



**ASSESSING THE EFFECTIVENESS OF COLLECTIVE BARGAINING AT
THE UNIVERSITY OF MALAWI: THE CASE OF CHANCELLOR
COLLEGE**

**MASTER OF ARTS (HUMAN RESOURCE MANAGEMENT AND
INDUSTRIAL RELATIONS) THESIS**

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DECLARATION

I, the undersigned hereby declare that this thesis is my original work which has not been submitted to any other institution for similar purposes. Where other people's work has been used, acknowledgements have been made.

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CERTIFICATE OF APPROVAL

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DEDICATION

I dedicate this to my late father Mr Vennings Vincent Phiri who was always reminding me on the importance of education and then to my mother, Mrs Judith Phiri, the woman who believed in me from the day I was born. My prayer warrior!

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ABSTRACT

This study sought to assess the effectiveness of collective bargaining at Chancellor College. Despite having the collective bargaining mechanism, Chancellor College has, in a period of five years between 2013 and 2018, experienced fifteen strikes. The consequences of these strikes were the following: closure of colleges, disruption of the academic calendar (the longest sit-in lasted four months in 2017) and negative financial implications on both the students and the institution. This was a qualitative research and purposive sampling was used. The study interviewed 12 key informants being those with knowledge of collective bargaining at Chancellor College. Data was collected using key informant interviews and was analysed using the deductive approach with thematic analysis. This study further used the Thomas-Klimann Conflicts model to assess the effectiveness of collective bargaining at Chancellor College with regards to resolving disputes. The main findings have been that collective bargaining at Chancellor College is not as effective. This is so because there are multiple trade unions within one institution and also that there are four categories of employees within the same institution with different conditions of service and salary structure. Lack of autonomy for college management to make decisions also affects the effectiveness of collective bargaining. Government interference also hinders the effectiveness of collective bargaining. The findings suggested that there is a need for the college management to have one union and harmonised salary structure and conditions of service were proposed. This would help to reduce the number of industrial action thereby achieving industrial peace. Further to that, it is important to consider the extent to which college leadership can have autonomy to make decisions on behalf of the usual institutions that make such decisions, namely, government and University Council in order to speed up the collective bargaining process. In conclusion, the study found that collective bargaining is largely ineffective at Chancellor College.

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LIST OF ABBREVIATIONS AND ACRONYMS

ADRA	Adventist Development Relief Agency
CCASU	Chancellor College Academic Staff Union
CHANCO	Chancellor College
CoM	College of Medicine
ILO	International Labour Organisation
KCN	Kamuzu College of Nursing
MoL	Ministry of Labour and Manpower Development
SADC	Southern Africa Development Cooperation
UK	United Kingdom
UMSU	University of Malawi Student Union
UNIMA	University of Malawi
USA	United States of America
UWTU	University Workers Trade Union

CHAPTER 1

INTRODUCTION

1.1 Introduction

The term collective bargaining was coined by Beatrice Webb in 1891 to define the process of agreeing to terms and conditions of employment through representatives of employers and employees. It was later considered by Samuel Gompers, the president of American Federation of Labour in USA. The idea of collective bargaining enabled the movement from a system where employers were making decisions on conditions of service single handedly (Doellgast and Benassi, 2014). From the perspective of the employees, collective bargaining helps to mitigate the uneven balance of power between employer and employees. It is also essentially a participatory process whereby representatives of employers and of employees come together to negotiate and reach agreements and compromise. Collective bargaining emerged throughout the world mainly in countries with democracy as a mechanism for resolving disputes between employers and employees.

Since early 1990s, collective bargaining in America has offered a unique opportunity to understand how it can be a tool for negotiating conditions of service and also resolving disputes affecting the economic output of an organization (Lamarche, 2015). It suggests that firm level negotiations lead to increase in productivity, low worker's dismissal and industrial actions. In Latin America, collective bargaining is practiced by only a few governments. The companies tend to be organized primarily at the company level. The number of unions have increased over the years in many countries while membership have decreased except in Brazil (Ebbinghaus & Visser, 2000; Fashoyin 1998; Vega Ruiz, 2006). In Canada and the United States, collective bargaining is largely characterized by single employer and enterprise level negotiations. There is no employer willingness to engage in coordinated bargaining processes which has led to many unions in both countries coordinating their own bargaining activities. While union density has declined in Canada in the mid-1990s, it

remains higher than in the United States of America (Zvobgo, 2019). Employer resistant to unionization in the United States increased in the 1980s and 1990s which has had an impact on the influence of collective bargaining and trade unions.

According to Nyanga and Tapfumanei (2012), collective bargaining between employers and teachers were going well until in the twentieth century when a series of events occurred in the political, social and economic circles which have affected collective bargaining in different ways. Further despite the positive that comes with collective bargaining process like achievement of industrial peace, increase wages and improved conditions of service for unionized members (Purcell, 2000). Bates, 2000 explains that the education sector in the world was not spared from the environmental forces that affected collective bargaining. It experienced a fair share of problems including conflicts between employer and employees which led to collective job actions. The other challenges collective bargaining is facing is the way the process is conducted (Bates, 2004). They have been poor communication, bargaining in bad faith, lack of bargaining skills, fear of victimization at negotiations in a collective bargaining process can excessively extend over a period of time (Edwards, 2003; Goldman 2002).

In several African countries, the right to collective bargaining in different countries has often been enacted through legislation. Under Article 15 of the African Charter on Human and Peoples Rights also affirms the right to freedom of association. The charter talks about the right of every individual to work under equitable and satisfactory conditions which can be achieved through collective bargaining (Zvobgo, 2019). In addition to this, collective bargaining in much of Africa has become increasingly important due to the rise in informal workforce, occupational health and safety, training and skills development, migrant workers as well as policies adopted by developing countries when dealing with emerging economies. Though most African countries have legislations that support collective bargaining, the implementation depends on political development, prevailing economic development and also involvement of donor community or development partners. According to Visser (2000), Collective bargaining in Africa is facing considerable challenges due to the decline in both trade union density and collective bargaining coverage across the

continent. The main contributing factors to the decline in coverage are high prevalence of the informal economy, low levels of formal wage employment and difficulties in organizing workers in small and micro enterprise.

Collective bargaining in Malawi started in the 1940s when organized labour movement was formed due to a series of strikes caused by poor wages and poor working condition (Dzimhiri, 2006). This led to the formation of the first registered trade union in 1949. By 1964 when Malawi attained its' independence, the country had 19 trade unions. Soon after independence and due to the one party system of government, trade unions were not allowed to bargain freely because of government's negative attitude towards trade unions. Things improved in the 1990s after the re-introduction of multiparty democracy. It was during this time that the country saw a rise in the number of trade unions again and the use of collective bargaining as a process for negotiations. Collective bargaining is practiced primarily in cases where workers have gone on strike (Dzimhiri, 2013). It has also been argued that employers in Malawi are not proactive in resolving disputes and employees' grievances until employees are fed up and have taken industrial action (Zvobgo, 2019). This has affected the quality and effectiveness of the collective bargaining agreements. In addition to this, collective bargaining in Malawi focuses on issues to do wage negotiation at the expense of other conditions of service.

In 1996, the Malawi government enacted the Labour Relations Act (LRA) of 1996. In the LRA, Section 25 (1) provides for the right for workers to join trade unions and this section states that *"Where at least twenty per cent of (Enterprise level bargaining) (a) employees of an employer at one or more workplaces; or (b) a particular category or categories of employees of the employer having a significant community of interest, are members of a particular trade union or more than one acting jointly, the employer shall recognize that trade union of those trade unions for the purposes of collective bargaining"*. This provision is there to help employers and employees -negotiate terms and conditions of employment as well as wages. According to Dzimhiri (2006) employers consider the 20% threshold given to employers to allow employees to form a trade union as undemocratic and pro-worker. This has led to collective bargaining in

Malawi not to be used by employers to resolve dispute but rather used after employees have gone on strike (Dzimbiri, 2016).

The University of Malawi (UNIMA) was founded in 1965 immediately after Malawi got its independence from Britain (University Act of 1974). At the time of the study in 2019, the University had four constituent colleges namely: College of Medicine, Chancellor College, Kamuzu College of Nursing and The Polytechnic with the University Central Office as the coordinating arm. During the same period when this study was being undertaken, there was the process of de-linking where consequently, two new universities were to emerge namely the Malawi University of Business and Applied Studies (MUBAS) to arise from The Polytechnic and the Kamuzu University of Health Sciences (KUHeS) comprising the merger between College of Medicine and Kamuzu College of Nursing. Chanco remained as the original University of Malawi (delinking report, 2019). This study was however restricted to Chancellor College because it is the only university within UNIMA which has legally constituted trade unions especially for academic staff. The other colleges had only staff welfare committees.

The University of Malawi (UNIMA) has been instrumental in the education, training and development of a reliable human resource for the country. As of 2019, there were over 8,000 students enrolled in various academic disciplines and in all its colleges (University of Malawi Act, 1998). According to the University of Malawi Act, as amended in 1998, the colleges are under the general administrative supervision of the Council and under the general academic supervision of the Senate. UNIMA members of staff are employed by the University Council. With respect to the University Council itself, some members are appointed by the Head of State who is the Chancellor, while others were appointed by the University Senate among its members, one member elected by UNIMA Ex-student Union Association, two members nominated by UNIMA Student Union and other members are in the Council as Ex-officio members (UNIMA Act, 1998)

This study sought to investigate the effectiveness of collective bargaining at the University of Malawi within the sphere of industrial relations. Industrial relations in

Malawi date back to the coming of modern industries in the colonial period when the country was under British rule (1881 to 1964). During this period and the subsequent one party regime (1964-1993), state-labour relations were characterized by state control and infringement of people's rights. According to Dzimbiri (2006), industrial relations during the One Party system faced a lot of challenges due to lack of both freedoms of association and expression. The pattern continued until 1993 when, through a national referendum, Malawians voted for the return of a multi-party system of government (Kaunda, 1998).

In 1964 soon after independence, there was a cabinet ministers' revolt referred to as the "Cabinet Crisis". Some cabinet ministers resigned while others were dismissed because they did not agree with some of the domestic and foreign policies of the Prime Minister, Dr Hastings Kamuzu Banda. After the Cabinet Crisis in 1964, the government started looking at the trade unions as an enemy fearing that it would hinder economic development of the country (Kayuni and Tambulasi, 2010). As such employees could not negotiate their salaries and/or their employment conditions of service. After independence, as was the case during the colonial period, the one party government was still using the Trade Unions Act of 1958 which provided for freedom of expression, collective bargaining and the right to strike. However, the one party system of government made the environment made the implementation of the Act difficult and not conducive for trade unions to operate freely (Dzimbiri, 2016).

When Malawians voted for a multi-party system of politics in 1993 and adopted a relatively liberal constitution, it allowed for the exercise of freedom of expression and association by various political groupings including trade unions. Section 13 (1) of the country's new Constitution allowed for peaceful negotiations through arbitration, mediation and conciliation. Consequently, in 1996, Malawi enacted the Labour Relations Act which gave employees a right to freedom of association, to strike and also to conduct collective bargaining.

The coming in of freedom of expression and association fueled industrial conflicts whose major feature tended to be strikes both in the private and public sector. According to Dzimbiri (2016) from 1992 and 1999 there were 300 strikes compared

to only 4 strikes in the period between 1966 and 1991. This was so because in the current multi-party system of government there is freedom of expression and therefore people have the right to express themselves in many ways including through industrial action. The strikes which took place between 1992 and 1999 occurred because employees were demanding improved wages and better conditions of service. It is against this background that Malawi started using collective bargaining as a tool for negotiating terms and conditions of employment. Collective bargaining is one of the roles of trade unions and provides the opportunity to formulate rules, regulations and procedures by mutual consent (Prasad, 2009). Collective bargaining may be used as an effective tool for dispute resolution in any organization (Luqman et. al, 2012). Effective collective bargaining process starts with a union claim which is followed by an initial counter offer from management (Cole, 2002; Prasad, 2009). The bargaining process is mainly initiated by unions. The process requires that parties should bargain in good faith and that there should be trust between the parties.

The purpose of this study was to assess the effectiveness of collective bargaining at Chancellor College. The study intended to assess the context and effectiveness of collective bargaining at Chancellor College as a way of resolving disputes. The study examined how collective bargaining has been used as a tool for dispute resolution to avoid industrial action by employees and the employers and identify whether collective bargaining has been successful in preventing employees to go on strike at Chancellor College between 2013 and 2018.

1.2 Problem Statement

The University of Malawi, to which Chancellor College is a constituent college, has a collective bargaining mechanism. The players in this collective bargaining process are: Chancellor College Academic Union (CCASU), a union whose membership is academic staff of the college, University Workers Trade Union (UWTU), a trade union whose members are support staff from all the constituent colleges of UNIMA, UNIMA Student Union and UNIMA Parents Association. Despite Chancellor College having a collective bargaining mechanism, UNIMA collectively has had 13 strikes between 2013 and 2018, most of which involved Chancellor College. The strikes had the following effects: closure of the colleges thereby disturbing the

academic calendar, prolonged years in college for students and budget constraints as the academic calendar was prolonged. In 2017 an industrial strike at Chancellor College took four months before it was called off (see Table 1 and Appendix 4). Table 1 below shows the industrial strikes at the college, which year the strike occurred, the duration and the reason.

Table 1: University of Malawi Industrial Actions from 2013 to 2018

Year	No of Industrial actions	Period of Dispute	Reason of dispute
2013	2	2 years	Demand for 25% salary increase
2014	1	Continued dispute from 2013	Demand for 25% increase
2015	1	Continued dispute from 2013 (UWTU)	Demand for 25% increase salary
	1	PASCOW – 1 month	Demand for 30% salary increase
2016	1	UWTU – 3 months	Demand for 30% increase
	1	CCASU – 4 months	Salary disparities
2017	1	CCASU – continued dispute from 2016	Salary disparities
2017	1	UWTU – 1 month	Demand for 40% salary increase
2018	1	UWTU – 2 months	Demand for 40% salary increase from 2017
	1	Staff Welfare Committees – 2 months	Salary increase
	1	Staff Welfare – 1 month	Salary increase
	1	UWTU – 2 months	Demand for salary arrears

The table above details the number of strikes in each year from 2013 – 2018 and what caused these industrial actions. As can be seen from the table, there has never been a

year in the period understudy that the University of Malawi has operated without experiencing an industrial action. The reasons for these industrial action varied from demand for an increase in salary to failure by college management in implementing collective agreements. This has led to Chancellor College not to experience industrial peace despite the college having collective bargaining mechanisms.

There have been previous studies on effectiveness of collective bargaining in managing conflicts in other settings. Ekwaoba and Ojikutu (2015) investigated the use of collective bargaining as an effective instrument for the management of conflict in higher educational institutions by academic and Non-Academic Staff Unions in Nigeria. It was revealed that effective collective bargaining has positive effects and that collective bargaining proved to be a real instrument for the management of conflict in the universities. The study further observed that when collective bargaining is used effectively it positively can lead to high productivity due to reduced number of conflicts. Universities should focus on collective bargaining to convert the manifestation of conflicts into benefits for the university. Another study by Akhaukwa et.al (2013) in public universities in Kenya investigated the effect of collective bargaining process on industrial relations environment. The results of this investigation showed that collective bargaining had a significant effect on industrial relations environment and recommended that parties to collective bargaining should reconsider their strategies for engagement in order to enhance their relationship. The study also found academic staff were dissatisfied with collective bargaining processes and suggested that this can improve if management and unions acquired knowledge in negotiation skills and labour relations. Another study by Ehenberg et.al (2004) assessed collective bargaining in higher education sector in the United States in general. The study found that the role of collective bargaining was likely to grow in the American higher education sector and more especially in public universities. Lower salaries in the public universities compared to private universities were likely to contribute to an increase of collective bargaining. A study by Fairfoul and White (2012) on collective bargaining in the United Kingdom's Higher Education sector provided its overview and considered some of the challenges. The study reported that the arrangements for determining the pay for staff in UK higher education institutions reflected both the historical context of the UK funding system and the unique nature

of UK industrial relations law. The study found that the law had played a very limited role in defining the relationship between higher education employers and unions and bargaining arrangements were made on voluntary agreements between the two parties. The study found that collective bargaining has led to UK universities having a systematic way of raising salaries through the Framework Agreement for the Modernization of Pay Structures.

While there is literature in other settings, the researcher was unable to find any study on effectiveness of collective bargaining in Malawi in general and the education sector in particular. Ekwaoba and Ojikutu (2015) revealed that effective collective bargaining has positive effects and that collective bargaining could be an effective instrument for the management of conflict in the universities and that collective bargaining can be effective in managing industrial conflicts, yet in Malawi, with particular focus on Chancellor College, collective bargaining seems not to have prevented industrial conflicts which led to about 15 strikes between 2013 to 2018 despite having collective bargaining mechanisms. This is the gap that justifies the significance of this study at Chancellor College to assess the effectiveness of collective bargaining in resolving disputes.

1.3 Main objective of the study

The main objective (goal) of this study was to assess the effectiveness of collective bargaining at Chancellor College.

1.3.1 Specific Objectives

The following were the specific objectives of this study:

1. To analyze the nature of collective bargaining.
2. To assess the effectiveness of collective bargaining as a tool for resolving disputes.
3. To analyze factors that are influencing collective bargaining.

1.4 Outline of the study

This thesis has been divided into five chapters. Chapter 1 is an introduction that talks about what this study is all about and the history of collective bargaining and industrial relations in Malawi. In the problem statement, the researcher looked at other studies in the field of collective bargaining and finding the gap that is there that has motivated this study. The study objectives are what the study intends to achieve and, research questions are the questions that the researcher was attempting to answer and outline of the study is outlining all the chapters in this thesis.

Chapter 2 is a literature review which discusses the various studies in the area of collective bargaining to help the researcher to get answers to the research questions and theoretical framework is about the theoretical framework that the researcher used in this study.

Chapter 3 is research methodology where Research Strategy and Design, Population of the study, Sampling, Data collection methods, Data analysis and Ethical considerations have been discussed in detail.

Chapter 4 is Results and Discussion for this study. It has details of findings and also a discussion of the findings.

Chapter 5 is the conclusion and recommendations. This chapter has what is conclusion of the findings and also what the researcher is recommending.

1.5 Conclusion for the Chapter

This chapter introduced the topic under study by looking at various literature with regards to collective bargaining. It further looked at the problem statement where literature from other scholars were analyzed and then came up with the justification of this study. The main objective of the study, specific objectives and outline of the study were also discussed.

CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

This chapter focused on the existing body of literature in the area of collective bargaining. Literature on industrial relations was reviewed more especially with respect to industrial relations in Malawi. Further to that, it also looked at what other scholars have written on collective bargaining in institutions of higher learning from USA, UK, Africa and particularly in SADC. Literature on Effectiveness of Collective bargaining is discussed.

2.2 Collective Bargaining

Gatchalian (1998) describes collective bargaining as a process which is concerned with relations between workers' union representing employees and engaging with employers or their representatives. While Flippo (1984) defines collective bargaining as a process in which the representatives of a labour organization and of a business organization meet and attempt to negotiate a contract or agreement which specifies the nature of employee-employer union relationship. In order for collective bargaining to be effective, it is important that the trade unions should be strong and believe in constitutional or legal ways of resolving disputes. There should also be a fact finding approach and willingness to use new methods and tools for resolving industrial disputes. The negotiations should be based on facts and figures and both parties should adopt a constructive approach. Management should also be strong and enlightened and should be willing to integrate different parties within collective bargaining process.

Doellgast and Benassi (2014) said that collective bargaining can be viewed as the most developed form of representative or collective voice because it is mainly carried out within the framework of rules, procedures and rights set out in national and international law. It involves different actors including the state, trade unions, work

councils, employers, middle managers and employees. However, the paper argues that the role played by each actor varies considerably across countries depending on the bargaining structure and rights accorded to them through law and practice. According to Purcell (2003), the distinctiveness of collective bargaining lies in its role that involves formal negotiations between two organizations representing the employer and employees and holding different forms of political and economic power. Despite collective bargaining being a viable form of voice, a debate has risen over the years over whether bargaining remains the viable voice or perhaps it should be replaced by human resource management, direct participation and direct government regulations through individual employment rights.

According to ILO (2015) though collective bargaining is a core labour standard, as defined by the International Labour Organisation, workers continue to lack these basic rights in many countries. In International Trade Union Confederation Report of 2012 states that in 2011 at least 76 workers were murdered worldwide as a direct result of union activities while repressions of strike actions and organizing activities resulted in a reported 3, 508 arrests and 15, 860 dismissals. Traxler and Brandi (2011) argues that despite all these challenges, collective bargaining institutions have influenced workers to have access to jobs with good pay and working conditions. It has also positively affected the gender wage gap (Arulampalam et al., 2007).

This literature of collective bargaining is important for the researcher to have a general overview of collective bargaining. This enabled the researcher to assess whether the collective bargaining process at Chancellor College was in line with what is expected to be the process of collective bargaining all over the world. This will help in determining the effectiveness of collective bargaining at Chancellor College.

2.3 Nature of Collective Bargaining

Gatchalian (1998) mentions that the main feature of collective bargaining is that it is a group and not individual action therefore both parties should be represented when reaching an agreement. Employers should be represented by their delegates as well as the employees. It is also a continuous process as such it does not end with one agreement. It provides a mechanism for continued and organized relationship between

management and the trade union. Another feature is that it is a bipartisan process meaning both employer and employees collectively take some action. The agreement is mutual in a give and take rather than take it or leave it method of settling a dispute. Collective bargaining is also a process that consists of a number of steps and the last step is that of reaching an agreement. It is also flexible and mobile and not fixed and static meaning that there is no fast way of reaching an agreement; there is a need for a compromise. Collective bargaining is also based on democracy where trade unions represent workers at a negotiation with employers. It is also dynamic, i.e. it is always growing, expanding and changing and it is becoming more scientific, factual and systematic.

Gregory (1949) explains that the nature of collective bargaining is that it is carried out not by an individual but it is bargaining by a group of people (union). It further describes that the main actors in the collective bargaining process are the employer and their associations and employees and their unions. Its main objective is to make rules and regulations by reaching agreements and through specifying the rules pertaining to employment relationship (Gernigon et.al., 2000). The main focus of these collective agreements is to come up with the terms and conditions of employment. It is also a process of ensuring that an attempt is made to reconcile the needs of employees to the needs of employers and come up with conditions that are acceptable to both parties. Collective bargaining is also an important part of industrial relations. Furthermore, it is important for the players to ensure that parties to a dispute reach an agreement or a mutually satisfying settlement (Doelgast and Benassi, 2014). The paper further suggests when all these are followed, there are likely to gain industrial peace and harmony and disputes are resolved without attracting industrial actions.

This study is about assessing the effectiveness of collective bargaining at Chancellor College as such understanding the nature of collective bargaining is vital. This is important in order to understand the nature of CB at Chancellor College whether the nature of collective bargaining has had a positive or negative impact on the effectiveness of collective bargaining. The assisted the researcher to assess collective bargaining in terms of dispute resolution by looking at nature of CB.

2.4 Debate on effectiveness of collective bargaining

Lewin et.al (2014) argues that collective bargaining seems to be working well for private companies compared to public companies in United States of America. They state that contrary to what the proponents of collective bargaining were saying on effectiveness of collective bargaining that it has led to overcompensation among public employees. Evidence shows that the impact of collective bargaining on public sector pay is smaller as evidence shows that the public sector pay is relatively lower compared to private sector pay (Lewis et.al, 2014). Further the study found that the effects of unions and collective bargaining in dispute resolution show that it works really well and is very effective. The opponents of collective bargaining argue that much as there are benefits to collective bargaining in the public sector. Its effectiveness is at the expense of undermining democratic governance in one way but on the other hand it is essential part of democratic governance (Chigudu, 2015). Collective bargaining was also perceived be interfering with administrative law governing personal benefits in the public sector. However, proponents of effective collective bargaining argue that collective bargaining is viewed as a fundamental human right with several benefits in a pluralistic society like achieving industrial democracy through effective dispute resolution (Slater, 2011). Edwards (2010) observed that collective bargaining helps to put government in check when dealing with employment matters. Effective collective bargaining helps workers in the public sector to have an opportunity to have their salaries and benefits raised to a level that would not have been normally possible had it been that there was no collective bargaining mechanism (Chigudu, 2015).

2.5 Indicators of Effective Collective Bargaining

Longe (2015) studied Assessment of the Efficacy of Collective Bargaining as a pathway to conflict management in Nigeria's Public Sector organizations. This study evaluated the efficacy of collective bargaining as a pathway to conflict management on the understanding that despite the acclaimed purpose of collective bargaining as a veritable tool of industrial peace, no day passes in Nigeria, particularly in public sector organizations without any form or threat of industrial actions. Thus, the most frequent problem in Nigeria in recent times is the incessant industrial action. The study further evaluated the effectiveness of collective bargaining as a machinery for

conflict management in public sector organizations in Nigeria. It was found that collective bargaining helps in ensuring that compromises and agreements work for harmony to prevail at the workplace. This study suggests that harmony is one of the indicators of effective collective bargaining. When there is harmony at workplace, labour and management resolve differences without resorting to costly ways. Collective bargaining helps employers and employees to reach a cordial settlement of differences. The study further found that both management and labour as social partners should also increase their capacities for effective collective bargaining practice by showing willingness and expanding cooperation. This will allow them to bargain in good faith in order to find common ground and resolve conflicts amicably. The International Labour Organization's policy guide (2015) mentions that there are several benefits that may arise out of having an effective collective bargaining system within an organization. These include: improved wages and working conditions and also equality. These are indicators of effective collective bargaining. The policy further suggests that when collective bargaining is effective it can help in building trust and mutual respect among employer and employees and their organizations. It also contributes to stable and productive labour relations which are also indicators of an effective collective bargaining. Weak and ineffective collective bargaining can lead to a rise in labour disputes with economic and social costs. (ILO, 2015)

Nyanga and Tapfumanei (2019) found that when collective bargaining is effective it acts as a tool for dispute resolution which creates a good corporate image for employer. There is also mutual trust between employers and employees with reduced number of strikes resulting in increased production and increase in employee participation in decision making. Reduced number of strikes is an indication of an effective collective bargaining process. They further argue that when collective bargaining is not effective there is never industrial peace and these can lead to an increase in number of industrial action (Nyanga and Chifamba, 2012). Other indicators of effective collective bargaining are that it promotes industrial or organizational democracy, peace and harmony which also in turn helps to reducing conflicts. Further to that collective bargaining creates a platform for effective communication, negotiation in good faith, impart knowledge of rights and makes organisations follow through collective bargaining agreements. Collective bargaining

is more effective when organisations ensure that they adhere and implement all the collective bargaining agreements which in return leads to industrial peace and less industrial actions. According to Nyanga and Tapfumanei (2019), firms which do collective bargaining appropriately resolve their disputes on time and their disputes do not end up in collective job action like strikes. Further to that other indicators of effective collective bargaining are that collective bargaining directly affect employees job satisfaction, enhances creativity, employee engagement and it also improves employee performance in general (ILO, 2015). Nyanga and Tapfumanei (2019) further observed that collective bargaining can either make or break an institution irrespective of its size and level of growth. Promotion of industrial peace reduces occurrences of organizational conflicts and helps organisations to achieve mutual trust between employers and employees. This in turn help both parties to share key information voluntarily which helps in making informed decisions for the good of the organization.

2.6 Effective Collective Bargaining

Rahim (2001) observed that disclosure of essential information between parties such as the financial position of an institution helps collective bargaining to be effective. He argues that where an employer talks openly about the firm's financial position, employees usually bargain reasonably knowing the capacity of the employer. Similarly, Augar and Lipsky (2004) also observed that effective collective bargaining can lead to industrial peace and harmony which in the end makes the parties to collective bargaining process partners in dispute resolution.

Khabo (2008) reported on the challenges the Southern African Development Community (SADC) countries are facing in creating a conducive environment that will allow collective bargaining to meaningfully impact the workplace. While most SADC countries have legislation and even national constitutions that commit to collective bargaining, the levels of implementation are varied and seem to be determined by the levels of economic and political development of the different countries. The success and/or failure of the bargaining process is/are dependent on the level of maturity and strength of the workers' and employers' organizations or their representatives. The study found that it is important for the employers to create a

conducive environment for effective bargaining to take place. The study further found that collective bargaining can best function effectively if it is conducted genuinely by all the parties to the bargaining process. It sometimes becomes necessary to regulate the bargaining process as some parties tend to undermine the negotiation process by resorting to such tactics as distortion, misrepresentation, bluff, deceit, secrecy, power play and emotionalism. However, Khabo observed that there are challenges are also there when it comes to implementation of collective bargaining in the SADC region. One such challenge is high levels of unemployment and under employment. Even when they are issues that needed to be bargained for, employees are afraid to speak for fear of losing their jobs. This has led to trade unions being unable to redress the ills that are occurring in workplaces. Lack of negotiation skills is also another factor that hinder the effectiveness of collective bargaining. Most union leaders in SADC region lack negotiation skills and this has led to lack of confidence during the negotiation process.

Awe and Obanla (2012) gives a detailed explanation on the nature of industrial conflicts, perspective of industrial conflicts and types and forms of industrial conflicts. The paper notes that collective bargaining has a potential of minimizing conflicts and redressing confrontational attitudes associated with employment relationships. Effective collective bargaining can promote industrial peace and ultimately economic growth. The paper further found that there is a need to promote collective bargaining as an effective mechanism for the resolution of disputes and also a tool for maintaining a harmonious relation between employers and employees. The study found that collective bargaining has great potential for minimizing conflict and redressing confrontational attitudes. Collective bargaining also sets out ways of resolving disputes in a work environment. The study further found that collective bargaining is not effective in the Nigerian public sector because it was faced with fundamental and practical difficulties due to the influence of other governmental agencies on labour relationship. Further to that, the paper argues that contrary to expectations that the consolidation of the unions will enhance the influence of the bargaining machinery, the unions mostly remained disunited and lacking solidarity effort. This has in turn undermined the relevance of collective bargaining. It has also

further led to separate negotiations and lobbying by each union on issues that affect their respective members.

Literature on indicators of effective bargaining and effective collective bargaining seems to suggest that in order to measure its effectiveness, there are several indicators to achieve and these include industrial peace, industrial harmony and reduced number of industrial actions. At Chancellor College there has been at least one strike in the years under study. It is important to assess the effectiveness of collectiveness using these indicators. So the current study will be useful in determining whether collective bargaining at Chancellor College is effective or not. The main limitation of the studies reviewed above was that none of them looked at the indicators of effective collective bargaining in a higher education institution.

2.7 Factors influencing collective bargaining

A paper by Luqman et.al (2012) on “Collective Bargaining and Its implementation: A case study of HBFC in Pakistan” was written to report on the concept of collective bargaining and its implementation issues in HBFC (House Building Finance Company) Pakistan and the problems they face and suggest some factors for effective collective bargaining. The authors found that there was no proper communication between employer and trade unions thus leading to ineffective collective bargaining. Further to that there were misconceptions between them which led to government not to properly recognize the unions. Politics also affects its effectiveness. The paper suggests that in order for collective bargaining to be effective there is need to realize the importance of unions in collective bargaining. The authors further suggested the following factors as the ones that influence the effectiveness of collective bargaining as illustrated in Figure 1 below:

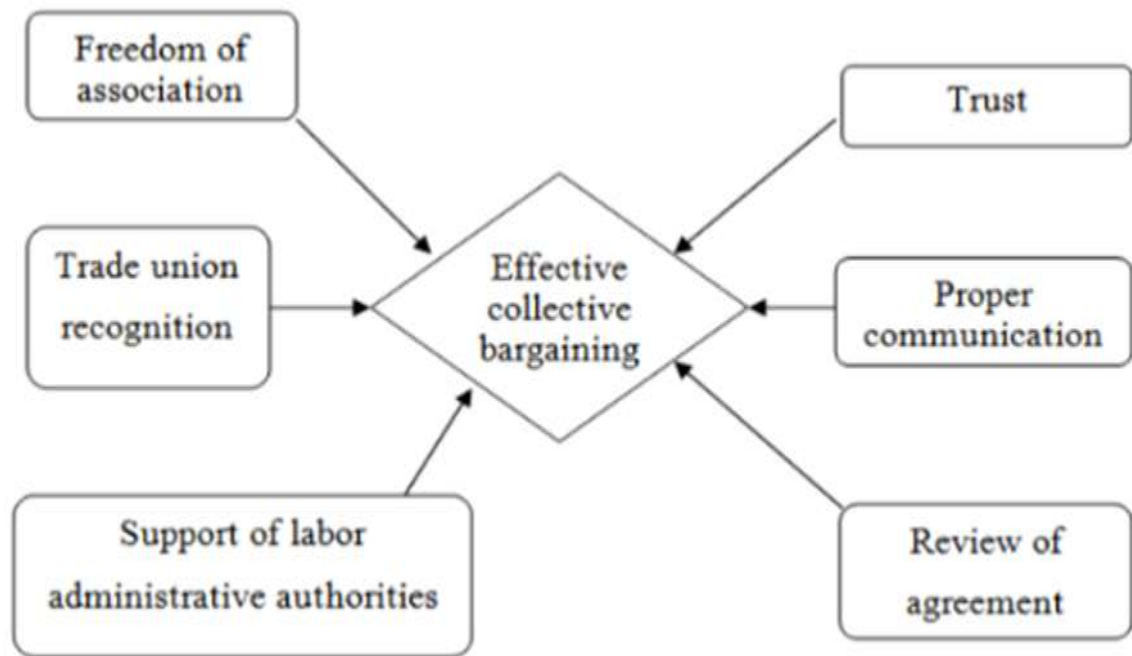


Figure 1: Factors that influence collective bargaining (Source: Luqman et al, 2012)

Luqman et al (2012) further suggested that when there is freedom of association for everyone involved in the collective bargaining process, problems are resolved effectively and it is very easy to understand each another. Trade union recognition is also key in ensuring effective bargaining because when unions are recognised its easier to resolve all issues than when unions are not recognised. Trust between players in the collective bargaining process is another factor that influence collective bargaining. There should always be an element of trust between management and employees . Management should ensure that they are gaining the trust of the unions (Luqman, 2012). Further to that, it is important that all collective agreements should be reviewed properly to ensure that there is no neglect in the implementing of those agreement to ensure effective of collective bargaining. There should also be proper communication between unions and management. The unions should be involved in decision making and also be informed of relevant new developments within the institutions.

Nyanga and Tapfumanei (2012) points out that collective bargaining in the public sector is affected by political influence. The negotiations are done by the employees

with their employers who are the arm of the government hence political interference becomes inevitable. This in the end affects the collective bargaining process. The study further found that trade unions in public service are aligned to certain political parties which in turn compromise the collective bargaining process. Stoney (1999) points out that collective bargaining should be free from all external influences including politics and that trade unions should dissociate themselves away from politics.

The studies looked at in the factors influencing collective bargaining process are important for this study. It is important for the researcher to understand these factors in terms of their role in the collective bargaining process. They have both positive and negative effects on the collective bargaining process. It is therefore crucial to understand the factors that influence collective bargaining at Chancellor College and then assess whether these factors are influencing the effectiveness or ineffectiveness of collective bargaining at this institution. The factors will also help the researcher to assess the effectiveness of collective bargaining the way it is conducted at Chancellor College. The limitation of this study was that it was for collective bargaining in general but not in a similar setting at that of institution of higher learning.

2.8 Effects of Collective Bargaining in Higher Education Institutions

A study by Klaff and Ehrenberg (2003) reported on collective bargaining and staff salaries in American colleges and universities. The article reported on how union coverage and effort affected staff salaries at 163 American colleges and universities. The article discussed how faculty members are covered by a collective bargaining agreement. Unionized staff members enjoyed an additional salary gain of 2-3%. The paper then concluded that collective bargaining played a crucial role in ensuring higher salaries in the studied universities. One limitation of the article was that it concentrated on the effectiveness of collective bargaining in terms of improved salaries but no other terms and conditions of service. The paper also did not consider other factors that may have contributed to the salary raises. This paper is however relevant to study because of its setting which is in a university although its emphasis is on effects of collective bargaining on salaries.

In United Kingdom, Fairfoul, et al (2012) studied collective bargaining in the United Kingdom Higher Education sector and provided. The arrangements for determining staff pay in UK higher education reflect both the historical context of the UK funding system and the unique nature of the country's industrial relations law. The study found that the law has played a very limited role in defining the relationship between higher education employers and unions and bargaining arrangements are made on voluntary agreements between the two parties. One limitation of this paper is that it concentrated on the salaries of staff while leaving out some issues such as conditions of employment that may also be bargained for. However, that study fits well in this study because most of the industrial actions at Chancellor College are as a result of employees asking for an increase in salaries. The researcher used the study to compare with the situation at Chancellor College in relation to collective bargaining as enacted in the Labour Relations Act of 1996. However, one limitation of this paper is that it is not assessing the effectiveness of collective bargaining which is what this study is all about.

A study by Ekwoaba and Ojikutu (2015) in Nigeria at the University of Lagos used **the** traditional theory of Conflict Pluralism, which states that organizations are like a family unit with different people of different goals and interest. These different goals and interests are in perpetual conflict with each other. The result of the constant conflict is the breakdown of peace and order in organizations. To avoid these conflicts and to bring peace and harmony in organizations, collective bargaining is a critical tool needed by both the employers and the employees. This study investigated the use of collective bargaining as an effective instrument for management of conflict in educational institutions. The study setting was the University of Lagos (UNILAG) engaging the Academic Staff Union of Nigerian Universities (ASUU) and Non Academic Staff Union (NASU), UNILAG Chapter. The study observed that universities or any private or public institution with an open and sound collective bargaining system has an important strategic practice that will facilitate genuine relationships amongst its industrial actors. The setting of the study is what is making this article more relevant to the proposed research topic.

The study referred to above from the University of Lagos, found that effective collective bargaining positively affects productivity and it is key in the management of conflicts in the universities. This in turn brings about stable relationship between the actors in collective bargaining. Effective collective bargaining then enhances employees and organizational productivity. It also ensures that universities have a quality negotiation system which is capable of building positive relationships between universities and their workforce. The study further proposed that since effective collective bargaining is important to the proper functioning of the university, management and unions should ensure that it is effective for the sustainable development of the universities. The study of pointed out that universities should be proactive in recognizing certain barriers to effective collective bargaining if they are to achieve genuine negotiation amongst the players in the collective bargaining process. The study referred to above took place at the University of Lagos; the study reported in the current thesis is a case of University of Malawi. The Lagos study will be a good reference material as it will help the researcher to have insight into collective bargaining at another university. It will also help in understanding the effectiveness of collective bargaining in conflict resolution. This study will now seek to see and check the effectiveness of collective bargaining in the context of Malawi, and Chancellor College in particular.

A study at public universities in Kenya by Akhaukwa et.al (2013) on the effect of collective bargaining on industrial relations found that collective bargaining process has a significant effect on the industrial relations environment in public universities in Kenya. The study also found academic staff were dissatisfied with collective bargaining process but found this could change if only parties to collective bargaining process could embrace the spirit of give and take, fairness, commitment and timely implementation of agreements. Further, management and union officials should endeavor to acquire negotiation skills, and knowledge in labour relations so as to improve the process. The study also suggested it is important therefore for parties handling collective bargaining process to understand the process in order to achieve peaceful industrial relations process. This study is relevant because its' focus is at Public universities in Kenya and Chancellor College is also a college within a public university. It is important to understand the effects of collective bargaining in other

public universities. However, the limitation of the Kenya study is that it only looked at the effects of collective bargaining but did not assess the effectiveness of collective bargaining in dispute resolution.

2.9 Industrial Relations and Industrial Conflicts

Industrial relations mean the relationship between employers and employees in work-related organizational settings in the private, public and non-governmental organizations (Dzimhiri, 2016). There are three players in Industrial relations: 1) the state; 2) employers and their organizations and, 3) employees and their organization. According to Budd (2012) the Pluralist Approach to industrial conflicts states that organizations are like a family unit with different people who have different goals and interests. These different goals and interests often conflict with each other leading to the breakdown of peace and order. To avoid these conflicts, collective bargaining is a great tool needed by both the employers and the employees. Dzimhiri (2016) describes the Pluralist theory as a notion that the workplace is a microcosm of society and there are diverse groups of people within the society with different social beliefs, values and interests. The views of these different groups cannot be the same, as such even in modern organizations industrial conflict is inevitable (Dublin, 1954).

Conflicts can disturb the activities of the organization if left uncontrolled. It is against this understanding that collective bargaining is key in avoiding and in some cases, resolving such conflicts in organizations. The pluralist views acknowledge the existence of conflict between employer and employees and that strategies should be put in place to ensure that these conflicts are resolved amicably. Pluralist theory supports the existence of trade unions and collective bargaining within organizations.

The literature on industrial relations and industrial conflict is important to understand the relationship between employer and employee to better understand the collective bargaining process. The impact of industrial conflicts on institutions is crucial and so is understanding the outcome of resolved disputes. This study is about assessing the effectiveness of collective bargaining at Chancellor College in resolving disputes. It is important to understand industrial relations and also industrial conflicts.

2.10 Theoretical framework

The study was guided by Thomas-Kilmann Conflict Resolution Mechanism Instruments which use two independent dimensions of conflict resolution: assertiveness and cooperativeness. The model is presented in Figure 2 below:

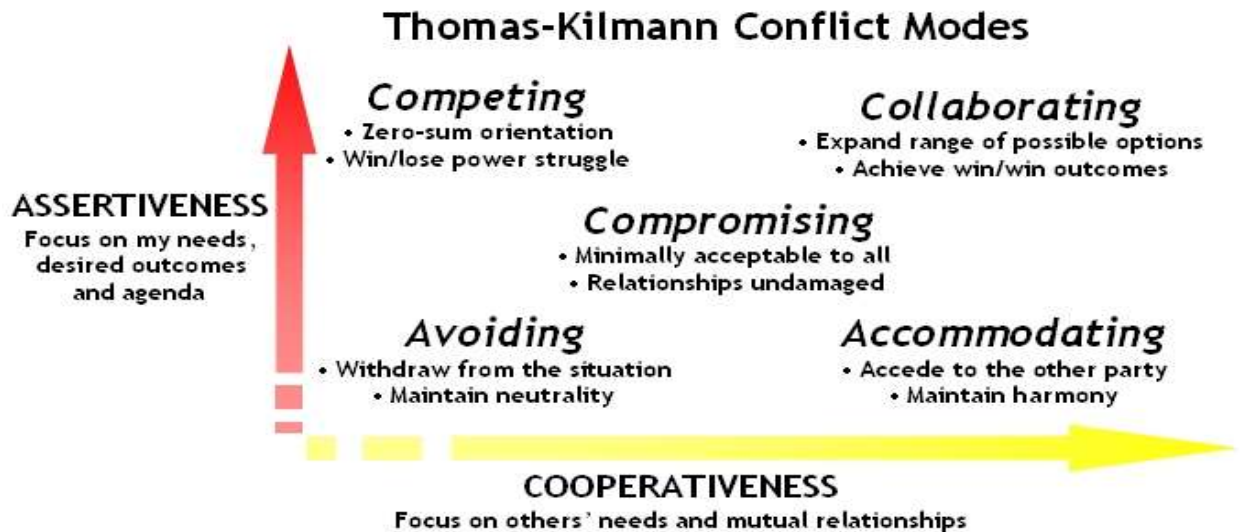


Figure 2: Thomas-Kilmann Conflicts Mode (adapted from Batista, 2007)

Assertiveness is the degree to which one tries to satisfy one's own concerns while cooperativeness is the degree to which one tries to satisfy the other person's concerns (Nischal, 2014; Schaubhut, 2007). There are five modes of conflict resolution mechanisms to explain assertiveness and cooperativeness and these are: competing, collaborating, compromising, avoiding and accommodating (Thomas and Kilmann, 1974).

The assumption of the compromise approach is that a win-win is not possible in the conflict resolution and the same applies to win-lose. It is important that everyone wins something but also everyone loses something. The limitation is that it is a predetermined way of solving problems. The approach does not recognize the real interest of parties in dispute therefore options are limited (Thomas and Kilmann, 2015).

The assumption of the accommodating approach is that people who are unassertive and very cooperative care about the needs of others at the expense of their own needs. They give in easily during a conflict, they acknowledge they made a mistake and

decide to let it go. They put relationships first and ignore issues and try to maintain peace at any price. This type of conflict resolution mode is effective when the other party has a better plan or solution. The assumption of the avoiding approach is that people who avoid conflicts are generally unassertive and uncooperative. They avoid conflict entirely or delay their response of voicing concerns (Nischal, 2014).

The assumption of collaborating approach is that collaborators are both assertive and cooperative. They assert their own views and while at the same time being considerate of the views of the others and appreciating the differences. The collaborators seek a win-win outcome and identify underlying concerns of a conflict. They also have room for negotiation and also to have multiple ideas. The approach requires time and effort from both parties (Thomas and Kilmann, 2011). This theoretical framework is important because it assisted the researcher to contextualize and situate formal theories into this study (Adom et al., 2018). It also helped the researcher to understand the various approaches to conflicts as stipulated in this framework. This was key in assessing the effectiveness of collective bargaining. Thomas-Kilmann conflict modes are important in understanding conflict resolution strategies.

2.11 Conclusion

This chapter reviewed literature by some authors who have written on the subject of collective bargaining. The first part looked at the collective bargaining overview and its nature. The chapter also discussed the indicators of effective collective bargaining, factors that influence collective bargaining and industrial conflicts. Literature on collective bargaining in other colleges of higher education in UK, USA, Kenya and Nigeria were reviewed and finally a theoretical framework was also reviewed at.

CHAPTER 3

RESEARCH METHODOLOGY

3.1 Introduction

This chapter describes the steps that were used to come up with the findings, in particular, it outlines the research strategy, study population and sampling strategy, data collection, analysis and interpretation, ethical considerations and study limitations.

3.2 Research Strategy

This study used a qualitative research approach. According to Lincoln (2000) qualitative research is a research approach which involves an interpretive and naturalistic way of studying things in their natural settings, attempting to make sense of or to interpret, phenomena in terms of their meanings people bring. Qualitative research is not about causal laws, rather it is about people's beliefs, experiences and meaning systems from their perspective (Brink, 1993). The method involves the use of any of the following: interviews, documents review, photo voice, group discussions, textual analysis and observations in order to understand a social question. Qualitative method was used in this study because the researcher wanted to get information on collective bargaining based on the beliefs, experiences and meaning from the perspective of the key informants. Qualitative research allowed the researcher to explore ideas and experiences in depth. Further qualitative approach gave the researcher room to probe further and get more details which increased the validity and worthiness of the results of this study.

3.3 Study Population

The study population is an aggregate or totality of all the objects, subjects or members that conform to a set of specifications (Polit and Hungler, 1999). It is from the population that a sample is drawn. Sampling is a process of selecting study participants or respondents from a group or population to become the foundation for

estimating and predicting outcome of the population as well as to detect the unknown piece of information (Taherdoost, 2016). Sampling has advantages, it helps the researcher to cut costs by not interviewing everyone, it reduces the number of human resource a researcher may need to help with data collection and it also reduces time the researcher would have taken to interview everyone.

In this study the population who took part in this study were staff at Chancellor College those in leadership positions and those who are members of trade unions. In addition to that management of University of Malawi at the Central Office and the University Council. The students of UNIMA and also the Parents Association of UNIMA.

3.4 Sampling Strategy

For this study, non-probability sampling was used as it is not based on random selection but it allows the researcher to use their judgement when sampling. For this study purpose sampling was used. According to (Maxwell, 1996) purposive sampling is strategy where you deliberately select people or events in order to provide certain information no one else can provide. This method has its basis that members conform to certain stipulated criteria. There is a need to use own judgement in selection of cases to answer certain research questions. The researcher interviewed 12 participants. These participants were key informants who are familiar with issues of collective bargaining and has deeper understanding of collective bargaining system and dispute resolution mechanisms at Chancellor College, UNIMA central office and University Council. The participants experience helped the researcher to gather reliable and valid data to answer the research questions.

This study drew a sample of 12 participants from the following: 4 Chancellor College members of staff (Senior Lecturer, Lecturer, Administrator and Dean), 1 UNIMA Student Union member, members of UNIMA employees' organizations (1 University Workers Trade Union (UWTU) member, and Chancellor College Academic Union (CCASU) member, 1 UNIMA Parents Association member, 3 University Central Office (University Registrar, Registrar, University Finance Officer and 1 UNIMA Council member.

3.4 Data collection

Data collection in qualitative research is done directly from the sample population (Lopez and Whitehead, 2013). In case of this study, semi-structured/open ended questions were used to enable the interviewer ask follow up questions. Interviewing is the best technique for finding out about the things we cannot directly observe, feelings, thoughts and intentions (Merriam, 1998). For data collection, the researcher used interview guides (LeCompte and Schensul, 1999). Face to face key informant interviews were used for the researcher to get firsthand information on collective bargaining at Chancellor College. Key informant interviews are good because information comes from knowledgeable people and often provides data and insights that cannot be obtained easily with other methods (Kumar, 1989). Face to face interviews helped the researcher to have free exchange of ideas with respondents and also ask complex questions to get more detailed answers. All the interviews were conducted using one on one or face to face interviews.

The researcher used open ended interviews where questions were asked using interview guides. Open ended questions allowed the researcher to ask follow up probing questions in trying to seek clarification. The interview guide helped the researcher to ask similar questions to all the respondents targeting the areas of interest to ensure logical and consistent flow of data being collected. It also helped the researcher to ask probing questions in order to get more information and also for the participants to be open and share more information.

3.5 Data analysis and Interpretation

Data analysis is the process which a researcher uses to reduce the large data that has been collected to become a story and then interpret it (Lecompte and Schensul, 1999). There are two approaches to qualitative data analysis: deductive and inductive. In this study, deductive approach to data analysis was used in which thinking flowed from general to specific (Lopez, 2013). In this case the researcher concentrated on analyzing data in line with the study objectives using content analysis technique. Themes which were used in data analysis enabled the researcher to reformulate the stories presented by people who were interviewed in different contexts and based on their experience and come up with key thematic areas. Coding was used to ensure that

those issues that were repeated by the interviewees and the issues the researcher thought were important were grouped together.

3.6 Ethical considerations

During the interviews, the participants were informed of the intended purpose of the study and the interviews and issues of confidentiality were also discussed. The researcher further identified herself as a Master of Arts in Human Resource and Industrial Relations student. The respondents were shown the letter so that they knew who they were being interviewed by. The researcher also informed those that were being interviewed that they had the freedom to choose to either be audio recorded or not. The respondents were also assured that their names will not be mentioned in the findings for the sake confidentiality. The data collected was for the sole purpose of writing a dissertation and was not going to be shared with anyone but would only be used for intended purpose. To ensure that the interviews were conducted in private, the respondents were interviewed while alone in an office.

3.7 Study limitations

This study had the following limitations. Firstly, non-availability of key informants. This was so because despite contacting all potential key informants, some did not respond hence failure by the researcher to meet them. Others responded but were not available for the actual interviews because of several reasons, including time constraints and emerging commitments. However, the researcher made sure to get all the information that was needed from respondents that were available. Secondly, there was potential of social desirability. Social desirability bias is described as “one of the recognized types of measurement error and occurs when a respondent provides an answer which is more socially acceptable than his/her true attitude or behavior by the others” (Kaminska and Fouisham, 2013, p. 1). To minimize social desirability however, we assured the respondents that their identities will not be disclosed so as to link what they said and their identity. Thirdly, time constraints on the part of the researcher to interview all the key informants or to continue to follow up with those that were not responding to the emails and phone calls. There was not enough time to do that because the study was for a specific period of time. However, an effort was made to ensure that almost all key informants are interviewed. In addition, all the

respondents were male but this was not done deliberately but rather because the researcher used key informants in data collections. They were only male key informants in the positions of authority and in charge of the collective bargaining process within UNIMA and Chancellor College management. However, efforts were made to ensure not having gender balance should not affect the outcome of this study by ensuring that all key informants involved in the collective bargaining process were interviewed.

3.8 Conclusion

This chapter looked at research methodology by discussing the research strategy used by the researcher. It also discussed the study population, sampling strategy, data collection methods, instruments used in data analysis and interpretation. The chapter further discussed ethical considerations for this study as well as study limitations.

CHAPTER 4

RESULTS AND DISCUSSION

4.1 Introduction

The study sought to achieve the following specific objective; to analyse the nature of collective bargaining, to assess the effectiveness of collective bargaining as a tool for resolving disputes and to analyse factors that influence collective bargaining.

4.2 Nature of collective bargaining that takes place at Chancellor College

4.2.1 Dynamic

According to the findings, collective bargaining at Chancellor College is dynamic. This is so because it keeps on changing from being assertive to being cooperative. Respondents revealed that the dynamic nature of collective bargaining is mainly due to the fact that most of the times the parties to the collective bargaining process react to what is being bargained for. For instance, in a situation where parties are negotiating for terms such as wages, the parties tend to be cooperative but when they are negotiating for procedural terms, the negotiation process tend to be largely assertive. For example, in the 2016 when UWTU wanted a 30% and had planned for a sit in on 30th November 2016, after negotiating with management, they realized that the sit in was illegal and backtracked and called off the sit in so in this case they were cooperative. In 2017 during the salary disparities saga, CCASU did not back down till they got what they wanted equal salaries for all academic staff in all colleges so in this case they were assertive in their dispute resolution process. The bottom-line is that players opt to be assertive when they want to ensure that their needs only are met and opt to be cooperative when the parties are working towards a win-win outcome of the negotiations. These findings seem to support the existing literature which also argues that it is not easy in any negotiation to always be on one side as issues do change from time to time (Khabo, 2008). Some issues may require parties to be assertive while others may require to be corporative in the negotiation process. So dynamic nature of collective bargaining at Chancellor College is in line with Thomas-Klimann (2011)

conflict resolution modes which says that conflicts can only be resolved in two ways; either by being assertive or cooperative depending on situation. The same was what respondent A in the study pointed out that:

“it is dynamic, one moment we are assertive in our negotiations and the next minute we are cooperative depending on context”.

The respondents also said that the existence of different unions representing different levels of employees as another reason why collective bargaining is dynamic at Chancellor College. Similarly, the findings support Gatchalian (1998) argument that collective bargaining is usually flexible, mobile and not fixed to a certain issue, therefore it is dynamic. Collective bargaining process changes all the times and parties to the negotiation process can use different ways depending on the issue at hand. This is the same with collective bargaining at Chancellor, changes depending on the issue at hand. At one time it is assertive and the next it is corporative. The issue of multiple unions also plays a role in determining the nature of collective bargaining. There are three unions at the college, namely; Chancellor College Academic Staff Union (CCASU) which comprises academic staff and senior administrative staff, the University Workers Trade Union (UWTU) which is a UNIMA wide trade union whose membership comprises support and technical staff. In addition to these three there is also the University of Malawi Student Union (UMSU) which is a body for all UNIMA students. All these unions operate under one institution hence there is lack of unity amongst the unions which subsequently brings about the dynamic nature of collective bargaining at Chancellor College. This concurs with the findings by Obnla and Awe (2012) who argue that lack of unity amongst unions in a collective bargaining process undermines the relevance of the process and also affects its effectiveness. The same is true of Chancellor College where multiple unions have led to collective bargaining process being dynamic but also ineffective.

Respondent B said that

“in such an environment where academic staff and support staff have different interests and are represented by different unions, it is very difficult to work for a common good.”

This as well add on to the dynamic nature of collective bargaining. Lack of unity amongst unions has led to the university experiencing 15 strikes between 2013 and

2018. The strikes are called by each union depending on the needs of its members. In 2017, there was a strike by Chancellor College Academic Staff through CCASU and it took six months for the issues to be resolved. Immediately after this strike was called off UWTU also threatened to strike from 30th June 2017. One indicator for effective collective bargaining as observed by Nyanga and Tapfunamei (2019) is reduced number of industrial actions because disputes are ably resolved through the bargaining process. With so many unions within one institutions, it has also led to the dynamic nature of collective bargaining because collective bargaining process keeps on changing based on the needs of each union. At Chancellor College where two employee organizations are working independently of each another, it has led to weakened bargaining power and an increase in industrial action which has also led to an ineffective collective bargaining process.

Respondent C said

“once university management has resolved salary increment for CCASU, you hear that UWTU is also negotiating the same simply because they have seen that CCASU has gotten its salary increment.”

Respondent D said “there are different unions representing different levels of employees, in unity there is strength, but CCASU and UWTU are negotiating differently therefore weakening their bargaining power.”

If there was unity amongst these unions, they would have been working together thereby enhancing their bargaining power. However, multiple unions are not entirely bad if the unions are united for a common good. Obnla and Awe (2012) observed that largely disunited unions are hindrance to effective collective bargaining. In the case of Chancellor College, the unions are not united.

There are also multiple players in decision making affecting Chancellor College which has led to collective bargaining being dynamic. Within UNIMA, the employer is University Council and there is also University Central Office which deals with day to day administrative affairs of UNIMA. Then, there is also college management at each constituent college of the university which deals with day to day running of the colleges. Further there is Malawi Government which is the financier for the colleges and is represented at UNIMA Council through, among others, Comptroller of

Statutory Corporations, Secretary to Treasury and Secretary for Education or their representatives. While these governmental representatives have a role within the council, they also have roles outside of it which also affect the affairs of the university. There is therefore obvious conflict of interests among these members as to which party they should side with, i.e. employees or government. Obnla and Awe (2012) seems to support the findings because they observed in their paper that government involvement in collective bargaining process make the process practically difficult. At Chancellor College the respondents were of the opinion that with multiple players in decision making, it is a challenge for collective bargaining process to be effective. They cited the fact that UNIMA Council and the trade unions may agree on a collective agreement but once government, which has the final say in the matter, says they cannot fund such an agreement, the whole collective bargaining process may be compromised.

Respondent E said *“government will just say if we don’t have money we don’t have money.”*

The dynamic nature of collective bargaining at Chancellor College is expected as that is the nature of collective bargaining as supported by literature. According to Gatchalian (1998) the nature of collective bargaining is to be dynamic because it is always growing and changing. Nyanga and Tapfunamei (2019) found that effective collective bargaining can be achieved through mutual trust which comes about because the players in collective bargaining are able to resolve their disputes. Where the players within collective bargaining are not united as in the case of Chancellor College trade unions, where they have different unions for each level of employees, is proving to be weakening the bargaining power of the trade unions. Awe and Obnla (2012) also talks about the collective bargaining being effective in dispute resolution if it is being done in a harmonious environment. This situation at Chancellor College is far from being harmonious.

Respondent F explained that before 2017, all trade unions within Chancellor College and UNIMA at large were working together in a cordial relationship. Things changed in 2017, unions in different categories decided to take their own roots and started negotiating separately.

4.2.2 Complex and complicated

Collective bargaining at Chancellor College is also complex and complicated, this is so because despite that the industrial action (strike) may have been called by CCASU which is only for Chancellor College Academic Staff, its effects reach the other colleges which in a way disrupts the academic calendar for most of UNIMA. Additionally, support staff despite not being part of the striking group, they cannot function on their own. For instance, strikes involving the clerical and technical staff (CTS), inevitably impacts the academic and administrative staff as these need the services of the CTS to function adequately. In the end, the actions of one union affect the work of other staff members in another union. Further to that, when there are general elections in that year, the players in the collective bargaining process take advantage of political environment to demand better salaries and conditions of service. This has somehow affected the collective bargaining process as government (and the ruling party) ends up giving in to the demands for fear of losing an election.

In addition to that, there are four categories of staff within Chancellor College: Clerical Support staff, Career Managers, Academic Staff and Executive management. Clerical staff and Academic staff are unionized while the others are not. This has led to chaos in terms of collective bargaining because all these four categories of employees have different conditions of service and different salary structures and therefore have different interests. This research has established that employees who are academics get special treatment compared to support staff. With different conditions of service and salaries, it is difficult for the employer to build mutual respect and mutual trust with employees. According to the ILO (2015), building trust and mutual respect between employer and employees can lead to effective collective bargaining it leads to stable and productive labour relations. Luqmann (2012) suggests that effective collective bargaining requires that there will be good communication between management and trade unions. With different categories of employee's good communication is such a challenge as all these categories of employees are looking out for their own interest, as such conflicts are inevitable as conflict resolution approach tend to be assertive as all the parties are interested in their own needs just as Thomas and Kilmann, (2011) argued.

Respondent B said

“The voice of CCASU is stronger than the voice of UWTU”. In 2018, when government raised salaries for civil servants by 10%, UNIMA Council decided to increase the salary for Academic and Administration staff leaving out Technical and Support Staff. This led to UWTU calling for a strike demanding the 10% salary increase.

Such a complicated nature of collective bargaining where one union is perceived to get special treatment has led to collective bargaining being ineffective. Collective bargaining at Chancellor College is at times chaotic. The good principles such as good communication and bargaining in good faith that govern collective bargaining do not exist in the collective bargaining process in UNIMA. This is so because the unions are not following what is stipulated in the Labour Relations Act (LRA) of 1996. The advent of multiparty democracy in the country in 1993 took the UNIMA management and its employee by surprise and they were not proactive in coming up with guidelines for collective bargaining. It is also possible that some sections of the collective bargaining system at Chancellor College may not wish to have an effective structure where win-win resolutions are more likely to happen. This concurs Thomas-Klimann (2012) findings that it is possible in the dispute resolution process for one party to be cooperative opting for a win-win situation but at the same time others may be assertive looking out for their own interests.

Respondent E said

“CCASU does not want recognition agreement as stipulated in the law and to have the collective bargaining parameters to be defined.” In addition to that one respondent explained that “union leaders have no powers to make collective agreements, after four to eight hours of deliberations with management, they to go back and consult the other members of their unions and when they come back, you are back to square one.”

Failure by unions to delegate the powers to their leaders to make collective agreements on behalf of the unions has led to prolonged process of collective bargaining which has cost the university valuable time and students prolonged years in college. For example: Chancellor College 2019 – 2020 academic year is in fact

from 2018 to 2019 academic year due to the time lost during some of the industrial action.

The nature of collective bargaining at Chancellor College is largely assertive but at times it can be cooperative. This is so because with four categories of staff with different conditions of service each player in the collective bargaining process is interested in their own interests. As such, collective bargaining is often assertive. It can be cooperative only when the issue at hand is one that affects all the four categories of employees. This is in line with Thomas Klimann conflict resolution modes which state that when the negotiating parties are assertive, they tend to focus on their need than the need of others. Chancellor College follows the compromise approach in that a win-win approach is not possible in the conflict resolution and one player in the collective bargaining process has to compromise (Thomas and Kilmann, 2011). However, at times collaborative approach to conflict resolution is used where the players in collective bargaining assert their views while at the same time being considerate of the views of others and appreciating the difference. In 2018 during the salary disparities negotiations, the demands from the unions were that government should give them arrears from the period the others started receiving an extra 40% for clinical work. However, at the end of the negotiations, CCASU accepted government proposal to let go the arrears issue and accept that 40% increase should start the time the agreement was made.

In conclusion, since the nature of collective bargaining at Chancellor College is dynamic but also complex and complicated, it has affected the effectiveness of collective bargaining. There are three players in collective bargaining process but there are also some interest bodies the University of Malawi Student Union (UMSU) and University of Malawi Parents Associations (UMPA). With reference to Appendix 1, when there is a dispute with one union and council resolves it, the other union will also pick up the same dispute and this has increased the number of similar disputes thereby affecting industrial peace which in turns leads to an ineffective collective bargaining process. Further to that collective bargaining at Chancellor College can be at times be assertive but also cooperative depending on the issue at hand.

4.3 Effectiveness of collective bargaining as a tool for resolving disputes at Chancellor College

4.3.1 Lack autonomy

In order for collective bargaining to be effective, it depends on the ability of players to make collective bargaining agreements at the end of negotiations (ILO (2015). Lack of autonomy on college management to make decisions is one of the factors that are hindering the effectiveness of collective bargaining at Chancellor College. According to respondents, despite Chancellor College management being in charge of day to day management of the college, they are not the employers, therefore when they are issues to be resolved between employers (government) and employees, the college management has no autonomy to make such decisions and yet are the ones left with day to day management of the colleges. As such issues that would have been resolved at college level with people who understand these issues better are being handled by University Council as employer and at times government because they are the funders.

Responded D said

“Management at college level has no power or jurisdiction to provide the needs of staff. Management cannot raise salaries”

Literature also supports that in order for collective bargaining to be effective, both management and trade unions should be strong and enlightened on issues to do with collective bargaining (Gatchalian, 1998). Similarly, Nyanga and Chifamba (2012), argue that firms which do collective bargaining appropriately resolve their disputes on time and their disputes do not end up in collective job action like strikes. Failure by the Council to make final decision after collective bargaining process has led to disputes not being resolved on time and also most of the times the disputes have ended up in an industrial action. Further, Government does not often take part directly in the collective bargaining process and yet it is the one that makes the final decision.

Respondent F explained:

that during collective bargaining “Council could not commit to anything until government was consulted”. This is a problem as it affects the effectiveness of collective bargaining.

Literature by Luqman (2012) also concurs with this finding that management should ensure that they gain trust of the unions. Trust is key in collective bargaining process and unions cannot trust Council because they are not final decision makers. Khabo (2008) also suggested that in order for negotiation process to be effective in collective bargaining, there should be no secrecy and no power play. The fact that council cannot implement the collective agreement without consulting the government makes it difficult for collective bargaining to be effective. Since government is not often a direct participant of the negotiations during the collective bargaining at times takes time to resolve the issues as *Respondent E* said “*the heat council experienced wasn’t the heat government was experiencing therefore the speed required by council for government to resolve the issue was not forthcoming*”.

This has led to unions blaming management for the delay in attending to their concerns and eventually has led to an increase in the number of industrial actions. If Council had the autonomy to negotiate and come up with final decisions, disputes would have been resolved quickly thereby maintaining industrial peace and an effective collective bargaining. Nyanga and Chifamba (2012) concurs with this finding that implementing collective agreements on time can lead to industrial peace which leads to effective collective bargaining. This is contrary to Chancellor College where collective agreements are at times not implemented on time until they have the blessing of the government.

4.3.2 Clarity and political interference

There is lack of clarity as to who should make decisions at each step of dispute resolution. The decision making process at Chancellor College is at three different levels: University management at the university office, University Council and also the government. This has at times complicated matters that would have been easily handled through collective bargaining process. Literature supports this Akhaukwa et al (2013) observed a proper collective bargaining process leads to an effective negotiation process and also effective collective bargaining.

Respondent G said:

“we were just asked to provide information and the agreement was signed without our involvement.” Respondent F said “UNIMA is a property of government therefore Council could not commit to anything when negotiating with staff members until government is consulted”. This has led to collective bargaining not being effective in resolving disputes as the players without government approval cannot enter into an agreement.

According to Gatchalian (1998) Collective bargaining is a process that consists number of steps before reaching an agreement. Failure by those in the collective bargaining to enter into an agreement hinders dispute resolution process to be effective. Rahim (2015) also explains that when all parties in the collective bargaining process are aware of the financial position of the organization. It makes it easier for an effective collective bargaining process. The fact that unions do not sit at Council meetings meant that they do not take part in decision making like budgets meant that issues which would have been resolved by unions if they had adequate information thereby reducing disputes over salaries.

There is political interference during collective bargaining process as government gets involved without involving Council. *Respondent E said “Cabinet Ministers, Principal Secretary and Councilors of the dissolved council met to resolve the issues but Senior Managers within UNIMA were excluded”*. Much as government is the employer through University Council but Council is in charge of making decisions therefore government involvement in dispute resolution process should be through the University Council. In 2018 during the salary disparities industrial dispute, Council was dissolved by government during the negotiation process. However, since the unions kept on pushing for a resolution to the dispute, government sent cabinet ministers and principal secretaries who were not members of Council to resolve the issue. An agreement was signed without the involvement of university leadership. In the end, there was no proper bargaining agreement. Such type of political interference affects the collective bargaining process. This is consistent with existing literature as argued by Longe (2015), that political interference often leads to ineffective collective bargaining process as the players fail to have a cordial agreement. In the case of Chancellor College, the decisions of the government signing agreements with union

leadership without Council has had financial implications on the part of the UNIMA as a whole. This has also led to unions not respecting university leadership.

A study by Luqman et.al. (2012) found that politics affect the effectiveness of collective bargaining. There is a need for collective bargaining agreements to be signed by those who were party to the collective bargaining process to ensure proper implementation of the agreement. Another factor hindering the effectiveness of collective bargaining is constrained communication. In the case of Chancellor College, there is no trust and respect between college management and university office. As such academic staff at Chancellor College only listens to University Council and yet day to day running of administrative issues is supposed to be handled by University Office. Luqman (2012) also points out that when there is no proper communication between employers and trade unions (employees) it is one of the factors that can led to an ineffective collective bargaining. There are also trust issues/suspicion amongst the players because some players within Chancellor College collective bargaining process are influenced by political considerations.

Respondent D said

“government should consider giving powers to make decisions to UNIMA management, negotiations are done directly with Council and some council members are politicians”.

With politicians involved through Council, there is a lot of suspicions and fear that politicians can easily influence the decisions to serve those that appointed. Lack of trust and also suspicions can lead to an ineffective collective bargaining process.

4.3.4 Conflict of interest

Conflict of interest is another issue that is affecting the effectiveness of collective bargaining. Awe and Obnla (2012) in their study of effectiveness of collective bargaining in the Nigeria Public Service found that in order for collective bargaining to be effective, it has to be conducted genuinely by all parties to the bargaining. However, this study established that some members of Council are also members of Chancellor College Academic Staff Union thereby compromising the process of collective bargaining further. Again some Chancellor College management staff are

members of CCASU at the same time they are also members of Council. This leads to lack of trust between the parties and eventually leads to collective bargaining not being conducted in a genuine manner. Chancellor College management staff are supposed to defend the interest of Chancellor College but they themselves are also in UNIMA Council as employer representatives. At times because some members of staff at Chancellor College are also members of UNIMA Council as Senate Representatives and principals; this apparent conflict of interest makes other member of staff suspicious as to whether they can indeed serve the interest of the other Chancellor College members of staff at Council.

Respondent D said:

“There is a conflict of interest, unlike at LUANAR, here members of management are also members of CCASU”

It is important that those that are representatives of employees should remain representative of employees likewise those for the employer, to avoid conflict of interest. Ekwoaba and Ojikutu (2015) found that collective bargaining is a way for resolving disputes in universities. However, where there is a conflict of interest it will be difficult to build trust and mutual respect. This will in turn bring about unstable relationships. One indicator for effective collective bargaining is industrial peace. Further to that some heads of departments and deans are also members of CCASU and yet are part of management. Some respondents expressed concern that such issues of conflict of interest have led to the ineffectiveness of collective bargaining process. This is so because these members of staff attend meetings that deal with strategies for dealing with unions and then immediately after the meeting they will go and share the same with their unions. In such an environment, there is no mutual trust therefore hindering the effectiveness of collective bargaining.

The fact that there are three unions within one institution with different interests and this at times affects the effective of collective bargaining. This is so because each union serves its own interest.

Respondent A said:

"As CCASU we are dealing with academic staff while support staff have their own union and the students to have their own union." Another respondent said "the problem is the structure of UNIMA categories of members of staff. There is a selective attention to one category when it comes to conditions of service and salary structure".

With so many unions with different interests, they can never be industrial peace and harmony. As each union is looking for its own interests as such the action of one union has ripple effects on the other unions. This has in turn led to Chancellor College facing industrial action from different unions over the same dispute. In 2018, 10 percent salary increase given to Academic staff and not given to technical/support staff led to technical staff going for an industrial action. This would have been avoided if there was one union and a harmonized salary and conditions of service for all members. This would have led to industrial peace and also reduced number of strikes as well as an effective collective bargaining process.

4.3.5 Political Environment

Political environment is one of the issues that has an impact on the effectiveness of collective bargaining. Due to the fact UNIMA is a public university and is largely funded by government, trade unions take advantage of that fact to demand for some changes in the terms of the remuneration at the time when the political environment will favor them.

Respondent G said:

"At times, trade unions will target the times when we are nearing general elections to push in their demands knowing that the government will not compromise its chances of winning an election".

This has led to government to give in to the demands of the trade unions which has impacted UNIMA colleges both positively and negatively because decisions are made in a haphazard manner. Another respondent said on the same issue of political environment "when we are nearing elections, unions tend to come up with demands knowing that no government would want to be dealing with such issues". This in a way suggested that the accommodating approach to conflict management is used

according to Thomas Kilmann (2011) conflicts models. However, when it is not election time, the collaborating approach is used in which collective bargaining process is both assertive and also cooperative depending on context in which the negotiations are taking place.

Respondent B said:

“it is dynamic, one moment we are assertive in our negotiations and the next minute we are cooperative depending on context.”

In conclusion, the four factors discussed above: lack of autonomy, political interference, three unions and conflict of interest and political environment have negatively impacted the effectiveness of collective bargaining. Industrial peace and reduced number of industrial cannot be achieved if trade unions are working independent of one another and also political interference affect collective bargaining effectiveness because parties to negotiate in good faith as there is also of interference which at times to trade unions being divided. Lack of clarity also affect collective bargaining as the players are unable to follow through with collective bargaining agreements because they don't have mandate to do so. This has led to industrial dispute take a long time to be resolved and at times it has taken multiple sit ins before government gives in to the demands of the employees (refer to appendix 4).

4.4 Factors influencing collective bargaining in UNIMA Chancellor College

4.4.1 History of Collective Bargaining in UNIMA

History of collective bargaining in UNIMA is one of the factors influencing the way collective bargaining is conducted. The dawn of multiparty democracy led to various strikes as such UNIMA was not prepared for such a change. In the process, employees established the unions but with no guidelines to regulate them and as such it is difficult to manage the collective bargaining process. Immediately after multiparty democracy, Malawi experienced an increase in industrial actions and Chancellor College was not an exception. UNIMA management was not prepared for transition from one party to multi-party system of government. Hence, collective bargaining started on a wrong path of trying to resolve disputes which has already escalated into strikes. As such, collective bargaining started in a chaotic way and ever since no agreement has been made between trade unions at Chancellor College and

management on the parameters of collective bargaining. This has led to collective bargaining being handled in chaotic way thereby also affecting the relationship between management and trade unions. One of the indicators of effective collective bargaining is reduced number of industrial actions according to Nyanga and Tapfunamei (2019). However, even after all these years, UNIMA is still experiencing frequent strikes showing that collective bargaining is ineffective. According to literature, when collective bargaining is effective, there is industrial peace with reduced number of industrial actions and an increase in employee participation in decision making. In this case at Chancellor College despite having a collective bargaining mechanism, statistics is showing that there has been an average of 3 strikes per year between 2013 and 2018 (refer to Appendix 4). The respondents further added that since the colleges are headed by mostly academicians with no prior training in leadership and not familiar with collective bargaining issues. It has led to collective bargaining process not to be handled in way it is supposed to be handled. This has somehow affected the effectiveness of collective bargaining. This concurs with findings by Nyanga and Tapfumanei (2019) who observed that failure by players in collective bargaining process to understand the provisions in the legislation can lead to them not fully understanding collective bargaining issues. The study further revealed that lack of knowledge in collective bargaining can compromise the effective of collective bargaining (Nyanga and Tapfunamei, 2019). There is a need for Council to provide training in conflict management and collective bargaining. According to Dzimbiri (2013), employers in Malawi only practice collective bargaining when employees have gone on strike, this is true also of Chancellor College because of historical aspect of collective bargaining.

4.4.2 Government influence and political factors

Government influence in decision making within Chancellor College is also affecting collective bargaining process. University Council who is an employer within UNIMA cannot make decisions during the collective bargaining process without seeking government approval. One respondent said “Council cannot make decisions; they are just figureheads”. This has also led to collective bargaining being ineffective. One indicator of effective collective bargaining is mutual trust and respect between employer and employees (ILO, 2015). The fact that government cannot leave the

decision making to UNIMA Council makes it difficult for trade unions to trust and respect the Council.

Political factors are also influencing collective bargaining. In 2018 during the salary disparity issues, government dissolved Council in the midst of this industrial dispute. In the end, government used politicians (Cabinet Ministers and Senior Government Officials) to resolve the issue without involvement of college leadership. Another factor is the composition of the University Council. It comprises people appointed by the Head of State as such there is some political influence in the way decisions are made. At times they champion the interests of the government of the day instead of being objective. This has somehow made political influence a factor in the collective bargaining process within Chancellor College.

Respondent B said:

“often times there is a feeling of suspicion on both sides of bargaining that political influence has in some sense affected the quality of bargaining”.

According to literature from Ugbombe and Osagie (2019), government involvement is a factor that influences collective bargaining. This concurs as well with the findings by Nyanga and Tapfumane (2012) political interference compromise the collective bargaining process. Government possesses power to dominate decisions to honour or to dishonour any agreement as it pleases it and may decide to disregard if it is not in its favour. This is the same with Chancellor College and UNIMA in general because government being the funder of the university, often times its decisions are final. Government involvement hinders the effectiveness of collective bargaining process. Government is not fully involved in the collective bargaining process, this has led to prolonged collective bargaining process, failure on the employers (University Council) to implement the collective agreement because the final say on the matter is with the government. This has at times led to employees resorting to calls for industrial action as a way of speeding up the process of implementation or decision making on issues under dispute.

4.4.3 Structural Factors

As it has been established, at the university level, there are two trade unions which are Chancellor College Academic Staff Union (CCASU) and the University Workers Trade Union (UWTU). These unions were structured in such a way that they hardly work together to achieve common goals. The unions work independently of each other. As such there is no cohesion between them. This has led to weakened bargaining power. When UWTU has issues with college management, often times, CCASU would not join and at times will continue to discharge their duties. This has led to a compromised collective bargaining power as the unions do not agree at all.

Respondent D said:

*“it compromises the bargaining power because they don’t all agree.”
This has led to weak and unstable labour relations which is one of the determinants of an ineffective collective bargaining.*

The other factor that is influencing collective bargaining at Chancellor College is lack of unity amongst the unions because there are three unions within one institutions at times management uses one union to fight the other using the divide and rule principle

Respondent I said:

*“sometimes unions are used to fight one another in a divide and rule”
Different salary structures and conditions of services for different level of employment within UNIMA (affecting also Chancellor College as a constituent college).*

This has led to failed collective bargaining process and difficult dispute resolving process. According to Khabo (2008) the success of collective bargaining is dependent on the level of maturity and the strength of workers and employers’ organizations. The fact that the workers’ organizations at Chancellor College are not united in the way they discharge their duties, has led to a weak bargaining power and in the process not achieving industrial peace and harmony which is one of the indicators of effective collective bargaining (Takupiwa and Shelfa, 2019). The same was observed at the University of Lagos by Ekwoaba and Ojikutu (2015), they found that a university can achieve effective collective bargaining if unions and management maintain quality practices in the area of collective bargaining. The unions at Chancellor College need

to be united and also work together with management in order to achieve effective college bargaining and also reduce the number of industrial actions.

Respondent B said:

“that in 2017, CCASU decided to work alone and were negotiating separately from other unions. This has weakened the bargaining of the other unions. There is a feeling that the voice of CCASU is stronger than the voice of UWTU, therefore UWTU struggles in their bargaining.”

In conclusion, the factors that have been discussed are affecting collective bargaining negatively in a sense that the fact that there is no cohesion amongst union, collective bargaining has not been effective, it has led to a number industrial actions thereby failing to achieve industrial peace which is an indicator for effective collective bargaining. Government and political involvement into the collective bargaining though necessary since government is the employer at Chancellor College through the University Council, not following proper procedures and also not involving key players in decision making when bargaining directly with the Unions have led to collective bargaining not being effective. It is important that government involvement should be through University Council to ensure that they using proper channels and in the process promoting industrial democracy and in return reduced number of industrial action.

4.5 Conclusion

This chapter discussed the results and findings of this study. It discussed each and every research objective against the findings of the research and how each object discussed is affecting the effectiveness of collective bargaining at Chancellor College.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter will present the conclusions from what was discussed in the findings and discussion section of the study. It will focus on what is the conclusion of this study after discussing the findings and also come up with recommendations and future areas of research based on the findings.

5.2 Conclusions

This study sought to assess the effectiveness of collective bargaining at Chancellor College. Based on the findings, Chancellor College has had 13 strikes in the past five years and almost all the strikes except one happened because employees were seeking better salaries. This led to closure of the college which has led to a disruption in academic calendar. This is contrary to findings by Nyanga and Tapfumanei (2012) that when collective bargaining is implemented effectively, it is a very useful instrument in resolving disputes. They further observed that those firms that do collective bargaining effectively their disputes are resolved on time and that they do not generate into collective job action like strikes. At Chancellor College almost all the disputes ended up in an industrial action which in a way is to suggest that collective bargaining is not being implemented appropriately and therefore it is not effective and which is also the conclusion of this study that collective bargaining at Chancellor College is not effective.

There are several factors that have led to it not being effective. The dynamic nature of collective bargaining is that it is flexible and changes all the time. In the case of Chancellor College, having multiple trade unions CCASU and UWTU has led to collective bargaining being complicated and complex. The conflict resolution process is at times follows an assertive way of resolving disputes but at times also uses a cooperative way of resolving disputes. The study concludes that disputes when

resolved with one union another union picks up the same and then the college is faced with at least one industrial action per year which has led to the institution not having industrial peace and harmony which has eventually led to industrial actions and an ineffective collective bargaining process. Literature suggests that decrease in number of industrial actions is an indicator of effective collective bargaining. With Chancellor College experiencing strikes every year during the period under study suggests that collective bargaining is ineffective in resolving disputes. Nyanga et al 2018 concurs with this that a win-win approach to collective bargaining leaves both employer and employees satisfied thereby reducing conflicts and also having an effective collective bargaining process. The study also concluded that failure by management to resolve industrial disputes within reasonable time is contributing to collective bargaining being ineffective. This is so because management does not have the autonomy to make final decisions on collective agreements. This has led to trade unions having several sit-ins on the same unresolved issue. This concurs with Khabo's (2008) observation that the nature of collective bargaining is that it recognizes the importance of joint decision making, joint problem solving and joint responsibility in conducting relations between employer and employees. The study also concluded that different conditions of service for different levels of members of staff are also affecting the effectiveness of collective bargaining process. Disputes to do with salary increase are handled with two different unions separately as such there seem to be a lot of disputes as each level is aiming to improve its own conditions of service thereby increasing number of industrial actions.

The study further concluded that in almost all the industrial disputes they have ended up in having an industrial action in form of a sit in or a strike. This shows that collective bargaining process is not effective as the issues are never resolved through negotiations. At times the University Council does not follow through with what they agree with trade unions during the negotiation process hence the industrial actions. Some disputes have ended up coming back because of failure to by management to adhere to collective agreements. This concurs with the findings by Takupiwa and Shelfa (2019) who observed that the effectiveness of collective bargaining in dispute resolution is compromised for a number of reasons and one of which is management's failure to implement a collective bargaining agreement. In addition, the study

concluded that government interference in the collective bargaining has also led to an ineffective collective bargaining process. Disputes that would have been resolved through collective bargaining mechanism have ended being resolved politically thereby defeating the whole essence of following proper collective bargaining process and also proper implementation of collective bargaining agreements.

5.3 Recommendations

In terms of research this study focused on assessing the effectiveness of collective bargaining at Chancellor College. The next area of the study based on the findings should be Collective bargaining in Malawi. So far the researcher was unable to find a paper on collective bargaining in Malawi more so on effectiveness of collective bargaining. This is important for researchers to understand, the nature and factors influencing collective bargaining in the country. Further, there are no known papers on the indicators of effectiveness of collective bargaining. This is one area that can be researched. Further, another area of research should be the role of collective bargaining in reducing industrial action in Malawi in general and the impact of collective bargaining in improving conditions of services for employees.

The researcher recommends that staff at Chancellor College should consider having one employees' union. They should look at the pros and cons for considering such a decision. This may help to resolve the issue of divide and rule which is there as one union may be used to fight another. It will also lead to increased bargaining power which will in turn make collective bargaining effective. University management and the unions should consider having clear rules and regulations governing the collective bargaining process. The unions should also be registered and have clear terms of reference.

Most of the disputes are to do with salaries, therefore Chancellor College should consider resource mobilization strategies to enable it not rely fully on government for funding. This may result in the college offering good salaries to its employees and in return less conflicts. Chancellor College should consider having meetings frequently with the other players in collective bargaining process to enable them to move together and communicate on time issues affecting staff on time. The delinking will

give individual colleges an opportunity to handle issues independently and issues affecting one college will no longer affect operations of the sister institution. Unitary salary structure will help resolve issues of having multiple players to negotiate as the structure will be the same and this may eventually reduce the number of industrial actions.

University Council should consider coming up with a harmonized salary structure and condition of service for all employees. This will in turn reduce conflicts and bring about industrial peace. Further to that, Council should come up with policies that will bar senior members of staff who are in management positions to be members of a trade unions. This is important because it will help avoid conflict of interest issues. Government should consider giving autonomy to University Council to negotiate and also finalise collective agreements. This will help to speed up the collective bargaining process which at times would take a period two years before collective agreements are implemented (refer to Appendix 4).

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APPENDICES

Appendix 1: Interview Questions for a Member of Parents Association

Collective bargaining is a mechanism through which employers and employees negotiate terms and conditions of employment. The University of Malawi has had 15 strikes in the past 5 years despite UNIMA having collective bargaining mechanism. This study therefore seeks to assess the effectiveness of collective bargaining in dispute resolution within the University of Malawi.

Q1: For how long have you been a Chairperson of PA?

Q2: What are the roles of PA in Chancellor College?

Q3: In your tenure of office, have they ever been strikes? If yes, how many strikes have you experienced?

If the person answers no, how will you proceed?

Q4: What were the issues under dispute?

Q5: What is role of PA in resolving disputes?

Q6: During the strikes you have experienced, were you part of the team that were attempting to resolve these disputes?

Q7: If no, what will you say? If yes, you may then ask: what was your role?

Q8: Does UNIMA have any collective bargaining mechanism?

Q9: How does PA take part in collective bargaining?

Q10: Distributive bargaining is about taking care of your needs more than the needs of that other party while integrative bargaining is more about making sure you come up with a win-win solution for the sake of the relationship. What type of collective bargaining takes place in UNIMA? Is it distributive or integrative?

Q11: Often times, we hear about conflicts between management and staff of UNIMA, in your view what causes these misunderstandings?

Q12: What mechanism does PA use to resolve its disputes with college management?

Q13: There two ways of resolving disputes by using assertiveness and cooperativeness as a way resolving disputes. Do you think PA assertive? If yes or no what makes you think so?

Q14: Do you think PA is cooperative? If yes or no what makes you think so?

Q15: Do you think may be PA takes both approaches? If yes, what makes you think so?

Q16: What do you think are the major causes of strikes within UNIMA?

Q17: How effective is collective bargaining in resolving disputes within UNIMA?

Q18: Is collective bargaining effective in UNIMA? If yes, then give reasons why you think so? If not, what can be done?

Q19: What factors do you think influence collective bargaining in UNIMA?

Q20: What others underlying issues affect collective bargaining UNIMA?

Q21: How do you think collective bargaining could be made more effective within UNIMA?

Q22: What is your assessment of the Ministry of Education in collective bargaining of UNIMA?

Q23: What about the UNIMA Council?

Q24: What about the Central Office?

Q25: What about the Ministry of Labour?

Appendix 2: Interview Questions for University Registrar

Collective bargaining is a mechanism through which employers and employees negotiate terms and conditions of employment. The University of Malawi has had 15 strikes in the past 5 years despite UNIMA having collective bargaining mechanism. This study therefore seeks to assess the effectiveness of collective bargaining in dispute resolution within the University of Malawi.

Q1: For how long have you been working for UNIMA?

Q2: How long have you worked as a University Registrar?

Q3: What is the role of University Registrar in dispute resolution?
Apart from what you have told me, what else?

Q4: In your tenure of office, you may have experienced strikes. If yes, how many strikes have you witnessed?

Q5: What were issues that led to these strikes?

Q6: Was there any attempt by your office or management to resolve the disputes? If yes, what attempts were made and why is it that the dispute resolution process was not successful?

Q7: What issues would you say were handled well?

Q8: Are there any other examples?

Q9: What collective bargaining process in UNIMA exist? who are the players in this process?

Q10: Distributive bargaining is about taking care of your needs more than the needs of that other party while integrative bargaining is more about making sure you come up with a win-win solution for the sake of the relationship. What type of collective bargaining takes place in UNIMA? Is it distributive or integrative?

Q11: What has been the role of management in dispute resolution?

Q12: What measures did the university put in place to resolve disputes?

Q13: What measures have management put to prevent the disputes?

Q14: There two ways of resolving disputes by using assertiveness and cooperativeness as a way resolving disputes. Do you think University Office is assertive?

Q15: Do you think University Office is cooperative?

Q16: Do you think may be University Office takes both approaches?

Q17: What support did you get from colleagues at Central office?

Q18: What support did you get from the Colleges?

Q19: What is your assessment of the support you got from the colleges?

Q20: Do you have a collective bargaining mechanism within UNIMA? If yes, then

Q21: Do you think collective bargaining is effective in UNIMA? If yes, why? If not, why?

Q22: What factors do you think influence collective bargaining in UNIMA?

Q23: What others underlying issues do you think affect collective bargaining at UNIMA?

Q24: Is there anything more that you want to share with me?

Appendix 3: Interview Questions for Principal/Vice Principal – Chancellor College

Collective bargaining is a mechanism through which employers and employees negotiate terms and conditions of employment. The University of Malawi has had 15 strikes in the past 5 years despite UNIMA having collective bargaining mechanism. This study therefore seeks to assess the effectiveness of collective bargaining in dispute resolution within the University of Malawi.

Q1: How long have been an employee of UNIMA?

Q2: When were you appointed to the post of Principal/ Vice Principal?

Q3: During your tenure of office, tell me about the strikes that have happened?

Is that all that has been there?

Q4: If yes, what were the causes of these strikes?

Q5: What attempts did you make as a Principal to resolve these disputes?

what are principals expected to do when there is a strike?

How close to the strike did you learn that a strike was coming?

Looking back do you believe there was anything you could do to ensure that better outcomes could have come?

Were there any other university staff you would like to discuss as responsible to ensure better outcomes?

Were there any other university staff you would like to discuss who perhaps made things worse?

Q6: What was the role of Chancellor College Management in resolving disputes?

Q7: Who else was a part of the team trying to resolve the disputes? What were the roles of the other parties in resolving disputes?

Q8: What support do you get from the University Office in resolving these disputes?

Q9: Can you rate the support that was given?

Why have you rated the support like that?

Q10: What was the role of Council?

Q11: Do you have a collective bargaining mechanism within UNIMA? If yes, then

Q13: How effective is collective bargaining in UNIMA? If yes, why? If not, why?

Q14: What factors do you think influence collective bargaining in UNIMA?

Q15: What other underlying issues affect collective bargaining UNIMA?

Q16: What advice will you wish to give Central Office regarding strikes in UNIMA?

Q17: What advice would you like to give to CCASU?

Q18: What advice would you like to give the Ministry of Education/
students/staff/media?

Q19: If you would rewind the clock, what things would you change?

Q20: What changes have you made to ensure that things turn out better in the future?

Appendix 4: Interview Questions for University Registrar

Collective bargaining is a mechanism through which employers and employees negotiate terms and conditions of employment. The University of Malawi has had 15 strikes in the past 5 years despite UNIMA having collective bargaining mechanism. This study therefore seeks to assess the effectiveness of collective bargaining in dispute resolution within the University of Malawi.

Q1: For how long have you been working for UNIMA?

Q2: How long have you worked as a University Registrar?

Q3: What is the role of University Registrar in dispute resolution?

Apart from what you have told me, what else?

Q4: In your tenure of office, you may have experienced strikes. If yes, how many strikes have you witnessed?

Q5: What were issues that led to these strikes?

Q6: Was there any attempt by your office or management to resolve the disputes? If yes, what attempts were made and why is it that the dispute resolution process was not successful?

Q7: What issues would you say were handled well?

Q8: Are there any other examples?

Q9: What collective bargaining process in UNIMA exist? who are the players in this process?

Q10: Distributive bargaining is about taking care of your needs more than the needs of that other party while integrative bargaining is more about making sure you come up with a win-win solution for the sake of the relationship. What type of collective bargaining takes place in UNIMA? Is it distributive or integrative?

Q11: What has been the role of management in dispute resolution?

Q12: What measures did the university put in place to resolve disputes?

Q13: What measures have management put to prevent the disputes?

Q14: There are two ways of resolving disputes by using assertiveness and cooperativeness as a way of resolving disputes. Do you think University Office is assertive?

Q15: Do you think University Office is cooperative?

Q16: Do you think maybe University Office takes both approaches?

Q17: What support did you get from colleagues at Central office?

Q18: What support did you get from the Colleges?

Q19: What is your assessment of the support you got from the colleges?

Q20: Do you have a collective bargaining mechanism within UNIMA? If yes, then

Q21: Do you think collective bargaining is effective in UNIMA? If yes, why? If not, why?

Q22: What factors do you think influence collective bargaining in UNIMA?

Q23: What others underlying issues do you think affect collective bargaining at UNIMA?

Q24: Is there anything more that you want to share with me?

Appendix 5: Summary of Industrial Dispute within UNIMA 2015-2017

UNION/WELFARE COMMITTEE	THE ISSUE	HOW IT WAS RESOLVED	PERIOD OF DISPUTE
PASCOW 2015/16	The dispute was for a 30% salary increment due to rising cost of living.	- Council taskforce engaged PASCOW proactively but to no avail. - The chairman of Council wrote advising the university did not have money to pay the 30% salary increase. - Council resolved to seek legal relief through inter parte application - Applied to Industrial Relations Court for it to declare the strike illegal. - After realizing the fact that the strike was illegal, PASCOW went back to work.	- PASCOW Strike was from 18 March, 2016 to 11 April 2016. - Polytechnic lost three weeks of teaching.
CCASU 2016/2017 And rest of Academic Welfare Committees	Un equal pay for Academic Staff within UNIMA 40% salary Disparity. - CCASU lodged a declaration to Ministry of Labour for a Dispute over salary disparity on 3rd August, 2016.	- 23 August, 2016 Ministry of Labour advised the engagement of a conciliator over the salary disparity issue. - Modecai Msiska SC was identified as conciliator in October, 2016. - Conciliator's draft report was	- Dispute started on 3rd August, 2016. - The matter was resolved on 20th June, 2017. - Downing of tools by CCASU was on 20 March, 2017. - Letter to Principals and College Finance Officer's to adjust

	- CCASU was against Council's resolutions claiming this was done without consultations. - CCASU went on strike on 20/3/17 - Court injunction by CCASU on 11th May, 2017 for Judicial Review over the matter. - PASCOW, KCN Academic welfare committee and COM Academic Welfare Committee were part of the dispute.	received by 31st January, 2017 - 22nd February, 2017, the final Conciliator Report was received - Based on conciliator's final report, Council made resolutions to: i. Stop payment of 40% salary top up to college of medicine staff who were not providing clinical services but were receiving the top up. ii. Recover from staff who were erroneously paid the top up. - Negotiations with Unions reached a deadlock. - Ministry of Education Science and Technology called for a meeting at Ministry Headquarters involving Unions and representatives of UNIMA Council on 16 June, 2017. - A Taskforce was formed comprising 5 members from Council, 5 members from Academic Staff Unions and Welfare Committees and 5	salaries went on 5 July, 2017.
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		members from Government side. - The team met at Kuchawe Inn on Tuesday 20 June, 2017. <u>Ku Chawe Resolution</u> - Removal of salary disparity i. 40% to Academic staff payable as follows: a. 25% with effect from 1st July, 2017 b. 15% with effect from 1st July, 2018. ii. 25% to UWTU payable as follows: a. 13% effective 1st July, 2017 b. 12% effective 1st January, 2018 depending on availability of resources or 1st July, 2018. - Initially the 25% Salary rise to UWTU include Administrators	

SN	UNION/WELFARE COMMITTEE	THE ISSUE	HOW IT WAS RESOLVED	PERIOD OF DISPUTE
1	UWTU 2013/2014 and 2014/2015	- UWTU wanted a 25% salary increase from July 2013. - Declared a dispute on 8 October, 2013 due to unmet agreements between UWTU on one side and Council on the other, agreements dated 12 September, 2012. - There was sit in on 30 September 2013 and 4 December, 2014	- Negotiations with management/Council took place several times. - University Registrar's letter dated 12 December 2014 declared strike was illegal, it did not follow procedure as stipulated in Labour Relations Act. - Letters were written to UWTU and delivered to college presidents to share with the rest of their teams requesting them to go back to work or lose their salary. - Salaries for the month of December 2014 were frozen. - The matter went to court - UWTU had a 12-day sit in but they went back to work. - Salaries were unfrozen in August 2015 after a court ruling by Justice R.E.Kapindu	October, 2013 to August 2015
2.	2016/2017	14 September 2016 UWTU gave notice of declaration of labour dispute. They wanted 30% salary increase	- Negotiated with management - UWTU had a divided opinion on the dispute. UWTU president wrote a letter	14 September 2016 to 28 November 2016

		due to increased cost of living. 14 November, 2016 UWTU gave notice of intention to withdraw labour because of non – payment of 30% salary increment. - Sit in was planned to start on 30 November 2016.	on 28 November, 2016 suspending the impending strike	
3	2017/2018	-UWTU submitted a declaration of labour dispute regarding a salary increase on 40% on 29 June, 2017 - UWTU submitted a notice to withdrawal of labour on 31st January, 2018 due to non – payment of 12% based on the Kuchawe Resolution, and 10% offered to Academic Staff for 2017/2018	- Negotiations with management and Council on 11 July, 2017, 15th July, 2017. - UWTU were given a 25% salary increase payable as follows: i. 13% from 1st July, 2017 ii. 12% from 1st January, 2018 or 1st July, 2018 depending on availability of finances. - During all this period, negotiations with the Staff Student Welfare Committee of Council were being carried out by UNIMA	31ST January, 2018 to December, 2018

		year and the Issue of Unitary salary structure not resolved in the 12th September 2012 agreement. - 10 April, 2018 there was a sit in at Chancellor College. - 11 April, 2018 there was a sit in at Polytechnic and KAMUZU College of Nursing - 16 April, 2018 there was a sit in at College of Medicine. - 13 April, 2018 an injunction was granted by the Zomba High Court restraining UWTU from continuing with strike pending		
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		hearing and determination of an inter –parte application on the matter. - UWTU discontinued the strike. - 13 June, 2018 UWTU submitted 1st notice as a reminder on 10% salary increase - UWTU issued a threat to down tools from 23rd August, 2018 over non-payment of 12% with arrears from January 2018. - 24 August, 2018 Council approved to pay 10% salary increase for 2018/19 year to UWTU.		
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		- Council also approved payment of 12% salary increase effective 1st July, 2018. - 3 October, 2018 notice of sit in by UWTU over 10% salary increment for 2017/18 year which was received by Academics but not paid to UWTU. - 16 October, 2018 UWTU started a sit in. - UWTU returned to work on Monday 22nd October, 2018. - UWTU threatened to go on strike by 12th November, 2018 if the 10% for 2017/2018 was not to be paid.	- Council's view was that 10% salary increase for 2017/2018 year was embedded in the 25% salary increment received by UWTU. - Council approved payment of the 10% salary increase for 2017/ 2018 in December 2018.	
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