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EVALUATING THE EFFECTIVENESS OF WORKPLACE CONFLICT RESOLUTION MECHANISMS IN THE PUBLIC SECTOR OF MALAWI

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ABSTRACT

The study evaluates the effectiveness of workplace conflict resolution mechanisms in the Malawi public sector in terms of procedures, challenges and their efficacy. In doing so, three government ministries namely; Education, Health and Justice were investigated using a qualitative case study approach to better understand the effectiveness of conflict resolution mechanisms in the public sector. The study findings indicate that all the conflict resolution mechanisms, that is, written grievance handling procedures, collective bargaining, Industrial Relations Court and labour office were not effective for various challenges. For instance, in the case of collective bargaining and grievance handling procedure lack of trust between management and employees was identified. For Industrial Relations Court and Labour Office, lack of adequate resources to run the institutions and corruption practices were also identified. The study then recommends, among other things, the provision of continuous training on labour related issues to both employers and employees, and strengthening the capacity of labour office in Malawi and the Industrial Relations Court if the efficacy of conflict resolution mechanisms in Malawi public service are to be realized.

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INTRODUCTION

This study intends to evaluate the effectiveness of conflict resolution mechanisms in the public sector of Malawi. The public sector of Malawi enacted a legal framework which guaranteed procedures and mechanisms for dispute resolution in the workplaces in order to bring peace and harmony at the workplace (Dzimhiri, 2008). These include: grievance handling procedures, dispute settlement procedures, open door policy, ministry of labour and Industrial Relations Court (IRC). Despite their establishment, the public sector organizations continue to witness a greater number of conflicts more than at any time before. This study attempts to explain why there is an increase in workplace conflicts in the public sector organizations amidst various conflict resolution mechanisms. After this introduction, the paper provides a theoretical framework for evaluating the effectiveness of conflict resolution. Thereafter, it presents materials and

methods before presenting results and discussion. Thereafter, it presents recommendations and finally the conclusion.

Definitions of Dispute Resolution

According to Thomas (2005) conflict is a disagreement in opinions between employer and employee due to differences in attitudes, beliefs, values or needs. As for Leung (2010) a conflict is a situation between two or more parties in a paid employment who view their perspectives as incompatible. From the above definitions, it is very clear and obvious that there is no just one practical definition of conflicts. Each person has an individual way of thinking and behaves differently from others in similar situations. It can be concluded therefore, that a conflict involves two people with different perspectives, value beliefs, attitude and needs. Similarly, there is no agreement on the definitions and scope of conflict resolution.

Rather, conflict resolution and conflict management are usually often used interchangeably in the literature. But this study prefers conflict resolution because it can fully bring to an end disputes in an organization if used effectively. Despite

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this, however, the following definitions have been selected due to their relevance to this study. Conflict resolution has been described as a process by which two or more conflicting parties improve their situation by cooperative action, allowing the parties to expand the pie, or to prevent it from shrinking, giving each party a larger slice (Ellis and Anderson, 2005, p.204). According to Marchington (2005) dispute resolution is a procedure by which disagreements are brought to an end. It occurs through a negotiated outcome where the parties concerned resolve things themselves, and a mediated outcome where the parties involve an independent mediator to assist them to reach to an agreement or arbitrated (Marchington, 2005, p.119). Similarly, Buchanan and Huczynski (2007) emphasize that conflict resolution is a process which is meant to terminate disputes between the disagreeing parties. To Ellis and Anderson (2005) conflict management is a process designed to help achieve conflict resolution. However, for Rowe (1996) dispute resolution refers to approaches used by trained independent authority to converse more clearly, convey effectively, develop and evaluate solutions or resolve conflicts. It is the process which is used to resolve dispute on the basis of the interests of the disputants rather than on the basis of power (Rowe, 2006). What is evident from this definition of conflict management is that power and interest are very crucial.

Arising from above, conflict resolution and conflict management are different in that the former aims at ending conflicts completely, while the latter focuses on minimizing conflicts. In essence, conflict resolution is the ending of conflict, while conflict management is designed to keep the conflict within reasonable and possibly useful bounds. It is worth noting that despite their difference, however they both emphasize that firstly, there must be parties that are disagreeing on something. Secondly, these parties should make a deliberate effort to resolve their disagreements. Thirdly, the disagreements can be resolved between themselves or the involvement of the third party (Buchanan and Huczynski, 2007). Crucially, they are both one of the several responses an organization can undertake to promote industrial peace and harmony.

Benefits of Workplace Conflict Resolution process

Conflicts resolution is very crucial in any organization. Effective dispute resolution is very important for the health and growth of any organization. Many organizational scholars believe that effective dispute resolution is a vital aspect of effective organizational functioning (Rogers, 2007). Hence it is clear that without dispute resolution, an organization will not perform well (Keyton, 2005). Besides, several studies have linked the effectiveness of dispute resolution mechanisms in improving employee productivity in an organization (Nova, 2012). Furthermore, effective dispute resolution brings more cooperative and productive management-employee relationships and develops employee's satisfaction and quality of life at the workplace (Green, 2012). On the other hand, effective dispute resolution contributes to organizational life such as fewer strikes and reduced costs. In addition, effective dispute resolution can help employer to maintain good relationships with their employees by dealing with workplace issues at an early stage (Scott, 2011). Alternatively, effective

conflict resolution ensures job satisfaction and organizational commitment (Sarrat, 2009). In this regard, when employees realize that they are being recognized and their grievances, complaints and disputes are being effectively resolved without bias, they become satisfied with the organization as a result absenteeism is minimal (Torrington and Hall, 2001). Some studies show that in effective dispute resolution, employees are likely to be more cooperative and productive if they know that their grievances will be taken seriously by the employer and there is opportunity for an independent party to assist in the resolving the dispute if it cannot be resolved at the workplace (Marchington, 2005). Furthermore, a good dispute resolution process with a focus on effective resolution at the workplace level may help to avoid the cost of resolving a claim externally: for instance via arbitration. On the other hand, effective dispute resolution mechanisms in organization ensures increased job satisfaction, morale and commitment which eventually contribute to high organizational productivity as the number of industrial conflicts, turnover and resignations minimize (Robinson, 2002).

Employers are also able to avoid a litany of other serious costs resulting from the lack of effective internal dispute resolution: damage to relationships in the workplace, loss of productivity, sabotage and theft, harassment violence and the like (Simiun, 2012). Some employers are concerned with the particularly high costs that may ensue when managers and professionals feel unjustly treated hence the employment of effective dispute resolution mechanisms. In this case, many employers believe that the costs of employment disputes are far too high and that there must be a more cost-effective approach. In addition, nonunion employers seek to improve work performance by providing dispute resolution structure impetus for employers to build internal dispute resolution structures is to smooth employment relations (Simiun, 2012).

Mechanisms for Conflicts Resolution

There are basically two types of conflict resolution mechanisms namely, internal and external mechanisms (Jones et al, 2008; Nova, 2012; Whetten and Cameron, 2012; Leung, 2008). The internal conflict resolution mechanisms include; open door policy, senior management review, formal grievance procedure, peer review and collective bargaining process (Torrington and Hall, 2004, Colvin, 2003; Leung, 2008 and Nova, 2012). The Open door policy involves that when employees have a concern they should first approach their supervisor for an informal discussion and attempt at resolution, and if not satisfied, should write a formal complaint which their supervisor is obligated to take to the next level of management (Torrington and Hall, 2004). Usually, management encourages employees who have concerns or complaints to meet with and discuss any problems with their immediate supervisors or any other management personnel (Nova, 2012). Senior management review, on the other hand, provides employees with the opportunity to discuss unresolved problems or complaints with successively higher levels of management, up to and including the president of the organization (Nova, 2012). Further, formal written grievance procedure is a formal multi-step process involving progressively higher levels of authority which may or may not culminate in mediation or arbitration, or both (Nova, 2012). It

is another way to increase the likelihood that workplace disputes would be raised internally in a timely fashion is to implement a formal grievance policy (Colvin, 2003). Similarly, peer review is another internal mechanism. Peer review panels are often introduced as part of a union substitution strategy in order to provide employees with a stronger alternative to union grievance procedures than the typical nonunion procedures that use only management decision-makers (Nova, 2012). Lastly, Collective bargaining is a process whereby representatives of management and workers negotiate over wages, hours, and other terms and conditions of employment (Mathis and Jackson, 2004). As for Leung (2008) collective bargaining is a method used by unions to improve the terms and conditions of employment of their members.

On the other hand, there are also different types of external approaches to handling conflict and resolving disputes outside the workplace. These approaches include ombudsperson, conciliation, mediation and arbitration (Lipsky et al, 2003; Goldbergs, 2005; Estreicher and Heise, 2005). An ombudsman is an impartial or neutral official within an organization who facilitate informal and confidential assistance to employees in addressing work-related concerns, and who may also recommend systematic organizational change based upon issues which arise (Goldbergs, 2005). It is basically designated to investigate and provide advice and assistance to employees who have concerns or complaints (Goldbergs, 2005). Further, conciliation involves the third party who acts only as a facilitator by maintaining the two way flow of information between the conflicting parties and encouraging a rapprochement between their antagonistic positions (Budd, 2004). In addition, Bingham (2004) contends that mediation involves a third party who assists in resolving the dispute by advising and providing information and options but leaves the final decision to the parties themselves (Goldbergs, 2005). Similarly, Goldberg (2005) adds that mediation may be a step within a process that is used only when an impasse occurs between the employee and higher management levels or a co-worker. On the other hand, arbitration is a process in which the parties to a dispute present arguments and evidence to a dispute resolution practitioner who makes a determination. In arbitration, a third party assists in resolving the dispute, but the final and binding decision rests with the third party (Boswell and Olso-Buchann, 2004). Arbitration is particularly useful where the subject matter of the dispute is highly technical).

MATERIALS AND METHODS

The study employed a mixture of quantitative and qualitative research design to target institutions and individuals. The population consists of all actors in the employment relations in Malawi. These are human resources managers/administrators in the public and private sector, civil servants trade union leaders and labour officials. A purposive sample of 3 organizations was targeted. In all 60 respondents were reached. Organizations were selected from those that experienced strike incidences. They include the ministries of health, Justice and constitutional affairs, and education. Primary and Secondary data was collected when compiling this paper. Documents, questionnaires and interviews were used as data collecting methods. The data was collected from government documents, internet sources, journals, policy

documents, formal memos and books. Questionnaires were designed to capture key issues to do with types and procedures for conflict resolution mechanisms available in the public sector. In depth interviews were conducted with selected few senior officials such as human resources managers, trade union leaders and labour official. Both interviews and document data was typed and subjected to content analysis to identify common and emerging themes and sub themes. On the other hand, since the sample was relatively small, Questionnaire responses were analyzed manually using a calculator.

RESULTS

Grievance handling

This mechanism was established to handle employee complaints or grievances. It is a step by step process that is followed by employees who are aggrieved. It was observed that all the organizations in the public sector follow the same procedure of grievance handling. The steps include: oral grievance, written grievance, grievance advanced to industrial relations and arbitration. Firstly, employee presents oral grievance to immediate supervisor, then the supervisor provides written response to the oral grievance within time frame specified by the organization's policy. Secondly, if the oral grievance is not satisfactorily adjusted, the aggrieved can submit the grievance in writing to the department head. Thirdly, if the written grievance is not satisfactorily adjusted, the aggrieved can submit the grievance in writing to the human resources department. Fourthly, if the aggrieved is not satisfied, he/she can submit the grievance in writing to the management director. Fifthly, if the grievance is not resolved the aggrieved can submit the grievance in writing to Ministry of labour or Industrial Relations Court for arbitration. On the other hand, the majority of employees in the ministries conceded that there are many advantages associated with grievance handling procedure. For instance, it helps in settling the record straight. Here it makes both sides think about exactly what has happened and set out their expectations. Further, it creates an opportunity for compensation. Here if the employer has failed to follow the grievance process the industrial relation court can award the employee additional compensation. Similarly, if the employee has failed to follow it then his compensation can be reduced.

Finally, it gives chance for the employer to suggest a settlement agreement. In this case, the grievance procedure is viewed as the perfect opportunity for the employer to offer employee a settlement agreement in the sense that they will be forced to think about your case at a time. However, this mechanism faces a number of challenges. For instance, bad attitude of management towards employees is one of the main challenges. In this case it was revealed that most often when a complaint is lodged to the management, the management portrays the 'I don't care attitude' whereby they are not interested to solve employee's problems. Further, management does not always show a welcome attitude, and this eventually scares away employees willing to lodge a complaint. Consequently, employees lose trust in employers. In addition, unnecessary bureaucracy is another challenge associated with the grievance handling. The findings showed that the procedure is very long as a result more time is taken to resolve the conflicts and in some instances the complaint can be

forgotten as the hierarchy of authority involved in the dispute grows longer. The grievance handling procedures, dispute settlement procedures are associated with unnecessary bureaucracy and bad attitude of management towards employees when used to resolve conflicts. These challenges concur with Dzimbiri (2008) in the literature who argued that a big number of organizations in the public sector of Malawi have internal procedures for dispute settlement however, employees are not satisfied with the procedures due to a number of reasons which include management tendency to ignore decisions made by the disciplinary panel, weaknesses in the decisions made and delays in the procedures. In view of this, it can be deduced that most employees do not trust the grievance handling procedure for conflict resolution as evidenced by some few employees who opt for using other internal mechanisms in order to have their conflicts resolved instead of using the internal mechanisms first. On the other hand, it can also be deduced that the effectiveness of grievance handling procedure, dispute settlement procedure has been questioned by the majority of employees' long time ago as evidenced by Dzimbiri (2008) however, despite their ineffectiveness nothing much have been done so far to improve their efficacy, hence the prevailing challenges.

Collective Bargaining

The process of collective bargaining in all the ministries involves the two parties namely, management and trade unions. Before entering into collective bargaining, each party is supposed to notify the other party in writing that it wants to enter into bargaining. The respondent party shall give the requesting party a written reply within sixty days of receiving the request. If the respondent party has failed to reply within sixty days of receiving the request or the request has been refused the other party may apply to the minister of labour requesting the establishment of industrial council. The majority of the employees conceded that collective bargaining process has many positive effects. For instance, collective bargaining ensures that the management and the laborers are brought to the same platform where both parties can engage in discussions to solve problems. Further, collective bargaining is used to address issues and both parties enjoying an equal footing can have a collective goal for mutual rewards. Likewise, collective bargaining is viewed as a legally sound platform or mode of communication. It establishes workable bilateral relationship between the staff and the management. All the rights, that of the management and that of the laborers are clearly stated and everyone knows their roles, duties, rights and limitations. In addition, collective bargaining allows for the protection of everyone's rights and welfare. It is not heavily tilted either towards the management or the employees. Just like the grievance handling procedure, collective bargaining is also associated with many challenges. Firstly, collective bargaining is time consuming, it slows down the decision making process and makes it all the more complicated since there is no authoritarianism. Instead, there is increased bureaucratization. Secondly, anti-unionism attitude is one of the challenges. It was revealed that the management does not consult with the unions when initiating and implementing certain policies that affect the employees. In certain circumstances the management does not implement what have been agreed in the collective bargaining agreement

and most often the management does not follow the collective bargaining structure in place. Thirdly, collective bargaining exploits the free hand that managements usually like to possess. The liberty and authority of the senior management would be limited and may be reduced if the trade unions are far too influential and strong or consequential. Fourthly, while collective bargaining was developed to bridge the communication gap between the employers and employees, they can easily create further cracks instead of bridging the gap. Vested interests of elected representatives or sabotage by competitive organizations and rivals can ruin the foundation of a company through collective bargaining. Conflicts among trade union members are another aspect which affects the collective bargaining process. In this regard some of the trade unionists do not share the spirit of collective responsibility and instead they believe in individualism. It is perceived that personal differences and attitude plus lack of a common political ideology and concentration on narrow bread and butter issues among trade unions are viewed as the cause of these divisions.

On the ground, collective bargaining faces various challenges that include: bad attitude of management towards employees during dispute settlement, anti-unionism attitude; lack of consultation between management and employees and union leaders fighting for their self-interests. The challenges highlighted in the findings concur with the challenges that various scholars had found. These challenges include lack of consultation between management and employees, tendency of the management to disregarding provisions of the collective labour agreement and delays in responding to workers needs and increase in intra-union rebellions (Coser, 1998, Burshill, 1985, Sibanda, 1993, Farham and Pimlott, 1995, Kochan, 1980, Herman, 1998 and Bean, 1994). On the other hand, the research findings also revealed that collective bargaining is associated with challenges such as intra-union rebellions and anti-unionisms. Anti-unionism in the sense that management often times does not consult the unions, management also maltreats the union leaders, and management often times disregard and delays employee's needs. These challenges associated with collective bargaining also concur with the findings by Dzimbiri (2008; Motshegwa, 2012) who assert that collective bargaining process is not effective in most African countries due to lack of consultation between management and employees and delays in responding to worker's needs. In view of the above, the fact that management in the public sector has an anti-unionisms attitude is a clear indication that the management and union often, operate within the unitary perspective. This is evidenced by the management's behaviors such as manipulation of union leaders, delays in responding to workers needs and even not implementing what was agreed and also labeling the union leaders as opposition (Dzimbiri, 2008; Motshegwa, 2012). In such circumstances as argued by Salamon (2002) trade unions are perceived as intruders and troublemakers bent on dividing employees' loyalty away from management. The management believes that employers should be left to make independent decisions to ensure profitability and cost-effective service to customers (Salamon, 2002). Consequently, the prevalence of a unilateral system determination of conditions of employment undermines the ability of workers to defend their economic interest through collective bargaining hence the escalation of conflicts.

Furthermore, the tendency of the management to disregarding provisions of the collective labour agreement, delays in responding to workers needs is a clear indication that the council does not bargain in good faith as per requirement in the collective bargaining process, thereby undermining the whole essence of the collective bargaining process which eventually affect the lives of the employees.

Industrial Relations Courts

The industrial relations court was established to play a number of roles. These roles include: protection and promotion of labour rights such as the right to withdraw labour, right to fair labour practices and right to fair remuneration as stipulated in the Constitution of Malawi. Further, the Industrial relations court is also involved in enlightening employers regarding the right of employees and fair labour practices, the interpretation of labour rights guaranteed by the constitution of Malawi. In the first place, the mandate of the IRC is that of a court. It is constituted by the presence of the Chairperson, or the Deputy Chairperson and one member from the employees' panel and one member from the employers' panel, as chosen by the Chairperson as stipulated in section 67 of the Labour Relations Act of 1996. There are also procedures to be followed at the industrial relations court. If an employee has a complaint, they have a right to go the Labour Office to address the matter. If the Labour Office fails to resolve the matter through mediation or conciliation, the matter may be referred to the IRC within 30 days in terms of Rule 13 of the Industrial Relations Court Procedure Rules, 1999 and the matter is set down for pre-hearing conference when IRC form 1 is filled by the applicant and served on the respondent. Where the respondent intends to defend the matter, he or she completes and serves and files with the court an IRC Form 2. The forms are very crucial for setting down a matter for a pre-hearing conference.

Despite having a lot of advantages, this institution also faces a number of challenges. The Industrial Relations Court (IRC) in Malawi faces a crisis of poor funding and lack of panellists that have resulted in a backlog of over 2 400 cases. While the accumulated cases may mean that more Malawians are becoming knowledgeable about their employment rights, the backlog also shows how hard it is for a wrongly dismissed worker, for example, to access timely justice. The trend means more employees are becoming aware of the existence of the court and knowledgeable about their labour rights. Further, it has been observed that although tight budgets are a challenge, they are not the major setback. Rather, it is the shortage of panellists that cripples the court operations. Thus a proposal was made to increase the number to 20 and an amendment to the Labour Relations Act was recently made. In addition, the delay in the disposition of the cases has been a matter of great concern as expressed by Malawi Congress of Trade Unions (MCTU) Secretary General who was quoted saying "Labour issues should be handled with speed because some employees unnecessarily suffer for a long time when they are actually not in the wrong". He said the IRC is doing a good job and he appealed to Government to give the court the required financial support to ensure smooth facilitation of justice. It is said, 'Justice delayed is justice denied' he observed. "We would love to see the IRC clearing the backlog. As long as that backlog remains, it means somebody, somewhere, is not being

attended to and has unsettled dispute, most likely an infringement of a right to earn a living". In addition, systematic and endemic corruption is another prevailing challenge affecting the Industrial Relations Courts. The majority of the respondents felt that the Industrial Relations Court is marred with corrupt people because most of the cases which are very clear and obvious are always lost when in fact the complainants were supposed to win. Furthermore, the findings revealed that the industrial relations court was associated with different challenges which include inadequate number of personnel, mismanagement of complainants' files and limited resources such as finances, vehicles, office stationery and corruption. Some of the challenges highlighted in the findings concur with various scholars in the literature who also highlighted on the same. For instance, Dzimbiri (2008) and Sikwese (2010) note that industrial relations courts in Malawi lack capacity in terms of finances, stationary and adequate human resources. Again, on the challenges affecting Industrial relations Court, there were some peculiarities that were observed. The research findings revealed that corruption and mismanagement of the complainant's file were some of the common challenges affecting the industrial relations court. These challenges are peculiar in the sense that they are not highlighted in the literature. This implies that the challenges affecting the industrial relations court that are highlighted in the literature are not exhaustive. On the other hand, it can be deduced that mismanagement of complainants' files is as a result of lack of proper skills for record and file keeping. Furthermore, corruption is as a result of low salaries that the public officials earn.

Ministry of labour

The ministry of labour was established to serve many purposes. Firstly, it does routine spot checks on organizations in order to among others inspect and to ensure that the work place is safe for employees and that the organizations are complying with the Occupational health and safety regulations as stipulated by the Ministry. Secondly, it enforces compliance of the minimum wage as provided for in the Employment Act of 2000. Thirdly, it conducts trainings in the organizations to sensitize both employers and employees on the labour laws of the country so that they are aware of their responsibilities and entitlements and where to go when need arises. Fourthly, it deals with complaints particularly from employees who feel that that they were unlawfully dismissed. In such instances, it assists the employees claim damages from their former employers or even have them reinstated if there is such a need. Basically, to access the services of the ministry of labour, the laws demand that the aggrieved person must exhaust all the internal conflict resolution mechanisms in the organization. This implies that when the in-house mechanisms fail to resolve conflict, the next step in the process is reference to the ministry of labour. Throughout its establishment, the ministry of labour has made tremendous improvements. For instance: it has managed to find employment for many people across the country and continues to do so. Further, it has also managed to resolve a lot of disputes between employer and employee as well as settle strikes as a third party. For instance, recently it has managed to enforce the minimum wage and conditions of service dispute between employers of Indian, Nigerian and Malawian origin owning shops in Lilongwe and their

employees, the effect of which reached across the country in the same industry. In addition, the Ministry also boasts of offering a voice to those that cannot be heard. People who have been wrongfully dismissed from employment have been given a chance that they otherwise could not get by the Ministry. Most of these people are those that cannot afford legal representation to fight against their employers but they have managed to get compensation by getting assistance from the Ministry of Labour. Like previous mechanisms, this institution also faces a number of challenges. Firstly, the ministry does not receive adequate funding from the government to enable it perform its duties sufficiently.

For instance it is mandated to do random spot checks on organizations in the country and the officers that are required to do this need allowances but because there is never enough money, hardly any checks are done on organizations unless there is a desperate need. That is to say, unless the ministry gets a tip that a certain organization is grossly abusing their employees, the labour officers will just sit back in their offices and not go to the field. Secondly, it is highly understaffed. Considering the amount of work in the labor offices, such as finding employment for the jobseekers, recruiting on behalf of organizations, inspection of organizations, trainings, the problem of understaffing makes it difficult for the ministry to achieve all its objectives. Thirdly, mobility is one of the challenges affecting the institution. Due to the nature of its business, there is need for a labour office to have means of transport to go round the work places for inspection and dispute resolution however; the ministry neither has vehicles nor motorbikes for such. As a result, all its operations are affected. Further, non-compliance of some employers is another challenge affecting this institution. For instance, the case of the strike in the government when it was resolved that employees would get a Cost of Living Adjustment of up to 61% yet up to this day this has not been implemented in most departments. The labour officers conceded that most often when a ruling is made over certain cases, the employers do not comply with the ruling. They also lamented that most often employers do not turn up for the meetings when summoned for a joint discussion at the labour offices.

The study revealed that the ministry of labour was associated with different challenges which include inadequate number of personnel, mismanagement of complainants' files and limited resources such as finances, vehicles and office stationery. Some of the challenges highlighted in the findings concur with various scholars in the literature who also highlighted on the same. For instance, Dzimbiri (2008) contended that the Ministry of labour is the key state institution for industrial relations; it acts as a labour bureau and grievance handling machinery, it is also a tripartite partner with private sector employers and trade unions however, the ministry had been constrained by inadequate personnel, financial and transport resources since independence. These problems made the ministry of labour inept in the sense that rather than visiting workplaces, labour officers simply waited for individual workers to visit their offices to register complaints for investigation and inadequate transport facilities and staff hindered the Ministry from visiting and inspecting workplaces (Dzimbiri, 2008). In view of this, it can be deduced that the fact that the Ministry of labour is still facing the same

challenges it used to face since independence, it is a clear indication that nothing much to improve the effectiveness of the Ministry of labour have been done up to date hence still being considered ineffective by most employees. On the other hand, it seems that much as Government established the ministry of labour with the aim of promoting sound labour practices, it is crystal clear that it has not been committed to labour relation issues as evidenced by its failure to prioritize and improve the conditions of the Ministry of labour. In view of the above, the fact that all the conflict resolution mechanisms available in the public sector face various challenges, then it is a clear indication that conflict resolution mechanisms in the Malawi public sector are not effective.

RECOMMENDATION

The recommendations are primarily based on the findings from this study. This is where the researcher feels the mechanisms can improve for the better.

Collective bargaining

Provision of continuous training on best practices for collective bargaining process; Workers in the public sector of Malawi are not well conversant with the collective bargaining process. These include permanent secretaries, directors, head of various departments and most employees. Most often they find themselves having gone against some of the procedures that govern collective bargaining process in the country and unions have been able to embarrass them by taking them to the Industrial Relations Court. Therefore, there is need for training for both the trade union leaders and management in employment relations issues that include employment law and collective bargaining. Further, both parties should follow proper procedures for collective bargaining process that is they should give notice to each other before embarking on any collective bargaining process. In addition, there is also need for change of attitude for both parties to view each other as partners rather than rivals. Further, union leaders should always pursue collective goals rather than personal goals or interests.

Grievance handling

Change of attitude by management: There is need for the top management to realize that people are the most critical resource among all there sources in the organization as such they must be handled carefully and sensitively. In this regard, the management should be committed to the welfare of the employees by making sure that their conflicts are being resolved effectively. Review of the grievance handling procedure: The grievance handling procedure needs to be reviewed because for a long period of time, most employees have complained that the entire procedure is long and unnecessarily bureaucratic. It would be more plausible if it was shortened to avoid delays that are associated with the current grievance procedures used in most organizations.

Industrial relations court

Strengthening the capacity of the Industrial Relations Courts is one of the solutions. Funding for these institutions must be increased so that they are able to operate effectively. On the

other hand, vehicles and other resources should also be provided for. Furthermore, the government should make sure that it recruits additional labour officers in all the regions to ease down the pressure and these industrial relations officers should be properly rewarded to minimize the issue of corruption that has characterized these institutions. Further, there is need to provide training to industrial relations court officials for recording keeping and management.

Ministry of Labour

There are many solutions to this but the major one is by strengthening the capacity of the ministry of labour. In this regard, there is need for the government to increase funding, staff and other resources to this ministry. Furthermore, training should be provided to industrial relations officers in relation to records keeping and management skills. Government should make sure that salaries for these officers are revised upward in order to minimize the issue of corruption that has characterized these institutions.

CONCLUSION

This paper has presented and discussed data on effectiveness of conflict resolution mechanisms by presenting and outlining the research findings and analyzing data in accordance with the study objective. The following conclusions were made based on the findings. Both the internal and external conflict resolution mechanisms in the public sector are ineffective due to various reasons: to begin with, the management is not committed to resolve the conflicts of the employees by showing an 'I don't care attitude'. On the other hand, the procedures which are followed when handling conflicts are very long and bureaucratic thereby making the entire process too mechanistic. In addition, anti-unionism attitude by management renders the entire process of collective bargaining ineffective. Furthermore, the external mechanisms lack adequate capacity in terms of staff, finance and other resources to effectively operate. On the other hand, corruption syndromes also affect the operations of these external mechanisms thereby rendering them ineffective. However, to promote the effectiveness of the mechanisms there is need to regularly train the stakeholders on labour related issues. In addition, the capacity of labour offices and Industrial Relations Court should be enhanced. Lastly, change of attitude by management towards employees.

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