CIPR PROFESSIONAL PR DIPLOMA

COVER SHEET

UNIT 2: Content, communications and engagement

- You are required to complete this cover sheet and include it as the front page of your work
- The cover sheet and assignment must be submitted as one document. (NB: Your assignment cannot be accepted if it comprises more than one document)
- Please check with your teaching centre for the delivery address, delivery method and deadline date & time
- By completing this form and entering your candidate number below you are confirming that this assignment is all your own work.
- Assignments where plagiarism is proven will be failed. Poor or lack of knowledge about referencing is not a defence against plagiarism.
- Your assignment should be named in accordance with the naming instructions in your Student Handbook, i.e. PRAU255555DIP

CIPR CANDIDATE NUMBER: MAKU193124DIP

TEACHING CENTRE CODE: MAK

<table>
<thead>
<tr>
<th>Title</th>
<th>Enter the word count here</th>
</tr>
</thead>
<tbody>
<tr>
<td>Persistent industrial action in public universities. Which way forward?</td>
<td>Thought leadership article 2,196</td>
</tr>
<tr>
<td></td>
<td>Statement of personal reflection 2,193</td>
</tr>
</tbody>
</table>

Permission to publish
It is the practice of the CIPR Awarding Body to publish a small number of assignments that have been evaluated as examples of good practice. Please indicate by placing an X in the box below whether or not your assignment may be published if it is selected for this purpose.
PERSISTENT INDUSTRIAL ACTION IN PUBLIC UNIVERSITIES. WHICH WAY FORWARD?

Thought Leadership article

Is there light at the end of the tunnel?

“It ain’t over ‘til it’s over: the right to strike and the mandate of the ILO committee of experts revisited”: Claudia Hofmann

The concept of Collective Bargaining was conceived in the 19th century following the emergence of industrial conflict and growth of trade unions. Subsequently, at the end of the First World War, the International Labour Organization (ILO) was established with the view to advocate collective bargaining as a way of determining working conditions as stipulated in a gazette article on (Guidelines on Negotiations, 2012, p.3). It was believed that this would promote a peaceful system of routine bargaining that would eliminate industrial strife and violence thus creating industrial democracy and make capitalism work.

From an interview with Mr. Harrison Akala, a labour relations expert, industrial action is important in harmonizing the expectations of both employers and employees for productivity in an organization. On the contrary, ‘tongue-in-cheek’ some labour relations experts lack proper training in the field of labour/employee relations, hence tend to make erroneous judgment while handling labour matters which are emotive most of the time as they touch on people’s lives directly. He further states that, labour relations as enshrined in Article 41 of the Constitution of Kenya has enabled many workers and unionists know their rights to fair labour practices and will shout at the slightest non adherence by management. As PR we must endeavor to apply the art of tactful stakeholder engagement and dialogue to resolve issues.

In an article published by Chivers. W. (2018) in the Conversation, ‘Young people are leading a growing movement against low pay and precarious work’ it emerged that majority of the picketing staff were the younger generation. This was attributed to the fact that young employees are a product of the low average age of service sector employees. However, it could also be an indicator that young people are becoming more inclined to organize and campaign for their rights since they are more vocal and energetic. Trade unions are leveraging on the enthusiasm among this generation of workers for change – as well as the prospects for young, tech-savvy social media users to extend the outreach of their campaigns.
From a focus group discussion (FGD) with ten students as affected stakeholders’ their views were varied and noteworthy. Emmanuel Omondi, stated that the strike was unfortunate, and that as students, they were the most affected. He noted that once semester dates are set, it was not easy to have them shifted and since learning had not been going on he was apprehensive exams would come when the coursework was not fully covered. This would mean the lecturers and students would have to find time to ‘make up’ for lost time. As a result, exam preparation time would be inadequate and this would translate to students having to ‘burn the midnight oil’ to adequately prepare themselves.

Dickens Onyango, from the FGD observed that, because of the rampant strikes in the last two years’ he had lost psyche in his studies resulting in his morale to learn, dipping. Stacey Wangari, went on to state that when staff strikes take place, students’ suffer the most as there is no provision for additional time to compensate them for lost time. At the same time, students’ who lived in college still continue paying rent, and those who commute from home having to spend money without getting value for their money since lectures are not ongoing.

Judy Musyoki observed that, although some academic members of staff were willing to teach, they were afraid because of being intimidated by the striking staff. She said that a video that was circulating on social media had shown how a senior member of staff had been heckled out of a lecture hall while his students’ watched helplessly. Immaculate Achieng observed that although they were suffering, they empathized with the staff and to some extent supported the strike and felt that the government needed to be sympathetic to the striking staff. She was of the opinion that lecturers deserved better pay and that they ought to solve the problem once and for all.

Abraham Kamande warned that, the University of Nairobi (UoN) as the leading institution of higher learning in the country, offers quality education however, with persistent strikes it risked tainting its image. As a result, it was becoming difficult to convince their relatives to join the UoN, as many of them preferred to join private universities instead. From a PR perspective, this course of action has led to low student enrollment thus affecting income generation in universities.

The University of Birmingham’s intranet’s observation on ‘Information about industrial action’ is management’s preference was that staff, do not take to industrial action, more so if it would negatively impact on students. However, it also appreciates and recognizes that some members of staff feel strongly about issues that touch on industrial action and thus encouraged them to
keep abreast of issues arising, but at the same time, objectively take into consideration the arguments on both sides, and make informed decisions about the best course of action. According to Tom Weke, a union official, strikes take place as a last resort when there is no agreement between the employer and the employee. Employees must therefore, force the employer to listen to them expressing their dissatisfaction to the public in order to address their plight. Unions view strikes as a way of exposing the problem that exists within an organization. In the Citizen Digital by Muriuki (2018) on ‘Lecturers scoff at sacking threats, vow strike still on’, the University Academic Staff Union (UASU) and the Kenya University Staff Union (KUSU) led the standoff and vowed that only the implementation of the 2017-2021 CBA would bring the strike which began on March 1, 2018 to an end. As PR it is noteworthy to state that media seems to set the agenda as to how the public should view the situation.

To better understand the effect of the strike, Mr. Peter Muturi, the Registrar (Administration) described the strike as premature. He further stated that, it had impacted negatively on academic programmes, and that teaching had stalled, as well as adversely affecting service delivery in administration, during March and April, 2018. This led to reorganization of semester dates and unnecessary delay in transiting students. Parents/guardians were of course not spared the brunt of the strike and evidently suffered apathy and blamed the institution for punishing them since their children had to take longer to complete their studies. PR therefore had to time and again reassure the public that solutions were being sought to resolve the impasse.

He further noted that support staff in college libraries and kitchens’ in the halls of residence, were hardest hit as they were physically ejected out of their stations by the striking staff who, went from campus to campus. Staff allegiance was however divided. Some lecturers wanted to continue with their teaching programmes, but the conditions were not conducive for learning, as some support staff undertook to disrupt learning activities at times heckling and embarrassing the lecturers found in lecture halls. Others of course, did not even bother to teach, let alone appear in campus in solidarity with the unions.

From a detailed interview with Mr. Akala, other emergent factors that contributed to the impasse were delayed negotiations of collective bargaining agreements (CBA’s), since public service institutions do not have funds of their own but rely on the exchequer unlike, in the private sector where such discussions emanate from declared profit ratios. Again the fact that, the role of the Salaries and Remuneration Commission (SRC) advisory in the negotiations was not clearly
defined nor understood by the unions and employers in public service, compounded by the fact that employers and unionists portray “big ego” in some instances, hence no party was willing to give and take for a win-win situation. The lack of a clear wage policy in the country, although SRC is currently working on this, was another factor. Evidently, the lack of equitable distribution in salary administration, where persons in similar job groups and grades earn different salaries in various government institutions has led to agitation by employees. PR noted that patience and dialogue were not upheld in stakeholder engagement as it would have offered solutions to the impasse.

Lecturers have issued a one-week strike notice

Lecturers vow to continue with the strike

As seen from newspaper clips above, lecturers vow to forge ahead with the strike so that their grievances are addressed. Mr. Collins Omondi, a legal expert stipulates, it is a requirement that
public universities must consult SRC when addressing issues that touch on wage increment. However, SRC has been ‘dragging its feet’ leading to delays, and this antagonizes the unions as they are impatient. Because of SRC’s failure to give an advisory on time, delays are experienced that hinder the smooth process of negotiation. This means therefore, that the strike is unprotected and as a result the Central Organization for Trade Unions (COTU) processes, do not give the parties a chance to negotiate thus hindering free negotiation of parties. PR therefore advocates SRC’s need to uphold the CBA in order to avoid further antagonism.

Essentially, a legal expert is a key person in negotiations and is crucial in giving expert advice, drafting of agreements, as well as advising parties on policy, legislation and practice. In effect, the legal adviser is the conscience of the negotiations. The Registrar Planning, Mr. Bernard Njuguna observes that management prefers to adopt the more pragmatic approach, which presupposes that workers should be told what to do at all times. This approach recognizes the need for harmony bottom-up and top-down where views are listened to, to reach a harmonious platform of engagement.

Subsequently, Ms. Mariam Maina, the Public relations in-charge, observes that the role of PR is to manage the situation however, PR can play a bigger role but this is not the case. PR practitioners are competent to engage management, government and unions alike. During strikes, PR does not play any key role as their job is mainly to sit, wait and see scenario. Usually the PR is roped in to facilitate media briefings for the Inter-Public Universities’ Councils’ Consultative Forum (IPUCCF). They ensure that the media receives all the information necessary, as well as through social media that is disseminated by IPUCCF and as a result all stakeholders are kept informed, as well as reassures them dialogue is ongoing. At times, stories emerge highlighting how key stakeholders have been affected by the strikes and PR have to foot the questions. Times like this, management may choose not to react, or come out on the defensive, not accepting blame. So when PR step in to firefight by addressing the media it ends up feeling like they have been stage managed. At times, all the unions want to know is that someone is listening to them and is working to solve their problems.

Management according to Dozier, Grunig and Grunig (1995) must remember that excellent PR is a consequence of innate participative cultures, and structures, symmetrical communication, fairness and job satisfaction. According to PR, respect and negotiation are essential in order to thrive even in the most trying times. Consequently, management must realize that it is crucial
for them to engage the unions and endeavour to find a middle ground to resolve the stalemate as soon as possible in order to avert a crisis and that this requires patience.

Due to the unprecedented nature of the strike, management was under pressure from the Ministry of Education to take drastic action on the striking staff and look into the best possible way to end the strike. Management decided that ‘tough times call for tough decisions’ hence they were left with no choice but to issue ‘show cause letters’ to staff who were found culpable for being in contravention of their terms of service. These letters were followed by some sixty one (61) members of staff being suspended from work as well as stoppage of their salaries being effected. The stoppage of salary for staff was as they say ‘the straw that broke the camel’s back’ as it was a wake-up call for all. Many staff thereafter, were apologetic for having been involved in the strike and at the same time pleaded that their salaries be reinstated, with a promise to return to work and abide by the rule of law from thereon. This is when the strike began to weaken.

When the government realized the unions’ weakness, and the fact that temperatures had gone down and that unions were keen to receive a counter offer, they decided to engage the players with a bid to call off the strike. According to PR had government and management proactively engaged the unions earlier, the strike would not have taken place. Bad institutional publicity would not have happened since trying to change the public mindset where there is political interference thereafter becomes a challenge. We must therefore seek to embrace dialogue, negotiation, patience and uphold the rule of law at all times to counter and propel institutions to greater heights without external interference.

(Word count 2,197)
Personal reflection

Introduction

Every time public universities go on strike more than 600,000 university students risk having their academic programmes interrupted and being sent home as the effects of the strike begin to bite. Strikes in Kenya today, are no longer news but their effects are felt far and wide. This is a rather disturbing trend, because it not only affects operations in institutions, it negatively impacts on institutional image and reputation. The reasons for striking may be genuine, but how the public perceive them is what affects the institutions reputation. Parents who are able to afford private universities thus prefer to send their children to private universities since they are guaranteed they will get value for their money. I therefore, took it upon myself to find out what the root cause of these strikes was, and what could possibly be done in order to have a lasting solution if at all.

My day to day work routine entails, engaging and administering to stakeholders in a premier university in Kenya. My responsibilities therefore, involve stakeholder engagement with customers, conflict resolution, negotiation, responding and solving queries, complaints, as well as firefighting during crises. Universities therefore, need to adopt a more conciliatory and interactive approach in resolving issues raised by unions in order to avert strikes.

The Study

This research will employ stakeholder engagement as well as content analysis in order to provide insight by interrogating complex models of human parlance and thought with the various stakeholders involved in and affected by industrial action in public universities. Content analysis of media messages through an elaborate code sheet will inform the reasons why strikes happen and will be drawn from newspaper articles, case studies, e-journals as well as books and/or e-books. Since the strikes took place in all public universities, I resigned myself to the University of Nairobi as a representative sample and as the oldest and biggest institution of higher learning in the country.

The stakeholders comprise staff, students, union officials of UASU, KUSU and KUDHEIHA (the three unions represented in public universities), management and the public represented by parents. Interviews with key informants and focus group discussions with students were conducted.
The Findings
During the strike the local dailies as well as social media were abuzz with news. They were consistent in their coverage as most of the time the stories ‘were the same script different casts’ scenarios. According to the Daily Nation by Shako (2018) she reports that Industrial action seems to be the best avenue for workers to air their grievances in Kenya. Last year alone, there were three lecturers’ strikes, which paralyzed learning in public universities. Reporting on the Standard newspaper Wambu (2018) states that the Cabinet Secretary (CS), Ministry of Labour, Mr. Ukur Yattani, had pleaded with the unions to withdraw the strike notice and give dialogue a chance as well as adhere to the rule of law. UASU led by Dr. Constantine Wasonga, responded to the CS stating that if he had any goodwill he needed to have written before the seven-day strike notice that was issued on February 21, 2018. He further went on to state that, the unions had decided any form of negotiation would take place when their members were on the street. According to UASU the 2017-2021 CBA is meant to streamline any distortions in the pay structure in public universities. Apparently, the CS stated that, the conciliator had reportedly written to the aggrieved unions on February 26, 2018 inviting them for a meeting on February 28, 2018. This was after having set in motion the machinery for resolving the matter in dispute. Unfortunately, in March 2018, the unions made good their threat and the adverse effects of the strike became evident.

Oduor (2018) from the Standard newspaper reported that university administrations had decided to move to court to block unions from striking. The government seemed to have been engaged in blame games with union workers’ even as it emerged that the likelihood of students losing more study hours was imminent. The CS accused the unions of failing to turn up for reconciliation meetings and acting in bad faith and criticized universities for rushing to court stating that they had not exhausted all available avenues of dialogue.

The Standard Newspaper on March 4, 2018 further stated that UASU blamed the Ministry of Education and the (IPUCCF) for the failed agreement citing that at least five opportunities had been missed in trying to resolve the tiff.

Wasonga states that, the unions deeply empathized with the students and their parents who have to contend with the devastating effects of an otherwise preventable strike and that since, the Government and university councils seemingly did not care, students would suffer as a consequence. During the conciliation meeting that followed between, the Ministry of Labour,
the IPUCCF and the unions, a counter offer was finally tabled which the unions declined as they felt, to say the least ‘was a slap in the face’. However, a return to work formula was agreed upon by the tripartite, which then led to subsequently calling off of the strike in the public universities.

**The interviews**

From the interviews conducted both from the key informants and in the focus groups, all parties involved were cooperative and readily volunteered the information sought since they were all affected as stakeholders one way or the other. According to Mr. Muturi, Registrar, Administration, although the unions had decided to call for industrial action, management on its part did not take the issue lightly and in actual fact saw it in bad taste, as premature and not well intended, as it was still early in the CBA cycle of 2017-2021. This was the general feeling from across other university managements’ and they in return decided to take stern action on striking staff.

Other reasons cited by Mr. John Orindi, the Corporate Affairs, Director that equally contributed to this state of affairs, were the harsh economic times and rise in inflation hence the need to cushion staff against the negative impacts of inflation. He further stated that, the taxman seemed to be taking more, while the employees’ take home was marginal. Further, the recent spate of corrupt government officials fleecing public coffers and misappropriation of funds was also another issue of concern. Staff argued that if government has so much money to waste, why then can they not be paid well as deserving hard working citizens. Subsequently, in the history of trade unions, unions are not known to embrace dialogue and as a result are quick to strike. This is a culture the second liberation needs to shed off and seek to embrace dialogue. There is need to interrogate both the employer and the employee in order to have a level ground that can pave way to dialogue and conciliation.

Mr. Akala, a labour relations expert, states that, some union officials lack basic education hence take time to understand issues. He further states that another reason that leads to strikes taking place is lack of adequate resources and competing demands in an organization since labour is just but one component of production.

The Mr. Omondi, the UoN’s legal advisor, cited that the Ministry of Education was partly also to blame since they blatantly refused to forward for submission to the national treasury the
Universities’ budgets, for whatever reason, and as a result, these are never factored in the national budget read in June of every year as is expected to be the case. Subsequently, when the unions go to the ministry there is no budget allocation set aside for the unions’ demands. This has led to the unions antagonizing the government time and again, and when no response is forthcoming there is panic and agitation which leads to industrial action. Another reason cited by Mr. Omondi, was the failure by unions to follow due process when seeking negotiation beacons to start negotiations.

According to Mr. Njuguna, the Registrar Planning’s perspective, there is need for management to change their tact and foster to educate the unions to better work harmoniously as one for the common good of the institutions. Management may therefore, on the other hand, soften their stand and become more sensitive to unions pleas’ and work as one outfit since some union officials, unfortunately at the same time have their own vested interests and use the unions as springboards to gain political mileage and gain at the expense of the institutions woes.

Emmanuel, a student from one of the focus groups was categorical on how negotiations would have been a better option, had there been goodwill both from the employer as well as the employees. He cited how semester dates had been affected, and even shortened thus pitting a raw deal in the quality of education at the end of their programmes. This he said also affected teaching and sitting of examinations as it meant that the academic timetables had to be reworked again to cater for the lost time. Whereas, lecturers salaries are low given their level of education and the responsibilities they are charged with, it would be prudent if the government seriously sought audience with them and addressed their concerns.
The PR theories

Stakeholder theory

The stakeholder theory posits that any group, entity or individual who can affect or is affected by an organization’s operations is a stakeholder. The theory stipulates ways in which managers should behave in order to spicke their organizations’ interests. This therefore means, if managers treat stakeholders in line with their expectations, the organization will be more successful in the long run.

The two-way symmetrical model

According to the Excellence Theory, Grunig (2013) posits that the two-way symmetrical model of public relations main focus is to ensure that decisions organizations’ make are of mutual benefit to itself and its stakeholders. This communication model seeks to embrace negotiation between the organization and its publics, as well as foster mutual understanding. The two-way symmetrical model for communication maintains that the audiences’ and organization’s best
interests should be at the front in the most fair and balanced way possible. Through this model, the organization as well as its audiences can partner together to strengthen and grow an overall organization, propelling it to greater success. Grunig and Hunt (1984) posit that in the two-way communication “the public should be just as likely to persuade the organization’s management to change the publics’ attitudes and behavior”. It therefore is pertinent, that management and unions embrace dialogue and negotiation to foster harmony.

**Personal learning**

In order for harmony to reign, respect for one another and goodwill are tantamount. Grunig (1989) advocates that what Petty and Cacioppo (1981 p.13) called the central route to persuasion usually is the first move that people make towards resolving conflict. However, systems or conflicting persons must be willing to change their persuasive strategy to comprise or negotiation in the event the central route does not bring out the desired change in attitude and behavior they want, as it seldom does”.

It is also evident that management needs to rigorously undertake to educate its staff in matters pertaining to labour relations and practices so as to foster better strategies in dispute resolution. Both the employers and unions need to set aside their egos so that they are willing to give and take for a win-win situation to thrive.

There needs to be a paradigm shift in the management of labour relations. Employers and unions need to embrace each other as social partners and not as enemies through mutual understanding and avoid the archaic culture of antagonism. They should walk together and share information freely to understand each other better. Management ought to actively engage the unions in conciliatory negotiations, paving way to conflict resolution.

I have learnt that, unless we are ready to meet and talk one on one respectfully, candidly and with absolute honesty to resolve this impasse, we shall not make any strides in the right direction. And unless we soul search as stakeholders and identify what it is that we are seeking in the long term, we are working in futility.
Recommendations
Universities need to educate its staff and students on how to handle sensitive issues and seek to embrace dialogue during crises in order to avert strikes that would otherwise have been resolved through negotiations and compromises. When the unions seek redress and it is not forthcoming immediately, they should learn to be patient with management and adhere to rules and regulations and look for other avenues to push their agenda to management so that their grievances are given the time and attention needed to ably solve them instead of being quick to call for industrial action.

Conclusions
University managements and unions need to re-evaluate the best strategic approach to employ when working together. They must understand and appreciate the magnitude of their actions when there is no good will involved. The holistic approach to adopt is one of doing right, whilst adhering to the rule of law as they explore other avenues such as dialogue and negotiation and conciliation to look into whatever loopholes need to be addressed to avoid disruption of academic programmes and institutional operations.

(Word count 2,193)
References


University of Birmingham Intranet (2018) Information about industrial action [online], available: https://intranet.birmingham.ac.uk/hr/leave/industrial-action.aspx


QUESTION FOR KEY INFORMANTS

Interview questions to HRM
1. In your view, how did the strikes impact on the institution?
2. Was service delivery affected by industrial action in your view?
3. What steps have you taken to ensure normalcy is maintained at the work place in the past?
4. Do you think the strike was justified?
5. What action did you take on striking staff?
6. Which way forward?

Interview questions for Union officials
1. Why industrial action?
2. After the impasse, were the Unions grievances addressed?
3. Did the Unions achieve what they set out to achieve?
4. What is the role of Government and management in as far as industrial action is concerned?
5. Have they been supportive of your quests as Unions?
6. Which way forward?

Interview questions for Senior Management
1. How has industrial action affected public institutions?
2. What challenges have you as management encountered?
3. What strategies have been put in place to ensure that strikes do not recur?
4. What is management’s take about industrial action?
5. Which way forward?

Interview questions for Public Relations
1. As a PR practitioner what do you think is the root cause of the recent spate of industrial action in public institutions?
2. What role does PR play during industrial actions?
3. How does PR impact the turn of events during strikes?
4. In your opinion, would you say that the role PR plays is effective?
5. What challenges if any, does PR encounter during such times?
6. Which way forward?

FOCUS GROUP DISCUSSIONS – STUDENTS
1. In your view, how did the strike affect you as a stakeholder?
2. In your opinion how do you view management’s reaction towards the strike?
3. Was the strike necessary in your opinion?
4. What was the reaction from your parents and guardians about the strike?
5. Do you think there are better ways of resolving the Unions grievances?
6. In your opinion, what do you propose is the way forward?

Interview questions for Labour Relations
1. As a Labour Relations expert what do you think is the root cause of the recent spate of industrial action in public institutions?
2. What role do you play during industrial actions as an expert in Labour Relations?
3. How do labour relations impact the turn of events during strikes?
4. In your opinion, would you say that the role played by a labour relations expert is effective?
5. What challenges if any, do labour relations officers encounter during such times?
6. Which way forward?

Interview questions for Legal Officer
1. As a Legal expert what do you think is the root cause of the recent spate of industrial action in public institutions?
2. What role do you play during industrial actions as a Legal expert?
3. How does the legal function impact the turn of events during strikes?
4. In your opinion, would you say that the role played by a legal expert is effective?
5. What challenges if any, do legal officers encounter during such times?
6. Which way forward?