

**EMPLOYEE RELATIONS AND HUMAN RESOURCE
MANAGEMENT IN KENYA:
OPPORTUNITIES & CHALLENGES**

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Plan

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- Importance of ER & HRM in Kenya
- Challenges of ER & HRM in Kenya
- The Role of state
- What other countries are doing in the region(South Africa)
- Opportunities
- Conclusion

Employee Relations in Kenya

- International Labor Organization(ILO) defined employee relations(ER) as a legal bond between employers and employees. It occurs when an individual performs work or services under specific terms in exchange for compensation.
- Kenya's employment relations are governed by the Industrial Relations Charter, an agreement signed in 1962, revised in 1976 to allow the creation of unions and the establishment of a Labor Advisory Board. In September 2023, a workshop reviewed the Charter to address labor market concerns and improvements.

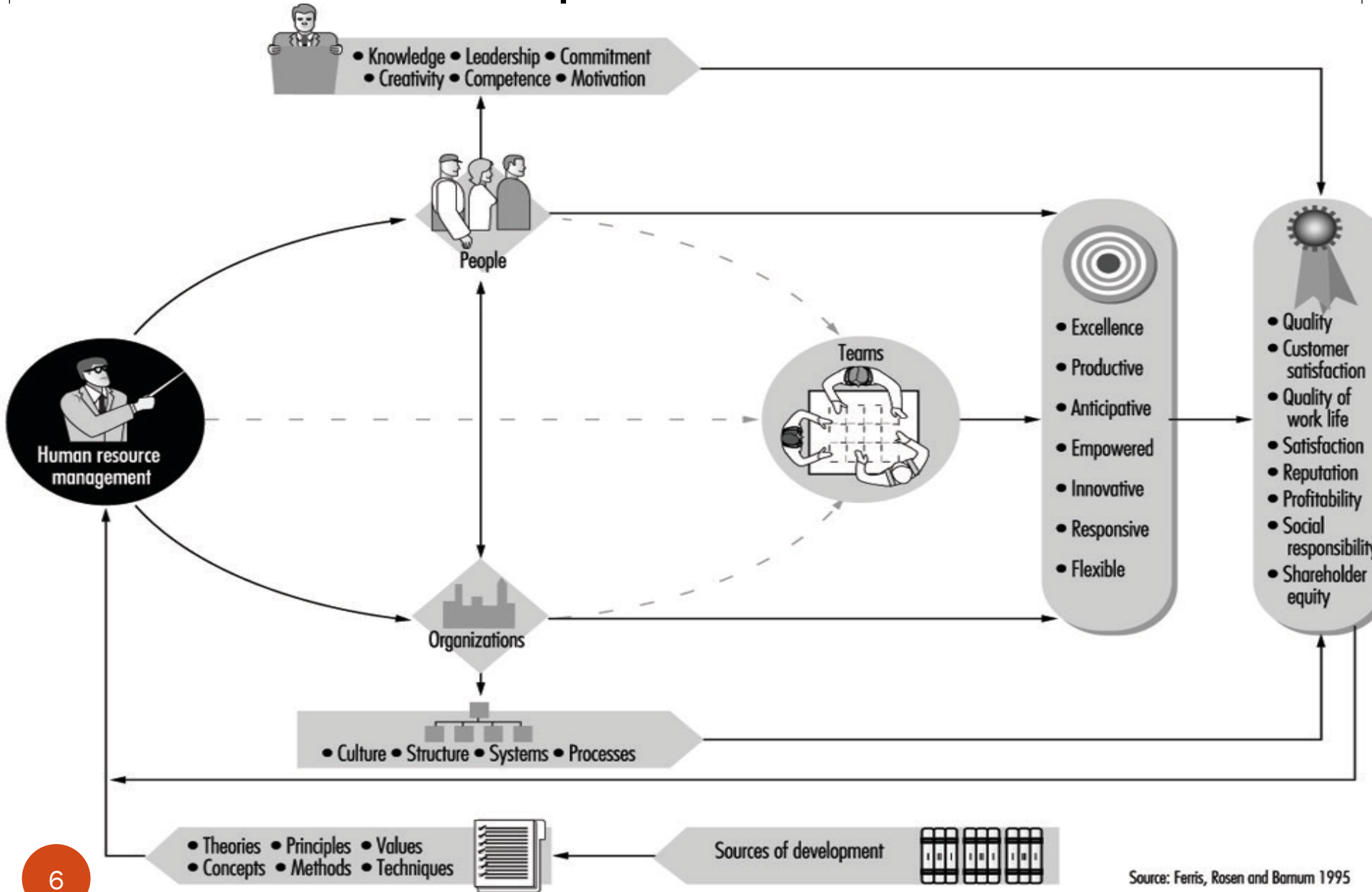
Human Resource Management(HRM)

- David Ulrich (1997), Human Resource Management (HRM) described HRM in terms of four roles: strategic partner, change agent, administrative expert, and employee champion. HR experts assist organizations in adapting to change, maintaining efficient operations, and advocating for equitable treatment and motivation. HR is critical for collaboration and reducing tedious duties.
- Effective employee interactions are critical to an organization's success and efficiency. HR professionals may have a huge impact on their organizations by mastering key skills and tactics. They contribute to conflict prevention and resolution, the development of fair policies, and the influence of employee relations practices, such as worker involvement programmes.

Importance of ER & HRM

- An organization with strong ER draws in talented employees, establishes a positive reputation for itself, keeps its employees motivated, fosters trust and confidence, draws in clients, and upholds positive relationships with all of its stakeholders.
- HR promotes healthy employee relationships by enforcing employment laws and ensuring fair recruitment, workplace safety, equitable pay, and work-life balance. HR managers assess benefits, prioritize cost-cutting measures, and monitor employee training to promote teamwork and a healthy work environment.

Benefits of best practices of HR



Source: Ferris, Rosen and Barnum 1995

Challenges Cntd/...

- Employment skills and future work training- high unemployment rate, imbalanced labor market
- Increased number of pending court cases
- Discrimination
- Lack of management good will
- Delayed determination of employment cases
- Emerging Regulation & Policies(sick leaves/off, annual leave, paternal/maternal /adoption leave, hours of work, data protection)
- Workforce diversity
- Unfair disciplinary dismissals
- Job market disruptions(imbalanced supply/demand)

Challenges in ER & HRM

Status of employee relations and HRM in Kenya: Unresolved!

- PESTEL
- COVID-19 pandemic (high levels of stress, mental health, right/resizing, risks of health & safety, contractual changes, remote work)
 - *Mental health* <https://www.pd.co.ke/news/experts-warn-of-impending-workers-mental-catastrophe-108758/>
- Digitalization; HR
- Trade Unions (risks, threats & tactics to union leadership, divide & rule strategy, conflict of interests, conflict between union and its membership, limited training, lack of funding, denied right to join union (Wangari, 2018), Virtual CBA negotiations, increasing trade disputes, delayed CBAs-128 expired according to FKE 2020 report, pending court cases-Nairobi courts as at March 2024 about 9,362 pending)
<https://www.standardmedia.co.ke/ktnnews/video/watch/2000120221/-kmpdu-officials-sentenced-to-one-month-in-jail-if-they-do-not-call-off-strike>.
<https://www.standardmedia.co.ke/ktnnews/video/watch/2000120220/-kmpdu-chair-samuel-oroko-gives-reasons-why-he-should-not-be-sentenced>.
<https://www.standardmedia.co.ke/ktnnews/video/watch/2000120218/-happening-now-doctors-union-officials-in-milimani-law-courts-after-warrant-of-arrest-was-issued>. <https://www.the-star.co.ke/news/2020-03-27-oluga-picked-as-nairobi-metropolitan-services-chief-health-officer/>

Strikes



Nurses (KNUN)
281 days

Doctors (KMPDU)
145 days

- **Clinical Officers (KUCIO)**
20 days
- **Non-unionized cadres**
14 days

Total number of strike days in Kenya between 2011 and 2020

Frequent Strikes

- Strikes; hamper quality service care and risks reversal of efforts made in increasing healthcare outcomes and education.
- Why strikes? The only way government can listen to unions.
(unfair pay & work conditions-Ndirangu, Njoroge & Kamau,2022), leadership approaches, delayed promotions & inadequate facilities(Ngure, 2018; Munyiva, 2015), Unfair labor practices(Makau, 2022), Inadequate human and financial resources(Nyawira et al, 2022), recruitment process, compensation and training(Karithi et al., 2023) and inadequate strategic planning(Roba et al.,2024), delayed CBAs, delayed remuneration, hours of work, inadequate protective gear(KIPPRA, 2021), (<https://kippra.or.ke/strengthening-labour-relations-to-avert-strikes-in-the-health-care-sector-in-kenya/>)

The Role of State

- The state directly or indirectly influences labor interactions in order to promote decent work through legislation; shapes labor relations systems, collective bargaining agreements, influence the labor market, formation of unions, associations, employers associations/institutions for speedy settlement of disputes, collaborate with internal labor organizations and other players. Through legislation for instance, state establishes minimum worker protection and rules, affecting those who refuse unsafe work or act as health and safety representatives.
- Promote decent work; Example of collaboration efforts: Kenya's government supports International Labor Organization's All Hands project to improve labor standards and working conditions in tea and textile industries, an externally funded project in 14 counties.
- If appropriate, the state can punish individuals who commit criminal acts during strike period. Some penalties can be harmful, however the primary goal of punishment is to correct aggressive behavior.
- The Kenyan Ministry of Labor and Social Protection enforces labor laws, promotes worker safety, and advocates for gender equality. However, the labor inspectorate faces challenges like insufficient resources, limited inspection visits, and manual data collection, hindering worker rights enforcement. Underfunding, unskilled staff, equipment shortages, inadequate enforcement prompting a thorough policy review to enhance performance, lack of collaboration causes intimidation and reluctance to file inquiries, limited remedies for labor-related issues lead to unresolved conflicts, ineffective enforcement mechanisms and insufficient national and county governance.

What opportunities?

- South Africa's Relationship By Objective (RBO) intervention, is a unique approach to labor dispute resolution, aims to strengthen employee-employer relationships and participation in industrial action, preventing strikes and settling grievances among key service workers.
- The Kenya Labor Relations Act (2007) should be amended to incorporate alternative dispute resolution (ADR) processes, enhancing labor conflict management in healthcare, mitigating industrial action impacts, and fostering better ties between employers and employees.
- **Research:** Scarcity of empirical evidence
- **Collaborations:** Stakeholders

Conclusion

- The COVID-19 pandemic has caused significant disruption in Kenyan organizations. The pandemic's consequences caused tremendous changes in organizations, but many uncertainties remain regarding how they will adapt beyond. Many concerns regarding the future of employment and workplaces remain unresolved. Will it be easier or more difficult for the employers and HR professionals to interact with trade unions while enhancing employee relations? What are the policy implications for Kenya government? Will organizations find it easier to manage remote staff than in-person ones? These and other concerns have major implications for policy. The examples show the significance of constantly updating employment legislation to reflect changes in employment relations.