

**LABOUR DISPUTES PREVENTION MECHANISMS AND
INDUSTRIAL RELATIONS:**

**A CASE OF WOOD INDUSTRY IN MUFINDI DISTRICT,
TANZANIA**

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INDUSTRIAL RELATIONS:**

**A CASE OF WOOD INDUSTRY IN MUFINDI DISTRICT,
TANZANIA**

By

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**A Dissertation Submitted to the Institute of Development Studies in Partial
Fulfillment of the Requirements for the Award of Degree of Master of Science
in Development Policy (MSc. DP) of Mzumbe University**

2015

CERTIFICATION

We, the undersigned, certify that we have read and hereby recommend for acceptance by Mzumbe University, a dissertation titled **“Labour Disputes Prevention Mechanisms and Industrial Relations: A case of Wood Industry in Mufindi District, Tanzania”** in partial fulfillment for the award of the degree of Master of Science in Development Policy of Mzumbe University.

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DECLARATION

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Last but not least, my heartfelt thanks go to my sons Donald and Simon, and all my friends (ladies and gentlemen) whose affectionate relationship, tolerance, perseverance and patience when I was away from home during the study programme. However all mentioned above are not responsible for any error, omissions, commissions and shortcomings that may be found in this dissertation.

DEDICATION

To my parents, my Father Simon Malinjema Malekela (RIP), my Mother Emilia Joseph Makwetta and my sons Donald and Simon. With love and respect.

ABBREVEATIONS AND ACRONYMS

ADR	-	Alternative Dispute Resolution
ATE	-	Association Tanzania Employers
BP	-	Bargaining Power
CA	-	Court of Appeal
CB	-	Collective Bargaining
CEP	-	Centre for Economic Performance
CMA	-	Commission for Mediation and Arbitration
DMI	-	Disaster Management Institute
DoLIS	-	Department of Labour and Inspection Services
DOL	-	Department of Labour
ELRA	-	Employment and Labour Relations Act (2004)
GEPF	-	GEPF Social Security Fund
GN	-	Government Notice
GRL	-	Green Resource Limited
GTUC	-	Ghana Trade Union Congress
IILS	-	International Institute of Labour Studies
ILO	-	International Labour Organisation
IRs	-	Industrial Relations
JUWATA	-	Jumuia ya Wafanyakazi Tanzania
LAPF	-	LAPF Pension Fund
LC	-	Labour Court
LIA	-	Labour Institutions Act 2004
MPM	-	Mufindi Paper Mills
NPHC	-	National Population and Housing Census
NSSF	-	National Social Security Fund
NUTA	-	National Union of Tanganyika Associations
OSHA	-	Occupational Safety and Health Authority
OTM	-	Organisation for Mozambique Workers
OTTU	-	Organisation of Tanzania Trade Unions
PPF	-	Parastatal Pension Fund

PSC	-	Public Service Commission
SACCOs	-	Savings and Credit Corporations
SAPs	-	Structural Adjustment Programmes
SHI	-	Sao Hill Industries
SPSS	-	Statistical Package for Social Sciences
T.Shs	-	Tanzanian Shillings
TANU	-	Tanganyika African National Union
TFL	-	Tanganyika Federation of Labour
TUs	-	Trade Unions
UK	-	United Kingdom
URT	-	United Republic of Tanzania
VA	-	Voluntary Agreement
WB	-	World Bank
WBd	-	Wage Board
WED	-	Workers' Education Department
WWII	-	Second World War

ABSTRACT

The study was on disputes prevention mechanisms and industrial relations, a case of Wood Industry in Mufindi District, Tanzania. The study objective was to investigate the contribution of labour disputes prevention mechanisms to industrial relations. The study presumed that labour disputes prevention mechanisms underperform, hence rampant labour disputes. Three divisions were involved: Kibengu, Ifwagi and Kasanga. Activities in the wood industry include planting tree seedlings, harvest, lumbering, selling and buying timber. Both the government and private sector (especially from harvest level) carry activities in the industry.

Random sampling method was used to tree seedling planters, sawing machine operators, log draggers and saw doctoring; purposeful sampling method was used to key informants because of their positions and technical knowledge. Primary data collection used guided questionnaires, interview, focused group discussion and observation; secondary data was collected from previous study reports.

The study revealed that labour disputes in the wood industry in Mufindi District are mainly based on unfair termination of employment contracts and underpayment of wages. It was also found that there were little labour disputes prevention measures undertaken by the inspectorate, Workers' Education Department and trade unions. Therefore the study realized that there is no or very little effort exerted to prevent labour disputes in the wood industry in Mufindi District.

To curb rampant labour disputes in the wood industry in Mufindi District the study recommended: trade unions should take responsibility of capacity building among its members. Employers should adopt workers' participation in management style. Workers will participate in setting goals, rules and regulations, monitoring and evaluation hence productivity will get stimulated. For full performance the inspectorate and workers' education department should be strengthened.

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CHAPTER ONE

INTRODUCTION TO THE STUDY

1.1 Introduction

This chapter is an introductory chapter; it gives the background to the study on the contribution of labour disputes prevention mechanisms and industrial relations. It states the study questions, statement of the problem, objectives of the study and significance of the study.

1.2 Background to the study

Historically labour disputes prevention can be traced back in the 1760s to 1870s during the Industrial Revolution. The revolution brought radical change to work organisation and made Europe rich, however the condition of workers were extremely bad. In the new factories, a number of workers compressed together six or seven days a week to engage in a tightly coordinated tasks paced by machinery. Such new organisation of work meant a sharp distinction between work and home. In earlier types of work, like farming, trades, and cottage industries, work and home were not necessarily separate spheres and child labour was not a public issue. The life experiences of children, men, and women was greatly affected by factory work. Most women, single and married, sought waged works in textile mills, domestic service, piece work, shops and coal mines (Burnette, 2010).

During Industrial Revolution the Workmen's Compensation Legislation was introduced in the United Kingdom (UK) to arrest the problem and put the rights of the workers in the working places. The state as an active participant of industrial relations (IRs) assumes the role of formulating laws and policies and ensures proper relationship between employees and employers through the medium of legislation and operational rules and regulations. That means there is a wide range and levels of industrial disputes from latent to manifest. A dispute can either be of interest or of right, (United Republic of Tanzania [URT], 2004).

The systematic management of industrial relations is traceable back to the advent of industrial revolution in the 19th century. With the advent of industrial revolution and harnessing of the massive powers of steam and electricity, in the early 19th century, dangers in workplaces increased steadily and largely occasioning to serious injuries and at other times death. In the same way occupational diseases caused by industrial processes and handling of various types of materials and substances, frequently resulted into physical and mental incapacitation, sickness and sometimes deaths at a huge scale. Most of the workplaces were substantially unsafe, hazardous and at times they were virtually death traps. Hence, accidents in workplaces became one of the major reasons of poverty, starvation and deprivation. Any attempts of workers to claim compensation for such injuries and losses of life from the employers were often defeated by employers' reluctance and sometimes callous/heartless disregard for human sufferings (Mwakasungula, 2011).

Dix, Forth, and Sisson (2008) undertook a study in Britain about labour dispute and came up with a universal applicability that any attempt to explore valid indication of an overall level or nature of conflict at any working place must explore as comprehensive set of indicators as possible and it takes cost. For instance, low level of collective disputes does not necessarily mean higher level of royalty; in most cases accompanied by higher level of absenteeism (Dix *et al*, 2008). To industrial relationships grievances and conflicts are inevitable parts of it thus public policy need to manage conflict and promote sound industrial relations by putting in place a system for effective prevention and settlement of labour disputes.

Employee gets tangible and intangible returns for labour and/or knowledge power surrendered to the employer to be used largely at the latter's discretion. The contracts of employment are "incomplete by design" because they cannot fully specify the rights and responsibility of either party (Collins, 1999 cited in Dix *et al*, 2008). That means this relationship has a huge uncertainty fueling the divergent goals/interests and interpretations.

Also the relationship is an on-going relationship, which means there is more or less constant pressure for opportunities to seek for adjustment of the exchange on their favour. As far as the employee cannot be “commoditized” and the employer has to pursue the potentially mutually exclusive strategies of control and commitment then the relationship is contradictory. Here the concept of commoditization means to treat an employee as a mere commodity. Also it involves a complex governance of institutions and rules alongside trade unions. Encompassing divergent paradigms like that the nature of relationship is given to conflict and cooperation (Dix *et al*, 2008).

Sometimes conflicts arising from the clash of interests are suppressed and at times manifested. The disputes which arise from conflicts of interest can either be collective or individual and can involve actions such as strikes or lockouts or taking disciplinary measures. Dix *et al*, (2008) argued that other expressions involve “organisational misbehaviour” such as theft, absence, sabotage and resignation. These are also termed as forms of exit from unsatisfactory-regarded relationship; and levels of discontent reported in attitude survey (Dix *et al*, 2008).

In Tanzania, labour relations started during plantation agriculture in 1924 and 1935 where railways and roads were built and many people were employed by the colonialist as casual labourers. The railway line from Tanga to Dar es Salaam in 1929, in 1919 was extended to Moshi and in 1934 the Tabora to Kigoma line was extended to Manyoni. At this moment there were palm gonn in Kigoma, coffee in Moshi, tobacco in Tabora and Manyoni, sisal in Tanga and Dar es Salaam harbour for exportation. Hence a pioneer labour force was formed in this way. The expanded plantations and the initiated export sector expanded communication not only to agriculture and mining sector alone but also to other employment sectors (Mihyo, 1983). It is these labourers who started to demand their rights from the colonialist where labour disputes were introduced. At work places always disputes are there covertly or overtly. They are there because an employer cannot precisely fix in advance all the requirements of a particular task. The employer contracts for an individual labour power at a given price, and then he still has power to impose the

actual requirements of the employment even if they were not negotiated at the beginning. After the initial terms of subordination are accepted by the employee the employer remain unchallenged until internal or external changes take place. Price inflation can occur (Jaffery *et al*, 2010).

Dzimhiri (2008) has stated that Tanzania (Tanganyika) was colonized by Germany from 1890 and ruled by Britain from 1919. At this epoch the economy shifted from peasant economy to capitalist economy. There emerged people who were employed in cash crops like sisal, coffee, rubber, and ground nuts plantation. Some were employed in lead, lime, gypsum, diamond, gold, copper, and silver mining. The central line was constructed. Local government and civil service, retail and whole sale led to urbanization and expansion of employment.

Between 1949 and 1953 the British colonial government repressed trade unions until when the Tanganyika Federation of Labour (TFL) emerged as an amalgamation of small unions. Soon after independence, between 1962 and 1963, the state passed legislation to eliminate “dissident” unions and consolidated “loyal” unions into an industrial wing of TANU, a political ruling party (Dzimhiri, 2008). He states that at this moment, from independence to 1972, there were a series of strikes in the sisal plantations, mines, and railways. In reaction the state arrested 200 union leaders; competing union federations like TFL was abolished and the Act of Parliament created National Union of Tanganyika Associations (NUTA). All unions became affiliates of the then ruling political party and the secretary general and the deputy secretary general were appointees of the president. The role of the trade union was to study the wage structure annually, advice the government on wages in accordance with the National Income and wages policy; implement wages and income policies, settle disputes and propagate the policy of the ruling party.

In 1978 NUTA was replaced by “Jumuia ya Wafanyakazi Tanzania” (JUWATA). JUWATA was responsible for interpretation of TANU’s policy to workers, to protect and defend the party policy against those who opposed Tanzanian Socialism,

promote workers education, creativity, productivity, confidence, pride, protection of workers' rights, and improvement of wages and other conditions of employment and to ensure that workers complied with the party's directives. President Nyerere justified state intervention in the industrial relations as the only way through which any African government could act in accordance with aspirations and wishes of its people (Dzimhiri, 2008). With the formulation of NUTA Tanzania lost collective bargaining, an instrument of labour disputes preventions and resolution. It is through these processes that the then labour laws were left aside and labour issues were administered politically.

Later on Labour Tribunal was created by which collective agreements were approved by and strikes were made criminal offences until May, 2007 when the new general Labour Laws were operationalised, the Employment and Labour Relations Act (ELRA) of 2004 and Labour Institutions Act (LIA) of 2004. In this new laws negotiations are encouraged (voluntarily and compulsory) and arbitral decisions. Procedural strikes and lock outs are legalized.

1.2 Statement of the Problem

Internationally labour issues are governed by the International Labour Organisation (ILO) which provides guidance for conciliation and mediation, the right to collective bargaining and freedom of association so as to lay standards for democratic and stable labour relations. The ILO Recommendation No 92 advocates setting up free mechanisms for voluntary conciliation and mediation on labour disputes. Its methodology provides social partners and government officials with effective methods of preventing and resolving labour disputes. It guides on labour relations, conciliation and mediation, the right to collective bargaining and freedom of association (ILO, 1996-2010).

Tanzania has various mechanisms to ensure that good relations exist between employers and employees at places of work. Such mechanisms include labour laws, National Employment Policy of 2008, the Public Service Commission (PSC), the

Commission for Mediation and Arbitration (CMA), the Labour Court (LC), Court of Appeal (CA), the Department of Labour and Inspection Services (DoLIS) formally was called Department of Labour (DOL), Workers' Education Department (WED), Occupational Safety and Health Authority (OSHA), the Wage Board (WBd), Trade Unions (TUs) and Association Tanzania Employers (ATE); and other ratified ILO labour Conventions such as No.11, 26, 63, 64, 65, 87, 95, 131, 135, 144, 148, 149, and 152. Improving contextual labour relations and enhancing the prospects of industrial peace are essential for successful economic development and also for attracting and retaining local/domestic and foreign investments (Msukubili, 2013).

Despite the availability of all these instruments to maintain peace and harmony at work places, the problem of labour disputes still exists. The unstable and unpredictable situation of industrial relations still persists to a large extent in different work places in the country. There are labour cases before the CMA District Office; 150 cases in the year 2012/2013 (District CMA Office, 2014), and subsequently the High Court, and even to the Court of Appeal. Strikes, riots and boycotts are a common phenomenon in working places today. So far few studies have been conducted on the contribution of the labour disputes prevention mechanisms to the industrial relations in Tanzania. Therefore this study attempted to examine the contribution of labour disputes prevention mechanisms in wood industry in Mufindi District.

1.3 Objectives of the Study

1.3.1 General Objective

The general objective of the study was to investigate the contribution of labour disputes prevention mechanisms to industrial relations in the wood industry in Mufindi District, Tanzania.

1.3.2 Specific Objectives

- i. To identify the existing labour disputes prevention mechanisms in the wood industry in Mufindi District.

- ii. To examine Mufindi District wood industry workers' awareness on the existence of labour disputes prevention mechanisms.
- iii. To explore the contribution of labour disputes prevention mechanisms in improving industrial relations in the wood industry in Mufindi District.
- iv. To document the factors limiting effective functioning of labour disputes prevention mechanisms and industrial relations in the wood industry in Mufindi District.

1.4 Research Questions

- i. Are there labour disputes prevention mechanisms existing in the wood industry in Mufindi District?
- ii. Are the workers aware of the existence of labour disputes prevention mechanisms?
- iii. What is the contribution of labour disputes prevention mechanisms in improving industrial relations in the wood industry in Mufindi District?
- iv. What are the factors limiting effective functioning of labour disputes prevention mechanisms in place in the wood industry in Mufindi District?

1.5. Significance of the Study

The study was planned to achieve the following notable significances:

- i. The study will help to establish whether or not the means to prevent labour disputes are available and effective.
- ii. The study will help to identify challenges encountered by the various agents of labour disputes prevention when performing their duties and be a source of information when setting strategies.
- iii. The study will add knowledge/ideas to the institutions concerned with labour disputes prevention on their way of playing their role.
- iv. It is one of the requirements for an award of degree of Masters of Science in Development Policy

1.6 Limitation and Scope of the Study

The study was on labour disputes prevention mechanisms and industrial relations in the wood industry in Mufindi District. Activities in the wood industry are heterogeneous. There are those which are seasonal such as planting seedlings, weeding, fire line making and pruning, and those which are all year time activity, including tree cutting, log drugging and lumbering. His barred continuity of the study as it is time and resource limited. However the study went on with other area of data collection activity pending the stopped activity comes on.

Some employers had negative attitude against whoever comes with an issue related to matters administered by the government at work places such as welfare of employees, statutory wages, contracts of employment, social security scheme registration, occupational health and safety. For instance an owner of two timber factories and an environmental organisation commented after a thorough listening, “... so it means you are coming to enlighten my employees so that they know what they lack here at my undertaking! No Mr..., by so doing you are entirely touching my heart!” To solve this problem the study used local authorities: the District Commissioner’s approval, Ward Executive Secretaries, and meeting with employees without prior and post knowledge of their employers.

1.7 Organisation of the Study Report

This study is organised in sequence of chapters after the preliminary pages which contains acknowledgement, dedication, abbreviation and acronyms, abstract, table of contents, list of tables, list of figures and list of appendices: Chapter one has back ground to the study, chapter two concerns literature review. In chapter three research methodology is presented. Chapter four is about presentation, analysis and discussion of findings; chapter five presents conclusion and recommendation of the study.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter reviews literature and studies on the contribution of labour disputes prevention and resolution mechanisms to Industrial Relations. Before going to the broad perspective of the contribution of labour disputes prevention mechanisms to industrial relations it is started by defining the basic concepts such that industrial relations, labour disputes, labour disputes prevention mechanisms and labour disputes resolution.

2.2 Definition of Concepts

Concepts used in this study are defined so as show the meanings in which they are used in the study.

2.2.1 Industrial/Labour Dispute

Labour disputes is a term that refers to individual or collective and usually take a specific shape on wages, working conditions, or any other employment matter or recognition of a union (Khanka, 2005). It is inevitable in industrial relations that disagreements arise between labour and capital that is, between workers and management/employers regarding matters related to interests and rights. In simpler terms we can put these as all conflicts/misunderstandings/controversies relating to employment between the two parties regardless they are individual or collective, overt or covert (Khanka, 2005).

2.2.2 Labour Dispute Prevention Mechanisms

Labour dispute prevention mechanisms are the techniques employed by the labour disputes prevention instruments to get the disputes kept at bay. Enactment of laws and policies and formulation of institutions for labour related matters are mechanisms but they alone cannot work but the enforcers must come in. The inspectorate department is the institution specially entrusted with the role of preventing/minimizing disputes at work place (Pitcher, 2007).

2.2.3 Intra-mural

These are all efforts done within the boundaries of the organisation by the management to provide better working conditions to the employees. The management can organise a network of welfare facilities such as drinking water points, washing points, sewerage and sanitation systems, first aid point, suggestion boxes, kitchen or time for lunch and/or others as the circumstances may require (Rath, 1989).

2.2.4 Extra-mural

These are services to employees when they are outside the boundaries of the organisation. Such services are like housing, housing allowances/house rent allowance for employees who have not got houses, market place services. Others are education services including fairly priced shops, libraries services, community centers, sports and games, subsidized and standard facilities such as education for the workers' children electricity, water, transport, health services, and other fringe benefits. Others again, can be financial services such loans and Savings and Credit Corporations (SACCOs) to which workers can deposit and borrow funds for economic businesses (Rath, 1989).

2.2.5 Social Security

Employees in the industry are supposed to be covered by any of the social security schemes found that particular country. In Tanzania victims of accidents are entitled to compensation as per the provisions of the obsolete Compensation Act (1982) and the eminent workman Compensation Act 2008. The maternity and paternity benefits are to be provided to parent employees as per the Employment and Labour Relations Act of 2004 and the Regulations and Rules provided under it. In case of deaths caused by the employment, ordinary deaths of employees' spouse or the close relatives (Rath 1989). This dissertation will come out with findings on the degree of coverage of the employees into those security systems.

2.2.6 Labour Inspection

Labour inspection is one of the basic functions of labour administration. Labour inspection secures enforcement of legal provisions related to conditions of work and the protection of workers when engaged in their work. It provides employers and workers with information concerning the best way to apply labour legislations. Taking an example of Jordan and Vietnam among other things, labour inspection is dedicated to inspection of working conditions, employment relationships, child affairs, war veterans, verification of foreign workers that they have working permits, vocational training, voluntary and compulsory social insurance/security, social policies and occupational safety and health of workers. Law has empowered labour inspectors to enforce labour legislations by the use of sanctions. However, there are different preconditions that should be adhered to in the organisation of the labour inspectorate in so as to ensure its correct functioning. Those are such as the criteria for the recruitment of labour inspectors and their working conditions. ILO Convention 81, one of the governance and priority conventions, establishes that labour inspectors shall be given power to do various duties and shall be granted some prerogatives, such as free entrance to workplaces for inspection (ILO, 2013).

2.2.7 Industrial Relations

Industrial relations can be defined as the relations between management and employees or between representatives of employees and representatives of employers. In an all- inclusive sense, industrial relations, as a concept, does refer to all aspects, or issues or problems arising from work and employment relationships (Ratnam, 2006). That is between employers/managers and workers and their union in the production/service process. In this relationship the aim of the management is to achieve the best results/outcomes with least inputs. That is, to improve returns to the capital invested, wages paid and the improved working conditions, to gain control over work, to secure redressal of grievances or even pursue political action (Ratnam, 2006).

Therefore the focus of Industrial Relations is typically on “all forms of economic activity in which an employee works under the authority of an employer and receives a wage for his or her labour” (Edwards, 2003).

2.2.8 Purpose of Industrial Relations

The purpose of Industrial Relations is to provide for effective and consistent procedures for rule making, consistence in dealing with industrial relation issues, fairness, process that can affect and improve employee behaviour or mechanisms to resolve differences or disputes. The value added outcomes that can result from good industrial relations are such as improved morale and commitment, fewer grievances, productivity increase and better control of labour costs (Armstrong, 2009).

2.2.9 Components of Industrial Relations

Industrial relations have some components/elements, such as the following:

Formal and informal employment policies and practices of an organisation, wages determination, employee development, employee voice and communications, negotiation and application of formal structures, rules, regulations and procedures for collective bargaining/bargaining structures and collective agreements. Recognition of bargaining agent, and disputes handling systems that enables the formal system to operate. Also the protection of the interests of both employers and employees, the ways in which the employers treat their employees and how the employees are expected to behave at work. The formal and informal processes that take place between managers and team leaders or supervisors on one hand and employee representative and individuals on the other hand. At times these may happen within the framework of formal agreements but often are governed by custom and practice and climate of relationships that has been built up over years (Armstrong, 2009).

2.3 Actors to Industrial Relations

Industrial relations is centered within the tripartite relationship (Figure 2.1), whereby the employer and the employee are the players and the state is a whistle blower (Milanzi 1994:5). All the three must operate in the labour market (Hayter, 2011).

Sarma (1989) categorizes the actors of industrial relations as a hierarchy of managers/management, trade union(s) and agencies of the government entrusted with workers enterprises and their relationship.

Armstrong (2009) states that employee relations are all about the interactions amongst the parties to the employment relationship. For him there are three groups of parties to industrial relations: employers and employees, the parties who act on their behalf (trade unions and employers' association), and the third party the role played by the state agencies and institutions. Hence employee relations practices in an organisation are a product of many factors such as:

- i. The interests of buyers and sellers of labour services (or human resource skills);
- ii. The agreements and rules made by them and their agents;
- iii. The conflict resolving processes that are used; and
- iv. The external influences that are affecting the parties making employment decisions (Armstrong, 2009).

The government agencies are entrusted with the affairs of both the employers and the employees. The employers and their union and the employees and their unions are there to safeguard their interest while the state/state agency is there to play the role of a modifier, regulator, checker and controller of their relations (Sinha, 2004).

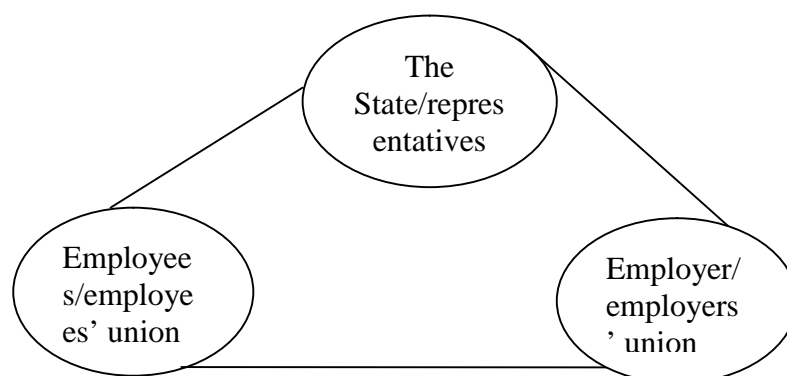
According to Gupta (2007) each part has an obligation to accomplish, and rights to benefit. The responsibility of the state is to protect the rights of each part in the scene, whereby if it happens that the interests of the parties are in conflict the state has to intervene. That means that the state should make sure that the relationship is harmonious, the economy is stable and the public is served with goods and services (Gupta, 2007). Hegel as reflected in Gupta (2007) says that the employer-employee relationship is something like a coin; it has two faces, cooperation, that is thesis; and conflict, that is antithesis. Cooperation starts then conflict follows and the changing process are repetitive. Those are continuous features of industrial relations.

The major issues of industrial relations are terms of employment, wages, allowances, bonus, fringe benefits, working conditions, health, welfare, safety job security and the like (Gupta, 2007).

At another level other scholars like Sarma (1989) define Industrial Relations as, “composite result of the attitude and approach of the employees and employers towards each other in regard to planning, supervision, direction and coordination of the activities of an organisation with a minimum human efforts and friction”. In such a relationship conducive climate is ensured by all, management, workers or their union and the government. In order to gauge the extent of success in making sure that conduciveness is created and maintained an attempt is made here to focus the discussion on contribution of labour disputes prevention mechanisms to the industrial relations in the wood industry in Mufindi District in Tanzania.

For the purpose of this study industrial relations is concerned with various employment situations, unionized workforce or and non unionized work force, the third hand of it, the state (Milanzi, 1994).

Figure: 2.1 Tripartite Actors to Industrial Relations



Source: Milanzi, (1994)

2.3.1 The State

Principally the state has the duty to ensure economic growth of the country. In pursuit of this goal there are the two central roles to be played in industrial relations. Those are: Labour market regulation through law's enactment and enforcement mechanisms (Milanzi, 1994).

2.3.1.1 Establishment of Institutions for Coordination and Consultation

It is by effectively playing these roles the state limits commodification of labour; productive use of human capital is ensured, and economic activities are changed from purposeless pursuit of profit to an instrument that serves socially acceptable goals of human development (Hayter, 2011).

It is an obvious point that the state has to have a will and capacity for these roles to be played adequately. Capacity at all levels, human resources and financial resources to make and ensure implementation of regulations. The state will formulate long term social and economic policies which conform to the needs of their society (Kocer, 2011).

Many African states' effective involvement in Industrial Relations is more theoretical than practical except immediate after independence (Cooper, 1996). After independence this was not enhanced by abundant resources for effective enforcement of labour regulations but because of the initial roles of African states after independence as the major employer who tried to pursue the exemplary employer (Kocer, 2011).

Taking an example of Tanzania and Mozambique, after abolition of private ownership of the means of production the state was the main actor in the formal sector hence its role to regulate and shape industrial relations was absolute (Mlimka, 2010, and Pitcher, 2007). Basing on this one can say that in Africa the ways in which the state is involved in the Industrial Relations is through regulations, enforcement and coordination. There are four ways of occurrence.

2.3.1.2 Collective Bargaining (CB) Control Due to Statutory Recognition

Protocol

Collective Bargaining (CB) requires authorization from the ministries for labour in most African countries. All trade unions and employers organisations must officially be recognized and registered by the state so as to engage in collective bargaining (Stirling, 2011). In African countries for instance, states have potency to regulate or even to steer industrial relations in their countries. However this does not imply that the potency has been used effectively. In most cases these recognition and protocols have remained only formalities.

2.3.2 Employees/Trade Unions

Trade unions in many African countries have been established during colonial times. Authorities recognized them in attempt to prevent resentment generated within labour relations from being mobilized for political purposes. In the years after independence trade unionists, because of their organisational skills and experience in policy making, were recruited in to important posts in the government (Horowitz, 2007), though at the same moment trade unionists failed to remain representatives of the demands of their members nor they were effective in formulation of government policies. Many of them were considered and used as instruments, among others, of governance and propaganda at the hand of the ruling parties. But in the 1990s African TUs proved to be capable of identifying the aspirations of the working people and started demanding democratisation and plurality (Horowitz, 2007).

Ackers and Payne (1998) described TUs as “essentially self help bodies”. The core of the industrial relations/Employment relationship is the contract of employment. However this is a contract between unequals. Almost always employers are in a stronger position to dictate the contract terms that the individual employees can not challenge. It is here now the importance employees’ collective voice/union comes in. Traditionally the principal objective of trade unions is to promote and protect the interests of their members. They seek to redress the balance of power between employers and employees. Armstrong (2009) comment: “*Trade unionism has always*

been about power. The aim of trade unions is to redress the imbalance of power between the employer and employee and this remains the fundamental basis for their existence”.

Armstrong (2009) state that TUs provide employees with a “collective voice” so that they can make their wishes known to the management and thus bring the actual and desired conditions. That is for all aspects of employment: terms of employment such as pay, working hours, holiday, discipline and redundancy redress of grievances the way individuals are treated. TUs are also there to make sure that the management/employer knows that there will be, from time to time, alternative views on key issues pertaining to the affairs employees. In a broader sense TUs or their congress can seek to see that together with the management they take participate in decision making on matters affecting their members’ interests. This is an overall role of TUs (Armstrong, 2009).

Within the campus of the overall roles TUs have the following specific roles:

- i. Through collective bargaining, to secure improved employment terms and conditions for their members.
- ii. Provision of protection, support and advice to their members as individual employees.
- iii. Provision of legal, financial services to their members. This has recently come to the fore.

There is no point for joining a TU except for obtaining external support and protection from employment problems or for improvement in pay and terms and conditions of employment, or because union membership is common at work place or because of belief in unionism (Armstrong, 2009). However, worldwide the trend of trade union membership, especially in virtually developed economies, is dropping in recent decades. The decline has been sharp Britain where by membership was 50 percent in 1980, 30 percent in the year 2000 and dropped to 27 percent in 2010. The downward trend has been pronounced especially among some groups of workers,

notably male workers, manual workers, young workers, and those working in the private sector. However, membership has remained relatively stable among non-manual workers, public sector workers, older workers and female workers (Bryson and John, (2010).

Therefore, in a nut shell, the role of TUs to industrial relations is representation of the union members. This is true not to African countries alone but to the whole realm of industrial relations.

2.3.3 Employer/Employers' Organisation

In some cases, for instance in Africa, employers' organisation have emerged quite late and in response to the growing strength of employees' union/trade union. Employers organisations are rather complicated than trade unions. In short employers' organisations are of different types. There are those concerned with the interests of their members. These are quasi-official chambers whereby all employers are obliged to secure affiliation to. There are those which do not participate in collective bargaining negotiations but on request of their affiliate they provide guidance. There are employers' organisations which directly and regularly engage in trade unions on behalf of their affiliates. Lastly: employers' organisation which are formed for employers from the informal sector (Horowitz, 2007).

2.3.4 The Way Tripartism Functions

In the last two decades tripartism has played a prominent role in the process of new law enactment in many African countries. Tanzania and South Africa has had these forums genuinely "tripartite", at least for some time, while in other countries like Cameroon and Senegal has taken the form of irregular advisory. It is a point that should not be forgotten that in some African countries such as Tanzania, Kenya, Senegal and Nigeria collective bargaining is hampered and bypassed by civil service codes, ad-hock mechanisms, and government decrees (Mlimka, 2010). Thus it can be argued that although public employment has been decreasing due to privatizations and reduction of public expenditure, the ability of African states to enforce basic

employment regulations remains limited, in Africa the state is still a crucial actor to industrial relations. She retains the potential and sometimes manipulates CB processes through registration and approval protocols, minimum wages systems, tripartite councils and dispute resolution mechanisms (Hayter, 2011).

2.4 The Role of Government in the Industrial Relations

In any country the role of government in the industrial relations is determined by its political, ideological and socio-economic orientation. These determinants have a direct impact on the model adopted for economic development. In chapter one it was discussed the role played by the colonial government in the capitalist economy, the independent government immediate after independence after adopting socialism and Arusha Declaration under one political party system and after adopting multiparty system.

There are different types of state interventions to the industrial relations. Table 2.1 represents the various types of state interventions to industrial relations. The most recent type of intervention is the state adopting a neo liberal policy. This is the most dominant model in the market economies, that the state lets the market forces take charge. Macroeconomic development models that emphasize investment and export-oriented growth strategies in the success of newly industrializing countries in Asia did not initially support the principles basic labour standards, freedom of association and collective bargaining (Ratnam, 2006).

Table 2.1: Types of Government Interventions to Labour Market/IRs

Type of intervention	Specific Guarantees and Policies	Examples
Establishment and protection of workers' rights	Rights to organise and associate	Workers can form unions
	Right to bargain collectively	Workers can negotiate wages and working conditions with employers
	Right to engage in industrial action (strike)	Workers can strike or use other non violent means to achieve their demands
Protection for the vulnerable	Minimum working age	Children under the age of 15 may not be employed; the minimum age for work 18 if the work is hazardous to health, safety and morals
	Equality of wages and employment opportunities	No wage underpayment or exclusion from employment basing on gender, race, religion, ethnic background, or sex. Disadvantaged groups' affirmative action.
	Special provisions for women	Women workers need to be provided with maternity leave; they may not be compelled for night works
Minimum compensation for work Establishment	Minimum wages	Workers are to be paid a minimum hourly wage
	Minimum non-wage benefits and overtime pay	Housing or medical benefits provision to workers, a minimum number of holidays in a year, and specified overtime wages for work beyond the minimum hours
Assurance of decent working conditions	Minimum occupational health and safety	Workers must have proper light and ventilation, and workers must have protection from hazardous activity
	Maximum hours of work	Workers cannot ordinarily be required to work more than a certain number of hours in a week; they must have at least one rest day a week
Provision of income security	Social security	Workers who are out of work because of disability, lay off, or old age are entitled to transfer payment payments based on their prior work experience
	Job security and severance pay	Workers have some rights not to be dismissed at will, and a right to compensation when laid off
	Public works	Temporary employment is provided for those willing to work in times of weak labour demand

Source: World Bank 1995, cited in Ratnam, 2006

2.4.1 Public Policy and Wage and Reward Systems

Some labour disputes arise from wage disparities. There are wage variations between and within sectors. Some employees are more handsomely paid than others regardless of having the same qualification and experience. That is non equitable schemes of service in the formal sector. For instance a skilled employee could be paid more than an unskilled employee (Ratnam, 2006).

Economists have attempted to develop general theory of wages that would help to explain how levels of wages and variation in wages are determined. These theories can broadly be classified into two categories:

- i. The theories that explain wages predominantly in terms of factors that influence the supply price of labour.
- ii. The theories that state that wages are determined primarily by the factors which influence the demand price of labour.

However some economists such as Marshal have taken a balanced position that wages are determined by both demand for and supply of labour (Ratnam, 2006).

The purpose of wage and salary administration is to establish and maintain equitable wage and salary structures that is, the establishment and maintenance of equitable labour cost. Wage is viewed as a means of providing income for employees but as a cost of doing business to employers, hence most of the openly expressed grievances of employees are about wages. It is all about wage fixation, fitment and revision (including allowances), wage incentives or payment for results and various deductions including adjustment. In India for instance, this was the largest cause of industrial disputes in the late 1980s (Rath, 1987).

Tanzania has several processes or practices like the wage board, collective bargaining, dispute resolution through mediation, arbitration (under the CMA) and adjudication (under the High Court and Court of Appeal) (United Republic of Tanzania [URT], 2004).

2.4.2 Minimum Wage Systems

Some were inherited from the colonial economy and other formulated after independence (Alby, Azam, and Rospabe, 2005). In most African countries minimum wage councils and wage boards systems are closely intertwined with the tripartism mechanism. That is during determination of wages trade union representative and employer association representatives are involved. However minimum wage appears to be monolithic especially when it allows no or little

differentiation of levels, example rural and urban, between sectors example mining and agriculture or fishing. In Tanzania a floor is set by the government while the ceiling sky is the limit. But it looks strange for in Nigeria it is a criminal offence to raise wages beyond a designated percentage (Fajana, 2010).

2.5 An Overview of Industrial Relations World Wide

Basically industrial relations are based on individual perceptions of what is “right” as regards “fairness” and exercise of “power” and “authority” (Salamon, 1987, cited in Ratnam, 2006). That means the attitude and behaviour towards each other at work place determines or shapes their industrial relationships (Fahbeck, 1996, cited in Ratnam, 2006). Tracing far back, during the era of artisan guilds the operations were in small scale and size hence the relations were simple and direct. Unlike to the modern-days, there are complexities in the legal framework, institutions and the governance of industrial relations (Ratnam, 2006).

2.5.1 Labour Welfare

Labour welfare as an important part of social welfare is promoted in all countries. Generally, in the far previous years labour welfare emerged as charity or philanthropy later it undergone changes and became a utilitarian philosophy. Its aim now is partly humanitarian, partly economic and partly civic. As a concept, labour welfare is dynamic as it bears a different interpretation from country to country, from region to region according to its values system, social institution, degree of industrialization, and general level of economic development. Therefore there is no universally accepted definition of labour welfare. Labour services are divided into three main categories, namely, services within the undertaking premises, services outside the undertaking premises; and social security (Rath, 1989). In recent years any management which gives importance to labour welfare wants to meet not only work force retention but also to minimize labour disputes, improve employees’ morale and efficiency. A good management can adhere to labour welfare through provision of services in two categorical modes:

- i. Intra-mural

- ii. Extra-mural, all these are elaborated in section 2.2.3 and 2.2.4.

2.6 Approaches of Industrial Relations

After the Industrial Revolution in the 19th century various perspectives on industrial relations have developed. Various scholars have explained industrial relations in various ways. For instance economists explain industrial relations in terms of the market forces of demand and supply (Gupta, 2007). However industrial relations is not underpinned by economic relations alone but also other factors like psychology and human relations.

2.6.1 Psychological Approach

Psychologists argue that the different perceptions of employers and employees (and their unions) give rise to conflictual industrial relations. That is they view and interpret situations and issues involved in industrial relations differently. The employer tends to see the employees as less appreciative and vice versa. Such a relationship give rise to strikes, boycott, go slows and work to rule on the side of the employees. On the side of the employers such industrial relations may give rise to lock outs and other forms of protection with regard to frustration over market conditions, government policies and other limitations (Gupta, 2007). However strikes boycott and lock outs are weapons of last resort. Armstrong (2009) points out that the management, or any human resource practitioner will opt for either reactive role, or proactive role or a mixture of both against discontent of the employees.

2.6.2 System of Rules Theory Approach

Dunlop (1958) cited in Armstrong (2009) states that industrial relations can be regarded as a system or a web of rules regulating employment and the ways people behave at work. The role of the system is to produce regulations and procedural rules that govern how much is distributed in the bargaining process and how the parties involved or the 'actors' in the industrial relations scene relate to each other.

Dunlop (1958) cited in Armstrong (2009) states that the system is expressed in many formal and informal appearances: in legislation and statutory orders, in trade union regulations, in collective agreements and arbitration awards, in managerial decisions, in social conventions and in accepted custom and practices. Dunlop further states that the “rules” may be defined and coherent or ill-defined and incoherent. In this sense therefore industrial relations system is a normative system whereby a norm can be seen as a rule, standard or a pattern of action that is generally accepted/agreed upon which the parties concerned should operate. In this line trade unions will always resist any attempt by the management to make any changes but always will be anxious to preserve any aspect of custom and practice beneficial to their members (Armstrong, 2009).

However, the systems theory of industrial relations has been refuted. Kochan *et al*, (1986) cited in Armstrong (2009) states that the systems theory of industrial relations is futile. Kochan *et al*, (1986) cited in Armstrong (2006) see that the management has an active role because they are in strong position to exercise strategic choice and not an adaptive role as stated by Dunlop (1958). Kochan *et al*, (1986) cited in Armstrong (2006) believe that there are more interrelated levels of industrial relations. Those levels are such as collective bargaining/strategic (corporate) level, work place level (supervisory style, participation, job design and work organisation). These work levels interact and because of different ideologies dominating each level instability and conflicts are inevitable. Only at the level of collective bargaining (functional level) there is a requirement of a collective ideology to bind the system together (Armstrong, 2009).

Moreover Schilstra (1998) cited in Armstrong (2009) argued that the system rules theory concentrates on rules and procedures as an output, at the same time forgets the behavioural factors. The focus on rules and job regulations only as the output of the system concentrates on accommodation an equilibrium alone leaving away conflicts and change.

The theory is right on the emphasis of the importance of rules and regulations in the context of traditional industrial relations as they play a significant role. But it is weak because it does not put into account the distribution of power between management and the trade unions or even the impact of the state. It also neglects the role of individual persons in industrial relations (Armstrong, 2009).

2.6.3 Human Relations Approach

The Human Relations Approach argues that an industry consists of human beings whose one of the characteristics is the want for freedom of thought and expression of the thoughts and control over their lives. Conflicts and disputes arise when the employers treat their employees as inanimate objects and make inroads/infringe upon their interests and their desires (Gupta, 2007). Despite good pay workers want security of tenure, good working conditions, recognition for a well done job among other things. The foremost interest of an employee is to participate in decision making. Thus the employer has a duty to understand the need, attitude and aspirations of workers. It is through human relations approach we can explain the behaviour of individuals and their relationships as well as of groups and their relationships. Employer through this approach is advised to utilize such behaviour for achieving the organisational objectives. That means if both, management and labour understand and apply human relations in their mutual relations industrial conflicts get minimized (Gupta, 2007).

2.6.4 Sociological Approach

To a sociologist an industry, for example a tea growing industry, is part of a society whose composition is rather complex. A society is composed of individuals, groups, different family background, interests, levels of education, personalities, emotions, likes and dislikes. The differences are a good source of conflicts and cooperation in an industry. The relation between the parties to industrial relations is affected by the value, customs, status symbols and constitution of a society. Housing, urbanization, transport problems, disintegration of families, social and cultural change, poverty level, poverty reproduction and other social problems, all these shape the behaviour

pattern of both the management and the employee. For harmonious and peaceful relations adjustment of and check on these aspects is imperative. There cannot be peace and harmony if the society is in turmoil (Gupta, 2007).

2.6.5 Gandhi Approach

This approach states that industrial relations is based on basic principles of truth, non violence, and non possession. The employers can minimize the industrial conflicts if they bank on the principle of trust. For Gandhi it is proper for workers to use non cooperation method to get their grievances redressed. However they should do it in a peaceful way (Gupta, 2007)

2.6.6 Giri Approach

This approach states that management and labour should put in place collective bargaining and mutual negotiation so as to get industrial conflicts resolved. The author of the approach suggests that there should be instruments of negotiation, a bipartite organ in each industry and every unit of an industry. There should also be the active role of the state so that always disputes are resolved. The Girian approach advocates for management and trade unions to resolve their disputes through voluntary arbitration. In that way trade union movements are discouraged. Collective bargaining is advocated so as to secure peace and harmony (Gupta, 2007).

2.6.7 Collective Bargaining (CB) Approach

When workers' collective interests are to be taken in juxtaposition to the management's interests specifically importance of collective bargaining (CB) comes to the fore-front. A healthy CB is considered as one of the pre-requisites of workers participation in management in the same way it is important for prevalence of harmonious industrial relations. Thus industrial relations system is regulated by collective bargaining.

The concept of collective bargaining in the Indian context can be defined as the process by which the Trade Unions (TUs) and management voluntarily meet on

matters of mutual concern to both parties, discuss, argue, refute, negotiate and finally settle some or all of the terms on which employee agree to work for an employer for the duration of an agreement. In this context collective bargaining is voluntary method for resolving industrial disputes (Rath, 1989).

They can bargain on issues of employment relationship and terms and conditions of employment. It thus provides a framework within which the views of the management and the trade union about disputed matters that could lead to industrial disorder. It is a joint regulating process; the management relationships with the work people and conditions of employment and also the demands of the workers. It can have both political and economic basis for both parties have interest on the distribution of power and income between them. Hence CB is a power relationship between management and trade union(s) that is why it is defined as a social process *“that continually turns paid disagreements into agreements in an orderly fashion”* (Blanpain, 2005).

In the Tanzanian context during the process of bargaining parties have to bargain in good faith so as to get their dispute resolved jointly. If the parties fail to resolve their dispute (a dispute of interest) the Labour Court/High Court (HC) is the final arbiter (URT, 2004).

2.6.7.1 Bargaining Power

Armstrong (2009) asserts that, *“... The extent to which industrial sovereignty is share with its trade unions (if at all) depends on the relative bargaining powers of the two parties”*. Armstrong (2009) defined Bargaining Power (BP) as the ability to induce the other party to make a decision or take a course of action that it would otherwise be unwilling to make.

Each side is guessing the bargaining preferences and BP of the other side. Fox and Flanders (1969) cited in Armstrong (2007) comments that *“power is a crucial variable which determines the outcome of collective bargaining”*. Armstrong (2009),

suggests that a crucial test of BP is “*whether the cost to one side in accepting a proposal from the other is higher than the cost of not accepting it*”. Singh (1989) cited in Armstrong (2009) points out that BP is not static but varies with time. In whichever circumstance where a dispute/differences to be reconciled BP is inherent. Singh (1989) further argues that, among the parties one may have enormous BP but should not be used to the extent that the other side feels it is impossible to deal with that party because that will be defeating the purpose of negotiation (Armstrong, 2009).

2.6.8 Industrial Relations Today

Many countries nowadays have become welfare states. Laissez faire no longer exists. The states intervene and set, among other things, the tone, direction and conditions which govern, among other things, the wage and salary administration policies, (Ratnam, 2006:334). For instance in Tanzania, the constitution set foundation that every employee is entitled to a fair wage for his done work, (URT, 1977) and the wage order (Government Notice [GN] 196/2013) set sectoral minim wages for the private sector (URT, 2013). For public sector, *Waraka wa Watumishi wa Serikali Na 1 wa Mwaka 2014, Marekebisho ya Mishahra ya Watumishi wa Serikali*. That is, civil servant circular number 1 of 2014, adjustment on civil servants wages and salaries (URT, 2014). That means contrary to that is an offence.

2.7 Industrial Relations in Africa

Africa is a large and widely varied continent and in the last decade has experienced economic development in terms of economic growth and purchasing power, however many African countries face various economic challenges despite the richness in natural resources the continent has (ILO, 2010). This is reflected by the African labour market. Only a bit more than a quarter a wage or salary earners while most of them are self employed and mostly in agricultural sector. Moreover more than half of those employed earn below US \$ 1.25 poverty line per day (ILO, 2011). In this context, a range of formal and informal institutions across the continent work to shape the industrial relations and labour outcomes in a peculiar ways. However,

comparative studies show that industrial relations has been given little attention. The challenges faced by the institutions and the dynamics generated in the labour markets are important themes for policy makers and scholars in the respective countries, hence their examination is of prime importance for Industrial Relations betterment (Kocer, 2011).

There are three reasons as to why the analysis of labour and Industrial Relations practice in African countries may serve as a guide to developing policy advice. First is that the “share of those in wage employment may be small in relative terms but their absolute number makes then a sizable population warranting the attention of policy makers”. For instance, the number of wage earners in Sub Saharan Africa does not exceed 23.5 % but, this percentage amounts to more than 100 million people (see Table 2.0 and ILO, 2010). Hence industrial relations actors, institutions and practices which regulate and shape industrial relations of these millions of workers deserve analysis (Kocer, 2011).

Second, own-account workers or self employed workers represent a big enough proportion of those in employment, these and those employed in informal sector often fall outside the direct impact of the labour market policies and institutions. As a result there is a growing marginalisation of the informal sector/economy and segmented patterns of development (Kocer, 2011).

Third, there are similar challenges posted by globalization of production relations but institutional diversity among nations is likely to persist. The detailed analyses of industrial relations of other nations have been a grace and favour to African countries. There is a general tendency in the African literature that many African countries focus on common challenges which countries face rather than focusing on the degree of distinctiveness of the responses to the challenges (Hayter, 2011).

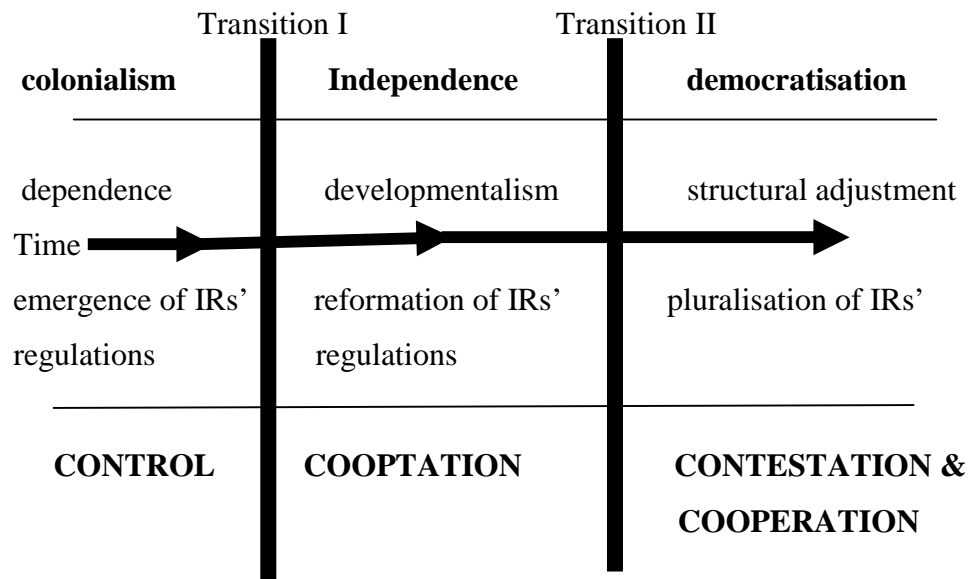
The reason for this is the small number and limited scope of comparative analyses which try to grasp and reveal the African industrial relations as unique from the rest

of the world. Only if we examine closely the institutional responses to common challenges eg primary school teachers' boycott in East African countries in this decade, we cannot acknowledge and distinguish commonalities and peculiarities in African industrial relations. We should examine the organised African industrial relations in its own terms so as to discern general patterns while acknowledging countries' specific institutional arrangements and actors' strategies. Such earnest and industrious effort can be a valuable resource for policy makers, designing legal and institutional frameworks. This can provide a basis for the ongoing discussion on harmonization and coordination of policies and laws of regional communities such East African Community and other regional economic cooperation bodies in Africa (Hayter, 2011).

2.7.1 Development of Industrial Relations in Africa

Any scrutiny of African organised industrial relations cannot be more insightful if one does not put into account the past developments (Hayter, 2011). This due to the fact that to a great extent African actors of industrial relations especially trade unions, even in Tanzania, have been paving ways for new reform of governance and regulation. The ways in which industrial relations was organised and the trade unions operated had great influence to the transition from colonial rule to independence and likewise from different types of dictatorships to multiparty democracies (Deb, 2009). This has had immense/huge consequence for the regulation of industrial relations and labour markets. That means proper conceptualization of these developments can throw light for future actors and institutions of organised industrial relations in Africa (Hayter, 2011). Figure 2:2 provides a generic and a bit stylish picture of two important transitions and three periods which were common across the African continent.

Figure 2:2: General Picture of the Development of Industrial Relations in Africa



Source: Adopted from Hayter, 2011

2.7.1.1 Colonialism and Control

From figure 2.2 the key word for organised industrial relations during the colonial times is “control”. In order to sustain continuity of colonial power political economy whose main objectives were to extract natural resources for their home economy and preservation of market for their finished goods administrative and economic dependence of native work force on the colonial authorities was ensured separating economic demands from potentially dangerous political demands. Therefore all tolerance of trade unionism was based on this classification. However it was not entirely successful because in the colonial times trade union movements resembled to social movements.

Mobilization capacity was used for double purposes, labour related demands and also political and economic demands of the native people (Horowitz, 2007). In Tanganyika (Tanzania) for instance, TFL in the pre independence times was a paramount organisation and became a key proponent of the colonialist rule (Mlimuka, 2010). The same applies for Ghana; the Ghana Trade Union Congress (GTUC) was a pivotal trade union in the struggle for independence (Hayter, 2011).

Across the African continent the history of organised industrial relations is intertwined with the struggle for independence and democracy (Zeilig, Seddon, and Alexander, 2009). In the colonial period the British and French territories revealed different patterns of industrial relations which have been a basis for the differences among nations of this background in terms of employment regulations (Dioh, 2010). Collective organisation legislations in French territories were directly linked to civil rights laws. This system made a better condition for collective interest presentation organisation, as compared to the British controlled system (Croucher, 2007 cited in Hayter, 2011). Since late 19th century trade unions in the French territories were formed not to live long because only occasionally French territories and French workers accepted Africans to join them. Due to the policy of assimilation the Trade unions in Africa were taken as wings of the unions in France. After the Second World War (WWII) many unionists were sent from France and Belgium to organise African workers (Damachi *et al*, 1979). In West Africa there was no significant presence of European settler working class hence the African workers could organise their own unions and the British authorities had to tolerate newly formed unions for the sake of founding orderly industrial relations. Unlike the French system, here was no organic connection with the unions in Britain but developments in Britain were influential to the dynamics of African Industrial Relations (Roberts, 1967). A wonderful example can be drawn in the year 1940 when the British Labour party insisted the administrations to facilitate the operations of trade unions in Africa because they were important impetus for union movement in the British territories (Orr 1966 cited in Hayter, 2011). However the colonial rulers' acceptance of trade unionism does not mean that their relations had been peaceful, no! Both the British and French had no alternative but to cope with the industrial actions organised by trade unions for articulation of both industrial grievances and, more pressing, for political purposes (Damachi *et al*, 1979).

In South Africa the European settlers treated the African workers as potential employment posts rivals. Hence the later were treated enmity (Cooper, 1996). When organised industrial relations had started to work smoothly and African trade unions

had been established in African French and British Territories as an aftermath of the Second World War, black trade unions were not officially registered and nor legally recognised in South Africa. This antagonistic mind set was later made explicitly in the Labour Relations Act of 1953. Belgian authorities despite their autocratic and ruthless regime they followed the French path, and the Portuguese were adversarial (Hayter, 2011).

In this line one can argue that the way industrial relations in Africa have been organised is variant and this has been a product of the continent's complexity of interaction history between the pre-colonial mutual help and artisanship arrangements, legal traditions and politics of colonial powers and the level of antagonism between European settlers and African workers, which is basically a function of production process and skill requirements forced by the nature of economic resources of colonies (Hayter, 2011).

2.7.1.2 Independence and Cooptation

This part is concerned with the first transition, figure 2.2, which marks the end of colonial period and the beginning of independence of many African countries. However, it is important to note that across the continent the transition period took place at different times and speed. South Africa is always different from other countries in many things. Quite late she entered transition period and unlike other countries, the liberation was not from colonial rule because she was already independent many years back, but from an apartheid/racist rule. It has been pointed earlier that trade unionism took part in the struggle for independence; in the same line one would expect to know that after independence the trade unionist leaders took part in the government bureaucracies so as to enhance the level of workers' involvement in their states (Hayter, 2011). On the contrary, in most of the cases, “... *trade unions could not be effective representative of their own constituencies within the new government structures ...instead they gradually lost their autonomy and plurality*” (Mlimka, 2010). Taking an example from Tanzania, after independence TFL was abolished and replaced by NUTA and all trade unions remained under the

instructions of the ruling part for three decades (Mlimka, 2010). The same happened in Mozambique where in the 1980s the government formed a federation for the big existing sixteen trade unions. The federation was named as Organisation for Mozambique Workers (OTM) and they were put under the control of the government (Pitcher, 2007).

In the post independence times, different forms of developmentalist agenda were adopted by African governments and industrial relations adopted from the colonial system was reformed so as to render collective goals of the economic programmes dictated by the new elites and political leaders. That is why umbrella organisations for trade unions and sometimes monolithic confederations were established. All these were instrumentalized by the ruling parties as tools of legitimating and control. Often this was accompanied by reduction of workers' organisational rights so that emergence of alternative collective entities is prevented. Therefore workers' organisations were internalized by the political systems. At another level, this could have enabled trade unions to consolidate their positions as legitimate actors of the African political economies and may have triggered the formation of employers' organisations. In that, way social dialogue could have been necessitated the actors of industrial relations (Hayter, 2011).

Other features of industrial relations regulatory structures in African countries during independence and cooptation are minimum wages and extensive conditions of work ILO conventions ratification (Alby *et al*, 2005). However the capacity and willingness of African governments to implement higher standard of work as directed by these measures remained limited. Across Africa the establishment of state owned enterprises and public employment expansion, a base of recruitment, was backed by development policies of the time. Eventually would have provided a fertile ground for emergence of new worker organisations which again would challenge the existing monolithic trade unions established by the ruling parties which were also monolithic (Pitcher, 2007).

With the economic crises, almost across the African continent, in the 1970s the challenges knocked in through the door of no African economy could recover/stabilize without external assistance. The foreign assistance was in the form of one-size-fits-all structural adjustment programmes imposed by the UN financial institutions (Wood & Brewster, 2007 cited in Hayter, 2011). The external helps had severe and strict conditions such as trade liberalisation, democratisation, human rights and trade unions depoliticization. Thus the process of implementation of the programmes was soon accompanied various demands such as multipartism, and trade union diversification. Consequently the economic models which were conceived by the local leaders were dismantled by the external imposed measures and the political bases were challenged by internally generated demands of political democracy and human rights (Hayter, 2011).

It is a universal truth that one of the major objectives of any government is to remain in power and control the state. For such continuity, unless put under strict control of the state, trade unions were seen potentially destructive because of the proven ability to act as social movements that would articulate the grievances of their society and mobilize their members. For this reason trade unions in most African countries were co opted by the state. Thus they were changed from representatives of social movements to proponents of development agenda who were instrumentalized by ruling parties so as to enforce and propagate their rule. For instance in Tanzania, NUTA, JUWATA and Organisation of Tanzania Trade Unions (OTTU) were made affiliates of CCM, the ruling party.

However, this cooptation policy would be no more successful beyond the attempts of colonial powers to use trade unions as instruments of control. In majority of African countries trade unions slowly liberated themselves from their co-opted position; worker formed new trade unions, at the end of the day union movements assumed an important role in political liberalization via its demands for political rights and freedom of association (Kraus, 2007 cited in Hayter, 2011).

2.7.1.3 Democratisation and Cooperation and Contestation

From figure 2.2 we can see that Cooptation was followed by the second transition through which the independence gave way to Structural Adjustment Programmes (SAPs) and gradual democratisation. This is the moment when many African countries were struggling against the deep economic crisis and the developmentalist agenda of the indigenous governments were replaced by the externally imposed severe measure. In such a setting the SAPs came not with immediate solutions for the day-to-day problems of worker but with proposed conditionalities such as further reduction of wages and drastic cuts of public expenditures. This brought huge unemployment created by privatization, redundancy and freezing of employment in the public sector. Hence, to many African countries 1980s was experienced with the bitterness of the 1970s economic crises intensified by the adverse effects of SAPs (Horowitz, 2007).

Workers were high agitated by the situation but the monolithic union structure of African TUs and government dominated policy making inherited from the African developmentalist period were incapable of addressing their grievances. After sufferings of two decades in the 1990s not only the workers but almost every segment of the African population wanted freedom and rule of law so as to have opportunity to voice their opinion and grievances (Hayter, 2011).

Nowadays steps have been taken towards democratisation; it has involved recognition of the right to association and freedom of speech. That is why in the last decade we see countries like Egypt, Nigeria, Ghana, Mauritius, Somalia, Kenya, Zambia and Tanzania have enacted labour legislations as a result of tripartite negotiations so as to regulate industrial relations (Horowitz, 2007). Under the same state of industrial relations Tanzania enacted the ELRA of 2004. The general feature of these laws is emphasis and encouragement of dispute resolution through peaceful negotiations, to clarify and simplify statutory requirements so as to ensure compatibility between labour market regulations and the new global production requirements (Hayter, 2011). Among other reasons this has been adopted after

recognizing that lengthy and cumbersome dispute resolution procedure is one of the causes of industrial disputes. That is why all labour disputes have to pass through mediation door before it is resorted to arbitration and above (Rweyemam, 2009).

In this context many African countries' industrial relations have entered a new phase. In the far previous decades workers' interests were represented by a limited number of relatively strong organisations for all workers, then sectoral trade unions but nowadays under democratisation not only many trade unions have emerged, even those with very few members, but also NGOs, social movements and international networks have involved themselves in industrial relations dynamics (Pitcher, 2007).

In the context of French Speaking Countries, specifically Benin and Zaire Congo-Kinshasa or DRC, inspectors are the officials to whom the shop steward reports grievances. Labour inspectors are the first stage of collective labour dispute conciliation (International Institute of Labour Studies [IILS], 1979).

In Tanzanian context labour inspectors are the ones who check whether or not the labour laws are adhered to. If not they have mandate to sue the employer to the court of law (URT, 2004). IILS further points out that if the labour inspector is really effective, well trained and well motivated the entire grievances prevention procedure could function smoothly. As a result, the workers would be more royal to the routine at work places; the employers would become more faithful to the laws, rule and regulations set, the product of which the industrial relations systems become effective. If the inspectors are few in number, or inadequately trained, the whole industrial relations system will not function smoothly (IILS, 1979). In Tanzania inspectors are not few in number, nor are inadequately trained now why many labour disputes in the wood industry in Mufindi District. This is the gap this study tries to fill.

2.8 General Strategies in Labour Disputes Prevention

Generally preventive actions have multidimensional functions; they resolve, manage or contain disputes before they become violent. Conflict management on the other hand means the limitation, litigation and containment of conflict. Conflict prevention, as a concept, therefore, includes numerous activities such as conflict avoidance and conflict resolution, with technique such as mediation, peacemaking, peace keeping, confidence building measures and track-two diplomacy (Tanner, 2000). Thus, in labour disputes prevention different amount of time can be dedicated to specific themes such as statutory wages, working hours, contracts of employment, occupational safety and health, child labour, paid leave, sick leave. However,

“...Labour inspectorates in all countries are provided with limited resources; therefore, there is a need to apply these resources in a strategic and effective way in order to ensure that the inspection has an impact on the working conditions. Labour inspectorates can choose to employ a compliance approach, sanctions approach or a mix of both” (ILO, 2013).

Regarding inspection organisation, the inspectorates can decide to “...dedicate varying amounts of time and efforts to proactive (preventive) inspection as opposed to reactive inspection visits arising from accidents or complaints”. As it is in the case of other institutions, labour inspection needs to be improved in terms of planning, monitoring and evaluation capacities so as to ensure that the expected impact of inspection becomes a reality. Therefore one can reflect on how to improve labour inspection system (ILO, 2010).

2.8.1 Working Conditions, Safety, Health and Environment

Workers and employees elsewhere especially in factories, commercial agricultural estates, mining and construction are often exposed certain health hazards such as risks brought by environmental pollution, occupational diseases and injuries. Such situations give rise to industrial relations which is not harmonious. There are symptoms of industrial conflicts such as difference of opinion between management

and employees, grievances of workers, indiscipline, absenteeism, labour turnover, (Rath, 1989)

2.8.1.1 Working Conditions

Working conditions refers to all aspects of work: physical, economic, social, legal, technical, and human. By physical condition it is referred to climatic factors which include ventilation, humidification, lighting, physical facilities at work place such as canteens, rest rooms, first aid, washing and bathing facilities, sports and games, (Ratnam, 2006:371).

2.8.1.2 Health and Environment

This involves cleanliness, disposal of wastes and effluents, proper ventilation and temperature, protection against dust and fumes, precautionary measures such as alarm systems, and avoidance of overcrowding (Ratnam, 2006).

2.8.1.3 Safety

At other times unhealthy industrial relations can arise from lack of industrial safety. Industrial safety involves dangerous parts of the machinery to be securely fenced by safe guards of substantial construction. It also involves prohibiting the employment of young persons to operate dangerous machines without proper training and adequate supervision. If we walk around we can see milling carpentry machines whose chains and belts are necked and operated by young persons. Safety is also observed by keeping a distance (of at least 18 inches) from a self operating machine. Also the employer or occupier has the responsibility to make a sound construction of floors, steps, staircases and gangways. Protection of eyes against glare/dangerous fumes and protection against explosive or inflammable dust, gas (Ratnam, 2006:376). Ratnam (2006) insists that the constitution must have a specific article providing for occupational health and safety of workers.

2.8.2 Labour Disputes Prevention Experience of Cambodia

Cambodia is a South East Asian Country. Like Tanzania, Cambodia experienced the economic change from planned or controlled economy to free market economy. Market economy recognizes the divergent interests of employers and employees and accepts the subsequent flowing activities. Activities brought by market forces are typically accompanied by increased conflicts and disagreements between employers and employees. Therefore disputes in market system are inevitable, what is important is these disagreements should not be left to escalate to big and detrimental disputes to the economy provided preventive and resolution mechanisms are in place so as to restore peace and harmony (Heron, 2004).

Cambodia established labour disputes preventive and resolution mechanisms was done in 1997 by introducing a comprehensive legal framework that encompasses various provisions relating to labour disputes. In Tanzania a comprehensive legal framework for labour disputes prevention and resolution was done in 2004 by enacting ELRA of 2004. At that moment in Cambodia what remained was to build and develop a solid operational foundation/framework for national industrial relation system so that it contributes to the Cambodian development efforts. This calls for efforts for capacity building for all actors of industrial relations “... *Where disagreements are resolved peacefully, quickly, and fairly, will prevent labour disputes, and are important elements of mature labour relations system*” (Noord, 2004).

In Cambodia few enterprises took necessary steps to make sure that minor labour disagreements do not escalate to big disputes but generally little attention was put to labour dispute prevention as compared to labour disputes resolution and settlement (Noord, 2004). Heron (2004) listed the reasons which lead minor labour complaints to big labour disputes which end up with work stoppage:

- Employers and employees lack knowledge of their respective obligation and rights under the law.

- At enterprise level there are little or no arrangements to address complaints in a systematic manner. Barely exist real collective bargaining (CB), grievance procedures and work place cooperation.
- Where institutional arrangements and frameworks are in place employers and employees lack required knowledge, skills and experience to work effectively with such frameworks.
- Labour inspection has insufficient capacity to bring required attention to labour disputes prevention.

Therefore workplace cooperation, collective bargaining and labour inspection are of prime importance for peace and harmony in working places.

2.9 Industrial Relations and Labour Disputes Prevention in Sub Saharan Africa

Currently there are fifty four Sub Saharan African Countries and Tanzania is among them, but for the purpose of this study only Botswana, Namibia and Zambia were selected because one of the major characteristics of labour is mobility. These countries are connected by their borders; Namibia borders Botswana and Botswana borders Zambia and Zambia borders Tanzania.

2.9.1 Industrial Relations in Botswana

Industrial conflicts are inherent in the relations of employee- management. In other words, industrial relation conflicts are as old as industrial relations is. So it is with Botswana; it has experienced many conflict which can be put in three categories; union to union conflict, union – management, and union - government conflict. Together with ratified ILO Conventions the statutes which govern industrial relations in Botswana are: Trade Unions and Employers Organisation Act, Trade Dispute Act (2004), Public Service Act (2008), Employment Act (2003) and workmen's compensation Act (Tshukudu, 2012).

Trade unionism in Botswana is traceable back during the colonial times when there were very few educated Botswana who understood the purpose of trade unions. At the outset trade unions were started by political activists who were also political

pioneer. The employers on the other hand had few employees who remained loyal and were controlled with an iron fist. These few loyal employees did not have many choices when it came to alternative jobs. Therefore there is an intimate relationship between trade unionism and industrial conflict, internal or external. It is internal when it is between and within unions themselves and the conflict is external when it is between unions and the government or management (Tshukudu, 2012).

2.9.1.2 Labour - State Relations in Botswana

According to Tshukudu (2012) several authors including Tsie (1996); Mogalakwe M. & Siphambe (2001); Siphambe & Thokweng-Bakwena (2001) have attested that labour movement in Botswana has historically been weak since ever. The reasons for that are:

- Low level of industrialization Botswana inherited from the colonial rule at independence. Botswana was used as source of unskilled and cheap labour for South African mines.
- Low levels of wages in the country until 1980s.
- In Botswana labour movement has always been plagued by poor organisation and lack of effective leadership.
- The state fixed minimum wages until 1991 when Income Policy was enacted and stipulated that wages were to be determined by market forces of demand and supply (Tshukudu, 2012).

The situation remained like that until 2009 when the government through the Department of Labour and Home Affairs listed different wage levels to different sectors. By so doing unions have remained in subordinate position and concentrate on daily bread and butter issues and threats of unemployment. For instance the minister of Labour has power to set up a board that will investigate levels of wages in different sectors and recommend to the minister; however the minister is not obliged to adopt the recommendations (Tshukudu, 2012).

2.9.1.3 Labour Disputes Prevention Mechanisms in Botswana

In Botswana labour disputes prevention is under the Ministry of Labour and Home Affairs. The ministry is also responsible for social security matters. The point being that it has mandate to create and maintain national harmony and welfare and justice as essential background for national unity, democracy and socio economic development. In conjunction with other government agencies the department of labour and social security is responsible for labour matters and human resource development (ILO, 2014).

Labour matters are governed by different labour laws such as Factory Act (1973), Regulations for Industrial Employees (1988), Women's Compensation Act (1998), Employment of Non-citizens Act (1981), Trade Disputes Act (1982), Employment Act (1982), Amendment (1992), No 26 and (2003) No 14, and Trade Unions and Employers' Union Act (2003), (ILO, 2014).

2.9.1.4 The Scope of Labour Inspection in Botswana.

The ministry of labour enforces some Acts: the Employment Act, the Employment of Non-citizens Act, the Trade Disputes Act, Factories Act, Workers' Compensation Act and Wage Order. The factory inspectorate is responsible for enforcing the Factories Act under the Occupational Health and Safety division; these Acts are enforced by the department of labour. Areas subject to inspection include hours of work, sick leave, maternity allowance, paid public holidays, overtime, rest period, probation period, notice period, long term benefits, safety and health and employment of children. Previously labour inspectors were carrying both, inspection and dispute resolution, reforms is being done separate the two distinct roles so that are performed by different units, (ILO, 2014).

2.9.1.5 The Role of Preventive Measures Botswana

During inspection visit and departmental radio program technical advice is given to employers and workers for the purpose improving compliance. Labour standard compliance is labour disputes preventive in nature. However, because of lack of

communication between Labour Inspection Unit and Factory Inspectorate, enough support from the Ministry of Health and Ministry of Mines and monitoring of tools and factory inspectors Occupational Health and Safety (OSH) was underperforming (ILO, 2014). That means workers' education is neither a unit nor a role for labour disputes prevention in Botswana. That means again, despite the weakness of the factory inspectorate labour disputes are further given chance hatch and erupt when they mature by the absence of workers' education unit.

2.9.2 Industrial Relations in Namibia

In Namibia a framework for stable and equitable industrial relations was established in 1992 by approval of the Labour Act (1992), popularly known as the Labour Code. This Act was drafted in consultation with ILO and before it was tabled before the parliament it sought thorough comments of the public (political justification). By so doing Namibia has adopted to its labour field a non discriminatory law in line with the international standards adapted to the needs of employers, employees and their unions. The overall aim being furtherance of industrial relations conducive to economic growth (investments), stability and productivity through regulation of labour relations by advancement of orderly free collective bargaining, improvement of wages and conditions of employment and advancement of persons who previously were disadvantaged, for instance disabled. That is at the level of prevention labour disputes prevention. The Act also sets a system of labour disputes settlement so that Namibia has fair, stable and predictable industrial relations (WB, 1997).

Both parties on disputes of interest the Act provides for the right to withdraw their labour through lawful strikes (for employees) or lock outs (for employers) as weapons of last resort. That means after failure of all statutory procedures to resolve the dispute through negotiation. However those providing essential services are not entitled to this industrial action and also members of the Namibian Defense Forces (NDF) are not covered by this law. When it comes to disputes of right that is, disputes based on the interpretation of law(s)/code(s), terms and conditions of employment contracts, collective agreements, recognition or not of a registered trade

union as a collective bargaining agent, if the matter is not settled at the conciliation board either party involved may apply for a binding determination to the labour court (high court) or for arbitration (WB, 1997).

2.9.2.1 Labour Disputes Prevention Practice in Namibia.

Labour disputes prevention in Namibia has taken two significant steps: the reforms of labour laws and enactment of the labour Act no 11 of 2007 and by having a significant use of the Alternative Dispute Resolution (ADR). ADR employs creative way of resolving a disputes rather a typical adversarial process of litigation. Labour Act of 2007 has embraced conciliation, collective bargaining, arbitration and mediation and puts great emphasis on labour dispute prevention by instituting a scheme which facilitates speedier and less costly labour disputes resolution. In this way few cases will go to arbitration and high/labour court as a last resort. It is noted that “...*the attributes of ADR processes is that they are intended to be faster, cheaper, less adversarial, and capable of achieving better outcomes for disputants than they could achieve through the bureaucratic processes of court litigation...*” (Msukubili, 2013). Therefore, it is proper to say that much effort has been put at the curative level rather than at the preventive level. It is argued so because prevention and resolution are two distinct levels of dealing with labour disputes.

2.9.3 Labour Disputes Prevention Practice in Zambia

In Zambia the Ministry of Labour and Social Security is the one responsible for labour disputes prevention. The Department of Labour, headed by the Labour Commissioner, has several functions namely; Employment, Industrial Relations, and Inspections. The labour Commissioners’ office is responsible for enforcement of Labour Legislation, collecting, analyzing and compiling labour statistics, promoting and maintaining sound industrial relations; implementing programs against child labour, and conducting labour inspections. The inspection unit is within the department of labour, unlike in Tanzania, any labour officer in the labour department is automatically labour inspector (ILO, 2014).

The department of Occupational Health and Safety (OSH) is one of the departments under the Ministry of Labour whose core functions include is enforcement of OSH Legislation, examining and testing pressure vessel, conducting occupational accident investigation, carrying out research on occupational diseases, providing guidelines on hazardous operations at work places and construction sites inspections (ILO, 2014).

2.9.3.1 The Scope of Labour Inspection in Zambia

Through labour inspection the areas covered include wages/rate of pay, employment of children and young persons, hours of work/working days, annual leave, maternity leave, provision of food and transport allowance, overtime allowance, funeral assistance, subsistence allowance, industrial relations, occupational safety and health standards and social security and welfare (ILO, 2014). If it is compared to the scope of Botswana labour inspection the Zambian is more comprehensive.

Apart from labour inspection inspectors are conciliator of labour disputes, workers' compensation claims and permits for foreign workers processors. As a result on average 75 percent of their working time is spent on dealing with complaints and disputes. Unlike Tanzania, the inspectorate (labour inspection and OSHA inspection) and labour dispute resolution are administered by distinct officers as the functions are distinct as well.

2.10 Experience of Industrial Relations in the Tanzanian Context

In Tanzania the development and growth of industrial relations was an outcome of capitalist expansion beyond borders to reach other countries for the purpose of maximizing profit through colonisation. Hence, it can be stated that industrial relations in Tanzania has gone through different phases:

- From the time when the colonial economy occupied Africa and made a source of raw materials and cheap labour for their colonial home economies.
- From 1961 to the post colonial era with a capitalist inherited system of industrial relations.

- From 1967 to 1980 when the socialist system of industrial relations predominated.
- From 1985 to date. This is the era under this study. It is characterized influenced by economic policies.

Different scholars see the experience of industrial relations in Tanzania differently. Musoke (2001) sees that since colonial the times to date the Tanzanian history of industrial relations has always been a history of an attempt of one actor (among the three actors of industrial relations), the state to monopolize, control, and subjugate all activities pertaining to human resources management and development. The minister responsible for labour related matters and the presidency have a huge power. Industrial relations over this period is regulated by the labour laws as it was during the colonial times.

Shivji (1976), states that before the capitalist system of production was introduced Tanzania, by then Tanganyika, neither social classes nor class struggle was there hence one could talk about industrial relations. This was the period when Tanganyika like other colonized country in Africa was regarded as the supplier of strategic raw material and protected market for the manufactured goods from industrialized of Western Europe. At this moment at the beginning employment was on temporary basis and it was mainly for the migrant labourers. With the expansion of the political economy in the 1930s more suitable and permanent labour force was employed for the first time and simple trade unionism started.

Exploitation at this moment was reflected in terms of wage payment, and it was below subsistence level. By withholding sickness and retirement benefits workers were denied of social security. Living and working conditions were so poor that the colonialists took advantage and rip extremely high profit rates from the victims. When workers took a collective action against the capitalist the role played by the state was of the interventionist rather than of the regulator (Shivji, 1976). That means the workers became a helpless class. With the development of collective struggle by

strikes and collective violence the government came up with a legislation which to restrain the movement of workers. It came up with dispute settlement machinery. For the purpose of controlling strikes and lock outs the law created long and specific procedures compulsory to be followed before one resorts to strike or lockout. Those are negotiation, conciliation, arbitration and inquiry by the state of any existent or imminent dispute (Shivji, 1976).

In 1965 Tanzania was declared a one party state and trade unionism was also changed so as to have a system which would cater for the whole public. Seeking to cater for the entire public an Act of 1979 was enacted and JUWATA was formulated to replace NUTA. JUWATA was an affiliate of the ruling party CCM that means, it was not free but co-opted wing of the one ruling party. In 1970 the president through the presidential secular No 1 of 1970 ordered practice of democratic industrial relations by employees participating in management. Workers' participation in management creates forum for workers to air their views and opinion in all aspects of the organisation, workers' welfare, discipline, planning. At this moment the government was almost the only employer and the directive intended to parastatals and public organisations.

The presidential order could not work during the privatization era. Meanwhile the Permanent Labour Tribunal (PLT) Act No. 41 of 1967 was in force and was enacted under socialist regime so as to govern labour disputes settlement and harmonize industrial relations.

In the mid 1980s the industrial relations in Tanzania was influenced by the policies and pressure of the World Bank and International Monetary Fund (WB and IMF). In 1985 Tanzania adopted SAPs whose one of the conditionality was to liberalize the economy. Together with the liberalization of the economy the public expenditure size was also reduced. Under such a new regime labour laws were also revised to suit with the newly capitalist economic regime. The privatization policy well, at the same time meet the demands of the contemporary workers (Vating'a, 2010). Trade unions

were separated from the ruling party; they became not affiliates of CCM by the Trade Union Act No 10 of 1998. Whether the practical situation conforms to the above stated situation or not that is subject to research and evidence. This paper is interested on the contribution of labour disputes prevention mechanisms to industrial relations in Tanzania. This study wants to depict the impact of labour disputes prevention mechanisms, specifically the inspectorate, on the current industrial relations in Tanzania.

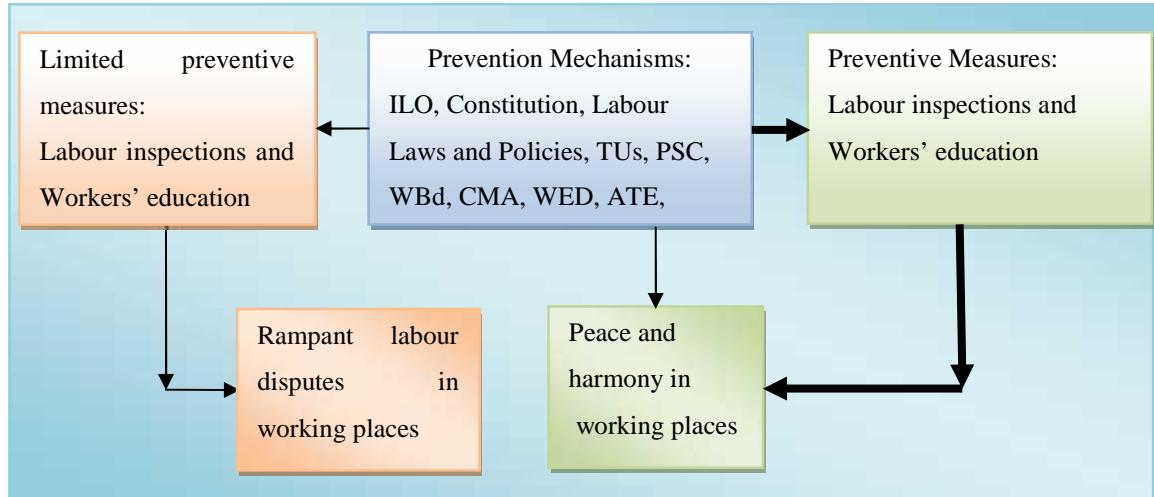
A study by Vating'a (2010) found that minimum wage setting is one of the best ways of maintaining industrial peace, a sound minimum wage. The government is the best and only supreme organ whose mandate is to supervise and enforce the laws enacted by the parliament. Similarly, Timothy (2010) found that the role of trade unions in prevention of industrial disputes in Tanzania is insufficient.

Timothy found that only 14.1% of the respondents were aware and 29.3% were not quite aware of the functions of trade unions in Tanzania. Timothy further found that most workers and some management members were not aware of the roles of work place institutions such as trade unions. It was also found that although in most work places workers were involved in the decision making (the most imperative strategy for industrial peace and harmony) but trade unions failed to prepare workers to participate in participatory forums. That means workers participate in management/decision making passively because of little or no knowledge. Timothy (2010) also found that TUs have failed to educate employees to the expected level, the reasons among others is selfishness of the trade union leaders. TUs have the role to educate employees/union member on matters pertaining to industrial relations.

So far there is no specific study that has been conducted on the contribution of labour disputes prevention mechanisms (labour inspection) to industrial relations in Tanzania. This is the gap the study is going to fill.

Fig 2.3 Analytical Framework

Contribution of labour disputes prevention mechanisms to industrial relations



Source: Author's construct

2.10.1 Preventive Mechanisms

The conceptual framework in Fig 2.3 shows that at the level of input there are many mechanisms set for prevention of disputes at work places such as the international labour standards (ILO), national labour standards like the Constitution which states that, “... *kila mtu anayo haki ya kupata ujira kwa kazi aliyofanya*” (URT, 1977). That means whoever works has right to a fare wage. This tally with the human nature, that everybody is entitled to fair treatment. The other mechanism is labour laws, for example the sectoral minimum wage order of 2013 which states that employers who pay wages below the stated level commit an offence (URT, 2013).

There are also policies enacted, for instance the National Employment Policy of 2008 whose one of the objectives is to make jobs/employments decent (URT, 2008). Not only that but also trade unions (TUs), the Public Service Commission (PSC), Wage Board (WBd), the Commission for Mediation and Arbitration (CMA), Workers Education Department (WED), the Association of Tanzania Employers (ATE), the Department of Labour and Inspection Services (DoLIS), and the Occupational Safety and Health Authority (OSHA). All these are made to make sure that there prevails peace at work places and production of goods and services is done smoothly.

2.10.2 Preventive Measures

At the level of processing the input preventive measure are taken to make sure that peace exists at work places. In this study preventive measures are labour inspections and workers' education which are conceptualized to enhance peace and harmony at work places. Workers Education Department is a governmental organisation, while trade unions and employers unions are nongovernmental organisation. However workers' education is a task to be carried by all actors of industrial relations. These two instruments are in place to perform their roles to enhance peace at work places. Trade unions can provide education to workers by either providing opportunities to training, for instance at the Mbeya Labour College and others colleges, and Workers Education Department by providing education at work places.

The other process is inspection whereby the DoLIS and OSHA as agents of the government are entrusted with labour laws enforcement mandate. They have power to make inspections at work places to make sure that labour standards are adhered to (URT, 2004). Peace and harmony in the working places is the output of the whole process. This is the desired result; however labour disputes still persist to a great extent. Many cases are before the Commission for Mediation and Arbitration, High Court and Court of Appeal. It is the thrust of this study that may be there is no effective process of labour disputes prevention mechanisms and so disputes prevail. That is, it is assumed that if the preventive mechanisms are performing to the expected level there would be minimum labour disputes.

In this study, the findings are not as expected by the established of the mechanisms (figure 2.3, right-thick arrow), preventive measures are put but not to the expected level as a result rampant labour disputes at working places (figure 2.3, left-thin arrow).

2.10.3 Peace and Harmony in Working Places

This is a state of industrial relation where by workers perform their duties with high morale and others feel the work place as their place. This is the ideal industrial

relation state which the government through its agents should strive to come close by fulfilling the obligations they are set to perform. Effective inspectorate and workers' education are a key to peace and harmony in working places. In this study peace and harmony at work places were measured by the degree of employers' involvement in labour disputes prevention at their work places together with the respondents' experience of labour disputes in their own sections and respondents' experience of labour disputes with their employers. Also peace and harmony at work places in this study were measured by disparity of wages based on favour, treatment of employees by their employers, the degree of employers' contribution to labour disputes occurrence, degree of workers' participation in management and morale of workers in places of work and the reflection from registered individual and collective labour disputes resolution department.

2.10.4 Limited Preventive Measures

Preventive measures are limited when the inspectorate and workers' education do not perform to the expected level. Employers (the strong party) are left to do the way they feel like doing regardless of the presence of laws or sometime they even don't know if there are laws. As a result there happen many labour disputes which could not happen if there had been provision inspection services and workers' education at work places.

2.10.5 Rampant Labour Disputes in Places of Work

This is the end result of under performance of the labour disputes preventive mechanisms. Preventive mechanisms are put so as to take preventive measures to check the employment relationships situation; they are a whistle blower to maintain fare relations between the servant and master. In this study, rampant labour disputes in places of work were determined by the category of disputes which appear most, the degree of employers' involvement in labour disputes prevention at their work places, the respondents' experience of labour disputes in their own sections and respondents' experience of labour disputes with their employers. Further, rampant labour disputes at work places were determined by disparity of wages based on

favour, treatment of employees by their employers, the degree of employers' contribution to labour disputes occurrence and the reflection from labour disputes resolution department.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

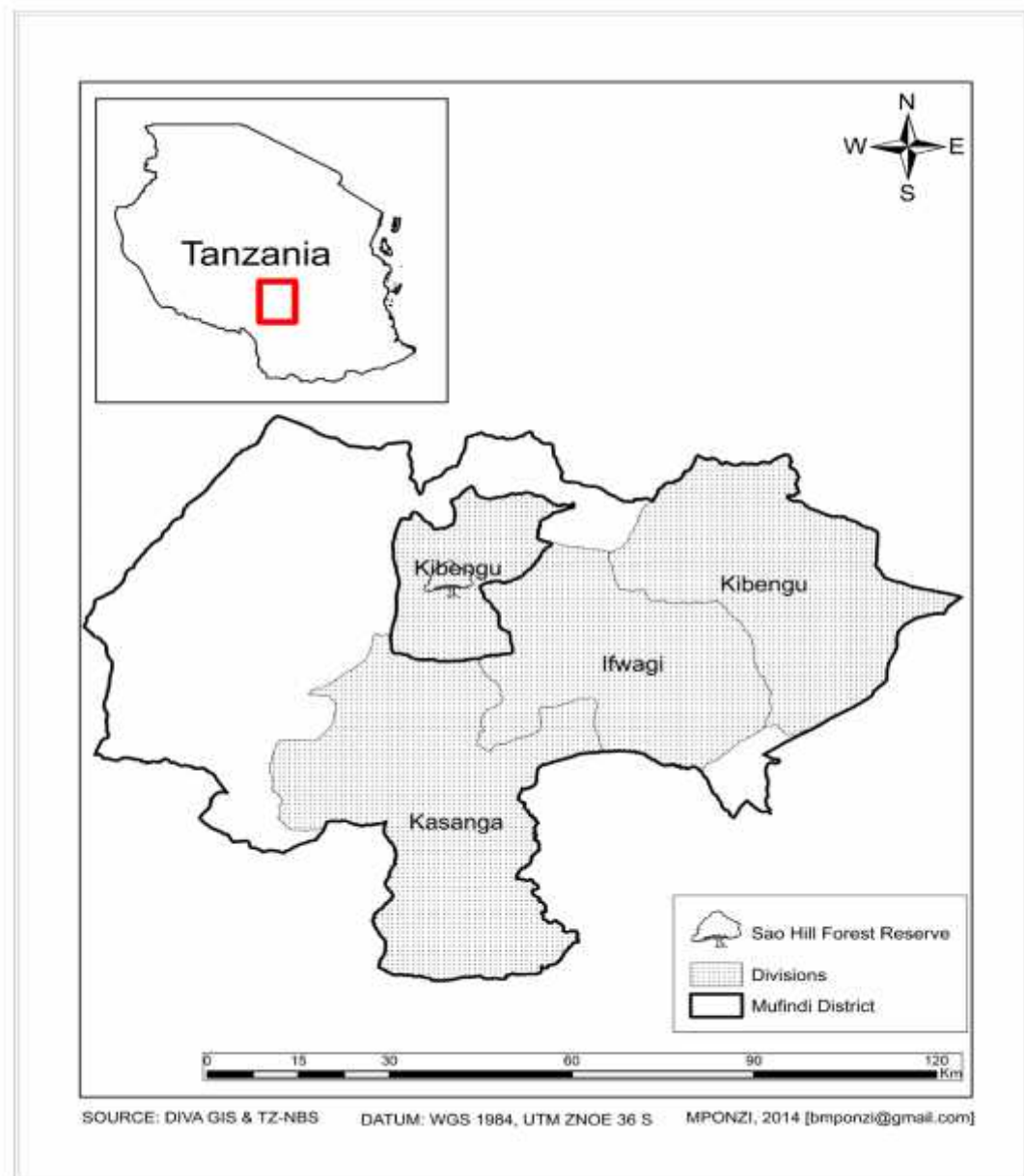
This chapter gives a brief summary of how the study was conducted. It covers the area of study, research design, units of inquiry, sample size and sampling technique and tools/methods of data collection and data analysis.

3.2 Area of Study

The study was conducted in Mufindi District, in Iringa Region. Mufindi District has five divisions and three of which are engaged in wood industry. According to importance in engagement in wood industry Kibengu Division ranks first followed by Ifwagi and Kasanga Division. These divisions involve the Sao Hill Forest reserve.

The area was selected because the district has many industrial activities majoring in wood industry in Tanzania. The district is highly involved in planting trees, lumbering, buying and selling timber to national and international markets. According to National Population and Housing Census (NPHC) of 2012, the population of the area is 265, 829 where the required sample was 10 percent according to Kothari. It was commented, “... *Nowadays there is little land for food crops cultivation, the whole land mainly covered by trees...*”, district forest officer, 2013. In addition to wood industry there are tea growing industry and factories. These industries employ workers of different nationalities and expertise whose relationship were likely to fall to disputes. For instance the Green Resource Limited (GRL) has permanent and daily employees making a total of about 3000 employees (GRL, 2014), Sao Hill Industries (SHI) has about 560 permanent and temporary employees (SHI, 2014). Mufindi Paper Mills (MPM) employs about 1500 employees. Figure 3.1 shows the study area district.

Figure 3.1 Area of the Study



3.3 Research Design

The study used a cross-sectional research design where data were collected at one point in time in the study area since variables were not expected to change over time. Through this approach, it was possible to ascertain whether labour disputes prevention mechanisms exist. Moreover, information was collected from the selected workers in the industry who are employed permanently or in short terms. The study made a survey in the study areas once to collect all the information required

intensively as per research objectives. In relatively less-known areas, where there is little experience and theory available to serve as a guide, intensive study was a very useful method of gaining insight instead of revisiting the study area (Ghauri *et al*, 1995).

3.4 Target Population

The study was conducted in the wood industry in Mufindi District and the target population was of two levels, employees involved in various sections of the wood industry, from planting to selling of timber and government agents for labour disputes prevention. In the last category it involved area labour officers and mediators/arbitrators.

3.5 Sample Size

The study involved 130 respondents in total; 3 mediators/arbitrators, 3 labour officers, 38 tree cutters and log draggers, 50 tree seedlings planters, 29 lumbering machine operators, 4 drivers, 2 managers. This was representative enough as per Kothari (1990) because the universe was scattered and heterogeneous. The criteria used to come out with a sample of 130 respondents big is that it is (approximately) 10 percent (Kothari, 1999)

3.6 Sampling Procedures

The study used purposive sampling technique since it dealt with a group of the workers who are employed by the Mufindi wood Industry. The first step was to identify these employees. This was done in consultation with the authority concerned. Those interviewed were found in their working places. Random sampling was used to select tree seedling planters, tree/log cutters and draggers, lumbering machine operators and drivers, and saw repair personnel. Purposive sampling was also applied to select the key informants like managers, area labour officer, mediators and arbitrators. It was expected that these key informants were more knowledgeable about the social interactions of the industry management and its

workers as well as community under study and thus are aware on the issue of labour disputes prevention mechanisms.

3.7 Data Collection Methods

During the study both primary data and secondary data were collected. Instruments used to collect primary data were questionnaires, interview, focused group discussion, and observation. Secondary data on the other hand were collected by reading other people's previous report.

i. Questionnaire

According to Kothari (2004) "*...questionnaire is a method which uses a set of questions for collection of data*". Closed and open ended questions were administered to key informants such as Labour Officers, Mediators/Arbitrators to obtain data regarding variable like age, number of months or years worked with the industry and income, types of activities conducted, general standards of life and relation with management.

ii. Interview

Hader and Lindman (2002) cited in Nyagawa (2010) define "interview" as "a process consisting of dialogue or verbal responses between several persons". Literature indicates that the use of interview method helps an interviewer to overcome resistance of the respondent and at the same time provide chance of flexibility when the question is not well understood (Kothari, 1999). The study conducted face-to-face or personal oral conversations that were administered to drivers, log draggers, tree seedling planters, and tree cutters. Interviews were used to obtain in-depth information regarding how employees and employers prevent labour disputes and the things which the respondents were not satisfied with.

iii. Focused Group Discussion

The study held two Focused Group Discussions with labour officers, trade unions, arbitrators/ mediators and some employees who were part of the management

secretly at different times and place. Sex wise this category managed to have only two ladies. They all looked to have family responsibilities. Their years of service ranged from 2 years to 8. To get them was rather a challenge because some of the workers were sensitive workers to their employers. Thus appointments were confidential and of short discussions.

This technique was applied to 10 respondents who were of two groups; by coincidence the two groups consisted of equal number of respondents and were met in two turns and at different places. Members of both groups were of different age, education levels and cadres. In this way even respondents lacking writing and reading skills had chance to give their views. The expected outcome was the contribution of labour disputes prevention mechanisms to industrial relations. The study employed this method because by virtue of these respondents' day to day employments are in a better position to know the contribution of labour disputes prevention mechanisms to the situation of industrial relations in the wood industry in Mufindi District. Stevens et al; (2004) cited in Malekela (2006) points out that "*... the method is useful for gathering ideas and different viewpoints, discovering new insights and improving question design*".

iv. Participant Observation

During data collection participant observation was applied to observe the scene of industrial relations of the selected area. There are several advantages of this data collection method: firstly, the information obtained through this method relates to what is happening, not complicated by past, or future intention or attitude; secondly, less demanding of active cooperation of the respondent as it is with interview or consultation (Kothari, 1999)

v. Documentary Review

The study visited what others have already done. It includes census record and reports, research reports, published books, manuscripts, websites, journals, television, radio and news papers and other published works (Ndunguru, 2007).

Register books for the last five years were also visited to see how many labour cases flow in per time. The study also had a look on the nature of disputes leading: whether it is termination, wages, hours of work or what. Secondary data has an advantage of saving time and money as it uses data that is ready available and at the same time a big amount of data can be analysed without additional cost especially in recent years when internet is accessible to everybody (Ghauri, 2005).

The other advantage is accessibility, especially in recent years, one can get a huge amount of information by a single click. Nevertheless, reanalysing secondary data can lead into new discoveries and also useful for comparative study especially when doing continuous or regular surveys such as government census or official registers (Fabregues, 2013).

3.8 Data Processing and Analysis

The collected qualitative data were sorted, coded and analysed descriptively. Analysis started by profiling the characteristics of the sample population according to the variables collected like age, marital status and education. Other qualitative data were analysed using content analysis. Quantitative data were analysed quantitatively aided by Statistical Package for Social Sciences (SPSS) soft ware. The analysed data were presented in tables, histograms, bar charts and pie-chart. The method of analysis also included multivariate analysis which is analysis of more than two variables simultaneously. Cross tabulation was carried out to find out measures of association using Chi-Square between variables.

CHAPTER FOUR

PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS

4.1 Introduction

In this chapter presentation, analysis and discussion of study findings is done. The chapter starts by presenting respondents' demographic and socio economic characteristics.

4.2 Demographic and Socio Economic Characteristics of the Respondents

The study population consisted people with different socio economic status. The study population had heterogeneous educational and economic levels. This composition helped the study to get opinion of different people with different status in the society. Knowledge and working in wood industry experience was a common factor to all.

4.2.1 Age of the respondents

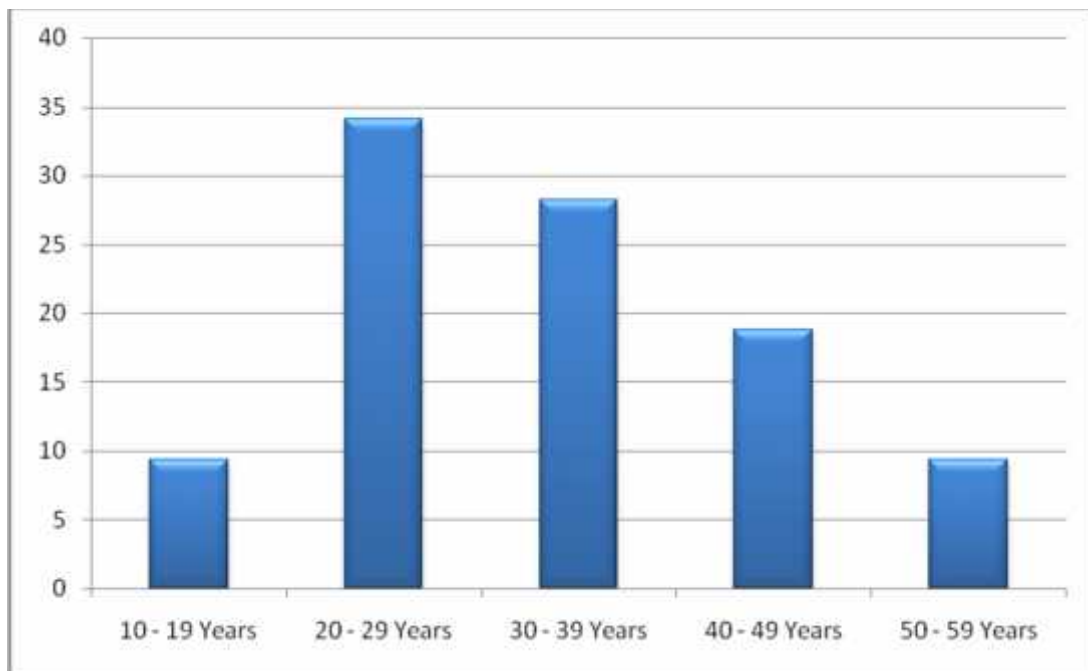
The analysis of the age of the respondents principally aimed at having a look on involvement of different age groups in the different activities in the wood industry. This was based on the fact that different age groups react differently to new situations at work places. This is because there are factors underlying human behaviour at work places such as perception, logical reasoning, memory and environmental, organisation and job factors. Age affects perception, logical reasoning and memory on the side of employees at work places (Disaster Management Institute [DMI], 2014). The other reason for analyzing age was not all people an employer is allowed to employ; people under the age of 18 are children and thus they have their pertinent rights such as development, growth and schooling. Child labour is prohibited (URT, 2004).

The study revealed that age between 19 and 59 years are employed in the wood industry. However, majority (34.1 percent) of the workers were within the age group covering between 20 to 29 years of age. The study found that the age between 10 to

19 and 50 to 59 are the least involved. The former is least because it is a school age and it is legally prohibited for a person under 18 to be employed at the expense of schooling and other rights of childhood (URT, 2004).

Workers in the age group of 50 to 60 were few because wood harvesting to timber production is a process which demands strong physical energy and it is a year through business while this group is approaching retirement age. Unlike planting, weeding and pruning which are seasonal activities as shown in figure 4.1.

Figure 4.1 Age of the Respondents



Source: Field data, 2014

4.2.2 Sex of the Respondents

Sex analysis of the study respondents was important in this study because all men and women have equal opportunity to employment, employment rights and employment benefits but some labour disputes are sexually based for instance sexual discrimination, segregation and harassment though it is prohibited (URT, 1977, 2004 and 2007).

The study found that workers in the wood industry are more male than female. That is 83.5 percent are male and only 16.5 percent are women workers. That means women are more involved in other economic activities than in the wood industry or involved in other levels of the same industry like buying and selling timber, Table 4.1. However, through observation it was found that women were more in the planting, food and beverage provision section than in others.

Table 4.1: sex of the respondents

Sex	Frequency	Percentage
Male	109	83.5
Female	21	16.5
Total	130	100.0

Source: Field data, 2014

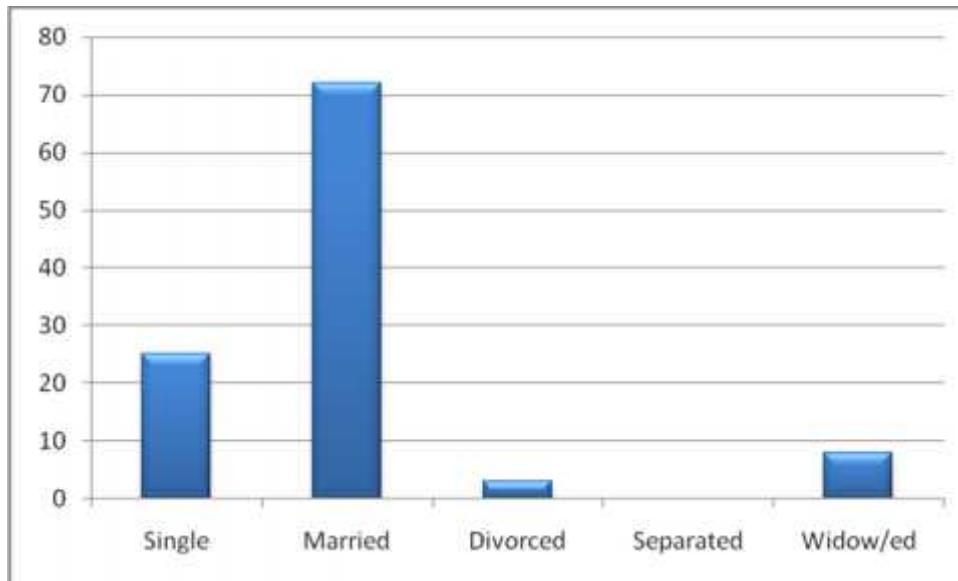
4.2.3 Marital Status of the Respondents

Marital status was important to the study because from economic, socio and psychological point of view marital status affects general behavior of a person, likewise the behavior of employees at work places. Employees with different marital status behave differently at work places. For instance a married employee is likely to stay in one employment, especially women, than an employee who is not married because married women employees would like to rear and bring up their families in one place than shifting from one place to another if the jobs are scattered (Mwinulla J, 1998).

Furthermore, when employment contracts get terminated married employees, especially men, are most likely to worry differently from those who are not married. This is because married employees have to think in terms of the effect of the termination to the life with their spouse and children. More than that an employee suffering family stress, specifically marital stress, be it separation or divorce or even any deep quarrel will behave differently personally and in employment cycles. This is because the roles at family are incompatible with those at work places hence the employee fails to meet the obligations at both home and work (Donaldson, 2001).

In this study it was found that 72 percent were married, 25 percent were singles, 8 percent were widows and widowers (8 percent), and 3 percent were divorced (figure 4.2).

Figure 4.2: Marital Status of respondents



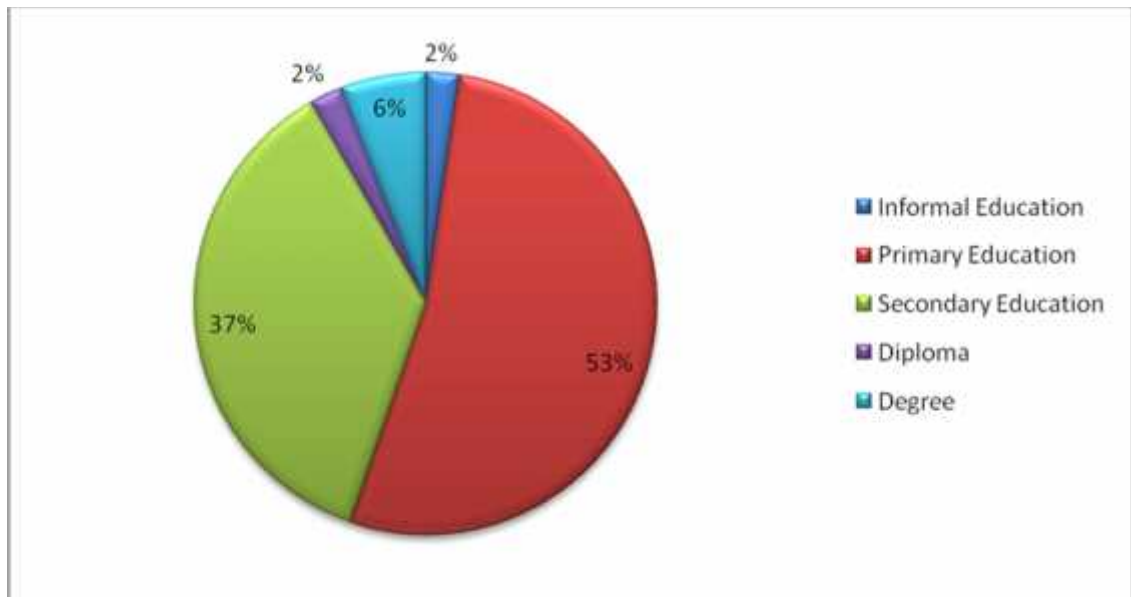
Source: Field data, 2014

That means the job is depended upon by many people behind the majority of the of the study respondents. That also indicates that if it happens that an employee falls into a dispute with his or her employer many people (dependants) will be affected by the dispute. Again, it implies that job insecurity prompts divorce because of less socio economic home maintenance factors and more over hinders decision to marry especially for male workers.

4.2.4 Education Level of the Respondents

Level of education was important to this study because it plays an important role in labour disputes prevention, emergence and resolution. For instance education determines how one would like to be treated in employment cycles. The findings on the distribution of respondents by education level are shown in figure 4.3

Figure 4.3: Education Level of the Respondents



Source: Field data, 2014

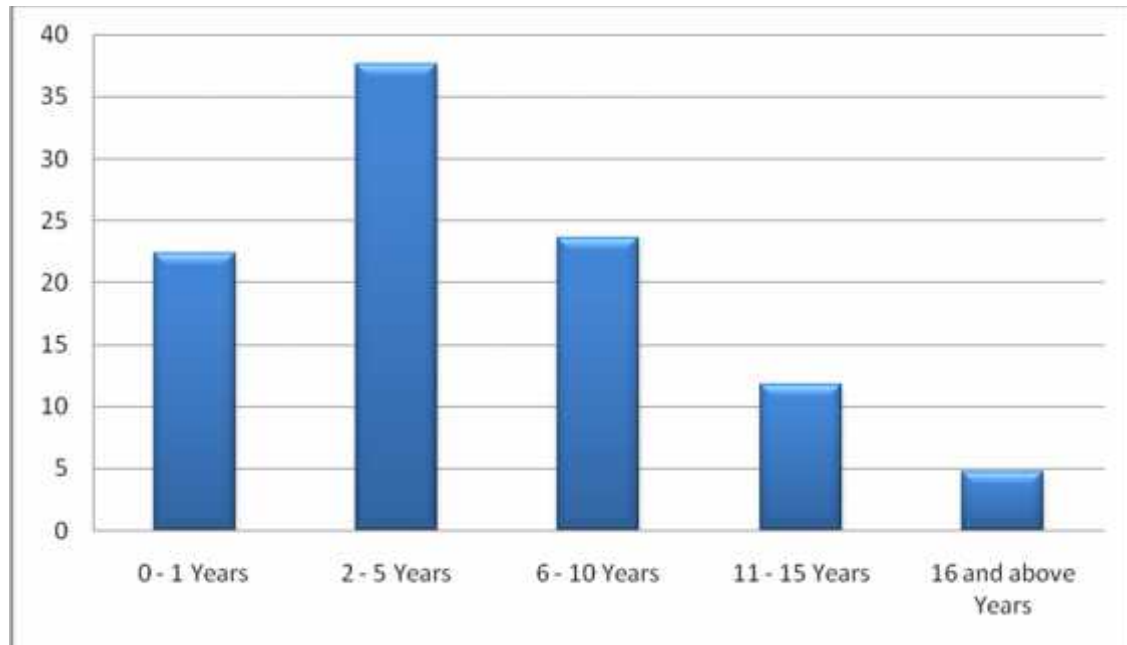
Figure 4.3 shows that 53 percent of the respondents were 5 primary school leavers, 37 percent had secondary education, 5 percent were graduates, 2 percent were diploma holders, and 2 percent the last had informal education (had not attended school). By having such a big share of the respondents who have not attended secondary education and 2 percent those who acquired only informal education is an indication that except if a special program is done at their work place they will not know their obligations nor their rights except those stated by their employer. Thus they are prone to exploitation, segregation and mistreatment. Employment is not only an economic entity but also a legal entity (URT, 1977 and URT, 2004). Figure 4.4 displays this field found fact.

4.2.5 Respondents Years of Service

The years the respondents had served the same employer was important to this study because the study can know the working experience of the respondents, the degree of retention of employees the employer has, and the extent the employers have well

versed hands in their undertakings. Respondents' years of service are shown in figure 4.4

Figure 4.4 Years of service of the respondents



Source: Field data, 2014

The study found that 37.6 percent of the respondents had worked for 2 to 5 years followed by 23.5 percent who had worked for 6 to 10 years, 22.4 percent had worked for 0 to 1 year. The frequency goes on dropping as years of service increase. That indicates that employment contracts are terminated early after signing them and they must have been permanent contracts because there are few who have worked for 6 to 10 years.

4.3 Existence of Labour Disputes Prevention Mechanisms in Wood Industry

The study was wanted to establish from the respondents whether or not labour disputes prevention mechanisms exist in wood industry in Mufindi District. Findings revealed that there were limited labour disputes prevention mechanisms.

The field area was found to be served by three labour officers. As it can be seen in the Table 4.2, two respondents (67 percent) said that there is no enough labour

disputes prevention mechanisms in their territory and one (33 percent) said there no prevention mechanisms.

Table 4.2: Existence Labour Disputes Prevention Mechanisms

Labour disputes prevention mechanisms	Frequency	Percentage
Yes	0	0
Yes, but very minimal	2	67
No	1	33
Total	3	100

Source: Field data, 2014

The Department of Labour and Inspection Services is one of the government labour institutions in Tanzania whose major responsibility is labour inspection at work places (URT, 2004). These officials being entrusted with this duty and at the same time recurrence of labour disputes is evidence that their duty is performed not to the expected level. Table 4.3 displays this scenario.

Table 4.3: Labour Officers' Inspection Visits (prevention) per year

Inspection visits per year	Frequency	Percentage
35 visits a year	2	67.0
40 visits a year	1	33.0
Total	3	100.0

Source: Field data, 2014

The three area labour officers further stated that they make 75 inspections visits in total over a year at the range of 35 to 40 for the whole district. Table 4.3 displays this scenario. This means that, if we divide the total number of visits by the number of labour officers in the district, each officer makes 37 inspection visits per year, and that again, if we divide by the number of months a year, it means that one officer on average makes 3 inspection visits a month. Despite the fact that labour officers are entrusted with other duties such as registration employment contracts and

prosecuting labour cases arising from non compliance with labour standards, the number inspections is too little and number of cases to prosecute is also little because cases emanate from inspections.

The study further wanted to know the type of transport used by the labour officers for to and fro the field with the intention of understanding their efficiency in the work. In their response as shown in the in Table 4.4; among the three officers, 67 percent said they go on foot. Not even a motorcycle. One of them, 33 percent, said by other means of transport but at his own cost. This indicates low morale for them, thus less performance in their working places, henceforth rampant labour disputes. Table 4.4 shows the transport relied on by the labour officers when going to the field for inspection.

Table 4.4: Transport type to inspection destination

Transport used	Frequency	Percentage
On foot.	2	67.0
Other means of transport.	1	33.0
Total	3	100.0

Source: Field Data, 2014

From Table 4.4 it shows that the use of “feet transport” for inspection of a whole district over a year is not realistic and is an indicator that only very few and nearby work places benefit from this service. Secondly, when an officer for inspection goes on foot to a capitalist organisation for inspection a big part of his or her trustworthiness, power and authority, and personality in general is left behind. The end result is breakage of laws, rules and regulation and multiplication of labour disputes at work places and the integrity of the officer is in danger. One respondent commented that, “...an inspector must look like an inspector and not like a tired or hungry person...”

Further, it is an indicator that to an officer who minds his or her personality will make as few inspections as possible to avoid monotony after all the morale is striped off by absence of facilitation and motivation. In a broader sense, to give one a duty to do without facilitating him or her to do best is to give him or her no job because most of the time he will not be performing the employment duties.

Moreover, the study wanted to get the respondents' view on whether or not the preventive measures such as labour inspection, motivation, factors, workers' participation in management including the use of suggestion boxes and workers' education are adequate to curb the problem of labour disputes in the wood industry in Mufindi District. Workers' education involves many things including seminars, meetings, and information sharing. In their response the three labour officers, two said that the mechanisms are not enough and one said are enough. Table 4.5 displays labour disputes prevention mechanisms insufficiency.

Table 4.5 Labour Dispute Prevention Mechanisms Insufficiency

Sufficiency of prevention mechanism	Frequency	Percentage
No	2	67.0
Yes	1	33.0
Total	3	100.0

Source: Field data, 2014

This implies that there is little effort to prevent labour disputes, hence many labour disputes occurrence.

4.4 Workers' Awareness of the Existing Labour Disputes Prevention

Mechanisms.

The study wanted to get a picture from the inspectorate side; to what extent the respondents are aware of the agents whose inspection service is entrusted to in relation to labour disputes prevention at work places. This was also reflected in the focused group discussion where it was found that majority of the respondents agreed

that they know that there are agents of the government responsible for labour disputes prevention at work places and named them as OSHA and DoLIS.

4.4.1 Inspection Services

The study found that there is little inspection services at work places. Table 4.6 shows respondents if or not they had witnessed labour inspection.

Table 4.6: Inspection Services

Seen inspection services	Frequency	Percentage
Yes	26	21
No	96	78
Mute	2	1
Total	124	100.0

Source: Field data

Area Labour Officers and Mediators/Arbitrator were not involved in this part. The study found that 21 percent had seen inspection service from OSHA the year before, 78 percent had inspection service at their work places, and 1.0 percent was mute.

This corresponds to findings of the focused group when it was asked why disputes are rampant in the wood industry in Mufindi District. Majority respondents said they cannot recall when they witnessed any inspection services done, nor workers' education is provided by the government nor trade unions at work places and no prosecution henceforth sanction is done for none observers of laws. It was also said trade unions only collect monthly subscriptions from members but no returns to the employees at work places, one respondent commented, "...*some trade unions are selfish*".

This is an indicator that the roles of the government to restrain the giant part to a fair play and to provide workers' education are deserted but it is his responsibility to make sure that their relationship is fair. Again, that means the industrial relations in

the wood industry in Mufindi District is likely to be determined by the rule of the jungle, “survival for the fittest”, a rule propounded by the English Naturalist Charles Darwin (lived between 1809 and 1882). Also it means that when the time comes another level of labour disputes will take place. That will be very detrimental to the economy from house hold economy to national economy. This is contrary to LIA (2004) and Milanzi (1994) whereby the government is signified and termed as a whistle blower. OSHA is concerned with one area of inspection that is, work place safety and health such as enough light, protection gear, registration of an undertaking, other areas are social security scheme membership such as NSSF, GEPF, PPF, LAPF, and Labour laws enforcement such as payrolls, statutory minimum wages, collective bargaining, modes of payments, contracts of employment, compensation for incapacitation, rules and regulations.

4.4.2 Labour Disputes Resolution

The study wanted to get a reflection of the contribution of labour disputes prevention mechanisms from the labour disputes resolution department in the research area. Labour disputes resolution is termed as a reflector because the two mechanisms are sister mechanisms and in resolution there is prevention. One is at preventive level while the other is at curative level; and cure follows absence or failure of prevention.

Mufindi District was found with three officers responsible for labour disputes resolution. Two of them (66.7 percent) said that dispute based on unfair termination is a leading category of cases. The other (33.3 percent) said the leading category is based on working conditions. In most cases matters arising from unfair termination are alleged by employees than by employers. That being the case it is an indicator that in Mufindi District unfair termination is highly practiced by employers. Also this is an indicator that either there is little or no knowledge on how termination of employment contracts should be conducted or no workers participation in management. All these are postulated to no or little dissemination of education and no or little inspection services. It is through inspection and education working

conditions can be improved and legal and procedural termination of employment contracts can be adhered to. Table 4.10 portrays these findings in the field.

Table 4.7: Disputes Which Appear Most

Disputes which appear most	Frequency	Percentage
Termination of employment	2	66.7
Working conditions	1	33.3
Total	3	100.0

Source: Field data, 2014

4.5 Labour Disputes Prevention Mechanisms and IRs Improvement.

The study wanted to find the extent to which they contribute to industrial relations improvement in the wood industry in Mufindi District. The study divided labour disputes prevention mechanisms directly applicable in the wood industry in Mufindi District in two categories, those which are policy in nature namely the Constitution, National Employment Policy and Labour Laws; and those which are institutional like trade unions, Wage Board, Department of Labour, and Workers Education Department. The constitution of 1977 as amended, states that everybody is entitled to fair treatment and every worker is entitled to a fair wage. The National Employment Policy's vision is to have Tanzania with decent jobs and income. Labour laws prohibit discrimination, unfair termination of employment contracts, and illegal working hours and wage payment (URT, 1977, 2004, 2008, 2013).

4.5.1 Working Conditions of the Employees

Mistreatment is a wide term; it covers all maltreatments including hurt, abuse, exploitation, and cruelty. The study also wanted to establish the working conditions of the employees if there is or no mistreatment practices by employers in the wood industry in Mufindi District. In their response 54 percent said there is mistreatment while 46 percent said there is no mistreatment. Table 4.11 displays the field findings.

Table 4.8 Working Conditions of the Employees

Mistreatment of employees by employers	Frequency	Percentage
Yes	70	54
No	60	46
Total	130	100

Source: Field Data, 2014

This is an indicator that in the wood industry in Mufindi District some employees are deprived of human dignity. The law considers the employer and employee as equal parties to the employment contract but in the actual fact the relationship is of a master and servant. That means the servant is weak or inferior before the master. Capital is stronger than labour. This corresponds to the colonial and control stage of the development of the African industrial relations. At this stage employees were treated as potential rivals and partners in development (Hayter, 2011). This is contrary to the constitution of the United Republic of Tanzania (1977) which states that every citizen is entitled to fair treatment and freedom to give opinion; it is also contrary to the National Employment Policy (2008) whose vision is to build a society with decent employment and income (URT, 1977 and 2008). It is also contrary to the human relations approach which stresses on treatment of employees as human beings. The foremost interest of an employee is to participate in decision making. Hence the employer has a duty to understand the need, attitude and aspirations of workers. That means only if the preventive authority plays its role the industrial relations in the industry will not improve to a better level.

4.5.1.1 Disputes in Respondents' Own Sections

The study wanted to get the respondents' own experience of disputes in their sections. Table 4.12 shows the respondents' own experience in their sections. In their response 66.2 percent of the respondents who were asked this question said that had witnessed labour disputes in their own sections. On the other hand 33.8 percent of the respondents said there was not. This indicates that, regardless of how the disputes ended, the improvement is still little.

Table 4.9 Disputes in respondents' own sections

Disputes in respondents' own sections	Frequency	Percentage
Yes	86	66.2
No	44	33.8
Total	130	100.0

Source: Field Data, 2014

4.5.1.2 Respondents' Experience of Disputes with their Employer

Furthermore, the study wanted to get the respondents' own experience, whether they had had any dispute(s) with their employers or not. In their response 72.4 percent of the respondents affirmed to have had disputes with their employers while 27.6 percent denied to have had. This is shown in shown in Table 4.13.

Table 4.10 Respondents' Experience of Disputes with their Employer

Experience of disputes with employer	Frequency	Percentage
Yes	94	72.4
No	36	27.6
Total	130	100.0

Source: Field data, 2014

This implies that 72 percent of the respondents had passed through the experience of having a dispute with their employers. Therefore there is little improvement of industrial relations in the wood industry in Mufindi District rampant disputes.

4.5.2 Issues on Which Disputes Appear Most Frequently

To see the extent to which industrial relations improves in the wood industry in Mufindi District the study further wanted to know the issues on which disputes arise most frequently in the study area. The results shows result that 67 percent of the disputes were based on termination of employment. Table 4.14 shows this proportion.

Table 4.11 Issues on Which Disputes Appear Most Frequently

Disputes appear most frequently on	Frequency	Percentage
Termination of contracts	87	67
Working conditions	43	33
Total	130	100.0

Source: Field data, 2014

Principally there are many other issues on which labour disputes can be based on for instance wages, negotiation on better terms of employment, welfare services, segregation of employee in organisation management cycles, mistreatment, sharing of organisation performance information. All these issues in this area in the wood industry in Mufindi District have covered only 33 percent. This finding corresponds with the finding in figure 4.4 whose findings is 22.4 percent of the respondents in the wood industry in Mufindi District had served for only 0 to 1 year.

This implies that termination of employment being the major issue which of labour disputes in the wood industry in Mufindi District led to have 22.4 percent of all the respondents had served only for 0 to 1 year. That cannot mean that all had just secured jobs but it indicates that the same percentage must have terminated jobs in the same period of time. This is contrary to the human relations approach of industrial relations stated by Gupta (2007) that despite good pay workers want security of tenure, good working conditions, recognition for a well done job among other things. Preventive mechanisms have power and authority to rescue the jobs and employers' profit from the well versed hands of the employees who stay long in service. Thus preventive mechanisms have much to do to improve to industrial relations in the wood industry in Mufindi District.

4.5.2.1 Dissatisfaction of the Employees at Work Places

The study also wanted to explore the contribution of the department of labour, workers' education department and trade unions in improving industrial relations in

the wood industry in Mufindi District. The respondents were given choices to choose one which do not satisfy most. Table 4.15 shows the responses of the respondents.

Table 4.12: Dissatisfaction of the employees at work places

Dissatisfaction on	Frequency	Percentage
Wages	85	65.4
Hours of work	40	30.8
Fringe benefits	5	3.8
Total	130	100.0

Source: Field data, 2014

The study found that wages was the most dissatisfying element in their working places to 65.4 percent, followed by 30.8 percent dissatisfying on hours of work and 3.8 percent on fringe benefits. The two leading triggers of labour disputes are all stated in the law under the heading of employment standards. Wage Board (government) sets the minimum wage level and ordinary working hours and the employer is given mandate to better it or by his own volition or through negotiation (negotiated agreement) (URT, 2004). Despite the fact that there is nothing like enough wage/money, and that employees would like to work for few hours as possible but for the purpose of labour disputes prevention the theory of collective bargaining is applicable. The mandate is given by ELRA (2004) to create forum for negotiation on wages and hours of work so that they reach Voluntary Agreement (VA). VA is a panacea for all grievances at work places because in nature it is a negotiated agreement. All grumblings could be quenched by DoLIS' inspection services and WED creating forum for negotiation between employer and employees. That means the dissatisfying wages and illegal working hours are a product of less performing inspectorate, workers education and low involvement of trade unions.

4.5.2.2 Work Place Wages

The study wanted to know the range of wages paid to the respondents. The target respondents for this question were not the managerial cadre but the shop floor

workers. The shop floor workers' wages ranged from Tanzanian Shillings (T. Shs) 35,000/= per month to 194,000/= per month. There is no law in Tanzania which gives an employer mandate to pay an employee a wage of T. Shs 35,000/= per month. Currently the lowest legal wage is Tanzania Shillings at least 40,000/= per month for ordinary domestic workers and are residing in the household of their employers. Those not residing in the household of their employers are supposed to be paid at least Tanzanian Shillings 80,000/= per month. This study terms them as "ordinary domestic workers" because they are not employed by diplomats and potential businessmen, entitled officers (URT, 2013).

According to the United Republic of Tanzania (Wage Order of 2013) there is no single sector whose employees are supposed to be paid Tanzanian Shillings 35,000/= per month. Workers in agricultural sector are supposed to be paid T. Shs 100,000/= or above per month, likewise the sector of trade, industrial and commerce which are also covered by this study. That means that there is weakness in the law enforcement side that is, the inspectorate and workers' education. This situation is contrary to the vision of the current National Employment Policy of 2008 which aims to have a society engaged in sustainable decent gainful employment, and more precisely with decent income for the purpose of improving life and reducing poverty (URT, 2008).

Wood industry covers several core sectors, agricultural sector, industrial sector and commercial sector. Even the tree seedlings planters section who were found to be doing their work on piece work basis cumulatively are supposed to be paid not less than T. Shs 100,000/= per month (URT, 2013). This is contrary to the constitution of the United Republic of Tanzania (1977) which states that everybody is entitled to a fair wage for work done and also contrary to the wage Order of 2013 which sets minimum wage for each sector (URT, 1977 and 2013). This is an indicator that there is a wide breakage of law on wage payment in the wood industry in Mufindi District. Again this is an indicator that preventive mechanisms are less performing in the wood industry in Mufindi District.

4.6 Factors leading to Prevalence of Labour Disputes in the Wood Industry

The study also wanted to know the reasons as to why labour disputes persist at work places in the wood industry in Mufindi District. Principally there can be different factors to different places.

4.6.1 Ignorance of Laws and Persistence of Disputes

The interests of the employer and employees are prone to crash as they are divergent in nature (Dix et al, 2008). Hence it can be derived from this fact that even if the employers are aware of the laws can take advantage of the ignorance of the employees. They can do that so as to minimize operation costs and maximize profit, the returns to the investment. The Table 4.6 shows the findings from the respondents in the field.

Table 4.13: Ignorance of Laws and Persistence of Disputes at Work laces

Ignorance of laws and persistence of disputes	Frequency	Percentage
Yes	95	73.0
No	35	27.0
Total	130	100.0

Source: Field data, 2014

In their response 73 percent of the respondents revealed that there was ignorance of labour laws to both, employers and employees. During Focused Group Discussion it was commented by one respondent that ignorance of workers' education to both employees and employers is a huge contributory factor to occurrence of labour disputes in the wood industry in Mufindi District as one respondent commented that, "...to have capital is one thing and to have knowledge is another". That levels debt to the Workers' Education Department and trade unions whose members are working in the wood industry in Mufindi District. On the other hand, ignorance of law is not a defense; that means if there were enough inspection and sanctions there could be minimal disputes. But as far as industrial relations is concerned Workers' Education Department owe much to the industrial relations situation in wood industry in

Mufindi District. Dix (2008) pointed out that despite the fact that there can be found no collective dispute found in the field it does not mean high level of royalty, often it can be accompanied by high level of absenteeism, destruction of working tools and go slows.

4.6.2 Employers’ Contribution to Labour Disputes prevalence at Work Places

The study wanted to establish from the respondents if the employers have any contribution to labour disputes occurrence at work places. In their reply 80 percent of the respondents said that there are employers who cause labour disputes, and 20 percent said that employers do not cause labour disputes to occur at their work places. Table 4.7 shows these findings.

Table 4.14: Employers’ Contribution to Labour Disputes Occurrence

Employers’ contribution to labour disputes	Frequency	Percentage
Yes	104	80.0
No	26	20.0
Total	130	100.0

Source: Field data, 2014

In the interview they said some of the employers do not want to see government official cross there gates for the purpose of inspection or what so ever. They presuppose that any knowledge of the employees own rights and obligation will hinder profit target realization. This argument concurred with the study’s own observation when going from one undertaking to another for data collection, not all management were ready to see a study done in their undertakings concerning the contribution of labour disputes prevention mechanisms to industrial relations. In the focused group discussion it was also revealed that there are employers who cause labour disputes at their work places.

Some of the undertakings owners do not want official guests to get in so that they don’t see what is happening there. That is why such businessmen did not want to

allow the data collector of this study to meet any employee respondent fearing that the contact would impart some knowledge to them. Where entrance permission was granted in some undertakings it was seen that employees work under direct supervision. Some workers looked half sick; no boots, helmets, overall, gloves and masks or any protection gear. To get information the study had to meet some of those workers during their private hours and without knowledge of their employers. This is a sign that some employers never dare to educate their employees or allow any opportunity to widen employees' knowledge fearing that knowledge will minimize profit. In that way those employers cause disputes at work places.

4.6.2.1 Employers' Illegal Practices that Lead to Labour Disputes prevalence.

The study wanted to establish whether or not there are illegal practices by employers as a result labour disputes arise. Table 4.8 displays the answers of the respondents in the field.

Table 4.15: Employers' Illegal Practices that Lead to Labour Disputes

Employers' contribution to labour disputes	Frequency	Percentage
Illegal wage payment	5	39.0
Unfair terminations	8	61.0
Total	13	100.0

Source: Field data, 2014

The study found that 61 percent of the respondents who were asked the same question said that it is by committing unfair termination of employment. That is, employers terminate employment contracts unfairly. Hence disputes occur. Either party is extended with the right to terminate his employment contract but by abiding to the law (ELRA, 2004). Each party is entitled to feel that an employment contract has been terminated fairly. According to this study employers in the wood industry in Mufindi District terminate employment contracts mostly unfairly as a result disputes arise. The law restrains the power of the employer to hire and fire so as to minimize disputes. Thus the employer has got no absolute power to hire and fire employees.

However, in the wood industry in Mufindi District it was found that unfair termination of employment contracts is committed. This is an indicator that workers' education for both, employers and employees at work places is low.

The rest 39 percent of the respondents who were asked on this area said that it was by paying illegal wages. Illegal wages is that which the law prohibits, that is, wage below the statutory minimum level set by the government. Minimum wage levels in Tanzania, as per Employment and Labour Relations Act of 2004, vary from one sector to another. For instance fishing sector has its own minimum wage level; the same applies for other sectors such as mining, agricultural, commerce, communication and transportation sector. The state sets floor, employers' improvement sky is the limit. From this study it was found that most employees in the wood industry in Mufindi District were paid wages below the minimum standard. This is an indicator that there was weakness in the law enforcement departments. Inspection and education services at workplaces were not delivered to the expected level. As a result of this labour disputes were prone. The mostly openly expressed grievances of employees are about wages. An example can be drawn from India, wages was the main cause of labour disputes in the late 1980s (Rath, 1987).

Therefore, from this study, it is proper to say that the inspectorate and workers' education department owe much for the state of industrial relations in the wood industry in Mufindi District. Termination of employment contract is the leading illegal practices which lead to labour disputes in the wood industry in Mufindi District, followed by illegal wage payment.

However, the study wanted to see the aspect of leave grant as per section 31 of the ELRA, 2004. According to *the Public Service Act of 2003* and *the ELRA of 2004* generally there are several categorical forms of leave, those are annual leave, sick leave, maternity leave, paternity leave, and study leave (URT, 2003 and URT, 2004). From Table 4.1 it is learnt that 83.5 percent of the respondents were found male employees and 16.5 percent were female employees, therefore maternity leave,

paternity leave, sick leave and annual leave are expected to be granted. About 68 percent of the respondents said that their employers grant none of the leaves and others commented that it is something not to be expected from their employer. The 32 percent said it is granted.

The spirit of the section which reads, “...*An employer shall grant an employee at least 28 consecutive days’ leave in respect of each leave cycle...*” (URT, 2004) is to make the mind of the employee relax from the routine job to new and different activities so that when he comes back he comes with fresh mind and enthusiasm. That also reduces disputes arising from accidents at work places.

Subsection (6) of section 31 further insists that “...*An employer shall not require or permit an employee to work for the employer during any period of annual leave*” (URT, 2004). Thus it is absolutely prohibited to work for the employer for the purpose of being twice the salary or selling it. Subsection (1) of section 32 of the ELRA it is stipulated that “... *An employee is entitled to sick leave for at least 126 days in any leave cycle*” (URT, 2004). By non adherence to the law for leave is a sign that the workers’ education department and law enforcement department have not played their role as a result wood industry in Mufindi District is left to have many labour disputes.

4.6.2.2 Discriminatory Wage Disparity

The study wanted to know if in the wood industry in Mufindi District there are any practices of discrimination because it can also be a cause of labour disputes. The Constitution (1977) prohibits discrimination of any kind and stresses equal and fair wage for equal work. The law states, “...*every employer shall ensure that he/she promotes an equal opportunity in employment and strives to eliminate discrimination in any employment policy or practice...*” (URT, 2004). Not only that, the same law obliges the employer to register with the Labour Commissioner his plan to promote equal opportunity and elimination of discrimination (URT, 2004). On the contrary the study found that discrimination is practiced in terms of wages. There are some

employees paid better than others not on merit but on favour. Table 4.9 shows these field findings.

Table 4.16: Discriminatory Wage Disparity

Wage disparity by favour	Frequency	Percentage
Yes	83	64
No	47	36
Total	130	100

Source: Field data, 2014

The study revealed that 64 percent had witnessed wage favouritism and 36 percent said that there was not. These findings contradict Murrays findings that wage being an allowance, compensation, fee, pay, quittance, or even a reward for service rendered it should be equitable (Murray, 2009).

The psychological approach of industrial relations explains the scenario of wage disparity based on favouritism as a tendency of either party, employers and employees, to be less appreciative. As a result on the side of the employer this is revealed in wages and fringe benefits he pays the employees. He pays better to employees he is satisfied most or even he likes most. The rest get demoralized and less performing because the employer does not recognise their performance. It is pointed out that such a relationship give rise to grumblings, go slows, work to rule, finally boycott, and strikes on the side of the employees (Gupta, 2007). Armstrong (2009) in this approach points out that the management, or any human resource practitioner will opt for either reactive role, or proactive role or a mixture of both against discontent of the employees. This finding implies that the issue of inspection and education at work places holds a solution for prevention of labour disputes arising from wage disparity based on favouritism.

4.6.2.3 Employers' Effort to Minimize Labour Disputes

The study also wanted to know whether or not there is effort done by employers in the wood industry in Mufindi District to minimize labour disputes at work places. Table 4.10 displays the found from the respondents.

Table 4.17 Employers' Efforts to Minimize Labour Disputes

Existence of employers' efforts to minimize disputes	Frequency	Percentage
Yes	57	44.0
No	73	56.0
Total	130	100.0

Source: Field data, 2014

In their response 44 percent of the respondents said that there is effort, while 56 percent said there is not. This implies that even if there is but it is not enough.

Through observation it was noticed that among the visited undertakings two were sister private international organisations; by name of Green Resource Limited and Sao Hill Industries famously known as GRL and SHI respectively. SHI was found to have employed an occupational health and safety officer, workers work in protection gear like boots, ear masks, dust masks, overall coats and helmets; also there were suggestion boxes, alarm system, emergency meeting ground and chains and belts were boxed. Workers are provided with housing and housing camps, housing allowances (those entitled), to and fro transport, and lunch for all. GRL employees were almost all in boots. In the sample respondent from this undertakings necessarily must have raised to 44 percent the number of those who said employers put efforts to minimize disputes at their work places. However 56 percent said that there is no directly visible effort to reduce disputes. In one of the undertakings workers were found to be scrambling for food. That means the food was not enough. In other undertakings it was recorded no suggestion boxes, no general meetings through which workers could air their views and participate in management of their organisation. This implies that labour disputes have greater chances to occur in the

wood industry in Mufindi District except if education and inspection services are provided.

4.6.3 Employees' Membership to Social security Schemes

It is a natural truth that security is vital to everybody, and in employment cycles it adds morale for better performance and retention. The study wanted to see the extent to which employees in the wood industry in Mufindi District are covered by social security schemes. This point has two elements, enrollment and submission of the deductions to the respective social security scheme. At one moment it can happen that an employer has deducted the required percentage from the member employees' salaries and no contribution from his part and no remittance done to any respective social security scheme. This area calls for a different study. This study was interested only on membership of the employees in the wood industry in Mufindi District. Table 4.9 shows the proportion between members and nonmembers in the industry in Mufindi District.

Table 4.18: Social Security Schemes Membership at Work Places

Membership to social security schemes	Frequency	Percentage
Yes	56	43
No	74	57
Total	130	100

Source: Field data, 2014

The study came up with a result that 43 percent of the employee respondents were members to social security schemes, the rest 57 percent were not members. This is contrary to natural law that everybody is entitled to security, the Social Security Regulatory Authority Act of 2008 section 35, which stipulates that regardless of provisions of any law, or trust deeds establishing a respective scheme a member of a scheme is entitled to be paid benefits by the scheme provided he meets the qualifying conditions. It is also contrary to the ELRA of 2004 which prohibits discrimination at work places. That means 57 percent are deprived of the opportunity to benefit from a

social security schemes. That means again the inspectorate and workers' education sector has not performed to the expected level.

This finding was also reflected by the focused group discussion when the study wanted to know if workers in the wood industry in Mufindi District were registered to social security schemes or not. It was found that majority were not members of the schemes. That means, if such contracts of employments get terminated the employee will have not saved 10 percent of his basic monthly salary and will have not benefited from the employer's contribution which he could have got if he had been a member of such a scheme. Currently that contribution amounts to 10 percent of the basic salary if the scheme is NSSF. On the other hand, the minority who said majority employees are social security schemes members might be working with the very few smartest employers. This is an indicator that there has been little or no sensitization for enrollment or follow up and inspection. Both non membership and membership without effecting remittance of the contribution lead to labour dispute. Hence preventive measures like inspection and education are of vital importance.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATION

5.1 Introduction

Chapter four covered the findings, analysis and discussion of the study findings. From chapter four there is a good link between the state of industrial relations and the contribution of labour disputes prevention mechanisms. However the contribution has been negative. With hectic seasonal business in wood activities labour disputes are rampant. This chapter presents conclusion of the study and measures to be taken to better the situation. This chapter is divided into three parts, the first part is the introductory part, the second part concludes the study and the third part gives recommendation.

5.2 Conclusion

The study investigated the contribution of labour disputes prevention mechanisms to industrial relations in the wood industry in Mufindi District. It examined the existence and workers' awareness on the existence of labour disputes prevention mechanisms in the wood industry, and explored the contribution of labour disputes prevention mechanisms in bringing good relations at work places and examined its magnitude. The term "prevention mechanisms" denote the vital role the mechanisms have for harmonious growth of the industry. Prevention is better than cure; thus if effective prevention is not in place it means in the near or distant future there will be a huge destructive result. Wood industry in Mufindi District, among others, has absorbed 7.3 percent of the labour force of the District (Mufindi District Council, 2010).

Findings of the study revealed that the contribution of labour disputes prevention mechanisms to the current industrial relations is rather indifferent than proactive. Such apathetic role hatches to irruptive states at times in different places in the country. The study revealed that workers' awareness on the existence of labour disputes prevention mechanisms is scant because of limited labour disputes

preventive measures such as inspection and workers' education services. Workers are not provided with knowledge of their rights and obligations in their employment cycles.

The study found weak link between the wood industry and the area labour office of the district. There was no stable and clearly defined transport the officer respondents to rely on for service rendering. Also it was found that among the respondents there was negligible memory on how frequent different institutions of the state visit work places for inspection and knowledge provision. Heron (2004) in his study on labour disputes prevention in Cambodia, commented that in many countries much effort is put for labour disputes resolution rather than prevention. Thus labour officers' service contribution to the state of industrial relations in the wood industry in Mufindi District is insignificant.

The study found scant remembrance on inspection by occupational safety and health officers. These variables facilitated the study to assess the contribution of labour disputes prevention mechanism to industrial relations in the wood industry in Mufindi District. Hence, the study realized that there is no or very little effort exerted to prevent labour disputes in the wood industry in Mufindi District.

5.3 Recommendations

Based on the findings and the conclusion the following recommendations are made: Trade unions should put more effort to strengthen unionism, train their members on matters pertaining to their employment and unionism. They are members and they pay for their membership, so this should be one of the benefits. It is not easy to train them all but there should be a system to implement that for it is of great use.

Employers on the other hand should adopt participative management style (workers' participation in management). When workers take part in the setting of goals, setting rules and regulations, participative monitoring and evaluation, they feel that the organisation is theirs. As a way of dispute resolution employers should bank on

Girian approach which believes in collective bargaining and mutual negotiations. There should be established and utilized bipartite negotiation instruments. Hence conflicts resolved and morale is raised and performance also goes up.

The government through its agents, DoLIS, OSHA and WED harmonise the relationship by enforcement of the standards set and establishment of employer-employee negotiation forum. Labour is one of the four factors of production, thus prevalence of labour disputes is the same as to say crippling of the economy. According to Integrated Labour Force Survey (ILFS) of 2001 88.3 percent of the economically active labour force were employed. That means steering the economy (URT, 2008).

Facilitate the inspectorate and workers' education departments with working implements, including transport, to see that duties are performed to the expected level. Also labour officers should not stay in one working station for so many years because of the nature of their job; one cannot expect a realistic and effective inspection if the officer has stayed in the same working station for more than twenty years.

5.4 Areas for Further Research

The study dealt only with labour disputes prevention mechanism in the wood industry in Mufindi District. There is a need to conduct further research in other working places in the district like Tea Estates and factories as well as paper mill to see if labour disputes exist and if working conditions in the tea estates and factories are different from wood industry. Also there is a need for further study on whether monthly deductions and employers' contribution remitted to the respective social security schemes. If they are not remitted it means is hatching individual or collective dispute. Nevertheless, it is interesting to explore labour disputes prevention mechanism in countries other than Tanzania so as to gain experience from the other countries.

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APPENDICES

APPENDIX 1

QUESTIONNAIRES FOR AREA LABOUR OFFICERS

I am Thomas Malekela a student of Mzumbe University collecting information about the contribution of labour dispute prevention mechanisms to industrial relations. In order to meet the objective of the study you are kindly requested to answer the questions contained in this questionnaire. Your answers will be treated as confidential. Thank you very much in advance.

1) Background information

i) Age group

- A 10-19
- B 20-29
- C 30-39
- D 40-49
- C 50-59
- E 60+

ii) Sex:

- (a) male.....(b) female.....

iii) Marital status

- (a) single.....(b) married.....(c)widow.....(d), divorced.....(e)
separated

iv) Years of service.....

- a 0-1
- b 1-5
- c 5-10
- d 10-15
- e 15+

v) Education level:

- (a) Informal education

(b) Attended primary but not completed

(c) Primary education completed

(d) Secondary education

(e) Post secondary (specify)

2) Are there dispute prevention mechanisms at your working places?

Yes/No

If yes name them

If No why?.....

3) How many inspection visits do you make per year.....?

4) Which transport do you use to reach your inspection visits destination? (put a tick to any most appropriate)

a) Car.....

b) Motorcycle.....

c) Bicycle.....

d) On foot.....

5) Do labour disputes exist in your working place?

Yes/ No

If yes why do they persist?

a) Employees' ignorance of law.....

b) Both, employers and employees' ignorance of law.....

c) Preventive organs have not been given enough power to perform.....

d) Others (specify).....

If No why.....

6) Are there any employers who contribute labour disputes to occur at work places?

If yes who are they: (put tick any most appropriate)

(a) Illegal wage payment.....

(b) Unfair terminations.....

(c) Working conditions.....

(d) Hours of work.....

(e) Any other (specify).....

If No why?

7) Suggest, what should be done by the following actor of industrial relations to improve the situation:

(a) The state/government

.....

(b) The employers/employers' union

.....

(c) The employees/employees' union

.....

APPENDIX II

QUESTIONNAIRES FOR AREA MEDIATORS/ARBITATORS

A study is being done to see the contribution of labour dispute prevention mechanisms to industrial relations. In order to meet the objective of the study you are kindly requested to answer the questions contained in this questionnaire. Your answers will be treated as confidential.

In advance thank you very much.

1) Background information

i) Age group

- A 10-19
- B 20-29
- C 30-39
- D 40-49
- C 50-59
- E 60+

ii) Sex:

(a) Male..... (b) female.....

iii) Marital status:

(a) Single..... (b) married (c) divorced(d) separated

iv) Years of service.....

v) Education level:

- a. Secondary education
- b. Certificate.....
- c. Diploma.....
- d. Degree.....
- e. Post graduate (please specify).....

2) How many labour disputes do you attend over a year in your duty station?

- a. 1- 5
- b. 6 - 10
- c. 11 – 15
- d. 15+

3) What do you think are the main causes of labour disputes at work places?

- (a) illegal wage payment.....
- (b) Unfair terminations.....
- (c) Working conditions.....
- (d) Hours of work.....
- (e) Any other (specify).....

4) Rank according to importance, which category of labour disputes appear most

- (a) Termination of employment
- (b) Wages
- (c) Working conditions
- (d) Hours of work

5) Suggest, what should be done by the following actor of industrial relations to improve the situation:

- (a) The state/government

.....

- (b) The employers/employers' union

.....

- (c) The employees/employees' union

.....

APPENDIX III

QUESTIONNAIRES FOR SAW REPAIR PERSONNEL

I am Thomas Malekela a student of Mzumbe University collecting information about the contribution of labour dispute prevention mechanisms to industrial relations. In order to meet the objective of the study you are kindly requested to answer the questions contained in this questionnaire. Your answers will be treated as confidential. Thank you very much in advance

1) Background information

i) Age group

- A 10-19
- B 20-29
- C 30-39
- D 40-49
- C 50-59
- E 60+

ii) Sex:

- (a) Male..... (b) Female.....

iii) Marital status:

- (a) Single..... (b) Married..... (c) divorced..... (d) Separated.....

iv) Years of service.....

v) Education level:

- (a) Informal education
- (b) Attended primary but not completed
- (c) Primary education completed
- (d)) Secondary education
- (e) Post secondary (specify)

2) Do labour disputes happen in your section? Yes/No

If Yes why.....

If No why

3) Are there labour disputes in your working place? Yes/No

If yes what is its magnitude.....

If No why

4) What do you think are the causes of labour disputes in your section?

5) Have you ever committed any dispute with your employer? Yes/No

If yes what was that all about.....

6) Have you ever seen any inspection by any officer of the government? Yes/No

If Yes.....when.....and how frequent it is.....

If No why

7). Are there workers who are favoured than others in terms of wages? Yes/No

If yes who are they?

8). Do your employer provide

(a) Annual leave

(b) Sick leave

(c) Funeral leave every time whenever it is supposed to be given?

If no why?

9). Are you a member of any social security scheme like NSSF, GEPF and LAPF?

10) What do you expect your employment to do you for your future?

11) Is there any misunderstanding between workers and employers in your working place Yes/No

If yes in what aspects you do differ frequently

12) What other benefits do you get from your employer by virtue of your employment?
.....

13) Give suggestions on what should be done by the following actors of industrial relations so as to enhance peace and harmony at work places:

(a) The government.....

(b) Employers/their union.....

(c) Employees/their union.....

APPENDIX IV

QUESTIONNAIRES FOR LOG DRAGERS

I am Thomas Malekela a student of Mzumbe University collecting information about the contribution of labour dispute prevention mechanisms to industrial relations. In order to meet the objective of the study you are kindly requested to answer the questions contained in this questionnaire. Your answers will be treated as confidential. Thank you very much in advance.

1) Background information

i) Age group

- A 10-19
- B 20-29
- C 30-39
- D 40-49
- C 50-59
- E 60+

ii. Sex:

- (a) Male..... (b) female.....

iii. Marital status:

- (a) Single..... (b) Married..... (c) Divorced..... (d) Separated.....

iv. Years of service.....

v. Education level:

- a. Secondary Education
- b. Certificate.....
- c. Diploma.....
- d. Degree.....
- e. Post graduate (please specify).....

(2) Do labour disputes happen in your section? Yes /No

If Yes.....why.....

If No

- (3) Do labour disputes at your work place get minimized? Yes /No
 If Yes.....how.....
 If No why.....
- (4) What do you think are the causes of labour disputes in your section?
- (5) What is the lowest wage in your section?
- (6) What are the things you are not satisfied with?
 Wages.....
 Hours of work.....
 Conditions of work.....
 Treatment.....
 Fringe benefits.....
- 7). Are there workers who are favoured than others in terms of wages?
- 8). Do your employer provide
 (a) annual leave
 (b) sick leave
 (c) funeral leave every when it is supposed to be given?
- 9). Are you a member of any social security scheme like NSSF, GEPF and LAPF?
- 10) What do you expect your employment to do you for your future?
- 11) Is there any mistreatment by your employer?
- 12) Have you ever had any dispute with your employer?
 Yes.....what was that all about.....
 No.....
- 13) Have you ever seen any inspection by any officer of the government?

Yes.....when.....

No.....

14) What other benefits do you get from your employer by virtue of your employment?

.....

15) Give suggestions on what should be done by the following actor s of industrial relations so as to enhance peace and harmony at work places:

(a) The government

.....

(b) Employers/their union

.....

(c) Employees/their union

.....

APPENDIX V

QUESTIONNAIRES FOR SAWING MACHINE OPERATORS AND TREE CUTTERS

I am Thomas Malekela a student of Mzumbe University collecting information about the contribution of labour dispute prevention mechanisms to industrial relations. In order to meet the objective of the study you are kindly requested to answer the questions contained in this questionnaire. Your answers will be treated as confidential. Thank you very much in advance.

1) Background information

i) Age group

- A 10-19
- B 20-29
- C 30-39
- D 40-49
- C 50-59
- E 60+

ii. Sex:

- (a) Male..... (b) Female.....

iii. Marital status:

- (b) Single..... (b) Married.....

iv. Years of service.....

v. Education level:

- a. Informal education.....
- b. Primary education.....
- c. Post Secondary Education
- d. Secondary education
- e. Certificate.....
- f. Diploma.....
- g. Degree.....
- e. Post graduate (please specify).....

2) Do labour disputes happen in your section?

Yes.....why.... What do you think are the causes of labour disputes in your section?

No.....

3) Do labour disputes at your work place get minimized?

Yes.....how.....

No.....

4) What is the lowest wage in your section?

5). Are there workers who are favoured than others in terms of wages?

6). Do your employer provide

(a) annual leave

(b) sick leave

(c) funeral leave when it is supposed to be given?

7). Are you a member of any social security scheme like NSSF, GEPF and LAPF?

8) What do you expect your employment to do you for your future?

9) Is there any mistreatment by your employer?

10) What are the things you are not satisfied with?

Wages.....

Hours of work.....

Conditions of work.....

Treatment.....

11) What do you think are the causes of labour disputes in your section?

12) Have you ever had any dispute with your employer?

Yes.....what was that all about.....

No.....

13) Have you ever seen any inspection by any officer of the government?

Yes.....when.....

No.....

14) What is the lowest wage in your section?

.....

15) Apart from wages, what other benefits do you get from your employer by virtue of your employment?

.....

16) Give suggestions on what should be done by the following actors of industrial relations so as to enhance peace and harmony at work places:

The government

.....

APPENDIX VI

INTERVIEW GUIDE FOR TREE SEEDLING TRANS PLANTING SECTION

I am Thomas Malekela a student of Mzumbe University collecting information about the contribution of labour dispute prevention mechanisms to industrial relations. In order to meet the objective of the study you are kindly requested to answer the questions contained in this questionnaire. Your answers will be treated as confidential. Thank you very much in advance.

1) Background information

i) Age group

- A 10-19
- B 20-29
- C 30-39
- D 40-49
- C 50-59
- E 60+

ii) Sex:

- (a) male.....(b) female.....

iii) Marital status

- (a) single.....(b) married.....(c) widow.....(d), divorced.....(e) separated

iv) Years of service.....

- a 0-1
- b 1-5
- c 5-10
- d 10-15
- e 15+

v) Education level:

- (a) Informal education
- (b) Attended primary but not completed

(c) Primary education completed

(d) Secondary education

(e) Post secondary (specify)

2) Do labour disputes at work places get minimized?

Yes.....how.....

No.....

3) Do labour disputes happen in your section?

Yes.....why.... What do you think are the causes of labour disputes in your section?

No.....

4) What is the lowest wage in your section?

5) Are there workers who are favoured than others in terms of wages?

6) Do your employer provide?

(a) Annual leave

(b) Sick leave

(c) Funeral leave every when it is supposed to be given?

7) Are you a member of any social security scheme like NSSF, GEPF and LAPF?

8) What do you expect your employment to do you for your future?

9) Is there any mistreatment by your employer?

10) What are the things you are not satisfied with?

Wages.....

Hours of work.....

Conditions of work.....

Treatment.....

11). What do you think are the causes of labour disputes in your section?

12) Have you ever had any dispute with your employer?

Yes.....what was that all about.....

No.....

13) Have you ever seen any inspection by any officer of the government?

Yes.....when.....

No.....

14) What is the lowest wage in your section

15) Give suggestions on what should be done by the following actors of industrial relations so as to enhance peace and harmony at work places:

- The government

.....

- Employers/their union

.....

- Employees/their union

.....

APPENDIX VII

GUIDE FOR FOCCUSSED GROUP DISCUSSION

I am Thomas Malekela a student of Mzumbe University collecting information about the contribution of labour dispute prevention mechanisms to industrial relations. In order to meet the objective of the study you are kindly requested to answer the questions contained in this questionnaire. Your answers will be treated as confidential. Thank you very much in advance.

1) Background information

i) Apparent age

ii) Sex ratio:

(a) Male.....(b) Female.....

iii) Marital status

(a) single.....(b) married.....(c) widow.....(d) divorced.....(e) separated

iv) Years of service.....

2) Which sector are you working with?

3) Do you know any government agent(s) responsible for prevention of labour disputes prevention at work places?

YES.....

NO.....

4) If 'yes' to question (3) above mention them

.....

5) Referring to your work place why labour disputes are rampant in the wood industry in Mufindi District?

6) Are majority of workers at your work place and wood industry in Mufindi District registered to social security schemes like NSSF, GEPF and LAPF?

YES.....

NO.....

7) Why labour disputes are not minimal in the wood industry in Mufindi District?

.....

8) Is lack of workers' education to both employers and employees a contributory factor to occurrence of labour disputes in the wood industry in Mufindi District?

YES.....

NO.....

9) To minimize labour disputes at work places what should be done by the following stakeholders of industrial relations in wood industry in Mufindi District?

a. The government.....

b. Employers/their union
.....

c. Employees/their union
.....

OBSERVATION SCHEDULE

1). Section

.....

2). Dominating Sex of the workers

.....

3).Duty performed.....

4).Apparent age.....

5). Physical appearance.....

6). Supervision style.....

7). Comments:

.....

.....

.....

JAMHURI YA MUUNGANO WA TANZANIA
OFISI YA WAZIRI MKUU
TAWALA ZA MIKOA NA SERIKALIZA MITAA

WILAYA YA MUFINDI
Simu No. 2772502/2773052



Ofisi ya Mkuu wa Wilaya
S.E.P. 100,
MAFINGA.

Fax No. 2772052

Kimb.Na. AB/311/566/01/308

22/01/2014

KWA YEYOTE ANAYEHUSIKA
WILAYANI MUFINDI

YAH: MTAFIGI MR. THOMAS SIMON MALEKELA.

Tafadhali husika na mkuu tajwa hapo juu.

Namtambulisha kwako mtafiti tajwa hapo juu imepata kibali cha kufanya utafiti katika Wilaya ya Mufindi.

Utafiti wake unuhusu "Mchango wa Tinasisi za kuzuia migogoro kizini kwenye mashamba ya miji ya Wilaya ya Mufindi."

Kibali hiki kitunza tarehe 13/11/2013 hadi tarehe 14/05/2014.

Tafadhali naoomba umpe ushirikiano mtafiti huyu.

A handwritten signature in black ink, appearing to read 'Mkuu wa Wilaya'.

Kiny: KATIBU TAWALA WILAYA
MUFINDI

Nakala :- Mr. Thomas S. Malekela

HALMASHAURI YA WILAYA YA MUFINDI



S.L.P 223
Mafinga
24 Januari, 2014

Afisa Mtendaji Kata/Kijiji
.....

Yah: Utambulisho wa Mr. Thomas Simon Malekela kufanya utafiti

Kichwa cha hapo juu chahusika

Halmashauri ya wilaya ya Mufindi imepokea mtafiti tajwa hapo juu toka Chuo Kikuu cha Mzumbe - Morogoro. Mtafiti huyo anatarajia kufanya utafiti kuhusu Mchango wa Taasisi za kuzuia migogoro kazini kwenye mashamba ya miti ya wilaya ya Mufindi. Utafiti utafanyika kwa kipindi cha kuanzia tarehe ya barua hii hadi Mei 2014.

Kwa barua hii, unatakiwa umpe ushirikiano atakaouhitaji hususan kuongea na wananchi mbalimbali wanaojihusisha na masuala ya misitu pamoja na uchakataji wa mazao ya misitu.

Nakutakia Utekelezaji mwema.

Ubisimbali, Jeswald
Kny: Mkurugenzi Mtendaji (W)
Mufindi

Nakala: Mkurugenzi Mtendaji (W) – uione kwenye jalada

Green Resources Ltd

Member of



GRL/VGS./212/15

14th February 2014

Makungu Nursery,
P.O. Box 108
MGOLLOLO

YAH: THOMAS SIMON MALEKELA

Husika na mada tajwa hapo juu.

Mtajwa hapo juu anakuja kufanya utafiti juu ya mihango wa vyanzo vya kuzua migogoro kazini kwa mahusiano kazini.

Tafadhali naomba apokelewe na apewe ushirikiano

Wasalam

Jane Him

Ahsa Kasimaji watu



*N.B: AKAU AJIUNDAJI JAKI HATA MIFUNDO/KAZI KWAUNAM
DUNDUA HATA KZI BOMBE ZA DUNDUA KWANIYO
DUNDUA HATA GOMBO
MILAKWA NA*

