

INFLUENCE OF SELECTED TRADE UNIONS ACTIVITIES ON PERFORMANCE OF PUBLIC UNIVERSITIES IN KENYA

Naomi Nkirote

Master of Business Administration (Human Resource Management), Kenyatta University, Kenya

Dr. David Kiiru

Lecturer, Human Resource Department, School of Business, Kenyatta University, Kenya

©2018

International Academic Journal of Human Resource and Business Administration (IAJHRBA) | ISSN 2518-2374

Received: 18th October 2018

Accepted: 11th November 2018

Full Length Research

Available Online at:

http://www.iajournals.org/articles/iajhrba_v3_i4_174_206.pdf

Citation: Nkirote, N. & Kiiru, D. (2018). Influence of selected trade unions activities on performance of public universities in Kenya. *International Academic Journal of Human Resource and Business Administration*, 3(4), 174-206

ABSTRACT

Selected trade unions activities area is key in study and considerations are made for any unionized organization in Kenya especially the public sector. University education is centered on quality based on the participation of all the involved members and aiming at long term success through expansion. This eventually benefits all members of the unions and the organization at large. Public universities in Kenya have been growing significantly over the last few years due to increased education sensitization, technological growth, and the devolved system of government. Research on trade unions activities shows that organizational performance can be attained through solving Union matters fast and harmoniously. A better understating is required to investigate the current status of the selected trade unions activities. This study seeks to assess selected trade unions activities on performance of public universities in Kenya. The main objective of this study was to investigate on the influence of selected trade unions activities on performance of public universities in Kenya. The specific ones are to establish the role of collective bargaining, to assess the influence of employee welfare, to find out how the code of discipline and to establish the role of code of regulations on organizational performance in public universities in Kenya. The literature review identified what other researchers have done in the area of TUAs on performance of public universities globally and locally. The study determined the relationship between the dependent and independent variables. The public

universities under study were ten (10) in Kenya and emphasis was placed on the unions' officials in the universities. The officials will comprise of the Chairmen and other unions representatives in the universities, with a total of 80 respondents. The study adopted a census procedure owing to the small number of respondents involved. Questionnaires were used as mode of data collection instruments. Data analysis entailed descriptive and inferential statistics. The results of the study indicated the collective bargaining had inverse and statistically significance effect on performance of public universities. Employee welfare and code of regulation had direct and statistically significance effect on performance of public universities. Code of discipline had inverse and statistically insignificance effect on performance of public universities. The study recommends that there should be a timeframe after specific collective bargaining agreement has been made from which the other process can be initiated to avoid frequency of such negotiation since they adversely affect performance. Public universities should put more emphasis on prioritizing activities focusing on employees welfare since they leads to improved performance. In addition, Universities' Councils should work in harmony with the trade unions and strive to foster good relations. Future researchers may also adopt a case study research design for other public institutions such as health sector which would further add value in understanding the effect of trade union activities on performance in health sector.

Key Words: *trade unions activities, performance, public universities, Kenya*

INTRODUCTION

Organizational performance refers to how well an organization achieves its market-oriented goals as well as its financial goals (Li, 2006). Organizations can choose the low or high road to competitive advantage. According to Armstrong (2008) the criteria for assessing performance should be balanced between; Achievements in relation to objectives, the level of knowledge and skills possessed and applied (competencies), behavior in the job as it affects performance (competencies), the degree to which behavior upholds the core values of the organization and day to day effectiveness. Lusch and Laczniak (2009) asserts that performance of an organization can be measured in terms of system creativity and innovation, customer satisfaction and efficiency and effectiveness of internal business processes.

According to Noël et al (2006), the comparative approach to performance measurement required the rater to compare an individual's performance with that of others. This approach usually used some overall assessment of an individual's performance or worth and sort to develop some ranking of the individuals within a work group. Several theorists have argued that there is a lower level of sustained and diffused adoption of High Performance Work Practices (HPWP) than would be anticipated by research evidence indicating a positive relationship between HPWP and competitiveness of an organization.

Robert L. Mathis and John H. Jackson (2000) said that performance was essentially what an employee does or does not do. Employee performance common to most jobs included the following elements: - Quality of Output, Timeliness of output, Presence at work and Cooperativeness. Other dimensions of performance beyond these general ones applied to regulatory framework, organizational structure, management style, union management relations, performance of trade unions and their influence E. Amwayi (2015).

Trade union activities are associated with workers in a workplace in which the activities have been accepted and recognized as a necessary action in an organization/s (Bhreshtha, 2012). Research has shown that unionized organizations are more productive than nonunionized firms are (Devinatz, 2011; Amah & Ahiauzu, 2013). Trade unions activities may include negotiation of wages, CBA's, work rules, complaint procedures, rules governing hiring, firing and promotion of workers, benefits, workplace safety and policies. The agreements negotiated by the union leaders are binding on the entire membership and the employer and, in some cases, on other non-member workers (Thomas and Daryl, 2012).

In Kenya, trade union activities in public universities are meant to realize its goals, it is important to work in harmony with the unions and strive to foster good relations with the Universities' Councils, who are the employers of its members. The Government of Kenya is the main financier of public universities. A substantial percentage of the financing represents staff remuneration. The Employee union will always be up in arms against any aspect of under-financing as this would compromise the quality of service/trade union activity and, consequently, lowered employee morale and associated unrests. Worldwide, teachers' (and lecturers') trade unions have continued to demand that the professional voices of their

members be heard, and that their experiences and expertise be valued and appropriately rewarded (Worlds of Education, 2017).

Organizational Performance

Organizational performance refers to how well an organization achieves its market-oriented goals as well as its financial goals (Li, 2006). Corporate performance is not often described in detail by academics. Performance measurement is very important for the effective management in organizations. According to Deming without measuring something, it is impossible to improve it. The traditional approach to performance measurement using solely financial performance measure was found to be flawed. A number of prior studies have measured organizational performance using both financial and market criteria, including return on investment (ROI), market share, profit margin on sales, the growth of ROI, the growth of sales, and the growth of market share as it will be adopted to measure organizational performance in this study.

Performance can be described as the accomplishment of a given task measured against preset standards of accuracy, completeness, cost effectiveness and efficiency. In other words, it refers to the degree to which an achievement is being or has been accomplished. Performance measurement systems play a key role as a source of information about financial outcomes and the internal operations shown in the financial statements (Yeniyurt, 2003). This type of information is useful for decision making process in aspects of planning, directing and controlling. The selection of performance measures depends on organization's objectives, a clear calculation method to compare, and these should be selected through people who are involved in the organization (Neely, 1999)

The recommended measures for financial analysis that determine a firm's financial performance are grouped into five broad categories: liquidity, solvency, profitability, repayment capacity and financial efficiency. The common financial indicators of financial performance include: sales growth, return on investment (ROI), return on equity (ROE), and earnings per share. The popular ratios that measure organizational performance can be summarized as profitability and growth: return on asset (ROA), return on investment (ROI), return on equity (ROE), return on sale (ROS), revenue growth, market shares, stock price, sales growth, liquidity and operational efficiency (Oye, 2006).

Non-financial measures are: market share and growth in market share, on-time delivery, customer satisfaction, brand recognition, position in favorable markets, internal business processes, high product quality, manufacturing innovation, high manufacturing productivity, cycle time, yield and reduction in waste, learning and innovation competence and integrity of managers and morale of employees (Choi & Eboch, 2008). As compared to financial measures, nonfinancial measures are seen by the manufacturing managers as providing the greatest encouragement for risk taking and innovation and also are more effective at curtailing short-termism and gamesmanship (Bricknell, 2006). These differences are in line with popular belief. Compared to both financial and nonfinancial measures, subjective

measures are seen as being the most effective at curtailing short-termism and gamesmanship (Anderson & Sohal, 2009).

Choosing performance measures is a challenge. Performance measurement systems play a key role in developing strategy, evaluating the achievement of organizational objectives and compensating managers (Kathaara, 2014). Yet many managers feel traditional financially oriented systems no longer work adequately. A recent survey of U.S. financial services companies found most were not satisfied with their measurement systems (Adam, Corbett, Flores and Harrison, 2007). They believed there was too much emphasis on financial measures such as earnings and accounting returns and little emphasis on drivers of value such as customer and employee satisfaction, innovation and quality.

Institutional and Organizational Assessment Model (IOA) demonstrates that organizational performance in a multidimensional idea that is thought to constitute effectiveness, relevance, efficiency, and financial viability of the organization (Lamba & Choudhary, 2013). Further, the model posits that organizations should assess effectiveness of the strategies in the changing business environment. Organizational effectiveness is seen to be the extent to which a firm achieves its immediate objectives in relation to the vision and mission while organizational efficiency is the optimal transformation activities of inputs into outputs, that is accuracy, timeliness and value of service and program delivery. It focuses on rational use of resources at tactical level meeting timeliness and emphasizes least costs and maximum result (Kavoo & Kiruri, 2013).

Organizational performance can be viewed as the ability of a firm to generate enough resources to run its business and programs in the long and short term period (Afiza et al. 2015). The researcher therefore intends to explore on the trade unions activities and performance in public universities in Kenya. Performance of public universities in Kenya depends on several trade unions activities which include employee welfare, collective bargaining, code of discipline as well as code of regulations. In line with the above literature, the same items will be adopted to measure organizational performance in this study.

Trade Unions Activities

According to Adewumi (2012), since the inception of paid employment, through a combination of sustained struggles and appeals to the conscience of the rest of society, workers using the platform provided by their organizations (trade unions), have been able to secure for themselves a number of rights. These rights are predicated on, and complemented by, some constitutional provisions which confer certain rights on workers. Employees and trade union rights are those legal provisions which are meant to protect workers in the course of employment, which are not limited to CBAs, employee welfare, code discipline and code of regulations. According to Gichaba (2013), trade unions activities play critical role in championing for continued improvement of job security and terms and conditions of employment for employees among others. Trade unions perform several core activities among them collective bargaining, employee welfare, code of discipline, code of regulations,

trade union participation, trade union protection of employee rights, trade union and management of conflict, resolution strategies etc.

Most governments and employees associate trade unions activities with workers strikes, slow-downs, or work stoppages especially in developing countries (Hyman, 2007) but the trade unions protects workers from exploitative and abusive conditions at work. In Kenya, unionization is found in the manufacturing, trade, transport sectors, large-scale agriculture and teaching/educations sector. The trade unions' main objectives are to improve the welfare of its members by negotiating high earnings for its members, bettering their conditions of service, and by increasing job tenure. Given these attractive objectives, one would expect a majority of workers to be trade union members. However, only an average or slightly above 50 percentage of the formal, manufacturing and productions workers sector workers have joined trade unions. Despite the relatively stronger unionization in Kenya, our knowledge of how trade unions activities affect earnings in the sector is still sparse (Schultz & Mwabu, 2008).

Kenya employers view trade unionism as an undesirable intervention in the smooth functioning of organizations without realizing the positive contribution it could make towards industrial peace, harmony and progress (Levinson, 2013). Employers often allege that labor unions activities, only talk about workers' rights and ignore their obligations (Compa, 2004). They believe that unions activities are largely responsible for low productivity and poor performance of enterprise firms/organizations. According to Olson (2009), employers consider trade unions activities as organizations only striving to secure benefits for their members, such as financial gains like raise of wages, bonuses, various allowances insurance benefits, overtime payment and non-financial benefits such as job security, comfortable work places, and recreational facilities and decreasing fear of employer through collective bargaining. In contrast, unions activities are beyond collective bargaining, roles such as role in increasing workers' productivity or efficiency, improvement of workers discipline, improvement of workplace peace, regulations and harmony and participating in decision making with management are part of its activities (Addison and Schnabel, 2003).

According to Akhaukwa, Maru & Byaruhanga (2013), the institutions of higher learning are always experiencing a lot of conflicts which are mostly left unresolved. The frequency of go-slows, strikes, and riots in public universities has increased tremendously in the past decade to such an extent that students cannot tell when their studies would end because of frequent closures resulting from either or a combination of the three events. In the past, union activities only existed between the employees and university management. However, presently, conflicts between individual workers/employees and also between workers and management have escalated. These conflicts arise as a result of demands for increased pay, better working environment, equity distribution of resources, motivation, good industrial environment. Labour conflicts leads to cases of frequent strikes, lock ups and any other forms of unrest as seen in our public universities. Proper management of labour activities however deserves special and adequate consideration in harmonizing workplace relations.

Public Universities in Kenya

University education in Kenya has expanded with a rise in student enrolment, expansion of universities, diversity of programmes and setting up of new Universities and Campuses (Chacha, 2004). This is because Kenya placed considerable importance on the role of education in promoting economic and social development (Sifuna, 1998). However, this massive expansion in university education has serious implications on financial, human resources and physical resources. The Economic Survey (GOK, 2008) showed that the national budget on education is over-stretched. The Government has been urging Public Universities to use their existing resources more effectively and to establish more viable cost-reduction measures (Abagi, 1995). The environment of higher education is facing relentless and rapid change. These circumstances underscore the crucial role of leadership and management in maintaining morale, enhancing productivity, and helping staff at all levels cope with momentous and rapid change which ends touching on trade unions activities (Chacha, 2004).

Universities' Academic Staff Union (UASU) is a trade union for academic staff, Kenya Universities Staff Union (KUSU) is for members of staff in the middle level Administrative, Technical, Library, Finance, and Catering fields and Kenya Union of Domestic Hotels, Educational Institutions, Hospitals and Allied Union (KUDHEIHA) is for Members of staff in Grades I-IV who serve under terms of service contained in the CBA. In all the public universities in Kenya the unions are available in all chapters. According to Garvey (2017), for an organization to succeed, it must have a healthy working environment. Unions have helped maintain industrial peace, which is needed for achieving institutional goals and providing a strong workforce. When the laws in the country are always not abided by, so rather than bargaining, unions embark on strike as first resort (Mainasara, 2009), thereby constantly disrupting industrial harmony and academic activities in Universities. University unions serve a dual purpose. First, the union accords its members a feeling of job security, pursuing cases of unfair dismissal, better welfare, terms and conditions of service, a favourable working environment for its members and protect its members from harassment and firing by the employers among others. Second, it provides a forum for members to satisfy psychological needs of belonging, leadership, esteem, etc. The unions' role in collective negotiation with management enables workers to participate in the management of their organization (Akanwa, 2014).

The government aims to promote the expansion of university education and training in tandem with population growth and demand for university places (GOK, 2005). Industrial relations in Kenya enjoy both legal and constitutional backing. There is an elaborate set of laws that regulate affairs in the labour sector as well as constitutional provisions in the bill of rights outlining the conditions for harmonious industrial relations. In addition, various institutions have been created in an innovative endeavour at stabilizing the labour sector for faster economic development. These institutions include the National Labour Board, the Industrial Court and the Wage Councils. However the persistence of strikes in various sectors point to the necessity of a more indepth review of existing provisions especially with regard

to unions activities like collective bargaining. Perhaps what is needed as a resolution mechanism is openness and sincerity on the part of labour actors in order to create sustainable and binding CBA's, discipline and regulations procedures, employee welfare among others within the framework of the prevailing economic conditions in the country (Aluchio, 1998).

These objects are crucial to assure and enhance quality of higher education in the country. For instance, motivation and incentives in a supportive working environment lead to responsibility, ownership, creativity and innovation (Lagat 2012). Nonetheless, the UASU, KUSU and KUDHEIHA face challenges in the process of its activities, which include how to ensure and sustain employee welfare and performance. This study examined the contribution of the UASU, KUSU and KUDHEIHA to employee welfare, collective bargaining, code of discipline and regulations and the extent of its effects on performance at Public Universities in Kenya.

STATEMENT OF THE PROBLEM

Thompson (2011) carried out a study to establish the means that trade unions and their activities in Kenya use in order to achieve their ends. He established that most trade unions use their activities to participate mostly in strikes as the most preferred tool for interests articulation. He found out that whenever union officials sense reluctance by management to engage in negotiations, they would mobilize members to boycott work. Such labor strikes led to massive losses of revenue and disruption of systems by the firms since productivity during the period of strikes decreases. In some instances, Thompson notes that the strikes would be accompanied by severe victimization characterized by widespread sacking of the striking workers. Trade unions have limited financial and human resources for the operations of the unions' activities, weak implementation of the labour laws as well as inefficient labour institutions. This is further worsened by anti - trade union governance, disunity, splits and rivalry among trade unions themselves and their trade union leaders. This breaks the solidarity spirit among the workers due to intimidation from the management of the universities and self interests. It has also been noted that the government and unions have been slow in dispute resolution processes as well as the enhancement of alternative dispute resolution mechanisms. Also the labour institutions lack capacity to perform their constitutional tasks as mandated, crippling industrial relations, (GOK 2007). A study by Hafford & Koops (2009) on the impact that unionization has on negotiated wages focused primarily on the manufacturing sector in Kenya with special attention to the legal framework for the negotiations of collective bargaining agreements. This study established that unionization did not have a significant differential impact on the wages among firms. The researchers, however, did not focus on the organizational performance in regard to trade unions activities. Since this study was conducted long time ago, it would be interesting to establish whether their findings still stand. This is the reason why the current researcher wants to find out the role of trade unions activities on the performance of public universities since the above study was carried out in profit making organization. This points out to the weak nature of trade unions and their activities since they could not secure favorable return-to-work formula for their members. The studies cited above missed an important aspect that

this study shall address. In all of the studies, there was no proper explanation as to how unionized employees can influence a business to perform and especially in the public sector - service industries which are non-profit making, such as public universities who they have researched on this area but there is limited research in public institutions. Therefore, to fill this gap, this study will find out the role played by trade unions activities in solving labour related disputes, with specific reference to collective bargaining, employee welfare, discipline and regulations. Thus, the aim of this study is to find out the role played by trade unions activities in the performance of public universities in Kenya.

GENERAL OBJECTIVE

The general objective of the study was to investigate on influence of selected Trade Unions Activities on performance of Public Universities in Kenya.

SPECIFIC OBJECTIVES

1. To establish the role of collective bargaining on performance of public universities in Kenya.
2. To assess the influence of employee welfare on performance of public universities in Kenya.
3. To find out the how the code of discipline influence performance of public universities in Kenya.
4. To establish the role of code of regulations on performance of public universities in Kenya.

THEORETICAL REVIEW

Unitarist Theory

The unitarist theory is a basis of the relationship between management and trade unions in particular or employees in general as stated/originated from (Fox's, 1966). According to Armstrong (2006) the unitary view is typically held by management who saw their function as that of directing and controlling the workforce to achieve economic and growth objectives. To this end, management believed that it is the rule making authority. Management tended to view the enterprise as a unitary system with one source of authority itself and one focus of loyalty to the organization. It extolled the virtue of teamwork, where everyone strives jointly to a common objective, everyone pulls their weight to the best of their ability, and everyone accepted their place and function gladly, following the leadership of the appointed manager or supervisor.

To a unitarist, an organization is an integrated, friendly and collaborative whole. They believe that loyalty to such an organization would detract from employee loyalty to a company (disrupting the bond between employer and employees). The Unitary Model is without doubt the least sympathetic to the presence of trade unions or collective bargaining in

the workplace, which are regarded as interference in the efficient performance of the managerial functions and unnecessary for the protection of employee interests (Farnham, 2000). It embodies a central concern of HRM, that an organization's people, whether managers or lower-level employees, should share the same objectives and work together harmoniously. From this perspective, conflicting objectives are seen as negative and dysfunctional. Consequently, trade unions activities are deemed as unnecessary since the loyalty is between the industry.

Salamon, (2000) states that the unitary perspective assumes the organization is or should be an integrated group of people with a single authority/loyalty structure and a set of common values, interest and objectives shared by all members of the organization. Management prerogative is regarded as legitimate, natural and accepted and any opposition to it formal or informal, internal or external is seen as irrational. Consequently, trade unions are deemed unnecessary and conflict is perceived as disruptive and pathological.

According to Cooper et al. (2011), the unitary perspective views the organization as pointing towards a single or unified authority and loyalty structure. Emphasis under the unitary perspective is placed on common values, interest and objectives. Those subscribing to this view see all organizational participants as a team or family thereby implicitly emphasizing on shared values, shared goals and common destiny. Unitarism in essence implies the absence of factionalism within the enterprise (Fajana, 2000). Conflict is viewed as irrational and the sacking of striking workers is preferred to consultation or negotiation. Conflict is regarded as pathological or evil or bad. Trade unionism is outlawed and suppressed as it is viewed as an illegitimate intrusion or encroachment on management's right to manage. According to Rose (2008), under the unitary perspective, trade unions are regarded as an intrusion into the organization from outside, competing with management for the loyalty of employees. The unitary theory tends towards authoritarianism and paternalism. It is pro- management biased and emphasizes consensus and industrial peace. The underlying assumption of this view is that the organization exists in perfect harmony and all conflict is unnecessary (Rose, 2008).

Unitarism appears to be associated with higher levels of political development, but the relationship is not robust across all dependent variables and specifications. Unitarists start from a set of assumptions and values that hold workplace conflict is not an inevitable characteristic of relations between managers and employees. Conflict in the workplace may periodically emerge between the two, but such occurrences are believed to be aberrations in a relationship that is inherently prone to be cooperative. Those holding this perspective see managers and employees as having a common interest in the survival of their organizations, such that when conflicts occur it is unlikely to manifest itself to a point that will render the firm insolvent (Cooper et al., 2011).

A major strength of the unitary theory is that it primarily wants to integrate employer and employee interests in order to enhance employee commitment and loyalty (Guest and Peccei, 2001). Unitary theory can be used as a basis for stakeholder management, wherein employees are seen as important stakeholders of the organization, and so their well-being is carefully

considered in ensuring the welfare of the organization (Ackers and Payne, 1998). In line with the above theory, it is clear that employee welfare, collective bargaining and code of regulation is well supported.

Pluralist Theory

Pluralist theory as it originated from Fox's (1966) states that trade unions activities have an important role to play in representing those interests by regulating both market and managerial relations. This approach does not deny the common long term objective of employers and workers for the survival of business which unitary approach advocates, but it emphasizes inevitable and inherent conflict between employers and workers. The employers are more concerned about their profit and investment, whereas workers are concerned about their wages and standard of living. These different kinds of interests lead to traditional conflict between employers and workers. It emphasizes on the representative function of management and trade unions, and it reinforces the value (and legitimacy) of collective bargaining. Pluralists recognize organizations within management and within unions as legitimate. They believe that management's primary function is to coordinate, communicate and persuade, rather than control or demand (Kessler and Purcell 2003).

In pluralism, the organization is perceived as being made up of powerful and divergent sub-groups, each with its own legitimate loyalties and with their own set of objectives and leaders. In particular, the two predominant sub-groups in the pluralist perspective are the management and trade unions. Consequently, the role of management would lean less towards enforcing and controlling and more toward persuasion and co-ordination. Trade unions are deemed as legitimate representatives of employees, conflict is dealt by collective bargaining and is viewed not necessarily as a bad thing and, if managed, could in fact be channeled towards evolution and positive change (Giles 1989). The employers want to maximize profit at the expenses of the employee and employee want to enjoy social benefits inform of increased in wages, conducive environment. Therefore, conflict is inevitable and the need for trade union to protect the interest of both parties. Also, there is dual authority/loyalty in this approach. Therefore, employees are loyal to the management as well as their labour leaders (Gennard & Judge 2002).

This perspective views society as being post capitalist. That is a relatively widespread distribution of authority and power within the society, a separation of ownership from management and a separation, acceptance and institutionalization of a political and industrial conflict (Salamon, 2000) noted that this perspective assumes that the organization is composed of individuals who organize themselves into a variety of district sectional groups, each with its own interests, objectives and leadership. The organization is thus multi-structural and competitive in terms of leaderships, authority and loyalty within the groups consequently there is a complex of tension and competing claims, which is managed in the interest of maintaining a viable collaborative structure. Conflicts that often result represent total range of behaviours and attitudes that express opposition and divergent orientation. In a

nutshell, there is recognition of divergent interests, trade unions and conflict is functional (Oginni & Faseyiku, 2012).

According to Armstrong (2007), collective bargaining became a specialized process for resolving conflict between labour and management but, according to Commons, there is bargaining involved in all social relationships, such as those between buyers and sellers, landlords and tenants, money lenders and borrowers. These and other pressure groups help the government and market processes to ensure voluntary accommodation, freedom and stability in the society. Implicit in this pluralist arrangement of the society is a notion that groups pursue their goals within limits, and with proper checks and balances there emerges a safeguard against abuse of power. "Though such a theory need not imply a roughly equal balance of power between interest groups (though this has been a common presumption) Pluralism does tend to deny the existence of a small group of dominant interest groups with broadly common interests which tend to form a stable coalition.

Management and employees constitute two such groups, who, because of the very nature of the factory system, are seen as invariably subscribing to different values and objectives (Kessler & Purcell 2003). From this frame of reference it is also assumed that there will be different sources of authority within an organization. In this regard, it is argued to not only provide management with the most efficient means for institutionalizing employment rules and minimizing the level of workplace conflict, but to also encourage fairer outcomes by enabling employees to organize and counter-balance the power of managers when negotiating workplace contracts. It is on the basis of these conceptions that pluralists generally accept the legitimate right of employees to bargain collectively and trade unions to act in this capacity on their behalf.

Systems Theory

Originally, this theory came up from (Bertalanffy1968). The most famous theory drawing on a pluralist frame of reference is Dunlop's, (1993) systems theory, which argues that industrial relations are best regarded as a sub-system of the wider social system. The theory holds work to be governed by a wide range of formal and informal rules and regulations, which cover everything from recruitment, holidays, performance, wages, hours, and a myriad of other details of employment. It asserts that these rules are what industrial actors try to determine, that their establishment is influenced by the wider environmental context in which the actors operate, and that the actors themselves share an interest in maintaining the processes of negotiation and conflict resolution (Leighninger, 2013).

According to Manfred Drack and Gregor Schwarz (2010), on the back of these assertions four elements are held to make up the system of industrial relations rule-making. The first is industrial actors, which consists of employers and their representatives (i.e., employer associations), employees and their representatives (i.e., trade unions), and external agencies with an interest in industrial relations (i.e., government departments and labour courts). The second is the environmental context, which was made up of prevailing economic and

technological conditions, as well as the distribution of power in wider society, each of which is thought to influence or constrain the actions of actors engaged in industrial relations. The third is a so-called 'web of rules' that governs the employment relationship and is held to be the outcome of interactions between the actors. The last is a 'binding ideology', which is a set of common beliefs and understandings that serve to encourage compromises on the part of each actor for the sake of making the system operable (Gulyaev & Stonyer, 2002).

According to Leighninger (2013), an important aspect of this framework conceives the industrial relations system as self-adjusting towards equilibrium. In so far as change in one element had repercussions for the other elements, they are held to set in motion a range of processes that invariably restores a sense of order on the system. This is important to this study in that order (code of regulation) is maintained hence a good working environment.

Marxist Theory

Marxism is a general theory of society and of social change with implications for the analysis of industrial relations within capitalist societies and does not strictly explain the theory of industrial relations as per the main authors Marx & Engels (1926). The Marxist theory of industrial relations claims that capitalism breeds corruption and greed, leaving the employee to suffer while corporations rake in profits (Farnham, 2000). Marxists claim that institutions would be far better employers if run as state organizations, while compensation would be standardized to promote a co-operative, non-competitive work environment

Hyman (1995) defines industrial relations as the study of the processes of control over work relation processes, especially those involving collective worker organization and he also argues that unceasing power struggle for control is a central feature of industrial relations as it is in the nature and characteristics of a capitalist society to struggle for control. He offers a summary of the major characteristics of capitalism as the ownership and or control of the means of production by a small minority, the domination of profit as the fundamental determinant of economic activities, and the obligation on most of society to sell their productive abilities on the market as a commodity.

Neither the notion labor relations nor the term industrial relations belongs to the vocabulary of Karl Marx. The reason is simply that regulation of the class struggle via institutionalized channels of conflict resolution, the very subject matter of industrial relations was still unknown. On the other hand, the core institutions underlying industrial relations-free labor markets and the factory system were main components of analysis of industrial capitalism, and efforts to build trade unions. But the analytical focus was less on the role as agencies of collective regulation of wage and labor conditions than on their historical mission as organizers of workers' resistance against exploitation, estrangement, and impoverishment, leading to the eventual overthrow of the capitalist wage system (Marx, 1982).

It contends that in capitalist societies, the state is always on the side of the employers in an effort to protect the interest of those who own other means of production except labour. This

perspective sees the processes of the institution of joint regulation as enhancement rather than reduction in management position, that at best, they give only limited and short-term accommodation of the inherent and fundamental division within the capitalist based work and social structures (Salamon, 2000). Therefore, the growth of trade union is seen as an inevitable employee's response to capitalism. That trade union not only enhances collective industrial power by reducing competition between individual workers but provide a focus for the expression and protection of the interests of the working classes. Conflict is thus a permanent feature of industrial relations (Oginni & Faseyiku, 2012).

Conflict is viewed as a disorder precursor to change and to resolve conflict means to change the imbalance and inequalities in society in terms of power and wealth. Code of discipline and code of regulation is observed as per the Marxist theory hence improving employees performance.

EMPIRICAL REVIEW

Collective Bargaining

Godfrey et al., (2007) did a study on collective bargaining which meant that CB is central to any industrial relations system since it is a tool through which regulated flexibility achieved. A number of studies showed that where workers had their terms and conditions of employment determined through collective bargaining and where management supported unions, there was an improved industrial relations environment (Edwards, 2002; Beardwell et al., 2004). Adewole et al. (2010) asserted that frequent eruption of industrial conflicts between employers and employees in general could be effectively managed through collective negotiation and consultation with the workers' representatives. Collective bargaining was noted to help promote cooperation and mutual understanding between workers and management by providing a framework for dealing with industrial relations issues without resort to strike and lockouts. Therefore, fair and legal process would result in successful collective bargaining, hence maintenance of industrial discipline and peace and vice-versa (Gomez et al., 2003).

Cole (2002) did a study on collective bargaining process which begins with the union claim which is followed by an initial counter offer from management. Once management's initial response had been made, then negotiation could commence in earnest. Cole further pointed out that in most cases, a settlement would be reached without undue delay and acrimony, and the agreed terms of the settlement published, implemented and subsequently monitored. Each side had therefore to decide its overall objectives or strategy, asses its relative bargaining strength, and, in the light of that assessment, decide on the tactics to be employed to achieve an optimum result. Thus, evidence suggested that unions made an effort to find out members' demands, but the procedure used to decide the negotiation teams on both sides were generally top-down. Gomez et al. (2003), explained that parties are said to be showing good faith in bargaining when; they were willing to meet and confer with each other at a reasonable time and place; they are willing to negotiate over wages, hour and conditions of employment; they

sign a written contract that formalizes their agreement and binds them to it; and each party gives the other adequate notice of termination or modification of the labour agreement before it expired. Similarly, there should also be genuine willingness on the part of the parties to 'give and take' at the bargaining table, cooperation and consideration of fairness under the process.

Education sector in an economy remained one of the most powerful engines for economic growth. It acted as a catalyst to transform the economic structure of countries from simple, slow growing and low value activities to more vibrant and productive economies. Education was recognized as a principal contributory factor to boost productivity of workers by generating skills that raised their working capacity, leading to economic growth (Hill Kent, 2005; Bloom et al, 2006; Galiani et al, 2008). Onguso, Wario & Romanus (2016), did a study on universities all over the world which are considered as centres of excellence and immensely contribute to national development. From theory and practice, it was evident that higher education was critical to political, social, economic, and technological growth of a country. The absence of good industrial relations environment could therefore seriously affect the stability and training programs in universities and hence the overall national development. There has therefore been a great deal of attention surrounding stability of public universities in recent times following the introduction of collective bargaining. A detailed examination of how collective bargaining process impacts on industrial relations environment in public universities in Kenya was lacking.

Gatchalian (1998) suggested that the negotiations should end up without anyone "losing face", feeling bitter and humiliated, or being personally aggrieved. Otherwise the process could develop into a personal confrontation, with each side forgetting the real issues and the main objective. Collective bargaining process was thus expected to be fair and legal, and should have taken place in an environment of trust in order for parties to achieve a workable relationship. Collective bargaining process was therefore expected to affect industrial relations environment. The literature shows that collective bargaining process would influence the quality of industrial relations and performance.

Employee Welfare

Kahn's model (2011) described employee welfare schemes as those measures that aimed at promoting physical, psychological and general well-being of the working class. The basic aim of welfare schemes in an industry was to improve the living and working conditions of the employee and their families because the employee's well-being could be achieved in isolation of the employee from his family. Maslach (2012) stated that welfare schemes included some or all of the amenities provided in or near the organization and related to the working and living conditions. These facilities include canteens and nourishment facilities, transport arrangements, recreational services, housing schemes, education and training of employees, pension, bonus, medical facilities, childcare facilities, personal counseling etc. Rari & Raja (2016) explored on how many organizations used the concept of employee welfare programmes as a strategy of improving productivity of employees since work related

problems could lead to poor quality of life for employees and a decline in organizational performance. Welfare activities promoted economic development by increasing efficiency and productivity with the underlying principle being making workers give their loyal services ungrudgingly in genuine spirit of co-operation.

Abarirajan, Meharajan & Arun, (2016) carried out a study on the contribution of a government in a country. It was therefore clear that government in any country, being the largest employer was always looked upon to provide comprehensive welfare services to its servants. Economic handicaps impaired the productivity of a civil servant. Efficiency and effectiveness of a good public administration depended on how best the persons manning the administrative machinery were looked after. With a view to keeping employees' capacity to effectively functioning on the job and in constant repair, the Government had to devise measures, which met their economic and social needs as adequately as possible. It was neither always possible nor advisable for the Government to keep on increasing the salary scale at frequent intervals that always served as a contributory factor for further rise in the cost of living. The solution to these problems lied in developing services, which would enhance the 'real income' of the civil servants within their existing salary structures.

Historically employees' welfare programs were to reduce absenteeism and time off due to illness. However, today they have taken a broader scope and they include almost all aspects that relate to an employee's wellness and personal development in the workplace (Manzini & Gwandure, 2014). Logically, the provision of welfare schemes was to create an efficient, healthy, loyal and satisfied labor force for the organization. The purpose of providing such facilities was to make their work life better and to raise their standard of living (Padmini, 2016).

Muruu, Were & Abok, (2016) did a study on the success of the employees' welfare programs depending on the approach in which the organization had taken into account. An organization should have had a policy that guided provision of such welfare programs to employees which included medical facilities, sanitary, accommodation of workers, amenities and industrial social security measures, training and education facilities, HIV and AIDS risk reduction and counseling (Harika, 2012). Park (2015) argued that work environment comprised of issues such as working hours, employment policy, workers' health and welfare, workplace design and the general conduct of workers at the workplace.

Organizations provided welfare facilities to their employees to keep their motivation levels high. The employees welfare schemes could be classified into two categories namely statutory and non-statutory welfare schemes. The statutory schemes were those schemes that were compulsory to provide by an organization as compliance to the laws governing employee health and safety. The non-statutory schemes differed from organization to organization and from industry to industry (Tiwari, 2014). Employee welfare activities in both developed and developing society had an impact not only on the workforce but also on the facets of human resources (Manju & Mishra, 2007). These services were provided by the government, trade unions and non-governmental agencies (Ankita, 2010).

Code of Discipline

Achieng & Makori (2015) explored that discipline is the attitude, behavior and deeds in accordance with the rules of the company both written or that is unwritten. He further argued that discipline is one of the requirements of employees to meet the standards of performance and behavior, including maintaining the presence of employees according to predefined time standards. Conflict between managers and employees was inevitable in many organization, whether public or private. often, the source of the conflict was employee non-compliance. Managers were responsible for disciplining those employees whose performance or conduct was sub-standard or inappropriate. However, the ability to effectively address employee non-compliance was a challenge to many managers or supervisors as they positively influenced employee performance hence organizational performance.

Mullins (2005) asserted that, progressive discipline was a process for dealing with job related behavior that did not meet expected and communicated performance standards. The primary purpose for progressive discipline was to assist the employees to understand that a performance problem or opportunity for improvement exists. The process featured increasingly formal efforts to provide feedback to the employee so that he or she could correct the problem. The goal of progressive discipline was to improve employee and organizational performance.

The existence of trade unions in the system was for employees to enhance performance and reflect a good image of the organization and promote good governance and not mitigate against the employee performance in many organizations (Lwamafa, 2004). Organization management for the employee dealings which they were engaged in, was however rarely accounted for all employees under them. Employee reprimand system was the principle that was used to sets out standards of behavior for employees in the organization. It was designed to ensure the impartiality, transparency, integrity, efficiency and effectiveness of employees when performing their duties. It was intended to guide employees in their behavior and how they related to each other and the public (Lwamfa, 2006). The effectiveness of such employee reprimand system depended on the extent to which management supported them with sanctions and rewards. Violations of an organization's employee reprimand systems usually could subject the violator to the organization's remedies. The employee reprimand systems linked to and gave rise to a code of conduct for employees in that organization (Baron, 2000).

Whitford (2006) explored that codes of ethics are written to guide behavior. Any final analysis of the impact of a code must have included how well it affected behavior. Prucell, (2003) for those working with developing public service communities the more important questions were on what blend of the general and specific were most likely to affect behaviors that a society needed from its civil servants and its political leaders. Contemporary social psychological research also strongly suggested that codes could guide or induce behaviors in developing countries that were critical to a functioning public service (Crane, 2007). Codes were not designed for bad people, but for the persons who wanted to act ethically. The bad person would seldomly follow a code, while most people – especially public servants

welcomed ethical guidance in difficult or unclear situations. The average person was not grossly immoral but often tempted, and sometimes confused, by what appears to be a virtuous path.

Martha, (2005) asserted that no code, no matter how severely enforced would make truly bad people good. However, ethics codes could have a demonstrable impact on the behavior of bad people in organizations. When everyone clearly knew the ethical standards of an organization, they were more likely to recognize wrongdoing; and do something about it (Andrew, 2006). Second, miscreants were often hesitant to commit an unethical act if they believed that everyone else around them knew it is wrong. And, finally corrupt individuals believed that they were more likely to get caught in environments that emphasize ethical behavior (Armstrong, 2011). Discipline could be positively related to performance. It was the bridge between goals and accomplishments (Crane, 2007).

Alexander (2000) did a study on the development of a new approach to diagnosing and dealing with performance problems and discipline which required a 'paradigm shift' on the part of management and labour. In order to be successful in making this change, the parties had to be prepared to give up established beliefs and entrenched ideas. In many instances, there was a legacy of bitterness and anger running deep through the relationship that acted as a barrier to a successful transition. Management and labour unions had shown themselves to be willing and able to change and work together in improving safety, training, business survival, and viability (Appelbaum & Blatt 1994; Cohen- Rosenthan & Burton 1993; Kochan, Katz, & McKersie 1994; Kochan and Osterman 1994). Working together to effectively manage employee and organizational performance and disciplinary problems represents a further way in which they could find responsible solutions and win/win outcomes for their mutual benefit.

It was clear that there was a direct positive influence of work discipline, organizational performance and availability of trade unions Alexander (2000). From some of the opinions above, it could be concluded that the discipline was a very important factor in the development of an employee's personality characteristics such as responsibility, confidence, and persistence in working and self-control as well as to maintain and develop an appropriate behavior in the works hence good organizational performance.

Code of Regulations

Mpofu & Clifford, (2015) did a study on the current Kenyas Code of Regulations which stated that there was a structure of the Public Service and the management of the Human Resource. It incorporated provisions of the Constitution, Labour Laws and other Legislation that governed various aspects of industrial relations in the Public Service. It talked about matters connected with organization of Government and procedures for conduct of Government business. The code of regulations management established in the workplaces were necessary because the management remained in compliance with the law. They enabled the employees to abide to the rules and regulations set and this enabled in improving the

performance of employee and organizational (Hassan, 2005) and grievance procedures. However, the introduction of unfair dismissal and discrimination legislation and the consequent threat of defending employment tribunal applications were argued to have provided employers with a significant impetus to adopt more formal processes though the effective employee code of regulations (Edwards et al., 2004). Nonetheless, the greater use of formal procedure failed to halt the rapid increase in employment tribunal applications from 1988 onwards, with the rate more than trebling between 1988 and 1996 (Burgess et. al, 2007).

Baron (2000) did a study on the relationship between employee code of regulations and employee performance which was a primary issue in the field of business and society. Significant research carried out in several geographical locations, with different parameters for defining ethical and corporate social responsibility and using numerous proxies for employee performance was available. Orlitzky et al (2003) indicated that the employees' code of regulations had a positive impact on employee and organizational performance. Baron (2000) also claimed that employee codes of regulations in major corporations was coming under scrutiny, and employee performance had been challenged about conflicts of interest and their investment advice. However, since it was also the fiduciary duty of these managers to make profits and increase shareholders wealth, it was no wonder that there has been an increasing interest in the relationship between being ethical, financial, employee and organizational performance.

Hepple & Morris (2002) suggested that the impact of the procedural changes introduced under the Employment Act 2002 be downgraded rather than enhanced procedural fairness. They argued that the statutory procedures fell well short of best practice reflected by the Code of Practice. Furthermore, as long as the employer followed the statutory procedure they could escape a finding of unfair dismissal on the grounds that procedural defects would have made 'no difference' to the decision to dismiss. Even so, employers complained that the regulations increased both administration and the incidence of workplace disputes (Gibbons, 2007). Indeed in 2006/7, single employment tribunal claims rose by 3% while the number of all claims (including those with multiple claimants) increased by 15% (Employment Tribunal Service, 2007).

In conclusion, there was a remarkable reality that, although researchers had explained in many researches about the character of the leaders (e.g., Dickson et al., 2001; Grojean et al., 2004; Wimbush & Shepard, 1994), organizational formation and its code of regulations (e.g., Jin et al., 2007; Verbeke et al., 1996) to persuade the ethical surroundings, a little bit work had been done to define the ethical environment and its background. Schein (2004) recommended leaders could operationalize a lot of things to entrench the most important norms and values which they possess in the routinely decision-making process of the employees, which was the key factor for the good environment of the organizations. Thus, there is no single organization safe from corporate scandals, and the main issue in these ethical misconducts is the negligence of ethical corporate values and lack of ethical leadership.

RESEARCH METHODOLOGY

Research Design

A research design is a plan that guides the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure (Kothari, 2004). It is the designed and planned nature of observation that distinguishes research from other forms of observations (Terre Blanche & Durrheim 1999). Research design is needed because it facilitates the smooth sailing of the various research operations, thereby making research as efficient as possible yielding maximal information with minimal expenditure of effort, time and money. This study adopted a descriptive survey design to find out the effects of selected trade unions activities on performance of Public Universities in Kenya. Orodho (2005) postulated that a descriptive survey design is a method of collecting information by administration of questionnaires on selected samples or the conduct of interviews. The method is appropriate for collecting information about people's opinions, habits, attitudes, or any variety of social issues. The research design is considered appropriate for the study because the researcher seeks to collect, analyzes and report information as it exists in the field without any undue manipulation of the variables.

Target Population

Target population in statistics is the specific population about which information is desired. A population is a well-defined or set of people, services, elements, events, group of things or households that are being investigated (Kothari, 2004). In this study, participants will be drawn from the union officials of the organizations under study. The officials from all chapters were 80 and comprised of chairmen and their assistants, secretary general and their assistants, treasurer and their assistant, member representatives/trustees among others capable of exercising authority.

Sampling Technique and Sample Size

The study adopted a census owing to the small number of respondents involved. According to Kothari (2004), sample size refers to the number of items to be selected from the universe to constitute a sample. The size of sample should neither be excessively large, nor too small. It should be optimum. An optimum sample is one which fulfills the requirements of efficiency, representativeness, reliability and flexibility. According to Vaughn (1996), the aim of the research should be to recruit clearly identified individuals who could best address the purpose and goals of the research. Individuals who are invited to participate in a research must be able and willing to provide the desired information and must be representative of the population of interest, (Hansen, Cottle, Negrine & Newbold: 1998). According to Kothari (2004), if a population from which a sample is to be drawn is small a census is applied in order to obtain a representative sample. The study thus did a census of the union officials with a view of giving equal opportunities to all for their participation.

Data Collection Instruments

The study employed questionnaires and secondary data interrogation guides as the instruments for data collection. The questionnaires were used to collect data from respondents. The questionnaires are deemed suitable in that they can serve a large group of respondents; they have the benefit of self-administerability, anonymity and the standardization of questions for the purpose of easing the data analysis procedures (Orodho, 2005). The questionnaire encompassed the social demographics section and questions derived from the research objectives. The questionnaires had both closed and open-ended questions. Secondary data interrogation guides were used to have a sequential system of evaluating the organizational performance with a view of confirming the trends of selected trade unions activities. The interrogation guides served as a good measure of triangulation with the primary data from the questionnaires. The questionnaires had nominal, ordinal and scale questions. Likert-type 5-point scale, ranges from 'strongly agree' to 'strongly disagree'. The strongest favourable response is scored as 5, whereas the strongest unfavourable response as 1 (Kothari 2004). Closed-ended questions are easier to analyze since they are in an immediate usable form. It's also time saving and economical because each question is followed by an alternative answer.

Data Collection Procedure

Permission to conduct the research was sought from the National Council of Science, Research and Innovation. The researcher hand-delivered the questionnaires to the target respondents and collected them to deter collusion and enhance the response rate. The researcher always made prior arrangements suitable to the schedules of the respondents.

Data Analysis Methods

After all the data has been collected, data cleaning followed for the purposes of identifying any incomplete, inaccurate or unreasonable data. Coding of the data thereafter followed and the codes were entered into a computer for the purpose of analysis. Data analysis involved quantitative procedures. The study employed descriptive and inferential statistics. The background information was subjected to descriptive statistical analysis in the form of; mean analysis, mode analysis and measures of standard deviation. The inferential statistics employed included; regression analysis to test causal relationship between the variables as postulated in the research hypothesis and a One Way Analysis of Variance (ANOVA) to determine the existence of a significant difference on organizational performance and the employment of selected trade unions activities. Data analysis helped to summarize the essential features and relationships of data in order to generalize and determine patterns of behavior and particular outcomes. To address the specific research objectives of the selected trade unions activities on organizational performance, the study adopted regression analysis. Selected trade unions activities were the independent variable and performance of public universities was the dependent variable. The hypothesized model was the equation below.

$$Y = \lambda + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 X_4 + \varepsilon$$

Where: Y = Performance of public universities; λ = Constant showing organizational performance in the absence of selected trade union activities; $\beta_1, \beta_2, \beta_3, \beta_4$ = Coefficient of the independent variables; X_1 = Collective bargaining; X_2 = Employee welfare; X_3 = Code of discipline; X_4 = Code of regulations; ε = Error term.

RESEARCH RESULTS

This study aimed at investigating the influence of selected trade unions activities on performance of public universities in Kenya. The specific objectives of the study were to establish the effect of collective bargaining, employee welfare, code of discipline and code of regulations on performance of public universities in Kenya. Overall, the findings of the study revealed that the collective bargaining, employee welfare and code of regulations had statically significant effect on performance of public universities in Kenya

Collective Bargaining and Performance of Public Universities

The first objective of the study was to establish the role of collective bargaining on performance of public universities in Kenya. The findings of the descriptive statistic further indicated that collective bargaining is considered as a key factor on organizational performance and the union officials are actively involved in communicating the importance and improvement of wage scales to its members. The study further revealed that the members of staff participate in trade unions activities in order to improve the working conditions. Trade unions members' adhere to the guidelines and conditions on working hours, and the effect of implementation of collective bargaining agreement on organizational performance. The respondents were indifference on whether the members of trade unions are sometimes awarded bonuses and appreciation packages for effective negotiation. The results of regression analysis indicated a negative and statistically significant relationship between collective bargaining and performance of public universities

Employee Welfare and Performance of Public Universities

The second objective of the study sought to assess the influence of employee welfare on performance of public universities in Kenya. The findings of the descriptive statistic indicated that a package for house allowance is provided for the members of staff and the members of union and officials are allowed to be on leave like any other member of staff. Benevolent fund established in the institutions were found to meet the needs of the employees. The emphasizes on employee welfare and a wide variety of mechanisms for employees welfare is in place which includes a comprehensive medical cover although the training of members of staff on health and safety and other types of training was not frequently done. The results of regression analysis indicated a positive and statistically significant relationship between employee welfare and performance of public universities in Kenya.

Code of Discipline and Performance of Public Universities

The third objective of the study sought to find out the how the code of discipline influence performance of public universities in Kenya. The findings of the descriptive statistic indicated that the organization has a code of discipline and trade unions members understand all the disciplinary measures in place within the organization. It was noted that discipline is key to all members of union in the organization and the members of staff are aware of the procedures of disputes and grievances settlement. The organizations were found to have put in place mechanisms of solving grievances and holding. However, the respondents were indifference on whether the organization uses codes of ethics in controlling strikes, lockouts, goslows with or without notice in good time. The results of regression analysis indicated a negative and statistically insignificant relationship between code of discipline and performance of public universities in Kenya.

Code of Regulations and Performance of Public Universities

The fourth objective of the study sought to establish the role of code of regulations on performance of public universities in Kenya. The findings of the descriptive statistic indicated that the public universities have a code of regulations which is improved regularly in order to enhance organizational performance. The members of staff were found to have general knowledge on their rights upon being union member and level of participation in its activities. Members of staff were also found to be aware of procedures and repercussion of industrial action and the effect of code of regulations had organizational performance. The study further revealed that trade union members were sensitized on all legal frameworks relating to labour relations but it seemed like there was no control mechanism on unfair practices in its operations. The results of regression analysis indicated a positive and statistically significant relationship between code of regulation and performance of public universities in Kenya.

REGRESSION ANALYSIS

Multiple regression analysis was done to determine the effect of each factor of selected trade union activities on performance of public universities. Table 1, 2 and 3 shows the effect of each trade union activities on performance.

Table 1: Regression Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.576 ^a	.332	.288	.64061

a. Predictors: (Constant), Code of regulation, Employee Welfare, Collective Bargaining, Code of Discipline

b. Dependent Variable: Performance of public university

From the regression results above, the R value was 0.572 indicating that there is a relationship between code of regulation, employee welfare, collective bargaining and code of

discipline on performance of public university. The R squared (R^2) value of 0.332 shows that 33.2 percent of performance of public university is explained by selected trade union activities used in the study. The remaining 66.8 percent is explained by other factors put in place by public universities to improve performance.

Table 2: Regression Analysis ANOVA Table

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	12.424	4	3.106	7.568	.000 ^b
	Residual	25.034	61	.410		
	Total	37.458	65			

a. Dependent Variable: Performance of public university

b. Predictors: (Constant), Code of regulation, Employee Welfare, Collective Bargaining, Code of Discipline

The results of ANOVA revealed that the entire model was significant with the F ratio = 7.568 at p Value $0.000 < 0.05$. This is an indication that the model can be relied upon. Beta coefficients were used to determine the causal effect of the independent variables on the dependent variable. Below are the values as extracted from SPSS.

Table 3: Regression Analysis Coefficient Table

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
(Constant)	1.101	.959		1.148	.255
Collective Bargaining	-.682	.224	-.405	-3.039	.003
Employee Welfare	1.046	.203	.643	5.156	.000
Code of Discipline	-.265	.262	-.140	-1.012	.316
Code of regulation	.572	.232	.342	2.468	.016

a. Dependent Variable: Performance of public university

Table 3 shows that the beta coefficients of the resulting model indicate that employee welfare and code of regulation activities have a positive effect on performance of public universities with slopes of $\beta_2=1.046$ and $\beta_4=0.572$ respectfully. This implies that holding all other variables constant, the performance public universities increase by 1.046 units when employees' welfare activities goes up by one unit and increase by 0.572 units when code of regulation activities goes up by one unit. Collective bargaining and code of discipline activities have a negative effect on performance of public universities with slopes of $\beta_1=-0.682$ and $\beta_3=-0.265$ respectfully which implies that performance of public universities decrease by 0.682 units when collective bargaining activities increases by one unit and reduce by 0.265 when code of discipline activities increases by one unit. The regression equation for the effect can be stated as shown: $Y = 1.101 - 0.682X_1 + 1.046X_2 - 0.265X_3 + 0.572X_4 + 0.959$. This implies that holding all factors constant, performance public universities would be 1.101.

The study found out that there was negative and statistically significant relationship between collective bargaining and performance of public universities at P value 0.003 which is less than 0.05. This can be attributed to the fact that collective bargaining are normally concerned with negotiation for better pay, working conditions among others which have a cost implications. The finding of the study assert statement made during Worlds of Education (2017), that worldwide, trade unions have continued to demand that the professional voices of their members be heard, and that their experiences and expertise be valued and appropriately rewarded. Gichaba (2013), also noted trade unions activities play critical role in championing for continued improvement of job security and terms and conditions of employment for employees among others. According to Olson (2009), employers consider trade unions activities as organizations only striving to secure benefits for their members, such as financial gains like raise of wages, bonuses, various allowances insurance benefits, overtime payment and non-financial benefits such as job security, comfortable work places, and recreational facilities and decreasing fear of employer through collective bargaining.

The study found out that there was positive and statistically significant relationship between employee welfare and performance of public universities at P value 0.000 which is less than 0.05. The findings of the study concurs with Tiwari (2014), who found out that organizations provided welfare facilities to their employees to keep their motivation levels high. Based on the finding of this study motivated employees improves productivity which in turn increases performance. Similarity, Rari & Raja (2016) explored on how many organizations used the concept of employee welfare programmes as a strategy of improving productivity of employees since work related problems could lead to poor quality of life for employees and a decline in organizational performance. They found out that the welfare activities promoted economic development by increasing efficiency and productivity with the underlying principle being making workers give their loyal services ungrudgingly in genuine spirit of co-operation. Manzini & Gwandure (2014), noted that logically, the provision of welfare schemes was to create an efficient, healthy, loyal and satisfied labor force for the organization. The purpose of providing such facilities was to make their work life better and to raise their standard of living (Padmini, 2016). Park (2015) argued that work environment comprised of issues such as working hours, employment policy, workers' health and welfare, workplace design and the general conduct of workers at the workplace.

The study found out that there was negative and statistically significant relationship between code of discipline and performance of public universities at P value 0.316 which is greater than 0.05. Mullins (2005) asserted that, progressive discipline was a process for dealing with job related behavior that did not meet expected and communicated performance standards. The implication to the study is that when dealing with disciplinary cases the performance is hampered with. Achieng & Makori (2015), noted that the ability to effectively address employee non-compliance was a challenge to many managers or supervisors as they affect employee performance hence organizational performance. The finding of this study contradict Crane (2007), who eluded that discipline could be positively related to performance. Alexander (2000), also noted that there was a direct positive influence of work discipline, organizational performance and availability of trade unions. However for

employees working in public universities strict adherence to code of discipline results to inverse relationship with performance which can be associated with the caliber of employees who may require a lot of flexibility in their operations.

The study found out that there was positive and statistically significant relationship between code of regulation and performance of public universities at P value 0.016 which is less than 0.05. The finding of the study that code of regulation leads to improved performance asserts earlier findings by Orlitzky et al (2003) who found out that the employees' code of regulations had a positive impact on employee and organizational performance. Baron (2000) did a study on the relationship between employee code of regulations and employee performance which was a primary issue in the field of business and society and found similar results. Hassan (2005), did a study on the effect of code of regulations on performance of employee and organizational and found out that code of regulations enabled the employees to abide to the rules and regulations set and this enabled in improving the performance of employee and organizational and grievance procedures. Based on the finding of the study the optimal regression equation for this study can be stated as: $Y = 1.101 - 0.682X_1 + 1.046X_2 + 0.572X_4 + 0.959$. Where 1.101 is the constant, X_1 is collective bargaining index, X_2 is employees welfare while X_4 is code of regulation. Code of discipline had inverse but insignificant effect on performance of public universities and therefore dropped from the optimal regression equation.

The study conclude that since majority of the employees are members of trade unions and the findings has clearly revealed that some trade union activities had a direct relationship with performance of public universities. Therefore it is important to for Universities' Councils to work in harmony with the unions and strive to foster good relations which are geared towards enhancing performance. A number of studies showed that where workers had their terms and conditions of employment determined through collective bargaining and where management supported unions, there was an improved industrial relations environment (Edwards, 2002; Beardwell et al., 2004). Hyman (2007), opined that most governments and employees associate trade unions activities with workers strikes, slow-downs, or work stoppages especially in developing countries but the results of the study revealed that some trade union activities such as employee welfare and establishment of the code of regulation can lead to enhance performance. In addition, employers often allege that labor unions activities, only talk about workers' rights and ignore their obligations (Compa, 2004) but the finding of this study revealed that effective engagement could also lead to improved performance.

CONCLUSIONS

The finding of the study revealed that collective bargaining had negative and statistically significant effect on performance of public universities. This can be attributed to the fact that collective bargaining are normally concerned with trade union officials negotiating for better working conditions and remuneration which has a cost implications hence reducing performance of public universities. However if collective bargaining process is effectively

managed through collective negotiation and consultation with the workers' representatives it can lead to effective industrial relations environment.

The finding of the study revealed that employee welfare had a positive and significant effect on performance of public universities. The indication is that when employees general well-being is taken into consideration in terms of conducive working conditions, guaranteed health and safety, job security among other employees motivation is boosted which in turns leads to improved performance.

The finding of the study revealed that code of discipline had negative and statistically insignificant effect on performance of public universities. The indication is that when rules are set in public universities which the employees are expected to adhere to strictly and non-conformity to reprimand it may affect the morale which could results to decrease in productivity and hence organization performance.

The finding of the study revealed that code of regulation had a positive and significant effect on performance of public universities. The indication is that if the code of regulation is put in place all members of staff will tend to adhere with the regulations resulting to minimal interruptions hence the performance is not adversely affected.

RECOMMENDATIONS

Following the findings of this study, a number of recommendations can be made. The study findings show that the collective bargaining has an inverse effect on performance of public universities. Following these findings, this study recommends that there should be a timeframe after specific collective bargaining agreement has been made from which the another process can be initiated to avoid frequency of such negotiation since they adversely affect performance.

The finding revealed that the employee welfare had a positive and significant effect on performance of public universities. Following these findings, this study recommends that public universities should put more emphasis on prioritizing activities focusing on employees welfare since they leads to improved performance.

Code of regulation was found to have positive and statistically significant effect on performance of public universities. Therefore public universities should also embark on reviewing its code of regulations to ensure that the regulations are clearly stipulated since if adhered to performance is enhanced.

Some trade union activities were found to have a direct relationship with performance of public universities. Therefore it is important to work in harmony with the unions and strive to foster good relations with the Universities' Councils, who are the employers of its members.

REFERENCES

- Abagi, J. O. (1995). Revitalizing Financing of Higher Education in Kenya: *Resource Utilization*
- Achieng & Makori (2015). Influence of Progressive Discipline on Employee Performance in Kenya: *Strategic Journals of Business and change management*
- Ackers, P. and Payne, J. (1998) British trade unions and social partnership: rhetoric, reality and strategy. *International Journal of Human Resource Management* 9, (3).
- Addison, J. T., & Schnabel, C. (Eds.).(2003). *International handbook of trade unions*. Edward Elgar Publishing.
- Adewole, O.A. & Adebola, O. G. (2010).Collective bargaining as a strategy for industrial conflict management in Nigeria”. *Journal for Research in National Development*, 8.1, 326-339
- Afande, F. (2015).Adoption of the balanced scorecard by state corporations within the Ministry of Information and Communication Technologies in Kenya. *Public Policy and Administration Research*, 5(2), 74-91.
- Akanwa, D. C (2014) *Analysis of the Right to Trade Unionism in the Nigerian Private Universities*. Unpublished, MA Thesis, Faculty of Law, Ahmadu Bello University, Zaria.
- Akhaukwa, J. R., Maru L., and Byaruhang J. (2013).*Effect of Collective Bargaining Process on Industrial Relations environment in Public Universities in Kenya*, Mediterranean Journal of Social Sciences, Vol.4 No. 2, May 2013,MC SER-CEMAS-Sapienza University of Rome.
- Alexander (2000) Employee Performance and Discipline Problems: A New Approach *A journal on 1.Problem employees. 2. Performance. 3. Labor discipline. I. Title. II. Series: Current issues series (Kingston, Ont.)*.
- Aluchio, L. P.A. (1998) *Trade Unions in Kenya* Jomo Kenyatta Foundations, Nairobi Kenya
- Amah, E., & Ahiauzu, A. (2013), Employee involvement and organizational effectiveness. *Journal of Management Development*, 32(7), 661-674. doi: 10.1108/JMD-09-2010-0064
- An empirical and conceptual study of collective bargaining*. DPRU Working Paper 07/130.
- Ankita, K. (2010). *Human Resource Management*. Retrieved October 25th 2011 From http://www.ankitakulkarni.com/humanresourcemanagement/employee_welfare.
- Armstrong (2007) *Armstrong's Handbook Of Human Resource Management Practice*. 13th edn. London: Kogan Page.
- Bernard Marr.(2011). Performance Management. *Key Indicators*

- Blaschke S. (2000). 'Union Density and European Integration: Diverging Convergence', *European Journal of Industrial Relations*, Vol. 6 (2),
- Bloom D. Cannig D. & Chan K. (2006). *Higher Education and Economic Development in Breshtha*, (2012), The effect of Trade Unionism of Workers. *Business Economic & Tourism*
- Chacha Nyaigotti Chacha (2004). *Reforming Higher Education in Kenya: Challenges*,
- Cole, G. A. (2002). *Personnel and Human Resource Management*. London: Book Power Thomson Learning.
- Cooper, D.R. And Schindler, P.S (2008) *Business Research Methods* Tata McGraw-Hill
- Cooper, et al. (2011). *Business research methods*. USA: McGraw-Hill
- Cote, M. (2013), Productivity and labor unions. *CA Magazine*, 146(4), 56.
- Crane, A. & Matten, D. (2007). *Business Ethics* (2nded). New York: *Oxford University Press*
- Devinatz, V. G. (2011), U.S. trade unionism under globalization: The death of voluntarism and the turn to politics? *Labor Law Journal*, 62(1), 16-29.
- E. Amwayi (2015) *int. J. Social Sciences Management and Entrepreneurship* 2(1):139-156, March 2015
- E. Teti (2013), Employee welfare
- Edwards, P. (2002). Impact of collective bargaining on workplace performance. Available: <http://www.europa.eu/eiro/index.htm>(October, 6 2010)
- Fajana, S. (2000),*Industrial relations practice in Nigeria*.
- Farnham (2000). Employee relations: theory and practice. *McGraw-Hill Australia*.
- Freeman, R. and Medoff, J. (1984), What Do Unions Do? New York: *Basic Books*.
- Frei, F. (2008), *The Four Things a Service Business Must Get Right*. Harvard Business Review, USA, 81 pp.
- Gatchalian, J. C. (1998). Principled negotiations – a key to successful collective bargaining. *Management Decision*, 36.4, 222– 225.
- Godfrey S, Theron J and Visser M (2007) *The state of collective bargaining in South Africa*.
- GOK (2007) *Legal Notice No 162 of 2007* Nairobi Government Printer
- GOK (2008) *Economic Surveys* Government Printer Nairobi
- GOK (2017) *Industrial relations and trade unions* Government Printer Nairobi

- Gomez-Mejia, Luis R., Balkin, D. B. & Cardy R. L. (2003). *Managing human resources*. Delhi India: Pearson Education.
- Griswold, D. (2010), Unions, protectionism, and U.S. competitiveness. *CATO Journal*, 30(1), 181-196.
- Gungor, P. (2011), The relationship between reward Management System and Procedure Social & Behavioural Sciences, 1510-1520. Retrieved from <http://www.science-direct.com>.
- Hafford, B. N., & Koops, L. (2009), The impact of unionization on negotiated wages in the manufacturing sector in Kenya. *Oxford Bulletin of Economics & Statistics*, 102(3), 111-123
- Harika, V. (2012) *Theories of Labour Welfare*. Retrieved December, 3rd 2011 from [http://www.scribd.com/doc/52987735/2/Theories-of-Labour Welfare](http://www.scribd.com/doc/52987735/2/Theories-of-Labour-Welfare).
- Hayter S., Tayo F. (2011), Collective bargaining for the 21st century
- Hyman, R. (2007). How can trade unions act strategically?. *Transfer: European Review of Labour and Research*, 13(2), 193-210.
- Hyter, Fashoyin & Kochan (2012) Collective Bargaining for the 21st Century in *Public Universities* In Press Journal of Industrial Relations
- Kaplan, R., & Norton, D. (1996). Linking the balanced scorecard to strategy. *California Management Review*, 39 (1), 53-79.
- Kazan, H., & Gumus, S. (2013). Measurement of employees' performance: A state bank application. *International Review of Management and Business Research*, 2(2), 421-441
- Kibicho, P. (2015). Determinants of strategy implementation success in the insurance industry: Survey of insurance companies in Kenya. *International Journal of Business and Social Science*, 6(4), 74-94
- Kondrasuk, J. (2011). So what would an ideal performance appraisal look like? *Journal of Applied Business and Economics*, 12(1), 57-71.
- Kondrasuk, J. (2011). So what would an ideal performance appraisal look like? *Journal of Applied Business and Economics*, 12(1), 57-71.
- Kothari, C. R. (2004). *Research Methodology; Methods and Techniques*. New Delhi: New Age International (P) Ltd. Publishers
- KUDHEIHA. (2014). *What does KUDHEIHA stand for?* Retrieved from [Kudheiha.org: http://www.kudheiha.org/about%20us.html](http://www.kudheiha.org/about%20us.html)
- Lagat, A.C. (2012), "Contribution of Trade Unions in the Promotion of Employee Satisfaction: The Case of the UASU Egerton University Chapter, Kenya",

Master of Human Resource Management Dissertation, Egerton University, Njoro, Kenya, 104 pp.

Levinson, C. (2013). *International trade unionism*. Routledge.

Manfred drack and Gregor Schwarz (2010). Recent developments in General Systems Theory.

Manju, B., & Mishra, S. (2012), *The Principles for Successful Implementation of Labour Welfare Activities. From Police Theory to Functional Theory*: Retrieved on October 26th 2011 from <http://www.tesioline.com/intl/indepth.jsp?id=575>

Manolopoulos, D. (2008). An evaluation of employee motivation in the extended public sector in Greece. *Employee Relations Journal*, 30(1), 63-85

Manzini, H., & Gwandure, C. (2014). *The Provision of Employee Assistance Programmes in South Africa Football Clubs*. University of the Witwatersrand, Johannesburg. South Africa.

Marcus Garvey (2017) Trade Unionism on Academic Performance and Development of Nigerian Universities: *A Journal of Quality Management*, 5, 1, 5-26

Martha N, (2005), *The Fragility of Goodness*, Cambridge University Press London.

Mpofu & Clifford (2015). Training and development as a tool for improving basic service delivery: *Journal of Economics, Finance and Administrative Science*

Muruu, Were & Abok (2016). Effects Of Welfare Programmes On Employee Satisfaction In The Public Sector: A Case Of The Public Service Commission *Strategic Journals of Business and change management*

Mutonga, M. (2013). *Balanced score card as a performance measurement tool in the insurance firms in Kenya*?. Unpublished Masters Research: Jomo Kenyatta University of Technology. Nairobi: Mazola Publishers.

Nelly, A. (2007). *Business performance measurement: Unifying theory and integrating practice*. New York: Cambridge University Press.

Niemi, W. L. (2011). Karl Marx's sociological theory of democracy: Civil society and political rights. *The Social Science Journal*, 48(1), 39–51. doi:10.1016/j.soscij.2010.07.002

Olson, M. (2009). *The logic of collective action* (Vol. 124). Harvard University Press.

Onguso, Wario & Romanus (2016). Collective Bargaining Process and Its Influence on Labour

Orodho, A. (2005). *Essentials of educational and social science research methods*.

Padmini, N. J. (2016). *A Study on the Impact of Employee Rewards and Recognition Programmes*. Indian Streams Research Journal, Vol. V, Issue. XII,

Payne, S. L. (1998). Challenges for research ethics and moral knowledge construction in the applied social sciences. *Journal of Business Ethics*, 26(4), 307-318.

Pyman, A., Holland, P., Teicher, J., & Cooper, B. K. (2010). "Industrial relations climate, employee voice and managerial attitudes to unions: An Australian Study." *Journal of Industrial Relations*, 48.2, 460-480

Relations Equilibrium in Public Education Sector in Kenya:*International Journal of Education and Research*

Republic of Kenya (2006).*Code of regulations (Rev. 2008)*. Nairobi: Government Printer.

Republic of Kenya (2007). *Labour Institutions Act 2007*. Kenya Law reports

Republic of Kenya (2007).*"Vision 2030"*. Nairobi. Government Printer.

Republic of Kenya (2007).*Employment Act 2007*. Nairobi: Government printer

Republic of Kenya (2007).*Labour Relations Act 2007*. Nairobi: Government printer.

Republic of Kenya (2007).*Occupational Safety and Health Act 2007*. Nairobi: Government printer

Republic of Kenya (2008b), *Guidelines to the performance appraisal system in the civil service and local authorities*. Nairobi: Government Printer.

Republic of Kenya (2010).*The Constitution of Kenya, 2010*. Nairobi: Government Printer.

Republic of Kenya (2011). *The Employment and Labour Relations Court Act*. Kenya Law reports

Republic of Kenya (2012).*Regulations on trade unions*. Nairobi: Government printer

Republic of Kenya (2015).*Code of conduct and Ethics*. Nairobi: Government printer

Republic of Kenya (2016e). Human resource policies and procedure manual for the public service: Public Service Commission. Nairobi: Government Printer.

Republic of Kenya (2017).*Code of professional conduct and discipline*. Nairobi: Government printer

Republic of Kenya (2017).*Code of regulations 2006*. Nairobi: Government printer

Republic of Kenya (2007).*Labour relations Act 2007*. Nairobi: Government printer

Robert D. Leighninger. (2013). Theory and social work.

Robert S. Kaplan, David P. Norton. (2015) Business & Economics

Rose P.(2008) Strategic choices in pluralist and unitarist employment relations regimes: a study of Australian telecommunications. *Industrial & Labor Relations Review* 63, (1) 24-41.

- Sabarirajan, A., Meharajan T., & Arun, B. (2016). *A study on the various welfare measures and their impact on QWL provided by the Textile Mills with reference to Salem District, Tamil Nadu, India*. *Asian Jour. of Management Research*. Pp. 15-24.
- Salamon, M. (2000). *Industrial relations: theory and practice*. *Pearson Education*
- Schnabel, C and J. Wagner (2003). 'Trade Union Membership in Eastern and Western Germany', *Applied Economics Quarterly*, Vol.49 (3)
- Schulz, (2013), Firm productivity moderated link between human capital and compensation: The significance of task-specific human capital. *Human Resource Management*, 52(3), 423-439. doi:10.1002/hrm.21537
- Sifuna, D.N (1988) The Governance of Kenyan Public Universities. *In Research in Post-Secondary Education* Vol.3 No.2.
- Striteska, M., & Spickova, M. (2012). Review and comparison of performance measurement systems. *Journal of Organizational Management Studies*, 1-13.
- Tayo F. (2010). Tripartite Cooperation, *Labour Market Reform and Economic System in Singapore*, Singapore.
- Tayo, F. (2010), *Collective Bargaining and Employment Relations in Kenya*.
- Thompson, A. J. (2011), Means and ends: Performance of trade unions in Kenya. *Industrial & Labor Relations Review*, 28(2), 213-223.
- Thompson, A. J. (2011), Means and ends: Performance of trade unions in Kenya. *Industrial & Labor Relations Review*, 28(2), 213-223.
- Tiwari, P. (2014). *Impact of selected HRM practices on perceived employee performance*. *Global Management Journal*, 2 /2014; 3(1).
- UASU Constitution (2006). *Rules and Regulations of the Universities' Academic Staff Union*. *Nairobi, Kenya*, 1-27. University of Cape Town.
- Williams, M. (2011). Empirical Effects of Performance Contracts: Evidence from China, *Journal of Law, Economics and Organization*, 17(2), 32-39.
- Worlds of Education (2007). *Teachers United Despite Peril*. Education International, No. 24, Brussels, Belgium.
- Wratny J Bednarski M (ed.) (2010) *gospodarcepostransformacyjnej* (Trade Unions and Non-Unionized Employees' Organizations in the Post-Transformational Economy). Warsaw: InstytutPracyiSprawSocjalnych.