or within a specific group of workers. Proponents of the Universalist view such as Wood (1995 cited in Timiyo, 2014) believe that HPWPs or— best practices can be adopted to improve employees' performance in organizations all over the world. Although, this can only be made possible if companies are able to identify the bundles of best fit and be able to diffuse such bundles effectively throughout the organization as argued by Purcell (2006 cited in Timiyo, 2014). Guest *et al.*, (2004 cited in Timiyo, 2014), conducted a study aimed at helping HR managers to address inherent problems associated with trying to identify the right bundle or combination of HPWPs which are capable of yielding superior performance. 1308 senior personnel managers were sampled and the study showed that the use of sequential tree analysis was able to prioritize lists of HR practices to show unique combinations of bundles which produce the highest outcome. Though, this study was able to resolve part of Purcell's argument but, the problem of diffusing the HR bundles remained unresolved. From a Universalist point of view, yes —best practices do exist and their impact on firms' performance cannot be denied. Although, most proponents of the Universalists view, like Neumark and Cappelli (1999), Huselid and Rau (1997) and Wright *et al.*, (2005) cited in Timiyo, (2014) are still in a dilemma to determine the effect of high performance work practices on firms' performance. This is because, some of the Universalist researches could not directly determine any positive relationship between HPWPs and firms'

performance yet; there is the general notion that HPWPs improves firms' performance.

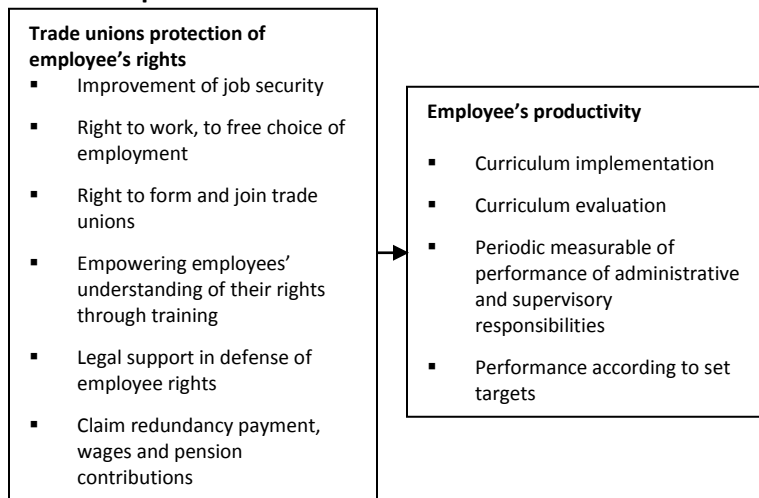
According to Naqvi *et al.*, (2011), most of the research focused on employee's motivation reflects that it is a result of the impact of different HR practices used as a system. Such a system is known as high performance work practices system (HPWPS). This system of HR management practices is focused to motivate employees by adopting best HR practices such as employment security, job design, training and skill development (Delery and Doty, 1996), selectivity in recruiting, comparatively high wages (Snell and Dean, 1992), incentive pay based on performance appraisal (Wright *et al.*, 2003), employee ownership (Huselid, 1995; Huselid and Becker, 1995), information sharing ( Marti'n-Tapi *et al.*, 2009; Guthrie *et al.*, 2009), participation and empowerment (Delery and Doty, 1996; Godard, 2001), self-managed teams (Evans and Davis, 2005; Guthrie *et al.*, 2009), reduced status distinctions and barriers (Murphy, 2006; Macky and Boxell, 2007), and measurement of the HR practices through regular employee surveys (Huselid and Becker, 2000; Guthrie *et al.*, 2009; Martin *et al.*, 2009) cited in Naqvi *et al.*, (2011). There is consensus that bundling of HR practices develops the work system known as HPWPS which helps the organization to develop required competencies (Dyer, 1993; Levine, 1995; Pfeffer, 1994 cited in Naqvi *et al.*, (2011) that keeps employees motivated. These systems are however, developed to further the level of employees' skills and motivation so that employees become a source of sustainable competitive advantage (Levine 1995; Pfeffer 1998, cited in Naqvi *et al.*, 2011).

This study uses the universalistic perspective, as several studies have indicated that this approach can be particularly accurate for understanding the relationship between HR practices and outcome (Guest, 2001). The study's argument is drawn from the work of Delery and Doty (1996) to justify the



choice for the universalistic perspective. Delery and Doty (1996) gave an extensive overview of three alternative modes of theorizing the HRM practices and performance link. Irrespective of strategy, the introduction of these practices has an additional effect on performance. The same perspective is supported by Huselid (1995) and Pfeffer (1994) in their work (Naqvi *et al.*, 2011). It is worth noting that, human resource practices are not effective independently; they operate in an interrelated complex system. In the literature of strategic human resource management (SHRM) such a system of interrelated HRM practices is known as high performance work practices (HPWP) system (Becker and Huselid, 1998). Naqvi *et al.*, (2011), indicates that only limited theory specifies exactly how the HRM practices should be bundled together.

### Conceptual Framework



**Independent Variable**

**Dependent variable**

**Figure 1: Conceptual Framework (adopted from Gill, 2009)**

### Empirical Review

Empirical investigation indicates that there is a positive relationship between job security as a motivational factor and employee productivity (Gabris & Simo, 1995) cited by (Aarabi, Subramaniam, Almintisir, & Akeel, 2013). Miller *et*

*al.*, (2001) cited by Aarabi *et al.*, (2013) found that job security has significant influence on the performance of employees and employees are less motivated to work when job security is low. Researches investigating influence of job loss and having a job shows that employee behaviours start going bad as soon as they start worrying about job loss (Domenighett, 2000; Özyaman, 2007) cited by Aarabi *et al.*, (2013).

Thus, researches on this area (Şenol, 2010; Poyraz & Kama, 2008; Özyaman, 2007) cited by Aarabi *et al.*, (2013) suggest that job security provides employee with high motivation and it influences other motivation levels. Scruggs, (2002) confirmed that it is not money which serves as the most source of motivation to workers but the way employees are appreciated and recognized. For example, in Şenol's research (Şenol, 2010) cited by Aarabi *et al.*, (2013) job security was rated as one of the three most important motivational tools in all subcategories. Poyraz and Kama's (2008) cited by Aarabi *et al.*, (2013) study on hotel staff also showed that job security functions as an important motivational tool since it changes negative work behaviours and the thought of leaving the job. Lack of job security has been found to be the reason for high turnover of employees. While there are many studies, linking job security as a motivational factor for employees' work performance, some studies have found results to the contrary (Macleod & Parent, 2009) cited by Aarabi *et al.*, (2013). But, most studies have highlighted job security as a motivational factor for job performance and hence employee productivity.

According to Popoola and Oluwole, (2007) cited by Gichaba (2013), a negative relationship exists between job tenure and career commitment of the employees. This was corroborated by Meyer and Irving (1994) cited by (Gichaba, 2013) whose research, found a significant negative relationship between job tenure and career commitment of the employees. The findings indicate that the less

experienced the employees are, the stronger the career commitment in their present jobs. If employees do not trust management over job security, then they are unlikely to commit themselves to achieving organizational goals and hence employee's productivity (Stuart and Lucio, 2001) cited by Gichaba (2013).

In the absence of security, workers will fear that they may innovate themselves out of a job (International Labour Organization, 2004) cited by Gichaba (2013). On the other hand, the more a trade union addresses job security issues, the more trust is built up between management and employees, and the more likely employees are willing to adopt new ways of working (Ashton and Sung, 2002) cited by Gichaba (2013). As employees are trained to undertake new tasks and/ or as their skill levels increase, so do their job security become greater as their value to the organization increases (Ashton and Sung, 2002; Healey 2003; Stiles and Kulvisaechana, 2003) cited by Gichaba (2013).

International Labour Organization (1996-2006), indicates that, a national Job Security Index should be calculated on the basis of more indirect proxy measures than the others, and focuses on access to skilled jobs and measures to deal with discrimination in job opportunities. A combination of international and national instruments protecting employees against discrimination constitutes the set of input indicators for job security. The variables representing these instruments are coded one (1) if they exist or if they have been ratified and zero (0) otherwise.

According to ILO (2006), input indicators include: At the international level, ILO Convention No.100 establishes the principle of equal remuneration between men and women for work of equal value. This is complemented by Convention No. 111 which encourages governments to promote policies and

instruments guaranteeing the equality of opportunity and treatment in employment and occupation, including access to training, advancement, tenure of job and conditions of work. Convention No. 159 extends this principle to discrimination against employees with disabilities. Convention No. 156 aims at creating effective equality of opportunity and treatment between men and women with family responsibilities (International Labour Organization, 2006). There is existence of a law on paid a) maternity leave as a guarantee for women to keep their job in case of pregnancy, b) parental leave for equal opportunities for men and women regarding their job and career.

Process indicators include components like skills. Skills is treated in the Job Security Index as an instrumental component in the sense that the higher the level, the acquisition and the access to skills, the higher the job security. It is assumed that workers with better education, access to information and representation should also better plan for their career, defend their interests and occupation. The situation of women relative to men is also explicitly considered. Outcome indicators: According to ILO (2006), direct measures of how effective are the rules and mechanisms designed to ensure job security are not available. Proxies are also difficult to identify and options debatable. One single variable has been retained which is the proportion of workers in "professional" occupations in total employment, overall and by sex. It is supposed that it is the employee in such high skilled occupations who is most likely to possess a "niche" where he or she can realize his or her personal professional potentials and derive a sense of security. A corrective variable can be included by putting a large numbers of employees on unpaid administrative leave, whatever their skill level. However in the absence of effective protective mechanisms, insecurity can grow relative to

countries where such procedures have not been pursued.

According to the Republic of Singapore (2011), cited by (Mihail, Links, & Sarvanidis, 2013) productivity can be measured by a) measures of Output: Output can be in the form of goods produced or services rendered. Output may be expressed in physical quantity, financial value, and physical quantity. At the operational level, where products or services are homogeneous, output can be measured in physical units (for example, number of customers served, books printed, lessons, examination papers marked, trips that a lecturer takes students out). Such measures reflect the physical effectiveness and efficiency of a process.

b) Measures of input. Input comprises of the resources used to produce output. The most common forms of input are labour and capital. Labour refers to all categories of employees in an organization, for example, in TVET. It includes principals, deputy principals, lecturers, secretaries, accountants, nurses etc. Labour can be measured in three ways: i) Number of hours worked. This measure reflects the actual amount of input used. It excludes hours paid but not worked (for example, holidays, paid leave), ii) Number of workers engaged. This measure is used, as data on hours worked may not be readily available. An average figure for a period is used, as the number of workers may fluctuate over time, iii) Cost of labour. Labour costs include salaries, bonuses, allowances and benefits paid to employees (Mihail, *et al.*, 2013). Capital refers to physical assets such as machinery and equipment, land and buildings, and inventories that are used by the organization in the production of goods or provision of services. Capital can be measured in physical quantity (for example, number of machine hours), c) Intermediate Input: Major categories of intermediate input include materials, energy and business services. Such input can be measured in physical units (for example,

kilogram's, kilowatt per hour) or financial units (for example, cost of energy and materials purchased) (Mihail, *et al.*, 2013).

## RESEARCH METHODOLOGY

This study adopted cross-sectional survey research design as it seeks to examine the influence of trade unions participation on employees' productivity in Technical and Vocational Education Training Institutions in Kenya. The study utilized both Quantitative and qualitative methods. The population of this study was drawn from a sector with disputes. The trade unions representing the education sector in Kenya, the Kenya National Union of Teachers (KNUT), had been in the news (electronic and printed media) for organizing strikes due to poor terms and conditions for employees. The sampling frame consisted of teaching (4410) and non-teaching staff (1301), Principal secretary, State department of Science and Technology (1), Director TVET( 1), TVET (1) and secretary generals of KNUT (1), KUPPET (1), KUDHEIHA (1), COTU (1) and TUC(1),(Ministry of Science and Technology, 2015) (KNUT, 2015, KUPPET 2011, KUDHEIHA, 2014, COTU, 2016, TUC, 2016). This target population had a group of individuals with some common defining characteristic that the researcher can identify and study. The study adopted proportional stratified sampling that ensured that the institution teaching staffs with higher population (4410) has more members in the sample than non-teaching staff (1301). Questionnaires were self-administered and two research assistants were recruited and trained so that they could obtain quality results. The quantitative data collected was analyzed by calculating response rate with descriptive statistics such as mean, median, standard deviation and proportions using Statistical Package for Social Sciences (SPSS) version 22 and Microsoft Excel.

## RESEARCH FINDINGS AND DISCUSSION

Out of the targeted 361 respondents, 315 participated in the study meaning the response rate was 87.26%. The study obtained demographic data for the respondents. 85.71% of the respondents were lecturers. This implied that the bulk of trade union membership in TVET institutions was made up of lecturers. The study sought data on the number of years the respondents had worked in the targeted institutions. 34.42% (n=106) of respondents had worked in the current institutions for 6-10 years while 23.38 % (n=72) had worked for 11-15 years. This meant that majority of respondent had enough work experience and thus the information they gave could be relied upon. The study captured data on the level of education of the respondents. 37.34 % (n=115) of respondents were graduates while 34.09 % (n=105) were diploma holders. This means that most of respondent had high literacy levels. The study obtained the job titles of the non-teaching staffs. The total number of non-teaching staff was 66 out of the total 308 which was 21.43%. Out of this majority (27.27%) were secretaries followed by nurses who were 25.76% followed by financial officers at 24.24% then drivers at 22.73%. The study sought data on general information about the trade union respondents belonged to, length of membership and position

**Table 1 Trade Union Protection of Employee's Right**

Responses	SA	A	NAD	D	SD
Due to efforts made by my trade union there is reduced discrimination at work place	21.1	49.4	14.6	8.4	6.5
Trade unions safeguards the right of employees to fair hearing during appeals after unfair dismissal	24.4	54.5	15.6	3.9	1.6
Trade union has enabled reduction of unfair treatment at workplace	21.8	53.2	13.0	10.1	1.9
Due to efforts made by my trade union, employees in my institution are given just and favourable conditions of work.	17.9	47.1	22.4	9.1	3.6
Due to efforts made by my trade union, employees in my institution are given equal pay for equal work without discrimination.	14.0	31.2	35.4	8.8	10.7

respondents occupied. 40.9% of the respondents belonged to Kenya Union of Domestic, Hotels, Educational institutions, Hospital and Allied workers (KUDHEIHA), 34.1% belonged to Kenya Union of Post –Primary Education Employees (KUPPET) while 25% of them belong to Kenya National Union of Teachers (KNUT). This meant majority of staff working in TVET institutions in Kenya belonged to KUDHEIHA. The data further showed that 94.5% of the respondents' unions were recognized by the institutions. This implied a huge level of recognition for trade unions in the targeted institution. 85.7% of respondents had more than 6 years of membership to the trade unions which was reasonably a long period of time and thus most respondents gave information based on experience. The data further revealed that majority (96.4%) of respondents did not occupy any position in trade union.

### **Influence of Trade Union's Protection of Employee's Rights on Employee's Productivity in TVET Institutions in Kenya**

The study aimed at determining whether trade union's protection of employee's rights do influence employee's productivity in TVET institutions in Kenya. The data obtained was analyzed and results presented in the Table 1.

Due to efforts made by my trade union, employees in my institution are given just and favourable remuneration ensuring an existence worthy of human dignity.	15.6	31.8	30.2	17.5	4.9
Due to efforts made by my trade union, employees in my institution are allowed to form and join trade unions for the protection of rights (cited in Committee for Defence of Human Rights (CDHR) 1996, Annual Report, 113)”	22.4	44.8	21.4	5.2	6.2
Due to efforts made by my trade union, employees in my institution are given the right to rest and leisure (tea and lunch breaks)	19.2	40.3	25.0	12.7	2.9
Due to efforts made by my trade union, employees in my institution are given the right to reasonable limitation of working hours (,for example, 8.00 am to 5.00pm),	22.4	51.0	13.6	8.1	4.9
Due to efforts made by my trade union, employees in my institution are given the right to Periodic holidays with pay where applicable (Maternity, paternity, sick, study and annual leaves).	23.4	45.1	21.1	7.8	2.6
Trade union enables on job training for new tasks and on job retraining	14.3	39.6	26.3	12.7	7.1
Trade union supports negotiations with management in terms of redundancy using the formula of last in first out.	14.3	37.3	30.2	9.4	8.7
Trade Unions help in requesting management to renew contracts of those employees who are on contract.	12.7	38.6	27.3	12	9.1
Trade Union offers support by encouraging staff members to join retirement benefit scheme.	15.3	43.5	26.0	6.5	8.8
Trade union has enabled reduction of unethical retrenchment	14.6	56.8	17.5	6.2	4.9
Trade union has led to increased job benefits such as security of tenure	24.0	45.8	23.1	3.9	3.2
Trade unions helps ensure that staffs are confirmed immediately after the probation period, in accordance to the Employment Act 2007 (cited in COK article 41)	21.4	49.0	19.5	4.5	5.5
Trade unions play critical role in championing for continued improvement of job security	25.0	48.4	17.9	5.8	2.9
Employees join unions in order to obtain job security	28.2	48.7	18.2	1.9	2.9
Trade unions helps persuade management to change terms of service of employees from contract to permanent and pensionable terms	25.6	43.8	21.8	6.2	2.6

Table 1 show that majority (70.5% n=217) of respondents (21.1% strongly agreed, 49.4% agreed) that efforts made by the trade union has reduced discrimination at work place. This means that trade unions contribute to reduction of discrimination at

work place. The Table 1 further shows that majority (78.9%, n=243) of the respondents (24.4% strongly agree, 54.5% agree) that trade unions safeguards the right of employees to fair hearing during appeals after unfair dismissal. This implies that



trade unions are important in safeguarding the right of employees to fair hearing during appeals after unfair dismissal. Data further shows that most (75% n=231) of respondents agreed (21.8% strongly agreed, 53.2% agreed) that trade unions have enabled reduction of unfair treatment at workplace implying that trade union are important in reduction of unfair treatment at work place. Jointly agreed procedures for dealing with major issues in the workplace such as grievances, discipline, job evaluation, redundancy, work changes, safety and health, along with the right to negotiate terms and conditions through collective bargaining, provide the sound basis for unions to perform regulatory functions (Griswold, 2010). Table 1 also show that majority (64.9%) of respondents agreed (17.9% strongly agreed, 47.1% agreed) that due to efforts of the trade union, employees in the institution are given just and favourable conditions of working. This implied that majority believed that due to efforts of the trade union, employees in the institution are given just and favourable conditions of working. According to Naidoo (2003), trade unions have positive impact on companies that have employed their members when it comes to performance. In his view, since two heads are better than one, involvement of trade unions in organization decisions enable better decisions to be made. Table 1 further show that majority 45.2% (n=139) of respondents agreed (14% strongly agreed, 31.2% agreed) that due to efforts of the trade union, employees in the institution are given equal pay for equal work. This implies that due to effort of the trade union, employees in the institution are given equal pay for equal work. This shows that trade unions are important in determination of pay for their members in TVET institutions. According to Manda, (2005) trade unions lead employees in their negotiations and agreement with their employers on appropriate payment and work conditions. Table 1 further presents that 47.4% (n=146) of respondents agreed

(15.6% strongly agreed, 31.8% agreed) that due to efforts of the trade union, employees in the institution are given just and favourable remuneration. This implied that trade union efforts enable the employees in TVET institutions to access just and favourable remuneration. Scruggs, (2002) confirmed that it is not money which serves as the most source of motivation to workers but the way employees are appreciated and recognized. Table 4.3 also shows that majority (67.2% n=207) of respondents agreed (22.4% strongly agreed, 44.8% agreed) that due to efforts of the trade unions employees in the institution are allowed to form and join unions for the protection of rights (cited in Committee for Defence of Human Rights, 1996, Annual Report, 113). This implied that due to efforts of the trade unions employees in TVET institution are allowed to form and join unions for the protection of employees' rights.

Table 1 further shows that majority (59.5%, n=183) of respondents agreed (19.2% strongly agreed, 40.3% agreed) that due to efforts of the trade union, employees in the institution are given right to rest and leisure. This means that to a significant extent due to efforts of the trade union, employees in the institution are given right to rest and leisure. Table 4.3 further shows that majority ( 73.4% n=226) of the respondents agreed (22.4% strongly agreed, 51% agreed) that due to efforts of the trade union employees in the institution are given right to reasonable limitation of working hours. This implies that trade union efforts enable employees in TVET institutions to enjoy a right to reasonable limitation of working hours. The Table further shows that majority (68.5% n=211) of the respondents agreed (23.4% strongly agreed, 45.1% agreed) that due to efforts of the trade unions employees in the institution are given periodic holidays with pay where applicable. This implies that efforts of the trade union are used in promoting allowance for

paid periodic holidays for employees in TVET institution where applicable.

Table 1 also shows that 53.9% (n=166) of respondents agreed (14.3% strongly agreed, 39.6% agreed) that trade unions enable on job training for new tasks and on job retraining. This implies that trade unions efforts contribute to the value that TVET institutions give to on job training for new tasks and on job retraining. The Table further shows that 51.6% (n=159) of the respondents agreed (14.3% strongly agreed, 37.3% agreed) that trade union supports negotiation with management. This means that to a significant extent trade unions supports negotiations with management. Table 4.4 further shows that majority (51.3% n=158) of respondent agreed (12.7% strongly agreed, 38.6% agreed) that trade union help in requesting management to renew contract of contracted employees. This implies that trade union contribute to requesting management to renew contracts of contracted employees. Table 4.4 further show that 58.8% (n=181) of respondents agreed (15.3% strongly agreed, 43.5% agreed) that trade union encourages staff to join retirement benefit scheme. This implies that to a significant extent, trade unions are important in encouraging staffs to join retirement benefit scheme. Table 4.4 further shows that majority (71.4% n=220) of respondents agreed (14.6% strongly agreed, 56.8% agreed) that trade unions has reduced unethical retrenchment, implying that majority view that trade unions play a role in the reduction of unethical retrenchment in TVET institutions.

Table 1 further show that 69.8% (n=215) of respondents agreed (24% strongly agreed, 45.8% agreed) that trade union has led to increase in job benefit. This implies that trade unions have led to increase job benefit in TVET institutions. Table 4.3 also presents that majority (70.4% n=217) of respondents agreed (21.4% strongly agreed, 49% agreed) that trade union ensures that staffs are

confirmed immediately after the probation period. This implies that trade unions follow up to ensure that staffs in TVET institutions are confirmed immediately after probation. Table 4.4 further show that majority (73.4% n=226) of respondents agreed (25% strongly agreed, 48.4% agreed) that trade union play a critical role in championing for continued improvement of job security. This implies that to a significant extent trade union play a critical role in championing for continued improvement of job security within TVET institutions. The more a trade union addresses job security issues, the more trust is built up between management and employees, and the more likely employees are willing to adopt new ways of working (Ashton and Sung, 2002). Table 1 further shows that majority (76.9% n=237) of respondents agreed (28.2% strongly agreed, 48.7% agreed) that employees join unions to obtain job security. This implies that trade union play a role in promoting job security for employees in TVET institutions. Table 4.4 also shows that 69.4% (n= 214) of respondents agreed (25.6% strongly agreed, 43.8% agreed) that trade unions help employees move from contract to permanent and pensionable terms. This implies that to a significant extent trade unions support transition of employees from contract to permanent pensionable terms.

### **Employees' Productivity**

The study however sought data on employee's productivity, which was the dependent objective. The study sought data on whether the Trade unions play critical role in championing for curriculum implementation through keeping of recommended documents as required by the employer (mark book, schemes, subject register, and class attendance monitoring form). Majority (76.62%, n=236) of respondents agreed (35.39% strongly agreed, 41.23 % agreed) that trade unions played a critical role in championing for curriculum implementation through keeping of recommended

documents as required by the employer (mark book, schemes, subject register, class attendance monitoring form). This contrasts findings by Mutuku (2015) in a study that investigated Kenya National Union of Teachers' Initiative Influencing Provision of Quality Education in Primary Schools in Machakos County, Kenya that revealed that 36.2 percent of teachers were not satisfied with KNUT'S sensitization programmes on curriculum implementation while only a small number, 12 percent were highly satisfied. This implied that most trade unions are involved in championing for curriculum implementation through keeping of recommended documents as required by the employer.

The study sought data on whether Trade union encourages employees, during training, to complete and update assigned duties (assigned duties, mark books, schemes of work preparation and teaching syllabus on time, weekly record of work, subject register). Majority (80.23%, n=247) of respondents agreed, (31.17% strongly agreed, 49.03% agreed) that trade union encourages employees, during training, to complete and update assigned duties (assigned duties, mark books, schemes of work preparation and teaching syllabus on time, weekly record of work, subject register). This implied that trade unions in TVET Institutions encouraged their members through training; to complete and update assigned duties. This corroborates Wairagu (2013) in a study that assessed the effectiveness of trade unions' strategies in enhancing teacher professional performance in public secondary schools in Kieni

West District, Kenya that revealed that Teachers professional performance in assessing students' assessments and homework was rated highly by majority (70%) of the head teachers. However, punctuality and lesson preparation was rated average by most of the head teacher. This shows that trade unions have a role in encouraging employees to complete and update assigned duties.

The study sought data on whether Trade unions encourages employees, during training, to monitor class attendance, maintain and record marks in the subject register.

The analyzed data further revealed that majority (77.85% n= 239) of respondent agreed, (57% agreed, 20.85% strongly agreed) that trade union encouraged employees, during training, to monitor class attendance, maintain and record marks in the subject register.

The study sought to establish whether the trade unions influence on employees to participate in co-curricular activities like music, athletics, handball, basketball, soccer and volleyball. Majority (71.1%, n= 219) of respondents agreed (40.6% agreed, 30.5% strongly agreed) that trade unions exert influence on employees to participate in co-curricular activities like music, athletics, handball, basketball, soccer, and volleyball. This means that trade unions do encourage their members in the TVET institutions to participate in co-curricular activities. This contrasts a study by Mutuku (2015) that showed that involvement of KNUT in improvement of teachers' welfare did not influence learners' participation in co-curricular activities.

## Hypothesis Testing

**Hypothesis 2: Trade Unions Protection of Employee's Rights Has a Positive Significant Influence on Employees' Productivity in TVET Institutions in Kenya**

## Model Summary

### Table 2: Model Summary

Model 1	R	R Square	Adjusted R Square	Std. Error of the Estimate
	.588 <sup>a</sup>	.346	.300	.790

a. Predictors: (Constant), Trade unions Protection of Employees Rights

Table 2 provided the R and R-Square value. The R value is 0.588, which represented the simple correlation. It indicated a relatively strong degree of correlation. The R-Square value indicated how much of the dependent variable, "employees productivity", could be explained by the independent variable, "Trade unions Protection of

Employees Rights ". In this case, 34.6% could be explained, which was fairly strong.

#### ANOVA

The study did ANOVA for Trade unions Protection of Employees Rights against employee's productivity.

**Table 3: ANOVA**

Model 1	Sum of Squares	df	Mean Square	F	Sig.
Regression	93.142	20	4.657	7.468	.000 <sup>b</sup>
Residual	175.854	282	.624		
Total	268.997	302			

#### **Dependent Variable: Employee Productivity, Predicator: Trade Union Protection of Employees rights**

ANOVA results in Table 3 indicated that the regression model predicted the outcome variable significantly. This indicated the statistical significance of the regression model that was applied. An F statistic of 7.468 indicated that the model was significant. This was supported by a probability p- value of 0.000 that was below 0.05, and indicated that on overall, the model applied could statistically significantly predict the outcome variable. This was further supported by the F-critical obtained at 95% probability where the degree of freedom 1 was 19 and the degree freedom 2 is 288,

which was 1.62. This was lower than the observed value of F (7.468), which means that the alternate hypothesis that Trade unions protection of employee's rights had a positive significant influence on employee's productivity in TVET Institutions in Kenya was true so it was accepted.

#### Model Coefficient

The study determined the coefficient of trade union protection of employees' rights on employee productivity and presented the results in Table 4.

**Table 4: Coefficients Determination of Trade Union Protection of Employees Rights and Employee Productivity**

Model 1	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
(Constant)	.296	.196		1.511	.132
Trade Union Protection of Employees rights	0.246	0.078	0.26	3.162	.002

a. Dependent Variable: Employee productivity

Table 4 provided the information needed to predict employee productivity from trade unions Protection of Employees Rights. Trade unions Protection of Employees Rights contribute significantly to the model; this means that a unit increase of trade unions Protection of Employees Rights will result to 0.246 increases in employee productivity. The regression equation is presented as follows;

Employee Productivity = 0.296 +0.246 (trade unions Protection of Employees Rights)

The growth of the individual rights framework has made representational role for trade unions to be complex, but nonetheless, those organisations that demonstrate commitment to genuine employee protection have the potential to boost productivity (ACAS Organization, 2008).

#### **Qualitative Data Analysis**

#### **Influence of Trade Union's Protection of Employee's Rights on Employee's Productivity in TVET Institutions in Kenya**

As for the extent and areas trade unions have succeeded in ensuring employees are given just and favourable conditions of work in TVET institutions, the following themes emerged.

Fighting for the rights of the employees: Most of the respondents pointed out that trade unions have succeeded to a moderate extent especially in fighting for the rights of employees. According to Secretary General, KNUT, there has been a fair attempt by trade unions to fight for employees' right, while encouraging and supporting the members to have income generating activities in addition to the regular employment. Secretary General, KUPPET observed that largely trade unions have succeeded in ensuring employees are given just and favourable conditions of work in the institutions. According to Secretary General, KUPPET trade unions participate actively and positively in pushing for better pay and promotion for lecturers. Similar views were given by Secretary

General, KUDHEIHA who observed that KNUT is directly concerned with their representative in developing policies that run the sector such as discussing the development and review of Education Act. This further shows that trade unions are highly regarded at TVET institutions. This agrees with Cote (2013), who indicates that trade unions try to defend their member's right to work and are supportive of both macro and micro economic policies that would be conducive to high employment. Trade unions are agencies for securing legislative protection for workers from the government by acting in accordance with existing laws and regulations, the rules of the union and good industrial relations practice; liaising with and seeking advice and assistance from the appropriate full-time trade union officials (Beardwell & Claydon, 2007).

Favourable conditions of work: Other respondents stated that largely trade unions succeeded in ensuring employees are given just and favourable conditions of work in the institutions. A number of other respondents reckoned that that better terms have been realized through Collective Bargaining Agreements. Secretary General, KUPPET observed that to a large extent trade unions have succeeded in ensuring employees are given just and favourable conditions of work in the institutions. According to Secretary General, KUDHEIHA, there is no increment of pay that has come easily without the intervention of trade unions. For example, KNUT has organized for strikes to force Teachers Service Commission to increase salaries that have been sustained by cases in court that KNUT has won. This further corroborates the views from Secretary General, COTU, who observes that KUPPET has succeeded in participating in coming up with collective bargaining agreement, since there has been implementation of its suggestions. This has touched on pay, promotions and other benefits like house, medical, hardship and travel allowances.



Employees' rights are conferred on workers and their organizations taking into consideration their special role and the need to protect them from extreme abuse and exploitation in the hands of profit-conscious employers often backed by a collaborative state (Adewumi, 2012). This is further supported by ILO. Trade unions protections of employee's rights are embedded in conventions and recommendations of the International Labour Organization (ILO) as well as the national legislation. The employees' struggles, based on the need to secure certain measures of dignity for workers, have also assisted in conceding some rights to workers. The need for these rights is reinforced by Articles 23 and 24 of the United Nations Universal Declaration of Human Rights of 1948. Article 23 says:

"Everybody has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented if necessary by other means of social protection. Everyone has the right to form and join trade unions for the protection of rights (cited in Committee for Defence of Human Rights (CDHR) 1996, Annual Report, 113)". On its part, Article 24 reads: "Everyone has the right to rest and leisure, including, reasonable limitation of working hours and periodic holidays with pay." This disagrees with ILO (2006), which states that in the absence of effective protective mechanisms from trade unions, job insecurity can grow relative to countries where such procedures have not been pursued.

### **Employees' Productivity**

Regarding what trade unions should do to enhance employees' productivity the following themes

emerged. Enhance staff professionalism through training, push for enactment of laws; provide all the necessary tools to the lecturers and awarding employees, setting clear objectives, managing exams, managing of teachers and students' discipline, supporting curriculum implementation.

According to Secretary General, KNUT and Secretary General, TUC, to enhance productivity, there is need to enhance staff professionalism through training. These views corroborate with Secretary General, COTU who opined that, in order to enhance productivity, trade unions should push for Continuous Professional Development (CPD) in the areas of teaching and training. Lecturers should instil discipline in their students, while workshops should be held at branch level to sensitize lecturers so that they avoid being victims of indiscipline for example absenteeism, desertion of duties, failure to set and mark exams. In addition, they should be sensitized on employment policies, and on issues that affect their health and productivity in their workplace for example HIV/AIDs, drugs addiction. Furthermore, there should be timely provision of adequate tools and equipment by Ministry of Education, Science and Technology.

According to Secretary General, TUC, COTU influence employees' productivity since it participates through training committees which give their views on how employees can further be trained to enhance their productivity. Similar views were obtained from key informant Principal Secretary, State Department of Science and Technology, who observed that trade unions influence employee's productivity, for example, through introduction of scheme of service for the employees and also setting of goals. It also assists in the management of programs involving various target groups of the institutions through Collective Bargaining Agreements (CBA) that also caters for progressions in all areas such as professionalism and academic. Secretary General, TUC opined that

trade unions should do more training on employees' rights and roles in their workplace and a more adherence towards the CBA. There is need to provide trainers with uniform, and risk allowances while on duty too. Principal Secretary, State Department of Science and Technology opined that in order to enhance employees' productivity; the unions should continue to agitate for more and more and with greater improvement on CBAs because CBAs caters across in almost each all areas. These findings agree with Addison and Barnett, 1982; cited in Bryson *et al.*, (2011), who indicates that by providing employees with an avenue of expressing discontent, trade unions can reduce turnover and absenteeism; this benefit the workplace because turnover can reduce employees' productivity through a direct loss of organizations specific training.

According to Secretary General, KUPPET trade unions should push for enactment of laws that allow employees to participate in curriculum development implementation, staff promotions and improving working environment for the lecturers. This agrees with Khan *et al.*, (2011), who indicate that at organization level, trade unions can participate in the organization's productivity improvement efforts by helping to create the organization policies and structures that will guide and facilitate productivity improvement, and helping their members directly to participate in the productivity improvement programs of the organization.

In addition, responses from Secretary General, KUDHEIHA showed that TVET institutions should provide all the necessary tools to the lecturers and on time. KNUT should champion for favourable working environment for employees through provision of adequately trained staff, quality tools, and quality working environment. Secretary General, KNUT also indicated that there is need to provide trainers with uniform, and risk allowances

while on duty. This corroborates with Olatunji, 2004 cited by Gichaba, 2013), who states that favourable working environment, attractive salary package, participative management and regular promotion are the main factors influencing workers to exhibit high productivity.

According to Director, TIVET, productivity can be enhanced if principals of TVET institutions award trophies, cash, certificates and recognition to employees who enhance academic, sports, athletics, drama and music festivals' performance in their institutions, during education and prize giving days. Trade unions should ensure employees in TVET institutions are paid higher salaries commensurate with semi developed countries like Kenya. The need to use reward in TVET Institutions, is in agreement with Koretz (1995) cited by Haenisch (2012), who states that insufficient rewards can lead to low employees' productivity.

Secretary General, KNUT showed that trade union influences employees' productivity by giving and managing exams, managing of teachers and students' discipline, through timely attendance to allocated duties and in setting targets. Views from Secretary General, KUPPET showed that trade unions influence employees' productivity by supporting curriculum implementation for example through performance appraisal and supervisory responsibilities. According to Secretary General, COTU trade unions do contribute to employees' productivity. For example, KUPPET participated in the designing of appraisal form that is currently in use. According to Director, TIVET, trade union influences employees' productivity by supporting the use of performance appraisal (as long as it's not used as a tool to discipline teachers), giving and management of exams, management of teachers and students' discipline, timely attendance to allocated duties and setting targets, and coverage of lost time (through make up lessons). This agrees with Republic of Singapore (2011), cited by (Mihail,

Links, & Sarvanidis, 2013) who indicates that labour productivity is defined as value added per worker, and is the most common measure of employees' productivity. It reflects the effectiveness and efficiency of labour in the production of goods and provision of services. These findings also agree with the Ministry of Educations' teachers performance appraisal and development tool (TSC/TPDAD/01), which indicates the following as indicators of employees productivity: Curriculum implementation, curriculum evaluation (Evaluation and monitoring of students academic performance), performance of administrative and supervisory responsibilities, managing student's discipline, organizing and supervising student's co-curricular activities, time management and setting targets (Government of Kenya, 2015).

These findings are also consistent with the Republic of Singapore (2011), cited by (Mihail, Links, & Sarvanidis, 2013) who confirms that productivity can be measured by a) measures of Output: Output can be in the form of goods produced or services rendered, b) Measures of input: Input comprises of the resources used to produce output. The most common forms of input are labour and capital. Labour refers to all categories of employees in an organization, for example, in TVET Institutions, and includes principals, deputy principals, lecturers, secretaries, accountants, nurses and other employees. c) Intermediate Input: Major categories of intermediate input include materials, energy and business services offered by employees.

To improve productivity, Secretary General, KNUT, suggested that clear objectives should be formulated in two ways, that is, objectives for fighting for workers rights, and for enhancing staff professionalism, production and ethics. This agrees with Leonard (2000), cited by Haenisch (2012), who noted surveys indicating that less organizational bureaucracy, a greater sense of purpose, clear goals, and being able to see results were essential

to employees' productivity. The informant observed that the government should provide an insurance cover for employees. This is because the working environment is characterized with risky machines which can affect the health of the lecturers and other employees. The trade unions should recognize TVET trainers as professionals and push for scheme of service for the lecturers as well as agitate for training and development for all trainers in order to meet the prevailing technological and economical levels in the world.

Secretary General, KUDHEIHA observed that trade unions influence employees' productivity though the influence can be positive or negative. This corroborates with Hirsch (1997) cited by Khan and Khan, (2011) who concluded from many studies that there are both negative and positive effects of unions on productivity. Other studies show negative and positive effects of trade unions on productivity at different places in the same study. It is positive if what (for example, working tools) the trade Union is pursuing for, on behalf of teachers, is provided on time. It is negative if necessary working tools are not provided on time. As a result, teachers will give minimum effort or teach theoretically. This also agrees with Fashoyin (1997) cited by Khan *et al.*, (2011) who is of the opinion that in Japan the productivity improvement movement has had a much greater influence and trade unions were an important party to the productivity improvement campaign. Human Rights Watch (1998) cited by Khan *et al.*, (2011) quoted a study of ILO, which showed that productivity in Malaysia is higher in firms where the employees are organized in industrial unions than in non-unionized organizations.

## **SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

In most of the TVET institutions trade unions contribute to reduction of discrimination at work

place through negotiations with management aimed at safeguarding the right of employees. They facilitate fair hearing during appeals after unfair dismissal, or request management to renew employees' contracts. In most of TVET institutions trade union are important in reducing unfair treatment at work place such as unethical retrenchment. They also ensure that staffs are confirmed immediately after the probation period while championing for continued improvement of job security. The trade unions efforts contribute to the value that TVET institutions give to on-job training for new tasks. To a significant extent, trade unions support transition of employees from contract to permanent pensionable terms. They also make a fair attempt to fight for employees' rights and ensure employees get just and favourable conditions of work, ensures justified equal pay for equal work plus a right to rest and leisure and a right to enjoy reasonable limitation of working hours, including accessing allowance for paid periodic holidays for employees where applicable.

TVET institutions encourage and support members to have extra income generating activities. Trade unions are also important in encouraging staffs to join retirement benefits schemes and in enhancing increased job benefits. Normally pay increment does not occur without trade union intervening through coming up with collective bargaining agreements that touch on pay, promotions and other benefits like housing, medical cover, hardship allowance and travel allowances. However, there are several challenges trade unions face in their effort to meet their goals which includes reluctance on the part of the Government to honour its part in the bargain. Nonetheless, trade unions have succeeded because better terms have been realized through CBAs. In most situations, trade union efforts enable employees in the institutions to form

and join unions for the protection of employees' rights.

### **Conclusion**

On the influence of trade union's protection of employee's rights on employee's productivity in TVET Institutions in Kenya, the study concludes that trade unions contribute to reduction of discrimination at work place and also safeguards the right of employees to fair hearing during appeals after unfair dismissal. They also attempt to fight for employees' right and ensure employees are given just and favourable conditions of work in the institutions. The trade unions efforts contribute to the value that TVET institutions give to on-job training for new tasks. The study further concludes that due to efforts by trade unions, employees in TVET institution are given just and favourable conditions of working that include equal pay for equal work. The study concludes that trade unions have participated in coming up with collective bargaining agreements that touch on pay, promotions and other benefits like housing, medical-cover and hardship allowance, travel allowances, right to rest and leisure, right to reasonable limitation of working hours and accessing allowance for paid periodic holidays. In addition, the study concludes that due to efforts of the trade unions employees in the institution are allowed to form and join unions for the protection of their rights. The study also concludes that trade unions efforts contribute to on-job training for new tasks while supporting requests for management to renew contracts of contracted employees, in ensuring staffs are confirmed immediately after the probation period, supporting reduction of unethical retrenchment in the TVET institutions and play a critical role in championing for continued improvement of job security within TVET institutions. Trade unions also encourage staffs to join retirement benefits scheme. Trade unions have also led to increased job benefit in TVET institutions

and play a role in promoting job security for employees. The study established a positive linear relationship between trade union's protection of employee's rights and employees' productivity, therefore the alternate hypothesis that trade unions protection of employee's rights has a positive significant influence on employee's productivity in TVET Institutions in Kenya is true so it is accepted.

### **Recommendations**

Presence of union representatives in an institution is regarded by members as a channel through which employees can contribute to the strategic direction of the union. Therefore, every TVET institution should have a trade union official representative.

### **Areas for Further Research**

The study suggests further research into the effect of trade unions in policy formulation in the ministry of education science and technology. The study further suggests an influence of trade unions on TIVET curriculum reforms, the influence of trade

unions on strategic human resource management in the TVET institutions and the role of trade unions in the strategic orientation of technical and vocational training in Kenya. It also suggests investigation in to the effect of trade union movement in the growth of technical education in Kenya and the role of trade unions in the Human Resource Development in the TVET institutions. The study also suggests an investigation into the influence of trade unions in entrenchment of high productivity work place practices in the TVET institutions and a study into the role of trade unions on the working environment of unionisable staffs in technical institutions in Kenya. The study further suggests research into the influence of trade unions in the organizational communication practices at technical education institutions and in the resolution of labour conflicts in these institutions. The study also suggests an investigation into the influence of trade unions on transformative leadership programmes in TVET institutions within a changing education context in Kenya.

### **REFERENCES**

- Aarabi, M., Subramaniam, D., Almintisir, A., & Akeel, A. (2013). Relationship between Motivational Factors and Job Performance of Employees in Malaysian Service Industry. *Asian Social Science Journal*; Vol. 9, No. 9 , 1911-2017.
- Adewumi, F. (2012). The Global Economy, Trade Unions and The Protection of Workers' Rights in Nigeria. *The Journal of Labor and Society* , 15 , 529–547.
- Aroge, S. (2011, November). Productivity Improvement and Corporate Survival: Challenges to Trade . *International Journal of Business Administration Vol. 2, No. 4* , 136.
- Bennet, T. (2014). *Do learning partnerships reduce conflict in the workplace*. Liverpool: IROWE Lancashire Business School.
- Bennett. (2010). Do union-management learning partnerships reduce workplace conflict? *Employee Relations*, Vol. 36 Iss: 1, , 17-32.
- Berman, J. (2013). Utility of a Conceptual Framework within Doctoral Study. *Issues in Educational Research*, v23 n1 , 1-18.
- Bernardin, H. J. (2010). *Human resource an Experimental Approach 5th edition*. Boston: Mcgraw Hill.



- Blanchflower, D. G., & Bryson, A. (2009). Union Decline in Britain,. *CEP Discussion Paper No. 864* .
- Bryson, A., Forth, J., & Laroche, P. (2011). Evolution or revolution? The impact of unions on workplace performance in Britain and France. *European Journal of Industrial Relations* 17 (2) , 171-187.
- Chan, K.-Y. A., Marthinus, W. P., & Oerlemans, L. A. (2012). A relational view of knowledge transfer effectiveness in small new technology-based firms: An empirical analysis of a South African case. *African Journal of Business Management* Vol. 6(11) , 3930-3940.
- Chuan, C. L. (2006). Sample Size Estimation Using Krecje and Morgan and Cohen Statistical Power Analysis: A Comparison. *Jurnal Penyelidikan IPBL* , 79-86.
- Commonwealth Secretariat. (2013). *Analysis of Technical Vocational Education and Training systems in five Commonwealth Countries (Bangladesh, Gambia, Jamaica, Kenya, Papua New Guinea)*. . London: Commonwealth Secretariat.
- COTU. (2016). *COTU*. Retrieved from Cotu-kenya.org: <http://cotu-kenya.org/>
- Creswell, J. S. (2014). *Educational Research: Planning, Conducting, and Evaluating Quantitative and Qualitative Research 4th Ed*. Boston, MA: Pearson Educational Inc.
- Danish Trade Union Council for International Development Cooperation . (2014). *Kenya Labour Market Profile*.
- Damiani, M., & Ricci, A. (2014). Decentralised bargaining and performance-related pay Evidence from a panel of Italian firms. *International Journal of Manpower*, Vol. 35 Iss: 7 , 1038-1058.
- Daud, Z., & Tumin, S. (2013). The Relationship between Employees' Need and the Formation of Trade Union: The Malaysian Manufacturing Company's Experience. *International Journal of Business and Social Science* Vol. 4 No. 13 , 124-126.
- Delery, J., Gupta, N., Shaw, J., Douglas Jenkins, J., & Ganster, M. (2000). Unionization, Compensation, and Voice Effects on Quits and Retention. *Industrial Relations* 39(4) , 625-645.
- Fashoyin, T. (2010). *Collective Bargaining and Employment Relations in Kenya*:. Geneva, Switzerland: Industrial and Employment Relations Department, International Labour Organization.
- Gamage, P. N., & Hewagama, G. (2012). V Determinants of Union Participation of Public Sector Organizations in Sri Lanka. *Sri Lankan Journal of Human Resource Management* , 3 (1).
- Gichaba, S. (2013). *Perceived influence of trade unions on terms and conditions of service and job security of employees at kisii university-kenya (research project)*. Kisii University.
- Gill, A. (2009). Union impact on the effective adoption of High Performance Work Practices. *Human Resource Management Review* 19 , 39-50.
- Gill, C., & Meyer, D. (2013). Union presence, employee relations and high performance work practices. *Personnel Review*, Vol. 42 Iss: 5 , 508-528.

- Golafshani, N. (2003). Understanding Reliability and Validity in Qualitative Research. *The Qualitative Report* , 698-606.
- Grady, J. (2013). Trade unions and the pension crisis: defending member interests in a neoliberal world. *Employee Relations, Vol. 35 Iss: 3* , 294-308.
- Gray, J. (2013). *Corporate governance, e-book*. Retrieved from world finance: [www.worldfinance.com](http://www.worldfinance.com),
- Haenisch, J. (2012). Factors Affecting the Productivity of Government Workers. *SAGE Journals* , 1-14.
- Hirsch, B. (2003). What do unions do for economic performance? *ournal of Labor Research, 25 (3)* , 415-456.
- ILO-COTU . (2015). ILO-COTU Workshop On Collective Bargaining At Tom Mboya Labour College. *ILO-COTU Workshop On Collective Bargaining At Tom Mboya Labour College*. Kisumu: ILO-COTU.
- International Labour Organization. (2006). *International Labour Organization* . International Labour Organization
- Ionescu, R. (2015). *Negotiation Training*. Retrieved from negotiations.com: <http://www.negotiations.com/articles>
- Khan, M., & Khan, N. (2011, September). Efficiency and profitability: Role of labor unions beneficial for employer. *Far East Journal of Psychology and Business Vol. 4 No. 3* , 58.
- Kim, J., MacDuffie, J., & Pil, F. (2010). Representative influence Employee voice and. *Team versus. Human Relations* , 371-394.
- Kipkebut, D. (2010). *Organizational commitment and job satisfaction in higher educational institutions: the Kenyan case. PhD thesis*. Middlesex University.
- KNUT. (2015). *Kenya national Union of Teachers*. Retrieved from KNUT: <http://www.knut.or.ke/>
- Kothari, C. R. (2008). *Research Methodology- Methods and Techniques*. New Delhi:: New Age international (P) Ltd,.
- Krishnaswamy, K., Sivakumar, A., & Mathirajan, M. (2006). *Management Research*.
- KUDHEIHA. (2014). *What does KUDHEIHA stand for?* Retrieved from Kudheiha.org: <http://www.kudheiha.org/about%20us.html>
- KUPPET. (2011, July 29th). *About KUPPET*. Retrieved from Kuppet.or.ke: [http://www.kuppet.or.ke/index.php?option=com\\_content&view=article&id=19&Itemid=27](http://www.kuppet.or.ke/index.php?option=com_content&view=article&id=19&Itemid=27)
- Lamarche, C. (2013). Industry-wide work rules and productivity: evidence from Argentine union contract data. *IZA Journal of Labor & Development* , 11.
- Maina, M. N. (2014). Quality and Productivity of Teachers in Selected Public Secondary Schools in Kenya. *Mediterranean Journal of Social Sciences, 5 (5)* , 103-115.
- Makworo, E. O., Mwangi, S., & Wesonga, J. N. (2013). Linking TVET Institutions and Industry in Kenya. *Journal of Economy, Management and Social Sciences, 2(4)* , 91-96.

- Marchington, M. (2006). Employee voice systems. In P. Boxall, J. Purcell, & W. P. (eds), *Oxford Handbook of Human Resource Management* (pp. 230-250). Oxford: Oxford university press.
- Metcalfe, D. (2003). Unions and productivity, financial performance and investment', . In e. J.T. Addison and C. Schnabel, *International Handbook of Trade Unions* (pp. 118-171). Cheltenham, UK: Edward Elgar.
- Mihail, D. M., Links, M., & Sarvanidis, S. (2013). High performance work systems in corporate turnaround: a German case study. *Journal of Organizational Change Management, Vol. 26 Iss: 1* , 190 – 216.
- Ministry of Science and Technology. (2015). *List of TIVET Institutions*. Nairobi: Government Printer.
- Morara, M., & Gakure, R. (2015). Factors contributing to poor performance of trade unions in kenya (a case study of kenya pipeline company trade union). *International Journal of Social Sciences Management and Entrepreneurship (1)* , 80-89.
- Naqvi S.M.M. R., & Nadeem S. (2011). Impact Of High Performance Work Practices System On Motivation. *Interdisciplinary Journal Of Contemporary Research In Business, 2011, VOL 3*
- Nirmala, V. N., & Raju, B. N. (2014). Role of Trade Unions – A Critical Dimension on Organizational Climate: A Study in Two Thermal Power Stations-Ntpps & Ktps. *Global journal for research analysis, Volume-3, Issue-9* , 816.
- Nyaencha, E. (2014). *Employee relations, principles, Processes and Practice*. Focus Publishers Limited.
- Nyombi C., (2013), "Employees' rights during insolvency", *International Journal of Law and Management*, Vol. 55 Iss 6 pp. 417 - 428
- Obeidat, S. M., Mitchell, R., & Bray, M. The link between high performance work practices and organizational performance: Empirically validating the conceptualization of HPWP according to the AMO model. *Employee Relations* , 38 (4), 578 – 595.
- Odhong', E., & Omolo, J. (2014). An Analysis of the Factors Affecting Employee Relations in the Flower Industry in Kenya, a Case of Waridi Ltd, Athi River. *International Journal of Business and Social Science* , 148-160.
- Odhong', E., Were, S., & Jacob, O. (2014). Re-thinking Industrial Relations for Enhanced Organizational Performance in Kenya. *2014 International Annual Conference on Sustainable Research and Innovation, Volume 5, 7th- 9th May*. Nairobi: African Institute for Capacity Development (AICAD), Jomo Kenyatta University of Agriculture and Technology.
- Ojokuku, R., & Sajuyigbe, A. S. (2014). Effect of employee participation in decision making on performance of selected small and medium scale enterprises in lagos, Nigeria. *European Journal of Business and Management* , 93.
- Olufunmilayo, F., & Kola, O. O. (2014). In Pursuit of the Employees' Welfare in the Workplace: Issues and Perspectives. *Mediterranean Journal of Social Sciences* .
- Omolo, J. (2010). The Dynamics and Trends of Employment in Kenya. *IEA Research Paper series no. 1/2010* , pp. 36-43.

- Onderi, H., Ajowi, J., & Malala, G. (2014). Restructuring Technical and Vocational Education and Training (TVET) For Sustainable Development in Sub-Saharan Africa. *International Journal of Interdisciplinary Research and Innovations ISSN 2348-1226 (online) Vol. 2, Issue 1, , 40-45.*
- Opara, L. C. (2014). The Legal Frame Work of Trade Union Activism and the Role of National Industrial Court (NIC) in Handling Trade Dispute. *International Journal of Humanities and Social Science , 4 (3).*
- Rodríguez-Ruiz, Ó. (2015). Unions' response to corporate restructuring in Telefónica: locked into collective bargaining? *Journal of Employee Relations , 83 – 101.*
- Sang, A. K., Muthaa, G. M., & Mbugua, Z. (2012). Challenges Facing Technical Training in Kenya. *Creative Education 2012. Vol.3, No.1, , 109-113.*
- Saunders, M., Lewis, P., & Thornhill, A. (2009). *Research Methods for Business Students (5th edition)*. New Jersey: Prentice hall.
- Sekaran, U. (2003). *Research Methods for Business. A Skills Building Approach, 4th edition*. New York: John Wiley & Sons.
- Teicher, J., & Gramberg, B. (2014, October 28th). *Demise of unions fails to stymie workplace conflict*. Retrieved from Workplace info: <http://workplaceinfo.com.au>
- Timiyo A.J.,(2014). *High Performance Work Practices: One best-way or no best-way. IOSR Journal of Business and Management (IOSR-JBM) e-ISSN: 2278-487X, p-ISSN: 2319-7668. Volume 16, Issue 6. Ver. I (Jun. 2014), PP 08-14*
- Tseng, L. M., & Kuo, C. L. (2014). Customers' Attitudes Towards Insurance Frauds: an Application of Adams' Equity Theory. *International Journal of Social Economics , 14 (11), 1038-1054.*
- Tubey, R., Kipkemboi, J., & Bundotich, M. (2015). An Overview of Industrial Relations in Kenya. *Research on Humanities and Social Sciences , 5 (6), 2224-5766.*
- Wright, C. F. (2011). *What role for trade unions in future workplace relations?* . Retrieved from [www.acas.org.uk/researchpapers](http://www.acas.org.uk/researchpapers)
- Zulkiflee, D., & Shahrom, T. (2013). The Relationship between Employees' Need and the Formation of Trade Union: The Malaysian Manufacturing Company's Experience. *International Journal of Business and Social Science , 4 (13), 124.*