



# **An Assessment of Strategic Capabilities of the Lesotho Higher Education Sector Unions**

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## DECLARATION

I, Mamoeletsi Limakatso Justina Mojalefa, hereby declare that this thesis, “An Assessment of Strategic Capabilities of the Lesotho Higher Education Sector Unions” is an original work of my own that has not been previously either partially or entirely for any purposes of degree or certificate at any university. Furthermore, I declare that all sources used and referred to have been appropriately acknowledged.

Signature

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Date

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## **DEDICATION**

I dedicate this thesis to my children 'Malebusa Theresia Mojalefa and Makhala Moeletsi Albert Mojalefa for their love, support and tolerance during the entire study period.

May this study be your inspiration.

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## **ABSTRACT**

Incidences of industrial actions, which have frequently paralysed learning at most of the educational institutions, are frequent in Lesotho. Despite the safeguards for collective bargaining in Lesotho, the incidences of industrial actions at higher institutions of learning in Lesotho are still common. This brings into focus, the ability of the unions to effectively represent workers at the negotiations with the management. While several negative impacts of strikes in several countries have been observed in the literature, the same has not been determined in the case of Lesotho. It is argued in the literature that, in countries where wages are largely determined by collective bargaining, the quality of union representation has significant effects on unemployment. Research also shows that effective union representation leads to improved performance through lower turnover and enhanced investment in worker human capital. However, little research has been devoted to study the effectiveness of union representatives on settling industrial disputes and unemployment at the micro-level especially in Lesotho. This brings into question, the capability and the strategy of negotiation that is employed by the unions representing workers at the institutions of higher learning in Lesotho. Using a combination of content analysis and a qualitative survey, this study reveals that lack of transparency, inconsistent application of policies, as well as poor working conditions are some of the factors that cause strikes at the institutions of higher learning in Lesotho. The study also shows that unions at the higher institutions of learning consult with other unions in the sector and, where other strategies have failed, they resort to either industrial action or legal process to resolve conflicts at the workplace. The findings further show that unions employ widespread communication between them and the members to share new development in the negotiation process. On the capability of the union leaders to participate effectively in the negotiation process, the study notes that education and training of the members is key. This is an aspect of union activities that had never been researched before in Lesotho and, hence, is a significant contribution of this study to the development of a new line of literature on the subject. Moreover, the finding that the narrative resources or the repertoires of

action of the unionists could be improved to further enhance their strategic capabilities makes an important contribution towards strong unionism in Lesotho.

**KEYWORDS:** strategic capability, conflict, trade union, collective bargaining, industrial action, higher education, narrative resources and the repertoire of contention

## LIST OF ACRONOMYS AND ABBREVIATIONS

|        |   |                                                  |
|--------|---|--------------------------------------------------|
| ABC    | : | All Basotho convention                           |
| ASAC   | : | Academic Staff Appointments Committee            |
| BFL    | : | Basutoland Federation of Labour                  |
| BCTU   | : | Basutoland Congress of Trade Unions              |
| BNP    | : | Basotho National Party                           |
| CEO    | : | Chief Education Officer                          |
| CHE    | : | Council on Higher Education                      |
| COLETU | : | Congress of Lesotho Trade Unions                 |
| COSC   | : | Cambridge Overseas School Certificate            |
| DDPR   | : | Directorate of Dispute and Prevention Resolution |
| DPS    | : | Deputy Principal Secretary                       |
| DUT    | : | Durban University of Technology                  |
| HE     | : | Higher Education                                 |
| HEI    | : | Higher Education Institution                     |
| HEIs   | : | Higher Education Institutions                    |
| FPE    | : | Free Primary Education                           |
| FCPE   | : | Free and Compulsory Primary Education            |
| GER    | : | Gross Enrolment Rate                             |
| GOL    | : | Government of Lesotho                            |
| IEMS   | : | Institute of Extra Mural Studies                 |
| ILO    | : | International Labour Organisation                |
| JCC    | : | Joint Consultative Committee                     |
| LCE    | : | Lesotho College of Education                     |
| LCSA   | : | Lesotho Correctional Service Association         |
| LEPOSA | : | Lesotho Police Service Association               |

|        |   |                                                    |
|--------|---|----------------------------------------------------|
| LEPSA  | : | Lesotho Public Service Association                 |
| LFDU   | : | Lesotho Federation of Democratic Unions            |
| LGCSE  | : | Lesotho General Certificate of Secondary Education |
| LUTARU | : | Lesotho University Teachers and Researchers Union  |
| MOET   | : | Ministry of Education and Training                 |
| NAWU   | : | Non Academic Workers Union                         |
| NAWUFG | : | Non Academic Workers Union Focus Group             |
| NCDC   | : | National Curriculum Development Centre             |
| NGO    | : | Non-Government Organisation                        |
| NUL    | : | National University of Lesotho                     |
| NWU    | : | North West University                              |
| POS    | : | Political Opportunity Structure                    |
| SMT    | : | Social Movement Theory                             |
| TNCs   | : | Transnational corporations                         |
| TUT    | : | Tshwane University of Technology                   |
| TVET   | : | Technical and Vocational Education and Training    |
| UNDP   | : | United Nations Development Programme               |
| VC     | : | Vice Chancellor                                    |

|                                                          |            |
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# **CHAPTER ONE**

## **INTRODUCTION AND PROBLEM STATEMENT**

### **1.1 Introduction**

Incidences of industrial actions are frequent at institutions of higher learning in Lesotho. For example, in August 2019, teachers went on a nationwide strike that paralysed learning at most of the schools and colleges (Government of Lesotho official communication, 2019 Internet source; Lesotho Times, 2019 Internet Source). Despite the fact that Lesotho has ratified both Conventions No 87 and No 98 of the International Labour Organisation (ILO) and the constitution of Lesotho provides for the freedom of association, it is still unlawful for public officers to embark on strike action (Cohen and Matee 2014).

The Lesotho Labour Law allows the workers within the higher education institutions to organise themselves into labour unions. As is the case with the employees in other private sectors, the workers within higher education institutions have collective bargaining rights. Despite all these safeguards for collective bargaining, there have been a number of industrial actions at higher institutions of learning in the last ten years. At these institutions, strikes have led to repeated and abrupt closure, disrupting academic programmes. The management of institutions as well as workers at these institutions have suffered tremendous setbacks as a result of ceaseless worker action. Academic calendars have been disrupted, with some academic sessions outrightly lost. Students' academic performance has comparatively taken a dive, while various forms of examination malpractices are said to be on the increase. This brings into focus the ability of the unions to effectively represent the workers during the negotiations with the management of higher institutions of learning. In the neighbouring South Africa which has one of the most active and effective labour movements in the world, the union leaders go through refresher courses to not only hone their negotiation skills but also to get abreast with the challenges of globalisation, technology, migration and increasing of the number of foreign-owned companies (labour Research Service, 2019). It is not known whether union representatives in Lesotho also go through training and continuous

learning to enhance their capacity to negotiate with the management on behalf of the workers.

## **1.2 Problem statement**

From a number of instances where there have been industrial relations/ negotiations impasses over the last few years, it appears that the options of action are very limited and nonstrategic. As an employee at one of the higher education institutions in Lesotho, I have observed that every time there is a strike, issues that are raised seem to be the same all the time. This is a worrying trend since one believes that resolutions should have a long term standing and what should crop up should be entirely a new issue which was never looked at. Bendix (2005:602) alludes that strikes are costly and strategies have to be made to avert them at all cost.

While the literature reports a number of negative impacts of the strikes in a number of countries, the overall impact of these strikes and their management in Lesotho has not been reported. In advanced economies such as the United States of America (USA), the consequences of strikes on firm profitability at the macro-level have been observed (Katz, Kochan, and Gobeille, 1983; McDonald and Bloch, 1999). Country-specific studies of union representation at the workplace are also considerably extensive in Britain and Germany (Forth, Bryson, George, 2016; Addison, 2009). Blanchard and Philippon (2004) observe that, in countries where employee remuneration is mainly influenced by collective bargaining, the quality of union representation has significant effects on unemployment. However, limited research has been devoted to studying the effectiveness of union representation on settling industrial disputes and unemployment at the micro-level in countries such as Lesotho. A critical examination of strikes and other industrial actions at organisations are necessary to give an insight into the quality and effectiveness of union representation.

Forth, Bryson and George (2016) note that effective union representation may lead to improved labour productivity through lower turnover and enhanced investment in worker human capital. However, there is no previous study in Lesotho that has investigated the impact of the unions on the above aspects. The performance effects of employee representation in Lesotho are still less known.

Given the dwindling financial resources one would expect that industrial conflicts would be reduced to the minimum by key stakeholders such as the institutions, the government and the unions. Further, given the poor fiscal and macroeconomic conditions that Lesotho faces, strikes in higher education could seriously impact on expected academic work at the institutions. Recently the government has reduced funding to this sector due to financial constraints that have been experienced all over the world. Thus the balance between the impact of strikes on overall investment in education and the constitutional liberties should be determined. Some unions in allied industries in Lesotho such as Solidarity Center, the Worker Rights Consortium (WRC) and Workers United all in the textile industry have found a strategy to have tandem agreements at the micro-level and these have avoided costly impacts at the work place (Business & Human Rights Resource Centre N.D.). However, different unions in the education sector in Lesotho do not follow a common strategy when negotiating with the employer which, in most instances, is the government of Lesotho. This brings into question, the capability and the strategy of negotiation that is employed by the unions representing the workers at the institutions of higher learning in Lesotho.

### **1.3 Research aim**

The aim of the study is to assess strategic capabilities of the higher education sector unions in Lesotho and, based on the findings, to recommend a framework for resolving industrial conflict in institutions of higher learning. Such a framework may be critically important, given the recurrence of the same problems and the amount of investment made in higher education within the existing under-resourced environment.

### **1.4 Research objectives**

The primary study objective is to assess strategic capabilities of the higher education sector unions in Lesotho. In order to address it, a number of secondary objectives (SO) were identified as follows:

- 1.4.1 To identify the factors that contribute to industrial conflicts within higher education institutions .

- 1.4.2 To explore strategies adopted by the unions to address the conflicts.
- 1.4.3 Based on the findings from the first, second and third objectives, to propose ways of enhancing the capabilities of trade union leadership in Lesotho.
- 1.4.4 To recommend a framework that the unions, management as well as the government of Lesotho could apply to manage and reduce conflicts at higher education institutions of learning.

## **1.5 Research questions**

The study was guided by the following four main research questions:

- 1.5.1 What factors contribute to the strikes within higher education institutions in Lesotho?
- 1.5.2 What strategies are often adopted by the unions and employers to address these conflicts?
- 1.5.3 How can institutional (union) capabilities for conflict resolution be enhanced?
- 1.5.4 What framework would work best for industrial conflict resolution in Lesotho Higher education institutions?

## **1.6 Literature review**

The theory of workplace employee representation is derived from the notion of collective voice and collective bargaining (Hirschman, 1970). Some experts such as Hubler and Jirjahn (2003) and Freeman and Medoff (1984) note that extol the dual system of industrial relations to explain the issue of employee representation. However, the latter is often questioned on the grounds that collective agreement may be used to monitor the activities of the works council and disrupt it from performing its equitable bargaining functions.

While strikes are regarded as the tools to force employers to accede to the unions demands (Milkman, 2013; Tapia and Turner, 2013), they can have a negative effect on both the employees and the employers. Wilmost and Hocket (1998) (cited by Fatile and Adejuwon (2011) add that conflicts can be destructive and constructive to

both parties, depending on how they are managed. Strikes are regarded as “the most potent weapon in organized labour’s arsenal”, an inherent part of any organisation (Milkman, 2013:247; Fatile and Adejuwon, 2011, Faniran and Akintayo, 2006; Etim and Okey, 2013). Industrial conflict, just like other forms of organisational conflicts, is inevitable in an organization (Fatile and Adejuwon, 2011). According to Shrivastava (1987), industrial conflicts are categorised differently and take place in different scopes such as conflicts between labour and management, consumers and manufacturers, social activists and corporations, developing countries and multinational corporations. More often than not, employers resort to lock-outs, as defensive strategies, to frustrate the workers (Combs 2012; Greenhouse 2012; Fatile and Adejuwon, 2011). Fatile and Adejuwon (2011:275) add that strikes at higher education institutions of learning are used as means to make the institutions and their management more effective.

Some of the negative consequences of strikes that affect the employer according to Fajana (2000:21) reduced production, unreliable delivery timelines as well as loss of revenue. At extreme ends, properties could be destroyed or vandalized by hostile employees (Bendix, 2005). Employees are also not spared as they may lose income and employment. In extreme cases injuries or even death may occur to both parties in instances of violent strikes. According to Imberman (1979), the cost to the employer is so great that it should warrant a timely resolution of conflicts before strike actions. Thus this calls for pre-emptive strategies to avert strikes. To minimize occurrence of strikes at the workplace, several conflict management strategies have been suggested (Fatile and Adejuwon, 2011; Etim and Okey, 2013). While the bulk of the literature covers worker strikes at private sector organisations and central government (Dim, Muogbo and Akpunonu, 2017; Kaufman, 2010; Myers and Saretto, 2009), there is limited research on the management of strikes at education institutions in Lesotho (e.g. Cohen and Matee, 2014). The occasional reports on industrial actions are found in the media houses or government communiques (Maema 2010). While some reports (see for example IndustriALL, 2018) observe that unions in other sectors such as the Independent Democratic Union of Lesotho (IDUL) and IndustriALL have been successful in bargaining for higher wages in the

textile industry, the tactics employed by these unions have not been analysed empirically to create a wealth of knowledge about union strategies.

## **1.7 Methodology of the study**

A twofold research design was employed to obtain information on the factors that contribute to industrial conflicts in higher education institutions. A literature review (which constitutes secondary research) was undertaken, followed by an empirical study data collection, which was the primary research component of the study.

### **1.7.1 Empirical study**

A comprehensive literature review was carried out to identify and describe the factors that contribute to the conflicts at institutions of higher learning. Similarly, strategies that are adopted to resolve industrial conflicts were also reviewed. Various textbooks, journal articles and other research outputs on industrial relations were accessed. Online reports, reports from the institutions that deal with industrial relations and government documents on industrial conflicts were consulted, particularly with reference to higher education. Electronic data bases such as Emerald, Google Scholar and Ebscohost were used to conduct the literature search. The rest of the literature was obtained from the North West University (NWU) library services. Prior findings and theories on unionism and strategic capabilities in institutions were compared with the findings of this study to establish how situations for effective conflict management and resolution in higher education institutions are similar to or different from the management of conflict and resolution in other contexts.

In terms of the primary research of this study, three aspects were found important. They include the identification of the most appropriate research paradigm, the identification of the sample and how data would be collected as well as how the data collected from the empirical study would be analysed. A brief introduction to each of the sub-components of the empirical study is provided in the subsequent paragraphs and a more detailed discussion is presented in Chapter three.

### **1.7.2. Research paradigm, methodology and approach**

The aim of this study was to assess the strategic capabilities of the higher education sector unions in Lesotho. As a result, an interpretivism paradigm was found to be suitable for this study. An interpretivism paradigm is commonly relied upon to interpret social discourses (Eiksson and Kovalainen, 2008:19). It is based on the assumption that the world is as people perceive it. Hence, the aim of the interpretivism paradigm is to uncover meanings as they appear, and to relay the same meanings to those who experience the phenomenon (Remenyi, 2007:218).

Many researchers relate the interpretivism paradigm with qualitative research methodologies. Hence this study adopts qualitative approach to conduct the field research. It seeks to understand reality inductively, thereby providing answers to the questions (Woodside, 2010:48, 49). A qualitative methodology enables the exploration of data using information-rich descriptive techniques (Goosen and Vuuren, 2005:64; Monsen and Van Horn, 2008:5).

Since the aim of this study was to explore the experiences and perceptions of the participants about unionism in higher education institutions, an exploratory research approach was adopted. According to Hair, Money, Samuel and Page (2007:154), exploratory research is appropriate when the researcher knows little about the phenomenon that is investigated as it helps the researcher to discover new patterns or ideas. This approach is more appropriate when a researcher needs to understand the people's lived experiences and the meaning that they make about such experiences (Young and Atkinson, 2012:51). Therefore it was assumed that the in-depth information obtained from participants would provide an understanding of strategic capabilities of union leaders in the higher education sector.

### **1.7.3 Sample and data collection**

A non-probability quota sampling technique was used to select the participants according to their characteristics. Such characteristics may include gender, race, age, welfare, and industrial sector (Bryman & Bell, 2011:193; Burns & Burns, 2008:204; Quinlan, 2011:214). The technique was adopted to allow a representation from various trade unions within the higher education sector.

In order to gain a deeper understanding of the participants' unionism experiences semi-structured interviews were used to collect data. According to Bevan (2014:138), when interviews are selected as the method of data collection, the researcher is free to structure the interview in a manner that enables thorough investigation. Therefore the present researcher used semi-structured interviews to maintain consistency across the interviews, as each interview begins with a similar set of questions. When semi-structured interviews are used to collect data, predetermined questions and special topics are covered during the interview. There is more flexibility when conducting semi-structured interviews, since other topics could emerge in order to provide more information that may be of importance to the researcher (Gideon,2012:112; Myers, 2013:124).

A thorough explanation of the sampling frame, data collection methods, as well as how the interviews were conducted is presented in Chapter three.

#### **1.7.4 Data analysis**

According to Bazeley and Jackson (2007:68), the main function of qualitative data analysis is to develop a comprehensive information set that provides a rich description of a phenomenon.

According to (Sreejeshet et al., 2014) qualitative data analysis is the transformation of primary data into information-rich descriptions of the field observations and enable the researcher to respond to the research objectives( see Babbie, 2013:396). The analysis often involve organising data into patterns to discover what is important to the objectives of the research (Hair et al.,2007:291; Japhet & Usman, 2013:29). The relationships between the emerging patterns and themes were then related to the research objectives of the study. The filed data was transcribed, coded and analysed into themes.

#### **1.7.5 Trustworthiness**

Eriksson and Kovalainen (2008:290) indicate that ensuring trustworthiness is regarded as one of the challenges confronting qualitative researchers. In an attempt

to achieve trustworthiness, the study observed credibility, transferability, dependability, conformability and authenticity, as stated by Polit and Beck (2014:323). These matters are discussed in detail in Chapter Three.

Different techniques of data collection, such as interviews and documentary research, which were used in this study ensures trustworthiness of the research. . The entire interview process was recorded and archived to protect the data from loss, damage or manipulation and, hence, available for reference should doubts emerge of the authenticity of the field research. .

### **1.7.6 Ethical considerations**

In research, ethical considerations involves obeying certain moral principles and values during a field research (Ghauri and Gronhaug, 2005:19; Schostak 2006:136)). The researcher therefore strictly adhered to the NWU's ethical considerations, which are designed to guide the conduct of this type of research. Ethical clearance was applied for and clearance was granted by the NWU.

## **1.8 Significance of the study**

The study focuses on the Lesotho education sector unions and specifically on the National University of Lesotho (NUL). There are two unions currently active in this institution. A critical analysis of the situation at NUL was considered important, given the recurrence of the same problems and the amount of investment made in higher education within the existing under-resourced environment.

This study is considered important because when the union leaders are strategically capacitated, it is possible for the strikes to be minimal and costs associated with them may be cut to minimal. This study is further considered significant because it is hoped to help to avoid confrontational instances such as the one at Marikana where lives may have been put at risk or lost. It is also hoped that the study may help the union leaders to avoid politicisation of the unions and introduce professional management.

If the union leaders are not capacitated, the union members and workers may lose their lives and this may affect business negatively. Industrial relations may be highly compromised, leading to more strikes and instability.

The findings of this study may help NUL, the Council on Higher Education (CHE), the Ministry of Education and Training (MOET) and the Government of Lesotho (GOL) to review the union narrative resources so that it could impact more positively on the welfare of the Lesotho workforce. On the other hand, the findings may assist the GOL to respond positively to conflict management.

In addition, GOL may benefit from the information on where and how to make amendments to the existing labour laws. It is also hoped that the findings of this study may lead to the development of a framework for industrial conflict resolution for the higher education sector. Finally, the study may contribute towards the existing body of knowledge concerning unionism in Lesotho especially in the higher education sector.

## **1.9 Limitations of the study**

Not all research studies are perfect and there is a likelihood of the shortcomings to occur. the research study;those shortcomings may improve future studies. This study has the following limitations:

Some union members found certain questions, such as whether the management engages the union leaders during budget preparations, sensitive. Therefore, they decided not to respond to some questions.

The NUL management did not participate in the study. As they were former members of the unions, they were not comfortable with participating. This limited the study to the unions.

Furthermore, the study was only limited to the higher education sector to discover issues applicable to this sector specifically. This means that the findings may not fully apply to other sectors.

## **1.10 Thesis structure**

The rest of the dissertation is organised as follows:

### **Chapter 2 – Literature Review**

This chapter reviews the literature covering the theoretical framework. It provides a detailed review of the concepts and theories related to the study. Furthermore, the chapter reviews the literature covering empirical studies related to the present topic

### **Chapter 3 – Research Methodology**

In Chapter 3, the research design and methodology are detailed. The chapter presents the population, the sampling strategy as well as the method of data collection and data analysis. A discussion of how trustworthiness was enhanced, as well as how ethical considerations were addressed in this study are presented.

### **Chapter 4 – Statement of the results**

This chapter comprises the discussion of the research findings and their interpretation. Included in this chapter is a critical assessment of the findings, with reference to the literature on union capabilities.

### **Chapter 5 – Statement of the results**

Chapter 5 discusses the empirical findings on the factors that contribute to industrial conflicts.

### **Chapter 6 –**

In this Chapter, the findings on strategies adopted by the unions to address industrial conflict are discussed.

### **Chapter 7 – Conclusions and Recommendations**

The concluding chapter presents the conclusions, based on the reviewed literature and the empirical study. The recommendations are made on the various parties such as leaders of the trade unions, the membership of the trade unions, the institutions of higher learning in Lesotho as well as the policy makers and the funders

of these institutions. A discussion on the contributions and the shortcomings of the study as well as the suggestions for future research follow. Finally, a reflection on what the researcher has learnt from the study is provided and the concluding remarks are made. Based on the findings from Chapters 4, 5 and 6, a framework for conflict resolution is recommended for implementation.

### **1.11 Chapter summary**

This chapter provided an overview of the entire research process. The next one deals with the review of both theoretical and empirical literature related to this study.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

This chapter first discusses the concepts used and adopted in this study. Secondly, it presents the theories that inform union strategies and responses to the resolution of industrial action at the workplace. Thirdly, it presents the unionists' strategic capabilities in institutions to mobilise and motivate action and the capabilities needed for effective resource mobilisation and organisation of union movements. Fourthly, it discusses the factors that contribute to industrial conflict at the higher education institutions in Lesotho. Lastly, the chapter summarises the important issues discussed.

#### **2.2 Definition of the key concepts**

In this section defines the key concepts and the theories of union capabilities and strategies.

##### **2.2.1 Trade Unionism**

Trade unionism is an old concept that emerged in 1936 as capitalism gain prominence. Pannekoek (1978:2) defines it as the primary form of the labour movement. Union is seen both as congress of workers and an organised institution, with its rules and regulations as well as its calendar of events. It is an entity whose interest is separate from the interests of the working class. This is why it has the will to live and to fight for its existence and to continue its existence as an element of the organisation.

##### **2.2.2 Strategic capabilities**

Strategic capabilities in trade unionism involve mediating between opposing interests to come up with a collaborative approach. It also involves activating networks by framing and articulating actions over time and space as well as by learning

(Levesque and Murray 2010:26). Strategic capabilities of trade unionists differ according to the context.

For the unions to effectively win their struggles, they need to have substantial internal union capacity and to develop the capacity to engage with other external unions. These capabilities include:

- Having an increased level of knowledge and expertise on trade union policy and negotiations as well as the union's possible impact on members and where to intervene.
- Mastering and adopting new strategies of contention which, if need be, could be replicated on other campaigns.
- Being able to build networks with NGOs and other social movements to reduce the mistrust between the unions and NGOs, especially at the national level which ultimately create sustainable alliances (McGuire 2014:59).

### **2.2.3 Narrative resources**

Narrative resources refer to the range of values, shared understanding, activities and framework that dictates how the union relies on its membership to operate (Brouwer et al., 1999:11). These authors add that this power resource is invisible and difficult to change and can lead to conservative, entrenched positions (Brouwer et al 1999:27).

### **2.2.4 Repertoires of Contention**

Tilly (1986: 390) defines a repertoire of contention as the "whole set of means a group has for making claims of different types on different individuals". In this sense, the repertoires of contention are the techniques, strategies and actions that social movement actors leverage to fulfil their goals in an organisation (Tilly, 1993:253). The author also adds that a repertoire of contention includes how people react to public decisions which they consider unjust. Thus (Tilly & Tarrow 2006: 16) refer to the

repertoires as the “claims making routines that apply to the same claimant-object pairs: bosses and workers, peasants and landlords, rival nationalist factions, and many more.” The earlier conceptualization of repertoires of action has been criticized for focusing mainly on public display of disruptive action (Tilly,1993:253). However, in his recent work Tilly (2008) enumerates a broad array of contentious performances, stressing the constant innovation in the various forms of contentious issues.

### **2.2.5 Higher education sector**

The higher education sector refers to the system comprising universities and other tertiary institutions that contribute to innovation and technical expertise that drive productivity and enable learners to acquire the skills they need for their future livelihoods (Australian Department of Education and Training, 2018).

Tam (2001:48) states that universities are the main sources of technical knowhow, knowledge generation and technical progress because knowledge and technology are produced and developed at the universities which then benefit the society at large. The argument is, however, based mainly on developing countries which are believed to benefit from the contribution of universities, if the latter are established and expanded in the rural rural areas.

In a later study, Baykan, Altınay, Eyüboğlu and Altınay (2017:60) state that higher education contributes creates welfare gains to the society. In particular, economic growth and transformation is achieved through advancement of the higher education sector. Consequently, higher education, and universities in particular, are the driving force economic progress and welfare gains of the larger society.

Globally, however, and according to Becket and Brookes (2008:4; Gořrkemli 2009:171), the survival of communities society is dependent on thef the ability of the universities to create new ideas through science and technology advancement.

## **2.3 Theoretical analysis**

In this section, the theories relevant to the study of union capabilities and strategies are discussed. This study draws from Social Movement Theory, Political Opportunity Structure, mobilisation and organisational capacity and framing.

### **2.3.1 Social movement theory**

The social movement theory, comprising the six resources mobilisation and framing, articulates how unionisation fits within the broad institutional structure and how it draws its power to influence action.

MAcAdam (1996) and Tarrow (2005) opine that union mobilisation is a process that requires resources, capacity and collective resolve. The authors add that Social Development theory develops interdependently from the social, institutional, political and economic environments within which the unions are embedded. This context shapes the structural and political opportunities for the unions to operate and perform their agenda. Union capacity is then understood in the context in which this mobilisation develops which then creates the resources and capabilities for the unions operations. The Political Opportunity Structure (POS) affects the effectiveness of the structure, resource collection and the mobilisation of members for industrial strikes (Hyman, 2001).

McGuire (2014) applied this theory in the labour movement mobilisation at both national and international levels. This theory is equally important in explaining the strategic capabilities of the union in the Lesotho higher education sector.

### **2.3.2 Resource Mobilisation Theory**

The Resource Mobilisation theory deals with the internal factors that impact on union mobilisation. It describes a social movement as a product of rational choice by individuals to join a movement and a deliberate action by the social movement to obtain and to mobilise the resources in a way that encourages collective action. This approach explains similar structural conditions of POS for generating stronger or weaker mobilisation capabilities. Therefore the approach addresses the question of

what resources are available to a movement and how they are organised and mobilised (Frundt 2005:26). A similar approach is applied to the understanding of how the unions at NUL mobilise and encourage collective action and whether they have the capabilities to do this.

The POS and Resource Mobilisation theories are limited in the social and cultural contexts and this affects their performance. Benford and Snow (2000:613) recommend a more discursive approach such as framing which is the struggle over the production of mobilising ideas and meanings.

McCarthy, Smith and Zald (1996) developed a list of questions to ask in understanding how the unions are structurally placed within the organisations in order to determine power.

- Who controls the policy process?
- Are there formal mechanism and procedures for labour inclusion?
- Receptiveness among stakeholders.
- Is the institution willing to repress mobilisation? Is it not exposing itself to vulnerability?
- Are there some opportunities (situation opportunities) for media attention or public debate which can force the institution to be responsive or sensitive to criticism?

McGuire and Scherer et al. (2010) undertook a situational opportunity analysis study for union intervention in trade agreement, GATS, to understand union inclusion or exclusion in policy processes. They found out that unions were excluded at both national and international levels. However, McCarthy, Smith and Zald, 1996 recommend a strategy that the unions can engage in to demand inclusion. This is to activate media attention to the protest, thus exposing the institution to vulnerability and risk.

The list of questions developed by McCarthy, Smith and Zald (1996) is adopted and modified to fit the analysis of NUL in order to understand the structural and political

opportunities that the unions have for their inclusion in Higher Education institutions in order to mobilise some action.

Notwithstanding, McAdam et al. (1996), cited in (Benford and Snow 2010:614), argue that people need to have and own a common grievance to be able to approach the problem in unison. The problem should first be identified; secondly, the solution and strategies to deal with the problem should be suggested and, lastly, a provision and rationale for taking the best possible action should be made. Benford and Snow (2010:615) indicate that 'these are the mobilising and motivational frames providing compelling reasons for taking action'. However, the unions need mobilisation and organisational capacity to be able to mobilise action in an institution. Unions need to have both tangible resources such as membership, money and information and intangible resources such as skills and expertise (Rucht, 1996). To mobilise these resources, the union leadership needs effective structures and organisational capacity. The organisational capacity of the union movements means to have the policies and strategies and to effectively organise and mobilise some resources to achieve the desired outcomes.

In summary, the power and influence of the unions is shaped by the political and structural opportunities in which they operate and their own mobilising and organisation capacity which impact on the strategies or repertoires of contention available to them. These can be utilised by the unions to achieve their aims.

## **2.4 The structure of Lesotho Education Sector**

As a key sector that leads to the production of the workforce able to compete locally and regionally, the Lesotho education sector receives a significant share of the recurrent expenditure proposal (Lesotho Education Sector Plan: 2016-2026). To improve its education system, the Kingdom of Lesotho introduced the Free Primary Education (FPE) from 2000 to 2006. In 2010, the GOL further strengthened the Free Primary Education initiative by making attending primary school compulsory. To accommodate the surge in primary school attendance, the government has been engaged in the construction of primary schools since 2000.

Not all schools in Lesotho are owned by the government since a substantial number of the schools in the country are owned by the church. Others are owned by the community and private business. However, almost all the education personnel are employed by the government and are obliged to follow the government rules and regulations. The government is responsible for the salaries of the teachers and extends subsidies to learners especially with respect to free basic education.

The higher education sector Lesotho is governed by the Higher Education Act, 2004. The Act is seen as the key strategy towards making higher education relevant and responsive to the needs of Lesotho. In preparation of this Act, the Ministry of Education and Training (MOET) (2005:82) stated:

“... the Higher Education Bill envisages the provision of a legal framework for the regulation of higher education in Lesotho and specifically focuses on the establishment, governance and funding of a Council for Higher Education (CHE)”.

Even though the Act has put the governance and establishment of higher education on a legal ground, there is a general feeling that the MOET does not want to let go the direct control of the higher education sector. For example, the Council on Higher Education (CHE), in its strategic plan of 2010-2015, identifies a number of challenges which the Council faces. CHE (2010:12) identifies the “existence of conflicting roles and responsibilities between CHE and the Tertiary Education Sector of the MOET.”

The Act provides for the Minister as the person responsible for determining the policy for higher education. As section 3(1)(a-c) of the act stipulates:

“... the Higher education in Lesotho is provided through a number of institutions with different institutional arrangements. The Ministry states that there are currently thirteen (13) institutions that are recognised by CHE and the Government of Lesotho, and these are either publicly or privately owned”.

Public institutions accounts for approximately 61.5% of the total number of HEIs in Lesotho, including the universities such as the National University of Lesotho (NUL). NUL offers a wide range of programmes at both undergraduate and postgraduate

levels and it is constituted by a number of colleges which offer certificates and diploma programmes in teacher training, agriculture and health as well as accountancy and management. The public institutions are established by an Act of Parliament and are currently existing as departments of government ministries. Private institutions which constitute about 38.5% of educational institutions in Lesotho comprise the four nursing institutions which offer programmes such as general nursing and midwifery. The legal framework for the higher education regulates both public and private higher education institutions. While the private institutions have to be registered as companies, the public ones are declared by the Minister of Education and Training after being established by an Act of Parliament.

According to CHE (2010), the three public institutions which have been established through the Act of parliament are NUL, the Lesotho College Education and Lerotholi Polytechnic. Other public institutions are departments of Government Ministries.

## **2.5 Capabilities of unions at higher education institutions in Lesotho**

This section presents the existing knowledge on how the unions became effective and the resources that they need, the narrative resources, in their daily work of protecting and projecting the workers' rights. The strategic capacity of the trade unions is mainly derived from both leadership quality and internal democracy. To enhance their capacity, Hyman (2015:193) notes that trade unions require new strategies to respond to increasing challenges which can be both external or internal. A search through literature indicates that trade unionism in Lesotho emerged from the class struggles during the colonial reign. The union activity then gained momentum towards the 1960s as a number of political parties and churches were inspired to form trade unions (Mohlakola, 1986: 35).

### **2.5.1 A brief history of trade union activities in Lesotho**

Trade unions have a long and troubled history in Lesotho. Since the formation of the first unions in the pre-independence period, unionism has had strong political

affiliations (Lesotho Federation of Democratic Unions (LFDU) Shop steward handbook year: 2010:7).

The first trade union was founded at Morija Printing Works in 1952 by Herbert Teka and Jack Mosieane and named the Basutoland Typographical Workers' Union (Southall, 1984: 97). However, the union, which belonged to the Paris Evangelical Church, prohibited strike actions (Mohlakola, 1986: 19). However, this did not prevent the workers from organising themselves as on the 24th September 1952, a new union, the Basutoland Commercial Distributive Workers' Union was formed, followed by the Basutoland General Workers Union on the 14th January 1953 (Mohlakola, 1986: 20). In 1955, two national trade unions, the Basutoland Commercial Distributive Workers' Union and the Basutoland General Workers Union jointly registered" (Mohlakola, 1986: 21). The General Workers Union and the Basutoland Motor Transport Union were formed in 1958 and 1959 respectively (Southall, 1984: 95).

In 1952, the Basutoland National Party (BNP) formed the Printing Book binding and Allied Workers Union. In 1964, several unions in the textile, construction, chemical and the hospitality industries were formed and aligned to the Lesotho Council of Workers. However, 50 unions allied to the Basutoland National Party have remained small and less effective than their rivals.

Continued repression and privatisation enhanced the civil society movement in Lesotho from the late 1980s to 1993 (Selinyane, 1998 cited by Maema, 2010:50). The two unions that were actively involved in the democratization of Lesotho were the Lesotho Council of Non-Governmental Organisation (LCN) and the Lesotho Congress of Trade Unions (COLETU). Selinyane (1998) cited by Maema 2010:50) notes that the LCN is largely accredited for the restoration of democracy in 1994 as the former actively prepared for the 1993 elections through its articulation of the reconciliation and dialogue agenda.

Political leaders in Lesotho got involved in trade union activities in order to gain clout and support for the independence struggle. For example, the Basutoland Federation of Labour (BFL) was formed and aligned to the Basutoland Congress Party in 1962 (Southall, 1984:96; Mohlakola, 1986:26). However, in 1963 a split of the union

occurred when a small section decided to form the Basutoland Congress of Trade Unions (BCTU), modelled along the South African Congress of Trade Unions (Southall, 1984: 96).

### **2.5.2 Empirical work on how unions build leadership capability**

Several researchers have attempted to address the claims of legitimacy by analysing the strategies that unions use to fulfill their objectives/goals (Harris, 2016; Tilly 1993; Sunday 2014). However, these experts have considered the context in which the organisations that define their legitimacy work. Instead, they look for the repertoires of contention that social movements use to challenge and make themselves heard by the authorities (Tilly 1978; Tilly 1993; Haunss 2007). Tilly (1993:254) asserts that the 'repertoires of contention' of social movements are extricably related to the history of protests in an organisation. In most instances, the unions use collective bargaining to negotiate and resort to strike actions only if this method fails. For instance, the Association of Pennsylvania State Colleges and University Faculty decided to go on a strike that disrupted faculty and students activities at 14 public institutions in Pennsylvania. This series of strikes was just one of the latest in an ongoing series of organized labour events across higher education institutions in the state. Union members in Pennsylvania were agitating for better wages, health benefits and better working conditions (Harris, 2016). Harris argues that unionization in higher education institutions is a symptom of broken governance, as the Pennsylvania case is indicative of a much larger issue facing higher education in the United States of America. This means that when the unions fail in their negotiation, the ultimate resolution mechanism is the strike.

Tilly (2006:184-5) notes that socio-political movements are always in a dynamic innovative processes because, in a way, they benefit from the repertoires of contention. According to the author, such repertoires contain 3 main elements, namely identity involving closely knit members of one group with similar traits and interests; standing (taking into consideration the traits and concerns of other groups) and programme which is an integrated set of demands. These three elements,

which are mutually supporting, describe the characteristics of the European trade unions, which, in their periods of strength, represented a strong constituency with a strong collective identity and participated effectively in policymaking. However, these three attributes have been weakened in most European countries where new vocabularies which describe the three elements have emerged. The effectiveness of union strategies does not only depend on resources but also on the leadership capabilities that complement the resources available to the unions to negotiate/bargain. Moreover, strategic capabilities of the unions and their leadership are not sufficient on their own; narrative resources add more power and influence for bargaining their demands and their outcomes.

Kjellberg (1983) asserts that the most effective union movements have a combination of a strong central administration and leadership as well as a vibrant local activity or active membership. This combination is one of the reasons behind the success of the trade unions in Sweden. Lévesque and Murray (2003) explore ways of in which unions can adopt to the changing environment brought about by globalisation by proposing that the strategic capacity of unions should be matched with its organisational plan to enable the members to identify with the policies pursued on their behalf and in solidarity with other similar organisations outside the union. The latter the process through which unions internal activities assist or are assisted by the broader national (and international) organisational resources to shape its programmes. The authors further add that proactive action and strategic support is necessary to sustain the union (Murray 2003: 22).

Levesque and Murray (2010:26) argue that a combination of power resources and union's own strategic capabilities, such as internal cohesion of the members, are needed to be successful. The authors note that the four key power resources are organisation democracy, networking with similar organisations, narrative resources, and support infrastructure. However, the unions will need to possess the capacity to use these resources. In particular, the unions should be able to mediate in internal conflicts and interest and articulate its goals and programmes to achieve them (Levesque and Murray 2010:26).

Union representation is one element that can determine how effective unions are in projecting the interests of their members. For example, Omolo (2018) notes that the security industry employees in Kenya have suffered a weak representation characterised by multiple trade unions within the sector, leadership wrangles, coup d'états in union leadership as well as demarcation conflicts that hindered union representation in the sector for several years since 1960s. In another study, Lévesque et al. (2005: 402) opine that workers' identification with trade unionism may be undermined by a crystallisation of differences as divergent social identities may weaken collectivity and lead to an erosion of the relevance of traditional frames of reference. In his study that seeks to determine how unions build capacity by the Kenya National Private Security Workers Union (KNPSWU), Omolo (2018) notes that lack of internal democracy and existence of divergent views of members may lead to the splinter. Omolo (2018) further observes that after acquiring internal democracy, (KNPSWU) transformed from an outfit, characterized by leadership wrangles, coups and low membership to one with high membership, stronger cohesion and solidarity. Lévesque et al. (2005:402) performed a survey of union members in Québec to determine the practice of internal democracy and find that those members who see trade unionism as relevant to their own circumstances feel that they are always consulted over union policy and have an opportunity to shape its direction. The authors conclude that internal democracy is a vital component and resource for a trade union capability building.

Jarley (2005:12) notes that unions can build capacity to extend the social capital by joining other social networks because workers' rights are not confined to purely workplace issues but can be sustained among the workers who are mobile, making union membership more readily 'portable across firms' (Jarley 2005:19). Later, Omolo (2018) reinforces this finding that the revitalization process in one of the unions in Kenya (KNPSWU) saw the union gain sympathy and relevance from members of the public, while also realising improvement in articulation capabilities of the union leaders who were then able to bring together national officials, shop stewards and ordinary members. Law and Mooney (2006) also confirm that developing broad networks of mutuality or 'insurgent social capital' contributes to the longevity and vibrancy of the unions. Benford and Snow (2000) further note that

social networking has proved to be an effective instrument of mobilising supporters (also see Koopmans and Statham 1999).

Sunday et al. (2014:63) conducted a study on members' participation in union activities in Nigeria. They observe that trade union participation is influenced by union power resources. The authors note that strong networks, better infrastructure and internal cohesion enhance unions participation. Hence, social-capital unionism' tends to enhance the vocal capacity of the less articulate members and constituents.

One of the key roles of the unions is collective bargaining which is a process whereby union and management officials attempt to resolve conflicting in a way which,not only sustain, but also enrich their continued relationship (Offe and Wiesenthal, 1985; Sunday et al, 2014). Suday et al. (2014) also note that union leaders should be knowledgeable and have an in-depth knowledge of trade union administration as well as various labour laws relating to the workers' welfare. The authors add that trade union leaders should be diplomatic as the go about bargaining for improved welfare packages for their members. Having professional leadership in a union encourages the rank and file membership of the union to also work hard.

This means that any union without the strategic capabilities complemented also by strong leadership may be unable to intermediate between contending interests to foster collaborative action. However, power resources and strategic capabilities and strong leadership are also not sufficient for the unions to be heard by management. Narrative resources contribute significantly as they promote inbuilt trust among the unionists because they share a common understanding. However, despite the fact that several cases of strikes in Lesotho, especially in the education sector, have been reported. There is still no single empirical work that has investigated the capability of the union representation, or its lack thereof, as a cause of the frequent strikes in education institutions.

## **2.6 Factors contributing to strikes at educational institutions in Lesotho**

Strikes at the work place are mainly caused by employee and employer disagreements and conflicts over a number of things (Kibris2015:34). Globally, internal and external conflicts are on the increase in all sectors including education. The authors also note that conflicts tend to target populated areas such as health and education centres (see also Soler 2016:13). Conflicts at the workplace arise because of a number of issues such as interpersonal tensions, ethnic differences, vested interests on policies and norms, inefficient and ineffective administrative processes and leadership styles. Lencioni (2005:124) lists different types of settings where conflicts occur such as environmental issues, relationship issues and individual issues occur. Environmental issues relate to the atmosphere in which the conflict is taking place. For instance, office politics, personal attitudes as well as institutional. Relationship obstacles include all issues between the staff of an organisation and prior unresolved legacies or events between different grouping in the organisation. Lencioni (2005) adds that individual obstacles are specific to each person in the conflict. In the situation at hand, the context fits that of environmental obstacles since it involves institutional arrangement. Lencioni (2005:125) suggest that when a conflict arises,, the parties concerned should alter the resolution model to address the issue.

### **2.6.1 Empirical work on causes of conflicts at institutions of learning in Lesotho**

Lack of clear procedures at an academic institution can create conflict between lecturers and students (Hardy 1997) as well as between teachers and administrators. Policy makers and management can use a conflict as a scapegoat for poor performance and other failings in an organisation such as poor academic performance (Thrupp and Lupton 2006).

Conflicts at higher education institutions occur in different contexts. For example, in the Philippines, conflicts at education institutions are triggered by religious and cultural differences (Bernardo and Baranovich 2014). In Yemen, studies report that violations of the regulations related to the first appointment of lecturers, the absence of research ethics code as well as disregarding of staff's suggestions are the most

important causes (Muthanna 2013, 2015; Muthanna and Karaman 2014; Muthanna 2016).

Teacher strikes in West Virginia and Oklahoma are caused by agitation for salary increases, which are among the lowest in the nation, and have been stagnant for years. Kentucky teachers' salaries rank 27th out of 51 among the U.S.A. states which are still \$13,000 below the \$65,383 average for all American teachers. It's not surprising that teachers in those states have rejected the calls for patience (in some cases, even calls from their union leaders) and decided to demand action from their state legislature (Thrupp and Lupton 2006). These strikes have been caused by

- The refusal of state legislatures to maintain financial support for public schools, and the tendency of most states to slash support for public education in order to lower or hold down taxes at both the state and local levels
- The political movement to blame teachers and teacher unions for weaknesses in public education, attacking teacher tenure, tying teachers' evaluations to student test scores and clearing out protections for collective bargaining, rather than acknowledging that the cooperation of the teachers and their unions is essential to any improvements in public education

In Botswana, unequal pay for men and women, lack of leadership skills on the part of teachers and the abolition of the provident fund are some of the factors noted as the main causes of teachers' strikes at educational institutions (Freeman and Medoff., 1984). In South Africa, rivalry between unions in the same sectors, the problem of historical poverty, competition for jobs with migrant workers, agitation for wage increases as well as the mismatch between wage offers and demands are the main causes of the numerous strikes (Murwirapachena 2014). In Kenya, issues such as oppression of women, as seen within the context of unequal gendered power relations, is a common cause of employee discontent at the work place and rank high in union agenda (Kaloki 2017). Specific women related issues such as sexual harassments rarely feature in union agenda during negotiations or collective bargaining. Moreover, there are no suitable platforms where women can form synergy to tackle their specific problems or to network. With the increasing number of

educated women entering the workforce, there is a consistent paradigm shift, with more women showing interest and performing well in trade union leadership roles. Factors that lead to strikes at the workplace are similar in many countries. However, the consistency of reporting differs from country to country. For example, in Kenya, and South Africa, union activities are well documented while in some countries such as Lesotho, there is paucity of reporting.

In Lesotho, the causes of strikes at higher institutions of learning have not been properly documented although the cases of strikes have a long history. For example, in 1958 workers at the Morija Printing Works went on strike in response to expulsions of workers at the printing press that members considered unfair and discriminatory, and political factors are believed to have led to the 1961 strike (Mohlakola, 1986:32). Mohlakola (1986:25) further argues that some political leaders have tended to use unions as stepping stones to political success. Makoa (1988: 2) singles out the failure by government to review labour relations laws to the standards of the International Labour Organisation's as anti-union stance. Such laws, the author notes, include the Essential Services Arbitration Act of 1975, which outlawed strikes at industries providing essential services and disbanded the pre-independence trade unions. According to the Ministry of Labour, "the regulative functions may entail delay and inconvenience for the unions, but this does not detract them from what is embodied in the ILO Conventions" (Makoa, 1988: 3). Makoa (1988: 3) argues that the constraints imposed by these laws outweigh the advantages that they offer. The main problems facing trade unionists in Lesotho, and which are some of the major causes of strikes in the country, are the stalling or refusal by employers to negotiate. Makoa (1988:3) further argues that legal remedies for these problems are either not available or too costly to apply.

## **2.7 Strategies of unions at the higher education institutions in Lesotho**

This section discusses the findings from other studies on the factors that contribute to industrial conflicts at the higher education institutions (HEIs), unionists' strategic capabilities to engage in contention and the narrative resources that they need.

### **2.7.1 Models and approaches of managing conflicts**

There is a number of strategies for dealing with conflict. Nnadi (1997:57) suggests eight strategies: win-win; win-lose; withdrawing; smoothing; lose-lose; compromising; forcing and confronting. The author argues that policymakers and administrators may view union action as personal threat and resort to the use of the win-lose approach to exert his authority on employees. The author further argues that in this situation, the administrator, and not the employees, is the winner. Such a strategy, according to Nnadi (1997:57), accords the supervisor a leverage to control and possibly oppress the employees during negotiations and leaving employees bereft and frustrated.. This model, according to Nnadi (1997: 57), creates polarisation and should be avoided in negotiations that leads to amicable settlement.

According to Nnadi (1997:58), a Lose-Lose strategy results from an extreme compromise situation where all parties gain nothing during negotiations. Nnadi (1997:58) further indicates that this strategy is often applied in a situation where employees have a fixed demand but distrust those with the power and authority to implement it. Nnadi (1997:58) notes that there is a disconnect between the demands of the conflicting parties and the solutions that would be acceptable to both parties. Nnadi (1997:59) further explains that compromise may not always be the best solution to conflicts as it creates a loser.

The Win-Win model seeks to arrive at solutions that are acceptable to all parties involved in the conflict. Nnadi (1997:59) points out that the Win-Win strategy focuses on consensus and encourages individuals to freely air their opinions during negotiations. Nnadi suggests that the win-win outcome is achieved when all parties are open and honest. Nnadi (1997:59) further states that to achieve a Win-Win solution, supervisors and union leaders should allow candid discussion find the balance that is acceptable to all parties. Weaver (2003) and Onsarigo (2007:) also assert that collaboration in which parties work together to define their problems and then engage in mutual problem-solving is better for all the participants.

According Nnadi (1997:59), this involves withdrawing from a conflict in order to resolve it. This is where action is initiated only on pressing issues, and only when it is very necessary. Nnadi (1997:60) argues that withdrawal is like ignoring the gravity of the conflict and hoping that it will go away. Nnadi (1997:60) therefore considers withdrawal as being inaction. According to Shani and Lau (2000) Avoidance approach involves an aggressive tactics in which both parties ignore the concerns of the opposing parties by evading the issue or postponing the conflict by deciding not to deal with it. Ruble and Thomas (1976) contend that avoidance as a strategy is usually expressed by apathy, withdrawal, and indifference. They explain that people who use this technique simply withdraw from the conflict or ignore it all together. Ruble and Thomas (1976) further assert that since nothing is done to eliminate the reasons for the conflict, the problem is likely to resurface at a later stage. This is because the supervisors and employers feel uncomfortable bringing the conflict back for discussion and thus, resort to the frequent use of avoidance. According to Ruble and Thomas (1976) avoidance is the most ineffective technique of dealing with conflict in that, when conflict is mismanaged or avoided, bad ideas can go unchecked, leading to poor decision-making and unconstructive outcomes. Ruble and Thomas (1976) also indicate that avoidance might still be appropriate if the issue is trivial or if one does not perceives a chance of winning.

Nnadi (1997:60) views a smoothing person as one who has a low tolerance for disagreements and expression of negative emotions. Such a person would always want people to look at the bright side of issues. Nnadi (1997:60) argues that this does not necessarily result in an effective settlement as employees can become frustrated because issues are not resolved in time. On the other hand, smoothing “encourages co-operation but is inappropriate for complex or worsening problems” (Kreitner and Kinicki, 1998:462). It is a more diplomatic way of suppressing conflict. Instead of forcing the acceptance of a solution, the supervisor tries to talk one faction into giving in. Kreitner and Kinicki (1998:462) find this strategy to be effective where the supervisor has more information than the other factions and is only making a reasonable suggestion. They, however, caution that where the supervisor is merely favouring one side, the losing side is likely to be resentful. They further assert that a supervisor who relies on smoothing may say to the conflicting

parties, "Settle down. Don't rock the boat. Things will work out by themselves" (Kreitner and Kinicki, 1998:462). This strategy may tone down conflict in the short run but does not solve the underlying problem. Krietner and Kinicki's (2001) later study also supports this observation that smoothing is a temporary fix that fails to confront the underlying problem. Smoothing is useful when management is attempting to contain things until a vital project is accomplished or when there is no time for problem solving or compromise and forcing is deemed unsuitable (Kreitner and Kinicki, 1998:463).

In a compromise, managers and union representatives try to find the middle ground during (Stoner, 1978). Forms of compromise include separation, in which the conflicting parties are kept apart until they agree to a solution; arbitration, in which conflicting parties submit to the judgment of a third party; and bribing, through which one party is coerced or compensated in exchange for ending the conflict. Compromise is a situation where each side is willing to give in to the other by foregoing some of their benefits or demands (Schnake, 1987). Schnake (1987) also observe that the premise behind compromise is that partial victory is better than nothing at all. In a compromise, each side gives up something of lesser value but remaining focused on the greater goal. Schnake (1987) states that a compromising strategy often prevents the conflict from escalating. Shani and Lau (2000) also reiterate that compromise involves a give-and-take as each party gains and gives up something for the other. Nnadi (1997:60) also views a compromise as a strategy similar to the Lose-Lose method in that the supervisor decides on a position in which all individuals feel moderately contented. However, supervisors approach the compromise situations with a win-lose attitude. This makes the approach to be disappointing because it leaves one or both parties feeling cheated and the resolution is only temporary and unsustainable (Kreitner and Kinicki, 1998:463).

Unlike the win-lose and win-win approaches, which tend to provide clear-cut conflict resolution template, the contingency approach is non prescriptive (Machingambi and Wades 2012). Its premise is that no single strategy is suitable to in all situations. Pang, Jin & Cameron (2007) point out, "...it should not be assumed that one strategy is any more correct than the other or that any one approach represents the truth about conflict management."

### **2.7.2 Empirical work on strategies of unions in educational institutions**

There are many mechanisms and strategies for resolving conflicts, some of which are complex while others are simple techniques. Lencioni (2005:124) asserts that the most important part of conflict resolution process is using the appropriate resolution for conflicts at hand. The author also asserts that obstacles that are not related to the issues in contention are more difficult to resolve because issues have different and unrelated parameters.

Biggs (1992:17) proposes the use of models that recognize that conflict-related factors interact with a mix of factors that may influence how a conflict should be resolved. Biggs (1992:17) lists some factors behind conflicts as personal differences, ethnic backgrounds, differences in understanding of policies and different leadership styles. (also see Bampoh-Addo and Ansah-Koi, 2015:56-58).

The role of trade unions has changed from that of collective bargaining functions towards promoting voice and representation of the workers. (Glennis, 2005). The resultant broad membership base which unions commanded strengthened their positions, giving them power to bargain and to derive successful outcomes BOPA (2002). The literature indicates that in America staff at public and private universities are unionized, but collective bargaining is more common at public universities. However, there are some states, including Georgia and North Carolina, which prohibit public employees from bargaining collectively. Unlike their counterparts in the west, traditional teacher unions in Africa are still in their infancy. For example, Teacher unions in South Africa only emerged in the late 1980s but, unlike those in other parts of the world, the South African unions focused mainly on the political struggle against apartheid. In Kenya, a trade union for post primary school teachers emerged as late as the 1990's. The percentage of teachers in primary and secondary schools registered by the teacher unions is now about 80% (Omolo and Odhong 2017). Trade union movement in Kenya is ran parallel to the struggle for independence, a process that was largely dominated by men and has engendered the perception that trade unionism is a masculine affair, hence many women have decided to shy away from active roles in union activities.

Forming synergies with NGOs to pursue specific goals of unions is another strategy.. For example, in Kenya the Friedrich-Ebert-Stiftung works closely with trade unions, including the Central Organization of Trade Unions (COTU) to champion the labour rights. To increase women members' participation in trade union activities, the unions in Kenya have resorted to developing and initiating comprehensive capacity building and empowerment programmes for women workers. Such programmes target young women to enlighten them about worker and gender plights at work so that they can assert claims to their rights from employers and governments (Kaloki 2017). However, no such initiatives have been undertaken by the unions in Lesotho and where they have been undertaken, they have not been reported or empirically analysed. Unions can strengthen themselves by increasing their membership and creating cohesion. For example, in Kenya, the KNPSWU initially experienced massive membership from 327 in 2011 to 45,000 in 2016. The other common strategy that the unions employ is to create organisational flexibility and empowerment of members. The KNPSWU inherited a structure with multi branches that were formed, not according to membership drive, but as a result of vested interests (Omollo and Odhong 2017).

Machingambi and Wades (2012) argue that leaders in higher education institutions should consider the circumstances of a conflict before deciding how best to resolve it. Musembi and Siele (2004) show that conflicts at universities are diverse and are caused by interaction of different issues. Hence, conflicts cannot be managed selective approaches. Thorough diagnosis of the causes a prerequisite to an appropriate conflict resolution strategy (Fisher, 1993). Machingambi and Wades (2012) add that leaders at higher institutions of learning should be more proactive/impulsive in handling conflicts at the workplace.

For example, at the Midlands State University in Oklahoma in the United States, the central administrator succeeded in resolving faculty conflict by introducing changes in the organisational structure of faculties in 2004. However, Machingambi and Wades (2012) warn that this same method may not work in the same faculty in a few years due to changing circumstances. Thus, Although Machingambi and Wades (2012) conclude that the Multi-Perspective Approach to conflict management at higher institutions of learning is the most preferred, , educational administrators are

at liberty to tinker with different models as situation or circumstances dictate. Currently there is a mounting theoretical battle on the best approach to apply in handling conflicts at educational institutions as there is no one system of action that has consistently worked and the experts still hold divergent views. A manager should not rush into prescribing resolutions to a conflict but should rather first seek to understand the underlying causes to the conflict (Machingambi and Wades, 2012).

The drift of the foregoing discussion is that trade union strategic capacity should be enhanced through internal dialogues, discussions and debates as there is no one-size-fits-all approach and even if a policy works at one institution, it may not apply in another. Hence, because policies or conflict resolution approaches may not just be transposed, unions need to be 'discursive' or 'dialogical' by allowing open negotiation of internal differences. Within any union, some individuals and groups are more motivated and/or able to voice their opinions and interests than others. Today, despite the spread of western liberal democracy, union activities are still dominated by gender, racial and cultural chauvinism which has tended to exclude some segment of membership, especially females, from decision making and active participation. Even with the increasing use of electronic communications that permit a far broader participation in administrative operations and dialogue, the most active participants still tend to be self-selected advocates of a distinctive agenda and the achievement of a bottom-up approach in dialogue is still illusive.

The literature cited above illustrates that higher education institutions also experience conflict which needs certain resolution mechanisms to be employed. This may as well be the case in Lesotho. It is imperative to understand the context in which these unions operate by examining the Higher education sector in Lesotho which may affect the functioning of unions. Makoa (1988) notes that some Lesotho unions have previously employed solidarity and multi-stakeholder coalitions as a strategy to address their concerns in situations where the voice of a single union is not enough and where the trade union struggles with getting recognition from the employers (Makoa, 1984: 10). This is how, in 1964, the unions in the construction, textile, chemical, hotel, shop and distributive sectors decided to join forces with the Lesotho Council of Workers, to press for higher wages and better conditions of employment. Some unions have also chosen to work together with the politicians

(Selinyane, 1998 cited by Maema 2010:50). However, Southall (1984) asserts that the 50 unions aligned to the Basotho National Party, and which include unions in the education sector, have remained small and less effective than their rivals.

Others have elected to work together with civil societies. Two prominent civil society organisations were actively involved in the democratization of Lesotho; the Lesotho Council of Non-Governmental Organisation (LCN) and the Lesotho Congress of Trade Unions (COLETU) (Selinyane 1998 cited by Maema 2010:50).

## **2.8 Chapter summary**

In this chapter, the concepts used and adopted in this study were defined and discussed. Theories which framed this study were also discussed. The social movement theory comprising the Political Opportunity Structure (POS), resources mobilisation and framing articulate well how unionisation fits within the broad institutional structure and how it draws its power to influence action.

The study looked at existing work on the role of capability aspects of union leadership as an instrument of projecting the members' interests. While a large body of literature exist on the elements of capability such as repertoires of resources, the main factor arising from this analysis is that union leaders should be knowledgeable and have in-depth knowledge of trade union administration as well as various labour laws relating to the workers' welfare. Several studies reviewed indicate that having professional leadership in a union encourages the rank and file membership of the union to also work hard. Studies also show that union strategic capabilities are complemented by strong leadership. However, power resources, strategic capabilities and strong leadership alone are not sufficient for unions to be effective. Narrative resources contribute significantly. They promote in-built trust among unionists because they have a common understanding. Despite the fact that several cases of strikes in Lesotho, especially in the education sector, have been reported, there is still no single empirical work that has investigated the capability of the union representation or its lack thereof, as a cause of the frequent strikes in education institutions.

This chapter further looked at the factors that contribute to industrial conflicts in higher education institutions. From the literature, conflict related factors such as personal issues, cultural differences, understanding of how policies work, as well as differing leadership styles were discussed. In Lesotho, the causes of strikes at higher education institutions of learning have not been properly documented although the cases of strikes have a long history in the country. For example, in 1958, the workers at the Morija Printing Works went on strike in response to discriminatory expulsion of workers at the printing press. In addition, political factors are believed to have caused strikes during the colonial times as Africans fought for independence. Makoa (1986:25) further argues that some political leaders sought leverage of trade unions whose members were mainly indigenous Africans to fight the colonial government. Empirical literature also shows that constraints imposed by some laws that prohibit strikes in certain sectors are some of the main problems facing trade unions and which are some of the major causes of strikes in the country. Another factor is the refusal by employers to negotiate and the fact that legal remedies for these problems are either non-available or too costly to apply.

The literature search further looked at the strategies that the unions in Lesotho use to tackle the problems that face the workers at higher education institutions of learning. It shows that some unions have previously employed solidarity and multi-stakeholder coalitions as a strategy to address their concerns in situations where a single union's voice is not adequate and where the trade union struggles with getting recognition from the employers. Some unions have chosen to work with the politicians. However, 50 unions aligned to the Basotho National Party, and which include unions in the education sector, have remained small and less effective than their rivals in representing their members. While some unions in Lesotho in other sectors have elected to work together with civil societies, such as the coming together of the prominent civil society organisations, the Lesotho Council of Non-Governmental Organisation (LCN) and the Lesotho Congress of Trade Unions (COLETU), the main interest was to increase democratisation in Lesotho and not necessarily to address the interests of the workers. Hence, the strategies of the unions that represent the workers at the higher institutions of learning is yet to be determined and studied empirically.

# **CHAPTER THREE**

## **RESEARCH DESIGN AND METHODOLOGY**

### **3.1 Introduction**

The purpose of this chapter is to provide an overview of the research design and methodology employed in this study. It initially focuses on the research design and the methodology adopted. The research paradigm followed is then discussed. Because qualitative research is the approach chosen for this study, an analysis of the different qualitative research methods is made. The methods of data collection including the population, sampling and sampling techniques, the design of the interview schedule and setting up of the interviews are presented. In the next section, before the data analysis methods are described, the process of data coding and coding framework development are also explained. The chapter concludes with a discussion of how the trustworthiness and ethical considerations were adhered to.

### **3.2 Research design**

Research is a scientific and systematic inquiry undertaken to establish pertinent information on a specific topic (Kumar, 2014:2). Farrington (2009:331) highlights the importance of outlining the research methodology clearly. Sumathi and Saravanel (2009:85) note that every research project has to be scientifically conducted within a framework capable of producing answers to its objectives. According to the authors, the framework that begins with problem statement and identification of literature gaps on one hand and ends with the final report on the other, is the research design. Myers (2013:19) explains that the main purpose of a research design is to provide the perspective of the whole research project, including the explanation on how the information will be gathered and analysed as well as the protocol of collecting and analysing the the information (Eriksson and Kovalainen, 2008:25; Myers, 2013:19; Sumathi and Saravanel, 2009:86). Thus, a research design consists of three important elements, namely a plan, structure and strategy of the investigation in an attempt to obtain the answers to the research questions (Sumathi

and Saravanel, 2009:85). Collins and Hussey (2009:11) propose that the first step in a research design is to determine the research paradigm of a study. The two main research paradigms are presented in the following section.

### **3.2.1 Positivism and interpretivism paradigms**

Woodside (2010:46) emphasizes that it is essential to define the research paradigm that is adopted in a study. According to De Vos et al. (2011:513), a paradigm is a set of pattern and concepts of a certain viewpoint from which a general concept of a problem is build. The literature identifies two commonly used types of research paradigms, namely positivism and interpretivism paradigms.

A positivism paradigm assumes that knowledge can only be obtained by applying scientific techniques (Eiksson and Kovalainen, 2008:18). It is theory-driven as it aims to prove or disprove the hypothesis (Esteves, 2010:334; Remenyi, 2007:218). Even though a positivism research paradigm is often associated with quantitative research, it may also be applied in a qualitative research approach (Remenyi, 2007:218). According to Remenyi and Money (2012:75), an important characteristic of positivism is that it is deductive and often starts with general ideas. Specific conclusions are then made from testing the empirical data (Engel and Schutt, 2014:40; Remenyi and Money, 2012:75). Eiksson and Kovalainen (2008:19) add that the main tenet of an interpretivism paradigm is to interpret and find meaning in social settings. Hence, the aim of the interpretivism paradigm is to reveal information from phenomena as it is understood by the subjects who then relay the experiences to the those affected by the phenomenon (Remenyi, 2007:218). One of the important characteristics of interpretivism is that the research is often inductive. It begins with specific data and then develops the general theories to explain the patterns observed in the collected data (Engel and Schutt, 2014:40; Remenyi and Money, 2012:75). Positivism paradigm is often associated with quantitative research methodologies while the interpretivism paradigm is often associated with qualitative research methodologies. These methodologies are highlighted in the next section.

### **3.2.2 Quantitative and qualitative research methodologies**

A research methodology is the steps and protocol followed in conducting a research including the philosophical assumptions underpinning the research (Quinlan, 2011:177). Eriksson and Kovalainen (2008:26) point out that it is essential to plan the key elements such as choosing the appropriate methods to address the research questions. The research methodology includes the place where the study was conducted, the population, data collection methods and processes, as well as data analysis (Hennink, Hutter and Bailey, 2010:275; Taylor & Francis, 2013:24). Two research Approaches commonly identified in the literature are quantitative and qualitative research (Eriksson and Kovalainen, 2008:16). However, there is the mixed approaches research, which combines quantitative and qualitative research methodologies (Creswell and Clark, 2011:1).

Quantitative research assumes that only legitimate knowledge can be derived through measurements and calculations (Eriksson and Kovalainen, 2008:17-18). This research methodology is concerned with testing the theories to establish the facts, showing causal explanations and relationships between the variables and making predictions about the relationships. Quantitative research is grounded on experimentation that requires a defined model and a detailed plan of how activities within a particular research should be carried out (McWay, 2014:235). In addition, this research approach entails collecting quantitative data and using statistical methods of data analysis (Collis and Hussey, 2014:5).

Qualitative research is concerned with how the social world is made meaningful. It seeks to understand reality inductively, thereby providing answers to questions (Woodside, 2010:48,49). Qualitative methodology is concerned with exploring the meanings, variations and perceptual experiences of a phenomenon from a descriptive analysis of the physical attributes of the sample and relies mainly in the use of words rather than calculations (Goosen and Van Vuuren, 2005:64; Monsen and Van Horn, 2008:5). Designing a research study following qualitative research involves collecting qualitative data using interpretative methods of data analysis (Collins and Hussey, 2014:5). Mixed methods research is a concept used to describe the use of the methods that are drawn from different paradigms (Collis and Hussey, 2014:72). It refers to a combination of quantitative and qualitative research methodologies (Creswell and Clark, 2011:1).

Mixed methods research is appropriate when a single research method is insufficient to address the objective of a research study (Creswell & Clark, 2011:8; Venkatesh, Brown & Bala, 2013:24). For example, in a single research study interviews (more appropriate for use in a qualitative study) can provide the researcher with deep insights into the phenomenon while a survey (which is a quantitative data collection method) can enable the researcher to gather data from a large number of participants (Venkatesh, et al., 2013:25). Table 3.1, presents the differences between qualitative and quantitative approaches to research.

**Table 3.1: Differences between qualitative and quantitative research methodologies**

| Description                  | Qualitative research                                                                                                                                                  | Quantitative research                                                                                                                                            |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Origin                       | Interpretative                                                                                                                                                        | <ul style="list-style-type: none"> <li>• Positivist</li> </ul>                                                                                                   |
| Objective                    | <ul style="list-style-type: none"> <li>• Descriptive, explorative, prescriptive theory building</li> <li>• Discovers “hidden” Motivations</li> </ul>                  | <ul style="list-style-type: none"> <li>• Differentiates variables in a sample</li> <li>• Useful in tracking trends</li> <li>• More useful for testing</li> </ul> |
| Subject                      | <ul style="list-style-type: none"> <li>• Small samples between 1 and 50</li> </ul>                                                                                    | <ul style="list-style-type: none"> <li>• Large samples over 50</li> </ul>                                                                                        |
| Data source/type             | <ul style="list-style-type: none"> <li>• Contextual, documentative, textual and participants observations</li> </ul>                                                  | <ul style="list-style-type: none"> <li>• ‘Quatitative data</li> </ul>                                                                                            |
| Data collection and analysis | <ul style="list-style-type: none"> <li>• Data is collected from a small sample through observations and I interviews</li> <li>• Relatively long interviews</li> </ul> | <ul style="list-style-type: none"> <li>• Relatively short interviews</li> <li>• Emphasis on reliability and validity</li> </ul>                                  |

|         |                                                                                                                                                                           |                                                                                                                                                                                              |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         | <ul style="list-style-type: none"> <li>• Emphasis on the trustworthiness of respondents</li> <li>• Allows for probing</li> <li>• Results relatively subjective</li> </ul> | <ul style="list-style-type: none"> <li>• Higher concern for representativeness</li> <li>• Data were analysed using statistical techniques</li> <li>• Results relatively objective</li> </ul> |
| Example | <ul style="list-style-type: none"> <li>• Interviews, case studies</li> </ul>                                                                                              | <ul style="list-style-type: none"> <li>• Survey, laboratory experiment, numerical method</li> </ul>                                                                                          |

Source: Adapted from Hair et al. (2007:152) and Lin, Wu and Tsai (2013:630).

### 3.2.2.1 Differences between qualitative and quantitative research methodologies

Table 3.1 shows the main differences between qualitative and quantitative research methodologies. The differences suggest that the researcher should consider the objective of a study in order to determine the research methodology appropriate to use. In a case where a mixed method methodology is adopted, the researcher should consider the benefits of each research methodology that will address the objective of the study.

The next section highlights the approaches which quantitative and qualitative research methodologies can use.

### 3.2.3 Research approaches in quantitative and qualitative research

Salkind (2010:1244) identifies four (4) types of research approaches that can be used in quantitative and qualitative research, the selection being based on the purpose of the research. These are exploratory, descriptive, explanatory and evaluative research and are discussed in the subsequent paragraphs.

Exploratory research is undertaken when very little information is available about a phenomenon with the aim of determining whether a relationship exists between the variables investigated (Salkind, 2010:1254). Zikmund and Babin (2012:66) state that explorative research is applied when there is no clear way of finding the information or discovering new ideas. That is, exploratory research is appropriate when the researcher knows little about the phenomenon investigated as it helps to discover new patterns or ideas (Hair, Money, Samouel & Page, 2007:154). It is more appropriate when a researcher needs to understand the people's lived experiences and the meaning that they make about such experiences (Young & Atkinson, 2012:51).

Descriptive research describes the characteristics of a population, objects or events by detailing who, how and who is experiencing a phenomena (Hair et al., 2007:155; Salkind, 2010:1254). This approach is appropriate when the researcher attempts to identify and obtain information on the characteristics of a particular issue (Collis & Hussey, 2014:4). Explanatory or causal research focuses on testing the existing theory to find out why variables are related to one another (Blanche, Durrheim & Painter, 2006:44; Salkind 2010:1254). In other words, causality means that a change in X (the cause) influences a change in Y (the effect) (Hair et al., 2007:160). Explanatory research is appropriate when the researcher attempts to understand the phenomena by discovering and measuring causal relations between the phenomena (Collis & Hussey, 2014:5). Evaluative research attempts to assess whether a particular intervention, process or procedure is able to change behaviour (Salkind, 2010:1254). This approach is the application of various research designs such as explorative and descriptive approaches. It is used to evaluate the effectiveness of social programmes that provide services such as performance, accountability, challenges and improvement (Salkind, 2010:1254; Yuen, Terao & Schmidt, 2009:46). Section 3.2.4 presents the research paradigm, methodology and approach deemed appropriate to address the objectives of this study.

### **3.2.4 Research paradigm and methodology**

The aim of this study was to assess the strategic capabilities of the unions in the higher education sector. As a result, an interpretivism paradigm was found suitable for this study. It enabled the present researcher to describe the meaning of

experiences and perceptions of the participants to understand unionism. In making meaning of the lived experiences and perceptions of the participants, at the completion of the study a framework was developed, showing the factors that should be considered and implemented in order to develop effective conflict resolution.

As the methodology adopted in this study is qualitative in nature, the next discussion only focused on qualitative research methods available to the researcher.

### **3.3 Qualitative research methods**

According to Berman and Wang (2011:32), qualitative research methods are described as a means for collecting and analysing data, using the methods that are non-statistical in nature. The literature (Cooper & Schindler, 2011:300; Eriksson & Kovalainen, 2008:193; Van Zyl, 2014:217; Zikmund et al., 2013:139) suggests several methods to choose from when following qualitative research, namely action research, case study research, ethnography, feminist research, grounded theory, phenomenology and projective techniques. These are briefly discussed in the sections that follow.

#### **3.3.1 Action research**

This type of research explores the actions of certain group of individuals, an organisation or a particular community over a period of time to determine the phenomenon. This method may also be used to understand a process such as a change, development and improvement of a problem (Eriksson & Kovalainen, 2008:193). Action research attempts to explain the environment of an event, whether it is static or in a state of constant flux as guided by social justice principles (Collis & Hussey, 2014:67; Struwig & Stead, 2011:14). For example, action research may be used in research to empower a disadvantaged community (Struwig & Stead, 2011:14).

#### **3.3.2 Case study research**

According to Zikmund et al., (2013:139) as well as Van Zyl (2014:217), a case study enables the researcher to investigate a phenomenon in context by employing a

variety of techniques. A case study focuses on only one entity such as an individual, a group, an organisation or a particular event to get in-depth insights about the phenomenon (Van Zyl, 2014:217). A case study can also be performed as a multiple-case study, where two or more cases are investigated within a single research study (Yin, 2011:226).

### **3.3.3 Ethnography**

Ethnography refers to a description of human socio-cultural phenomena, based on field observation, as it focuses on exploring the culture of the phenomenon (Collis & Hussey, 2014:65; Van Zyl, 2014:218). This means that in order to capture in-depth insights about the phenomena investigated, the researcher is required to become active within the culture of the group (Zikmund et al., 2013:138). This method focuses on a community of individuals to select participants who are expected to represent an overview of the activities of the community.

### **3.3.4 Grounded theory**

Grounded Theory (GT), according to Crowther & Lancaster (2009:238), is an approach to analysing qualitative data based on identifying and interpreting themes and patterns found in the data. It also describes a process used to gather data about people's experiences in a particular context and to build a theory from the collected data (Cooper & Schindler, 2011:300). It provides the researcher with an explanation of the interaction in these experiences. Grounded theory can be distinguished from other methods of qualitative research in the sense that it builds a theory based on the collected data as it is an inductive investigation (Zikmund et al., 2013:139). When this method is adopted in a research study, Cooper and Schindler (2011:301) advise that the researcher should avoid reading previous research about the phenomenon in order to eliminate any influence from previous studies.

The study followed the coding applications of grounded theory, as proposed by Bryman & Bell (2007:428), in order to address the research problem. According to them, coding is the key process in grounded theory, whereby data are broken down

into component parts, which are given names. It begins soon after the collection of initial data.

### **3.3.5 Phenomenology**

Leedy and Ormrod (2010:19) note that phenomenology is a view point that sees individual behaviour as determined by the experience gained out of interaction with a large group. Zikmund et al. (2013:136) assert that during their interaction with various phenomena, human beings interpret and attach meaning to different actions, thereby constructing new experiences. Therefore, it is important to know the process of interaction of individuals so that the feelings, motives as well as the behaviour and thoughts of others in the group are revealed. According to Struwig and Stead (2013:136), phenomenology further attempts to understand how the relationships of individuals affect one another's behaviour. When this method is chosen, the researcher may use interviews to get some insights into these experiences and perceptions which are recorded and later interpreted (Zikmund, et al., 2013:137).

### **3.3.6 Projective techniques**

Projective techniques are used when the participants are not willing or are not able to provide the information that is being sought through direct methods of research such as focus groups and in-depth interviews (Malhotra, Hall, Shaw & Oppenheim, 2007:143). Clow and James (2013:111) explain that often participants are not willing to provide negative responses that might reflect their own behaviour, attitudes, beliefs or values. In some cases, participants may not consciously understand the reasons behind their actions and thoughts. As a result they may not be able to articulate those reasons to researchers. Therefore, when projective techniques are used, participants are requested to interpret the behaviour of others and not their own. In doing so, the participants indirectly project their own behaviour, attitudes, beliefs or feelings about a situation (Malhotra, et al., 2007:138).

### **3.3.8 Research method**

This study aims to get an in-depth understanding of the strategic capabilities experiences and perceptions of union leaders as well as their members and to make meaning of the lived experiences and perceptions of individual participants. Therefore the phenomenological method of research is appropriate for this study.

Having decided on the appropriate research approach to follow, the next step was the collection of data from potential participants. This collection was achieved through various methods. The section that follows is a discussion of data collection methods used in this study.

## **3.4 Data collection**

The process of collecting data to obtain information on the factors that contribute to industrial conflict was twofold. Secondary data was collected from the literature review while primary data was collected from an empirical investigation.

### **3.4.1 Secondary data**

Various textbooks, journal articles and other research outputs on unionism, conflict management and conflict resolution were reviewed. The Search engines such as Google Scholar were also utilised. Journal articles in the field of Human Resources Management and Labour Relations Management were consulted. The EBSCO host was used to identify the relevant literature sources. Some literature was also obtained from the libraryservices of the North West University.

### **3.4.2 Primary data**

Quinlan (2011:240) describes primary data as data that the researcher creates as the information is gathered from original sources (McNabb, 2013:81). It is the information on the phenomenon investigated and it provides first-hand evidence of a phenomenon (Quinlan 2011:245). Myers (2013:26) states that the choice of the method of data collection should enable the researcher to collect all the information necessary to provide answers to the research questions. Several researchers, (for

example(Clutterbuck and Abbott, 2012:74; McNabb, 2013:81; Stanton, 2005:66; Wholey, Hatry & Newcomer, 2010:9) indicate that there are many ways of generating primary data in qualitative research and that the most common are case studies, observations, focus groups and interviews (Quinlan, 2011:480,481; Hair et al., 2007:417,421).

### **3.4.3 Data collection methods**

Interviews were used in this study to collect primary data and to develop an understanding of industrial conflict experiences, as perceived by the participants. The choice is based on the fact that the information that can be gathered from interviews is rich and diverse. It provides a broad perspective of the phenomenon investigated, as the participants talk about their experiences and perceptions in their own words. The information collected through interviews often varies across a number of patterns such as behaviour, attitudes, past experience, perception of support and actions (Gideon, 2012:110).

Interviews can take many forms and therefore can be distinguished by their level of formality and the manner in which they are structured (Gideon, 2012:111; Myers, 2013:123). Thus, interviews can either be structured or semi-structured or unstructured in order to encourage the participant to talk at length around the subject of the research (Buchanan & Bryman, 2011:503; Myers, 2013:123). When structured interviews are used in a research study, questions are pre-formulated and the time is strictly regulated for the interview (Myers, 2013:124). A semi-structured interview is an interview in which a number of predetermined questions and special topics are covered. There is flexibility as other topics may emerge in order to provide information that may be of importance to the researcher (Gideon, 2012:112; Myers, 2013:124). Lastly, during an unstructured interview, a few if any pre-formulated questions are asked. When this form of interview is used, the participants have the freedom to say what they wish to say because there is no limit to the time allocated to the interview (Lee & Lings, 2008; Myers, 2013:124).

To gain a deeper understanding of the unionism experiences of the participants, semi-structured interviews were used to collect the data for this study. According to

Bevan (2014:138), when interviews are used to collect data, the researcher is free to structure the interview in a manner that enables a thorough investigation. Therefore the present researcher adopted semi-structured interviews to maintain consistency across the interviews. Each interview started with a similar set of questions. The benefit of semi-structured interviews is that they take the best of the other types of interviews. They provide the researcher with an opportunity to add important insights as they arise during the conversation, while at the same time the pre-formulated questions provide a focus and a measure of consistency (Myers, 2013:125).

As the method of data collection has been defined, it was important to identify the target population as well as the sample for this study. In addition it is deemed important to highlight how the interview schedule was designed and interviews with selected participants set up. These elements of collecting primary data are discussed in the following sections.

#### ***3.4.3.1 Population of the study***

A population is defined as the total group of people from whom information is needed (Wiid & Diggines, 2010:195). is composed of all the elements that have the information sought by the researcher and about which inferences will be made (Burns & Burns 2008:180; Ríos & Del Campo, 2013:193). Such elements include a specific group of individuals in a group such as households and businesses (Burns & Burns, 2008:180; Wiid&Diggines, 2010:195). Ríos and Del Campo (2013:193) warn that it is important to clearly define the target population in a study because imprecise definitions of the target population lead to ineffective research and misleading results. Consequently, the population for this study is defined as NULunion leaders and members.

#### ***3.4.3.2 Sampling and sampling unit***

Sampling is the approach of selecting a smaller number of a given population as a justifiable representation of the whole group (Neelankavil, 2007:240; Sreejesh et al., 2014). The results obtained from the sample is assumed to apply to whole population. However, if errors are made in selecting the sample, the research results are inaccurate and are not representative of the population being investigated (Sreejesh et al., 2014).

According to Neelankavil (2007:240), the sampling unit is a single element subject to selection in the sample. In the case of this study, two trade unions were first identified and selected as the sampling unit. Thereafter, the union leaders from both unions were selected. Thus, the sampling unit in this study comprises more than one element, namely the two trade unions at NUL representing the primary sampling unit and the union leaders, as the secondary sampling unit. The third sampling unit comprised the ordinary union members, with the fourth sampling unit being the managers of the institution that participated in this study.

There are two main techniques of sampling to choose from, namely probability sampling and non-probability sampling. These are discussed in the next subsection.

#### a) Sampling techniques

Probability sampling assumes that every element in the population has an equal chance of being selected in the sample (Babbie, 2013:196; Maxfield & Babbie, 2014:222). This is mainly because the selection of the respondents is determined by non-systematic and random rules (Van Zyl, 2014:96). Examples of probability sampling include simple random, cluster, stratified and systematic sampling (Wiid & Diggines 2010:199). They are discussed in the paragraph that follows.

Simple random sampling refers to the selection of respondents randomly from a list of potential respondents (Struwig & Stead, 2011:112). In this selection, each population element has a known and equal chance of being selected (Cooper & Schindler, 2011:174). With cluster sampling, the researcher identifies the subgroups, known as clusters, which exist naturally within a specific population. Then the researcher randomly selects the participants from the various clusters to be included in a research study (Van Zyl, 2014:102; Struwig & Stead, 2011:114). For stratified

sampling the sample is designed so that a predetermined number of items is chosen from each section (Struwig & Stead, 2011:113). Systematic sampling refers to a procedure in which the respondents are selected in a manner that is efficient and unbiased (Struwig & Stead, 2011:114; Van Zyl, 2014:100).

Non-probability sampling is used when the chance of an element being included in a sample is not known (Maxfield & Babbie, 2014:222). According to Hair et al. (2007:181) and Quinlan (2011:213), the selection of a sample in non-probability sampling does not have to be statistically representative or significant. Indeed, the researcher can rely on intuition and subjective methods such as past experience, convenience and expert judgment to select the elements in the sample.

Non-probability sampling includes techniques such as purposive or judgmental, quota, convenience and snowball sampling (Maxfield & Babbie, 2014:222). The central idea of purposive or judgmental sampling is that the respondents are selected based on the judgment of the researcher (Struwig & Stead, 2011:111).

The judgment is determined by specific characteristics needed in the sample, even when the selected sample is not a representation of the population. For example, purposive sampling can be used in attempts to forecast the institutional or national election results (Zikmund, et al., 2013:393).

Quota sampling attempts to separate the population according to unique characteristics of different sub-groups within the population (Bryman & Bell, 2011:193; Hair et al., 2007:182; Quinlan, 2011:212). Such characteristics include gender, cultural backgrounds, level of education as well as income levels (Bryman & Bell, 2011:193; Burns & Burns, 2008:204; Quinlan, 2011:214). This requires the researcher to define the characteristics of the items to be selected. Once the categories and the number of participants have been determined, the researcher then selects the participants who fit the required criteria (Bryman & Bell, 2011:193; Burns & Burns, 2008:205).

Convenience sampling refers to the selection based on the availability of potential respondents (Zikmund, et al. 2013:392). The researcher selects individuals who are readily available to participate in a study (Black, 2009:224).

Finally, snowball sampling refers to a variety of procedures, when choosing the respondents, in which the initial respondents are selected by probability methods. The respondents refer the researcher to additional respondents (Struwig & Stead, 2011:112). Snowball sampling is appropriate when the location of the potential respondents is not known (Zikmund, et al., 2013:395).

#### b) Sampling technique

The sampling technique that was used to select the participants in the present study is non-probability quota sampling. Quota sampling was adopted with the view that it would allow a representation from the two unions at NUL.

Even though quota sampling is described as being representative of the whole population, there are limitations with regard to generalising the results obtained from a study when this sampling technique has been used. For example, the results from a certain group may not be generalisable to other groups because of its nature (Bryman & Bell, 2011:193; Hair et al., 2007:182). In order to address this limitation, data collection was limited to two trade unions at NUL, namely the Lesotho University Teachers and Researchers Union (LUTARU) and Non-Academic Workers Union (NASU). The selection of the two unions was based on the varying magnitude of the two unions in terms of population size.

#### c) Selection of the participants

Welmer, Kruger and Mitchell (2005:52) state that a population may be defined by different elements including human beings, animal parts, weather or agricultural goods. Welmer et al. (2005:52) further indicate that a research problem relates to a specific population which encompasses the total collection of the units of analysis about which the researcher wishes to make specific conclusions.

The research population comprised of the following groups within NUL

- Members of LUTARU

- Members of NAWU

#### d) Design of interview schedule

Unlike quantitative research, qualitative research does not use a conceptual model of variables and their correlation or causal relationships. Rather, it focuses on linking the empirical analysis to the literature review and theories. It aims at finding some relevance of empirical results to the research questions and does not focus on the existence of relationships in the literature (Eriksson & Kovalainen, 2008:32).

Because this study is qualitative in nature, it is important to note that interview questions should be built around the incidents that participants have experienced in relation to the research area of interest (Buchanan & Bryman, 2011:503).

All interviews were conducted in English since this language is the medium of instruction both at NUL and in Lesotho. These interviews were semi-structured for all the groups each group had two sets of questions to respond to.

#### e) Setting up of interviews

To enhance the perceived credibility of this study, the letter requesting participation of the institutions was presented on the official letterhead of the Graduate School of Business and Governance of the North West University. The letter explained the purpose of the study and the type of information being sought. Annexure A is an example of the letter requesting participation from NUL.

After permission was granted by the institution, three sets of letters were sent to the LUTARU president and NAWU president and to the senior management of NUL. The letters provided details of the purpose of the study as well as the type of information being sought. Once permission was granted by NUL to engage the three groups in this study, an initial contact with the participants was made to arrange for the interviews. Then face-to-face interviews with the groups of participants took place on the university premises, both at the Roma main campus and at the Maseru campus. Participants were made aware that their responses were being voice-recorded and that confidentiality would be maintained. In order to foster participation in this study, the institutions and the union leaders were assured that a summary of

the final results would be made available to them at the completion of the research. An example of letters to the three groups of participants is presented in Annexure B.

The interviews were flexible in that the researcher could ask follow-up questions or for clarify information with the participants when necessary. The interviews were captured on a voice recorder in order to get the information transcribed verbatim. Consent was obtained from the participants to make use of the voice recorder during the interviews.

As qualitative research generates a great deal of data, it is imperative to have a plan to deal with this data (Myers, 2013:26). Such a plan is referred to as data analysis and is presented in the next section.

### **3.5 Data analysis**

Bazeley and Jackson (2007:68) describe data analysis arrangement, structuring and processing the field data to be able to draw information from the selected data to answer the research questions and objectives. As has been described above, a qualitative research is mainly descriptive and rich in the use of words (Quinlan, 2011:420). Sreejesh et al. (2014) add that qualitative data analysis is performed to transform primary data into rich descriptions of the. This involves organising data and restructuring it to obtain patterns to be able to interpret the collected data (Hair et al., 2007:291; Japhet & Usman, 2013:29).

Hair et al. (2007:291) as well as Japhet and Usman (2013:29), advise that with qualitative research, data collection and analysis are often concurrent. This means that as data is being analysed, such an analysis may initiate additional data collection which also needs to be analysed. This is to allow for flexibility in data collection procedures so that the researcher remains open to new ideas that may emerge and gain an insight into the problem for further investigation (Japhet & Usman, 2013:29; Monsen & Van Horn, 2008:5). The process may continue until there are no new themes emerging (Hair et al., 2007:291). The same process was followed in this study. The researcher analysed data in such a manner that as new information emerged, more data was collected on those aspects until no new information emerged.

### **3.5.1 Coding of data**

The researcher retyped the data using the exact words and language which was used during the interviews. Thus, the interview data was transcribed verbatim. An intensive process of concurrently reading the transcripts and reviewing the tapes was followed. This included paying attention to the reflections of the transcripts and listening to the interviews to interpret the manner in which the participants spoke. In the cases where the tapes were not clear enough to hear the spoken information, the researcher contacted the respective participants for clarity and emailed the retyped data to them to confirm whether the information recorded was accurate and correct, or in any case whether some information had been omitted from the interview. Each of the responses in these groups was assigned a letter to ensure that the participants could not be identified, and participants were referred to using pseudonyms.

#### ***3.5.1.1 Types of codes used***

Prior to coding, the researcher needs to decide on the type of coding to be used in a research study. This should help to develop a coding framework to be implemented when the coding process begins (Sullivan, 2009:427), and this is presented in the next section. Zikmund et al. (2013:465) define codes as “rules for interpreting, classifying and recording data in the coding process: also the numerical or other character symbols assigned to raw data.” Gavin (2008:384) explains that the codes enable the researcher to interpret data as themes and that the sub-themes are identified.

Hennik, Hutter and Bailey (2011:218) identify two types of codes, namely deductive and inductive codes. Deductive codes are formed based on existing themes from the literature as they are not formed from reading data. They are descriptive in nature and are theory-testing driven (Castro, Pinto & Simeonsson, 2014:98). On the other hand, inductive codes are formed from reading data as they are not based on theory.

Inductive codes are interpretive and appropriate when there is limited knowledge about the phenomenon (Castro et al., 2014:98; Hennik et al., 2011:218). According to Hennik et al. (2011:218), inductive codes are important as they reflect the issues that the participants regard as essential. Castro et al. (2014:98) assert that the choice of which type of codes are appropriate in a study, is determined by the research questions as well as the purpose of the study.

### ***3.5.1.2 Coding framework development***

A coding framework is described as a set of words or topics that represent a general meaning of the collected data (Haddad & Jaaron, 2012:150). The coding framework makes it easy to link the codes to the transcribed data. When a coding framework is developed, the codes can be linked into common categories to enhance data analysis (Saks & Allsop, 2012:444).

Following the Tesch's eight-step model of de Vos et al. (2002:340-341), the researcher transcribed data from each group of the participants to identify common characteristics of each group. During the interview process, emerging and related issues expressed by the participants were further explored and this improved the quality of the information collected. Similar issues were then categorised into codes during transcription.

During analysis, the emerging patterns were organised into themes and linked with the gaps that emerged in the literature search to draw conclusions for this study. Where necessary, some themes were divided into sub-themes to make analysis easy and accurate. This process allowed for a comparison of the views of all participants.

### **3.5.2 Content Analysis**

Content analysis involves textual examination of data or script to determine the frequency and sequencing of words, phrases and concepts to be able to compare and contrast the various categories of the information contained in the text (Stam, 2008:26). It is used to calculate the frequency with which particular words, phrases or ideas appear in the text being analysed (Quinlan, 2011:162). Such texts include

interviews, discussions, conversations and essays and are manifestations of communicative language (Stam, 2008:26).

In this study, content analysis was used to find meaning of the transcribed interviews, based on answering the research questions. The transcribed comments were grouped into dimensions of content labels, based on the underlying meaning that they reflected, with keywords representing dimension labels, as highlighted in the previous section. The approaches that researchers can choose from to interpret content analysis data are presented in the next section and then the description of the approach used in this study follows.

### **3.5.2.1 Approaches of content analysis and interpretation of data**

Elo and Kyngäs (2008:109) assert that it is imperative to first decide on the appropriate content analysis approach before a content analysis can be conducted. According to them, such a decision must be based on the purpose of the study. The literature reveals different approaches to content analysis. For example, Hsieh and Shannon (2005) identify three approaches to content analysis, the conventional, directed and summative content analyses (Goodman, 2011:24; Lichtman, 2013:259). While some studies refer to deductive and inductive content analyses as approaches to content analysis (Elo & Kyngäs, 2008:109), others refer to them as a conventional inductive content analysis (Miskon, Bandara, Fieft & Gable, 2011:3; Schoeb, Rau, Nast, Schmidt, Barbero, Tal & Kool, 2013:81) and directed deductive content analysis (Alharbi, Carlström, Ekman, Jarneborn & Olsson, 2014:112; Kühlbrandt, Balabanova, Chikovani, Petrosyan, Kizilova, Ivaniuto, Danii, Makarova & McKee 2014:195).

Despite the different names given to these approaches to content analysis, in terms of when to use a particular method, the approaches overlap. For example, conventional content analysis is appropriate when the existing information on a phenomenon is limited. This means that themes and sub-themes emerge from data (Goodman, 2011:24; Hsieh & Shannon, 2005:1279; Lichtman, 2013:259).

Similarly, inductive content analysis is appropriate when information on a phenomenon is limited, as themes and sub-themes are derived from a systematic reading of data (Elo & Kyngäs, 2008:109; Martin, & Hanington, 2012:40; Sparkes & Smith, 2014:26). Directed content analysis focuses on validating or extending a theoretical framework or theory (Hsieh & Shannon, 2005:1281). Similarly, deductive content analysis is appropriate where the researcher wishes to re-test existing data in a new context such as testing categories, concepts, models or hypotheses (Elo & Kyngäs, 2008:109; Lichtman, 2013:259). The last approach, summative content analysis, does not overlap with any other approach.

Summative content analysis follows two steps. The first step is to identify the frequency of the issues emerging from the data. The second step is to interpret the quantified issues by linking the frequency of occurrence to the underlying meaning of these issues (Goodman, 2011:24; Hsieh & Shannon, 2005:1283; Lichtman, 2013:259).

Apart from deciding on the approach to content analysis, it is also important to decide how data will be interpreted. Elo and Kyngäs (2008:109) explain that content analysis can be interpreted using either manifest or latent analysis. Manifest content analysis focuses on the most obvious and straightforward meanings of data without any deeper interpretation (Binfa, Robertson and Ransjö-Arvidson, 2010:447; Smith, 2010:219). This includes issues that are physically present and can be counted, such as the number of times a particular issue is raised by the participants (Ittig, 2008:71). On the other hand, latent content analysis focuses on discovering the underlying meanings of the physical data (Binfa et al., 2010:447; Hsieh and Shannon, 2005:1284; Smith, 2010:219). Even though there has been some debate about analysing and interpreting hidden meanings in silence, sighs, laughter and posture, the aim of latent content analysis is to take note of such moments (Elo and Kyngäs, 2008:109).

Despite the fact that there are two ways in which content analysis can be interpreted, Elo and Kyngäs (2008:109), Gebru and Willman (2010:59) as well as Ittig (2008:71) suggest a third option, recommending that where possible, a combination of both

manifest and latent content analysis is used. Using both methods enables the methods to build upon one another to deepen the final interpretation of the analysis (Ittig, 2008:71).

### **3.5.2.2 Content analysis approach and data interpretation used in this study**

Based on the consideration of the different approaches to content analysis of data, this study adopted an inductive, directed content analysis approach. This method of analysis was chosen to analyse themes and sub-themes that emerged from the data and to analyse those themes and sub-themes that are similar to the themes and sub-themes in the literature to better understand

With regard to the method of interpreting content data, a manifest content analysis was performed in this study in order to determine which issues were regarded as important by the participants. This was achieved by checking the frequency of a particular issue arising in conversation. The latent analysis was performed to reveal the meaning of participant responses, which included the observation of the responses.

### **3.5.3 Constant comparative analysis**

This process involves comparing different information from the same data to determine if there is a relationship between them (Shi, 2008:158). It attempts to generate concepts that can explain people's actions and thinking in ways that are independent of time and place (Rodrigues, 2010:59-60).. This allows the researcher to develop a better understanding of the phenomenon investigated (Shi, 2008:158). Rodrigues (2010:59) notes that it is necessary to determine the incidents and patterns of data, integrating each category to be able to delimit the relevant theory and write the full story.

From the transcribed interviews, similarities and differences between the participants' responses were identified. The comparison of responses was made between the groups of participants (LUTARU members and NAWU members) to establish the unionism experiences of the participants. These enabled the

researcher to categorise data according to emerging themes and sub-themes. The variations in LUTARU experiences provided the researcher with an understanding of their unionism experiences in order to identify the factors that are essential. In the same manner, the variations in the responses from NAWU members provided an insight into the factors that are necessary to ensure effective conflict management and resolution to NUL.

The next section highlights the importance of trustworthiness in a qualitative research study.

### **3.6 Trustworthiness**

According to Eriksson and Kovalainen (2008:290), one of the challenges confronting qualitative researchers is ensuring trustworthiness. Trustworthiness is a concept that originates from the seminal work of Lincoln and Guba (1985). It was developed to address the issues of reliability and validity of qualitative research (Elo et al., 2014:2). Eriksson and Kovalainen (2008:290) point out that adopting explicit evaluation criteria increases the transparency of a research project.

This study observed credibility, transferability, dependability and conformability to address the issue of trustworthiness. Elo et al. (2014:55) observe that trustworthiness in content analysis is often assessed using these criteria. According to Polit and Beck (2014:323), authenticity was developed as another criterion in response to criticisms and other evolving views. Given the importance of authenticity in assessing trustworthiness, this criterion has also been considered in the study.

#### **3.6.1 Credibility**

Ary et al. (2013:531–532) assert that credibility involves how well the researcher has established confidence in the findings, based on the research design, participants and context. Credibility refers to confidence in how well the data addresses the intended focus (Elo et al., 2014:3). The strategies that need to be implemented in establishing the credibility of qualitative research and how these strategies were applied in this study are presented in Table 3.4.

**Table 3.2: Establishing the credibility of qualitative research**

| <b>Credibility strategies</b>                                  | <b>Application in this study</b> |
|----------------------------------------------------------------|----------------------------------|
| Selection of the most appropriate method of data collection    | Section 3.4.3                    |
| Proper selection of the appropriate sample size                | Section 3.4.3.2                  |
| Proper selection of a suitable method of analysis              | Section 3.4.3.2                  |
| Being able to evaluate how well themes cover the data          | Section 3.5.1.2                  |
| Identifying similarities within and differences between themes | Sections 3.5.2 and 3.5.3         |

Source: Adapted from Elo et al. (2014:2–7).

Several researchers (Ary et al., 2013:533; Macnee and McCabe, 2008:172; Polit and Beck, 2014:328) claim that the credibility of qualitative research can also be assessed through member checks. A member check allows the participants to check the accuracy, completeness and interpretation of data (Macnee and McCabe, 2008:172). It can be carried out as data is being collected, through deliberate probing, to ensure that the recorded interviews have properly interpreted participants' meaning. A formal member check can follow after data has been fully analysed in follow-up interviews (Polit and Beck, 2014:328). However, Polit and Beck (2014:328) warn that member checking should be done in a manner that encourages critical appraisal by participants as some of them may agree with the researcher's interpretation out of politeness. In this study, the researcher followed this method of assessing credibility. The researcher received participants' feedback on the data collected, as well as their interpretation and conclusions.

In addition, the credibility of a research study can be achieved through triangulation. Triangulation involves using more than one approach or source of data collection and analysis about the same phenomenon (Macnee and McCabe, 2008:172; Polit and Beck, 2014:327). As Macnee and McCabe (2008:172) point out, when multiple sources of data lead to the same conclusion, the credibility of those findings is increased.

Therefore, the use of the groups of participants from which data was collected in this study ensured that a comprehensive understanding of unionism and conflict resolution was established.

### **3.6.2 Transferability**

The central idea behind transferability is the degree of similarity of the research results in terms of the concepts, themes or dimensions identified (Elo et al., 2014:2; Macnee and McCabe, 2008:171). In addition, it is important to clearly state the principles and criteria used to select participants and detail the participants' main characteristics. This should enable applicability of the results to a different group or a different setting from where the data was collected, or to other contexts. Thus, transferability relies on the reasoning that the findings can be generalised or transferred to other settings or groups (Elo et al., 2014:2; Macnee and McCabe, 2008:171-172).

Even though transferability is based on the applicability of the results to other contexts, the focus is (not on replication of the results) on establishing whether some similarity could be found in other research contexts. This means that transferability involves confirming that what is considered meaningful in one specific setting or with one specific group is also meaningful and accurate in a different setting or group (Eriksson and Kovalainen, 2008:294; Macnee and McCabe, 2008:172).

For the purpose of this study, transferability was achieved by comparing the empirical findings of this study with previous research on mentoring in other contexts, as well as grouping the responses for each group. In this manner, it was possible to assess whether the findings from one group were similar to those of other groups. The grouping of responses also allowed the researcher to assess the differences and similarities of the findings across the groups that were investigated in this study.

### **3.6.3 Dependability**

Dependability is an aspect that ensures long-term value of a research and its applicability in future research projects. This is often determined by testing if the similar generated by the study can be obtained in a similarly designed repeat research (Eriksson and Kovalainen, 2008:294). Polit and Beck (2014:323) affirm that credibility cannot be achieved in the absence of dependability, just as validity in a quantitative research cannot be achieved in the absence of reliability. Elo et al. (2014:3,7) add that good qualitative studies provide a detailed explanation of the method that was followed to collect data, as well as the methods used to analyse the data. This is done to allow for stability when repeated over time and under the same conditions.

Even though dependability serves the same purpose as reliability in quantitative research, it accommodates changes in the research design and method. It does not consider these changes as being disruptive as long as they are documented (Pedrosa, Näslund and Jasmand, 2012:278). In this study, dependability has been achieved by ensuring by that all the primary information sourced, such as interview transcripts, are archived safely for future references.

#### **3.6.4 Conformability**

Conformability involves linking the findings and interpretations to the data in such a manner that it can be understood by other researchers (Eriksson and Kovalainen, 2008:294). It is the potential for congruence between two or more independent people about the data accuracy, relevance and meaning of the findings. The findings must reflect the participant's voice and conditions of the investigation rather than the researcher's bias, motivations or perspectives. Thus, conformability implies that the data accurately represents the information that the participants provided, and that the interpretations of data are not inverted by the researcher (Elo et al., 2014:26).

Macnee and McCabe (2008:171) point out that an approach that can be used to ensure conformability is one which develops and maintains an audit trail. These researchers refer to an audit trail as documentation of the methods of data collection as well as the processes used in analysing data. Polit and Beck (2014:328) indicate

that when more than one researcher shares common information in their reports, it is possible to draw conclusions about the trustworthiness of the findings.

To enhance conformability in this study, all interviews were recorded and archived for future references should any concern emerge about the results of the research. The recorded interviews were then transcribed for analysis.

### **3.6.5 Authenticity**

Higgs, Titchen, Horsfall and Bridges (2012:217) explain that authenticity refers to the extent to which researchers genuinely generate an understanding of the experiences of the respondents. According to Holloway and Wheeler (2010:304), a study is authentic when the strategies used in a research are appropriate for the honest reporting of the participant's ideas. These authors discuss the concept of fairness and the ontological, educative, catalytic and tactical aspects of authenticity. These are briefly examined in the subsequent sections.

Higgs et al. (2012:218) acknowledge that fairness reinforces the ethical basis of the research as it aims to ensure a balanced view of all perspectives and experiences of the phenomenon. Fairness requires the researcher to obtain ongoing informed consent of all participants throughout the whole of the study by reminding them that they have a right to refuse to participate (Holloway and Wheeler, 2010:304). This was done for the current study.

To achieve a balanced view of participants, a sample of participants was drawn from different trade unions. In addition, the criteria for the sample included drawing participants from different unions, representation of different ordinary members who have significant knowledge of unionism and who have experience of what has been happening at NUL in as far as industrial conflicts are concerned.

Furthermore, fairness was enhanced by obtaining informed consent from the participants. Participants were also reminded of their right to refuse to participate in the study.

### **3.6.5.2 Ontological authenticity**

According to the ontological authenticity criterion, all the parties involved in a study should be helped to understand the study in an environment which is open and relaxed (Holloway and Wheeler, 2010:304). This entails providing time for participants to engage in a dialogue about their experiences of the phenomenon as well as understanding the problem that is investigated. Such a conversation should be taken in an environment that allows openness and should not be judgemental (Higgs et al. 2012:220).

This criterion was achieved by providing adequate time and space to participants in order to promote openness during the interviews. Given that interviews are a two-way conversation (Remenyi, 2012:36), participants were provided enough time to freely talk about unionism and industrial conflict experiences. The researcher remained neutral during the interviews to allow participants to openly talk about their experiences.

### **3.6.5.3 Educative authenticity**

The education authenticity criterion supports the participants in appreciating their experiences, understanding these experiences and giving meaning to these experiences (Higgs et al., 2012:220). By exhibiting an understanding of these experiences, participants improve the way in which they understand other people (Holloway and Wheeler, 2010:220). Thus, participants learn how to appreciate other people in their experiences when they feel that their experiences are appreciated. To enhance educative authenticity, the researcher took into consideration the cultural background of participants to accommodate everyone, regardless of their values. This enabled the researcher to have an understanding of how these values frame participants' individual perspectives on unionism.

### **3.6.5.4 Catalytic authenticity**

Catalytic authenticity focuses on encouraging participants in the role that their contributions play in addressing the research problem (Holloway and Wheeler, 2010:304; Malone, Atweh and Northfield, 2013:45). When participants feel encouraged to participate in a study, they willingly engage in the research activities

(Higgs et al., 2012:220). For example, the implementation of strategies and theories resulting from a study enhances catalytic authenticity (Malone et al., 2013:45).

To ensure catalytic authenticity in this study, participants were assured that they would be provided with a report on the results of the study. This report would include the recommendations and strategies for carrying out the recommendations for the success of their individual institutions or businesses. The aim of providing participants with the report is to enhance their participation, knowing that their contributions are noted and acted upon.

### **3.6.5.5 Tactical authenticity**

Tactical authenticity refers to the extent to which participants feel empowered in a research study (Higgs et al., 2012:220; Holloway and Wheeler, 2010:304). This is achieved by engaging participants in the evaluation process. In this way, they feel that their role in the research has been significant (Higgs et al., 2012:220; Malone, Atwehand Northfield, 2013:45). They appreciate the fact that they are given an opportunity to contribute towards the phenomenon in a meaningful manner (Malone et al., 2013:45). The results of the research should be mutually agreed on by the researcher and the participants (Malone et al., 2013:45).

To enhance authenticity in this study, the interpretations of the collected data were given to the participants to evaluate. This was to ensure that the researcher had interpreted the data accurately. The participants were requested to give feedback on the results and their contribution was considered in obtaining a mutually agreed upon research result. The ethical considerations in this study are highlighted in the next section.

## **3.7 Ethical Considerations**

There is an increasing recognition of ethical regulation in conducting a research study. This means that there are ethical considerations which must be adhered to when collecting data through the use of the research tools such as interviews (Schostak, 2006:136). Boeije (2010:45) points out that ethical considerations are

generally addressed in three dimensions, namely informed consent, privacy and confidentiality and anonymity.

With regard to informed consent, Boeije (2010:45) contends that this is intended to ensure that the participants are placed in a situation that allows them to decide whether and how to participate in a research study. Such a decision is based on the full knowledge of the risks and benefits of the research in question. This means that the research participants/subjects??? have the right to know that they are being researched and that they should give their consent to participate. The right to refuse to participate in a research project protects the participant from being persuaded to participate (Fitzpatrick and Kazer, 2012). Most importantly, the fundamental ethical rule of social research is that it must not harm the participants, either in a physical or an emotional manner (De Vos et al., 2011:115).

Privacy in a research study refers to the interest of participants to control the access that others have to them (Boeije, 2010:46). Participants have the right to privacy, which entails the right to keep collected data private, undisclosed and away from public scrutiny (Fitzpatrick and Kazer, 2012). In other words, participants decide to whom they give information about themselves and the researcher may not disclose such information to third parties (Boeije, 2010:46).

Confidentiality is concerned with how the collected data is to be handled in order to ensure privacy. This refers to anonymity of the participants, through the use of pseudo-names and other unique identities. Such information should not be attached to the data in order to maintain their anonymity. Instead, the researcher should use a code book to identify participants and this must be kept at a safe place (Boeije, 2010:46). Even though anonymity can be challenging in qualitative research, it is important that the identity of the participants is protected. This can be achieved through the use of assumed names (pseudonyms) (Schneider, Whiterhead, Lo-Biondo-Wood and Haber, 2012).

In addition to the three dimensions mentioned above, consideration of how the results of an interview are presented is also a source of ethical concern in how interview data is interpreted and used (Buchanan and Bryman, 2011:511). Schostak (2006:136) further explains that personal interviews with participants require the

researcher to be open with participants and to avoid revealing his or her own views during the interview.

In consideration of the ethics in this study, the researcher was issued with the ethics approval from the Ethics committee of the NWU and complied with the ethical measures stipulated therein. Participants were briefed on the reason and format of the interview by means of a short introduction. They were further given the opportunity to decline participation in the study.

Even though no confidential information such as financial records was required, participants were ensured that their responses would be treated with the strictest confidentiality. Pseudonyms were used to ensure anonymity of all of them. The ethics approval letter is presented as Annexure C.

### **3.8 Chapter summary**

In this chapter, a detailed discussion of the research design and methodology has been conducted. Firstly, the research paradigm as well as research design were discussed. Both qualitative and quantitative research approaches were discussed whereby the different types of qualitative research were. The population studied as well as the sampling unit and sampling technique have been discussed. The semistructured interviews, were selected as the data collection method as this is the most appropriate instrument for a qualitative research. The data analysis procedures and processes as well as how the trustworthiness of this study are ensured have been. Finally, the ethical considerations that are important in this study have also been addressed.

## CHAPTER FOUR

### THE CAPABILITIES OF THE LEADERS OF TRADE UNIONS IN LESOTHO

#### 4.1 Introduction

This chapter presents the analysis and discussion of the results from the field research and the existing knowledge on how the unions became effective as well as the resources that they need in their daily work of protecting and projecting the workers' rights. They indicate whether the trade union leaders representing workers at higher institutions of learning in Lesotho have the capacity, embodied in their leadership quality and internal democracy in the unions.

#### 4.2 Enhancement of Unions Capabilities

It has been shown in the literature review (see Hyman 2015:193) that trade unions require new strategies to respond to increasing external and internal challenges. The literature also shows that trade unionism in Lesotho emerged out of the working class struggles during the Colonial era and that the enhancement of the unions capabilities was guided by the the narrative resources or the repertoires of action at their disposal (Mohlakola, 1986: 35). The field research revealed several issues that can be improved on to enhance union capabilities.

##### 4.2.1 Education and Training of Union Officials

The first issue that concerns capability is the ability to participate in collective bargaining. This is one area that is enabled by one's quality of education and training. One respondent, referred to here as LUT8 emphasised;

*“Because conflict at NUL is brought by monetary issues, it is advisable to increase bargaining power of union leaders -Bargaining capabilities at the monetary side. Train them to bargain. But bargaining with the VC is just a waste of time. Train them to bargain with the owner of the university who is the government in this regard. VC doesn't own the university and VC doesn't*

*own university funds. Continued bargaining – the question is how far can the bargaining go? Because we would be bargaining with the dead person in terms of money and resources. The structure already exists. NUL is a non-profit making organization and that alone becomes a problem when it gets to bargaining. Your efforts to increase bargaining capabilities won't even benefit NUL or LUTARU because we know where the problem lies – the government which is always ready to say there is no money” (Interview, June 2016).*

Respondent LUT1 also highlighted the importance of education in enhancing the union leaders' capability or lack thereof.

*“Within unions, there should be education about*

- i) Labour Laws*
- ii) Employee benefits/responsibilities*
- iii) Codes of conduct within unions, places of employment and professionals” (interview, June 2016).*

NUWUFG, on the other hand, said;

*“We think all union members need to be trained on negotiation skills. We are saying this because there was a time when the former Vice-Chancellor-Prof. Ogunrinade wanted to involve the unions in budget preparation. Again it was because LUTARU wanted 6% across the board. LUTARU believed that 6% is affordable. Then the then VC asked the bursar to address the members on the budget. LUTARU didn't want to listen to that presentation. They found that NUL is trying to cheat them. Then LUTARU declared a strike,. 6% or dispute. If union leaders are highly skilled in negotiations, the strike ought to have not gone on” (Interview, June 2016).*

The observations of the respondents on the importance of education in empowering the union leaders are in line with the information captured in Section 2.4.1 of the literature review where Makoa (1988) asserts that ILO's Bureau for Workers' Activities (ACTRAV) is aimed at assisting trade unions in promoting their training

programmes to expand their activities and membership and to improve their capacity to represent and defend the interests of their members.

NAWUFG further commented;

“We believe that DDPR should train union leaders on negotiation skills. DDPR mandate is to capacitate employees and to make sure that employers fully comply with labour issues.

*There was emphasis that the union should have money from members' subscriptions, because for a union to say it has members, that should be based on the members who have paid their subscriptions. It was shared that on Thursday of that week of interview, NAWU has planned to have a meeting. The purpose of that meeting is to share with its members about proposed training of union leaders on unionism, negotiation skills and labour issues. The long term plan of NAWU in 2016 is to capacitate its union leaders”*  
(Interview, June 2016)

Again these responses underscore the role of education and training so that the leaders can gain negotiation skills. The issue of education has already been discussed above where it is mentioned that empowering union leaders are in line with the information captured in Section 2.4.1 of the literature review where Makoa (1988) notes that (ACTRAV) of the ILO is aimed at assisting trade unions in promoting their training programmes to expand their activities and membership and to improve their capacity to represent and defend the interests of their members.

#### **4.2.2 Understanding the laws of the country and constitution of the union**

The other issue of being averse with the rule of law is also seen by the respondents to be important in enhancing the capability of the union leaders. The rule of law includes the country legislation, THE regulations that regulate management of education in Lesotho as well as the constitution of the union.

LUT 3 mentioned;

*“I think to enhance that, we should engage our members in knowing to adhere to the laws whenever there are issues of dissatisfaction. Even the way they should conduct themselves. This means being professional. We should encourage our members to be good employees and to excel in their jobs. We are trying to organize seminars on work related NOT as union members but as employees” (Interview, June 2016).*

Respondent LUT2 remarked:

*“Our people don’t know much about unions. We tried to bring people to address our members on collective bargaining, the laws governing labour laws, just to give us an insight about labour laws though members don’t attend such workshops. This could be because our members are not knowledgeable about the laws governing the unions and the rights of employer and employees” (Interview, June 2016).*

LUT4 stated:

*“Employer can also try to support the unions so that capabilities are enhanced. If you are a clever employer, you help your employees know their rights, what is their job, why they are doing it. That makes them stronger. Employers could also bring speakers or supply things to read-selected topic of interest which is on labour laws. Also do certain things, supply information to your employees” (Interview, June 2016).*

LUT 5 added;

*“LUTARU should continue nominating Union leaders-consistently choosing able people Professors and PhD holders. Unionism is a skill, you don’t learn it from a book. It is a product of a struggle. That is why you will find good leaders at unions without university degrees (Interview, June 2016).*

LUT 6 stated;

*I would advise that we go back to the LUTARU constitution and practice and implement the good things about LUTARU. The Mandate of LUTARU is good. It can give us integrity. Another issue is that we can enhance our capabilities*

*by drawing up value statement and making sure that ordinary members of the unions are aware of them and practise them. By making the value statement not for particular employer but that value statement should cover members who are not necessarily LUTARU members. For instance, value statements at higher institutions of learning should seem to care about core business of the said institution, teaching and research. Right now we are having people who are active in unions who don't care about the core business of the institution and those people are very active and influential who ultimately lead to disorder. Sometimes the employee would be going up and down not at work so much that one thinks that such person doesn't work for NUL. If it happens that a certain employee doesn't know the other, one would believe that such person works elsewhere rather than at NUL. Such people compromise quality of their work, they compromise quality of their engagement – the more reason why they need to be capacitated, the more reason why they should be put together to understand common issues” (Interview, June 2016).*

The main drift of the remarks of the above members is that unions should adhere to the laws of the land and all their activities conducted within the confines of the Lesotho laws. The respondents also note the important role that the employer, NUL, should play in order to assist in enlightening the workers to make negotiations smooth and easy rather than confrontational. This is a new line of research and literature development that has not been empirically developed by previous work, and this WHAT?? is a contribution of this research to the knowledge around enhancement of the capability of union leaders.

#### **4.3.3 Using solidarity to enhance resources**

Some respondents particularly recommend having solidarity and projecting a common front within the umbrella union representation, LUTARU, instead of pursuing lone-ranger efforts. Solidarity is both a resource and strategy that union leaders can leverage to forge a common front in bargaining.

LUT 8 commented:

*“From observation, I think they would be capable. Right now they don’t. We don’t have solidarity, we are different as people and don’t see things the same way. There are people who don’t favour the decisions taken. Such decisions don’t become popular among members. For instance, if the employer threatens to dismiss the employees for unaccepted behaviour, it shows that solidarity is compromised. Union members need value list and that list of values should be modified from time to time. It shouldn’t be considered automatic. We should choose among those values which ones are good for our unions” (Interview, June 2016).*

LUT 7 said;

*“Union capabilities be enhanced. As long as we maintain a status quo of unions, but if the JCC becomes a representative for all the unions .... One NAWU member earlier wrote a letter where he indicated that JCC be the representation for all but LUTARU denied the proposal. They didn’t want to mix with NAWU. It failed because unions claimed to have their own constitutions. Despite that, a person can have a lease but eventually sell such lease, so why the unions fail to join and fight jointly for a common problem? The management can fool them easily. Conflict resolution should be handled jointly for everyone at NUL. JCC to be for all. (Interview, June 2016).*

The above observations indicate that staff at NUL understand the importance of combining effort across the sectors and institutions to gain strength in negotiations or during the strikes. This view is supported by the literature search in Chpter 2. For example, in Section 2.4.2 of the literature review, Omolo (2018) narrates how the security industry employees in Kenya suffered a weak representation, characterised by multiple trade unions within the sector and leadership wrangles which stifled union representation in the sector for several years. In another study, Lévesque et al. (2005) also note that radicalization of difference within the union can undermine their strategies and longevity as the divergent social identities challenge traditional notions of collectivity and lead to an erosion of the relevance of traditional frames of reference. Jarley (2005:12) notes that unions can build capacity to extend the social capital by joining other social networks, because workers’ rights are not confined to

purely workplace issues. They can be sustained among the workers who are mobile across employers, making union membership more readily 'portable across firms'. Omolo (2018) reinforces this view by asserting that the revitalization process in one of the unions in Kenya (KNPSWU) saw the union gain sympathy and relevance from members of the public, while also realising improvement in articulation capabilities of the union leaders who were then able to bring together national officials, shop stewards and ordinary members. Law and (Mooney 2006) also confirm that developing broad networks of mutuality or 'insurgent social capital' contributes to the longevity and vibrancy of the unions. Solidarity of the unions has proved effective within the textile cluster in Lesotho. For example, in 1964 the unions in the construction, textile, chemical, hotel, shop and distributive sectors decided to join forces with the Lesotho Council of workers, to press for higher wages and better conditions of employment. This indicates that unions can draw resources of action or strength across industries and even from the un-unionised general public. However, the success of unions that have forged common fronts with other entities outside trade unions has produced mixed results in Lesotho. Some unions which chose to work together with the politicians (see Maema 2010:50 Southall 1984) have remained small and less effective than their rivals.

Perhaps, the choice of who to partner with could explain why union movement in Lesotho is not as active as it is in the neighbouring South Africa, Kenya or Nigeria, as the literature indicates that despite several legislative laws having been enacted to promote trade unionism in Lesotho, the implementation of the laws have been wanting and has not helped the growth of trade unions (see Southall, 1984: 96).

#### **4.3.4 Importance of communication**

Information asymmetry is important in enabling the parties in the conflict know whether the actions of the leaders or management are out of goodwill or malice. For example, there should be transparency and accountability by the management of the university in how the finances and other resources of the university are utilised. Lack of transparency makes the workers and union members to be suspicious of the dealings of the management.

*“It takes forever for an employer to communicate. He assumes that employees are aware of the developments which are ongoing. It is unacceptable for a union to go and ask for a 5% salary increase because they will be told that the money has been spent on projects such as Paving of the roads within the campus when nobody has communicated that. As long as the management holds meetings with the employees frequently, they stop the employees from saying “you are hiding”. Whenever possible try to manage conflict. Conflict management should be the responsibility of management not expect unions to do such”* (Interview, June 2016).

When asked whether LUTARU members are familiar with the LUTARU Constitution, LUT 8 responded;

*“A few are familiar and those are the old members. Ordinary members would be having the constitution but they don’t read to understand. They don’t know the objectives. We have produced flyers to introduce what LUTARU is. People don’t read. When asked if they read, the answer was we just browse the documents”* (Interview, June 2016).

Based on the responses from different participants, the following question was then asked: Are the unions engaged in building institutional capabilities?”

LUT 5 responded;

*“There is a problem in engaging unions by NUL management – Anybody who represents academic staff not necessarily representing LUTARU. Constitution should be revised and unions should be represented. Congregation doesn’t meet unless it is called by the Vice Chancellor – elected by academic and non-academic – There is no structure that ties them”* (Interview, June 2016)

LUT 7 said;

*“Even if our union leaders may wish to engage in building institutional capabilities, the university management does not give us feedback-This means that they are not accountable to the unions whereas the unions*

*should be represented. We may have some insights on budget – funds for increment. NUL is so secretive on funds that things which are meant for public consumption are no longer enjoyed. NUL audit reports are highly compromised because the management keeps financial issues secretive.*

*But since they know that they are on the wrong side, they do not want to share any information on university funds. NUL management is so difficult to discuss issues of the university funds even the audit reports (Audited financial reports) are not shared with the NUL community. I wonder if the government has such reports since they are for public consumption”*  
(Interview, June 2016)

LUT 8 supported this statement:

*“We are aware that restructuring is ongoing but there are no consultations. Nothing as short as that. Also the NUL Strategic plan of 2015-2020- LUTARU did not participate as one of the stakeholders. It went up to faculty level not at departmental level. Surprisingly, that strategic plan is now in use. What I am actually saying here is that the university did not engage LUTARU in developing the strategic plan; however, the said strategic plan affects them”*  
(Interview, June 2016).

NAWUFG responded;

*“No! Even the mere budget of NUL, NAWU wouldn’t know. It was further emphasized that caring companies engage their employees in budget allocation so that they know how much the company has in that particular year. So with NUL, the previous Vice Chancellor (Professor Siverts) would go to media/press to say NUL is in deficit of M50m yet members are not even sure of what she would be talking about. Whether that be true or false would be known by VC and her team. This shows that NUL doesn’t engage union members and even ordinary employees. But these people are NUL stakeholders. In short, there is no engagement in any respects. For example, there is a current Strategic plan 2015-2020, NAWU is not aware of*

*that, it wasn't part of the formulation of the strategic plan. This can have a problem at the end of the day.*

*Another example, NUL pays tuition waiver for its employees who are doing part time studies such as Adult Education at IEMS, upon completion of those programmes, NUL doesn't recognize such qualifications. When reviewing NUL programmes, lecturers who are teaching those programmes have problems with reviewing such programmes.*

*There is Botho University which is a competitor on part time programmes. This university offers better programmes than Adult Education. Why is NUL failing to review programmes such as Adult Education yet it has capacity to offer better programmes which can respond to national needs? It is because, according to one participant, those who teach in Adult Education are holding strategic position and they think if such programme are phased out, that would mean they lose their jobs. So they make sure that engagement of unions in building and shaping NUL is a threat.*

*During strategic plan, reviewing of programmes should be a priority. But NUL is not interested. Botho University has just overtaken NUL with marketing. NUL would opt for ODL programmes like Wits University and University of South Africa.*

*It was highlighted that NAWU was not represented in the strategic planning of NUL 2015-2020. We even wrote a letter in that regard- No response up to now. All University boards used to have representation from various members of the university. But of late, most of these boards are dead. The existing and active ones are the Board of Finance and Board of Trustees. It should be noted that all boards are statutory but they are now dead" (Interview, June 2016).*

The above responses indicate that there should be transparency and accountability by the management of the university in how the finances and other resources of the university are utilised. Lack of transparency makes the workers and union members

to be suspicious of the dealings of the management. This is a new line of literature since the literature search did not find previous work on transparency and accountability on the part of the management to be a vital resource for union empowerment, enlightenment and capacity building.

LUT 4 responded;

*“Yes not directly. There are bodies within NUL. Some bodies representing academic staff at Senate, those members are LUTARU members though not in the name of LUTARU. The participant suggested that; they as LUTARU members should look at LUTARU constitution, look at the motive behind establishment of LUTARU. After that, what achievements from mandate! Then compare. Also diversion from the previous LUTARU and now. If there is a deviation, to find the reason for such. My opinion is that LUTARU is full of politics” (Interview, June 2016).*

LUT 6 commented;

*“As my observation of the unions that we have, there is clearly a huge room for our unions to improve, especially in the case of value statement, list of values. I think that will come up of values-list. Because LUTARU lacks value statement and list of values, that is the more reason why capacity building is of importance within LUTARU. Value statement must c*

*over the core business of the university, it should seem to care about core business of the institution” (Interview, June 2016).*

It is evident from the above responses that the unions are not engaged in building institutional capabilities. These remarks underscore the importance of unity within the union. Rather, they show solidarity with other unions within the sector or across the industries. The role of solidarity and union unity has been discussed above by Omolo (2018) and Jarley (2005:12) who notes that unions can build capacity to extend the social capital by joining other social networks.

## **4.5 Summary of the Chapter**

The first issue that concerns capability is the ability to participate in collective bargaining. This is one area that is enabled by one's quality of education and training. The respondents also underscored the importance of education and training in enhancing the leadership ability to participate in negotiations and collective bargaining. The observations of the respondents are in line with the information captured in the literature search where it is observed that ILO's Bureau for Workers' Activities (ACTRAV) is aimed at assisting trade unions in promoting their training programmes to expand their activities and membership and to improve their capacity to represent and defend the interests of their members.

The findings also note the importance of unity within the union and forming solidarity with other unions within the sector or across industries. The role of solidarity and union unity featured severally in the literature review where it is noted that unions can build capacity to extend the social capital by joining other social networks. Some respondents particularly recommend having solidarity and projecting a common front within the umbrella union representative, LUTARU, instead of pursuing lone-ranger efforts. Solidarity is both a resource and strategy that union leaders can leverage to forge a common front in bargaining. This indicates that unions can draw resources of action or strength across industries and even from the un-unionised general public. However, the success of unions in Lesotho that have forged common fronts with other entities outside trade unions has produced mixed results. Some unions in Lesotho who elected to work together with the politicians have remained small and less effective than their rivals. Perhaps, the choice of who to partner with could be the reason for the less active union movement in Lesotho in comparison to that of the unions in the neighbouring South Africa, Kenya or Nigeria. The literature indicates that despite several legislative laws having been enacted to promote trade unionism in Lesotho, the implementation of the laws has been wanting and has not helped the growth of the trade unions.

The respondents also decried the lack of transparency and accountability by the management of the university in how the finances and other resources of the university are utilised. Lack of transparency makes the workers and union members to be suspicious of the dealings of the management. This is a new line of literature since the literature search did not find previous work on transparency and

accountability on the part of the management as a vital resource for union empowerment, enlightenment and capacitation.

The respondents also highlighted the importance of the members of the unions, particularly the leadership, in adhering to the laws of the land and all their activities conducted within the confines of the Lesotho laws. The other issue is being averse with the rule of law. The respondents see this as an important factor in enhancing the capability of the union leaders. The rule of law includes the country legislations, the regulations that regulate the management of education in Lesotho as well as the constitution of the union.

The respondents also note the important role the employer, NUL, should play in enlightening the workers to make negotiations smooth and easy rather than confrontational. This is a new line of literature development that has not been empirically developed by previous work, and this is a contribution of this research to the knowledge around enhancement of capability of the union leaders.

## **CHAPTER FIVE**

### **FACTORS CONTRIBUTING TO INDUSTRIAL CONFLICTS AND THEIR IMPACT AT THE NATIONAL UNIVERSITY OF LESOTHO**

#### **5.1 Introduction**

The purpose of this chapter is to present the findings from the data collected from the various members of LUTARU and NAWU. The Findings on the factors that contribute to industrial conflicts at NUL were largely guided by the following research objective:

- To identify the factors which contribute to industrial conflicts and their impact within higher education institutions in Lesotho.

The respondents raised several observations, experiences and perceptions regarding conflict and its causes at NUL. These are presented in this chapter which is divided into two sections. The first section presents the factors that lead to conflict while the second section presents their impact.

The data collected during the study was compiled and transcribed immediately after the field survey was completed. Thereafter, the researcher assigned preliminary codes were, to represent the features of the data in an orderly way across the data set. The codes were then collated into potential themes, according to their content. Common themes related to the factors which contribute to conflict were identified and extracts from the data were made. The findings were drawn from the extracts. The next section presents the factors that contribute to the conflict at NUL.

## 5.2 FACTORS CONTRIBUTING TO INDUSTRIAL CONFLICTS

### 5.2.1 Lack of transparency

The data reveals that lack of transparency causes conflict at NUL. For example some policies are not known to the employees. As a result, they do things which are against the set policies. Ultimately, employee-employer relationships become sour.

LUT1 commented:

*“Lack of transparency in dealing with issues at the National University of Lesotho affects the employees. When there is an issue NUL favours certain employees by giving them full information while others are left clueless. This indicates that there is lack of transparency”* (Interview, January 2016).

From the above quotation, it is evident that the management does not adhere to the tenets of corporate governance. Corporate governance is a framework of rules and practices used by the company management to ensure accountability, fairness and transparency (Alsemgeest, du Toit, Ngwenya and Thomas, 2017:20).

LUT 5 supports this comment:

*“Certain issues are not transparent, employees do not know beforehand whether what they are doing is right or wrong. They do not know whether they are breaking the law or not. When we take matters to the occasional arbitration, the university has hired a Legal director but she is part of management and now what is wrong with that? There is a relationship between the employer and the employee. This is a top down relationship. Nobody between the employer and the employee because the legal advisor is part of management. The management has restructured the very top. Recently, the workers complained that she should be neutral. The Legal director actually speaks on behalf of the management. As the unions, we feel that the legal director is now protecting management. That relationship is one factor which makes relationships sour”* (Interview, February 2016).

The above comments confirm that lack of transparency is a cause of conflict between the employees and employer at NUL. This is an area that has not been looked at in previous work. It is new knowledge that may assist the development of information in this field.

### **5.2.2 Inconsistent application of policies**

One of the prominent factors which have contributed to conflict at NUL is the inconsistent application of policies by managers across the institution. . The following observations, made by an employee of NUL, reflects that one policy is applied and interpreted differently by employees.

LUT 1 commented:

*“At NUL, there is inconsistency in policy interpretation and execution. You will find that employees are not treated equally even where they deserve to. For example, employees with the same qualification and the same length of work experience, are treated inconsistently in terms of their appointment. That is, their appointment reflects favouritism and inconsistency” (Interview, March 2016).*

LUT 4 also stated:

*“NUL does not have a blanket cover policy that applies across the board. There are people who are covered by certain policies while others are not. This causes conflict among the employees” (Interview, March 2016).*

The participant was supported by LUT6 who stated:

*“When it comes to promotion, the administrator is promoted easily with his or her first degree while the lecturer would be required to publish at least three (3) journal articles, must have contributed in book chapter etc. This causes conflicts between both teaching and support staff.” This is because the administrator can be promoted to the position of Senior Assistant Registrar which is a Senior Lecturer rank. Sometimes to qualify for a senior lecturer notch, there are criteria such as years of teaching experience, research output*

*etc. A lecturer mostly teaches and she is expected to research as well, these prohibit this person in that, teaching loads are so heavy that there is little or no time at all for research. At the end, this person can't be promoted because he does not meet promotion criteria (Interview March 2016).*

NAWUFG, on the other hand stated:

*"The problem with NUL as a Higher learning institution is that it is guided by ordinances and statutes in the Joint Consultative Committee (JCC). If one can look at the statutes and ordinance, what is reflected in them emanates from the Lesotho Labour Code. A problem with NUL is that when it is convenient for it to use statutes, they do so, when it is convenient to use the Labour Code, they do so. For example, it is very clear in the Labour Code that an employer should contribute a certain amount of money for pension fund and the employee should also contribute a certain amount. However, with NUL, we don't contribute anything. The Labour code indicates that when an employee leaves her or his employer, she or he qualifies for severance pay. But because NUL pays everything for its employees, it is exempted from severance pay. Another example, there is a case in the courts of law where members of staff have sued NUL about severance pay. I am surprised that one senior member has sued NUL demanding severance pay yet he was a bursar who knows very well that, he shouldn't do that. There was a time when LUTARU signed a recognition agreement where they were arguing that NUL is guided by ordinance and statutes. This was because the ordinance and statutes were in their favour. So, the management does not care anymore because they have realized that unions are inconsistent in the use of ordinances, statutes and the labour code. They are also aware that unions are taking advantage when it comes to both ordinances and labour code" (Interview, March 2016)*

The above responses illustrate that implementing the policies inconsistently is the major contributing factor to industrial conflict at NUL. In the literature review section, it is shown that lack of clear procedures at academic institutions often creates conflicts between the lecturers and students and teachers and administrators (Hardy

1997). Conflicts can result in policy makers and administrators treating conflict as a good excuse for low-quality education and/or low achievements (Thrupp and Lupton 2006). Conflicts at higher education institutions occur in different contexts. For example, in the Philippines, higher education is confronted by various conflicts which are triggered by differences in religious and cultural identities (Bernardo and Baranovich 2014). Another study reports violations of the regulations related to the initial appointment of lecturers, the absence of research ethics code as well as disregarding the staff suggestions as the most common causes of industrial conflict (Muthanna 2013). However, there is no direct discussion of conflict and its effect on the performance of academic and bureaucratic administrators, teachers, staff and students, the four requirements of an academic institution. According to the LUTARU and NAWU participants, unfair or inequitable remuneration practices are the causes of conflict at NUL.

In the literature, Makoa (1988: 3) argues that the main problem facing trade unionists in Lesotho, and which are some of the major cause of strikes in the country, is the stalling or refusal by employers to negotiate. He further argues that legal remedies for these problems are either not available or too costly to apply.

### **5.2.3 Bias**

Another factor that has impacted on the worsening industrial relations among the employees and NUL is bias. This was confirmed by LUT 1 who commented:

*“Bias against academic staff is with regards to decision making on financial benefits between academic and non-academic staff. The senior university staff such as the directors of administrative units such as Human Resources, Legal etc are treated fairly in that they have benefits such as car allowances, cell phones and airtime allowances, which the university does not provide to academic staff”* (Interview, April 2016).

LUT2 stated:

*“Teaching staff need separation of cadres. That is, administrative benefits should be separated from teaching staff benefits. We feel that we are being unfairly treated”* (Interview, April 2016).

The literature indicates that unequal pay is one of the main causes of employee resentment and low morale. For example, Freeman and Medoff (1984) report that in Botswana, unequal pay for men and women, lack of leadership skills on the part of the teachers and the abolition of the provident fund are some of the factors noted as the main causes of teachers' strike at educational institutions. In South Africa the mismatch between wage offers and demands and poor working conditions are the main causes of the numerous strikes (Murwirapachena 2014). The literature is in line with the findings of this research and illustrates that there are biases at NUL where non-teaching staff are favoured regarding financial benefits. For example the staff member who is a programme coordinator is forced to stay in his or her office until 7:30pm from Monday to Friday because the work requires that. The NUL does not provide transport or car allowance but it does that for some managers. These are some of the biases that NUL has towards staff. In Lesotho, the causes of strikes at higher institutions of learning have not been properly documented although cases of strikes have a long history in the country. For example, in 1958, the workers at the Morija Printing Works went on strike in response to discriminatory expulsion of workers at the printing press.

#### **5.2.4 Non-separation of cadres**

The findings of this study show that non separation of cadres is another cause of conflict at NUL. This was reflected by LUT2, LUT3, LUT6, LUT7 and LUT8.

LUT2 stated:

*“Teaching staff need separation of cadres, that is; administrative benefits should be separated from teaching staff. We feel that we are being unfairly treated”* (Interview, April 2016).

LUT3 also pointed out:

*“Another issue is that support staff are paid more than teaching staff. It is so easy for support staff to be promoted with junior degrees. However, with teaching staff, one needs to have a Masters degree and publish a certain number of journal articles and chapters in books. These two categories should not be equal, teaching is worth more” (Interview, April 2016).*

LUT6 also responded:

*“There is no separation of cadres between academic and non-academic staff. Academic staff complain that they are not fairly rewarded while administrative staff are better off. Academic staff believe that NUL administrators are paid more than teaching staff though in terms of qualifications, lecturers and researchers are more qualified. For example, you will find that an administrator is required to have a Bachelor’s degree while a lecturer is required to have a Master’s degree and above” (Interview, April 2016).*

LUT7 added:

*“The issue of separation of cadre-that is the most crucial one. There is a situation at NUL where everybody who has a degree becomes an academic staff member. That’s unfair. This does not only apply to the teaching staff but it also applies to the university at large because we do different jobs. Why should we then be paid the same yet we perform different duties which demand different skills?” (Interview, April 2016).*

LUT 8 stated:

*“NUL rewards to employees are not properly channeled. It is not that NUL doesn’t have money, if NUL wants to attract a professor. Instead of NUL attracting a professor, it attracts a director of Human Resources because NUL pays support staff more than it does the teaching staff. Failing to attract a scholar has serious implications. If this is an academic institution, it needs to attract scholars not other professions. We can do without a Human Resources Director. NUL can do with an ordinary Human Resources manager with a first degree not a director with a high salary” (Interview, April 2016).*

The issue of non-separation of cadres is similar to that of bias. Unequal pay and inconsistency in applying the laws and regulations. It is evident that NUL is failing the teaching staff when it comes to rewards. This is because all teaching staff have argued that NUL does not do justice to them when they are rewarded. They feel that support staff are paid more even though in terms of workload they do more than the support staff.

#### **5.2.5 Low salaries**

The findings of this study indicate that low salaries at NUL are a cause of conflict. LUT2 reiterated:

*“Factors such as low salaries and non-increment cause conflict at NUL. Whenever there is a strike, the same issue always arises. Prior to 2005, NUL was using a notch-based structure and it was the best for the employees because there was a normal increment every year. In 2005, NUL introduced the Paterson Scale and ever since then, our salaries have been stagnant”* (Interview, April 2016).

LUT 3 further said,

*“At NUL there is no inflation adjustment. It is as if the NUL management doesn’t know that inflation is changing because they don’t provide such. The GOL works better than NUL. The Government provides civil servants with at least 4 to 6% inflation adjustment every fiscal year. At NUL that is not the case. Even if the employees fight for that, management does not care”* (Interview, April 2016).

LUT 4 added:

*“In my view, it is the low salary for employees as compared to other universities across the region that causes conflict. What makes things worse- no adjustment for inflation. Money goes to buildings etc. What worsens the NUL situation is non-adjustment to salaries”* (Interview, April 2016).

LUT6 supported:

*“Non-increment of salaries/low salaries is the major contributing factor to instability at NUL” (Interview, April 2016).*

LUT7 stated:

*“NUL gets a subvention from the government of Lesotho and the government is no longer willing to increase its subvention. Subsequently, the salaries of NUL are not comparable regionally. Remember this university is the only one locally where there is no state university other than NUL. Much as we are not on strike, things are not fine” (Interview, April 2016).*

LUT8 responded:

*“There is an erosion of salaries – remuneration/benefits. There is constant fees and constant subvention. Therefore it means if inflation goes up, people feel the pinch of that, whatever we used to afford, we can no longer afford because we are below inflation” (Interview, April 2016).*

NAWUFG on the other hand responded:

*“Another issue, are you aware that our problems evolve around remunerations? There has never been a time when NUL proposes that there be a meeting with unions/employees on budget issues. This could help in that NUL management could share the budget with the unions so that when they continue with their demand on salary increase, at least they should know that as much we are demanding a salary increase, the budget can accommodate it or not. The budget could be discussed as either recurrent or capital expenditure. Failure to engage the unions on the budget preparation also becomes a contributing factor” (Interview, April 2016).*

NAWUFG indicated:

*“Another issue which one does not know how to put is discrimination which exists at NUL. For example, if salaries are increased, they are increased for the teaching staff only because they are considered important and core business” (Interview, April 2016).*

In the literature search and review, it is indicated that low salaries are the main cause of strikes at the workplace not only in developing countries but in advanced countries as well. For example, teacher strikes in West Virginia and Oklahoma are caused by agitation for salary increases which are among the lowest in the U.S.A. In Botswana, unequal pay for men and women, lack of leadership skills of teachers and the abolition of the provident fund are some of the factors noted as the main causes of teachers' strike at educational institutions (Freeman and Medoff 1984). In South Africa, a yearly agitation for higher wages as well as the mismatch between wage offers and demands and poor working conditions are the main causes of the numerous strikes (Murwirapachena 2014).

### **5.2.6 Poor working conditions**

Working conditions is one factor contributing to conflict at NUL. When lecturers are not happy with the learning environment, they complain to their management. When lecturers approach management for a solution to the poor working environment issue, they are promised that things will be fine, to no avail. Those empty promises cause conflict between the employees and the University management. To teach students, they need proper equipment, including proper equipment for laboratories. For such programmes LUT2, LUT3 and LUT5 illustrated how the working conditions have worsened at NUL (Interview, April 2016).

LUT2 said:

*"I am teaching Biology. We have laboratory classes in Biology but there is no equipment. There are no resources (consumables). The type of equipment/resources we use in the Science faculty are basically expensive. You cannot teach a student Biology without a practical. You would be told that NUL doesn't have money. If an employee is given an office and they know you have knowledge to perform or deliver your duties (in this case, teaching your courses), NUL doesn't care even to give such an employee a computer. Even when they do, such computers are old. Internet is very slow. A lecturer without internet connectivity. This hinders the lecturers from interacting with the world. There was a time when white board markers were not available because the management used the money for some other*

*things instead of supporting core business. Less money for core business which is teaching” (Interview, April 2016).*

*“In addition, some classrooms don’t have lights. Chairs and desks are not adequate in number. If you have bigger classes, they won’t be in good conditions to accommodate students. NUL management is very bad. It is the work of management to ensure that lecturers work under good conditions” (Interview, April 2016).*

LUT 3 added:

*“For a lecturer to get a computer, it takes forever. Other lecturers may need to microphones for bigger classes and they don’t have them and this becomes a challenge for those people with low voices” (Interview, April 2016).*

LUT5 stated:

*“I started teaching a visually impaired student (that is when we talk of working conditions) in 2000. The student was doing a Law programme. I was teaching him Communication Skills in first year. We wrote a letter indicating that it is very difficult to teach such student because we have no prior training of this, we do the “on-the-job training”. And now here with us a visual impaired student, we don’t know what we are doing – whether we are failing this student, we don’t know. Then the management would just say they will deal with that issue. Last academic year (2014/2015), I was teaching again a visual impaired student, I taught him in both first and second year. He is now at third year and I’m no longer teaching him. The problem was that there was no equipment to assist him. I was told that such equipment has been taken by one lecturer when he resigned and joined Ministry of Social Development to teach people who are visually impaired. He is using the university equipment and no one is chasing him. The student even wrote the letter to say that he be assisted with proper equipment but to no luck” (Interview, April 2016).*

The responses indicate that the poor working conditions cause conflict at NUL. This situation affects the employees. Even students get affected. In Botswana, unequal

pay for men and women, lack of leadership skills of teachers and the abolition of the provident fund are some of the factors noted to cause teachers' strikes at educational institutions (Freeman and Medoff, 1984). Even in the neighbouring South Africa, several issues relating to poor conditions of work such as inequality, the employment of migrant workers, apartheid legacy, the fear of retrenchment and demands as well as poor working conditions are the main causes of the numerous strikes (Murwirapachena 2014).

### **5.2.7 Lack of motivation**

As the data revealed, NUL does not recognise the lecturers and this situation demotivates the lecturers. When the employer fails to address the needs of the employees, the relations between the two parties are compromised, leading to conflict. Some respondents confirmed this.

LUT7 responded:

*"We are not motivated as members of LUTARU. The issue of NUL not recognising us as lecturers is bad. Everybody who has a degree is regarded as an academic member, so that's unfair. This is not only to teaching staff but at the university at large because, we do different things. Why should we then be considered the same yet we have different duties which demand different skills. Don't put us in the same boat because that contributes to lack of motivation among the teaching staff and causes conflict"* (Interview, May 2016).

According to the above response, it is evident that lack of motivation is one of the factors which contribute to conflict.

### **5.2.8 Lack of communication**

The results of this study show that communication among the NUL staff on policies, procedures and rules is very poor. This includes communication between management and staff. Some members of NAWU and LUTARU indicated that the policies and rules were applied on employees without prior consultation.

NAWUFG stated:

*“NUL as our employer imposes decision on employees; For example, NUL implemented the Patterson pay scale in 2005 but it did not engage in consultation with the employees. It imposed such tools on employees. Whereas nowadays one would expect that when unions are there, they represent workers, of course a certain category of employees such as the members of NAWU. For NUL to use this Patterson scale to pay employees, without consulting them to discuss what the system entails was not good. This is one of the contributing factors because this behavior, most of the time leads to conflict. Policies are not communicated, this results in the ignorance of the employees on some policies. When one employee learns that such policies were applied to the other employee but not himself, this results in conflict even among the employees themselves” (Interview, May 2016).*

The first section discussed the factors contributing to conflicts at NUL while the next section presents and discusses the impact of such conflict. It is not only conflict that brings about discomfort among employees, there are other repercussions of conflict being felt by both the employees and the institution itself. The next section presents the impact of conflict at NUL.

### **5.3. The Impact of the conflicts**

One of the consequences of conflict is a strike which has a long lasting impact on both the staff and the institution itself. The findings of this study indicate that strikes were a common phenomenon at NUL, mainly because creating a very hostile and unpleasant environment. is the only way in which employees can express their dissatisfaction to the administration Such consequences include low staff morale, poor student performance, nepotism, high staff turnover and lack of programme and staff monitoring.

#### **5.3.1 Low staff morale**

The study finds that the common impact of conflict is demotivated staff. This was reiterated by LUT1, LUT 5 and LUT 8:

*“Due to non-transparency and lack of common ground, staff unions eventually resort to strikes. Constructive consultation has never been there, strikes have been. Employees are also affected negatively because staff morale becomes low, employees’ performance becomes poor and the discipline deteriorates. It becomes difficult for NUL to discipline its employees”* (Interview, May 2016).

*“The impact of conflict on employees is that employees are not loyal to the execution of their duties. People no longer care. They don’t teach the way they used to. The morale is so low. Lecturers no longer publish research papers as they used to”* (Interview, May 2016).

*“Generally speaking, there are short term impacts and long term impacts. There are people who are discouraged by low benefits. They actually abandon their core business of teaching because of being discouraged by the NUL situation. They abandon classes. Some people of them have actually abandoned teaching in principle. Although they cannot tell that they have abandoned classes, However, one can see that they have done so and are still continuing to do so. There are actually people who don’t come to campus but who are on the full-time staff payroll of NUL. Because of low benefits, the employees at NUL are now focusing on their private businesses. For example, if you go to the faculty of Law, you won’t find any lecturers there. They have law firms in town and they are busy there at students’ expense. They are seldom at NUL. Eventually, – they lower the quality of teaching the country’s economy. Those who care are those who are ethical – Those who don’t have ethics just say, ‘we will give them what we have’”* (Interview, May 2016).

The above statements of the participants that there are short term and long term impacts. The response shows that some employees are discouraged to the extent of not even going to the campus to perform their duties.

### **5.3.2 Poor students' academic performance**

In an institution of learning where teachers are affected, the ultimate result is felt by students. In the same manner, students at NUL are affected by conflict emanating from the dissatisfaction of staff.

LUT3 stated:

*“Strikes impact on/disrupt lectures because classes are cancelled most of the time. I remember in 2011/2012 academic year when LUTARU was on strike, classes were put on hold for three full months. That led to the disorder of the academic calendar because NUL had to come up with a recovery plan. Students also suffered badly because their academic performance declined ”* (Interview, May 2016).

From the above response, it is evident that the ultimate result of conflict among the employees at NUL affects students' academic performance. Lack of clear procedures at an academic institution can create conflict between the lecturers and students (Hardy 1997) as well as between the teachers and administrators. Policy makers and administrators may treat conflict as a good excuse for low-quality education and/or low achievements (Thrupp and Lupton 2006).

### **5.3.3 Nepotism/Favouritism**

The study finds that nepotism prevails at NUL. Some staff members choose to affiliate with the top management for personal gains.

NWUFG affirmed:

*“Employees become demoralized. Some employees become too close to the current management in order to gain their interests and some petty benefits. For example, during the tenure of the former acting Vice Chancellor, some employees decided to come closer to him in order to gain favours. It is now and the same culture still exists. This makes bitter people when they don't get what they are expecting, what they get in return for their cheap loyalty to the Vice Chancellors”* (Interview, May 2016).

According to the above comments, it is evident that some employees force management to give them favours. The findings are that for two different Vice Chancellors, the same incidences happened. In Botswana, unequal pay for men and women, lack of leadership skills of teachers and the abolition of the provident fund are some of the causes of teachers' strikes at educational institutions (Freeman and Medoff, 1984). In South Africa, inequality, the employment of migrant workers as well as the legacy of apartheid are some of the causes of strikes (Murwirapachena 2014).

#### **5.3.4 High staff turnover**

The study finds that a high staff turnover is one of the effects of conflict at NUL.

LUT 7 responded:

*"The situation is such that we are unable to retain good teachers, like you, now doing your PhD, we won't be surprised to see you leaving the university because of lack of retention strategies. This compromises quality of education, the more qualified employees, the better; However, if you lose them, that becomes a serious problem. Inability to introduce relevant programmes is another issue"* (Interview, May 2016).

LUT 6 supported isaid:

*"NUL loses senior and quality staff. One would think when lecturers are there teaching, it shouldn't be a problem. One could see that as a comfort zone. If I sit here with my Masters degree, one would think I am comfortable and ask why I don't go for PhD. NUL should have employees who are able to attract even foreign students who can help NUL make money. We know that NUL doesn't make money through local students. Because of low salaries, NUL fails to attract quality staff"* (Interview, May 2016).

NAWUFG stated:

*"Long term consequences are the strikes, staff turnover and erosion of quality."* (Interview, May 2016).

The responses above indicated that NUL is unable to retain good employees, specifically lecturers.

### **5.3.5 Lack of monitoring**

The findings of the study indicate that lack of monitoring is one of the consequences of conflict at NUL. This was indicated by LUT 8:

*“Look at thuto website, NUL software where it is expected of lecturers to share lecture notes. You can’t find notes there. The system is there, a lot of money has been spent on that. People have been capacitated to use the system. There are no lecture notes posted on the system. Professors are no longer publishing, they claim they are busy. Hence saying people have abandoned their core teaching business. When they are asked; How many times have you reviewed your notes? They claim they don’t review notes. When asked why they are not reviewing notes yet the world is changing, they just say they have been using those notes when they first started teaching at NUL. In actual fact, it is a bad thing. The quality is declining. Higher Education has a major role to play in the world, let alone the country. So if we compromise quality teaching, it is very bad and we are to blame. We allowed the decline in quality teaching because we are blaming the government which is not giving NUL money, we keep on blaming management and the government. “No monitoring system. We are agents and there is no monitoring at all. When VC tries to put control measures – they remind him that he had been where they are now...” “Faculty of Science- There is high staff turnover, Department of Economics high staff turnover. The high rate of turnover is an indication that there is something wrong with NUL” (Interview, May 2016).*

The above responses indicate that NUL does not have a monitoring system to make sure that teaching is properly done.

## **5.4 Chapter summary**

The findings from the field survey show that the factors which contribute to conflict at NUL include: lack of transparency, inconsistent policies, bias, non-separation of Cadre, poor working conditions as well as lack of communication of policies, procedures and rules. From the findings, it is evident that the long term impacts include strikes, employee turnover and erosion of quality.

Respondents indicated that poor working conditions at NUL do not only affect the employees but they also affect students. One element of poor working condition surveyed was the low salaries that the respondents noted was a cause of conflict at NUL. When the lecturers approach the management for the solution to poor working environment issues, they are promised that things will be fine but to no avail. In the literature search, it is indicated that low salaries are the main cause of strikes at the workplace not only in developing countries but also in advanced countries. . Even in the neighbouring South Africa several issues relating to poor conditions of work such as inequality, the use of migrant workers and poor working conditions are noted as the main causes of strikes

According to the findings, strikes at the university are also caused by poor communication among staff at NUL on policies, procedures and rules. This includes communication between management and staff as was indicated by some union members of NAWU and LUTARU who said that the policies and rules are sometimes applied on employees without prior consultations. According to the above response, it is evident that lack of motivation is one of the factors which contributes to conflict. The respondents also indicated that lack of motivation is one of the factors which contribute to strikes at the National university of Lesotho.

Strikes have long lasting impact on both the staff and the institution itself, which in turn can result in policy makers and administrators treating conflict as a good excuse for low-quality education and/or low achievements. The findings of the field research indicate that strikes, which are common at NUL have significant consequences which include low staff morale, poor student performance, nepotism, high staff turnover and lack of monitoring. The response showed that there are employees who are discouraged to the extent that they no longer even go to work to campus for

their duties. Lack of clear procedures at an academic institution can create conflict between the lecturers and students (Hardy 1997) and teachers and administrators.

One of the prominent factors which has contributed to conflict at NUL is the inconsistent application of policies across the organisation by managers. The above responses illustrate that implementing policies inconsistently is the major contributing factor to industrial conflict at NUL. In the literature review section, it is shown that lack of clear procedures at academic institutions often create conflicts between lecturers and students and teachers and administrators. Makoa (1988: 3) argues the main problems facing trade unionists in Lesotho and which are some of the major causes of strikes in the country, is the stalling or refusal by employers to negotiate. He further argues that the legal remedies for these problems are either not available or too costly to apply.

The non-separation of cadres was also noted as a major concern for the employees. It is similar to bias unequal pay and inconsistency in applying the laws and regulations. The teaching staff have argued that NUL does not do justice to them when they are rewarded. They feel that support staff are paid more even though they have a heavier load than the support staff. The findings show that some employees entice management to do favours for them. One of the main causes of strikes at NUL is unequal pay for men and women. Lack of transparency was also noted to be a common cause of conflict at NUL between the employees and the employer. This is an area that has not been looked at in previous studies and is new knowledge that will help in the development of information in this field.

When the employees are no longer motivated, they become angry and go on strike or they simply resign. Those who stay behind compromise quality in their service delivery and ultimately they go on strike. These repercussions are both by staff and students as well as the institutions alike, as illustrated by the study findings.

The response revealed that not all the employees can stand the frustration of inadequate resources which hinder their service delivery. This means that some

employees decide to resign and join other organizations. Another issue which was raised is that of NUL failing to attract quality staff. Here the emphasis was on professors who don't join NUL because of low salaries.

The next chapter will discuss the strategies that are often adopted either before, during and after the conflicts. Chapter five (5) will further discuss ways by which the repertoires of action of the unionists can be improved to further enhance their strategic capabilities.

## **CHAPTER SIX**

# **UNION STRATEGIES OF ADDRESSING CONFLICTS AT THE NATIONAL UNIVERSITY OF LESOTHO**

### **6.1 Introduction**

This chapter discusses the strategies that are used by the unions to address industrial conflict at the National university of Lesotho (NUL). Content analysis was undertaken to understand the interviewee's responses and the NUL policy documents. The strategies are analysed within those contexts, namely policy context, pre-industrial action, during industrial action and post-industrial action. The chapter further discusses ways by which the narrative resources or the repertoires of action of the unionists can be improved to further enhance their strategic capabilities. Lastly the chapter discusses the roles played by the unions in addressing the strategic goals of the university.

### **6.2 Strategies adopted by unions**

From the interviews, a number of strategies used by unions in resolving the industrial conflicts emerged. Such strategies were identified as constant consultation and joint decision making, strikes/industrial actions, work to rule, negotiations, collective bargaining, legal processes and communications of possible ideas and solutions.

#### **6.2.1 Constant consultation and joint decision making**

The data revealed that constant consultation and joint decision making are regarded as some of the strategies used by the unions to address conflict at NUL.

LUT 1 stated;

*“We normally opt for constant consultation and joint decision making with the management where we can agree that there should be availability of proper or*

*near perfect facilities all round, I am not talking about facilities in general, even the lady who sweeps and cleans, there must be tools for her to carry out her duties.”(Interview, May 2016)*

LUT 2 responded;

*“We use the Joint Consultative Committee (JCC). Here the union leader and management jointly meet to discuss issues concerning the employees. The discussion is supposed to be between the employer and employees but NUL handled it otherwise. The LUTARU union meets the management separately from NAWU members. LUTARU meets with the management week one and NAWU the following week etc. It becomes easy for the employer to do whatever it wants to do to the employees because its management meets with the representatives of the unions separately. A typical example of a case discrimination took place during the Professor..... (name withheld) tenure as the Pro Vice Chancellor and Professor....(name withheld) tenure as the Vice Chancellor. The management excluded NAWU when it allocated money to LUTARU members” (Interview, May 2016)*

LUT 4 mentioned;

*“A joint strategy by both employees and employer. They are consultative meetings. We meet with NUL management and agree on how to go about the NUL issues.*

LUT 5 commented;

*“Unions are treated differently-whatever resolutions must be different. As LUTARU, we have joint consultative meeting with management. We expect our union leaders and management to make resolutions. The work of the committee will be to effect those resolutions. However, reluctance on the part of management forced the unions to go to the table. It is unusual that here you will strive for a meeting to find there is no such. Reluctance to meet makes a very hostile membership. Even if union committee would try some diplomacy but if people don't want to meet, you become like everybody else. We end up pushing our demands, not negotiated the issues. If you don't do*

*this on a certain date, we will do this. You forget about diplomacy and end up blackmailing the management. Then in that way, the management would agree to have a meeting, though a very compromised one” (Interview, May 2016)*

From the above comments, it is evident that union members used joint consultative meetings as some of the strategies to address conflict. This follows the Win-Win approach discussed in the literature review Section 2.61 where Nnandi (1997:59) notes that this approach seeks to produce solutions acceptable to all parties involved in the conflict. Nnadi further (1997) points out that the Win-Win strategy not only focuses on consensus but requires individuals to express their needs and ideas. He suggests that this can be achieved when all parties are open and honest about facts, opinions and feelings, whereas defensiveness, apprehension and aggression are diminished. To achieve a Win-Win solution in conflict resolution, supervisors should adopt and practise a problem-solving style of approaching and resolving conflict that allows open participation and commitment to a solution that is acceptable to all. This approach is further supported by Onsarigo (2007:) who notes that this is a process of collaboration in which parties work together to define their problems and then engage in mutual problem-solving.

### **6.2.2 Strikes/Industrial action**

The findings reveal that employees resort to strikes or industrial action as a strategy in addressing industrial conflict. This is supported by LUT3, LUT6, LUT7 and LUT8.

*“Up until now we go to strikes-confrontation. However, during Professor... (name withheld) time, a recognition agreement was signed although it does not stop us from embarking on a strike should there be a need”*

*“We would normally go to DDPR to be awarded a strike order but still under negotiations, we would go slow and that normally forces the management to go to the table” (Interview, May 2016).*

*“A number of things happened. Whatever we do would be responding to what management demanded. We just got tired and stopped the strike and went to our normal work. Sometimes, say we want 25%, management would say we can only afford 10%. Most of the time they never really gave us what we demanded” (Interview, May 2016).*

*We usually give ourselves a time frame. After the strike, people get tired. The ‘No work no pay’ strategy on the part of the management also divides the unions and sometimes it becomes difficult to reconvene. Actually that separates the unions (Interview, May 2016).*

*The unions at NUL don’t have strategic moves. They just think of war – fighting for money. Even when the VC gives them feedback from the government, they tell him that he seems to be soft to the government. What they want is money (Interview, May 2016)..*

*They don’t strategise at all. They always lose their cases. The executive of LUTARU would promise to negotiate with the VC, the members wouldn’t like the idea of negotiations. Mind you, writing a letter of demand to the VC is a waste of time because he is powerless (locked up system). The donor will say she or he does not have money” (Interview, May 2016).*

NAWUFG indicated;

*“From our side, the NAWU members, we always go on strike. Employees demonstrate conflict in the form of strikes if demands are not met ;then, the strike continues”*

*“Demonstration in the form of strikes, we don’t use “hands off”, we often opt for violence; Singing, causing destructions. Where other employees don’t join strikes, they are isolated by those who participate. Risk – Another risk occurs when a person who doesn’t who doesn’t sympathise with those who are on strike.appears. They injure him/her; that’s on the workers’ side”*

*“From the employer’s point of view, the company normally opts for the no work no pay principle and Lockouts. Quite often, the employees are not aware. They become aware during the strikes when such policies are being exercised by the employer. Those who are on strike are considered to be at risk. Recently, they become victims even when the strikes are protected and lawful. They give notices prior to the strikes”* (Interview, May 2016).

It is evident from the above responses that strikes or industrial actions are the strategies used by the unions to address conflict. From the responses, it is clear that the unions go for protected strikes. That is, they still observe the University’s regulations and the laws of the GOL on strikes. It is however, observed that of late, the University punishes union members for embarking on strikes even when such strikes are lawful and protected. It is also observed from the responses, that the university, on the other hand, applies the no-work no pay rule in response to the employee strikes. This is a model of approach described by Nnadi (1997:58) as a Lose-Lose strategy. This a compromise situation where individuals in the conflict do not achieve all they want. Nnadi (1997:58) further indicates that this strategy is often used when the employees have a definite solution to a problem but feel that those in charge of operations would not accept it. Thus, according to Nnadi (1997:58) there is a clear distinction between the needs of the conflicting parties and the solutions that may be acceptable to each other. Nnadi (1997:58) further observes that the Lose-Lose method of conflict resolution is ineffective in dealing with problems that require solutions of high quality and high acceptance.

### **6.2.3 Work to rule**

Another strategy which is normally used by the unions to address conflict at NUL is work to rule. This was confirmed by LUT 8 who stated:

*“The other strategy is work to rule. When we work to rule, we go to class and teach, after that we don’t commit ourselves to other activities.*

*We can even change our time table and make it suitable for our convenience. When the University assigns other role not related to our job, we don't play that role. The Labour Commissioner is made aware of such. We choose this when we don't want to go on strike"* (Interview, May 2016).

The above response clearly states that sometimes when unions do not want to go on strike, they apply "work to rule" principle. In accordance with the observations of Nnadi (1997:59), this strategy involves withdrawing from a conflict in order to resolve it. This is where action is initiated only on pressing issues and only when it is very necessary. Also, according to Shani and Lau (2000) the avoidance implies an aggressive, disobliging approach in which both parties ignore the concerns involved by evading the issue or postponing the conflict by deciding not to deal with it. Ruble and Thomas (1976) contend that avoidance as a strategy is usually expressed by apathy, withdrawal, and indifference and that since nothing is done to eliminate the reasons for the conflict, the problem is likely to resurface at a later stage. This is mainly due to the fact that supervisors and employers feel uncomfortable bringing conflict into the open for discussion and thus, resort to the frequent use of avoidance. According to Ruble and Thomas (1976), avoidance is the most ineffective technique for dealing with conflict in that, when conflict is mismanaged or avoided, bad ideas can go unchecked, leading to poor decision-making and unconstructive outcomes.

#### **6.2.4 Negotiations**

According to some of the participants, negotiations appeared to be one of the strategies that unions use to address conflict at NUL.

LUT 2 emphasised;

*"Negotiations are usually engaged. Last time it was suggested that roughly 50% increase would do to help NUL to be in par with other universities in the region. Again it was suggested to settle for 25% but that be paid in bits and pieces. It becomes difficult to come to an*

*agreement. Lack of patience delays and that often leads to strikes”*  
(Interview, May 2016).

LUT 4 mentioned;

*“During the conflict, negotiations meetings between executive of LUTARU and the university management take place. I am not sure of what happens after the conflict because we lose interest thereafter”*  
(Interview, May 2016).

LUT 6 added;

*“We use negotiations strategy because we are always desperate for resources in order to execute our tasks. Unfortunately, on the other side, the university management resorts to no work no pay strategy and that demoralises and divides members. After 2011/2012 academic year, new administration was given chance to learn the situations. Not time frame was given however. New government of Lesotho- LUTARU sympathized with the new government of Lesotho to learn about NUL situation”* (Interview, June 2016).

LUT 7 stated;

*“Wherever there are groups, there are activists and others are just followers. I am one of the followers. So I just follow what is being recommended. When we have a committee, we just delegate it to negotiate with the management on our behalf to the management and we accept everything they suggest and say. They give feedback. To my experience, I only know the 2011/2012 strike, we would delegate them. I recall shouting at them for feedback from the management. What I don’t know is whether, the way they reported, was how management responded or they just wanted us to be hostile. They reported raw information* (Interview, May 2016).

LUT 8 added:

*“Negotiation engagement between the LUTARU executive and management. Although those negotiations and mediation didn’t solve our problems, we normally opt for them. Maybe the reason why the negotiations fail is because we always delegate activists” (Interview, May 2016).*

LUT 8 continued:

*“Academic union Constitution – Initially LUTARU was formed to promote academic integrity not only to protect employees or members’ interests. To empower academic staff. Professors should mentor junior lecturers to promote economic in general. However, what dominated is fighting for members’ interests” (Interview, May 2016).*

NAWUFG on the other hand has mixed views on what happens either during the conflict or after the conflict. NAWUFG commented;

*“During the strike, a delegation is sent to the management. The answer may be that management can’t negotiate anything with the enemies of the university. If NAWU wanted negotiations, management found it worthwhile for NAWU to stop what they were doing, strike particularly, and opt for a negotiation meeting. Participants also reminded the interviewer that, they went to strike because management was not interested in negotiations. The response was not promising as such was once tried before they could embark on strike. When feeling the pressure, the management argues that it does not listen to the enemies of NUL” (Interview, May 2016).*

NAWUFG further added;

*“They were not sure about strategies. One participant highlighted that strategies that are adopted after the strike are the same as those applied before the strike. No communication. Non-engagement of unions in NUL’s decision making remains the same. This is seen*

*where the management thought they would be stupid to come to the good terms with NAWU. The management is always arrogant. Even after the strike, they won't agree or allow negotiation to take place. They only consider negotiations when they feel pressure the unions during the strike"* (Interview, May 2016).

NAWUFG continued;

*"One would expect that an employer would opt for a meeting and negotiate it outside the court. No, NUL didn't do that. After losing the case, NAWU appealed at the Labour Appeal court. Judge Peete advised that they both go back and settle that out of court. The guidelines were made in that regard (for NUL to settle with NAWU, that was in 2008). The management was arrogant thereafter. They kept on saying that they have won the case and that there is nothing they can negotiate with NAWU. NAWU was surprised with the behaviour portrayed by the management. This institution of higher learning failed to negotiate even after being advised by the Judge. That's how NAWU applied its strategy of negotiation. . Even to date NAWU is still bitter about that case"* (Interview, May 2016).

The responses above indicate that unions are always ready for negotiations when things are not going in the right direction between them and the employer. However, it is evident that negotiations are initiated by the unions while, on the other hand, the University is not interested to negotiate with the unions. From the responses, it becomes difficult for the two parties to come to good terms when one of them is not interested in the negotiations. As a compromise, the managers try to resolve conflicts by looking for the middle ground between two or more positions (Stoner,1978). The forms of compromise include separation, (through which the conflicting parties are kept apart until they agree to a solution), arbitration (through which the conflicting parties submit to the judgment of the third party) and bribing (through which one party is compensated in exchange for ending the conflict). Compromise occurs when both parties try to satisfy some of their concerns. This is a situation where each side is willing to give in to the other somewhat, so that both

gain something from the management of the conflict (Schnake, 1987). Schnake (1987) further observes that the premise behind a compromise is that partial victory is better than winning nothing at all. In a compromise, each side gives up something of lesser value in order to achieve or retain a greater goal. Schnake (1987) states that a compromising strategy often prevents the conflict from escalating to a more perilous stages. Shani and Lau (2000) reiterate that a compromise reflects the mid-point between the styles, and involves a give-and-take by both parties so that both the conflicting parties gain and give up something that they want. Nnadi (1997:60) also views a compromise as a strategy similar to the Lose-Lose method where the supervisor decides on a position in which all the individuals feel moderately contented. However, the supervisors approach a 'compromise' situations with a win-lose attitude. This makes the approach to be disappointing, leaving one or both parties feeling cheated. This means that conflict is only temporarily suppressed when people feel cheated (Kreitner and Kinicki, 1998:463).

#### **6.2.5 Collective bargaining**

The findings of the study reveal that bargaining is considered as one of the strategies used by the unions at NUL.

LUT 8 commented;

*“In my view, LUTARU is bargaining although it is bargaining with empty person. When I say we are bargaining with empty person, I am referring to the Vice Chancellor who actually relies on state for subvention. LUTARU is fighting a dead animal – VC doesn’t have money. Even if LUTARU goes to the government, that is still a problem because the government will say that there is no money. LUTARU uses bargaining as its strategy”* (Interview, May 2016).

LUT 8 continued;

*“Even the efforts made by the unions to invite the Ministry of Labour to assist with training, they are turned down by the office of the VC’s*

*office. They don't provide the opportunity for such activities to take place (Interview, May 2016).*

As indicated above, the unions are always willing to bargain with the University. However, NUL does not entertain the bargaining initiated by the unions. It is evident from the above response that although the unions would want to bargain, that effort becomes fruitless because they bargain with the employer who does not have any money. NUL relies on the government of Lesotho's subvention. The role of trade unions has morphed from that of collective bargaining functions towards promoting voice and representation of workers. This aspect gained prominence in continental Europe and Japan against a backdrop of high unionism density (Glennis, 2005). The resultant broad membership base from which the unions commanded strengthened their positions, giving them power to bargain and to derive successful outcomes BOPA (2002). The literature indicates that in America staff at public and private universities are unionized. However, collective bargaining is more common at public universities. Some states such as Georgia and North Carolina, the public employees are prohibited from bargaining collectively. Unlike their counterparts in the west, traditional teacher unions in Africa are still in their infancy. Teachers' unions in South Africa only emerged in the late 1980s but, unlike those in other parts of the world, their major focus was on the political struggle against apartheid. In Kenya a trade union for post primary teachers emerged as late as the 1990's. The percentage of teachers in primary and secondary schools registered by the teacher unions is about 80% (Omolo and Odhong 2017). In Lesotho, upto the time of writing this research report, there has not been a scientific research on the effectiveness of collective bargaining at the institutions of higher learning and this research study on NUL may begin to develop the literature in this aspect.

#### **6.2.6 Legal process**

The findings revealed that a legal process is considered as a strategy in addressing conflict at NUL. NUWUFG states that:

*"Labour law is very clear as to what procedures to follow when engaging in an industrial action. NAWU always resorts to legal*

*procedures whenever there is conflict between its members and the university. I It always follows the procedures”*

*“There was a time when management reviewed and increased the salaries for the teaching staff but left out all the support staff. NAWU wrote a letter raising its complaint, the answer was that teaching staff are core business of the university. In support of that, the courts of law were of the same opinion that there are two unions within NUL and that giving one union an increase in salary is regarded as discrimination and unfair treatment. Yes, as NAWU, we did something before that could happen. However, management ignored that complaint. NAWU’s issue began at the Directorate of Dispute and Prevention Resolution (DDPR) but NUL management ignored the advice from DDPR until such case proceeded to the Labour Court where NAWU lost that case”*

*“The University Council is democratic. All the staff categories are represented on it. However, the representatives are not allowed or expected to give feedback to their constituencies. For example, representative for Non Academic staff can go to council meeting to discuss issues affecting non-academic members. However, She/he is not expected to share whatever decision was reached and agreed upon in that meeting. Addressing members on issues from Council meeting is not easy. Ultimately the representatives are accused for sharing information with the union members whereas that’s not the case. There was a time during Professor (name withheld) tenure, when unions’ the representatives tried to negotiate that they be allowed to share information with the relevant constituents. The then PVC agreed. However the rep for non-academic was accused of addressing the non-academic staff” (Interview, May 2016).*

The researcher made a follow up question;

*“Did you ever write a letter requesting permission from the Council to allow you to address non academic members on the decision made by Council?”*

NAWUFG responded;

*“It was done though not in writing. It was not necessarily representative for Non academic, it was a joint application. At that time the chairman of council was Dr.... (name withheld. The representatives were concerned about the behaviour of the then chairman of council for telling the whole nation, on public television, about the decisions made by council yet the representatives were not allowed to share any information from Council meetings. Other representatives found it necessary and proper to brief Senate committees. In short, it was a verbal not written request”* (Interview, May 2016).

These responses indicate that sometimes both NAWU and LUTARU end up opting for legal processes as a strategy for resolving conflict between the unions and the University. They do this when the University fails to comply with and to implement the agreements made by both parties. The responses also highlighted that NUL has a Council as its supreme body and that the Council is democratic; all the categories of the employees are represented on it. However, according to the responses, the representatives are not expected to communicate the decisions made by Council to their respective constituencies. The strategy of opting for legal redress to force the employer to accede to the union demands has hardly been discussed in the literature. the present study attempt to narrow the gap of the paucity of the literature on empirical assessment of the effectiveness of the unions' use of legal means to reach at a compromise with the employer. In this regard, it is important to look at the legal framework in Lesotho to understand the environment in which opting for legal process is a viable strategy.

#### **6.2.6.1 Dispute Resolution System of Lesotho**

Before the development of a framework, it is only fair to appreciate how the Lesotho Dispute Resolution operates. Below are the steps followed when dealing the with dispute resolution in Lesotho.

A dispute resolution system essentially refers to the framework and processes that have been put in place towards the resolution of disputes between employers and the employees. Below is a brief discussion of the dispute resolution system of Lesotho. The discussion is made under the following headings,

1. Types of Disputes
2. Framework/structure for resolution of disputes
3. Processes for the resolution of disputes

There are two types of disputes namely,

- a) Disputes of right
- b) Disputes of interest

Disputes of right are disagreements involving the rights of parties; Such rights may emanate from the law or contracts of the parties.

Disputes of interest are disagreements revolving around what the parties wish to see happening in their employment. The framework for resolution of disputes in Lesotho is as follows:

- a) Prevention
- b) Mediation and Conciliation
- c) Conciliation
- d) Arbitration and Adjudication

Mediation is the process whereby parties through the involvement of a neutral third party attempt to resolve a dispute existing between them. The role of the mediator is merely to facilitate the attempts by parties.

Conciliation is similar to mediation except that the conciliator plays a more proactive role. In addition to facilitating the attempts by parties, the conciliator has the power to direct the process and can even suggest some solutions.

Arbitration is the process of the resolution of a dispute between the parties through the involvement of an independent third party who listens to both sides and makes a decision on who is right or who is wrong. Arbitration is an alternative dispute resolution framework that is outside the court system.

Adjudication resembles arbitration except that it is more formal and the parties to a dispute have to follow strict processes in order to have their dispute resolved. Adjudication is done in the courts of law. Different types of disputes require different types of procedures. As it was stated earlier, there are two types of disputes namely, disputes of right and disputes of interest. The procedures applicable in Lesotho are discussed hereunder.

A dispute is referred to the Labour Commissioner for mediation. The Labour Commissioner appoints a mediator who invites the parties for a mediation session and attempts to facilitate the resolution of the dispute. If mediation fails, the parties may refer the dispute to the DDPR for conciliation and arbitration. An arbitrator will sit as a conciliator and later on as an arbitrator, if the disputes to resolve at conciliation.

After arbitrating over the dispute, the arbitrator issues an arbitration award within 30 days of completion of the arbitration proceedings. An arbitrator may apply for an extinction of the said period from the Director who may (if a good cause is shown) extend the period. The arbitration award is final and binding upon parties and may only be reviewed and not appealed against.

A party which is dissatisfied with the arbitration award may apply for its review with the Labour Court. Once the application has been lodged, the Labour Court adjudicates on it and issues a judgment. There are currently no time frames for both processes of adjudication and the issuance of the judgment, which essentially means a judgment can be issued even after 10 years from the date of completion of the adjudication process.

On the other hand, a dispute is referred to the Directorate of Dispute Prevention and Resolution (DDPR) for conciliation. The conciliator attempts to have the dispute resolved within a period of thirty days. If the dispute remains unresolved within this period, the conciliator issues a report of non-resolution, indicating that he/she has attempted to have the matter resolved but that he/she has not been able to secure that.

At this stage, the party that referred the dispute has the option to either embark on a strike action or to abandon a claim, in which case there is no dispute any longer. If the referring party elects to embark on a strike action, it serves a notice to that effect upon the other party, stating in clear terms the date and place of the strike action. A more detailed procedure is stated under the Labour Code (Amendment) Act 3 of 2000 at sections 229 and 230.

Where the other party to the dispute is of an opinion that the striking party is acting contrary to the law, it may refer a claim (to the Labour Court) to have the illegality stopped. A dissatisfied party may appeal or have the decision of the Labour Court set aside through either the appeal or review mechanism up to the Court of Appeal.

The above section discussed the Lesotho disputes resolution systems. The next section discusses the proposed framework for the resolution.

### **6.2.7 Communication of possible ideas and solutions**

The findings reveal that, as a way of showing diplomacy, the unions that represents the workers at NUL communicate with the university management on how to solve some of the university challenges. This study indicates that both LUTARU and NAWU initiate communication between the two parties, NUL and the unions.

LUTARU and NAWUFG said;

*“NUL should try to improve working conditions by doing what is proper”*  
(Interview, May 2016).

*“Much as we appreciate that NUL is a non-profit making organization, we advise NUL to make it possible to make money within NUL by using some programmes as entrepreneurship” (Interview, May 2016).*

*“We as NUL employees and union members, normally communicate examples of how to make money within NUL using the same programmes which are more entrepreneurial” (Interview, May 2016).*

*“LUTARU participated in the formulation of policy of Consultancy at NUL. We always advise NUL to engage in projects, consultancy – We need to work hard – Publish so that we be promoted. Writing of proposal for UNDP e.g. Funding \$5million. You claim it, then they fight you” (Interview, May 2016).*

*“People at NUL don’t want to work hard. Salaries will never improve” (Interview, May 2016).*

*“There are no strategies. One participant said there are strategies. Sometimes union members know in advance about major decisions regarding employees. Immediately when the unions learn about such decisions, they either have meetings among themselves or call a meeting with management to discuss such decisions. They normally write letters either to the Human Resources unit or to the Vice Chancellor” (Interview, May 2016).*

*“It is like management is pushing the employees. On the other hand, the employees always find ways to fight the employers once the latter implement decisions which are not communicated to the employees ahead of time.” (Interview, May 2016).*

*“Some companies engage the labour commissioner to train their employees on labour issues but with NUL, that doesn’t apply. Another issue is office of the Human Resources. It fails the employees. It is the one which should make sure that there is a cordial and harmonious relationship between the employees and the employer. However, that*

*office is disastrous. It treats the employees like slaves” (Interview, May 2016).*

The first section of this chapter covered the strategies which the NUUnions use to address conflicts. The following section focuses on the enhancement of union capabilities.

### **6.3 Role Played by unions in addressing Strategic goals of the university**

It is important to find out how the unions address the strategic goals of the companies that they serve. Much as the interest of the unions is on the welfare of its members, it is also important for them to teach their members to see how the strategic goals of the organisation are achieved through their initiatives. This section seeks to find how both the LUTARU and NAWU participate in addressing the strategic goals of the University.

From the interview, a number of roles were highlighted by the participants.

LUT 2 responded:

- “ The unions should stand guard against the violation of the workers’ rights.
  - The unions should motivate their members to become better professionals.
  - The unions need to create cordial relations between staff and management”.
- (Interview, June 2016)

LUT 4 stated;

- *“A very important question. Presently and increasingly at universities, unions are partners. Organisations should consider unions as partners. Unions attract talented people.*
- *Working conditions – Unions ask management whether there are any tools to use to undertake/perform their duties. Such questions are asked by the unions. So, yes, the unions do have a role to play in NUL*

*strategic goal setting. The unions assist the management to make sure that classrooms are adequate for students. For the NUL libraries to acquire relevant and up-to-date materials, the unions through their members always provide NUL with the lists of books and materials necessary for students in their respective programmes. I believe that the unions have to be part and parcel of higher institutions of learning if they want to improve NUL.” (Interview, June 2016)*

From the responses, it emerged that the unions are doing something to address the strategic goals of the university. One participant showed that for working conditions, the unions want to make sure that there are resources in place in order for the members to execute their tasks. Another participant recommended what the unions should do to assist the University to achieve its strategic goals.

LUT 3 replied;

“I am not sure. In the past three to four years, LUTARU paid school fees for orphans, If I may recall, those children are at Christ the King High School. Not sure but it paid the fees as a way community engagement, as it is recommended in the University’s strategic goals” (Interview, June 2016).

LUT 5 said;

*“I think the unions should be good, the management should be positive towards the unions. I don’t think we have the employer who doesn’t favour the unions. However, the unions should be constructive, they should adopt constructive demands rather than being disruptive. The unions shouldn’t be seen only when there is conflict. They should lead. They should be in place all the time. They should be the arm of the university or institute of higher learning. They should always be active, not only when there is a conflict between the employees and the employers” (Interview, June 2016).*

*Somebody once said LUTARU becomes active only when it wants money LUTARU didn’t take part in the making of Strategic plan 2015-2020; it was not invited to make a contribution. Limited appreciation of the unions by management is the issue. The 2011/2012 academic year strike issues have*

*not yet been addressed. The working conditions are not improved; The stationery issue are not yet improved. A great percentage of what we demanded is not adressed” (Interview June 2016).*

LUT 8 commented;

*“They dont even understand the strategic goals of the university in the first place;*

- *The unions could claim that they understand the roles but, remember, it is not in the best interest of the union to advocate for strategic goals of the university;*
- *Unions are not mandated to take care of the quality of products/services but the owner of the firm is the one who is responsible for the good quality of service;*
- *Internal conflict between production side level – This is because a firm is interested in profit maximization while workers are interested in wages/salaries. The agent wants to sell labour;*
- *They could play a role where their interests are aligned. If they gain... Effort is painful. A union member doesn't want to work hard. Their interests are not aligned;*
- *At NUL, we can't clearly see the role of the unions in pursuing strategic goals of NUL because of conflicting interests between the unions and the university;*

*Change management should become central so that both parties may benefit. If you leave the unions out when you transform, they feel they are left out and they start fighting” (Interview, May 2016).*

Based on the responses, a question was asked, in order to find out the opinion of the participants, whether they see NUL and LUTARU as partners.

LUT 5 responded;

*“We tried to convince the management that we are partners but the management considered LUTARU as an opposition” (Interview, June 2016).*

LUT 5 further states:

“Professor....(name withheld) (former VC) was understanding. We stopped him from using Kellogg’s Foundation funds as he pleased. We even frustrated him as a way of discouraging him from mishandling those funds. Unfortunately, he died in the middle of the fight. As for other VCs, including the current one, they failed to see these two parties as partners. This is because they always considered LUTARU as an enemy. We don’t take ourselves as partners. We need to harmonise the situation” (Interview, June 2016).

From the above responses, it seems that the University and the unions are not working as partners. As mentioned by Ehlers (2010:134), the primary purpose of trade unions is to maintain balanced employment relations in the workplace, and also to play a significant role in improving society as a whole. The role of the trade union is more significant where there are imbalances in power and inequalities between certain classes of people in society. The union movement usually champions the struggle of the working class and those who own the capital and productive organizations such as business enterprises and government institutions. Trade unions generally pursue the following objectives:

- Improvement of the employment and working conditions of the union members;
- Striving to gain a fair share of the wealth generated by the organizations for union members;
- Improve social security;
- Greater achievement of democracy in the governance of individual organizations, industries and society at large by taking part in decision-making processes;
- Control over the management of employment relationships in organizations;

- Removal of class structures in societies where some have great wealth while others have way little and many may even not be employed at all;
- Ensure fair and non-discriminatory treatment of members in the workplace and society;
- Establish and maintain efficient administrative and organizational structures.

LUT 4 happened to be the former VC and. I asked him:

“Why were there no strikes during your tenure as a (former VC)?

LUT 4 responded;

*“Previous management had been very hostile to the unions and they didn’t want to engage unions in the running of the university. They didn’t consider unions as part of the university. Because I had been the founder of LUTARU and its former president, there was no way members would be hostile to me. Actually, they persuaded that I apply for the position of the VC. I knew what they wanted. Much as money was still a problem, every year there was inflation adjustment unlike now where there isn’t. We constantly had a 5% adjustment every year constantly. Regular consultation was there most of the time before things would go out of control. JCC was respected and observed”* (Interview June 2016).

.....Where is LUTARU now?

LUT 4 responded;

*“I don’t know, sad to say. It is there but people tend to..... You know, if things are quite well, unions keep quiet as well”* (Interview, May 2016).

Are the working conditions addressed adequately?

LUT 4 responded;

- *No. Even the issue of salaries is not addressed adequately. GOL financing.*
- *NUL has been declining for the last ten (10) years.*

- *GOL has been seeing NUL as its opposition. I don't think GOL doesn't have money to finance NUL, the reason is because they see NUL as their opposition party. Management is doing the best can with limited resources.*
- *Infrastructure addressed. NUL not being able to retain and attract professors and researchers is another issue.*

CHE – Accreditation of programmes is on-going” (Interview, May 2016).

Are you assisting LUTARU to regain?

LUT 4 responded;

*“As we speak, As I sit where I am, I am retired but engaged beyond retirement age, that being a case, my hands are tight. We did all the best in grooming good leaders. They need to do that themselves. I don't want to go back to the unions”* (Interview, May 2016).

The above responses indicate that when things are going smooth between employees and employers, unions relax so much that even when things are no longer good, it becomes difficult to reconvene.

## **6.4 Chapter summary**

This chapter presented and discussed strategies which are normally adopted by unions in addressing industrial conflict. It further discussed how the unions' capabilities could be enhanced. Lastly it explored the roles played by the unions in addressing the university strategic goals. The study reveal a number of strategies employed by the unions at NUL. Some of these startegies are: constant consultation and joint decision making; strikes; work-to-rule; negotiations and collective Bargaining as well as legal processes, among others.

Field research shows that NUL and the unions are not working as partners. It also emerged that the two unions at NUL make sure that there are resources in place for

the members to execute their tasks. The findings reveal that, as a way of showing diplomacy, the unions representing the workers at NUL communicate with the university management on how to solve some of the university challenges as both LUTARU and NAWU initiate communication between the two parties.

However, it was also shown that, sometimes, both NAWU and LUTARU end up opting for legal processes as a strategy for resolving conflict between their unions and the University. This always happens when the university fails to comply with and to implement the agreements made by both parties. The strategy of opting for legal redress to force the employer to accede to union demands is rare and has not been discussed in the literature search. Perhaps this is the first attempt to empirically assess the effectiveness of the use of legal means to reach a compromise with the employer, not only in Lesotho but also internationally.

The field research shows that the unions are always willing to bargain with the University. However, it is evident that negotiations are initiated by the unions while, on the other hand, the University management is not interested to negotiate with the unions. It is difficult for two parties to come to good terms while one of the parties is not interested in negotiations. It is evident from the above response that although the unions would want to bargain, their efforts (in most instances) are fruitless because the employer is not willing to negotiate because some decisions must be made by the ministry or the GOL. This indicates that the university lacks autonomy that would enable it to arrive at decisions without consulting other higher entities. This is a major impediment to the unions because they cannot make use of the most effective tool, collective bargaining, to effectively represent their members. This aspect gained prominence in continental Europe and Japan where the broad membership base at their disposal strengthened their positions, giving them power to bargain and to derive successful outcomes. Indeed, the literature search indicates that in most countries where university staff are unionised, collective bargaining is commonly practised. Unlike its counterparts in the west, traditional teacher unions in Africa are still in their infancy. As the literature shows, they only emerged in the late 1980s. However, unlike in other parts of the world, the union leaders in Africa sometimes use political parties to achieve selfish aims of union leaders such as clinging to the union leadership or crushing competing unions. In Lesotho, attempts

by the union leaders to leverage political power has not been successful. Instead, this has led to them splitting into multiple unions that compete for members. Besides, up to the time of writing this research, there has not been a scientific research on the effectiveness of collective bargaining in aiding unions in Lesotho represent their members effectively at the institutions of learning and this work at the NUL may add to the literature in this aspect.

The findings also show that sometimes when the unions do not want to go on strike, they apply the work-to-rule principle. This strategy involves withdrawing from a conflict and only initiating action on pressing issues and only when it is seriously necessary. It is evident from the field research that the unions at NUL only opt for protected strikes. That is, they still observe the university's regulations and the government of Lesotho laws on strikes. It has emerged that recently the University punishes the union members for embarking on strikes although such strikes would be lawful and protected. It is also observed from the responses, that the University, on the other hand, applies the no-work-no pay-rule in response to counter the strikes, an approach described as Lose-Lose strategy in the literature review. Furthermore, the unions use joint consultative meetings united approach (or solidarity) to address conflict. This is a Win-Win approach discussed in the literature review. The Win-Win strategy not only focuses on the consensus but requires the individuals to express their needs and ideas and this is achieved when all the parties are open and honest.

## **CHAPTER SEVEN**

### **DISCUSSION OF THE FINDINGS, CONCLUSIONS AND RECOMMENDATIONS**

#### **7.1 Introduction**

At the beginning of this research it is shown that incidences of industrial actions are frequent at institutions of learning in Lesotho. For example, in August 2019, teachers in Lesotho went on a nationwide strike that paralysed learning at most of the schools and colleges. Despite the fact that Lesotho has ratified both Conventions, No 87 and No 98 of International Labour Organisation (ILO) and the constitution of Lesotho provides for the freedom of association, it is still unlawful for the Lesotho public officers to embark on strike action. Besides, the Lesotho Labour Law allows the workers in all the sectors of the economy to have collective bargaining rights. It is also shown in the beginning of this research work that strikes have a number of undesired impacts and many a times the management, workers as well as students at institutions of learning in Lesotho have suffered tremendous setbacks as a result of the numerous industrial actions. As an employee at one of the higher education institutions in Lesotho, the researcher has observed that every time there is a strike, issues that are raised seem to be the same all the time. This is a worrying trend since one believes that resolutions should have a long term standing. Strikes should result from entirely new issues which have never been looked at. This leads to the question of the ability of the union leaders representing the workers at higher education institutions of learning in Lesotho to negotiate effectively to avoid a prolonged stalemate that leads to the disruption of education activities. Experience from elsewhere, especially from the neighbouring South Africa shows that to have an effective labour movement, the union leaders should go through refresher courses to hone their negotiation skills and to get abreast with challenges of globalisation, technology, migration and increasing of the number of foreign-owned companies. It is not known whether union representatives in Lesotho also go through training and continuous learning to enhance their capacity to negotiate on behalf of the workers with management.

## **7.2 The gaps from the literature search**

While a number of negative impacts caused by strikes have been observed in the literature for a number of countries, the overall impact of these strikes and how they are managed in Lesotho has not been reported in academic work. In advanced economies such as the US.A, studies have confirmed the consequences of strikes on firm profitability at the macro-level. Country-specific studies of union representation at the workplace are also considerably extensive in Britain and Germany. It is also argued in the literature that in countries where the wages are largely determined by collective bargaining, the quality of union representation has significant effects on unemployment. Research also shows that effective union representation leads to improved performance through lower turnover and enhanced investment in worker human capital. However, limited research has been devoted to study the effectiveness of union representation on settling industrial disputes and unemployment at the micro-level, especially in Lesotho. Besides, there is no previous study in Lesotho that has investigated the impact of the unions on the above aspects. The performance effects of various types of workplace employee representation in Lesotho is still less known. Analyses of strikes and other industrial relations at organisation level is necessary to give insights into the quality and effectiveness of union representation.

Nevertheless, some previous work on union representation in Lesotho shows that some unions such as Solidarity Center, the Worker Rights Consortium (WRC) and Workers United, all in the textile industry in Lesotho allied industries in Lesotho have found a strategy to have tandem agreements at the micro-level and have avoided costly impacts at the work place. However, the various unions in the education sector in Lesotho do not follow a common strategy when negotiating with the employer, the GOL in most instances. This brings into question the capability and the strategy of negotiation that is employed by the unions that represent the workers at the institutions of higher learning in Lesotho.

### **7.2.1 Research aim**

The aim of the study was to assess strategic capabilities of higher education sector trade unions in Lesotho and, based on the findings, to propose ways of enhancing capabilities of trade union leadership. Such capabilities are critically important, given the recurrence of the same problems and the amount of investment made in higher education within the existing under-resourced environment. In order to address the aim of the study, a number of secondary objectives were identified as follows:

- 1.4.1 To discuss the capabilities of the leaders of trade unions in Lesotho
- 1.4.2 To identify and discuss the factors that contribute to industrial conflicts within higher education institutions in Lesotho.
- 1.4.2 To explore strategies adopted by the unions to address the conflicts.
- 1.4.4 Based on the findings from the objectives 1, 2 and 3, to propose ways of enhancing capabilities of trade union leadership in Lesotho

### **7.3 Research method**

A non-probability quota sampling technique was used in order to select the sample for this study. Quota sampling is employed to produce a sample that reflects the population in terms of the relative characteristics of people in various categories. Such characteristics include gender, ethnicity, age group, socio-economic group and the industry of a business. In order to gain a deeper understanding of the unionism experiences of the participants, semi-structured interviews were used to collect data. A thorough explanation of the sampling frame, data collection methods, as well as how the interviews were conducted. The relationships between emerging patterns and themes were therefore determined through identified qualitative interpretations. The similarities and differences that substantiate or disagree with the conceptual framework and the model used in this study were discussed. The contents of the

interviews, observations and documents were reviewed and coded to determine their relationship with the identified themes and codes in the literature.

## **7.4 Findings of the study**

### **7.4.1 Findings from the literature**

A comprehensive literature review was carried out in an attempt to identify and describe as many factors as possible that could contribute to the conflicts in institutions of higher education globally, as well as in Lesotho. Various textbooks, journal articles and other research outputs on industrial relations were accessed. Online reports, reports from institutions that deal with industrial relations and government documents on industrial conflicts were consulted, particularly with reference to higher education. Search engines such as Emerald and Google Scholar were also utilised, together with the EBSCO host to identify relevant literature sources. The inter-library loan facilities at the North West University (NWU) were used to access data from other international and national libraries.

The theories which framed this study were also discussed. The social movement theory, comprising the Political Opportunity Structure (POS), resources mobilisation and framing articulate well how unionisation fits within the broad institutional structure and how it draws its power to influence action.

The study looked at existing work on the role of capability aspects of union leadership as an instrument of projecting member interests. While a large body of literature exists on the elements of capability such as repotoires of resources, the main factor arising from this analysis is that union leaders should be knowledgeable and have in-depth knowledge of trade union administration as well as various labour laws relating to workers' welfare. Several studies reviewed indicate that having professional leadership in a union encourages the rank and file membership of the union to also be hardworking. Studies also show that union strategic capabilities are complemented by strong leadership. However, power resources and strategic capabilities and strong leadership alone are not sufficient for unions to be effective. Narrative resources contribute TO WHAT significantly as they promote inbuilt trust among the unionists because they share a common understanding. However,

despite the fact that several cases of strikes in Lesotho, especially in the education sector have been reported, there is still no single empirical work that has investigated the capability of the union representation, or its lack thereof, as a cause of the frequent strikes in education institutions.

The literature review also looked at factors that contribute to industrial conflicts in higher education institutions ,and a number of conflict related factors such as interpersonal tensions, ethnic cleavages, interpretation of policies and norms, inefficient and ineffective administrative processes and leadership styles which underlie the conflict emerged. In Lesotho, the causes of strikes at higher institutions of learning has not been properly documented although cases of strikes have a long history in the country. In addition, political factors are believed to have caused strikes during the colonial times when Africans fought for independence. At that time, some political leaders sought leverage of trade unions (whose membership was mainly indigenous Africans) to fight the colonial government. Empirical literature also shows that constraints imposed by some laws that prohibit strikes in certain sectors are some of the main problems facing trade unions in Lesotho and are some of the major causes of strikes in the country. Furthermore, refusal by employers to negotiate and the fact that legal remedies for these problems are neither available or too costly to apply.

The literature search also looked at the strategies that the unions in Lesotho use to tackle problems facing workers at higher institutions of learning. The literature reveals that some unions in Lesotho have previously employed solidarity and multi-stakeholder coalitions as a strategy to address their concerns in situations where the voice of single union is not adequate and where the trade union struggles with getting recognition from the employers. Although it is argued in the literature that a few unions in Lesotho in certain sectors have elected to work together with the civil society, the main interest was to increase democratisation in Lesotho and not necessarily to address the interests of the workers. The literature further shows that some unions in Lesotho have elected to work together with politicians, have remained small and less effective than their rivals in representing their members. Hence, the strategies of the unions representing the workers at the institutions of higher learning is yet to be determined and empirically studied. Hence, a primary

research was necessary to investigate the capability and strategies employed by the unions which represent the workers at higher education institutions of learning in Lesotho.

#### **7.4.2 The Findings from the empirical analysis**

A twofold research design was employed to obtain information on the factors that contribute to industrial conflicts in higher education institutions. A literature review (which constitutes secondary research) was undertaken, followed by an empirical study which is the primary research component of the study.

##### **7.4.2.1 On the capability of union leaders**

The first issue that concerns capability is the union leaders' ability to participate in collective bargaining. This is one area that is enabled by the quality of education and training. The respondents underscored the importance of education and training in enhancing the leadership ability to participate in negotiations and collective bargaining. The observations of the respondents are in line with the information captured in the literature search where it is observed that ILO's Bureau for Workers' Activities (ACTRAV) is aimed at assisting trade unions to promote their training programmes to expand their activities and membership and to improve their capacity to represent and defend the interest

of their members.

The findings also note the importance of unity within the union and of forming solidarity with other unions within the sector or across industries. The role of solidarity and union unity featured severally in the literature review where it is noted that the unions can build capacity to extend the social capital by joining other social networks. Some respondents particularly recommend having solidarity and projecting a common front within the umbrella union representative, COLETU, instead of pursuing lone-ranger efforts. Solidarity is both a resource and strategy that union leaders can leverage to forge a common front in bargaining. This indicates that unions can draw resources of action or strength across industries and even from an un-unionised general public. However, the success of unions in Lesotho that have

forged common fronts with other entities outside trade unions has produced mixed results. Some unions which opted to work together with the politicians have remained small and less effective than their rivals. Perhaps, the choice of who to partner with could be the reason why the union movement in Lesotho is not as active as it is in the neighbouring South Africa, Kenya or Nigeria as the literature indicates that despite several legislative laws having been enacted to promote trade unionism in Lesotho, the implementation of the laws has been wanting and has not helped the growth of trade unions.

The respondents also decried the lack of transparency and accountability by the management of the university in how the finances and other resources of the university are utilised. Lack of transparency makes the workers and union members to be suspicious of the dealings of the management. This is a new line of literature since the literature search did not find previous work on transparency and accountability on the part of the management to be a vital resource for union empowerment, enlightenment capacitation.

The respondents also highlighted the importance of members of the unions, particularly the leadership, in adhering to the laws of the land and all their activities conducted within the confines of the Lesotho laws. Being averse with the rule of law is also seen by the respondents to be important in enhancing the capability of the union leaders. The rule of law includes the country legislations, regulations that regulate management of education in Lesotho as well as the constitution of the union.

The respondents also note the important role that the employer, NUL, should play in assisting and in enlightening the workers to make negotiations smooth and easy rather than confrontational. This is a new line of literature development that has not been empirically developed by previous work. It is a contribution of this research to the knowledge around enhancement of capability of union leaders.

#### **7.4.2.2 On factors that cause strikes in higher education institutions in lesotho**

##### **Lack of transparency**

Els, Erasmus and Viviers (2014:20) describe business transparency as an essential condition for a free and open exchange, whereby the rules and reasons behind regulatory measures are fair and clear to all participants. Meanwhile, another source defines transparency as “the full, accurate and timely disclosure of information. It is obvious that doing business in a non-transparent manner causes conflict between the employees and management.

The literature on lack of transparency revealed that if employees perceive an organization, top management or heads of departments to be highly transparent, the overall return of the organization, individual and group success are significant. It is more likely to build a sense of stability, spirit of volunteerism, team work, commitment, solidarity and integrity. However, Ashana (2013:6) mentions that lack of corporate governance principles such as transparency, integrity, openness trustworthiness, honesty and accountability has led to the collapse of many business ventures in Africa. Most entrepreneurs violate corporate governance principles. There is no transparency, integrity or openness in the way they conducted their businesses. Corruption is the order of the day. There is lack of responsibility and accountability in the way business is conducted. Most microfinance institutions award loans, not according to the laid procedures but according to whom they know. This has led to the collapse of many businesses.

Conflict is a central element in labour relations and therefore needs to be well managed. This is reiterated by Ehlers (2007:8) who states that the differing values, needs, expectations, attitudes, objectives, affiliations, interests and approaches of employers and employees constitute the basic cause of conflict in labour relations. As such managing conflict is supposed to be the most important focus areas of managers, employee representatives and employees. .

## **Inconsistence application of policies**

Both the LUTARU and NAWU members indicated that inconsistency in implementing policies at NUL causes frustration among the employees. The participants stated that this has been the problem at NUL for quite a long time and it has not been addressed. Sometimes, some employees normally resort to legal action where they sue NUL for inconsistency. Most of the time NUL loses cases in the courts of law.

Mayhew (2019:3) indicates that consistent application and enforcement of workplace policies is the responsibility of human resources, department supervisors and managers. The consequences of applying workplace policies inconsistently can jeopardize business success. Mayhew (2019:3) further points out that companies that pick and choose which policies to implement normally fail. Such companies do not only fail, but they also expose themselves to potential liability for employee complaints about unfair treatment. When employees raise their complaints about inconsistent application of policies, this can lead to conflict.

It is a good thing for companies to have well-written employment policies, but it is only half the battle. If they are not applied, they are like tools rusting away. Worse, if they are applied inconsistently among employees, they can become tools of destruction. Consequently, that is where conflict comes in.

## **Bias**

Bias leaves dissatisfaction among the teaching staff and causes conflict among staff. This segregation in terms of benefits has also extended to some managerial positions, further worsening the conflicts as some managers are remunerated more than even the teaching staff. This has sown division among the university staff members.

Unconscious bias is prejudices that we are unaware of. They are “mental shortcuts based on social norms and stereotypes.” (Guynn, 2015:16). Bias can be based on skin color, gender, age, height, weight, introversion versus extroversion, marital and parental status, disability status (for example, the use of a wheelchair or a cane), foreign accents, where someone went to college and other factors (Wilkie,

2014:1214). If you can name it, there is probably an unconscious bias for it. These biases cause us to make decisions in favour of one group to the detriment of others (Ross, 2008) and naturally creep into the workplace. Scores of studies document how unconscious bias affects workplace decisions

### **Non-separation of cadre**

The Findings indicate that there is no separation of cadre at NUL between teaching (Academic) staff and nonteaching (administrative) staff. This is shown by lack of categorization of jobs which created discomfort and dissatisfaction among staff.

Responses show that NUL is failing the teaching staff when it comes to rewards. This is because all teaching staff have argued that NUL rewards do not do justice to them. They feel that support staff are paid more even though in terms of workload they do more work than the support staff.

Mullins (2002:742) states that the person specification is an extension of the job description. His argument further states that person specification not only tells about the job but also provides a blueprint of the ideal person to that job. It details the personal attributes and qualities associated with successful performance. In terms of experience, technical skills, physical characteristics, health and appearance, motivation, intellectual ability, formal qualifications.

Subject to Section 10 and in particular Sub-Section 10 (2) (f) of the National University of Lesotho Act and Statute 24, the Academic Staff of the University shall consist of the Professors, Readers, Senior Lecturers, Senior Research Fellows, Lecturers, Research Fellows, Assistant Lecturers and such members of the Library and the Administrative Organisation of the University as are appointed by the University on academic terms of service.

Ehlers (2010:4) states that job evaluation entails the reviewing of a job, and determining the relative value of a job by assigning a numerical value to the job. This numerical value is then coupled with a corresponding remuneration package that has been determined by research and/or negotiation. However, if people are not rewarded for the job, this can be a potential factor for conflict.

## **Low salaries**

In addition, other participants who were LUTARU indicated that NUL rewarded teaching and non-teaching staff the same way which they felt was not supposed to be the case because they have different contracts which require different qualifications and experiences. It is apparent that most teaching staff are not happy with low salaries that NUL provides. The academic staff as well as the non-academic have complained about poor remuneration standards.

Low salaries are a contributing factor to strikes and protests that take place in organisations. It is the most visible of a number of factors contributing to industrial conflict. Even at NUL, most of the time when there is unrest, one of the issues which always arises is low salaries. Though a relatively low pay has been a historical, well-known feature of the teaching profession, most of the public does not know that many lecturers at higher education institutions are feeling a pinch in their remunerations more extremely.

Employee rewards and incentives, organisational management, satisfaction with working conditions, motivation levels and employee retention – these cannot be separated. If the first four are not in sync, the fifth – motivation – will fall and the sixth will be hard to achieve. The ultimate results of these are conflicts between employees and the employer and when that is not addressed, employees end up resorting to strikes.

Bad remuneration practices may lead to the resignation of an employee who is valuable to the organization in many ways. This could have a negative impact on the organization. However, it has been the case in many organisations that instead of immediately resigning, some staff resort to strikes aware of the prevailing overall employment conditions so that they can gain attention or recognition so that they can keep their jobs. The act of going on strike comes after many efforts of negotiations.

McGregor (2009:2) states that Universities in South Africa open for the academic year in January or February, often to the prospect of students protesting about academic exclusions, registration fees, financial difficulties or other problems such as lack of accommodation. McGregor (2009:2) mentions that in that particular year, the staff joined the students, unhappy over pay at two of the three affected

institutions. According to University World News (2009), the institutions affected were Durban University of Technology, the University of KwaZulu-Natal and Tshwane University of Technology. At Durban University of Technology (DUT), students and staff protested over "inadequate" salaries and accommodation. Staff downed their tools on demanding a pay rise of 11.5% while staff at Tshwane University of Technology (TUT) in Pretoria launched a pay strike. Though both sides have agreed to a 10% general wage increase, unions are unhappy that some staff will receive less (McGregor, 2009:2).

The above paragraph shows that employees at the three mentioned universities went on strike because of salaries in 2009.

### **Poor working conditions**

The GOL abides by the guidelines of the International Labour Organisation (ILO) and subsequently adopted policies that ensure the protection of many labour rights in Lesotho. For the purpose of this study, the focus was on the right to protection, safety and health. This implies that employees may render their services in safe working conditions, with safe machinery and equipment and that their lives and health will not be exposed in any other way to unnecessary dangers. The study revealed that poor working conditions contributed to conflict in that some employees were frustrated due to poor working conditions and created unhappiness among them. Hence conflict between employees and management.

The participants indicated that NUL cannot produce the expected marketable products as expected. This is because the environment does not allow the lecturers and facilitators to do their jobs perfectly. For example, a student from the faculty of Science is expected to be competent and practical but if he was guided under poor conditions, such a student cannot be competent. At the same time, when such students fail, the University Senate expects an explanation from the lecturers about the high failure rate or poor performance. During the interview, it was discovered that such remarks from the Senate committee upset the concerned lecturers and they later confront their deans for failing to protect them yet they know that for the whole academic year that the inadequacy of resources issues were

not addressed, hence the students' poor performance. Where there is a confrontation among the employees, it is a sign of conflict.

This means, therefore, that when the employees are not working in a conducive environment, their performance tends to decline; ultimately, this leads to the University being unable to achieve its goals and objectives. When NUL is failing to achieve its goals, stakeholders criticize it over the media. This causes conflicts because management expects the employees to deliver their services effectively and efficiently despite the inadequacies in the faculties. The University management knows that it has contributed to the decline in the students' performance.

The literature regards poor working conditions as one of the factors which contribute to conflict at NUL.

### **Lack of motivation**

The findings revealed that NUL treats its employees as though they are all equal in terms of capabilities and qualifications and this situation demoralises teaching and research. There are times when tension reigned among the employees.

Lack of motivation is regarded as a potential cause of conflict. An unmotivated employee either quits on the job or is about to quit for real while happy employees stay with the company and, more importantly, deliver work of a high standard. They contribute actively to both the workplace culture and the organisation's intellectual capital.

According to Maslow's hierarchy of needs, human needs fall into five progressive levels: physiological, safety, social and love, esteem and self-actualisation. As needs at one level is gratified, they lose their motivational strength and the next level of needs is activated with a corresponding motivational influence (Ehlers, 2007:26). When the employees are not recognized in terms of qualifications, as indicated by one participant, it is evident that there will be conflict among the employees.

Wanich, Carrell, Elbert and Hatfield (2015:245) state that motivation is the force that energises behaviour, gives direction to behavior and underlies the tendency to persist, even in the face of obstacles.

As indicated by Van der Westhuizen (2005:196), Maslow's hierarchy of Needs in the motivational theory highlight socialising, appreciation, realization of ideals and self-realization as higher-order needs that play the most important role in the motivation of the employee.

### **Lack of communication**

The responses showed that NUL does not communicate its policies to the employees and this, according to the findings, leads to conflict not only between the employees and managers but even among employees themselves. Poor communication is one of the main causes of conflict between employees and employers in the workplace. This can result from a difference in communication styles or a failure to effectively communicate the policies and procedures. Failing to communicate in the workplace may cause the employees to make incorrect assumptions and raise workplace gossip.

Wille (2013:1) mentions that when communication lines between the employees and their bosses are not running smoothly, the workplace becomes a challenging environment. It is vital for communication to begin from upper management and filter through to each employee so that people feel safe, comfortable, motivated and clear in their work goals. Poor communication is the easiest way for a company to lose sight of what it can achieve. When the company is in the state of poor communication, the possibility of conflict arising is very high. As indicated in the first paragraph, employees may make incorrect assumptions because not all the procedures would have been clear to them. When they fail to adhere to some of the policies, then they are likely to face disciplinary actions. This means trust relationship between the employees and employers is broken and, automatically, conflict comes in.

Having work rules does not mean much unless the employees know that the rules exist and understand them clearly. In addition, effective communication of such policies or principles is important not only because it helps the employees to understand the rules but also because documented communication of those rules makes it easier to enforce them, if necessary.

Good communication is the of utmost importance in maintaining satisfactory levels of employee performance. Management is responsible for telling the employees precisely what is expected of them and for ensuring that all standards, rules and regulations are clearly communicated (Wanich et al, 2015:527). This is supported by Wanich et al. (2015:527); They define communication as the glue that binds various elements, coordinates activities, allows people to work together and produce satisfactory results.

Another issue that was raised is the reluctance of NUL to introduce new and relevant programmes. It is obvious that when there is conflict, management focuses more on managing such conflict than on important issues such as introducing programmes that are marketable in the 21st century. This means that such employees have abandoned their core business. It was revealed that those lecturers teaching in the Faculty of Law have their Law firms in town and they are hardly seen on the NUL campus. They have decided to open their law firms because of the low benefits offered by NUL. It was further revealed that they sometimes change their time tables so that they can teach on weekends when they are free. The eventual impact here is the low quality of education because the lecturers focus on their private businesses rather than on giving students proper education.

When the VC applies control mechanisms, the union members remind him that he was once a member of the union and that he has done what the staff members are doing. It practice has a long term effect when the VC fails to be in charge, NUL loses direction the next Vice Chancellor may find it difficult to rectify the flaws made by the current Vice Chancellor.

The question may arise: How is NUL going to be maintained? The postgraduate programmes are likely to be compromised if all PhD holders leave NUL at the current rate. The Masters degree holders cannot teach post graduate programmes. The alternative would be to shut down all Postgraduate studies. However, if NUL is cannot maintain its post graduate programmes, it will experience problem of recognition because these are the programmes that give it competitive advantage.

Seidel (2019:1) indicates that as organizations strive to achieve their goals, they often meet some challenges which they have to overcome as a team. Those

challenges leave room for conflict between members, other organizations, communities and other parties involved in the organisation's mission. While "conflict" often has a negative implication, its effects within an organization can be both positive and negative (Seidel, 2019:2, Brookins, 2019: 1).

The study finds that the NUL unions choose to go on strike because of issues such as non-transparency. The study participants indicated that the morale of the employees is low and their performance becomes correspondingly poor.

The study further concludes that strikes have a negative impact because classes are disturbed. It indicates that the major 2011/2012 academic year strike eventually affected the whole university almanac of events and led to the poor academic performance results on the part of the students.

The study concludes that due to the conflicts, the employees' morale becomes low and that some employees become too close to the management so that they can gain some favours lead the management to maladministration.

Finally the study reveals that the employees are no longer committed to their obligations. The employees are no longer loyal to NUL. The lecturers do not publish research papers as it is expected of them. The research output is low.

#### **7.4.2.3 On the strategies of the unions**

From the findings, a number of strategies which the unions adopt to resolve the industrial conflicts emerge. Such strategies are discussed below:

##### **Constant consultation and joint decision making**

It appears that the unions adopt constant consultation and joint decision making as a strategy in resolving the conflict. The meetings of JCC and LUTARU, on one hand and JCC and NAWU, on the other hand, are documented and scheduled accordingly on the University almanac.

Employee participation is a process whereby the employees take part in and influence traditional management decisions that may affect them in the workplace.

Participation can take place on various levels within the enterprise from the lowest supervisory level on the work floor to the highest management level.

According to Ehlers (2007:84) there are both direct and indirect approaches to participation. With direct worker participation, individual workers are given the “power” to participate directly in decisions in the workplace. An example of this would be teamwork approaches such as the quality circles. With indirect participation, the workers give their representatives (such as trade unions), the “power” to influence and take part in decisions that may affect them. Examples include participation through the structures such as workplace forums and bargaining councils. The intensity and scope of worker participation differ from organisation to organisation. The more power the workers have to influence decisions in the organisation, the higher the degree of worker participation.

There are four levels where participation can occur. Swanepoel(1999:123); Ehlers (2007:85) propose the following levels:

- i) A low degree of participation will exist where workers are consulted or informed about certain decisions that being taken and where they are asked to give their views. These decisions are, however, often implemented irrespective of the views of the workers.
- ii) Negotiation with workers is the second level of worker participation. This means that management is prepared to move according to the workers’ input in the negotiation process. There is a situation of give and take, and it is accepted that the workers have the right and power to influence the final outcomes or decisions.
- iii) Mutual decision-making with workers is a higher level of worker participation. It occurs where the workers and management share the responsibility for certain decisions in the workplace.
- iv) The ultimate form of worker participation occurs when the workers tmake all the decisions. They basically manage the organisation in that they elect their own managers. They have the right and the power to do so because they also own the enterprise.

From the above literature and from the findings of this study, it can be observed that the university structures are built in such a way that at the highest level of management some members of the Council are nominated by the employees. and This registers well with level (iv) above. However, the University management does not allow the representatives to report the decisions of the Council to be reported to the respective constituencies.

Based on the literature and findings, it is evident that involving the employees in the decision-making process does not only empower the employees to contribute to the success of an organization but it also saves the institution some resources such as time and money through increased productivity and reduced outsourcing. The employees regard themselves as good assets of the organisation and ultimately they feel motivated to go extra miles. Even the implementation of the University policies can become easy to execute because the employees feel that they own such policy decisions.

### **Strikes/Industrial action**

The study finds that when other strategies have failed, the employees adopt industrial action or a strike. y The study further finds that before they go on a strike, the employees follow all the legal processes of embarking on a strike. The union leaders seek permission from the Commissioner of Labour and notify the University management of their plan. When permission is granted, they freely embark on a strike.

The Labour Relations Act(LRA) of 1995 defines a strike as the partial or complete concerted refusal to work, or the retardation or obstruction of work, by persons who are or have been employed by the same employer or by different employers, for the purpose of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between the employer and employee; every reference to work in this definition includes overtime work, whether it is voluntary or compulsory.

### **Work To Rule**

The concludes that the union leaders sometimes resort to work to rule as a strategy to resolve conflict at NUL.

According to Public Service Alliance of Canada (PSAC), Work To Rule means:

- Taking all of your scheduled coffee and lunch breaks.
- Not working any overtime of any kind for any reason.
- Not doing the work of a co-worker when they are absent from the office.
- Not performing any duties that aren't in your job description (we no longer have "other related duties" included in the job descriptions)
- Starting work at your scheduled time and not before; and stopping work at your scheduled time and not a minute later (that's considered free overtime for the employer).

Bendix (2005:607) considers Work-to-Rule as a popular action, especially among the employees who perform tasks on their own and who produce or do more than they are strictly required to do. Bendix(2005:607) further states that the strategy of work-to-rule leads to the employees adhering to the set hours of work and doing only what they are ordered to do or what they have to do in terms of their contracts of employment. Professional and skilled employees in particular can greatly affect the productivity or services of an organisation by instituting an action of this nature.

## **Negotiations**

Ehlers (2010:161) defines negotiation as a process through which two or more parties exchange goods or services and attempt to agree upon the exchange rate for them by making proposals that will satisfy the needs of the parties within the environment that influences the process. All the parties endeavour to secure maximum advantage for themselves during the process.

Some key concepts related to negotiation which need to be considered and appreciated by parties are:

- It is a process
- Two or more parties are involved
- Exchange occurs

- Agreement is sought
- Exchange rate are determined
- Proposals are made and considered
- Both parties aim at need satisfaction
- All parties have needs
- Environmental influences have an effect on agreements or outcomes

Based on the above concepts, it can be concluded that negotiation is the art of seeking an agreement to the maximum advantage of all concerned.

Emphasis should therefore be placed on the seeking of agreement. This means that merely trying to bully someone into accepting your position is not negotiation. It is not effective either. We should not confuse the notion of seeking agreement with the notion of changing someone's mind. It is not necessary to do the latter to achieve the former.

The study finds that the unions apply negotiations as some of the strategies of trying to resolve industrial conflict between its members and employers. From the responses, it appears that the management of the University has never been interested in negotiations. These are normally initiated by the union leaders.

### **Collective bargaining**

Collective bargaining can be defined as a process whereby employers and organised groups of workers seek to reconcile their conflicting goals through mutual accommodation. The dynamic of collective bargaining is demand and concession. Its objective is agreement (Grogan: 2003: 305). Unlike mere consultation, therefore, collective bargaining assumes a willingness on both sides, not only to listen to and consider the representations of the other but also to abandon the set views, where possible, in order to facilitate a common ground.

Collective bargaining appeared in the early stages of the industrial revolution as a means of fixing the wages and other conditions of employment (Adair and Albertyn: 2000: 814). The rationale for adopting collective bargaining for the workers was the

replacement of unilateral decision making by the employer in relation to individual workers, thereby overcoming the weak bargaining position of the individual workers. Collective bargaining has, however, over the years of industrial development developed into a sophisticated means of transforming and regulating what occurs in the workplace (Adair and Albertyn: 2000: 814).

On the other hand, International Labour Organisation (ILO) (1960) views “collective bargaining as negotiations about the working conditions and terms of employment between an employer, a group of employers or one or more employers’ organization, on the one hand, and one or more representative workers’ organization on the other, with a view to reaching agreement”.

The study has revealed that the unions also apply collective bargaining as a strategy to mitigate industrial conflict between the employees(union members) and the university management. However, from the responses, it was revealed that the university management is normally not concerned with bargaining with the unions.

The bargaining relationship is normally an employee or union-initiated relationship. It is believed that once the employees become aware of their labour rights, discriminatory practices, unfair labour practices or poor management practice of the employer, they often opt to join or form the unions which have more collective power and can represent the interests of the employees in the relationship with the employer. Both the LUTARU and NAWU leaders were of the opinion that when they approach the employer, it is with a view to claim organisational rights in terms of the Labour Code Order of 1992, and they might even make initial proposals regarding the formation or joining of a collective bargaining structure, changes to service conditions and employee rights. The study further concludes that the reason behind the establishment of JCC at the University is to sensitise the employees?? for a collective bargaining.

### **Taking legal process**

The findings of this study indicated that when the unions have exhausted all the strategies in resolving industrial conflict, they finally opt for legal processes as a way of establishing a long lasting solution to their dispute.

Employers and employees or the unions may decide among themselves on a procedure to be followed in the event of a dispute arising. Such procedures could specify the following:

- The manner in which a dispute is to be declared – This includes notice to the other party and a specification as to whether or not the declaration should be in writing.
- Time limits for replying to the allegations or claims of the first party.
- Arrangements for negotiation meetings to attempt settlement.
- Time limits for negotiation – A procedure may specify that, if negotiation does not result in settlement within a period of two weeks, the parties may take recourse to other measures.
- Other methods of dispute settlement, such as mediation or arbitration, which will be used by the parties.
- Whether a differentiation will be made between disputes of right and disputes of interest, and whether different settlement procedures will be used in each case.
- Whether or not there will be final recourse to the dispute settlement machinery established by the government or to legal action.
- Whether or not the right to a strike or a lockout is admitted and, if it is admitted (or legally allowed), the limitations set and safeguards provided. An employer may agree not to dismiss illegal strikes before a specified period has elapsed, or a union may undertake to remove illegally striking employees from the premises of the employer (Bendix, 2004:554).

### **Communication of possible ideas and solutions**

The study finds that union leaders and members from the two unions (LUTARU and NAWU) communicate possible ideas and solutions around a conflict as a way or strategy whenever there is industrial conflict between the employees and the employer. The study further finds that there is a time when the unions know well in

advance that there is a looming strike among their members. In response, they propose a control mechanism. They approach the university management and communicate possible ideas and solutions before a strike can take place. The study finds that communication of possible ideas and solutions is one of the pre-industrial conflict solutions.

The study finds that during the strike, the unions sometimes delegate some of their members to act as the union representatives in the meetings between the management and the striking members. In doing so, the expectation is that those representatives should effectively communicate their ideas and possible solutions to the prevailing problems. The respondents shared their experiences on what happened during the long lasting strike of 2011/2012 academic year. They stated that communication was the only possible strategy to them at that time, given the situation. However, the participants highlighted that management did not listen to them. As a counter measure, the employer applied lock out and no-work -no pay strategies.

When the union leaders are strategically capacitated, their capacity responds to business issues; strikes are minimal and the costs associated with strikes are minimal. This study is also significant because it is hoped it may assist institutions to avoid confrontational instances such as the one which took place at Marikana where lives were put at risk or even lost. The study may help the union leaders to avoid politicisation of the unions and assist the union leaders to introduce professional management in their running.

If union leaders are not capacitated, the union members and other workers may lose their lives and thus affect business negatively. Industrial relations may be highly compromised, leading to more strikes and instability.

The findings of the study may help NUL, CHE, MOET and the GOL to review union narrative resources so that they may impact more positively on the welfare of the Lesotho workforce. In addition, the findings may assist the government of Lesotho respond to conflict management.

In addition, the government may have information on where and how to make amendments to the existing labour laws. It is also hoped that the findings of this study may lead to the development of a framework for industrial conflict resolution in the higher education sector. Finally, the study may contribute towards the existing body of knowledge concerning unionism in Lesotho and especially in the higher education sector.

## **7.5 Contribution of the Study**

Theoretically, the study may not only add to the literature already existing on the higher education sector unions strategic capabilities but, , more importantly, in the researcher's view, do so in a way that it is specifically contextualised to the circumstances peculiar to all sectors in Lesotho. During literature review stage of this study, the researcher did not come across the literature pertaining to strategic capabilities of the Lesotho higher education sector unions. Such a study has never before been conducted in Lesotho and none of the participants in this study had ever heard of such a research study. The study will greatly contribute to the existing literature and offer new insights into the problems from another perspective for future research. The finding that the narrative resources or the repertoires of action of the unionists could be improved to further enhance their strategic capabilities makes an important contribution towards strong unionism in Lesotho and elsewhere.

As a lecturer at NUL, the present researcher has gained skills and knowledge that can be passed on to the students. The recommendations can be made to the unions within and outside to acquire new strategies in response to external and internal challenges.

Based on the findings of this study, ways of enhancing capabilities of trade union leadership in Lesotho are proposed.

The eight (8) factors which contribute to industrial conflict at NUL were identified. Their impact was also identified. Further, the strategies which are adopted to mitigate the impact were identified. Based of the factors that lead to industrial

action, their impact and the strategies of conflict resolution, a framework which is considered suitable for industrial conflict for Lesotho was suggested.

When the factors that lead to conflict are known, it becomes easy for organisations to deal with them effectively.

## **7.6 Limitations of the study**

Not all research studies are perfect and there is a likelihood of some shortcomings in research. The shortcomings could help to improve future studies. This study has the following limitations:

Some union members felt that some of the questions in the interview guide were challenging. For instance, the questions on the strategies that unions engage in before the industrial action could take place as well as during and after the strike. Therefore, some members decided not to respond to some questions. They claimed they were not aware of what actually happens. This means information for this objective was not adequately covered.

The NUL management did not participate in the study. Their reason was that they were new in their offices and that they were not comfortable to participate. This limited the study only to the unions.

Furthermore, the study was only limited to the higher education sector to discover issues applicable to the higher education sector specifically. This means that findings may not fully apply to other education sectors.

## **7.7 Self Reflection And Learning**

Undertaking a study on the assessment of the unions' strategic capabilities has developed in me an appreciation of the need for skills development in unionism. When conducting an interview on developing a framework for conflict resolution, I learnt that it allows for constructive change to occur. If problems and disagreements are ignored rather than being handled constructively, things can only go one of two ways; they can either stay the same or they can get worse. However, I was made

aware that when people discuss their differences and work through them together, the stage is set for positive change to occur. Even though it might be easier, in the short term, to leave things as they are, this struggle helps everyone involved in the conflict to work through the problem while developing stronger relationships.

Another lesson learnt from this study is that conflict resolution enhances the commitment between conflict partners and that working through the conflict with others unites the conflict partners as they face problems and deal with the challenges together. It gets those involved in the conflict thinking in terms of “us” versus “me”. This enhances the commitment of the parties to the conflict resolution process.

Even though the significant role that trade unions play to their respective countries is well documented in the literature, the insight that I gained through personal interactions with union leaders and with some union members has changed my perception about the unions. While I had a perception that these unions mostly dominate in the manufacturing industries, I had an opportunity to come across some of the documents made by the unionists in higher education, which included the constitutions and other policies which can be used by all the sectors. In addition, I did not realise that these unions have the potential to positively impact on other sectors. For example, LUTARU designed a template on the agreement between the union and the employer. This template cuts across all the sectors. Therefore, conducting this study has positively changed my perception about the nature of the tangible products that unions make.

Doing a qualitative study to explore strategic capabilities of unions in higher education has been of assistance to me. I have gained specific skills such as conducting interviews for data collection, analysing and interpreting qualitative data. I learnt that, as with quantitative research, a qualitative research study is guided by certain principles in order to ensure rigidity. These principles are more intense for qualitative research as they require a good deal of paperwork which may not be necessary during quantitative research. Ensuring that the standards of trustworthiness in a qualitative research study are met is another important element that I have learnt during this study.

In addition, I have learnt that when the union leaders in higher education are well capacitated to resolve industrial conflicts, they can help the union leaders in other sectors to manage their disputes effectively. However, from the findings of this study, certain issues still need to be addressed to ensure that the union strategies initiatives are effective and ensure success. This means that all the stakeholders in industrial and labour relations need to work together to achieve the objectives for which such services were established.

## **7.8 Recommendations for future research**

From the findings of the study, it is recommended that the unions that represent the workers in the higher education sector in Lesotho should have formal working relations that put transparency and communication at the center of formal engagement. This framework is necessary in order to avoid low staff morale and to bring a speedy resolution to the various conflicts between the management and the unions. The framework may also be useful in the case of government employees who are not allowed, by law, to be members of the unions but have associations such as the Lesotho Police Association (LEPOSA) and LAPSA, Public Service Association and Lesotho Correctional Services Association(LCSA). This study may make both parties avoid instances such as the one that happened in 1994 when the Lesotho Mounted Police Service went on strike and several lives were lost. To have a robust umbrella body such as COSATU in the neighbouring South Africa, NUL should have one union representing all members. The union leaders should not serve in political roles. It is further recommended that unions should encourage Solidarity and avoid government infiltration- LUTARU was infiltrated by government, former president of LUTARU left and joined politics.

Politicians associate some unions with political parties. For example when the current VC lost his brother, the NUL community decided to pray for that. The government associated VC as the one who influenced that prayer. The government said NUL community is affiliated with All Basotho Convention (ABC) party and even with COSATU.,hey are labelled. The government should create the position of a

Labour Commissioner who will be responsible for setting a mediation systems to educate the employees on labour matters and manage conciliation efforts between the labour and management to avoid going to courts.

Moreover, union leaders should be consistently chosen from able people. This is because unionism is a skill; no one learns it from a book. It is a product of a struggle. That is why good leaders within unions do not have university degrees.

The study also recommends that the bargaining power of the union leaders be increased through the development of the bargaining capabilities on the monetary side. They should also be trained on how to bargain. However, bargaining with the University VC is recognised as a waste of time. The union leaders should be trained to bargain with the owner of the university who is the Government of Lesotho in this regard. The VC does not own the university and does not own university funds. NUL is a non-profit making organization and that alone becomes a problem when it gets to bargaining. The efforts of the unions to increase their bargaining capabilities will not even benefit either NUL or LUTARU because the government always says there is no money.

## **7.9 Summary**

In Chapter two of this study, a literature review on the factors that contribute to industrial conflict was conducted and such factors were identified. The findings on the factors which contribute to industrial conflict at NUL are discussed below. The findings of this study showed that lack of transparency at NUL is one of the factors which contribute to industrial conflict. When there is no transparency in an organisation, rumours, personal biased opinions, incorrect information, nepotism, hatred, fabricated feedback will affect the entire management and leadership processes. Personal motives, personal agendas and conflict of interest may fill up the mind of many and the decisions made regarding the employees may be based on the goodwill of the immediate supervisors or people having special relationship with decision makers. Furthermore, where there is lack of transparency, it would be

difficult for the unions to know exactly what is going on and why things are happening. The unions might find themselves in a fear and go in and out with frustration. When the union leaders fail to know what is going on, where to go and what to do in the next fiscal year, then everybody strives to meet his/her own mission rather than that of the organisation, there is no doubt that there will be instability among the employees. Workplaces in which consistency is present appear better organized than those in which things are constantly changing. This appearance of the organisation can make the employees think better of the company and allow them to feel that the company is stable. However, unconscious bias brings irrelevant factors into the decision-making process. Age, ethnicity, gender, weight, and even hair color can play a role in the personal assessment of the candidates and employees and influence the decision to hire, fire and promote them in the workplace. While these influences may be unintentional, they do not change the fact that they are fundamentally unfair. Non-separation of Cadres, poor working conditions, low salaries, lack of communication of the policies, procedures and rules are concluded to be factors which contributed to conflict at NUL.

The findings of the study concluded that for repertoires of action of the unionists to be improved, education about the Lesotho Labour Laws, Employee benefits/responsibilities and Code of conduct within unions, places of employment and professionals should be provided. The study indicated that some members do not know much about unionism. The union leaders tried to invite people to address their members on collective bargaining and on the laws governing labour issues in order to give them an insight about labour laws. However, the members do not attend such workshops. This could be because their members are not knowledgeable about the laws governing the unions and the rights of the employers and employees. It is further concluded that to enhance their strategic capabilities, the unions should encourage their members to know and to adhere to the laws in order to conduct their duties efficiently. This means being professional. The study indicates that members are encouraged to be good employees and to excel in their jobs. We are trying to organize seminars on work-related issues NOT as union members.

On the other hand, the findings show that the employers can try to build the unions so that their capabilities are enhanced. If the employers want to have motivated and knowledgeable employees, they need to help their employees to know their rights, what their job involves and why they are doing it. That makes a stronger workforce. Employers could also bring speakers in or supply things to read on topics of the labour laws. They could also supply information to the employees.

Finally, the findings indicate that the LUTARU constitution and practice should be revisited so that members implement the positive things about LUTARU. In this way, the Mandate of LUTARU can give its members integrity.

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**APPENDIX A**  
**INTERVIEW GUIDE**

**ANNEXURE B - INTERVIEW SCHEDULE**

**As an executive within the National University of Lesotho (NUL), you have an important role in comprehending the NUL's mission of advancing human development and responding to national and regional needs through knowledge creation. I am particularly interested in your view on the strategic capabilities of Lesotho Higher Education sector unions, specifically the National University of Lesotho.**

**Section A: BIOGRAPHICAL INFORMATION**

1. Please provide the following information and note that this information will mainly be used for research purposes and will not be disclosed for any other purposes.

1.1. Position:

1.2. Level of experience:

**SECTION B:**

This section focuses on the analysis of strategic capabilities of Lesotho Higher Education sector unions. It seeks to gain a better understanding of the strategies adopted by the unions and employers when addressing the conflicts.

2. In your view, what factors contribute to industrial conflicts within NUL and impact of these factors?

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3. What strategies are often adopted by the unions and employers to address these conflicts? Any pre-emptive measures either before, during or after the conflicts?

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4. In your view, how can institutional (unions) capabilities for conflict resolution be enhanced?

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5. How do you engage the unions in building institutional capabilities?

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6. What is your view on the role of unions in addressing the strategic goals of the university?

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### **SECTION C:**

**This section will specifically focus on the proposed conflict resolution framework and determine what is regarded as the most important components necessary to ensure successful framework.**

7. In your view, what are the critical principles that a framework for industrial conflict resolution should be adhered to?

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8. In your view, what would be the best framework for industrial conflict resolution in Lesotho considering the current practices (if any)?

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9. In your view, what are the factors that could be considered when developing a framework for industrial conflict resolution in Lesotho?

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10. What do you regard as the outcomes of conflict resolution framework?

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11. This study proposes that a framework be integrated into the business strategy of NUL. Do you feel that this is realistic?

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12. In conclusion, would you like to elaborate or raise more issues or suggestions with regard to the development of industrial conflict resolution framework for Lesotho?

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## **APPENDIX B**

### **REQUEST FOR PERMISSION FROM THE REGISTRAR OF THE NATIONAL UNIVERSITY OF LESOTHO TO CONDUCT RESEARCH IN THE UNIVERISTY**



NORTH-WEST UNIVERSITY  
YUNIBESITHI YA BOKONE-BOPHIRIMA  
NOORDWES-UNIVERSITEIT

Private Bag X2946, Mmabatho  
South-Africa 2735

Tel: 018 389 2437/2827  
E-mail :Gradschool@nwu.ac.za  
Web: <http://www.nwu.ac.za>

Campus Registrar  
National University of Lesotho  
Roma 180  
LESOTHO

**Permission to conduct research- Ms M Mojalefa -PhD student**

This letter serves to introduce Ms M Mojalefa who is presently a registered student for Doctor of Philosophy (PhD) programme at the Graduate School of Business and Government Leadership of the North West University. She is conducting a research project on, "Assessing strategic capabilities of Lesotho Higher Education Sector Unions" towards a partial fulfillment of her PhD programme.

In this regard, your office is requested to afford her full co-operation to conduct this research .In particular, Ms M Mojalefa requires permission to access information, data or even to distribute questionnaires.

Your cooperation will be highly appreciated.

  
Ismail Haffejee

Research Unit



## **APPENDIX C**

### **NWU APPLICATION FOR ECONOMIC AND MANAGEMENT SCIENCES RESEARCH ETHICS COMMITTEE (EMS-REC)**



Faculty of Economic and Management Sciences

| NWU APPLICATION FOR ECONOMIC AND MANAGEMENT SCIENCES<br>RESEARCH ETHICS COMMITTEE (EMS-REC)<br>Application for ethics approval for commerce related research                                                                                                                                                                                                                                                                                                                                                                         |                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| 1st Submission <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Resubmission <input checked="" type="checkbox"/>                              |
| <b>Instructions and recommended path for the completion of the application</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Checklist</b><br>(please complete)                                         |
| a. Ensure that a research proposal has been approved by an appropriate scientific (research proposal) committee and attach the proof of its approval.                                                                                                                                                                                                                                                                                                                                                                                | <input checked="" type="checkbox"/>                                           |
| Date of approval:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 18-Mar-2015                                                                   |
| Signature: Chair scientific committee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                               |
| b. The final research proposal, as approved by the scientific committee (research proposal committee), forms the base document that is evaluated in conjunction with this application form. The research proposal is mainly used for proof of ethical procedures, while the application form provides contextual detail and other applicable and necessary information (e.g. informed consent letter). Therefore, this application offers the researcher the opportunity to expand on specific ethical issues required for approval. | <input checked="" type="checkbox"/>                                           |
| c. Any questionnaires or interview schedules that will be used in the completion of the study have to be attached if it is not part of the approved research proposal.                                                                                                                                                                                                                                                                                                                                                               | <input checked="" type="checkbox"/>                                           |
| d. Where applicable, attach any permission letters received from governing bodies.                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                               |
| e. Where applicable, attach any contracts with collaborators/sponsors.                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/>                                                      |
| f. Should this study already received ethical clearance from another institution, attach questionnaire and ethical clearance.                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/>                                                      |
| <b>Applicant details</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                               |
| Initial(s) and surname                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | L.J.M. MOJALEFA                                                               |
| University number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 21469628                                                                      |
| Title of study/project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | ASSESSING STRATEGIC CAPABILITIES OF LESOTHO<br>HIGHER EDUCATION SECTOR UNIONS |
| Research programme/entity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | TRADE                                                                         |
| School                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | NWU School of Business and Governance                                         |

### 1.1. Scope of research

Type details of scope here

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Yes                      | No                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|
| <u>Type details of scope here</u><br>Health-related research (as defined in the National Health Act [61 of 2003]), includes any research that contributes to the knowledge of: <ul style="list-style-type: none"> <li>○ The biological, clinical psychological or social processes in human beings;</li> <li>○ Improved methods for the provision of health services;</li> <li>○ Human pathology;</li> <li>○ The causes of diseases;</li> <li>○ The effects of the environment on the human body;</li> <li>○ The development or new application of pharmaceuticals, medicines and related substances; and/or</li> <li>○ The development of new applications of health technology.</li> </ul> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Research will make use of tests/instruments that are classified by the HPCSA or other legislative bodies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Educational research (refers to a variety of methods, in which individuals evaluate different aspects of education, including student learning, teaching methods, and teacher training and classroom dynamics).                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Affiliated study under a larger study with ethical clearance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Type detail of larger study and ethical clearance here</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                          |                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                          |                                     |
| Making use of previously collected data with human participants.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Type detail of previous process and ethical clearance here</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                          |                                     |

## 1.2. Type of research with human participants

### Description of contact with human participants

Type detail of type (e.g. qualitative with interviews or quantitative with questionnaires) here

### Description of participants

|                                                                                                             | Yes                                 | No                                  |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| Minors (<18)                                                                                                |                                     |                                     |
| Adults with incapacities                                                                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Persons in dependent relationships (e.g. prisoners)                                                         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Students                                                                                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Persons with physical disabilities                                                                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Collectives (individuals who are considered in the research as a whole group, e.g. a trade union's members) | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Research-naïve communities (e.g. participants in townships)                                                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## 1.3. Phased research

Ethical clearance can be given for phases of research (e.g. where a qualitative study is first necessary before a measuring instrument can be developed and evaluated).

Type details of phases and proposed schedule

## 1.4. Privacy, confidentiality and informed consent

Type details of process to apply privacy, confidentiality and informed consent for participants

Please attach, if not already available in the research proposal, the applicable documentation that will be used for these purposes (e.g. cover letter of questionnaire and consent form), including details of data management, storage and destruction.

### 1.5. Competence of researchers/student/supervisor

Type in the details to confirm the capability and legal competence to implement the proposed studies/procedures/interventions

### 1.6. Announcement of study results to participants

Type details of results to participants

## 2. DECLARATIONS

I, the undersigned, hereby apply for approval of the research as described in the preceding application and declare that:

- 2.1. The information in this application is, to the best of my knowledge, correct and that no ethical codes will be violated with the study;
- 2.2. In the case of human participants;
  - 2.2.1. I will put it clearly to all participants that participation (including assent) in any research study is absolutely voluntary and that no pressure, of whatever nature, will be placed on any potential participant to take part;
  - 2.2.2. I will put it clearly to all participants that any participant may withdraw from the study at any time and may ask that his/her data no longer be used in the study, without stating reasons and without fear of any form of prejudice;
  - 2.2.3. every participant who takes part in the study will receive the indicated form for informed consent and it will be ensured that every participant understands the information (including the process and risks) fully;
  - 2.2.4. every participant will provide informed consent before the study commences, or a witness will stand in on behalf of the participant when the participant cannot provide permission, but agrees to it;
  - 2.2.5. any foreseeable risk is restricted to the minimum, any permanent damage is avoided as far as possible and appropriate precautions and safety measures are in place;
  - 2.2.6. confidentiality of all the information of all participants will be respected and ensured;
- 2.3. I and all co-workers/assistants/fieldworkers are appropriately qualified, capable and legally competent to implement the proposed studies/procedures/interventions;
- 2.4. I will not deviate from the approved proposal and I understand approval for the study will be cancelled if I deviate from the proposal without the approval of the Ethics in Commerce Research Committee;
- 2.5. the study is scientifically justifiable;
- 2.6. where necessary, all contracts, permits and the applicable documents of relevance will be obtained before the research commences;
- 2.7. I will ensure that all data are stored safely and remain in the possession of the North-West University;
- 2.8. I will report in writing any incidents or adverse events that occur during the study without delay to the Ethics in Commerce Research Committee;
- 2.9. I undertake to respect the intellectual property rights of the North-West University throughout and undertake to avoid any form of plagiarism and academic dishonesty;
- 2.10. I will notify the Ethics in Commerce Research Committee should the study be terminated.

Signature of applicant



10-Jun-2019

Date

Signature of supervisor

10-Jun-2019

Date

**APPENDIX D**  
**FEEDBACK POST FACTO: ETHICS APPLICATION**



Private Bag X6001, Potchefstroom  
South Africa 2520

Tel: 018 299-1111/2222  
Web: <http://www.nwu.ac.za>

18 June 2019

*Per e-mail*  
Dear M L Mojalefa

**FEEDBACK POST FACTO: ETHICS APPLICATION 18062019: M L Mojalefa (21469628)(NWU-00124-16-A9) PhD in Business Management**

Your ethics application on, Assessing strategic capabilities of Lesotho Higher Education sector unions, that served on the Post Facto meeting of 18 June 2019 refers.

**Outcome:**

Extension is hereby granted, to continue using A number **NWU-00124-16-A9**, to enable the researcher to complete the study. (The given number expired 25/1/2019.)

Kind regards,



Prof Jan Meyer  
Chairperson: Post Facto Ethics  
FEMS