

Collective bargaining essay

Business



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The term collective bargaining refers to negotiations concerning pay and conditions of employment between trade unions on one hand and either an employer or an employers' association on the other (Jackson, 1982). He further argues that collective bargain is best seen as a method of job regulation, which should be compared to unilateral regulation (by employers, employees or the state), rather than to individual bargain which is about the buying or selling of a particular commodity. Instead, he sees collective bargaining as being merely an agreement on the terms and conditions of the employment. According to Andrews (1988), collective bargaining typically refers to the negotiation, administration and interpretation of a written agreement between two parties that covers a specific period. She further asserts that the agreement or contract lays out in specific terms the conditions of employment; that is, what is expected of employees and what limits there are on managements' authority.

The conditions the management can decide on upon agreement with employees include wages, hours of work and working conditions of employees. Based on the above definitions I therefore define collective bargaining as the situation in which a group of workers through their representatives and an employee or an employers' organization agree to have a round table consensus on the terms and conditions of employment and on how to implement any written agreement between the two parties there before. The bargaining process should ensure fair and equitable outcome with both parties having equal voice in the negotiation process. Condition that may lead to collective bargaining among the employees may include; wages, working hours, sick leaves, allowances (house, commuter)

and poor working conditions. These inequalities are reduced through coordinated collective bargaining process leading to fewer and shorter strikes. Collective bargaining allows both sides to negotiate a fair employment relationship and prevents costly labour disputes (Organization, 2000).

The result of the bargaining process between the parties should lead to a collective bargaining agreement which is a written accord indicating any term and conditions made between the groups. **TEACHERS' STRIKE IN KENYA** Teachers through their representative bodies, The National Union of Teacher (KNUT) and the Kenya Union of Post Primary Education Teacher (KUPPET) boycotted classrooms in September, 2012 over pay and other related allowances. This led to a prolonged nationwide strike after their negotiations with the government hit a deadlock on 4th September. No teacher reported to job in schools except the principles and head teachers who were manning of the school properties. (International, 2012) The teachers' demands The teachers demanded a 300% salary increase an agreement committed by the government in 1997 but had not been fulfilled yet.

They also demanded for a responsibility allowances for school leaders, principles, senior teachers and departmental heads. Pension was also an issue where they sought for the payment of more than 52, 000 retired teachers. (International, 2012) They also required the government to harmonize their salaries to those of other civil servants and the full implementation of the Legal Notice No. 534 of 1997 in accordance to teachers allowances for example house, medical and commuter allowances.

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Despite a court order declaring the strike illegal and disciplinary action threats from the Teachers Service Commission (TSC), the pedagogues soldiered on with their demand claiming it was their right to be listened to by the government.

Due to the prolonged duration of the strike, the parents claimed that the strike would destroy the future of the students and pupils who were preparing for their national exams. Collective bargaining Due to all these happenings, the unions, officials from the Ministry of Education, Ministry of State for Public service, Treasury, the State Law Office and TSC entered into a negotiation talk chaired by the Minister of Labour to aim at the collective bargaining between the unions and the states to end the strike. During the collective bargaining process the parties agreed with the State striking a pay hike deal of 13.5 billion to solve the matter. (Media, 2012).

This led to the calling off of the long span strike on 24, September. Collective agreement signed stated that the payment of the money to be backdated to July 1st 2012. The government also proposed to realign the teachers' salaries with that of the civil servant in three phases: Sh6.0 billion in July 2012, Sh5.0 billion in January 2013, and Sh2.5 billion in June 2013.

(Media, 2012) This collective agreement with the state led to the end of the strike which enabled the students and pupils to resume their studies in third term which the government extended by three weeks to allow the candidates ample time to prepare for their examinations.

Application According to my definition of collective bargaining, the example I have given above is applicable in that: There were negotiations between the

teachers (employees/workers) and the State (employer). The grievances of the teachers such as pay rise, allowances and conducive working conditions were addressed to the State organ (TSC) through their representatives (KUPPET and KNUT). The mode of address was through strikes which led to demonstrations on public places by the teachers. There was also a written agreement that the collective bargaining process was based on to be fulfilled by the state that is the Legal Notice No.

534 of 1997. A consensus was reached during the meetings held by the two parties that the government would implement the agreement of pay rise in three phases. This inclusive participation by the parties led an equitable outcome where both parties were satisfied with final results resolving the matter.