



ANDHRA UNIVERSITY

**IMPLICATIONS OF LABOUR DISPUTES ON WORKPLACE OPERATIONS: A Study on
Select Major Formal Private Coal Mining Companies in Rumphi District, Malawi**

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DECLARATION OF ORIGINALITY

I declare that this thesis entitled: “**Implications of labour disputes on workplace operations: A study on select major formal private coal mining companies in Rumphi district, Malawi**” is my own, original work written under the guidance of Professor V. Krishna Mohan, Professor in the Department of Commerce and Management studies, Andhra university. It is being submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy (PhD) in Commerce and Management studies with focus in industrial and labour relations. It has never been submitted previously for any degree or other examinations in any other university. Acknowledgements have been made according to the rules and guiding principles.

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CERTIFICATE OF APPROVAL

I certify that Kalani Geone Fungameza Mbeye Malema has written his thesis entitled: **“Implications of labour disputes on workplace operations: A study on select major formal private coal mining companies in Rumphu district, Malawi”** in partial fulfillment for the award of PhD at Andhra University under my guidance. He has carried out the work at the Department of Commerce and Management studies within the Faculty of Commerce and Management studies, College of Arts and Commerce. I declare that this thesis is from the candidate’s own work and effort. Where he has used other sources of information, it has been acknowledged. The thesis is thus being submitted with my approval.

Prof. V. Krishna Mohan, PhD

Research Director

DEDICATION

I dedicate this thesis to my mother and late father, Mr Timoth Mbeye Malema; to my late uncle, Jockely General Mbeye all of whom had inspired me to strive for greater achievements in life despite many obstacles and to my beloved wife, Modesta who instilled in me a sense of patience, encouragements and focus in times of great challenges. In addition, not forgetting my lovely twelve-year first-born daughter, Brenda as well as my lovely five-year second born son, Duncan.

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ABSTRACT

Labour disputes continue rising in the world of work. Labour disputes are counter-productive at the workplace and thus negatively affect countries' economic growths. The success of addressing labour disputes demands concerted efforts from employment social partners including the private coal mining industry companies equally faced with the rising levels of labour disputes. However, there is evidence that comprehensive implications of labour disputes at the workplace are not clear, yet their clarity is critical for addressing labour disputes. Thus, it becomes justifiable to investigate labour disputes' implications on the workplace operations.

The study specifically investigated the following six research questions: (1) What nature and types of labour disputes occur in the sample coal mining companies? (2) What are the characteristics of labour disputes occurring in coal mining companies in Rumphi district in Malawi? (3) What are the labour disputes' resultant actions that can be used to explain the implications of labour disputes on the workplace operations? (4) What are the qualitative implications of workplace labour disputes on workplace operations that can be explained using labour disputes' resultant actions? (5) How do labour disputes generally impact workplace employment social partners with reference to surveyed companies? (6) What would be the appropriate policy strategies for workplace parties and policy makers to adopt and implement in order to help minimise the occurrence and impacts of labour disputes in Malawi? This investigation was done based on a conceptual framework developed through a synthesis of concepts drawn from different relevant theories of labour disputes and of labour disputes' implications.

The study adopted a mixed methods research approach. A survey of 240 respondents drawn from four selected formal private owned coal mining companies in Rumphi district in Malawi provided quantitative data whilst semi-interviews with selected key informants and a review of various district labour office annual reports and other Ministry of labour documents produced further supporting data.

The major results of this study show that labour disputes negatively implicate the workplace production operation by reducing workplace production outputs and the working capital through increased workplace production associated costs/losses and labour/operational costs, respectively. Secondly, they show that labour disputes increase workplace operations' costs through incurred costs because of labour dispute settlement. Finally, they also show that labour disputes lead into demotion, suspension or termination of an employment relationship between an employee and employer. Overall, these results suggest that labour disputes are indeed counter-productive to the workplace productivity and disastrous to workplace labour relations and let alone to the country's economic growth. This implies that prevention/reduction of labour disputes in companies' workplaces in Malawi should not just be a matter of entrusting the dispute management process in the hands of disputing parties alone but rather should be a collective effort by all concerned stakeholders in the field of labour and employment. These results add to a growing body of literature on the scale and scope of labour disputes' impact studies. A clear comprehension of the most significant impacts could enhance the development of effective labour dispute resolution system with targeted interventions aimed at preventing or reducing the occurrence of labour disputes.

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LIST OF ACRONYMS AND ABBREVIATIONS

ALDR	Alternative Labour Dispute Resolution
ASSM	Artisanal Small Scale Mining
AU	Andhra University
BCCEAWUM	Building, Construction & Civil Engineering Allied Workers Union of Malawi
CCMA	Commission for Conciliation, Mediation and Arbitration
CBA	Collective Bargaining Agreements
CSR	Corporate Social Responsibilities
CSO	Civil Society Organization
CPL-MCM Ltd	Coal Products Limited - Mchenga Coal Mines Limited
DFI	Direct Foreign Investment
EA	Employment Act
ECAM	Employers' Consultative Association of Malawi
ER	Employment Relationship
ERP	Employment Relationship Problems
GDP	Gross Domestic Product
GoM	Government of Malawi
GoNZ	Government of New Zealand
HR	Human Resource
HRO	Human Resource Officer
ICCR	Indian Council for Cultural Relations
ICLS	International Conference on Labour Statistics
ILO	International Labour Organisation
ILOICLS	International Labour Organisation-International Conference on Labour Statistics
ILOITC	International Labour Organisation-International Training Centre
INDE-Bank	Investment Development Bank
IR	Industrial Relations
IRC	Industrial Relations Court
ITC/ILO	International Training Centre of the International Labour Organisation
JCC	Joint Consultative Committees
KCM	Kaziwiziwi Coal Mines
KUM	Kayerekera Uranium Mines
LRA	Labour Relations Act

Ltd	Limited
MERP	Malawi Economic Recovery Plan
MCTU	Malawi Congress of Trade Unions
MCM	Mchenga Coal Mines
MGDS	Malawi Growth and Development Strategy
M1	Main Road One
MDC	Malawi Development Corporation
MG	Malawi Government
MIDCOR	Mining Investment and Development Corporation
MDM	Malawi Development Marketing
MLFS	Malawi Labour Force Survey
MLSM	Medium to Large Scale Mining
MoFEPD	Ministry of Finance, Economic Planning and Development
MoEPD	Ministry of Economic Planning and Development
MoL	Ministry of Labour
MoNREE	Ministry of Natural Resources, Energy and Environment
NECA	Nigerian Employers' Consultative Association
NSO	National Statistical Office
PhD	Doctor of Philosophy
PS	Principal Secretaries
Q	Question
RDLO	Rumphi District Labour Office
SEO	Social Economy Organisations
SEOR	State of Environment and Outlook Report
SPSS	Statistical Package for Social Sciences
TA	Traditional Authority
UK	United Kingdom
USA	United States of America
WCA	Workers' Compensation Act

CHAPTER ONE

Introduction

1.1 Background to the Study

The increasing rise of labour disputes that result into destructive actions or actions with significant cost implications has become counter-productive in the world of work for the recent past years to the extent of negatively affecting countries' economic growths (Tcha, 1998; Cooke, 2008; Feng, 2012 and Zhuang, 2015). The destructive actions are labour disputes' resultant actions and their existence and counter-productiveness justify for studies to investigate how destructive and costly are labour disputes on workplace operations.

The World of work expects workplaces that are free from labour disputes (Adu-Poku, 2006); where the occurrence of labour disputes can be prevented or minimized; and where the settlement of labour disputes can be effectively managed at lower costs (ILO, 2013) before labour disputes become destructive and counter-productive to the economic growth. Research has shown that economies faced with less labour disputes have achieved harmonious industrial/labour relations that are a favourable condition for countries' productivity growth that translate into economic growth (Christenson, 1953; Levine & Koji, 1980; Shimada, 1982; Batstone, 1986; Lam, et al., 1991; Tcha, 1998; Baffi, 2007; Ngoc-Dien, 2012 and Bhorat, et al., 2013).

Contrary to the expectation, there is, globally, a general rise in the occurrence of workplace labour disputes (Shen, 2008; Cooke, 2008; Hale, 2008; Hale, 2009; Zhuang, 2015) because of various reasons ranging from the changing forms of employment relationships (Cooke, 2008; Kochan, et al., 2019) through the liberalization of labour markets (Zhuang, 2015). Labour disputes (strikes/lockouts) have been reported to have counter-productive impacts on productiveness and

let alone on country's economic growth (Tcha, 1998; Baffi, 2007; Ngoc-Dien, 2012; Borat, et al., 2013). The general rise (or increasing trend) of workplace labour disputes and their effects on productiveness have made labour disputes become a social phenomenon for current emerging debates in the field of industrial/labour relations. This is because labour and capital remain the two most commonly known inputs of every production process and that the workplace productivity depends much on labour input that drives it. Thus, the conflict between labour (employees) and the capitalists (employers) entails significant disturbance to the workplace production processes.

Neumann (1980) supported the hypothesis that long strikes will have a greater effect on firms' cash flows than short strikes, thereby making the total negative effect of strikes to be larger when strikes are lengthy. Becker & Olson (1986) and Davidson, Worrell & Garrison (1988), later confirmed this hypothesis correct. The key implication of this finding according to these researchers is that negative impacts of labour disputes (strikes or lockouts) can be minimized if the employment social partners (disputants and/or policy makers) understand the implications of strike duration and thus strive to settle their strike or lockouts in the shortest time period. Such implication appears to be applicable to any other labour disputes' resultant actions.

Furthermore, Finnemore (1998) and Salamon (2000) while holding the view that industrial disputes' actions, particularly strikes, are accepted as part of workplace labour relations, however, contend that the actions must be handled by both sides with experience, care and tolerance in order to avoid dispute actions from escalating into destructive actions. In this regard, both the industrial relations researchers and practitioners seem to agree that negative impacts of labour disputes can be contained or managed if labour disputes' implicative ways are investigated and

made known to the employment parties and policy makers (Neumann, 1980; Becker & Olson, 1986; Davidson, Worrell, & Garrison, 1988; Finnemore, 1998; Salamon, 2000).

Many studies have been conducted on the nature of labour disputes (Fraenkel, 1937; Sanders, 1947; Provis, 1993; Madhuku, 1997; ILO, 2013; Okene & Emejuru, 2015) and their impacts on the workplace (Christenson, 1953; Chamberlain & Schilling, 1954; Seidman, 1954; Knowles, 1955; Hameed, 1971; Stevens, 1972; Perry, 1978; Imberman, 1979; Gandz, DuMont, & Lord, 1980; Neumann, 1980; Becker & Olson, 1986; Davidson, Worrell & Garrison, 1988; Lam, Norsworthy & Zabala, 1991; Tcha, 1998; Cooke, 2008; Ge & Lopez, 2015; Kasim, 2016). However, most of the studies on labour disputes' impacts have used the approach of examining strike/lockout costs and effects on productivity and economy (Chamberlain & Schilling, 1954; Knowles, 1955; Hameed, 1971). A relatively few of the studies have used dispute settlement costs to explain such impacts (Woodhams et al., 2007). Note that these approaches used to examine impacts of labour disputes on workplace lead into findings, which uniformly seem consistent in indicating that labour disputes at any workplace establishment are, to a greater extent, very destructive as compared to being positive on part of the employment parties.

However, there is no any specific study that widened the scope to include resultant actions of other types of labour disputes, apart from the mostly used strike/lockout actions to assess disputes' impacts on the workplace operations. This is despite researchers' knowledge, that labour disputes' resultant actions are many (Finnemore, 1998; Salamon, 2000). This calls for a need to extend labour disputes' impact studies to examine how dispute settlement costs, for example, implicate the management of labour disputes as well as the employment relationship between employers and employees at the workplace. This brings an open question for research,

that is, whether the dispute settlement also has significant implications on the workplace operations.

It is a concern worth noting that while workplace labour disputes are taking an increasing trend and becoming very counter-productive in the world of work (Feng, 2012) and that while many studies on impacts of labour disputes have been conducted, there has been no any specific study in Malawi, particularly in the mining workplace establishments, with objectives to establish the characteristics of labour disputes; to examine labour disputes' resultant actions and explain their implications on productivity growth. In this regard, comprehensive studies on the question of labour disputes' implications on workplace operations particularly those in some specific sectors of developing countries such as Malawi become justifiable.

1.2 Problem Statement

Studies on labour disputes and their impacts on production and economy have been undertaken in some parts of the world (Lam, Norsworthy & Zabala, 1991; Tcha, 1998; Shen, 2008; Cooke, 2008; Ge & Lopez, 2015; and Kasim, 2016). This has led into generation of knew knowledge about the phenomenon of labour disputes and its implications. For instance, Shen (2008) studied and found that individual and collective labour disputes have been on the rise since 1978 in China. In addition, Feng (2012) reported a general increase on workplace labour disputes in a number of developing countries. The other thing known about labour disputes through studies is that labour disputes have both positive and negative impacts on workplace production. For example, Eaton (1972) cited in Davidson, Worrell & Garrison (1988) showed that strikes, as one form of labour disputes' resultant actions, tend to be good investments for unions and poor investments for corporations. Furthermore, Cooke (2008) summed up that every study on labour disputes' impacts on workplace production indicate strike as very detrimental labour disputes'

resultant action with huge impacts on production as compared to other forms or actions of labour disputes that have been less focused.

On the other hand, despite this revealed knowledge about labour disputes, there are still some aspects about this phenomenon which are not yet known in respect of some jurisdictions. For instance, emerging characteristics of labour disputes; reasons for the rise of labour disputes in some jurisdictions such as Malawi in particular and scientific description of how labour disputes affect or can affect workplace operations are some amount of knowledge that is not explicitly and comprehensively known about the problem of labour disputes. In addition, despite some previous studies' findings on labour disputes' effects on workplaces, being both positive and negative, little or no information is known about how labour disputes can positively or negatively affect some workplace functions such as the functions of dispute settlement and workplace employment relations. This is in respect of how labour disputes can implicate workplace dispute management costs as well as the employment relationships.

With respect to what has been indicated to be known as well as the reported unknown aspects about labour disputes, researchers are more interested to see further studies to identify and explain comprehensive labour disputes' implications on the workplace activities. This study objective can be achieved once complete actions which are a result of labour disputes have been explored and their effects understood. It must be noted here that some previous studies that have attempted to show impacts of labour disputes on production (Christenson, 1953; Chamberlain & Schilling, 1954; Seidman, 1954; Knowles, 1955; Hameed, 1971; Stevens, 1972; Perry, 1978; Imberman, 1979; Gandz, DuMont & Lord, 1980; Neumann, 1980; Becker & Olson, 1986) have only focused on quantitative analysis of strike or lockout effects and their costs in relation to production. It must also be noted, however, that strikes or lockouts are just one of the labour

disputes' resultant actions which are pursued to achieve disputant needs. There are also labour disputes' resultant actions undertaken at the workplace to address or resolve the disputes.

Furthermore, these previous studies have not studied impacts of other labour disputes' actions such as discipline resultant action; labour office conciliatory and court litigatory interventions nor have they focused on positive impacts of labour disputes. Workplace discipline process, labour office conciliatory and court litigatory interventions are equally potential study variables to be used in order to explain comprehensive implications of labour disputes on workplace operations. It is against this background that this mixed methods study has been designed to investigate complete and comprehensive implications of labour disputes on workplace operations. The study will attempt to address the question of implications of labour disputes on workplace operations (such as production, dispute settlement and employment relations management) that can be explained by resulting actions of various types of labour disputes.

1.3 Significance of the Study

This study of labour disputes' implications on workplace operations brings significant contribution towards the knowledge body of impacts of labour disputes. This is because a study on implications of labour disputes on workplace operations is generally important as it helps to generate knowledge and understanding on how to address the practical problem of inadequate knowledge on implications of labour disputes' resulting actions at the workplace. It also helps to understand how labour disputes affect the country productivity and economy so that effective dispute prevention and resolution policies and strategies can be formulated for effective implementation.

The main outcomes of this study include investigated and explained nature and characteristics of labour disputes occurring in the workplace establishments of the coal mining sector in Malawi as well as explained implications of labour disputes on workplace operational activities along with formulated or constructed set of testable propositions (hypotheses) on the relationships between labour disputes resulting actions with their associated implications.

With these study outcomes, the study's significance has been specifically explained in three different ways as follows: first, in terms of the study's contribution to the scholarly research and literature in the field of industrial relations; second, in terms of how the study can help to improve practice; and third, in terms of why the study is useful to improve policy.

In terms of study contribution to scholarly research and literature in the field of industrial relations, first, the researched nature and characteristics of labour disputes broaden knowledge about the phenomenon of labour disputes, which may be useful in higher academic institutions for teaching and learning purposes as well as to be used for literature review in further studies. Second, the study expands the conceptual model for investigating labour disputes' impacts to include additional variables of dispute settlement and employment relationship management in addition to the mostly researched variable of production operation. This expansion may be useful for further research that may be set to quantitatively analyse labour disputes' implications on dispute settlement management costs as well as on employment losses related to labour disputes. Finally, the formulated set of testable propositions (hypotheses) on the relationships between labour disputes resulting actions with their associated implications could be a valuable source for further research on quantitative assessment of labour disputes' impacts on productiveness and economy which is beyond the scope of this study.

In terms of how the study helps to improve practice, the clear understanding of the characteristics of labour disputes is critical to resolving labour disputes and preventing them from occurring in the future through the pursuit of good formulated workplace strategies based on informed research. In this regard, the findings will be of much use to workplace parties especially the employers for them to understand the nature and characteristics of labour disputes that occur in relation to their specific work environments so that they can effectively manage their labour disputes before they become destructive on their workplace operations.

In terms of why the study is useful towards policy improvement, the findings on implications of labour disputes can help to enhance the prioritization of development issues by government policy makers and guide on the formulation of targeted policies and strategies aimed at minimizing occurrences of workplace labour disputes. In this case, the study findings will be a reference of information for the government policy makers to be guided in the development of relevant workplace dispute resolution policies with positive impact towards the reduction and/or prevention of labour disputes.

1.4 Purpose of the Study

The present study is on labour disputes and their implications in the world of work. Labour dispute, tentatively means a disagreement between an employee and his/her employer.

The purpose of this mixed methods study was to first investigate and establish the nature/kinds and characteristics of workplace labour disputes, and second to identify and explain their effects (implications) on workplace operations (production, dispute settlement and employment relationship management) in the major formal privately owned coal mining companies in Rumphi district in Malawi. In the study, a developed structured questionnaire was used to collect

data from employees/employers of the selected companies on the characteristics and implications of labour disputes. In addition, quantitative secondary data on reported and processed labour disputes were collected by the author from Rumphi district labour office. The reason for using both qualitative and quantitative data was to better understand this study research problem of labour disputes' implications by analyzing quantitatively, statistics of reported labour disputes to support the analysis of the primary data on respondents' detailed views about the nature and occurrence of labour disputes in their companies.

1.5 Specific Study Objectives

In order to achieve the described study purpose, the study sought to address the following specific objectives:

1. to review the nature and types of labour disputes with reference to the sample coal mining companies;
2. to describe the characteristics of labour disputes occurring in the sample coal mining companies;
3. to identify and explain labour disputes' resultant actions that have implications at the workplace;
4. to examine and discuss labour disputes' implications on the workplace operations (production, dispute settlement and employment relationships management) using the examined labour disputes' resultant actions;
5. to explain how labour disputes generally impact workplace parties (i.e. employees, employers and the state/public) with reference to surveyed companies; and,
6. to suggest ways of preventing or minimizing the occurrence and impacts of labour disputes in Malawi.

1.6 Research Questions

This is a mixed methods study that seeks to understand implications of labour disputes' resulting actions on workplace operations in respect of parameters such as production, labour disputes and employment relations management.

Creswell (2015: 141) states that “qualitative researchers ask at least one central question and several sub questions. They begin the questions with words such as *how* or *what* and use exploratory verbs such as *explore* or *describe*. They pose broad, general questions to allow the participants to explain their ideas. They also focus initially on one central phenomenon of interest. The questions may also mention the participants and the site for the research.

Based on Creswell’s guidance, the broad formulated research question for this study reads: How can various types of labour disputes’ resultant actions explain implications of labour disputes on workplace operations according to perceptions of the employment social partners in the coal mining companies? It must be noted that this broad/central question begins with “how”; uses action verb “explain”; and mentions the participants, employment social partners (employees/employers), as respondents of the study.

The following specific research questions were formulated and addressed to guide attainment of the outlined specific study objectives:

1. What nature and types of labour disputes occur in the sample coal mining companies?
2. What are the characteristics of labour disputes occurring in the sample coal mining companies in Rumphi district in Malawi?
3. What are the labour disputes’ resultant actions that can be used to explain the implications of labour disputes on the workplace operations?
4. What are the qualitative implications of workplace labour disputes on workplace operations that can be explained using the labour disputes’ resultant actions?
5. How do labour disputes generally impact workplace parties (i.e. employees, employers and the state/public) with reference to the surveyed companies?
6. What would be the appropriate policy strategies for workplace parties and policy makers to adopt and implement in order to help prevent or minimise the occurrence and impacts of labour disputes in Malawi?

1.7 Structure of the Thesis/Study

This thesis is structured into 7 chapters. A brief description of each chapter is provided below.

Chapter 1: is an introductory chapter that presents the background to the study, problem statement and significance of the study, purpose of the study and research questions and objectives. The chapter also presents this structure of chapters as contained in this study.

Chapter 2: Overview of Mining Industry in Malawi. This chapter follows the first introductory chapter of this study. The chapter presents a brief overview of the mining industry in Malawi. The presentation focuses on the contribution of the mining industry to the Malawian economy, coal mining in Malawi, major formal private coal mining companies in Malawi and nature of labour disputes in the coal mining companies. Finally, the rationale for the mining companies as study location is also presented.

Chapter 3: Literature Review. This chapter presents overall literature review for this study. The chapter, firstly, presents conceptual framework for investigating and exploring implications of workplace labour disputes on workplace operations. The chapter, secondly, presents general literature review covering key study concepts including all variables both independent and dependent variables. Specifically, this chapter section discusses labour disputes and their resultant actions as independent variables. Thereafter, the chapter section discusses workplace operations of production, labour dispute management and employment relationships management and their associated variables as dependent variables. The chapter, thirdly, presents theoretical framework containing a number of selected relevant theories that collectively help to explain workplace labour disputes and their implications. The chapter, finally, presents empirical studies on labour disputes and their implications. This final chapter section first covers a review of literature on past studies conducted with respect to nature, kinds and characteristics of labour disputes followed by a review of studies on labour disputes' impacts and/or implications. Finally, the chapter section discusses the research gap.

Chapter 4: Research Design and Methodology. This chapter

presents the overall research design approaches. The chapter begins by giving an overview of different types of research that can be conducted followed by a presentation of the specific research design and methodology for this study. **Chapter 5: Research Results.** This chapter presents the research results on the nature, types and characteristics of labour disputes that occur in the surveyed coal mining companies in Rumphi district in Malawi. The chapter also presents results on labour disputes' implications on workplace operations. The results are based on questionnaire responses, and supplemented by analysis of secondary data from office reports and interviews from key informants. **Chapter 6: Discussion of the Study Results.** This chapter presents and discusses research results that base on the context of the study questions and/or objectives with reference to summaries of the theoretical and empirical literature reviewed in chapter three. These results are based on questionnaire responses, and supplemented by an analysis of data from semi structured interviews. **Chapter 7: Conclusions and Implications of this Study.** This chapter summarises the important points of this study, draws relevant conclusions, demonstrates practical implications and explains the study's contribution to the body of knowledge. The chapter also presents limitations of this study and proposes directions for future research.

1.8 Chapter Summary

This chapter has presented the background to this study, where the study fits in within the context of what other researchers have done and why it is important. The chapter has also stated the research questions formulated for this study and provided a chapter outline of the whole thesis. Since Malawi and the mining sector in particular is the country setting for this study, the next chapter presents an overview of the mining industry in Malawi.

CHAPTER TWO

Overview of Mining Industry in Malawi

2.1 The Profile of Malawi

Malawi is one of the countries in the Sub Saharan Africa region. It is a landlocked country with a total land area of approximately 118,500 square kilometres. The country is about 1, 120 and 1, 500 kilometres from its nearest seaports of Dares Salaam in Tanzania, and Beira and/or Nacala in Mozambique, respectively. It is located between Mozambique in the east and south, Zambia in the west and Tanzania in the north. Administratively, Malawi has 28 districts located in 3 regions, that is, northern region with 6 districts; central region with 10 districts; and southern region with 12 districts. Rumphi district, this study location, is one of the 6 districts in the northern region of Malawi.

Malawi has a total of 17.6 million people according to the 2018 Malawi population and housing census (NSO, 2019). With this population, Malawi is one of the poorest countries in the world with the majority of the population living in poverty. Furthermore, data of the 2013 Malawi labour force survey (MLFS) indicate that only 7 million people within the age group of 15-64 were in the labour force and that a total of 5.5 million people of the labour force were employed. Among other challenges, Malawi experiences high unemployment rate which leaves most labour force participants with no any other option but to accept employment contracts, usually fixed by employers unilaterally, which are associated with poor work conditions; high illiteracy rate coupled with steady expansion of informal sector (NSO, 2014); and decline in trade union density coupled with low rate of collective bargaining. As a result, the rising level of workplace labour disputes remains inevitable in the country.

2.2 The Mining Industry in Malawi

An industry is broadly classified into three industrial sectors such as primary, secondary and tertiary. Mining, like quarrying, is one of the key economic activities within the primary industrial sector. It is defined as an activity that involves excavation of the surface and subsurface for the purpose of exploiting and processing minerals, which are for economic and industrial development in local and foreign markets (MoNREE, 2010; MoEPD, 2020).

The minerals mining in Malawi involves several mining activities that range from the artisanal small scale mining (ASSM) activities through the medium to large scale mining (MLSM) activities (MoNREE, 2013). The Malawi Mines and Minerals policy of 2013 shows Malawi's variety of solid mineral resources such as bauxite, uranium, niobium, tantalum, monazite, strontianite, corundum, graphite, limestone, titanium, heavy sands, vermiculite, coal, phosphate, pyrite, glass sands, dimension stones, and gemstones (MoEPD, 2020).

However, those produced at a relatively medium to large scale and mostly owned or controlled by the private sector companies include uranium at Kayerekera in Karonga and coal within the Livingstonia hills at Mchenga, Kaziwiziwi and other locations in Rumphi and Karonga districts. They also include gemstones largely produced in Mzimba followed by Chikhwawa and Ntcheu districts, Calcitic and hydrated lime in Balaka and at Lirangwe in Blantyre, rock aggregates (quarry stones) in a total of 12 registered quarry production sites in the country, Niobium (under exploration stage) at Kanyika in Mzimba and cement limestone in Mangochi and around Bwanje area in Ntcheu-Dedza districts. Uranium is the largest mining activity, whereas coal is the second largest mining activity in Malawi (MoEPD, 2020).

2.3 The Mining Industry and its Contribution to the Economy

Malawi is richly endowed with mineral resources that if sustainably developed, could significantly contribute towards economic growth and development. For instance, it is projected that a well-managed mining sector could contribute between 20 % and 30 % of Malawi's Gross Domestic Product (GDP) within the next 5 year period (Tilitonse report, 2013; MoEPD, 2020).

Malawi exports data show that coal is exported by Eland coal mines company to Mbeya Cement Company and Gypsum Company in Tanzania; Granulated clay and agricultural lime are exported to Mozambique and South Africa for fertilizer manufacturing by Optichem (2000) Ltd; rock aggregate was exported to Chipata in Zambia for construction of a railway line; Uranium concentrates are exported by Paladin (Africa) Ltd to Canada; and Gemstones continue to be exported to various parts of the world like India, Indonesia, Malaysia, South Africa, China, U.S.A, Italy and UK (MoEPD, 2012).

Mining is one of the important economic activities in Malawi because of its potential significance to contribute to Malawi's GDP. For instance, it is estimated that the contribution of the mining sector to the country's GDP grew from as low as 1 % by the year 2001 to about 3 % by 2004 and to 10.8 % by 2010 as a result of commissioning of the Kayerekera uranium mining in 2009 (Tilitonse report, 2013; MG-Mines & Minerals Policy, 2013; Yagar, 2010; MGDS II, 2012).

The contribution of the mining and quarrying sector to GDP, however, started declining after 2010 and remained low at 0.8 % in 2019. This was a result of Kayerekera Uranium Mine (KUM) remaining under care and maintenance due to persistently low global prices of uranium (MoEPD, 2020: 65).

In addition, the mining sector provides employment opportunities. Employment levels in the sector increased considerably in 2019 as compared to 2018. The increase was attributed to increased exploration activities for graphite and gold, with a lot of new companies coming into the sector. It was also because of increased production of rock aggregate and lime products (agricultural and hydrated lime), which significantly increased the employment numbers, among others. Towards end of 2020 and beginning of 2021, there were prospects that there would be some significant increase in employment numbers due to the prospects of increased economic activities in the mining sector. The investment climate in the years from 2020 looks more promising because of government's planned mining investments with estimated employment opportunities to about 200 to 300 Malawians and some few expatriates. As government strategy to create more jobs in the mining sector, the local content initiative has been provided for in the 2019 new mining law (the Mines and Minerals Act of 2019) which includes the requirement for all mining licence applicants to develop an employment and training plan to be approved before the grant of the licence.

Specifically, the total workforce in the Mining sector in Malawi, according to the Malawi Government 2020 Annual Economic report, was 21,022 employees representing an increase of 60 % from 13,140 in 2015 (Table 2.1). Of the total 21,022 sector employees in 2020, 1,450 were in coal, 859 in uranium mining activities, 12,030 in the quarry aggregate production, 1,210 in gemstones minerals specimens, 195 in minerals exploration activities and the rest in other mineral production activities.

Table 2.1: Employment Statistics in the Mining Sector for Years of 2015 to 2020

Mineral workforce	2015	2016	2017	2018	2019	2020
Coal	580	621	650	1,128	1,122	1,450
Uranium	197	179	179	15	142	859
Agricultural/calclitic and Hydrated lime	1,832	1,943	2,050	2,560	2,105	1,640
Quarry (rock) aggregate production	9,200	9,100	8,988	10,569	9,691	12,030
Cement manufacturing	148	1,295	1,500	1,545	1,569	601
Gemstones/mineral specimens	220	343	380	836	506	1,210
Ornamental stones	35	44	70	78	83	46
Terrazzo	58	105	150	135	138	1,107
Other industrial minerals	710	1,012	1,100	1,066	1,156	1,834
Exploration activities	160	238	300	853	728	195
Total	13,140	14,880	15,367	18,785	17,240	21,022

Source: Author's own compilation from employment reported statistics in (MoEPD, 2012; MoEPD, 2017; Stephens, 2018; & MoEPD, 2020).

Since Malawi has prioritized mining as one of the potential key sectors for the country's economic growth (MERP, 2012) and that the country has shown its commitment to continue the issuing of various mining related licences to potential investors, there is need to examine on how best the mining sector can be managed in order to realize the sector's projected contributions of 30 % towards the country's GDP. Among other things to be explored, is the management of labour disputes in the country's mining sector.

Studies on labour disputes' impacts on the coal mining workplace operations are significant in Malawi where most mining activities are still labour intensive. Note that harmonious labour relations contributes towards high workplace productiveness (Baffi, 2007; Ngoc-Dien, 2012) as a

result of free industrial disputes, which otherwise are detrimental and counter-productive to the workplace production activities (Mas, 2008; Fraisse, et al., 2011; Fraisse, et al., 2015).

2.4 Coal Mineral and Mining Companies in Malawi

Coalfields and Reserves in Malawi

There are an estimated thirteen coalfields in the Northern region and two in the Southern region, with a total estimated coal reserve of 800 million tones ((MoNREE, 2010). Some of these coalfields are Ngana, Lufira, Livingstonia, North Rukuru, Nthalire, Kibwe, Mwankenja, Mwabvi and Lengwe (Bennette, 1989; Maneya, 2012). This means that Malawi has a total of fifteen estimated coalfields which are in different parts of the country.

However, in terms of proven and probable coal reserves, Malawi has over 22 million tones of proven coal reserves in seven coalfields spread across the country (Maneya, 2012; MoEPD, 2012; MoEPD, 2017; MoEPD, 2020). Four of these seven are coalfields of bituminous coal in the Northern region of Malawi. The largest coalfield is the Livingstonia coalfield with probable reserves of over 2-5 million tones and proven reserves of over 4 million tones of delianated coal reserves with average ash content of 17 %, a sulphur of 0.5 % and a calorific value of 6,800 kcal / kg (Maneya, 2012).

Livingstonia coalfield is a 90 km² stretch in Rumphi district in the Northern region of Malawi (Maneya, 2012). This is the stretch that is occupied by all companies described as the major coal mining companies which constitute this study location. Note that Livingstonia coalfield is one of the four coalfields of bituminous coal.

In general, coal remains one of the most energy mineral mined for industrial use in the country. Coal production increased from 33,100 tones produced in 2019 to 36,410 tones in 2020 (Table 2.2) due to, among other factors, the optimisation exercise at Kasikizi Coal Mine in Karonga in 2018 and increased production at several other medium scale coal mines in the Northern region of Malawi.

This was driven by the need for heat in tobacco curing and production processes at the Salima Sugar Company. However, the total production in 2020 was still less than the total uptake of coal in the country due to continued coal imports from Moatize in Mozambique. The coal mined in the country is mainly used for provision of energy to different production processes in the cement, tobacco, textile, brewery, food processing and ethanol industries.

Table 2.2: Coal Mineral Production and Monetary Values

2015		2016		....	2019		2020	
Tones	Value in K'million	Tones	Value in K'million	....	Tones	Value in K'million	Tones	Value in K'million
58,774	791.16	43,338	638.92	....	33,100	488.00	36,410	536.78

Source: Author's own compilation from reported production statistics in (MoEPD, 2012; MoEPD, 2017; Stephens, 2018; & from Geological Surveys Bulletins and Private Companies Mineral Exploration Reports cited in MoEPD, 2020: 72).

Coal Mining Companies in Malawi

While coal is mined by many coal mining companies in Malawi, both registered and non registered in the districts with coal reserves, there are only few major coal mining companies, all of which are established and operating in Rumphi district within the Livingstonia coalfield, except one company, the Eland Coal Mines Ltd which is in Karonga as a subsidiary company of the

Kayerekera Paladin Africa Ltd. Non registered coal mining companies are mostly small scale coal mining companies usually owned by individuals.

Mchenga, Kaziwiziwi and Eland Coal Mine companies are largest producers of coal in Malawi. These three companies produce almost 90 percent of all coal in the country. They have a combined maximum capacity of up to 10,000 metric tones of coal production per month when operating at full capacity (GoM, Annual Economic Report, 2010). Besides mining, the three companies have all embarked on expansion projects by among other activities continuing with further exploration outside their current mining areas so as to increase their respective production capacities and meet the ever growing demand for coal.

Mchenga Coal Mines Limited produced about 30 % of the total production followed by Kaziwiziwi Coal Mines and Eland Coal Mines with a contribution of about 29.7 % and 28 % of the total coal production, respectively. Eland and Kaziwiziwi Coal Mines have almost doubled their production to almost equal the production capacity of CPL-Mchenga Coal Mines which used to contribute almost 60 % of the country's coal production in the last five years. Almost 20 % of coal produced has been exported to Tanzania cement factories by Eland Coal Mines. Most of the coal exported by the company was washed coal grit (processed and free from impurities) which fetched high market value than non washed coal.

Coal Mining Companies in Rumphi District

Rumphi district is one of the potential mining districts in the country. It is the largest coal mining district in the country. There are currently a total of seven registered formal private coal mining companies operating in the district. These are: Mchenga Coal Mines Ltd; Kaziwiziwi Coal Mines Ltd; Rukuru Coal Mines Ltd; Mean Jalawe Coal Mines Ltd; Majighatuwa (David Duwe

Nyirenda) Coal Mines Ltd; Thekero Coal Mines Ltd and Chiweta Coal Mines Ltd. Table 2.3, shows details of the coal mining companies in the district. Note that all the seven coal mining companies are within the Livingstonia coal field, the largest country coal field.

Therefore, Rumphi district with more than one major coal mining companies was thus, selected as a district for this study on labour disputes' implications on workplace operations in the coal mining companies.

Table 2.3: Seven Registered Coal Mining Companies in Rumphi District.

Name of Coal Mining Company	Average Production in metric tones / month	Number of Employees	Size
Mchenga Coal Mines Ltd	more than 1,200	452	Major
Kaziwiziwi Coal Mines Ltd	more than 65.45	350	Major
Mean Jalawe Coal Mines Ltd	more than 34	175	Major
Rukuru (Chombe) Coal Mines Ltd	more than 25	106	Major
Majighatuwa (David Duwe Nyirenda) Coal Mines Ltd	less than 7	35	Minor
Thekero Coal Mines Ltd	less than 3	12	Minor
Chiweta Coal Mines Ltd.	less than 2	10	Minor
Total		1,140	4 major, 3 minor

Source: Author's own compilation from employment reported statistics in (Stephens, 2018; RDLO Annual Reports, 2019; and from Geological Surveys Bulletins and Private Companies Mineral Exploration Reports cited in MoEPD, 2020: 72).

2.5 Major Formal Private Coal Mining Companies in Rumphi District

Conceptually, the terms: “major” refers to being large in terms of particular measure(s) used; “formal” refers to being officially sanctioned or recognized or registered/licenced; and “private” refers to being not owned by Government. For this study, the size of a company workforce and monthly coal production quantity are two measures used to define whether the coal mining company is a major or not a major company. Thus, a “*major formal private coal mining company*”, in this study, is operationally defined as any non government owned coal mining company in Rumphi district which is duly registered and/or licenced by the Malawi Government and had at least, at the time of the study, a hundred total workforce producing more than twenty metric tones of coal per month.

According to this definition with reference to contents in the table 2.3 above, four coal mining companies were the major formal private coal mining companies in Rumphi district in Malawi. These four coal mines limited companies are Mchenga (with 452 employees producing over 1,200 metric tones of coal per month), Kaziwiziwi (with 350 employees producing over 65.45 metric tones of coal per month), Mean Jalawe (with 175 employees producing over 34 metric tones of coal per month) and Rukuru (with 25 employees producing over 25 metric tones of coal per month). Therefore, the four coal mining companies were all purposely selected as study companies.

The next two subsections present some details of Mchenga and Kaziwiziwi Coal Mines Ltd companies as the two oldest coal mining companies of the four selected study companies.

2.5.1 Mchenga Coal Mines Ltd

Historically, mining at Mchenga started way back in the mid 1980s after coal was declared by Malawi Government as a strategic energy mineral resource of the country (Chatupa, 1983 cited

in Maneya, 2012). Mining Investment and Development Corporation (MIDCOR), a Malawi Government statutory corporation, began coal mining at a small scale level primarily supplying to the local commercial sectors such as the manufacturing and agricultural industries (Bennett, 1989 cited in Maneya, 2012). Later in the early 1990s, Mchenga Coal Mines (MCM) limited (Ltd) took over the mining operations at the present site (Maneya, 2012).

Mchenga Coal Mines Limited is currently the second largest mining company in Malawi after the temporary suspended uranium mining company in Karonga in February, 2014. It is, however, the largest coal mining company in Malawi. The company is currently a fully Malawian owned company by Linx investments with 40 % shareholding and R. Gaffer Transport Ltd with 60 % shareholding (Stephens, 2017: 81). The mining company is located in the south east corner of the 90 km² Livingstonia coalfield in the district. It has the main mining site located at Mchenga along the Mzuzu-Karonga M1 road. Specifically, the company working area covers an approximate area of 17.5 km². The company has another small mining site at Phoka near Kaziwiziwi in T/A Kachulu.

MCM started its preliminary operations in 1987 while the mining at Mchenga was still under the proprietorship of MIDCOR. Officially, MCM was founded on 20th July, 1992 (Stephens, 2018: 120) although government continued holding more shareholding in the mining company. Specifically, for 12 years, until 1999, the mining company was still partly a government owned company of which MIDCOR controlled the company for 8 years from 1987 to 1995 before transferring its control to Malawi Development Corporation (MDC) and Malawi Investment Development Bank (INDE-Bank) who controlled the company for 4 years from 1995 before it was privatized in 1999 to Coal Products Limited (CPL) company whose investors are owning the

company to date. This explains why Mchenga coal mines Ltd is officially known as CPL-Mchenga coal mines Ltd.

CPL-MCM Ltd is currently producing on average 2,500 metric tones of coal per month. With this current production, there is a 55 % decline in coal production compared to an average monthly production of 5, 500 metric tons during the first 12 years of its operations. At full capacity, the mining company can produce an average of 7,500 metric tons of coal per month from within its sized location. CPL- Mchenga coal mines Ltd alone has probable reserves of about 1.5 million tones of coal with ash content of 17 %, a sulphur content of 0.5 % and a calorific value of 6.8 kcal / kg (Maneya, 2012).

In terms of employment size, CPL- Mchenga coal mines Ltd alone has employment capacity of 452 employed workers. This represents 40 % of the total number of employed labour force by all the formal coal mining companies in Rumphi district (see Table 2.3).

2.5.2 Kaziwiziwi Coal Mine Ltd

Kaziwiziwi Coal Mine (KCM) Limited had started its operations in 1985 also under the proprietorship of MIDCOR (Bennett, 1989; Yager, 2010). This means that Kaziwiziwi mining company was Malawi's first commercial coal mine to be opened before the opening of Mchenga coal mine in 1987 although it is currently the second largest coal mining company after MCM.

KCM Company, like MCM Company, is also located within the Livingstonia coalfield in Rumphi district in the Northern region of Malawi. It has the main mining site located at Kaziwiziwi, about 8 km away from Livingstonia township along the Rumphi-Livingstonia road. Specifically, the company working area covers an approximate area of 10.2 km².

The mining company conducted its operations for the first 5 years before it got closed in 1990 for 12 years. Finally, the company was re-opened in 2002 under the new proprietorship of a private owned business investor of Australian origin, Mr Axel E. Oberem, who owns the company to date.

Kaziwiziwi coal mining company is currently producing on average 65.45 metric tones of coal per month. With this current production, there is a 162 % increase in coal production compared to an average monthly production of 25 metric tones during the first 5 years of its operations. At full capacity, the mining company can produce an average of 2,100 metric tones of coal per month from within its sized location. The coal at Kaziwiziwi has good calorific value and an ash content averaging less than 15 % (Chatupa, 1983; Kevin, 1986 cited in Maneya, 2012).

In terms of employment size, Kaziwiziwi Coal Mine Ltd alone has employment capacity of 350 employed workers. This represents 31 % of the total number of employed labour force by all the formal coal mining companies in Rumphi district (see Table 2.3).

2.6 Labour Disputes in the Coal Mining Companies

Different mining activities are being undertaken in the coal mining companies in Malawi. Some of these mining activities include: supporting the mines; coal extraction/drilling; coal shunting and transportation from the mines to crushers; coal crushing and processing; coal sorting/screening, sizing and loading to customers as well as maintenance of equipment (engineering maintenance work) and services i.e. road constructions within the mining premises – road networks. All these workplace technical mining activities are in addition to the administrative and managerial activities, undertaken at the mining companies. It is therefore

obvious that the nature of the mining activities make workers prone to various forms of workplace injuries ranging from minor injuries due to crushes by small stones to serious injuries including fatal accidents (Malema, 2017).

In terms of mining methods, both opencast and underground (adit) mining are the mining methods used at the coal mining companies in Malawi. The shaft and adit machines (elevators) are used to deliver workers into and out of the underground mines. Note that the deepest mine at Mchenga coal mining goes to as far as 50 meters deep, whereas at Kaziwiziwi coal mining, it goes as far as 45 metres deep from the top ground surface.

The used mining methods and the nature of such mining work most of which is done manually implies that the coal mining companies in Malawi, still use labour-intensive to carry out their operations as contrasted to use of machines i.e. mechanization. Note that almost all Malawi's mining companies are using labour-intensive technology. The use of more labour in a workplace environment associated with hard labour and various forms of injuries implies more likelihood in the occurrence of labour disputes and/or industrial actions such as strikes/lockouts between employees and their employers.

Salamon (2000) discussed various factors that affect the occurrence of industrial disputes and/or actions. Salamon reported that the nature of the work and people employed is one of the factors that affect the occurrence of strikes in particular workplaces. In this regard, Salamon (2000: 432) stated that:

“Where the work is physically difficult and unpleasant; where employees are unskilled or semiskilled, and/or seasonal or casual, ... it will draw tough, inconstant, combative and virile workers, and they will be inclined to strike, whereas where the work is physically easy and performed in pleasant surroundings, skilled and responsible, steady, and subject to set rules and close supervision, it will attract women or more submissive type of man who will abhor strikes (Kerr and Siegel, 1955 as cited in Salamon, 2000).”

Malema (2017) conducted a study that examined the working conditions in the mining sector in relation to Mchenga and Kaziwiziwi coal mines in Rumphi district in Malawi. The study found that the working conditions in the mining sector are generally poor and that the workers' organizations and their activities in the mining sector may be effective fighting tools for improved working conditions.

In terms of general working conditions, the study, among other things, reported non-payment and underpayment of wages; non-payment and under payment of overtime wages; non-payment or low or delayed payment of workers' compensation; and unfair labour practices. In terms of workers' organizations (trade unionism), the study reported a series of strike activity that had occurred at MCM from 1987 to 2013 because of causal reasons that include demand for wage/salary increases; demand for better work conditions; demand for pension contributions and terminal benefits; demand for removal of Human Resource Officers (HROs); and claim of severance allowance following MDM & MDC/INDE-BANK partnership fallout. As well as a lockout in 1998 at MCM following vandalism of company property by night shift workers due to blackouts experienced while at work.

The study also reported one destructive strike in 2013 at KCM which was staged with support by non employee community members as a result of poor conditions of work including low salaries/wages coupled with general outcry from communities on issues of inadequate Corporate Social Responsibilities (CSRs). Furthermore, the study reported absence of strike activity at KCM from 1985 to 1990 due to unorganized workers to fight for their rights as they was no any recognized trade union at the workplace.

The reported issues with respect to working conditions and trade unionism entails that the nature of labour disputes in the mining companies tend to be complex as each of the issues may be

potential cause to specific types/kinds of labour disputes altogether. This calls for a discussion on the rationale for selecting the coal mining companies as a study location for this study.

2.7 Rationale for the Study Location

Like other countries, Malawi is facing the increasing occurrence of workplace labour disputes in various workplace establishments including the mining sector companies (MoL, 2019; MoL-RDLO, 2020). Private sector companies have valuable resources that can be utilized in the study of labour disputes' impacts.

Coal mining companies were chosen to be site for this study because the mining industry seems to experience different kinds of workplace labour disputes due to its nature of the mining activities that pose several challenges to labour relations at work (Mukherjee, 2016). The complexities and representativeness of nearly every kind of workplace labour dispute occurring in these companies, motivated choice of this site for the study.

2.8 Chapter Summary

This chapter has presented the overview of the mining industry in Malawi. Among other contributions, the chapter has presented employment opportunities as one major contribution of the mining industry to the Malawian economy. The chapter has also operationally defined “major formal private coal mining company”, as a key phrase in this study, to mean any non government owned coal mining company in Rumphi district which is duly registered and/or licenced by the Malawi Government and had at least, at the time of the study, a hundred total workforce producing more than twenty metric tones of coal per month. Using this operational definition, four coal mining companies of Mchenga, Kaziwiziwi, Mean Jalawe and Rukuru were purposely identified as study companies. Finally, the chapter has presented the rationale for choosing coal mining companies as sites for this study. It has stated that the occurrence of different kinds of workplace labour disputes in the mining sector due to its nature of the mining activities that pose several challenges to labour relations at work justified the site as study location for this study on labour disputes' implications in Malawi. The next chapter presents literature review for this study.

CHAPTER THREE

Literature Review

3.1 Introduction

This literature review chapter is divided into four major sections, which are conceptual framework; general literature review; theoretical framework and empirical studies on labour disputes and their implications. **Conceptual framework** section presents the conceptual framework model for investigating and exploring implications of workplace labour disputes on workplace operations. The section synthesizes concepts drawn from theoretical perspectives of industrial relations and those from labour disputes and wages theory, collective bargaining theory and trade unions theory. The proposed conceptual framework for this study attempts to integrate a number of important variables considered relevant to the nature of labour disputes in the mining companies under investigation. **General literature review** covers the study key concepts including all variables both independent and dependent variables. The section reviews labour disputes and their resultant actions as independent variables. First, it reviews kinds, nature and characteristics of workplace labour disputes based on legal entitlements. Second, it reviews labour disputes' resultant actions. Thereafter, the section reviews workplace operations as dependent variables. The review on workplace operations starts with a review of related variables on production and ends with those variables on the management of labour dispute settlement and employment relationships. Next, the **Theoretical framework** covers relevant theories on labour disputes and implications. Finally, the section of **Empirical studies** on labour disputes and their implications covers a review of the past research on labour disputes and their implications and thereafter shows the research gap.

3.2 Conceptual Framework

As indicated in this chapter introduction, this section presents conceptual framework for investigating and exploring implications of workplace labour disputes on workplace operations by synthesizing concepts drawn from theoretical perspectives of industrial relations and from labour disputes and wages theory, collective bargaining theory and trade unions theory. The synthesis has been done based on the premise that labour disputes concern matters of industrial and/or labour relations at the workplace to the effect that studies on labour disputes hinge on theoretical perspectives of industrial relations. On the other hand, concepts from labour disputes and wages, collective bargaining and trade unions theories explain labour disputes' resultant actions with reference to occurrence of labour disputes and how the disputes' resulting actions impact the workplace operations. Based on these theoretical perspectives and/or theories, there are many possible variables that might explain labour disputes' implications on the workplace as illustrated in the section of theoretical framework below. Investigating all the identified dimensions is beyond the scope of this study. Therefore, the proposed conceptual framework for this study attempts to integrate a number of important variables considered relevant to the nature of labour disputes in the mining companies under investigation. However, the framework is certainly not inclusive of all the potential variables identified through a review of literature on the industrial relations theory.

3.2.1 Workplace Labour Disputes

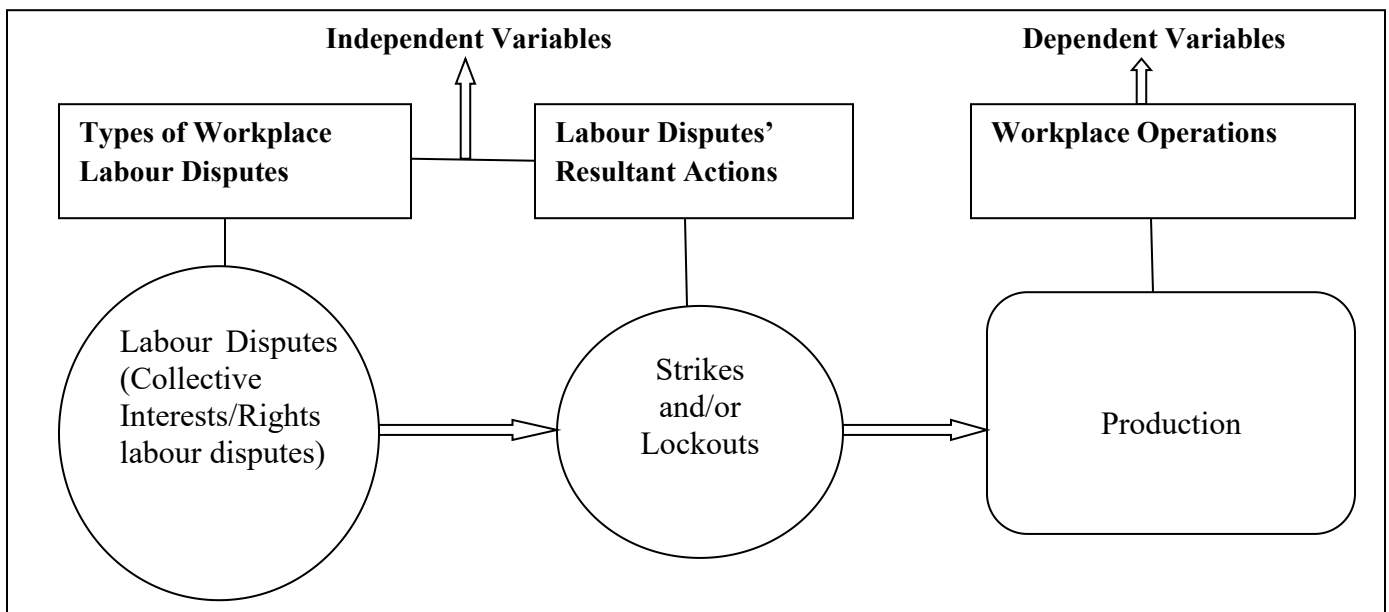
Literature review on the nature and types of labour disputes indicates four classifications of labour disputes namely: individual interests labour disputes; individual rights labour disputes; collective interests labour disputes and collective rights labour disputes. The reviewed literature also indicates that it is mostly the collective interests labour disputes, and not the collective rights labour disputes together with the other two, that can legally justify the action of strikes or

lockouts because neither party to the collective rights labour disputes is by law permitted to stage a strike or lockout (Okene & Emejuru, 2015). It has also been noted, however, that it is undisputable fact that any kind of labour dispute once left unresolved has potential to result into some actions that may be destructive at the workplace.

3.2.2 Previous Studies on Labour Disputes' Impacts

A number of studies on labour disputes' impacts used the approach of investigating strike/lockout costs to show impacts of labour disputes on productivity and economy (Chamberlain & Schilling, 1954; Knowles, 1955; Hameed, 1971). There is no any single independent study on labour disputes' impacts that widened the coverage scope to include the resultant actions of other types of labour disputes apart from strikes/lockouts actions to assess disputes' impacts on the workplace production. The study approach adopted by previous studies suggests conceptual framework model presented in Figure 3.1.

Figure 3.1: Conceptual Framework Model of Previous Labour Disputes' Impact Studies



Source: Author's own construction based on various empirical studies on labour disputes' impacts on production (Christenson, 1953; Stevens, 1972).

In this conceptual framework model, strikes and lockouts are the resulting actions of the collective interests/rights labour disputes. They have been used in past studies as intervening variables to explain the impacts of labour disputes (collective labour disputes) on production.

The facts that every kind of labour dispute has potential to affect the workplace operations and that only the strikes/lockouts as actions resulting from collective interests' labour disputes have been extensively studied imply that studies on labour disputes' impacts seem to be inadequate in terms of: (1) coverage with respect to types of labour disputes, (2) coverage with respect to the disputes' resulting actions. In addition, assessments of these conducted studies have only been limited to production loss related variables excluding labour dispute settlement cost and employment relationship loss related variables.

The exclusion of individual interests labour disputes; and individual rights labour disputes in the earlier studies was based on the research findings that strikes are very detrimental labour disputes [actions] with huge impacts on production as compared to other forms of labour disputes (Knowles, 1955). It was also based on the assumption that they (the excluded dispute types) do not result into strikes or lockouts. The assumption is however disproved by empirical evidence on strikes that shows both the collective rights and interests' labour disputes resulting into strikes and/or lockouts (Okene & Emejuru, 2015).

Note that individual interests labour disputes and/or individual rights labour disputes lead into disputes' resultant actions such as workplace discipline and labour dispute settlement (both at dispute conciliation commission offices or labour offices and court level). In addition, theories on labour disputes' impacts on production and economy are inclusively and generally defined. They do not only cover strike related variables but also extend their general explanations to

cover all variables that may be associated with labour disputes' impacts (Christenson, 1953; Hameed, 1971).

Further, it has also been observed that while every study on labour disputes' impacts on workplace production indicates strike as very detrimental labour dispute with huge impacts on production as compared to other forms of labour disputes, measuring strike costs, however, remains a challenge for researchers. For instance, Gandz et al., (1980) observation that "not all of the strike costs can be measured", clearly indicates difficulties and complexities in attempts to conduct conclusive measurements of strike costs and impacts. Their observation totally agrees with Cooke (2008) who stated that only with the availability of comprehensive government published statistics on country labour disputes, studies of labour disputes' impacts on the economy are feasible. Furthermore, Florence Peterson of the USA Bureau of Labour Statistics in 1937, wrote that "an estimate of the cost of individual strikes or the cost of all strikes in a given period is misleading as well as inaccurate"; and more recently the Bureau has described the making of such estimates as an "impossible job" (Knowles, 1955: 221).

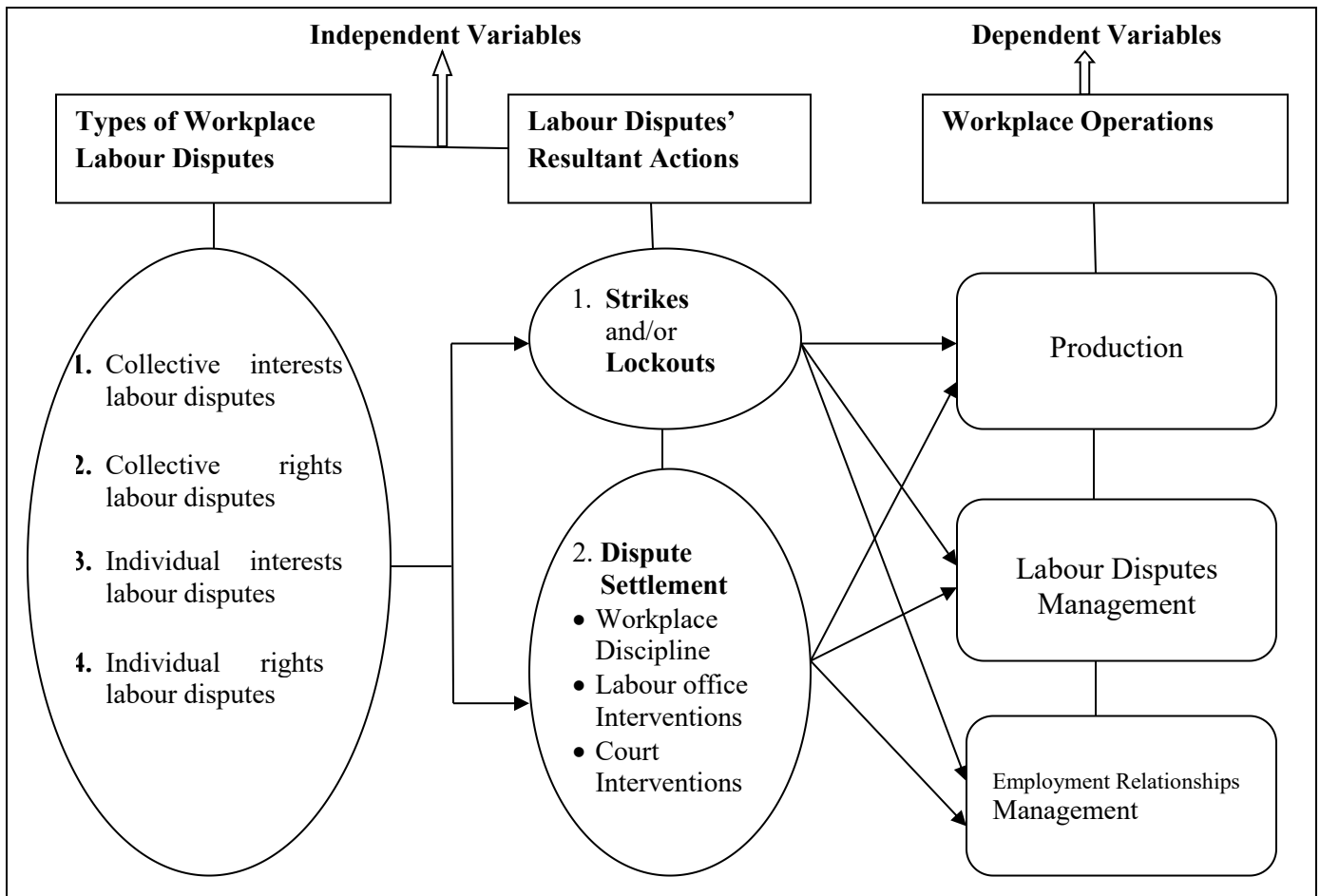
The revealed research gap calls for further comprehensive studies on labour disputes' impacts that should holistically address all implications of labour disputes. Such studies should be able to extend study scope to include all types of labour disputes in the impacts assessment and to examine labour disputes' implications that can be explained by the other disputes' resultant actions such as the discipline and dispute settlement process actions.

Previous studies, on labour disputes' impacts, address the detailed analysis of strike/lockout impacts by defining various variables that can be measured and quantified by further studies to assess disputes' impacts on the phenomenon (Kelly & Nicholson, 1980; Jacobs, 1998; Fraisse, et al., 2015). However, their approach framework still provides a narrow view of disputes' impacts. For instance, their approach limits coverage to other disputes' resultant actions as well as other types of disputes other than collective disputes as demonstrated above. This study, therefore,

argues for a more comprehensive coverage of types of disputes, disputes' actions and expanded workplace operation variables to include dispute settlement management and employment relationship management.

In order to examine implications of labour disputes in the workplace operations within the coal mining companies in Rumphi district in Malawi, two disputes' resulting actions instead of one used by previous studies have been used. In this regard, the study therefore designs and adopts a modified conceptual framework model as shown in Figure 3.2.

Figure 3.2: Modified Conceptual Framework Model of this Study



Source: Author's own modified or extended conceptual model design.

Note that the study approach is similar to those of previous studies on labour disputes' impacts. That is, labour disputes' actions are used to explain disputes' impacts on the production and/or

economic growth. However, in this modified conceptual framework model (Figure 3.2), there are four kinds of workplace labour disputes used as independent variables as contrasted to only two types of labour disputes in the previous studies' conceptual framework model (Figure 3.1). These are collective interests labour disputes, collective rights labour disputes, individual interests labour disputes and individual rights labour disputes. Two disputes' resultant actions of strikes or lockout and dispute settlement (as an added resultant action) are also shown as independent variables. These actions are used as mediating independent variables to explain disputes' impacts on the workplace. Finally, production, labour dispute settlement management and employment relationship management are three workplace operations that are used as dependent variables in this modified conceptual framework model. Note that only production related variables were examined in previous studies.

The disputes' resultant actions as mediating variables are used to explain the implications of labour disputes on the workplace operations. In this study, disputes' implications are measured in terms of demonstrated effects of incurred dispute related production associated costs and/or losses for the production operation; dispute settlement costs for the disputes management operation as well as effects of improved, disturbed and terminated employment relationships for the employment relationship management.

It is argued that a modified labour disputes' impact study approach is appropriate to examine all types of labour disputes, relevant disputes' resulting actions and workplace operation variables in order to generate findings that can show comprehensive picture on the implications of labour disputes on the workplace operations and on the economy as a whole. This study applies this modified conceptual framework model to answer the research questions. The adoption of the

modified framework model is in response to Woodhams (2007) who proposed for extension of variable coverage in future studies on labour disputes' impacts.

Based on this modified conceptual framework model, specific hypotheses have been formulated to examine implications of labour disputes on the workplace operations as study dependent variables.

3.2.3 Dependent Variables

Workplace operations are the dependent variables in this study. The concept “workplace operations” is defined as all those tasks or functions that are undertaken at the place of employment (workplace) by the workplace employment parties who are the employees and employers. In this regard, there are many operations that may be conducted at a workplace. However, in this study, production, labour dispute management and employment relationship management are the three workplace operations that have been studied as dependent variables relevant to the purpose of the study.

The study examines implications of labour disputes on workplace operations. In this regard, disputes' implications are measured in terms of demonstrated effects of incurred dispute related production costs and/or losses for the production operation; in terms of dispute settlement costs for the labour dispute management operation; and in terms of effects of improved, disturbed and terminated employment relationships for the employment relationship management.

3.2.3.1 Definitions and Operationalisation of Dependent Variables

3.2.3.1.1 Production Operation Costs/losses

Generally, production is defined both as an organised activity and a process dealing with the creation of outputs, the goods or services with value contributing to the utility of individuals

(Bates and Parkinson, 1963). And particularly for this study, production is defined as a workplace operation that deals with the creation of value or wealth by producing goods and services within a given period of time that can be described as production outputs. The fact that production uses resources including workers that can be hired from elsewhere implies that there would be various production costs associated with the acquiring and use of such production resources. Any interruptions to the production process caused by various forces including labour disputes may result into production associated losses as well as increasing, or incurring additional, production associated costs.

Production Associated Costs and/or Losses

To operationalise, production associated costs and/or losses, in this study, have been expressed in terms of the following: working hours/days loss (man-hours/man-days loss), production time loss, dispute time loss (lost time due to dispute), production process disturbances/disruptions, loss in supply of goods and services, workplace customers or markets loss, production/operational costs and damaged equipment replacement costs.

Working hours or days lost refers to the total number of workers involved in a work stoppage (strike or lockout) multiplied by duration of the work stoppage (strike/lockout length) in hours or days. This means that the more number of workers involved in a work stoppage and the more number of hours or days it takes for the work stoppage to last translate into more work hours/days lost, thereby resulting into high work hours/days loss. For example, Garrison (1988) supported the hypothesis that long strikes will have a greater effect on firms' cash flows than short strikes, thereby making the total negative effect of strikes to be larger when strikes are lengthy. The working hours or days loss has negative implication at the workplace as it leads into immediate loss in the production outputs.

Production time loss simply refers to the lost time for production, whereas *dispute time loss* refers to the lost time due to a labour dispute. Production time loss is therefore similar to dispute time loss if it is the lost production time as a result of a labour dispute. Thus both, production time loss and dispute time loss have the same effect of reducing production outputs at the workplace.

Production process disturbances/disruptions which refer to any abrupt interruption subject to halt the production process are the other workplace occurrences with same effect of reduction in the production outputs as is the case with production and dispute time losses. Theoretically, any significant reduction of the production outputs may lead into shortage in supply of goods and services as well as possible loss of the workplace customers or markets in the long run. Such theoretical assertion draws support from Imberman (1979) who reported lost workplace productivity because of disgruntled employees as well as lost revenues because customers faced with the likelihood of a strike, diversify their suppliers. Furthermore, Davidson et al. (1988) observed that loss of customers [markets] is a long-term cost of a strike. The theoretical assertion stands despite the fact that other factors may be responsible for both shortage in supply of goods/services and customers/markets losses.

Production/operational costs refer to the non recoverable production or operational costs due to lost production output and its subsequent revenue loss. Specifically, production costs are defined as an estimate of damage inflicted on a workplace in terms of quantities of finished products (goods or services) lost as a result of production stoppage due to labour dispute (strike) from the commencement of stoppage through the period of dispute settlement (conciliation, mediation and/or litigation) to the point when full production is resumed. In this regard, production costs are thus understood as production losses. On the other hand, operational costs are defined as

sunk production costs due to non recoverable costs such as costs of production fuels and materials.

Furthermore, during strikes some violent striking workers may end up damaging production machinery, for example, which can be replaced by the company at a cost. This company incurred cost is known as *damaged equipment replacement cost*. The cost increases with more replaceable damages and it is certain with frequent occurrence of violent strikes. Damaged equipment replacement cost can also arise as a result of replacing idle machines. This is true since labour dispute does not only affect productivity through labour loss alone. For example, when there are incessant work stoppages, machines and other fixed and variable capitals are not fully utilized, thereby reducing the level of output and increasing average cost (Humphrey, 1991 cited in Kasim, 2016).

3.2.3.1.2 Labour Disputes Management Costs

Dispute settlement refers to dispute resolution. Dispute resolution is the process of resolving disputes between parties. The term dispute resolution is used interchangeably with conflict resolution although conflicts are generally more deep-rooted and lengthy than disputes (Burton, 1990). The fact that dispute settlement is dispute resolution which is conflict resolution and that conflict resolution and conflict management are similar processes, implies that the four terms (dispute settlement, dispute resolution, conflict resolution and conflict management) almost mean the same thing and therefore may be used interchangeably in this study. However, the term: “dispute settlement” is the one consistently used in this study.

Labour disputes management, in this study, is defined as a workplace operation that deals with the settlement of labour disputes using methods such as negotiation (individual or collective

bargaining), conciliation, mediation, arbitration and litigation. The workplace operation is operationalised in terms of labour dispute settlement costs.

Labour disputes management plays important role at workplaces. It prevents and settles labour disputes so as to allow workplace parties concentrate on their work. It is therefore important that both trade union leaders or employees' representatives and the management team leaders should ensure that the roles and responsibilities of each and every party are clearly passed on to them. Note that properly managed dispute can help improve workplace employment relationships as well as labour productivities. On the other hand, the same employment relationships can be damaged with poorly managed workplace labour disputes.

Labour Dispute Settlement Costs

Labour dispute settlement costs refer to disputes' costs and/or losses incurred as a result of strike/lockout and dispute settlement processes. In this study, two sets of labour disputes' costs have been described. These are the strike or lockout costs and the dispute settlement costs.

Strikes or lockouts are labour disputes' resultant actions with cost implications at the workplace. Costs that are a result of strikes/lockouts are known as *strike or lockout costs*. The dispute actions of strike or lockout may result into production stoppage and therefore must be resolved. The resolution of these labour disputes is managed through the activity process of dispute settlement. Strike/lockout costs are expressed in terms of various categories of losses incurred by employment social partners as a result of labour disputes between employees and employers. For example, loss of employee's wage during a strike is translated as a strike cost on the employee, whereas loss of production output with its subsequent profit loss is translated as a strike cost on

the employer. Similarly, costs incurred by government dispute conciliators, mediators etc are direct strike costs on the state.

Therefore, losses such as wage/salary loss; employment loss as a result of workers' replacements; loss of staff members through deaths; workers' confidence loss in trade unions due to unsuccessful strikes; production output loss; revenue loss due to reduced sales from decreased outputs; loss in supply of goods and services; loss of customers and production time loss (i.e. dispute time loss), which are all strike/lockout costs or losses are examples of labour dispute settlement costs. The others are the costs, which include prosecution costs; workers' replacement costs; increased wage and improved employment conditions arising costs; increased production costs through increased wages; production/operation costs as well as damaged machinery and equipment replacement costs.

Similarly, the management of dispute settlement has cost and time implications at the workplace (ILO, 2013). Costs that are incurred in the process of settling labour disputes are known as dispute settlement costs. In this regard, dispute settlement costs are described as all those costs incurred during the process of settling labour disputes at every level of the dispute settlement framework. Increased labour costs because of increased wages following strike resolution, case processing/management costs, compensation or fine costs and employees' costs because of loss of wages or deducted wages are disputes' cost variables that have been examined in this study.

3.2.3.1.3 Employment Relationships Outcomes/Consequences

Employment relationships management, in this study, is described as a workplace operation function that refers to various activities undertaken by the management to develop harmonious relations among workplace parties for productivity improvement. Empirical studies indicate that

the employee-employer relationship can be affected by several factors of which labour disputes is one of them. This study, therefore, examined employment relationship management variables that may be influenced by labour disputes' resultant actions.

To operationalise, the variables have been expressed in terms of two aspects of labour dispute settlement outcomes and consequences. First, labour dispute settlement outcomes are operationally defined in terms of increased wages and upward revision of workplace working conditions that lead into improved employment relationship. Second, labour dispute settlement consequences are operationally defined in terms of warning, suspension, demotion and termination of the employment relationships between employees and employers.

3.2.4 Independent Variables

Types of labour disputes and their resultant actions have been designed as independent variables in this study. Four different types of labour disputes have been identified and reviewed. These are collective interests labour disputes, collective rights labour disputes, individual interests labour disputes and individual rights labour disputes (Figure 3.2).

On the other hand, two groups of labour disputes' resultant actions such as strikes and/or lockouts and dispute settlement (workplace discipline, labour office interventions and court interventions) have been used as mediating independent variables to explain labour disputes' implications on the workplace operations of production processes, labour dispute settlement management and employment relationship management as dependent variables.

As shown above in the Figure 3.2, the mediating independent variables to be examined in order to explain implications of labour disputes on workplace operations have been grouped into two

categories. The first category is that of strikes and/or lockouts and the second is that of labour dispute settlement.

3.2.4.1 Labour Disputes' Resultant Actions: Strikes/Lockouts and Dispute Settlement

The question: Does the magnitude (size) of each of the various workplace production associated costs and/or losses (measured as low, medium and high costs/losses) varies depending on the type of labour disputes' resultant action involved?

Strike or lockout is the most destructive action of a labour dispute (Davidson, Worrell & Garrison, 1988). Every study, on labour disputes' impacts on workplace production, indicates strike/lockout as very detrimental labour dispute with huge impacts on production as compared to other forms of labour disputes' resultant actions (Gunderson & Melino, 1987). Eaton (1972) cited in Davidson, Worrell & Garrison (1988:387) showed that strikes tend to be good investments for unions and poor investments for corporations. If strikes are negative corporate investments, a reduction in firm value should be reflected in negative stock returns during the period of a strike. This entails that the degree of effect on workplace production associated costs/losses seems to be dependent on each of the involved labour disputes' resultant action.

Thus, in this study, to examine how labour disputes' resultant actions of strikes, lockouts and dispute settlement implicate each of the various workplace production associated costs and/or losses, it was hypothesized that:

1. Various workplace production associated costs and/or losses vary in their magnitudes depending on the type of labour disputes' resultant actions involved.

In this study, the question of labour disputes' resultant actions' implication on various workplace production associated costs and/or losses has been determined by asking respondents to associate

their perceptions by ticking each appropriate resultant action associated with each of the eight identified production associated cost/loss variables (see Q14 on the questionnaire). In this case, workplace production associated costs and/or losses have been operationally defined as low, medium or high costs/losses.

On the second question: Is there any relationship between the magnitudes (sizes) of various workplace production associated costs and/or losses and the time it takes for the labour dispute strikes/lockouts to be settled or resolved.

Neumann (1980) supported the hypothesis that “the start of a strike is a signal to the stock market that future earnings may be impaired, and this signal may be associated with negative stock returns, and that when a strike is over it may be a signal to the stock market that the period of strike-induced impairment of earnings is over, so positive returns should be associated with the conclusion of a strike”.

Becker and Olson (1986) confirmed Neumann (1980) finding that strike starts were associated with negative returns and that strike conclusions were associated with positive returns. In addition, Becker and Olson found that companies settling their labour disputes before strikes occurred had little prestrike reaction (Davidson, Worrell & Garrison, 1988). As a result, Davidson, Worrell & Garrison (1988) set a study to extend Neumann’s study by examining implication of the length of strike (i.e. to study relationship of strike costs with length of strike occurrence).

Consequently, Davidson, Worrell & Garrison (1988) supported the hypothesis that long strikes will have a greater effect on firms’ cash flows than short strikes, thereby making the total negative effect of strikes to be larger when strikes are lengthy. With this supported hypothesis, it

implies that the longer it takes to settle a labour dispute strike, the greater may be the workplace production costs/losses associated with the strike.

Thus, to examine how labour dispute time/length affects various workplace production associated costs and/or losses, it was hypothesized that:

2. There would be a relationship between various workplace production associated costs and/or losses and the time it takes for the labour disputes to be settled or resolved. Explicitly stated, various workplace production associated costs and/or losses increase with the increasing time it takes for the workplace labour disputes to be settled or resolved.

Time for labour dispute settlement, for this question, has been operationally defined as below average settlement time, average settlement time and above average settlement time. In this regard, the question has been determined by asking respondents to rate their level of agreement with respect to their estimated labour dispute settlement time regarding various statements of workplace production associated costs and/or losses on a five point Likert Scale ranging from strongly disagree to strongly agree. Eight statements were presented as follows: working hours/days loss (man-hours/man-days loss); production time loss; dispute time loss (lost time due to dispute); production process disturbances/disruptions; loss in supply of goods and services; workplace customers or markets loss; production/operational costs; and damaged equipment replacement costs (see Q13 on the questionnaire).

3.2.4.2 Labour Disputes' Resultant Action: Labour Dispute Settlement

The question: Are there any relationships between the labour dispute settlement costs and labour dispute settlement time, methods and framework levels?

Empirical studies have shown that the settlement of labour disputes has cost implications that are dependent on the labour dispute settlement time, methods and framework levels (Sanders, 1947; ILO, 2013).

Labour Dispute Settlement Time

Labour dispute settlement time has cost implications. To establish how labour dispute settlement time implicates dispute settlement costs, it was hypothesized that:

3. Labour dispute settlement cost increases with the increasing labour dispute settlement time. That is, the estimated cost those employees and employers or their representatives spend on investigating, negotiating and adjudicating to resolve labour disputes increases with increasing time it takes to settle/resolve such particular labour disputes.

In this study, the question of labour dispute settlement time implication on dispute settlement costs has been determined by asking respondents to rate the estimated cost of dispute settlement against each categorized labour dispute settlement time of below average settlement time, average settlement time and above average settlement time (see Qs 12a, 12b, 13 & 20 on the questionnaire). Labour dispute settlement cost has been operationally defined as below average cost, average cost or above average cost. For purpose of this study, “below average settlement time” means a dispute is settled instantly by parties themselves before being referred to third party; “average settlement time” means a dispute is settled within one month; and “above average settlement time” means a dispute is settled after one calendar month as provided for under section 62 of the Employment Act (see also section 6.5.2.2 - pages 259-260 of this thesis).

Labour Dispute Settlement Methods

Labour dispute settlement methods have cost implications. To establish how labour dispute settlement methods implicate dispute settlement costs, it was hypothesized that:

4. Lowest labour dispute settlement costs a rise when labour disputes are settled using in-house dispute settlement methods by own parties themselves with neither the employee nor the employer having representation. The highest labour dispute settlement costs a rise when labour disputes are settled using third party intervention methods.

The settlement of labour disputes uses different settlement methods as a result of the distinction between rights and interests disputes as well as individual and collective disputes. Spielmans (1939) stated that the distinction between rights and interests has far reaching consequences regarding methods of settlement. He noted that disputes on rights are adjudicable under the laws on which the rights are based but disputes on interests are not adjudicable and thus can best be resolved by use of collective bargaining method. For instance, Witte (1956) stated that most labour disputes in the United States over "interests" are settled through individual or collective bargaining and that those disputes over "rights" are settled according to the provisions of the collective bargaining agreements constituted as the "law" setting forth the rights of the parties. Note that both individual or collective bargaining are the primary dispute settlement methods used by disputants themselves at their workplaces without any 3rd party intervention.

Wubie (2013) observes that individual labour dispute instances concern “disciplinary measures including dismissals”. Individual discipline handles individual grievances, disputes and discipline. Labour disputes regarding disciplinary measures and dismissals shall be regarded as individual labour disputes that are settled by way of a disciplinary hearing process which is the

individual bargaining. Individual bargaining was suggested as a stand-alone method of bargaining (Webbs, 1902).

Chamberlain (1951) states that while individual discipline handles individual grievances, disputes and discipline, collective discipline handles collective grievances, disputes and discipline. These collective disputes are settled in a collective bargaining process. Collective bargaining is a method of determining the terms and conditions of employment and is used for settling disputes arising from those terms by negotiating between the employer and the employees or their trade union. It is a dispute resolution mechanism that involves group of employees and employer negotiating to resolve their dispute.

Sanders (1947: 214) outlined a list of all usual approaches to settlement of a labour dispute, which are available to the parties and to representatives of the public. These approaches are: discussion and/or negotiation, conciliation, mediation, arbitration and litigation. Discussion and/or negotiation between the parties involved without the assistance of any outside agency is the first step in any effort to settle a dispute. The approach refers to two bargaining methods of individual and collective bargaining methods discussed above.

Conciliation and mediation in modern labour relations are two terms that are interchangeably used for practical purposes. However, for purposes of differentiating the two terms, conciliation denotes the intercession of an outside party who attempts to bring the disputants together by encouraging them to resolve the dispute. In this case, the conciliator may concentrate his/her powers of persuasion on one party alone. On the other hand, mediation suggests a more positive and affirmative role for the interceding 3rd party and contemplates his/her dealing with both disputants.

Arbitration means the dispute settlement method where disputing parties willingly place their dispute before a 3rd party with the request that s/he resolves it in accordance with the terms of the submissions, which join the parties. Arbitration is judicial in character, as contrasted to conciliation and mediation, in which reliance is placed upon compromise and mutual concessions. Usually the arbitrator is a judge or lawyer by profession. Nevertheless, arbitration is a dispute settlement method conducted outside the court.

Finally, litigation is a dispute settlement method used by courts to hear and determine labour disputes. In most countries in the world, there are usually designated courts to handle labour disputes. For example, in Malawi, the designated court is the Industrial Relations Court established under section 63 of the LRA of 1996.

In this study, the question of labour dispute settlement methods' implication on dispute settlement costs has been determined by asking respondents to rate the cost of dispute settlement (defined as least costly or moderate or very costly) against each of the five/six dispute settlement methods of discipline (individual bargaining), collective bargaining, conciliation/mediation, arbitration, court litigation and others (see Q17 on the questionnaire). Labour dispute settlement cost has been operationally defined as least costly, moderate or very costly.

Labour Dispute Settlement Framework Levels

Labour dispute settlement framework levels have cost implications. To establish how labour dispute settlement framework levels implicate dispute settlement costs, it was hypothesized that:

5. Labour dispute settlement costs increase with the increasing level of labour dispute settlement framework from the lowest settlement framework level of own parties themselves through labour office conciliation and/or mediation, arbitration to court litigation/adjudication as the highest level in the dispute resolution framework.

The settlement of labour disputes also appears to be done differently at different labour dispute settlement framework levels. Note that the settlement of labour disputes by both individual and collective bargaining methods is done within the first “own parties” level within the labour dispute settlement framework structure.

Labour dispute settlement by third party interventions constitutes the second level in the labour dispute settlement framework structure. In Malawi, the Employment Act empowers labour officers to register, conciliate and/or mediate reported labour disputes. A network of local district labour offices across the country operating under the central direction of the Ministry of labour at headquarters in Lilongwe is the primary institution for the resolution of labour disputes in Malawi. In this regard, the Ministry of labour has an active role in administering and developing the Malawi labour dispute settlement framework. Labour dispute settlement methods used by labour officers include conciliation and mediation.

The third and fourth levels in the labour dispute settlement framework structure constitute arbitration and court litigation dispute settlement methods, respectively. Arbitration and/or litigation are used only as the final step to resolve labour disputes (Banda, 2010). The arbitrator's principal function in disputes over "rights", according to Banda (2010), is that of determining what the parties intended when they wrote their contract as they did. Similarly, in disputes over "interests" their aim is to find a solution which both parties are willing to live with even if it is not completely satisfactory to them. It is the improved industrial relations which we seek through

arbitration rather than the development of principles to govern the settlement of future disputes (Banda, 2010).

In this study, the question of labour dispute settlement framework levels' implication on dispute settlement costs has been determined by asking respondents to rate the cost of dispute settlement (defined as below average cost or average cost or above average cost) against each of the four labour dispute settlement framework levels of own parties, labour office, arbitration and court (see Q19 on the questionnaire). For this question, labour dispute settlement cost has been operationally defined as below average settlement cost, average settlement cost or above average settlement cost.

Labour Dispute Settlement Outcomes and Consequences

The question: Does the employment relationship between employee and employer deteriorate towards termination with increasing degree level of their differences from low degree of dispute level to high degree of dispute level?

Labour dispute settlement outcomes such as improved working conditions and increased wages and/or salaries as well as labour dispute settlement consequences of warnings, suspension, demotion and termination affect the employment relationships between employees and employers. Literature review shows that the outcomes of improved working conditions and increased wages/salaries have positive effect of improving the employment relationship between employees and employers. On the other hand, the consequences of warning, suspension, demotion and termination are labour dispute settlement disciplinary measures (consequences) that have negative effect on the employment relationship between employers and employees.

In this study, these labour dispute settlement outcomes and consequences were used to investigate labour disputes' implications on the workplace operations of employment relationship management. As such, it was hypothesized that:

6. Employment relationship between employee and employer graduates/deteriorates towards termination with increasing degree level of their differences from low degree of dispute level to high degree of dispute level. Alternatively, employment relationship between employee and employer improves with decreasing degree level of their differences from high degree of dispute level to low degree of dispute level.

In this study, the question of labour dispute settlement consequences on the employment relationship between employee and employer has been determined by asking respondents to confirm employment relationship consequence experienced in their companies by answering Yes or No to each of the four specified consequences of warning, suspension, demotion and termination (see Q23 on the questionnaire). Labour dispute degree level has been operationally defined as low, medium or high dispute degree level.

3.2.5 Chapter Section Summary

This chapter section has presented the conceptual framework developed for this study that examines the implications of labour disputes on workplace operations in the private coal mining companies in Rumphi district in Malawi. The section has proposed a modified comprehensive conceptual framework model that has potential to better examine inclusively implications of labour disputes at the workplace. The modified framework model provides for all types of labour disputes with potential to implicate various operational functions at the workplace through their resulting actions of strikes/lockouts and dispute settlement. It also allows for a wider coverage of workplace operational variables to include dispute settlement and employment relationship management related variables in addition to the production related variables. The study applies this modified conceptual framework model to answer the study research questions. Based on the conceptual framework, specific hypotheses have been generated for verification. The next chapter section presents general literature review on labour disputes, labour disputes resultant actions and workplace operations.

3.3 General Literature Review

3.3.1 Labour Disputes

A labour dispute, in the world of work, is defined as a disagreement between an employer, a group of employers or one or more employers' organizations on the one hand and an employee / worker or more workers' organizations (trade unions) on the other hand (Spielmans, 1939; Foley & Cronin, 2015). In other words, Shen (2008) defines a labour dispute as any controversy that concerns terms, tenure or conditions of employment between two parties in employee-employer relationships in which employees exercise their labour rights while fulfilling their employment duties.

However, understanding the concepts of 'labour' and 'dispute' as two separate terms would help to better understand the meaning of 'labour dispute' as a single concept. The term 'labour' literally means a service, whereas economically it is defined as one of the four key factors of production. The other three factors are the capital, land and management. In a production process: wages are paid for use of labour provided by workers; rent is paid for use of land provided by landlords, whereas profits and/or interests are paid for use of capital provided by shareholders, the owners of the production plant, who are usually represented by the management.

On the other hand, the term 'dispute' is defined as a disagreement and/or conflict between two or more parties concerning a matter of mutual interest (ILO, 2013: 231-232). This term, dispute, is very broad. This is because it can be used to describe difference between parties with conflicting ideas over a number of issues. The dispute will therefore be qualified based on the issue involved. For example, there would be labour dispute, land dispute, political dispute or marriage dispute and many others.

In labour and/or industrial relations, labour disputes are also called industrial or trade disputes. To this effect, some cited labour dispute definitions in this study use industrial or trade dispute to mean a labour dispute. An industrial or trade dispute is a labour dispute between two parties in an employment relationship. These two parties are the employee, on the one hand, and the employer, on the other hand. The two parties are the employment social partners. Therefore, it is the industrial or trade disputes - the labour disputes, which are the subject in this study as defined by Shen (2008) and Foley & Cronin (2015).

Next question to help understand the concept of labour dispute would be why is there a labour dispute? Note that capital employs labour and labour serves or contributes to the capital. Thus, out of necessity each one is depending upon the other. The interest of each one is again diametrically opposite in as much as labour always strives to get more wages and facilities from the industry, whereas the employer tries to cut down the wage bill as much as possible to inflate his profit (Feliu, 1966 cited in Walton, et al., 1994).

In an ideal situation, two different objectives arise as workers always strive for increased wages, whereas capitalists (shareholders) strive for increased profits usually by avoiding the rise of wages, among other strategies. According to Feliu (1966), the two objectives of increased wages and increased profits are two opposite forces that constitute a conflict that is termed as a 'labour dispute'. This is why some economists define a labour dispute simply as the conflict between labour and capital.

Furthermore, some selected global definitions of a labour dispute have been cited for comparison and synthesis. The International Labour Organisation (ILO) defines labour dispute as a state or condition of discord, disagreement, antagonism, or opposition between an individual worker and

his or her employer; between a group of workers and their employer; or between a trade union or groups of trade unions and groups of employers (ILOITC, 2013). Similarly, ILOICLS (1993) defines a labour dispute as a state of disagreement over a particular issue or group of issues over which there is conflict between workers and employers, or about which grievance is expressed by workers or employers, or about which workers or employers support other workers or employers in their demands or grievances. These globally agreed definitions of labour disputes are adopted or adapted and applied in most world countries including Malawi.

Thus, in terms of a particular country employment and/or labour laws, a labour dispute may be defined differently based on the country's labour laws. In other words, various countries may define the concept of labour dispute differently depending on scopes of their legal coverage. In this regard, the term industrial dispute in terms of legal provisions is therefore defined differently in different countries or jurisdictions in the world because such countries have different industrial dispute legal frameworks. All such definitions are, however, guided to some extent, by global labour dispute definitions, which are consensually developed by, or during, some international bodies or conferences dealing with labour and employment matters. The ILO and the International Conference on Labour Statistics (ICLS) are examples of such bodies and conferences, respectively.

With such adoption or adaptation of labour dispute' definitions, the Indian Industrial Disputes Act of 1947 and Trade Unions Act of 1926 define "industrial dispute", respectively as:

"any dispute or difference between employers and employees or between employers and workmen or between workmen and workmen which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person"; and "trade dispute [that means] "any dispute between employers and workmen or between workmen and workmen or between employers and employees which is connected with employment or non-employment or the terms of employment or the conditions of labour of any person and 'workmen' means all persons employed

in trade or industry whether or not in the employment of the employer with whom the trade dispute arises”.

These Indian definitions of a labour/industrial dispute are very broad because they widen the scope to include disputes between employers or employees themselves. Such extended disputes may not be disputes concerning employment relationships despite being disputes connected with the employment or conditions of labour. This is because neither two employers nor two employees in their capacities as such can be in an employment relationship that constitutes only two distinct parties, that is, the employer and the employee.

On the other hand, section 42 of the Malawi Labour Relations Act of 1996 defines an industrial dispute as:

"any dispute or difference between an employer or employers' organization and employees or a trade union, as to the employment or non-employment, or the terms of employment, or the conditions of labour or the work done, of any person, or generally regarding the social or economic interests of employees”.

This Malawian definition of a labour/industrial dispute, unlike the broad Indian definitions, seems to be a specific labour dispute because it concerns labour and employment matters within the employee and employer relationships with no extension to employers-employers and employees-employees relationships.

The definition implies that the employees can start experiencing current state of affairs that may be different from their desired state of affairs. This difference in state of affairs constitutes a problem that is referred to as a dispute. Furthermore, the dispute is a labour dispute if it involves workplace differences in respect of some terms and conditions of employment, which form as part of the employment relationship between the workplace parties i.e. the employees and the

employer. Clearly, any problem between workplace employees and employer is a labour dispute that can lead into a strike when not resolved.

Usually a labour dispute at any workplace may come about because of the employees being interested in having either of the following from the employer: higher wages, improved conditions of work, enhanced benefits, frequent promotions as well as better frequency in rewards, inflation based wages (living wages), frequent recognition and seeking of trade union help. According to Feliu (1966), the demand of either of these things may result into employees conflicting with the employer who instead may be interested in achieving the following out of his/her workplace business operations. In this regard, the employer's interests include: profits, keeping operation costs down, realizing higher productivity, achievement of company goals, company/business survival, remain competitive and keeping trade unions' activities out of his/her workplace. Note that, according to Feliu (1966), each of the employees' interests is in sharp contrast to each of the employer's interests hence the high likelihood for a dispute to arise.

It is clear that the Indian and Malawian definitions of a labour/industrial dispute are not identical. The Malawian definition is specific as it does not include the phrase of between "employers and employers or employees and employees". The Indian definition is based on the philosophical concept of industrial relations (broad concept) while the Malawian definition is based on philosophical concept of employment relations (narrow concept).

Finally, the most encompassing definition of trade dispute was given by Selwyn. Selwyn (1991: 452) defined a trade dispute to mean a difference between workers and their employer that relates wholly or mainly to one or more of the following:

- terms and conditions of employment, or the physical conditions in which any workers are required to work;
- the engagement or non-engagement or termination or suspension of employment or the duties of employment, of one or more workers;
- the allocation of work or the duties of employment between workers or groups of workers;
- matters of employee discipline;
- membership or non-membership of a trade union on the part of a worker;
- facilities for officials of trade unions;
- machinery for negotiation or consultation, and other matters relating to the above mentioned points including recognition by employers or employers` associations of the right of a trade union to represent workers in any such negotiations or consultation or in the carrying out of such procedures.

This trade dispute definition is a labour dispute definition because all its involved conditionality relate to employment issues that arise out of labour being offered by someone (employee) for someone (employer) in exchange for some monetary wage benefits. Therefore, labour disputes in this study refer to disputes between employees and employers but do not include disputes between employees or employers themselves.

Labour disputes are categorized and classified or characterised according to entitlements or main demands such as wages disputes, retrenchment or redundancy disputes etc. As a result, a number of special types of workplace labour disputes can be identified.

3.3.2 Types of Workplace Labour Disputes

ILO (2013) states that labour disputes may be minor (rights) or major (interests), individual or collective, confined to one workplace or extend over many enterprises. Kecici & Sema (2016) supports this ILO's observation by noting that labour disputes can be small or large, individual or collective and that can refer to a particular job or lie in more than one enterprise. This entails that

while labour disputes may be individual or collective in nature, they may also be categorized as rights or interests labour disputes.

Okene & Emejuru (2015: 136) state that labour disputes of interests relate to the establishment and creation of new rights by reconciling conflicting economic interests, [whereas] labour disputes of rights deal with the application and interpretation of the existing legal rights. Okene & Emejuru described interests and rights labour disputes as “phase one disputes” and “phase two disputes”, respectively. They further argued that generally strikes should therefore be accepted as legitimate and lawful in the phase one disputes [where rights have not yet been created], but that they should not be legitimate in the phase two disputes [where legal rights for interpretation exist]. On the other hand, they noted that the court or tribunals power of adjudication would effectively be limited to rights disputes only.

Many jurisdictions (countries) describe these two distinctive nature of labour disputes using different terminologies. For instance, Italy describes interests labour disputes (phase one disputes) as economic labour disputes and rights labour disputes (phase two disputes) as legal labour disputes (Ricci, 1978 cited in Okene & Emejuru, 2015:136). Furthermore, Marley & Weiss (2000) described disputes over interests as “major disputes”, while disputes over rights as “minor disputes” in United States of America.

This terminology, disputes "on rights" and "on interests," which in the English language sounds somewhat artificial, is adopted from the Scandinavian countries which have treated the distinction between rights and interests as basic in their labour legislation. The same terminology has also been used consistently in the theory and practice of the industrial legislation in the German republic during the twenties (ILO, 1938; Binet, 1938; Spielmans, 1939). Fraenkel (1937)

coins his own terminology, "specific" and "general" disputes to mean rights and interests disputes, respectively and shows that only a few state arbitration laws make the distinction.

In summary, interests labour disputes are described as phase one labour disputes (Okene & Emejuru, 2015) which, in nature, are general (Fraenkel, 1937) or major (ILO, 2013) and are economic labour disputes. On the other hand, rights labour disputes are described as phase two labour disputes, which are specific or minor and are legal labour disputes in nature (Fraenkel, 1937; ILO, 2013; Okene & Emejuru, 2015). Details on these different types of workplace labour disputes are outlined and discussed in the next sections.

3.3.2.1 Rights Labour Disputes

A rights labour dispute is a disagreement between a worker or workers and their employer concerning the violation of an existing entitlement embodied in the law, a collective bargaining agreement, or under a contract of employment (ILO, 2013: 18). This disagreement involving a rights labour dispute is a confrontation that is sometimes referred to as a legal dispute. Rights labour disputes mostly involve claims by employees regarding alleged violation of their work entitlements such as wages, overtime payments, holidays and the working environment. These work entitlements are all workplace rights that are provided for within the country's existing labour laws as well as in parties' employment contract agreements.

Spielmanns (1939) observed that labour disputes are called rights labour disputes when they are classified based on laws or agreements and they are called interests labour disputes when classified based on conflicting economic interest.

Rights labour disputes are therefore defined as those minor (usually individual) disputes that are mainly legal in nature whose existence and occurrence at the workplace mainly follow the resolution of interests labour disputes. This does not, however, preclude the fact that some rights labour disputes are individual in nature, whereas others are collective in nature.

3.3.2.1.1 Individual Rights Labour Disputes

ILO (2013: 18) defines an individual labour dispute as a disagreement between a single worker and his or her employer, usually over existing rights. It can also include situations in which a number of workers disagree with their employer over the same issue, but where each worker acts as an individual. The fact that this definition concerns an individual employee having a labour dispute over existing rights with his/her employer implies that the labour dispute is an individual rights labour dispute.

3.3.2.1.2 Collective Rights Labour Disputes

Collective labour dispute is defined as a disagreement between a group of workers usually, but not necessarily, represented by a trade union and an employer or group of employers over existing rights (ILO, 2013). By implication, this labour dispute is a collective rights labour dispute because it concerns a group of workers collectively having a disagreement with their employer(s) over existing rights.

3.3.2.2 Interests Labour Disputes

An interest labour dispute is a disagreement between workers and their employer concerning future rights and obligations under the employment contract (ILO, 2013: 18). Interests labour disputes are disputes that are not based on existing entitlements but rather the desire of one party

to create new rights in the future, such as a higher level of wages and additional benefits. Practically, most interests labour disputes are a result of the breakdown in the bargaining process with parties failing to reach an agreement on the terms and conditions of employment that will apply in future. In this regard, interests labour disputes are generally collective in nature as compared to being individual in nature.

Interests labour disputes are therefore defined as those major (usually collective) disputes that are mostly economic in nature whose occurrence and resolution at the workplace are a foundation for the future occurrence of rights labour disputes. These labour disputes are directed to the creation of new rights and emerge because of a breakdown in collective bargaining.

The occurrence of interests labour disputes has implication of creating rights for workplace parties. Okene & Emejuru (2015) summed up the rationale for distinguishing the settlement of interests labour disputes from rights labour disputes and stated that:

“a labour dispute of interests would be settled by collective bargaining, which would involve the right to strike and [thus] would result in an agreement between the parties, which would thereafter determine some disputed conditions and terms of employment. [It is this] agreement that would be legally enforceable and would [therefore] create rights for the parties” (Okene & Emejuru, 2015: 136-137).

Feliu (1966) observed that legal and economic interests of employees and employers are often in sharp contrast and hence conflict is inevitable. Specifically, Feliu (1966) argued that the differing legal interests of employers and employees are a possible source of workplace rights labour disputes, whereas the differing economic interests of employers and employees are a possible source of interests labour disputes. Like rights labour disputes, interests labour disputes can also be individual or collective.

3.3.2.2.1 Individual Interests Labour Disputes

Although, it has been noted that interests labour disputes are generally collective in nature as compared to being individual in nature, some workplaces still experience labour disputes that concern an individual having a disagreement with his/her employer over future rights and obligations. These experienced labour disputes are therefore called individual interests labour disputes.

In this regard, an individual interests labour dispute is therefore defined as a labour dispute between an individual employee and employer over future interests that are mostly economic in nature and the dispute whose settlement at the workplace is mostly through use of individual bargaining method. An individual interests labour dispute is a disagreement between a worker and his/her employer concerning future rights and obligations under the employment contract. Such labour disputes emerge as a result of a breakdown in individual bargaining.

Individual interests labour disputes, like any other interests labour disputes, are not based on existing entitlements but rather on the individual behaviour of a concerned employee which may involve sabotage due to employee's frustrations or perceived poor conditions of work (such as no promotions or motivation) attached to his/her employment contract with the employer.

3.3.2.2.2 Collective Interests Labour Disputes

Collective interests labour dispute is defined as a disagreement between a group of workers usually, but not necessarily, represented by a trade union and an employer or group of employers

over future interests. They are collective labour disputes described as phase one labour disputes which, in nature, are major and economic labour disputes (Marley & Weiss, 2000).

Xinyi & Dangui (2017) conducted a study in China and found more collective labour disputes occurring mostly in the light industry, private enterprises, large scale enterprises, manufacturing establishments with abnormal production changes and that the disputes were mostly of economic requests by employees. These collective labour disputes based on economic requests are the collective interests labour disputes.

Xinyi & Dangui (2017) finding was, however, in contrast with the theory of individual and collective labour disputes that stipulates that, naturally, it is the individual labour disputes that are in more occurrences in many workplaces in the world of work as compared to collective labour disputes. According to Xinyi & Dangui (2017), study location appears to have contributed to their finding. They stated that light industry implies that there is less mechanization in the industry and hence more employees are used as compared to use of machines driven by just few employees. This condition of more employees at work mostly favours the occurrence of collective labour disputes.

3.3.3 Nature of Workplace Labour Disputes

Nature of workplace labour disputes refers to specifications and/or complexities of different kinds of workplace labour disputes, which can be explained in terms of labour dispute sources or causes. A study on the nature of labour disputes is important to understand specifics and complexities of labour disputes occurring in particular companies. For instance, while every workplace establishment may experience any kind of labour dispute, there are specific labour disputes that may occur or not occur in the mining companies' workplaces.

ILO (2013) noted that some labour disputes are resolved very quickly, for example, a supervisor explaining to an individual employee how pay has been calculated on the employee's pay slip, and the employee accepting that explanation. The problem is resolved on the spot and the labour dispute is over.

On the other hand, some labour disputes will, however, take longer to resolve. For example, a complaint concerning unsafe or unhealthy working arrangements by a group of employees may not be possible to resolve on the spot. If the complaint relates to lack of machine guards or excessive dust or noise levels in a particular section of a factory, it may not be possible for the employer to resolve the situation immediately. There may be disagreement between the employer and employee over whether a hazard exists, the degree of risk posed by a hazard, and how the risk may be minimized. There may be a need for the employer to call on the services of a safety and health specialist for advice, but in the meantime the problem or conflict remains, and the possibility of a work stoppage or some other forms of industrial actions are eminent.

Furthermore, ILO (2013) observed that some jurisdictions identify various special types of rights disputes including those relating to trade union recognition, the determination of bargaining units, the interpretation and application of collective agreements, and those concerning unfair dismissals. This raises the question as to whether such 'special' disputes should be handled differently from mainstream rights disputes, involving special institutions and processes.

Both ILO (2013) and Kecici & Sema (2016) agree that causes of labour disputes are numerous and diverse, ranging from a simple appeal of one individual employee for the right of compensation; in a collective complaint of the employees about the unsafe or unhealthy

conditions of work; or termination of work by all employees in a workplace, claiming that they are prevented from setting up a trade union to protect their interests. Note that most of these described labour disputes are legal based.

In this study, the nature of workplace labour disputes has been investigated in terms of eleven specified workplace labour disputes. Specification is according to the literature on the nature of reported labour disputes to government labour dispute settlement institutions for the past 10 years. These labour disputes, according to the Malawi Labour Relations Act (1996) and Employment Act (2000), include labour disputes on severance pay; interpretation of collective bargaining agreements; unfair labour practices; recognition for bargaining; unfair dismissals; retrenchments/redundancies; disclosure of information; refusal to bargain; probation; discrimination; and organizational rights. The specified labour disputes have, therefore, been discussed as follows:

1. ***Labour disputes on severance allowance.*** The disagreement between employee and employer over issue of severance pay is a labour dispute on severance allowance. Section 35 of the employment amendment Act provides that an employee shall be paid severance allowance on the termination of his or her contract of employment as a result of four circumstances such as redundancy or retrenchment; economic difficulties for the employer; due to technical, structural or operational requirements of the employer; and on the unfair dismissal of an employee by the employer.
2. ***Labour disputes on interpretation of collective bargaining agreements.*** The disagreement between trade union and employer over issue of interpretation of some clauses contained within their signed collective bargaining agreements is a labour dispute on interpretation of collective bargaining agreements. Section 45 of the Labour Relations Act provides that if an

unresolved dispute concerns the interpretation or application of any statutory provision or any provision of a collective agreement or contract of employment, it may be applied by either party to the Industrial Relations Court (IRC) for determination.

3. ***Labour disputes on unfair labour practices.*** The disagreement between employee and employer over issue of alleged unfair labour practices by either of the party on each other is a labour dispute on unfair labour practices. Unfair labour practices may include harassment at work, discrimination, etc (MoL, 2019).
4. ***Labour disputes on recognition for bargaining.*** The disagreement between employee or trade union and employer(s) over issue of recognition for bargaining is a labour dispute on recognition for bargaining. Part four of the Labour Relations Act (LRA) provides for recognition of employment parties' rights to collective bargaining within the ambit of the law. In this case, the employment parties are the trade unions and the employer(s) or employers' organizations.
5. ***Labour disputes on unfair dismissals.*** The disagreement between employee and employer over issue of dismissal procedure is a labour dispute on unfair dismissal. The Employment Act (EA) under section 58 defines a dismissal as unfair if it is not inflicted by employer over the employee in accordance with dismissal procedure as provided for in the same Act.
6. ***Labour disputes on retrenchments/redundancies.*** A labour dispute on retrenchments and/or redundancies is a labour dispute between a retrenched employee and employer over issue regarding violations of retrenchment/redundancy procedures. Note that while the Malawi employment Act does not provide for retrenchment procedure, recourse is made to

retrenchment/redundancy procedure as prescribed by international laws (i.e. ILO labour standards).

7. ***Labour disputes on disclosure of information.*** The disagreement between trade union and employer over issue of disclosure of information is a labour dispute on disclosure of information. Section 38 of the LRA provides that whenever an employer is engaged in collective bargaining with a trade union, the employer shall disclose to the trade union all relevant information so as to allow the trade union to engage effectively in such collective bargaining.
8. ***Labour disputes on refusal to bargain.*** The disagreement between trade union and employer involving refusal to collective bargaining is a labour dispute on refusal to bargain. Section 31 of the LRA provides that all parties to the negotiation of a collective agreement shall bargain in good faith and make every reasonable effort to conclude a collective agreement.
9. ***Labour disputes on probation.*** The disagreement between employee and employer over probationary issues is a labour dispute on probation. The EA under section 26 provides that employment parties may agree on the duration of the probationary period provided that the period shall not, in any event, exceed twelve months.
10. ***Labour disputes on discrimination.*** The disagreement between employee and employer over discrimination issues is a labour dispute on discrimination. Anti-discrimination at work is one of the key fundamental principles. Section 5 of the EA provides that “no person shall discriminate against any employee or prospective employee on the grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin,

disability, property, birth, marital or other status or family responsibilities in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship”.

11. ***Labour disputes on organizational rights.*** The disagreement between trade unions and employers’ organizations over issue of forming and belonging to an organization of one’s choosing (of trade union or of employers’ organizations) is a labour dispute on organizational right. Section 5 of the LRA provides that every organization has the right to take part in the formation, and become a member, of any federation of trade unions or employers’ organization and participate in its lawful activities.

3.3.4 Characteristics of Labour Disputes

Labour disputes are characterised (classified) according to entitlements or main demands such as wage or overtime disputes. This entails that a number of specific types of labour disputes, especially rights labour disputes, can be characterised. Characteristics of labour disputes refer to describing labour disputes according to their causes (Shen, 2008; Kecici & Sema, 2016) as well as according to their prescribed claims as legal entitlements (Okene & Emejuru, 2015).

Based on such descriptions, Shen (2008) distinguished characteristics of labour disputes in terms of their characteristical causes as follows: wage underpayment labour disputes; non-overtime payment labour disputes; dismissals labour disputes; delayed wage payment labour disputes; non-payment of wages labour disputes; and disputes on violations of working conditions and/or terms of employment such as hours of work. These are labour disputes caused because of employers’ treatments over their employees with respect to employees’ legal entitlements, according to Shen (2008). It must be noted, however, that while non-payment or delayed payment, job losses and industrial accidents resulting from poor labour protection are some

major causes of labour disputes, management corruption and mismanagement sometimes fuel the anger of the already disgruntled workers. Furthermore, the nature of economic ownership also impacts on how labour conflicts occur.

In this study, the characterized labour disputes have been operationalised based on their prescriptions as provided for in the Malawi labour legislative Acts and other similar/comparable labour laws (Bartkiw, 2014). The characterized labour disputes have therefore been discussed as follows:

1. ***Non-wage payment labour disputes.*** The non-wage payment labour dispute refers to a labour dispute between an employer and employee over non-payment of wages and/or salaries. Note that both under common law and formulated country employment laws that include the Malawi Employment Act, the employer has a legal duty to pay wages and/or salaries to his/her employee(s). Therefore, the non-wage payment labour dispute arises because of the non performance of a legal duty to pay wages by the employer to his/her employee(s).
2. ***Delayed wage payment labour disputes.*** It is a legal requirement that payment of wages by an employer must be done on time and/or at an agreed time interval as may be fixed within the employment contract. Such agreed time interval may be daily, weekly, fortnightly or monthly. The failure to pay wages according to agreed time interval leads into a dispute which is characterized as delayed wage payment labour dispute. In this regard, a delayed wage payment labour dispute, therefore, refers to a labour dispute between employer and employee(s) over the failure to pay wages by the employer according to the agreed wage payment time interval.

3. ***Under minimum wage payment labour disputes.*** Under minimum wage payment labour dispute refers to a labour dispute between employer and employee that arises as a result of the paid wage by employer which is below the legal prescribed minimum wage rate whether on daily or monthly basis. Note that labour laws in most countries such as the Employment Act in Malawi provide for the setting of minimum wage rates by government with consultation of the employment social partners.
4. ***Non-overtime payment labour disputes.*** Non-overtime payment labour dispute refers to a labour dispute that arises as a result of failure by employer to pay overtime wages (payments) to employees for their worked overtime hours. Section 39 of the Malawi Employment Act provides for the payment of overtime wages and prescribes three classes of overtime which are ordinary, day-off and public holiday overtime.
5. ***Under-payment of overtime labour disputes.*** The cited section 39 above further stipulates that an employee shall be paid at the hourly rate of not less than the prescribed overtime hourly wage rate for each worked hour under each of the three classes of overtime. In this regard, the under-payment of overtime labour dispute refers to a labour dispute that arises as a result of any paid overtime wage by employer which is below the legal prescribed overtime hourly wage rate for each of the three classes of overtime.
6. ***Dismissal/employment termination labour disputes.*** In most countries, termination of one's employment is regulated by labour laws. For instance, it is provided under section 53 of the Malawi Employment Act that a dismissal is unfair if it is not in conformity with termination requirements provided for in the Act. Therefore, dismissal/employment termination labour dispute refers to a labour dispute that arises as a result of an employee's dismissal or

termination from work by employer who effects such termination contrary to the Act laid down procedure.

7. ***Non-payment of terminal benefits labour disputes.*** Non-payment of terminal benefits labour dispute refers to a labour dispute between employer and employee that arises as a result of non paid terminal benefits by employer to any of his/her terminated employees. Wage arrears, accrued leave pay, severance pay, retrenchment payment package and notice related pay are some of the few terminal benefits provided for within the Employment Act.
8. ***Workers compensation labour disputes.*** The Malawi workers compensation Act of 2000 provides that every worker who has suffered an injury or contracted any work related disease and/or dies in the course of his/her employment must be compensated by the employer. In this case, workers compensation labour dispute refers to a labour dispute between employer and employee or employee's beneficiary that arises as a result of the failure by employer to pay workers compensation as provided for in the labour laws.
9. ***Employment contract violation labour disputes.*** Employment contract violation labour disputes are labour disputes between an employer and employee which arise as result of violation by either party of any clause within their signed contract of employment. It must be noted that any entered and signed employment contract by employer and employee according to requirements of labour laws is recognized as an enforceable contract under the Employment Act.
10. ***Mandatory work conditions violation labour disputes.*** While some of the working conditions which are agreed between employer and employee may not be provided for in the

labour laws, there are other work conditions such as those on rest and safety measures which are legal provisions. These legal provisions are mandatory work conditions and any violation of one of such conditions leads into a labour dispute characterized as mandatory work conditions violation labour disputes.

3.3.5 Labour Disputes' Resultant Actions

With labour disputes, employment social partners can act differently as ways of expressing their dissatisfaction with each other. They can also do that as a way of preventing and settling labour disputes. For example, workers can strike or employers can lockout and discipline their employees. Similarly, both employment parties and the government can attempt to settle labour disputes. Therefore, strikes/lockouts, discipline and dispute settlement are three distinct resulting actions arising out of labour disputes. Strikes and lockouts are organized collective forms of action, whereas employee discipline is an organized individual form of action (Knowles, 1962; Lal, 1967; Kelly & Nicholson, 1980; Jacobs, 1998; Kelly, 2004).

This study uses these disputes' resultant actions as mediating variables to explain effects of labour disputes as independent variables on the workplace operations as dependent variables.

3.3.5.1 Strikes

Sanders (1947) defined a strike as a concerted cessation of work by employees seeking some concessions from an employer. Similarly, Flippo (1976) and Kelly & Nicholson (1980) defined a strike as a concerted and temporary withholding of employee services from the employer for the purpose of extracting greater concessions in the employment relationship than the employer is willing to grant at the bargaining table. Sanders uses 'concerted cessation and seeking concessions' from employer, whereas Flippo uses 'concerted withholding and extracting

concessions' in employment. Note that the two expressions mean one thing that is collective action for winning employment demands.

In legal terms, the Labour Relations Act under section 2 (1) defines strike:

“as a concerted action resulting in a cessation of work, a refusal to work or to continue to work by employees, or a slowdown or other concerted activity of employees that is designed to or does limit production or services, but does not include an act or omission required for the safety or health of employees or a refusal to ‘do, as an employee’s right, any work normally done by an employee or employees who are on strike or lockout, except in the case of an essential service”.

Finnemore (1998) and Salamon (2000) state that strike is not the only organised collective action available for employees and/or the trade unions, but that they are also other organized collective actions such as withdrawal of co-operation, work to rule, overtime bans, go slows, work-in or sit-in, among others which can be undertaken by employees with same objective of forcing the employer to concede to their demands. However, in this study, only strike has been used as an overall action that appears to include behaviours of all those other mentioned employees' collective actions against employers.

Moreover, a survey conducted by Brown (1981) reported a decline, during the 1970s and 1980s, in the use of these other forms of industrial actions by employees. According to findings by Brown, such a decline was due to management being more prepared to hold out against limited actions when they are operating at a low level of capacity than when they want to maximize production. This is true with actions such as work to rule, go slows, work-ins which imply working at lower production rates and overtime bans that are relatively painless on part of the employer as they can instead result into savings by employer through cuts in labour costs.

Strike is the most important and visible organized collective form of action available for employees to the extent that industrial relations experts have argued that without the right to resort to strikes, employees are confined or rather reduced to collective begging rather than collective bargaining (Finnemore, 1998; Salamon, 2000).

Finnemore (1998: 267) discussed and reported short-term (immediate) strike outcomes/consequences which include: attainment of employees' original demands; job losses; trade unions' membership decline; humiliating defeat arising from dismissals; failure to get management for concessions; tense shop floor (workplace) employment relationship; unfair labour practices due to parties' dissatisfaction with outcomes; unfair dismissals; and unfair harassment of other employees during strikes. On the other hand, the reported long-term strike consequences (outcomes) according to Finnemore include: employees' fear to challenge management any longer following their suffered defeat; withdrawal of co-operation by companies from trade unions; relocation of plant/workplace; closure of plant/workplace; and source of improved strike handling strategies by employment parties.

In order to assess strike implications on workplace operations, appropriate measures of strike impacts need to be determined and used. Salamon (2000) reports the following three measures of strikes. They are the globally agreed main indices used for assessing or measuring strike activity.

1. ***Number of stoppages.*** It must be noted that there is generally no distinction between strikes and lockouts. This implies that lockouts can be measured just in the same way as strikes can be measured. In other words, the measure of strike activity (i.e. number of stoppages) implies use of same measure for a lockout activity as well.

2. *Number of workers involved.* Note also that the counting of involved workers include both the directly and indirectly involved workers (whether laid off or short time workers) at the establishment where the stoppage occurs but excludes workers indirectly involved at other establishments. This measure, however, tends to overstate the number of strikers but perhaps more importantly, underestimate the number of people not working as a consequence of strike action.

3. *Number of working days lost.* This measure uses the number of workers involved multiplied by the length of the stoppage and, when expressed as a figure per 1,000 employees, it becomes the most commonly used measuring index for comparison purposes.

It must be noted, however, that the statistics obtained from using these measures just measure the extent rather than the effect of a strike activity. Turner (1969) argued that the effect of strikes was confined largely to the organization within which they occurred and that it is the longer strikes which have the greatest effects because, after a certain period, they will indirectly affect the working of other organizations not involved in the original dispute. As a result, it is certainly extremely difficult to cost the effects of any strike – in social as well as in financial terms; and to the wider economy and society as well as the individual people and organization(s) involved.

Stevens (1972) argued that in the private sector, the expected cost of strike can be best measured in terms of its impacts on profits because of presence of the market logic. He explained that normally, in the private sector, the process of collective bargaining, backed by the threat of strike, has certain market logic: “If the employer complies with the employees' demands, profits will be reduced.” Whereas, for the public sector cost of strike can be best measured in terms of political implications and consequences for agency management since strike threats in public sector have

no or follow no any market logic (Stevens, 1972: 400). For this reason, Stevens further argued that strikes should not be available or allowed in the public sector. They should be restricted as their settlement process does not follow the market logic.

Imberman (1979) conducted a study to investigate strike activity costs. The study divided strike costs into three categories. First, are prestrike costs that include productivity lost because employees are disgruntled and revenues lost because customers faced with the likelihood of a strike diversify their suppliers (look for alternative suppliers). Second, are strike costs that include profits lost because of a decline in revenue and executive time lost when executives attempt to operate a firm by themselves. Third, are long-term costs that include lost employees, post strike overtime and potentially permanent loss of customers.

In addition, Gandz, DuMont & Lord (1980) confirmed Imberman (1979) findings and pointed out some additional strike costs that include the costs of prestrike inventory build-ups, shut-downs and start-ups, sabotage, negotiating, and training strike breakers. Gandz et al., however, observed that not all of those costs can be measured, so the exact cost of a particular strike or of strikes in general, cannot be precisely determined. The cost on training strike breakers relates to dispute prevention costs, whereas the cost of sabotage relates to damaged equipment replacement costs, among others.

3.3.5.2 Lockouts

A lockout is a work stoppage in which an employer prevents employees from working. It is declared by employers to put pressure on their workers to come to their way by consensus about settlement of issues leading to lockout (Jacobs, 1998). This is different from a strike, in which employees refuse to work. Thus, a lockout is employers' weapon while a strike is raised on part of employees.

In legal terms, the Malawi Labour Relations Act under section 2 (1) defines lockout:

“as the closing a place of employment, a suspension of work by an employer, or a refusal by an employer to continue to employ or re-engage any number of his or her employees, done to compel his or her employees or to aid another employer to compel his or her employees, to agree to terms or conditions of or affecting employment”.

From the above definition, it can be deduced that lockout is an industrial action adopted by the employer, the management, whereby the employer locks out workers from access to work premises again as an expression of grievance against the workers. This is a collective agreement weapon. As indicated above, lockout can be distinguished from strike in that strike is when employees or workers disengage their services from their employment in order to protest or agitate against some real or perceived grievance against their employer.

In this regard, lockout action by employers is seen to be an opposite and equivalent of strike action by workers, although the courts in South Africa have ruled out employers’ argument that the lockout was the equivalent of the strike. Courts’ argument as reported by Finnemore (1998: 269) indicate that lockout is not an equivalent to strike because employers enjoy greater social and economic power than individual workers who are dependent on strike action to exercise their collective power as employers could resort to a variety of other organized actions/weapons.

Similarly, Finnemore (1998) and Salamon (2000) state that lockout is not the only organised collective action available for employers, but that the employers may also use a variety of tactics in order to compel their employees into meeting their demands or into complying with specific behaviours. Some of these listed employers’ tactics involve direct coercion such as the obtaining of court injunctions against illegal strikes; plant relocation or closure; technological redundancy;

worker replacement (employment of scab labour); and/or outright dismissal in response to unprocedural stoppages are often used to threaten employees in order to obtain compliance from the workforce.

Just as a strike is a weapon available to the employees for enforcing their industrial demands, a lockout is a weapon available to the employer to persuade, by a coercive process, the employees to see employer's point of view and to accept his/her demands. In the struggle between capital and labour, the weapon of strike is available to labour (workers) and is often used by it (them), so is the weapon of lockout available to the employer and can be used by him/her.

In Malawi, the right to lockout is provided for along with the right to strike in the LRA, although the right to lockout seems not to be recognised as the country Constitution under section 31 provides that workers are entitled to withdraw their labour without any mention to whether employers can also have the right to withhold their business operations. Furthermore, lockouts are rarely used in Malawi because they are usually discouraged not to be serving their intended purpose.

For instance, Finnemore (1998) reported that lockouts that are applied in most developing countries including Malawi are perceived as a disturbance of the balance of power and thus the right to lockout is refused to be conducted by employers as it is seen as a breach of employee's contracts, unless employees have embarked on unlawful strikes. On the other hand, in most developed countries (economies) such as Germany, Sweden, USA, Britain and Canada, lockouts are still used and applied as the employer's counterpart of the strike weapon that can be applied once deadlocks have been reached in the bargaining process (Jacobs & Yu, 2013).

3.3.5.3 Employee Discipline

Employee discipline refers to the workplace disciplinary action that can be taken by the employer against his/her accused employee. Finnemore (1998) observed that discipline may become difficult to manage as frustration mounts if demands are not conceded to by the management.

Finnemore (1998: 201) discussing the theory of discipline stated that:

“Discipline in the past has not only been the prerogative of management and supervisors, but it has customarily been exercised in an authoritarian and inconsistent manner. The analogy has been that of the ‘big stick’, where rules are set out unilaterally, and any infringement summarily punished. In some cases where foremen have had a great deal of authority, the penalties have not been consistently applied. Threats of punishment are used and written warnings extensively issued”.

The basic shortcoming of this approach, according to Gonzalez & Sarah (2012), is that it achieves only the minimum performance necessary to avoid punishment. It also encourages employees to ‘beat the system’, according to Finnemore, wherever they can get away with it. Clearly, such negative approach is neither good for labour relations nor is it tolerated by a trade union that is recognized in the organization.

On the other hand, positive discipline consists of a supervisory leadership that develops a willing adherence to the necessary rules and regulations of the organization (Beach, 1980 cited in Finnemore, 1998). In such a context, the purpose of disciplinary action is to change behaviour, and not solely to invoke penalties for offences. Discipline should thus aim at constructive support and reinforcement for approved action, while correcting wrong behaviours.

The Malawi Employment Act, under section 56 subsection one, defines a disciplinary action as an action that includes warning, suspension and demotion. The Act entitles the employer to take such a disciplinary action when it is reasonable to do so considering all the circumstances.

Das (2015: 83) cites Spiegel's definition that "discipline is the force that prompts an individual or a group to observe the rules, regulations and procedures which are deemed to be necessary to the attainment of an objective; and that it is force or fear of force which restrains an individual or a group from doing things which are deemed to be destructive of group objectives". In terms of discipline application at the workplace, Das (2015: 83) stated that:

"Discipline is a product of culture and environment and a basic part of the management of employee attitudes and behaviour. It is a determinative and positive willingness which prompts individuals and groups to carry out the instructions issued by management, and abide by the rules of conduct and standards or work which have been established to ensure the successful attainment of organizational objectives. It is also a punitive or a big stick approach which imposes a penalty or punishment in case of disciplinary violations".

Furthermore, according to Das (2015), there are two types of discipline, one is positive and the other is negative. Positive discipline employs constructive force to secure its compliance. It is immeasurably more effective and plays a greater role in business management. On the other hand, Negative discipline includes both the application of penalties for violation and the fear of penalties that serve as a deterrent to violation. Positive discipline prevails only where the employees have a high morale. In other situations, negative discipline becomes unavoidable.

Due to frequent application of employee discipline at the workplaces, industrial relations experts and practitioners (Taylor & Francis, 1951; Walton & McKersie, 1965; Khabo, 2008) have described employee discipline as part of dispute settlement. Therefore, in this study, employee

discipline has been used along with labour dispute settlement as additional labour disputes' resultant actions that implicate workplace operations.

3.3.5.4 Labour Dispute Settlement

Labour dispute settlement refers to the process of resolving labour disputes between disputants using different available dispute resolution strategies (methods) within the country's defined dispute settlement framework (Khabo, 2008; Malema, 2013). This settlement process relates to an action, whereby the involved disputants negotiate their difference (dispute) to reach an agreement either by own parties themselves or with help of a third party. The process takes place after a labour dispute has occurred. This implies that labour dispute settlement is a labour dispute resultant action.

ILO (2013) states that effective resolution (settlement) of labour disputes is critical for sound and productive employment relations worldwide and that effective dispute management system reduces both the cost and time associated with disputes. This implies that the labour dispute resultant action of labour dispute settlement has cost and time implications on the labour dispute management function as a workplace operation.

In this study, labour dispute settlement methods, labour dispute settlement framework levels and labour dispute settlement time are three specific variables identified and used to explain implications of labour dispute settlement on the labour dispute settlement management function. This is because the labour dispute settlement involves time and use of settlement methods available within the dispute settlement framework.

3.3.5.4.1 Labour Dispute Settlement Methods

The process of labour dispute settlement constitutes several different methods used to resolve disputes, which include negotiation (individual and/or collective bargaining), conciliation, mediation, arbitration and litigation. Industrial relations experts identify the first four as alternative labour dispute resolution (ALDR) methods for settling labour disputes because they are dispute resolution methods outside the court, that is, they are alternative methods to litigation that is a court process method (Huang, et al., 2010; Brown, 2012).

The theory of labour dispute settlement methods provides for the ALDR methods as primary disputes resolution methods before referring unresolved disputes to courts for arbitration and/or litigation (Sanders, 1947; Hameed, 1970; Huang, et al., 2010). In respect of this theory, Sanders (1947) outlined the dispute settlement framework methods that include: discussion and negotiation (at workplace level); conciliation and/or mediation [at labour office level]; and arbitration and/or litigation (at court level). Signed conditions and terms of employment are used at workplace level during discussions and negotiations, whereas legislation is mainly used by labour conciliators and court litigators. Studies have shown that the Malawi labour dispute settlement framework is consistent with the theory of labour dispute settlement methods (Banda, 2010; Malema, 2013). The alternative labour dispute resolution methods have been outlined in the immediate following paragraphs.

Disciplinary Hearing (Individual Bargaining)

Malema (in press) defines a disciplinary hearing as a process of resolving a dispute, whereby a disciplinary hearing committee representing the employer gives the accused employee an opportunity to be heard in defense. The hearing process is conducted at a workplace in a manner that relates to the negotiation process of individual bargaining. Individual bargaining refers to

single employee negotiation that is bargaining conducted between an individual worker and his/her employer. Thus, a disciplinary hearing (and/or individual bargaining) is defined as one of the labour dispute settlement methods.

Collective Bargaining

Unlike individual bargaining, collective bargaining refers to group negotiation that is bargaining conducted between a group of employees and their employer. Industrial Relations (IR) experts define collective bargaining as a process of negotiation between the employer(s) and the organized workers represented by their trade union(s) in order to determine the terms and conditions of employment (Hameed, 1974; Khabo, 2008; Mckersie, et al., 2008). These IR experts also agree that collective bargaining can be defined in terms of its three key functions. First, collective bargaining is a dispute resolution mechanism as it helps disputing parties resolve their dispute. Second, it is a decision making process as it helps employment parties to draw their collective binding agreement. Third, it is a rule making process as it helps employment parties to collectively formulate their agreed procedural rules.

With regard to the definition in terms of first function, collective bargaining is looked at as a source of solving problems of employees in the world of work collectively by way of providing a good climate for discussing the problems of workers with their employers. In this study, collective bargaining is thus defined as one of the labour dispute settlement methods.

Conciliation and Mediation

Salamon (2000) defines conciliation as a dispute settlement method that involves a third party supporting the disputing parties' direct bipartite negotiating process by assisting the parties to identify cause and extent of their differences, to establish alternative solutions and their various

implications and to develop and agree a mutually acceptable settlement. From this definition, it is clear that the third party (the conciliator) just facilitates communication and movement in the negotiations. This entails that the responsibility for making decision and reaching a solution remains a joint one between the disputing parties.

On the other hand, Finnemore (1998) defines mediation as a dispute settlement method, whereby negotiating parties make use of a neutral party to assist them in reconciling differences and in coming to an agreement. ILO (1980) defined mediation as a dispute settlement method that involves a third party (the mediator) who is more active in assisting the parties towards their settlement by submitting his/her own proposals for settlement. Salamon (1992) and Salamon (2000), agreeing with ILO's definition of mediation, observe that although the third party takes a greater degree of initiative, it is still a fundamental requirement of the negotiation process that any settlement must be determined and agreed by the disputing parties themselves as is the case with the conciliation method. Probably, this is why Finnemore (1998) stated that the term conciliation may be used synonymously with the term mediation.

Arbitration

Salamon (2000) defines arbitration as a dispute settlement method, whereby the process of adjudication replaces the direct negotiation between the disputing parties. Adjudication is a process that involves the third party (the arbitrator) in making decision, the award, between the two disputing parties. It is a process of settling a dispute in court before a judge or magistrate, in accordance with the formalities and procedures required by law (ILO, 2013). In arbitration method, unlike in the conciliation method, the arbitrator hears the evidence, reaches decision and makes an award.

Arbitration could either be compulsory or voluntary arbitration. Compulsory arbitration involves a situation in which arbitration is imposed by law or by government authorities and/or a situation where arbitration can be set in motion by either of the disputing parties without the agreement of the other, or invoked by the Government on its own initiative (ILO, 2013). On the other hand, a voluntary arbitration involves a situation in which arbitration is set in motion only with the agreement of the disputing parties (ILO, 2013).

It must be noted that while both conciliation/mediation and arbitration are means of intervening into negotiating process which may assist the parties in a dispute to resolve or fail to resolve their dispute, they differ in their processes such that the latter is more controlled and uses more resources than the earlier methods (Adendorff & Associates, 1986).

Court Litigation

Litigation is defined as a dispute settlement method which is administered by the courts of law (Adendorff & Associates, 1986; Brown, 2012). Although it is suitable for resolving rights labour disputes, it is, however, an expensive dispute settlement method in addition to being a time-consuming dispute settlement method.

Regarding the ALDR methods, in summary, negotiation (bargaining) methods, that is, the disciplinary hearing / individual bargaining and collective bargaining labour dispute settlement methods are negotiated methods while at the workplace by disputing parties themselves without involvement of any third party for intervention. Respectively, they are the simplest methods of resolving labour disputes. On the other hand, conciliation, mediation and arbitration are relatively expensive, respectively, as compared with the earlier methods. Finally, court litigation is the most expensive dispute settlement method.

3.3.5.4.2 Labour Dispute Settlement Framework Levels

For many countries in the world, labour dispute settlement framework constitutes ALDR mechanisms followed by court litigation mechanism. Adendorff & Associates (1986) describe ALDR as any dispute resolution process which is an alternative to litigation of law.

ALDR mechanisms are used as primary dispute resolution methods which fall into three levels of the dispute settlement framework (Brown, 2012). The first level, “*own parties*”; the second level, “*labour office*” intervention, as is the case in some countries as well as intervention by established commissions for conciliation and mediation in some other countries like South Africa and India; and the third level of “*arbitration*”.

On the other hand, court litigation, which is outside ALDR mechanisms, constitutes the fourth level in the dispute settlement framework (Brown, 2012). It is used as a secondary dispute resolution method.

Adendorff & Associates contend that ALDR is the ideal way available to business workplaces in resolving their labour disputes. They further argue that dispute settlement methods or options from within the lowest level of dispute settlement framework system are associated with less control and use of fewer resources, whereas those methods from within the highest level are associated with more control and thus use of more resources.

In Malawi, the ALDR framework has a level of “*own parties*” as the lowest dispute settlement framework level. This level involves use of the workplace negotiation (bargaining) methods such as individual bargaining (including disciplinary hearing) for single employee and employer and collective bargaining for a group of employees and employer. The framework has a second level

of “labour office” intervention which uses conciliation and mediation dispute settlement methods.

Finally, the ALDR framework has a third level of arbitration.

Court litigation is the highest level in the Malawi labour dispute settlement framework which uses court processes (litigation method) to settle labour disputes (Banda, 2008; Sikwese, 2010).

3.3.5.4.3 Labour Dispute Settlement Time

Time factor is a critical variable for the management of labour dispute as the labour dispute settlement process, for example, has both cost and time implications (ILO, 2013). In this regard, time may have implications on parties in a dispute that is undergoing settlement process such as the following:

- Disputing parties can lose valuable time as they pursue their case under dispute, the time that would have been otherwise productively used for their other monetary gains.
- In most countries, court-sitting time is paid for, using rates usually calculated per each sitting hour. The losing parties to the case usually pay these trial costs.
- Disputants may also meet some direct expenses incurred on production of some required documents to support their case under process as well as to pay for other expenses such as transport costs for themselves and/or their representatives. These costs may increase overtime as long as the case takes longer to settle.
- Disputants may also suffer psychologically as long as their case takes longer time to settle.

In Malawi, labour dispute settlement framework system prescribes some time limits to handle and process labour disputes. For instance:

- Part five of the Malawi Labour Relations Act provides for a minimum total of 35 days, which includes a 21 day conciliation process period, before a strike or lockout, which can be legally supported by law, takes into effect (Malema & Krishna, 2020).
- Section 62 of the Employment Act provides for a maximum of 30 days within which a reported labour dispute must be processed at labour office, failing which it has to be referred to court for intervention.
- Section 24 of the Workers Compensation Act provides that a dispute involving injury of a worker must be reported for compensation processing to labour office within 21 days from the date of injury after which, there is no any prescribed time limit within which the compensation process has to be concluded.

It appears from the costs and time implications, likely to be involved in the process of labour dispute settlement, that the longer time it can take to settle a labour dispute, the greater the expenses that can be incurred on part of the disputing parties. This is one of the study propositions. In this regard, it is therefore justifiable to identify labour dispute settlement time as an appropriate variable to investigate implications of labour dispute settlement on the management of workplace labour disputes.

3.3.6 Workplace Operations

Encyclopedia (Wikipedia) defines a “workplace” as a location or a place of employment where someone works for his or her employer. However, due to technological effects, the definition of the term “workplace” is slowly changing, that is, expanding beyond physical work location (premise) to include anywhere the worker goes in the performance of their duties (WEC, 2016). This means that a workplace is no longer a location or place to go and work but more of anywhere a task can be performed.

On the other hand, the business dictionary defines the term “operations” as referring to jobs or tasks consisting of one or more elements or subtasks that are typically performed in one location. The concept “workplace operations” is therefore defined as all those tasks or activities/functions that are undertaken at the place of employment (workplace) by the workplace employment parties who are the employees and employers. In this regard, there are many operations that may be conducted at a workplace. However, only production, labour dispute management and employment relationship management are three workplace operations examined in this study.

3.3.6.1 Production

Production is defined as an organised activity of transforming resources into finished products in the form of goods and services with an objective to satisfy the demand for such transformed resources (Bates & Parkinson, 1963). This suggests that production is an operation. According to Bates & Parkinson, the transforming resources include the buildings, machinery, computers, and people that carry out the transforming processes. The use of buildings, machinery, computers and people constitute four key factors of production: land (buildings), capital (machinery and computers), labour and management (people). In this regard, production is described as the act of combining factors of production (labour, capital, land and management) by firms to produce outputs of goods and services. Economists define production as a process of combining various material and immaterial inputs in order to make something (the output) for consumption (Batstone, 1986; Samuelson, 1995; Mas, 2008). They understand production as the manufacturing or mining or growing something through use of more introduced efficient production methods for sale.

Production uses employed workers (labour or management) and is carried out at a particular place or location (as envisaged by inclusion of buildings). This production working place is

called the workplace as it is a place with people working. In this study, production is therefore defined as a workplace operation that deals with the creation of value or wealth by producing goods and services within a given period of time that can be described as production outputs. The fact that production uses resources including workers that can be hired from elsewhere implies that there would be various production costs associated with the acquiring and use of such production resources. Any interruptions to the production process caused by various forces including labour disputes may result into production losses as well as increasing, or incurring additional, production costs.

Production Costs and/or Losses

Production costs refer to the expenses incurred by a business from manufacturing a product or providing a service. These costs include direct expenses such as labour (workers' salaries), raw materials, consumable manufacturing supplies, and indirect expenses as general overhead expenses (administrative salaries, rent and utility costs). Production costs can also be classified as fixed and variable costs of operating a business. Fixed costs such as rentals and assets are costs that do not vary regardless the level of production. Variable costs vary depending on levels of production. For example, according to economies of scale, production cost per item may reduce with massive production of such items.

Financial accounting experts argue that for an expense to qualify as a production cost it must be directly connected to the generation of revenue for the company (Batstone, 1986; Mas, 2008). They conclude based on this premised argument that producers or manufacturers therefore bear production costs related to the raw materials and labour needed to create the product, whereas service industries bear production costs related to the labour required to implement the service together with any material costs involved in delivering the service.

Disturbance or disruption to the production/manufacturing process may result into incomplete production of goods/services and subsequently into total loss in revenue because of lost production outputs. This implies that loss measured in costs of inputs (wages, cost of material, operation costs) is incurred. The loss appears to increase with increasing time of production stoppage. If the production stoppage has lasted for 30 days, for example, the total production fixed costs will translate into equivalent production loss expressed in monetary terms because there will be no production outputs to generate revenue to compensate/cover up fixed costs/expenses for that particular month.

Production losses are therefore defined as an estimate of damage inflicted on a workplace in terms of quantities of finished products (goods or services) lost as a result of production stoppage due to labour dispute (strike) from the commencement of stoppage through the period of dispute settlement (conciliation, mediation and/or litigation) to the point when full production is resumed. In this study, production losses are thus understood as production costs. They are the non recoverable production costs due to lost production output and its subsequent revenue loss. These production losses/costs are termed as economic costs (Williams, 2017).

Disputes' Costs and/or Losses

Two sets of *labour disputes' costs* have been described in this study. These are the strike or lockout costs and the dispute settlement costs. Strikes or lockouts are labour disputes' resultant actions with cost implications at the workplace. Costs that are a result of strikes/lockouts are known as *strike or lockout costs*. The dispute actions of strike or lockout may result into production stoppage and therefore must be resolved. The resolution of these labour disputes is managed through the activity process of dispute settlement. Similarly, the management of

dispute settlement has cost implications at the workplace. Costs that are incurred in the process of settling labour disputes are known as dispute settlement costs.

In this study, strike/lockout costs are expressed in terms of various categories of losses incurred by employment social partners because of labour disputes between employees and employers. For example, loss of employee's wage during a strike is translated as a strike cost on the employee, whereas loss of production output with its subsequent profit loss is translated as a strike cost on the employer. Similarly, costs incurred by government dispute conciliators, mediators etc are direct strike costs on the state.

Various past studies have reported production associated costs/losses because of strikes or lockouts (Kerr & Siegel, 1955; Hameed, 1971; Durcan, et al., 1974; Gandz, DuMont, & Lord, 1980; Hunter, 1980; Edwards, 1981; Edwards, 1983; Birk, 1990). Such costs/losses include the following:

- loss of wages/salaries;
- loss of employment as a result of workers' replacements;
- loss of staff members through deaths;
- loss of confidence in trade unions due to unsuccessful strikes;
- prosecution costs;
- workers' replacement costs;
- increased production costs through increased wages/salaries (i.e. costs resulting from increased wage and improved employment conditions);
- loss of production outputs;
- loss of revenue due to reduced sales from decreased production outputs and loss of customers;
- damaged machinery and equipment replacement costs;
- loss in supply of goods and services;
- loss of production time (dispute time loss), and
- production and/or operation costs.

3.3.6.2 Labour Disputes Management

Traditionally, labour disputes management has been the responsibility of government ministries or departments of labour, with disputes being handled by government officials within the labour administration (ILO, 2013). However, with the steady promotion of industrial relations institution of collective bargaining over the past few decades, there has been a slight shift, whereby the function of labour disputes management has become not only the government's responsibility but also the workplace responsibility. The ILO's observation that the management of dispute settlement has cost and time implications at the workplace and that effective disputes management system reduces both the cost and time associated with disputes justifies the use of labour dispute settlement costs and outcomes as appropriate variables in this study.

The dispute management or settlement that involves parties in an employment relationship is known as the labour disputes management. Therefore, like the production, labour disputes management, in this study, is an operation. Furthermore, it is a workplace operation as it is undertaken at a workplace. In this study, labour disputes management is therefore defined as a workplace operation that deals with the settlement of labour disputes using methods such as negotiation (individual or collective bargaining), conciliation, mediation, arbitration and litigation. Therefore, based on the ILO's observation that the management of dispute settlement has cost and time implications at the workplace, the workplace operation of labour disputes management is operationalised in terms of labour dispute settlement cost, which is a dependent variable in this study.

Labour Dispute Settlement Costs

The management of dispute settlement has cost and time implications at the workplace (ILO, 2013). Costs that are incurred in the process of settling labour disputes are known as labour

disputes' settlement costs. In this regard, *labour dispute settlement costs* are described as all those costs incurred during the process of settling labour disputes at every level of the dispute settlement framework. Increased labour costs as a result of increased wages following strike resolution, case processing/management costs, compensation or fine costs and employees' costs as a result of loss of wages or deducted wage loss are disputes' cost variables that have been examined in this study.

Labour disputes management plays a very important role at workplaces to prevent and settle labour disputes so as to allow workplace parties concentrate on their work. It is therefore important that both trade union leaders or employees' representatives and the management team leaders must ensure that the roles and responsibilities of each and every party are clearly passed on to them. Note that properly managed dispute can help improve workplace employment relationships as well as labour productiveness and that the same employment relationships can be damaged with poorly managed workplace labour disputes.

Labour Dispute Settlement Outcomes

While most workplace labour disputes' implications are perceived negative, there are some implications that are positive in nature. ILO (2013: 14-15) states that:

“The outputs of genuine and sincere consensus-based interactions are likely to result in sound and stable employment relations and cooperation. This cooperation may last until one or both parties see a need to change those rules to meet changing circumstances. When this occurs, harmony and cooperation can be quickly replaced by conflict and disagreement until new rules are agreed upon. ... The outputs that result from unilateral processes may lead directly to an outcome of conflict. Conflict that results from one party using its power to impose rules on another may not be openly expressed. Example: where employees are afraid of reprisals from their employer if they complain about their working conditions”.

Note that proper use of effective strategies to manage labour disputes such as those for settling labour disputes through negotiations either by individual or collective bargaining methods reflect genuine and sincere consensus-based interactions between parties. The resulting cooperation and stable employment relations (harmony) are the outcomes of the labour dispute settlement process. On the other hand, there would be outcomes of further conflict and disputation if the dispute settlement is unilaterally (ineffectively) managed, for example.

By implication, it is clear that some realised collective agreements such as *improved working conditions* and/or *increased wages* are possible outcomes associated with effective application of labour dispute settlement process. They are labour dispute settlement outcomes perceived mostly by the workforce (employees) as positive implications of workplace labour disputes. In this study, labour dispute settlement outcomes are therefore used as dependent variables in explaining labour disputes' implications on the workplace operation of labour dispute management.

3.3.6.3 Employment Relationships Management

The Malawian labour laws particularly the Employment Act does not define the term employment relationship. However, the term is defined by labour legislations of some other jurisdictions in the world. For instance, the Slovenian Employment Relationship (ER) Act of 2003 defines the term, employment relationship, as a relationship between the worker and the employer, whereby the worker is voluntarily included in the employer's organised working process, in return for remuneration, continuously carries out work in person according to the instructions and under the control of the employer (ILO, 2008).

Note that Slovenia is an ILO member state bound to have domesticated some of ILO conventions and recommendations such as R198 (ILO, 2006a) in her country labour laws just like any other

ILO member state including Malawi. This implies that provisions of her ER Act are likely to be consistent with those of the ILO convention and by extension, with those of other ILO member states. Thus, a reference to the Slovenian Employment Relationship definition in this study on Malawi is relevant.

Malema (in press) noted that in an employment relationship, the employee is legally required to perform any contractual assigned work to him/her by the employer for the employer. On the other hand, the employer is legally required to pay wages or salaries to the employee for the performed work. These party obligations/responsibilities must be managed by either party in order to sustain the employment relationship. In addition, workplace managers such as HR managers must ensure that adequate strategies (such as labour dispute prevention and settlement strategies) are in place for effective and sustainable management of employment relationships at their workplaces. This management of employment relationships is what is defined, in this study, as the employment relationship management. This employment relationship management, which includes various activities undertaken by the management to develop harmonious relations among workplace parties for productivity improvement, is therefore a workplace operation function.

Empirically, there seems to be little study that has directly used employment relationship management as a variable to explain how such management can be implicated by workplace labour disputes. However, practical experience by industrial relations practitioners, indicate that there would be resulting consequences because of how the employment relationships of a particular workplace are managed. The resulting consequences are referred to as employment relationship consequences and are defined as dependent variables, in this study.

3.3.6.3.1 Employment Relationship Consequences

The employment relationship consequences may be positive or negative consequences to either party. For instance, a poorly managed employment relationship can lead into termination of such a relationship. This means that termination is one of the employment relationship consequences. The consequence may be positive to the employer as it may mean saving out of the stopped wages/salaries which were payable to the terminated employee and negative to the employee through loss of a job and thus loss of income by the employee.

The Malawi Employment Act, under section 56 subsection one, defines a disciplinary action as an action that may lead into issuance of, by employer to his/her employee, a written warning, suspension and demotion. Like, termination, warning, suspension and demotion are employment relationship consequences resulting from disturbed employment relationships. In line with this legal provision, Half (2018) highlighted that disciplinary actions at work may include warnings (verbal or written), suspension (with or without pay), demotion and termination. These are progressive disciplinary actions with warning as least serious and termination as most serious action or consequence.

Disciplinary Warning

Warning refers to a verbal message, a document or letter provided by an employer to an employee to formally indicate a concern about a conduct or capacity in the issue in the workplace. Progressive discipline requires notice of concern and expectations to the employee through written warnings that are letters provided progressively for subsequent similar offences and may provide for suspension, demotion and ultimately termination.

Disciplinary Suspension

Sarah (2012) stated that suspension occurs when a workplace manager deems an action of an employee, whether intentional or unintentional, to be a violation of policy that should result in a course of punishment. This suspension action hurts the employee because s/he will have no hours of work during the suspended period and therefore will not get paid, unless the suspension is with full pay.

Half (2018) noted that disciplinary suspension with pay refers to the temporary removal of an employee from work for disciplinary reasons or to investigate an allegation during which time s/he will receive full or half pay. In this regard, suspension can therefore be described as paid or unpaid time away from the workplace as ordered by the employer in order for a workplace investigation to take place. On the other hand, Robert Half noted that disciplinary suspension without pay refers to the temporary removal of an employee from work for disciplinary reasons during which time s/he will not receive pay.

Disciplinary Demotion

Demotion occurs when an employee is voluntarily or involuntarily moved to a vacant position in a lower pay grade than his/her former position for disciplinary reasons. The employee's salary will be reduced consistent with the workplace compensation policy (Half, 2018). In other words, demotion simply means a reduction in work level which, according to Half, is the downgrading of one's job title, rank or status with terms like 'reorganization' or 'reassignment'. It can be argued that in a normal work situation, demotion cannot be a result of any existing labour dispute between the employee and employer requiring discipline unless it is a disciplinary demotion.

Disciplinary demotion is an involuntary disciplinary personnel action that reduces an employee's salary within their current pay grade or places the employee in a position at a lower pay grade

with or without lowering the employee's salary. Involuntary demotion can negatively affect a person's (employee's) ego, career and bank account. For instance, it is common in the Malawi public civil service for Principal Secretaries (PSs) who head ministries to be involuntarily demoted from their positions as PSs on alleged disciplinary reasons that mostly may be political in nature without lowering their salaries.

Half (2018) reported that the common reasons for demotion at work include: poor performance; a recent promotion that fails to work out; elimination of the position or organizational restructuring; and employee's request to take a lower role.

A survey conducted in the USA on demotion at work indicated that nearly 46 % of HR managers of different sampled companies revealed that their companies had demoted employees during the time of study (Half, 2018). The survey findings further showed that 39 % of the demotions were based on reason of poor performance; 38 % on reason of incapable promoted employees; 16 % on reason of organizational restructuring and/or position elimination; and 6 % on voluntary reason.

Disciplinary Termination

Generally, termination of employment may occur for any of the following reasons: as a summary dismissal (whether fair or unfair dismissal); on medical grounds; upon employee's death; through redundancy/retrenchment; and after employee's conviction. However, disciplinary termination means discharge from one's job as a result of involuntary dismissal of an employee for disciplinary reasons, unsatisfactory job performance, or for failure to obtain or maintain necessary job-related credentials. In this regard, disciplinary termination can, therefore, be imposed against employee on circumstances where the employee willfully displays certain behaviour that leads into limiting production and/or influencing others, through picketing action, to do the same, among others. This employee's behaviour is common during workplace strikes.

3.4 Theoretical Framework

In the field of industrial relations, there are no specific theories that can conclusively explain the occurrence of labour disputes and their implications at the workplace. This study therefore reviews a number of selected relevant theories that can collectively help to explain workplace labour disputes and their implications. Note that labour disputes concern matters of industrial and/or labour relations at the workplace. As a result, studies on labour disputes hinge on theoretical perspectives of industrial relations. Industrial relations is defined as the individual and collective relations between workers and employers at work arising from the work situation, as well as the relations between representatives of workers and employers at the industry and national levels, and their interactions with the state (Hyman, 1975; Kochan, 1980 and Salamon, 2000; Hyman, 2004; Kaufman, 2010).

3.4.1 Theoretical Perspectives of Industrial Relations

Theoretical perspectives of industrial relations which are unitarism, pluralism (Commons, 1957) and radicalism (Hyman, 1975) are three classical (original) theories that have greatly shaped the developments of industrial relations in the world since its emergence to date (Fraenkel, 1977; Hameed, 1975; Hameed, 1982). Note that unitarism, pluralism and radicalism are industrial relations theoretical perspectives that differ in their understanding and analysis of industrial relations and/or workplace relations. With each perspective, workplace events such as workplace conflict, the role of trade unions and job regulation are interpreted differently. In this regard, this study therefore gives a brief account of each perspective in the following paragraphs.

3.4.1.1 Unitaristic Theoretical Perspective

With unitaristic perspective, the organization is perceived as an integrated and harmonious system viewed as a peaceful family. The key assumption of this perspective, according to its

proponents, is that the management and staff together with all members of the organization share the same objectives, interests and purposes to the effect that they work together, that is, by helping each other towards achievement of the shared mutual goals. The perspective also assumes the existence of a paternalistic approach and thus demands loyalty of all employees. According to this perspective, trade unions are deemed as unnecessary and that the workplace conflict is viewed as disruptive. It is therefore clear that with unitaristic theoretical perspective, labour disputes at a workplace would be effectively avoided or non-existent, thereby rendering studies on labour disputes irrelevant.

3.4.1.2 Pluralistic Theoretical Perspective

Pluralistic perspective was developed by John R. Commons in United States of America in 1957 (Commons, 1957). With pluralistic perspective, the organization is perceived as being made up of two powerful and divergent subgroups, which are the management and trade unions. According to this perspective, conflicts of interest and disagreements between managers and workers over the distribution of profits are normal and acceptable events. As a result of this view, the role of management should not be more on enforcing and controlling but rather on persuasion and coordination. Trade unions, according to this perspective, are deemed as legitimate representatives of employees to the effect that workplace conflicts are dealt by collective bargaining. Proponents of this perspective recommend that the two divergent parties should therefore anticipate and resolve their disagreements by adopting agreed procedures (collective bargaining agreements) for settling disputes (Budd, et al., 2004).

The existence of industrial relations policies such as dispute resolution procedures, the trade union-management negotiated collective agreements and specialized personnel such as the human resource officers in the organizations as well as the independent external arbitrators used to assist in the resolution of disputes are all constituted as key implications of the pluralistic

perspective of industrial relations. Therefore with pluralistic theoretical perspective, unlike the unitaristic theoretical perspective, labour disputes at a workplace would not be totally avoided as they are inevitable.

3.4.1.3 Radicalistic (Marxist) Theoretical Perspective

Radicalistic theoretical perspective was developed by Hyman. It borrowed heavily from Karl Marx's theory of capitalism. This is why radicalistic perspective is also called Marxist theoretical perspective. The radicalistic theoretical perspective looks at industrial relations from a societal perspective. It views industrial relations as a sub-component of the wider capitalistic society.

The basic assumption of this perspective is that industrial relations under capitalism are an everlasting and unavoidable source of conflict. In other words, the perspective holds that the capitalistic type of industrial relations is the cause of the workplace conflicts. This radicalistic perspective, using Marxist approach, views industrial disputes as a class struggle and industrial relations as a political concept that is an element of the class struggle. In this regard, Karl Marx noted that the understanding of industrial relations requires an understanding of the capitalistic society, the social relations of production and the mechanism of capital accumulation.

With radicalistic perspective, the power relationship between the two classes, that is, the capital (employer) and the labour (employees/workers) is the critical point of industrial relations. Both classes struggle hard to consolidate their respective positions so that they can have a greater leverage over the other in the process of collective bargaining.

The proponents of this approach perceive that employers can survive longer without labour and that the employees, on the other hand, cannot survive longer without work (Hameed, 1982).

According to this perspective, the compensation (labour cost) payable to the employees is an outcome of the power struggle. This is true in the context that while the employers seek to maximize their profits by paying less labour costs to the employees, the workers resist such attempts. It is this resistance that results into industrial conflicts, the workplace labour disputes.

Note that both the pluralistic and radicalistic perspectives recognize the existence of workplace conflicts. However, the two perspectives differ in their views regarding the settlement of the conflicts. Pluralistic perspective, because of its assumption on the balance of power between the two disputing parties – the employer and employees, believes in the effective settlement of labour disputes through use of collective bargaining. On the other hand, radicalistic, with its view that industrial disputes/conflicts are a class struggle, believes in the settlement of disputes with intervention of third parties such as the civil society organizations (CSOs) and/or the State. The thinking of radicalistic perspective that the workplace industrial relations is an outcome/product of industrial conflict constitutes as one weakness of the perspective and thus criticized on the same basis.

In summary, this study therefore uses the theoretical perspectives of industrial relations to explain developments of the industrial/employment relationships in the African developing economies and Malawi in particular. These developments are the foundational basis of all the nature and characteristics of labour disputes that are currently taking an increasing trend in various companies. Such theoretical perspectives also help to explain why some labour disputes' causes are more crucial as compared to others. The study also uses theories and models of labour disputes' impacts.

3.4.2 Theories of Labour Disputes and Wages

3.4.2.1 Hicks' Theory of Labour Disputes and Wages

John R. Hicks, an economist, developed a theoretical model in 1932 that explains the determination of wages through labour disputes (Hicks, 1963). Hicks, in his model, visualized the horizontal axis that represents the expected length of a strike and the vertical axis that represents the wage rates/levels on the plain. He imagined a drawing of two curves, one the employer's concession schedule/curve and the other one the trade union's resistance schedule/curve.

According to Hicks, the present wage rate would be determined at the intersection point of the two curves. Hicks explained that the employer's ability of endurance (leave strike to continue) will be determined according to the wage rate demanded by the workers. This implied that the employer's concession curve will rise with the expected length of strike meaning that the higher the demanded wage rate goes up, the longer the employer's endurance to the strike.

On the other hand, Hicks explained that, while workers would require higher wage rates, they are also mindful that strike would equally cause damage on them in terms of loss of wages during the times of strike. As a result, workers will also not want to go on strike so long as their employer accepts their request at a relatively high level of wage rate. Hicks, however, observed that when the employer's attitude is not so very friendly, the strike period will be longer, thereby making the trade union's resistance schedule/curve to decline with the increasing length of time. This implies that Hicks model is significant to explain or estimate the expected time it can take for the strike to be called off (for labour dispute to be settled) in addition to helping negotiators to come up with realistic or meaning wage proposals and counter-proposals that would help them reach a compromise leading to the settlement of their disputes. The model would also help

parties prevent the occurrence of labour dispute between them having prior knowledge on the consequences of unrealistic demands and of prolonged strikes.

According to Hicks, the wage an employer will accept to pay rather than submit to a strike of a given length will depend on the relative costs of concession and resistance and that anything that raises the cost of strike to him will raise the wage rate he would be prepared to pay. On the other hand, Hicks stated that anything that raises the cost of paying a given wage will lower the wage obtainable.

Hicks noted that the employer can facilitate the effective settlement of labour dispute (conclude negotiations effectively) by adjusting or avoiding costs (strike direct costs – unearned profits and/or uncovered working capital); indirect losses through contract breaking with suppliers or customer disappointments; and also avoiding effectiveness of trade union action to bring about stoppage of employer's business. This is because once employer's action allows these costs to increase, then the wage rate that the trade union can secure will obviously rise up. Employers can also prevent/avoid labour dispute completely if they have prior knowledge of the possible intersection points of the two curves thus would propose in advance appropriate wage rate likely to be accepted by the trade union.

It is therefore clear that Hicks' theory of labour disputes and wages is relevant in this study to help explain settlement and preventive strategies of labour disputes let alone to clarify the potential negative implications of unsettled labour disputes.

3.4.2.2 Christenson's Theory of the Offset Factor

Christenson theory of the off-set factor is one of the two theories of labour disputes' impacts. The theory states that detractive and distributive are the two forms of impacts of dispute time losses on production (Christenson, 1953). In this theory of off-set factor, the offset factor represents forces which can mitigate the impact of dispute time loses upon production. The theory holds that labour disputes, which are differences between employees and employer's management team, are the forces that influence volume of production.

For example, Christenson (1953) noted that the theory of the offset factor furnishes us with a clearer understanding of the impact of disputes' time losses upon production than has been hitherto available and that it gives precise indication of some important elements that must be examined in order to determine the full force of that impact, and so may furnish guidance for policy decisions. In this regard, Christenson's theory of off-set factor helped in the selection of variables for this study with respect to production time losses.

3.4.2.3 Hameed's Theory of Strike Cost and Government Intervention Policy

The second theory of labour disputes' impacts is the Hameed's theory of strike cost and government intervention policy (Hameed, 1971). This theory states that "any time the social and economic costs (loss of freedom of consumers and producers as well as the actual loss of production) exceed the benefits (freedom to strike, negotiated wage increases) the government must act in the interest of the total society to restore industrial peace". Proponents of this theory had observed that prolonged strikes reduce production of goods and services and jeopardise the economic freedom of the consumers.

Hameed's theory of strike cost defines a number of study variables and/or dimensions that can be used as appropriate study variables to explain the implications of labour disputes on the productivity growth and the economy. These study variables or dimensions as reported in Hameed (1971) include:

1. strike costs (social and economic costs) such as losses to producers, losses to workers, losses to consumers, loss of economic freedom of consumers, loss of economic freedom of producers or loss of freedom (social-political and emotional cost), loss of production (economic cost) and loss of earnings (discounted net benefits) to union members/employees;
2. strike benefits (social and economic benefits) such as freedom to strike/disagree, increased wages/salaries (negotiated wage increases), improved conditions and terms of employment and emotional and political benefit of a strike.

3.4.3 Dunlop's Theory of Industrial Relations and Collective Bargaining

Dunlop's theory of industrial relations system was developed mainly as an improvement on the pluralistic perspective theory. The theory was developed by J.P. Dunlop of Harvard University in 1958. Dunlop's theory considers industrial relations system as a sub-system of the wider society on the total social system (Dunlop, 1958). It views that society provides certain external influences and constraints but not as completely dominating as industrial relations. It believes that the industrial relations system is comprised of certain players, certain contexts and ideologies which together bind the industrial relations system. The actors at the place of work and work community are governed by a body of rules created within the system. The central aim of industrial relations system, according to Dunlop, is the creation of rules which bind all the players. Dunlop pointed that these actors include workers, managements and the Government.

The actors play a major part in the rule making process. This can be identified in terms of an equation as follows:

$$R = f(a, i, b), \text{ where}$$

R = industrial relations system; a = actors; i = ideology; and b = body of rules.

According to Dunlop (1958), every country industrial relations system is built through an interaction between the workers, management and Government. Each of these three plays an important role in the field of industrial relations. He observed that in any economy, there is also an ideology that is shared commonly by the Government, businessmen and workers. This ideology is defined in terms of democratic capitalism as in the USA and in UK. On the other hand, it is defined in terms of democratic socialism (state socialism) in Russia. It expected that there should be no conflicts of interests between these two sectors.

Dunlop's view of collective bargaining involves the determination of priorities within each side in the bargaining process. He advocates that a homogenous union negotiating with a homogenous management or association is erroneous. According to him a great deal of complexity of collective bargaining involves a process of compromise and assessment of priorities within each side.

Critics of the theory argue that Dunlop's view has ignored a traditional view of the Webbs thus his theory lacked appreciation by everyone. Critics hold the view that for every labour market, there are two opposing sides, the first being the wage costs incurred by the employers and the second, being the income paid to employees. It would be simple to think that they would be no conflict but the reality is different because the management may entertain a diversity of interest, which may be different to that of the employees' interest. This culture and attitude on the part of

the management may not help the collective bargaining system to come to a common goal. Therefore, it is difficult to imagine the existence of homogeneity interest on each side. The problem becomes more severe when one party's interests are divergent to the other party's. Nevertheless, Dunlop's theory recorded a standing strength, which is the creation of the framework (the rules) for integrating many diverse aspects of the field.

3.4.4 Theories of Collective Bargaining

Theories of collective bargaining aid in the settlement of labour disputes which, in this study, forms as part of labour disputes' resultant actions to explain implications of labour disputes on the workplace operations. Thus, three outlined theories of collective bargaining relevant for this study are Pigou's bargaining range theory, Hicks's theoretical bargaining model and Chamberlain's theoretical model.

3.4.4.1 Pigou's Bargaining Range Theory

This theory was propounded by Professor A.C. Pigou in 1933. The theory explains the process by which the two bargaining parties, that is, the labour union and management, establish upper and lower wage limits within which a final settlement is made. The upper limit presents the labour union's ideal wage which is demanded by the employees. This wage is above the wage rate acceptable to the management. The lower limit presents the wage rate offered by the management which is the wage offered by the employer. This wage rate is below that acceptable to the labour union. The theory involves several rounds of negotiations (proposals and counter proposals) by which labour union gradually reduces the wage demands and the employer raises the offers.

According to Pigou, each bargaining party has limits within which it will concede and that the exact point of settlement depends upon the negotiation skills and comparative strengths of the two bargaining parties. The model considers the management's and labour union's initial offers and final offers, which Pigou called the management's and labour union's "sticking points", to predict whether an agreement can be reached. This means that only if parties' concessions and/or demands fall within the tolerance (settlement range) limits of the two parties will a resolution be possible. Critics, however, argue that the theory lacked strength or mechanism in predicting the exact possible settlement wage rate as it could only show the settlement range within which the possible settlement wage rate would fall. This short fall was addressed by Hicks's theoretical bargaining model.

3.4.4.2 Hicks's Theoretical Bargaining Model

Hicks' theoretical bargaining model focuses on two variables, which are the length of work stoppages and the costs/benefits of work stoppages. Hicks proposed that trade union leaders and management representatives when negotiating balance the costs and benefits of a work stoppage when making concessions on the bargaining table. This balance enables each party to make concessions (to concede) in order to avoid work stoppage that could be costly to either of the two through loss of production outputs (on employer) and loss of wages (on employees). The central idea in this theoretical model, according to Hicks, is that there is a functional relationship between the wage that either of the party will accept and the length of the strike that would be necessary to establish that particular wage. In other words, Hicks' central idea implies that the wage rate to be accepted by either party seems to be dependent on the length of work stoppages (strike length). This means that the wage rate is a function of the time it takes for the strike to last.

Note that Hicks' theoretical model is similar in most aspects with that of Pigou's bargaining range theory. The only notable difference, however, is that, Hicks' theoretical model pinpoints precise wage settlements (wage rates) while Pigou's range theory does not precisely show wage settlement rates but that it just shows, instead, the wage settlement range. This difference was noted as a positive improvement on part of Hicks' theoretical model over that of Pigou's theory.

3.4.4.3 Chamberlain's Theoretical Model

This theoretical model of collective bargaining was conceived by Neil W. Chamberlain hence the name chamberlain model. The model, according to Chamberlain, "focuses on the determinants of bargaining power and the ways in which changes in these determinants lead to settlement in the majority of the collective bargaining situations". In this case, chamberlain defines power as "the ability to secure opponents agreement to your terms". He therefore pointed out that a trade union bargaining power can be defined as the management willingness to agree to the trade union terms or demands.

In terms of what determines the willingness (or unwillingness) of management to agree to the trade union terms/demands, Chamberlain identified cost variable as one major key determinant. He thus stated that the willingness or unwillingness to agree or disagree depends upon how costly disagreeing will be relative to how costly agreeing will be. In other words, Chamberlain model can be described as a proposition where the bargaining power of a trade union is the quotient of the management's perceived cost of disagreeing with the trade union's demands and the management perceived cost of agreeing with the trade union's demands. In this theoretical model, Chamberlain (1951: 222) outlined three possibilities available for the bargaining parties with regard to their negotiation outcomes as follows:

1. If agreement is reached, it must be on terms, which for all the parties concerned represent a cost of agreement equal to or less than a cost of disagreement.
2. If disagreement persists, it must be because of terms which for both (that is, at least two) of the parties concerned represent a cost of disagreement equal to or less than a cost of agreement.
3. Bargaining power for any party may be increased by anything which lowers the relative cost of agreement to the other party or raises the relative cost of disagreement.

This means that if either party judge that it is more costly to disagree than to agree, the party will choose to agree. On the other hand, if however, either of the parties estimates that it is more costly to agree than to disagree, the party will choose to disagree and, thereby reject the other party's terms.

3.4.5 Theories of Trade Unions

3.4.5.1 The Marxist Classical Theory of Trade Unions

The Marxist classical theory of trade unions was founded by the economist, Karl Marx (Hameed, 1985). The theory is based on the concept of class struggle between the capitalist class comprising of the capitalist employers and the working class comprising of the workers. This theory stipulates that workers are exploited by the employers in order to make more profits. This is to say that employers' objective is to realize huge profits on the expense of labour provided by the workers.

Karl Marx, because of the exploitation, had thought that labour organizations [trade unions' organizations] are the instruments of the working class to struggle against the cruelty of the capitalists. He therefore held the view that the birth of trade unions was possible due to the

emergence of the working class or proletariat with an objective to protect workers from being subjected to capitalist injustices such as unemployment, low wages and long working hours, among others. As a result, workers became united in form of trade unions with a common objective to secure more wages and to resist employers' exploitation (Webb, 1956; Webb, 1965; Farnham, & Pimlott, 1995). This theory is instrumental to understand the nature and causes of labour disputes.

3.4.5.2 The Consumptionist versus Productionist Theory of Trade Unions

This theory was related to the developing economies like those of Asian and African countries among others. The theory provided the emphasis that workers' organizations should strive more to increase the productivity and sacrifice their immediate consumption and that they should give more of their resources and energies to the interests of the country other than to wage earnings.

According to the proponents of this theory, unions were suggested to help in increasing the production while being reasonable enough in pushing the interests of their members. These proponents from developing countries are concerned about production rather than distribution to the extent that authors like Ashok Mehta, for example, suggested that trade unions should:

1. educate members to give up [ignore] their spending thrift habits (exorbitant expenditures);
2. encourage small savings amongst workers;
3. increase productivity through propaganda;
4. settle disputes through legal means; and
5. induce workers to take part in social security and provident fund schemes.

Note that this theory is potential to explain the occurrence, prevention and settlement of workplace labour disputes. The underlying assumptions for trade unions and their workers to increase workplace productivities on the expense of their consumption preferences coupled with

the assumption of investing more of their labour resource and/or energies for the country benefit through the minimization of wage earnings implies that:

- workers would be in total support of the employer's objective to increase productivity with less production costs;
- that workers would have less income associated problems as a result of their purported savings and reduced or controlled consumption preferences.

The resultant effect of such behaviours would be elimination or minimization of conflict at the workplace which emanates into labour dispute. In addition, the encouragement for workers or trade unions to settle disputes through legal means entails that most workplace labour disputes would be effectively resolved before resulting into strike or lockout actions that are reported to be destructive to the workplace productivity and to the country economic growth as a whole. This is because labour dispute settlement procedures and mechanisms/methods are structured with an objective to provide for possible effective resolution of labour disputes while avoiding the likely negative tensions between the labour disputants.

The consumptionist-productionist theory has, however, been criticized by authors like Kassalow (1968) and others in several ways. First, the critics argue that in the early years of industrialisation, consumption need not necessarily be restricted in order to boost up domestic savings. This is because consumption preferences, according to Samuelson (1995), have potential to improve the living standard of workers which is positive towards economic growth.

Second, the critics argue that higher wages often act as an incentive and motivate workers to increase productivity although it may not be true in all cases as productivity may be influenced by many other factors such as employee's scale, qualification, experience, ability to guide,

working conditions of machines and group leadership other than wage increase alone. Third, in the case of under-developed countries, the volume of production is already low and thus it is premature to quarrel over distribution by trade unions. Lastly, labour constitutes only a small percentage of the total population and hence there is the unlikely possibility that their consumption would in any significant manner increase the general consumption level of the economy as a whole.

3.4.6 The Theoretical Model of Labour Productivity and National Development

The theoretical model of labour productivity and national development is a suitable model to study labour disputes and production. Labour disputes and production concerns the application of labour productivity and national development, that is, application of labour productivity and national development model.

Productivity can be defined as output per unit of input in a production process (Kasim, 2016) or it is the relationship between the quantity of output and the quantity of input used to generate that output (Sang, 2017). Labour productivity is concerned with the amount (volume) of output that is obtained from each employee. The Nigerian Employers Consultative Association (NECA, 1991 cited in Kasim, 2016) observed that it is more common in productivity studies to see emphasis placed on labour productivity. This is because, according to Kasim (2016), labour productivity, unlike other existing productivity factors like capital and land, is the type of productivity that affects directly the purchasing power of the population since:

$$\text{National Productivity} = \frac{\text{Gross National Product}}{\text{Working Population}}$$

This is a theoretical model of labour productivity and national development. From this model, any factor that can hinder the gross national product (the numerator) holding the working population constant will definitely hinder the national productivity. Kasim (2016) stated that an industrial action is one of the negative factors to reduce the national productivity or at least to hinder the achievement of planned economic growth. Industrial actions emanate from labour disputes leading to work stoppages (strikes/lockouts) and making the economy to lose labour productivity in form of man-days lost. This model is important for this study as it helps to appreciate how labour disputes with potential to reduce production outputs can in the long run lead into the lowering of national productivity.

The next chapter section presents empirical studies on labour disputes and their implications.

3.5 Empirical Studies on Labour Disputes and their Implications

As indicated in this chapter introduction, this chapter section, first, covers review of literature on past studies conducted with respect to nature, kinds and characteristics of labour disputes followed by studies on labour disputes' impacts and/or implications. Thereafter, the section presents the research gap.

3.5.1 Nature, Types and Characteristics of Labour Disputes

There are two broad divisions of labour disputes. These are individual and collective labour disputes. ILO (2013) defines an individual labour dispute as a disagreement between a single worker and his or her employer, usually over existing rights. It can also include situations in which a number of workers disagree with their employer over the same issue, but where each worker acts as an individual. On the other hand, collective labour dispute is defined as a disagreement between a group of workers usually, but not necessarily, represented by a trade union, and an employer or group of employers over existing rights or future interests. The fact that the disagreement in a labour dispute could be over existing rights or future interests, entails that labour disputes can be further grouped into rights labour disputes and interests labour disputes.

A rights labour dispute is a disagreement between a worker or workers and their employer concerning the violation of an existing entitlement embodied in the law, a collective agreement, or under a contract of employment (ILO, 2013). Rights labour disputes mostly involve claims by employees regarding alleged violation of their work entitlements such as wages, overtime payments, holidays, and the working environment. These work entitlements are all workplace rights that are provided for within the country's existing labour laws as well as in parties' employment contract agreements. It must be noted that rights disputes can be either individual or

collective labour disputes. An interest labour dispute is a disagreement between workers and their employer concerning future rights and obligations under the employment contract (ILO, 2013). Practically, most interest labour disputes are a result of the breakdown in the bargaining process with parties failing to reach an agreement on the terms and conditions of employment that will apply in future. In this regard, interest labour disputes are generally collective in nature as compared to being individual in nature.

Okene & Emejuru (2015) state that disputes of interests relate to the establishment and creation of a new right by reconciling conflicting economic interests, [whereas] disputes of rights deal with the application and interpretation of the existing legal rights. Okene & Emejuru described interests and rights labour disputes as “phase one disputes” and “phase two disputes” respectively. They further argued that generally strikes should therefore be accepted as legitimate and lawful in the phase one disputes [where rights have not yet been established/created], but that they should not be legitimate in the phase two disputes [where legal rights for interpretation exist]. On the other hand, they noted that the court or tribunals power of adjudication would effectively be limited to rights disputes only.

Many jurisdictions (countries) describe these two distinctive nature of labour disputes using different terminologies. For instance, in Italy, interests labour disputes (phase one disputes) are called economic labour disputes, whereas rights labour disputes (phase two disputes) are called legal labour disputes (Ricci, 1978 cited in Okene & Emejuru, 2015:136). Furthermore, Marley & Weiss (2000) described disputes over interests as “major disputes”, while disputes over rights as “minor disputes”.

Okene & Emejuru (2015) summed up that the rationale for the distinction is that a dispute of interests would be settled by collective bargaining, which would involve the right to strike, and would result in an agreement between the parties which would thereafter determine some disputed conditions and terms of employment. It is this agreement that would be legally enforceable and would therefore create rights for the parties.

The distinction also shows that strike is used to create rights and not necessarily to enforce existing rights, although disputes of rights may also be settled by strikes (Birk, 1990 cited in Okene & Emejuru, 2015:137).

Characteristics of labour disputes refer to describing labour disputes according to their prescribed legal entitlements. Unlike the nature and types of labour disputes, characteristics of labour disputes are relative to specific country legal environments. They are described in terms of labour laws of a particular country with respect to the nature and types of labour disputes (Okene & Emejuru, 2015). For instance, Shen (2008) reported several forms of labour disputes, based on characteristic descriptions, occurring in Chinese workplaces which include: delayed or non-wage payment disputes, wage underpayment disputes, non-overtime wage payment disputes, dismissals, as well as labour disputes on violation of working conditions such as hours of work, leave, rest etc. Studies on labour disputes characteristics have been conducted extensively in China and other parts of the World (Shen, 2008). However, there have been little of such studies being conducted in most of the Sub-Saharan African countries including Malawi (Fashoyin, 1998). Furthermore, none of the few conducted studies have covered labour disputes in the mining sector, particularly the coal mining sector with greater frequency of number of labour disputes occurring due to the sector being labour intensive as compared to merchandised operating sectors.

Xinyi & Dangui (2017) conducted a study on pattern of labour disputes in the manufacturing industry of Yangtze River Delta Region in China. The study covered variables such as nature of labour disputes, category of industry (light or heavy), ownership of industry companies (foreign or local), forms of labour (intensive or extensive) and workers' interests. The study found that it is collective labour disputes that occur mostly in the light industry; in the private enterprises; in the large-scale enterprises; in manufacturing establishments with abnormal production changes and that the disputes are mostly of economic requests by employees.

Note that light industry implies that there is less mechanization in the industry and hence more employees are used as compared to use of machines driven by just few employees. Abnormal production changes are associated with workplaces that have no proper laid down production procedures. Similarly they have no proper mechanisms for management of labour disputes. Employees usually tend to fight collectively for their economic rights thus collective labour disputes are mostly of economic requests by employees.

Gerasimova (2017) conducted a study on collective labour disputes and strikes in Russia to check the impact of court decisions on the enforcement of legislation on resolution of collective labour disputes and strikes. The study reported that in recent years the number of labour disputes in Russia increased significantly compared to previous years and that the number of legally constituted collective labour disputes and strikes, however, remained very low. Furthermore, the study revealed that legislation on resolution of collective labour disputes and mounting strikes is quite restrictive in Russia with its enforcement encouraging employees to seek alternative ways to settle collective labour disputes. The paper concluded that courts act as another restrictive influence on resolution of collective labour disputes and on exercise of the right to strike.

This study shows that legally declared strikes in Russia are few as compared to illegal strikes a situation that is similar to that of many countries including Malawi. This is usually the case due to restrictive and/or complicated labour laws (strike procedures) that result into disgruntled workers by-passing the procedures. But why should strike law procedures be so restrictive, any justification for that? Strike is a workers' right that is very destructive and is associated with huge negative impacts on the workplace operations let alone on the overall economy of the country. As a result there is need for the strikers to be vested with great responsibilities associated with strike right so that only the justified strikes can be staged.

Petrylaite & Petrylaite (2015) examined labour disputes' cases arising from individual and collective labour disputes in Lithuania to understand alternative disputes settlement process based on application of country existing labour laws. The study found that collective labour disputes cases take longer to be settled than the individual labour disputes.

Green (1998) examined 294 labour disputes in London between 1790 and 1870. He classified disputes by type, cause and trade. He found that wage claims were the main dispute cause and that most of them were labour dispute strikes. The study also found that the most serious disputes were associated with significant changes in control over employment and the labour process.

Aligisakis (1997) observed that Western Europe had experienced a marked fall in labour disputes over the last 20 years and wanted to find out whether such development was also true everywhere else. The author used indicators of the strike rate, rate of days lost, strikers' mobilization and determination, among other variables to address the study objective. The study found that labour disputes had indeed declined in number, but not in intensity. He noted that one

can anticipate that disputes will occur more rarely, but be tougher and more difficult for trade unions and political authorities to manage.

Kim (1993) conducted a study on the analysis of labour disputes in Korea and Japan. He found that labour disputes in countries with under-institutionalized industrial relations (Korea and pre-1955 Japan) coincided with social and political crises and that under a well institutionalized industrial relations setting, for example Japan after 1955, levels of unemployment and changes in consumer prices are important predictors of strike activity.

Chris (2006) conducted a study in Australia and reported some of the major changes in the contours of labour disputes, which include the re-emergence of employer lockouts, the growth in disputes over union recognition and the type of workplace agreement and the use of other forms of dispute resolution such as private mediators and the common law courts.

Hale (2007) analysed three main measures of labour disputes – working days lost, stoppages and workers involved – by industry, region, cause, size and duration. The study considered estimates of working days lost per 1,000 employees and working time lost through strikes as a proportion of time actually worked. The study used data taken from a number of sources, including regular centralised returns from some industries and public bodies, as well as directly from the employer or trade union involved after the office for National Statistics has been notified of a dispute from press reports. The study found that 754,500 working days were lost in the United Kingdom from 158 stoppages of work arising from labour disputes in 2006.

Asiyai (2008) conducted a study to investigate the perceived impacts of trade union disputes (labour disputes) on the university system in Nigeria. He used a sample of 700 respondents from

12 universities in the southern geopolitical zone. The study reported instances of closures of universities, unstable academic calendar, loss of sessions, brain drain and poor quality of graduates as strongest perceived impacts with uncertainty on terminal points of a programme and drop in productivity and academic rustiness on students and staff as the least perceived impacts of trade union disputes on the university system.

Kecici & Sema (2016) conducted a study on forms and causes of labour disputes. They reported that labour disputes can be small or large, individual or collective, refer to a particular job or lie in more than one enterprise. They also reported that causes of these disputes are numerous and diverse, ranging from a simple appeal of one individual employee for the right of compensation; in a collective complaint of the employees about the unsafe or unhealthy conditions of work; or termination of work by all employees in a workplace, claiming that they are prevented from setting up a union to protect their interests. The study also reported that organizations of employees are important actors of collective conflict resolution procedures of labour relations, and particularly those held in the offices of conciliations.

Zhuang (2015) conducted a study in China and reported that the transformation of economy and the reform of the labour system since the 1980s led into occurrence of a large number of collective labour disputes. The study used provincial-level panel data from 1999 to 2011 and quantitative analysis. The study found that in the transition years, the Chinese state actively strengthened various mechanisms to mediate labour disputes which effectively and significantly reduced the scale of the collective interests labour disputes but not the frequency of their occurrence. The study also reported some difficulties in the settlement of rights labour disputes as compared to interests labour disputes.

Okene & Emejuru (2015: 136-137) summed up that the rationale for the distinction in settling interests and rights labour disputes is that a dispute of interests would be settled by collective bargaining, which would involve the right to strike, and would result in an agreement between the parties which would thereafter determine some disputed conditions and terms of employment. [It is this] agreement that would be legally enforceable and would [therefore] create rights for the parties.

Labour problems (disputes) are heterogeneous and dynamic in nature and that there is no definite solution that can be applied in resolving the labour disputes, although laws and employment conditions prescribe solutions for labour disputes resolution. Labour disputes are complex in nature. This is partly because, the expectations of the labour/workers from the capital/employers (which are subject to disputes) are ever increasing and differ from society to society, country to country and time to time and depend on socio-economic and political wave present in a particular region with unique sets of laws.

3.5.2 Studies on Labour Disputes' Impacts and/or Implications

A number of studies have been conducted on labour disputes' impacts. Most of these studies have approached labour disputes' impact studies by examining strikes and/or lockouts costs and effects on productivity and economy (Christenson, 1953; Chamberlain & Schilling, 1954; Seidman, 1954; Knowles, 1955; Hameed, 1971; Stevens, 1972; Perry, 1978; Imberman, 1979; Gandz, DuMont, & Lord, 1980; Neumann, 1980; Becker & Olson, 1986; Davidson, Worrell & Garrison, 1988; Lam, Norsworthy & Zabala, 1991; Tcha, 1998; Cooke, 2008; Ge & Lopez, 2015; and Kasim, 2016). The studies have used variables and/or dimensions such as strike cost categories, strike benefits, number of working or man days lost, frequency of labour disputes, losses to producers and workers, social and economic costs, social and economic benefits, loss

of production and loss of economic freedom for producers and consumers. These study variables are supported as appropriate study variables for labour disputes' impact studies by theories of labour disputes' impacts on productivity and economy (Christenson, 1953; Hameed, 1971). The following paragraphs briefly summarise some of the labour disputes' impact studies.

Christenson (1953) used regression and correlation analysis methods in a study to develop a theory of the impact of disputes on production in the bituminous coal industry whose applicability may be generalizable to other industries. Christenson disputed the claim that dispute time losses in the coal industry produce some kind of an equivalent fall in output as he found out (in his study) that greater dispute time losses after 1942 were accompanied by output from the coal mines exceeding that of all previous records. As a result, Christenson (1953:520) noted as a common understanding that "when coal miners work, they produce coal and when they walk out or are locked out, they don't mine coal and therefore output falls by the amount that would have been produced if the men had remained at work". Christenson, however, argued that this common understanding is just less than 50 % true. Using the variable of dispute time losses in his study, Christenson concluded that the full effect of dispute time losses on production volume is by no means simple, nor is it uniform for all industries. He further stated that in considering the impact of any dispute time loss it is necessary to observe the character of the product as well as the nature of the production process, and more specifically the importance of labour to current output. He then developed the theory of the offset factor to explain the actual record of the relation between disputes time losses and production. The theory states that detractive and distributive are the two forms of impacts of dispute time losses on production. The theory uses separation and differentiation elements /factors to separate time losses occurring during periods of shrinking demand from those taking place when consumer demand requirements are either

maintained or are expanding, and to differentiate the mere distributive impact of time losses from that which is really detractive.

Chamberlain & Schilling (1954) conducted a study on impact of strikes and their social and economic costs. They concluded that some strikes are serious, not because they withhold final products from consumers, but because they deprive employees in related industries of employment income. Chamberlain & Schilling developed a comprehensive rating scheme for measuring the impact of a given strike on the public. They approached their study by taking into account of the cultural necessity of the product, the period of time that existing stocks will last, and the extent to which other products can be substituted from all of which an urgency rating is derived; and this in turn, in combination with the number of persons affected, yields a score for the strike.

Knowles (1955), however, criticized Chamberlain that: estimating the cost of strikes, as of other kinds of warfare, is a tantalizing problem as the relevant statistics are easily not available; and that people are affected in varying degrees. Florence Peterson of the USA Bureau of Labour Statistics in 1937, wrote that "an estimate of the cost of individual strikes or the cost of all strikes in a given period is misleading as well as inaccurate"; and more recently the Bureau has described the making of such estimates as an "impossible job" (Knowles, 1955: 221). Similarly, Hameed (1971) also criticised Chamberlain's & Schilling's studies by stating that although their empirical studies were useful and relevant for public policy decisions but they do not, however, develop a theoretical framework for using strike costs as criteria in government intervention policy in labour disputes.

Stevens (1972) studied on effective measures of strike costs and concluded that in the private sector, the expected cost of strike can be best measured in terms of its impacts on profits because of presence of the market logic. He explained that normally, in the private sector, the process of collective bargaining, backed by the threat of strike, has certain market logic: “If the employer complies with the employees' demands, profits will be reduced”. Whereas, for the public sector cost of strike can be best measured in terms of political implications and consequences for agency management since strike threats in public sector have no or follow no any market logic (Stevens, 1972: 400).

Imberman (1979) on his study to investigate strike activity costs divided strike costs into three categories. First, prestrike costs that include productivity lost because employees are disgruntled and revenues lost because customers faced with the likelihood of a strike diversify their suppliers (look for alternative suppliers). Second, strike costs that include profits lost because of a decline in revenue and executive time lost when executives attempt to operate a firm by themselves. Third, long-term strike costs, which include: lost employees, post strike overtime, and potentially permanent loss of customers. Gandz, DuMont, & Lord (1980) recommended Imberman’s used strike cost categories as appropriate and pointed out some additional strike costs that include the costs of prestrike inventory build-ups, shut-downs and start-ups, sabotage, negotiating, and training strike breakers. Gandz et al. (1980), however, observed that not all of those costs can be measured, so the exact cost of a particular strike or of strikes in general, cannot be precisely determined.

Further empirical studies on effects of strikes showed that strike starts were associated with negative returns, whereas strike conclusions were associated with positive returns (Neumann, 1980) and that companies settling labour disputes before strikes occurred had little prestrike

reaction (Becker & Olson, 1986). Davidson, Worrell & Garrison (1988) confirmed Neumann's findings and explained further that "the start of a strike is a signal to the stock market that future earnings may be impaired; that the signal may be associated with negative stock returns and that when a strike is over it may be a signal to the stock market that the period of strike-induced impairment of earnings is over, so positive returns should be associated with the conclusion of a strike".

Enderwick (1982) argued by citing Turkington (1976) and Napples (1979) that there are considerable difficulties involved in estimation of strike costs as a measure to ascertain impacts of strike labour dispute. The major deficiency of this measure according to Enderwick is that it fails to take any account of the indirect costs of a stoppage. Enderwick further noted that the major sources of difficulty include identification and quantification of indirect and intangible costs and the differential effects of stoppages according to duration, extent, timing and location. This is because the majority of estimates concentrate on readily available measures such as working days lost or estimates of production foregone, in which case all cost estimates are restricted to cover only those directly involved. He, however, stated that despite these difficulties, the number of working days lost provides the most widely used measure of strike costs.

Shimada (1982) found that Japanese labour turnover is quite high, and [whereas] Levine and Koji (1980) [had] argued that some part of turnover results from latent industrial conflict/labour dispute (as cited in Lam, et al. 1991: 419). This is a form of labour disputes' implications with regard to the workplace function/operation of employment relations management.

Davidson, Worrell & Garrison (1988) extended Neumann's study to examine the relationship between strike costs and strike lengths. Their formulated study hypothesis: "long strikes will

have a greater effect on firms' cash flows than short strikes thereby making the total negative effect of strikes to be larger [more costly] when strikes are lengthy” was supported.

Lam, Norsworthy & Zabala (1991) established that worker attitudes affect not only labour productivity but also the productivity of other input factors. These authors observed that there is scope for the worker to manifest dissatisfaction in various forms of low-grade sabotage which may take the form of breakage (increasing material costs), letting machines break down through inattention, omitted adjustment or maintenance (increasing maintenance and/or materials costs), and absenteeism (increasing labour costs). Lam et al. (1991) further stated that, there is little reason to doubt that dissatisfaction or alienation will generally give rise to more of it, resulting in higher costs and possibly a reduction in the quality of output.

Tcha (1998) conducted a study to test a model used to analyze the effect of labour disputes on Korea's Direct Foreign Investment (DFI) in the selected Korean's regions. He used three different measures of labour disputes: the number of working days lost because of labour disputes, the frequency of labour disputes, and the number of working days lost per labour dispute per annum. The study found that labour disputes have substantial explanatory power for Korea's DFI in Asia as well as North America, at least for the limited period since Korea's extraordinary explosion of labour disputes in 1987. His study also found that militant labour disputes led to rapid increases in wages and uncertainty in production. The study concluded that the effect of labour disputes is the increased wages that leads into increased wage labour costs for the firm and also is the increased fringe benefits and improved conditions of employment that lead into increase in non-wage labour costs.

Akingbola (2004) conducted a study to examine dimension of work stoppages in Social Economy Organisations (SEOs) in Ontario and to establish causes and implications of work stoppages for clients, employees, and community. He found that small organizations are more prone to labour disputes due to wages and conditions of service factors and that, either due to the small size, limited resources or the specialized nature of the services, the SEOs could not possibly mitigate the impact of the labour disputes. Finally, Akingbola reported that work stoppages affect the primary stakeholders - the organization, clients, employees and the community in the short term. He however observed that the outcome of many of the labour disputes suggest that one could argue that they are as short term pains for long-term gains.

Labour dispute resolution is currently gaining more and more attention worldwide because of two factors according to Baffi (2007). First, it is because of the cost of labour conflict/dispute, which is increasing. Second, it is because of the increasing impact of labour conflict/dispute on production. This entire rise in the labour dispute resolution is acknowledging the fact that labour disputes have negative impacts, which therefore have to be avoided through dispute resolution.

Woodhams et al. (2007) conducted their study in New Zealand that focused on analyzing the economic costs to employers and the social costs to employees arising because of labour disputes (employment relationship problems). The survey cost variables analysed included: labour disputes investigation, legal representation or advice and litigation proceedings costs; staff replacement costs as well as costs associated with the lost staff, production and management time. In their study, Woodhams et al. (2007: 3) found that:

1. The median direct cost of all the analysed cost variables in the survey was about \$5000, of which \$2800 represented payouts to employees, whereas the remainder included legal

representation/advice, investigation costs and any replacement staff costs used to cover for participants (employees) in the disputes.

2. The total direct costs for all the surveyed employers [was] around \$214 million for the 12 month period, the cost total amount that represents 0.6 % of the private sector wages and salaries for one year.
3. The lowest disputes settlement costs rose where the settlement process took place entirely in-house with neither the employer nor the employees having representation.
4. The disputes settlement costs increased with the labour disputes settlement process progressing through the hierarchy of disputes resolution levels of workplace mediation, conciliation and litigation.

Woodhams et al. (2007) observed that there are several ways of measuring the overall cost and benefit of employment relationship problems (ERPs) to the economy and society as a whole. None of these methods is perfect and many costs and benefits can only be estimated. Woodhams and others suggested that the net direct financial costs of ERPs can be defined as the total amount that employers and employees or their representatives spend on investigating, negotiating and resolving problems, including: legal or similar costs; meeting costs; replacement of staff to carry out the duties of staff under suspension or stress/sick leave during the course of an employment relationship problem.

Woodhams and others recommended the need for further studies on the phenomenon of labour disputes that should survey employees to develop a fuller understanding of the economic costs they face; carry out more intensive research into the qualitative impacts of labour disputes on employers and other workplace staff.

Ngoc-Dien (2012) observed that in labour relations, conflict between personal capacity, labour productivity, wage income and the owner's interests is constantly increasing, bringing negative impact on labour relations; and that to overcome the shortcomings mentioned above, Vietnam issued a number of policies and laws to regulate and manage the social relations in the field of labour especially labour relations.

Bhorat, Jacobs & Van Der Westhuizen, (2013) conducted a study to find out whether or not industrial disputes reduce employment. They used least-square model to predict the impact of differentially measured indices of industrial disputes on time and regional variation in employment levels in South Africa. Their study reported that an increase in industrial disputes, measured both in the number of industrial dispute cases brought to the Commission for Conciliation, Mediation and Arbitration (CCMA) and in the efficiency levels of such dispute conciliation body, decreases regional-level employment in the South African labour market. This concerns labour disputes' impacts in relation to employment relationship.

Ge & Lopez (2015) conducted a study on labour disputes and worker productivity and found that labour outcomes may not be affected under lockouts and that consumer welfare may not suffer as much after a lockout compared to a strike. Ge & Lopez (2015) noted that much of the previous literature on labour disputes and productivity considers strikes instead of lockouts.

Williams (2017) examined the economic impact of industrial action activities in South Africa with reference to mining and manufacturing industries. Using static and econometric analyses, Williams reported high total value of production foregone due to strikes, high number of strike incidences, high number of workers involved in strikes, high total work hours lost due to strikes

especially in the mining industry, high number of work days lost due to strikes and high dispute time lost. In respect of these findings, Williams concluded that wages, bonus and other compensation were the primary reasons for strikes that made most employees participate in strikes to demand greater salary increases in order to meet their socioeconomic necessities and that strikes do involve economic cost, which is high for the mining industry in South Africa. It is therefore clear from Williams' noted findings that the degree of strike damage on the workplace productivity is very high for almost every outcome variable involved.

3.5.3 The Research Gap

A synthesis of reviewed literature on the nature and types of labour disputes leads into four classifications of labour disputes namely: individual interests labour disputes; individual rights labour disputes; collective interests labour disputes and collective rights labour disputes. The reviewed literature also indicates that it is mainly collective interests' labour disputes, and not the collective rights labour disputes together with the other two, that can legally justify the action of strikes or lockouts because neither party to the collective rights labour disputes is by law permitted to stage a strike or lockout (Okene & Emejuru, 2015). It has also been noted that it is undisputable fact that any kind of labour dispute once left unresolved has potential to result into some actions that may be destructive at the workplace.

Most reviewed studies on labour disputes' impacts used the approach of investigating strike/lockout costs to show impacts of labour disputes on productivity and economy (Chamberlain & Schilling, 1954; Knowles, 1955; Hameed, 1971). There is no any study on labour disputes' impacts that widened the coverage scope to include the resultant actions of other types of labour disputes apart from strikes/lockouts actions to assess disputes' impacts on the workplace production. The facts that every kind of labour dispute has potential to affect the

workplace operations and that only the strikes/lockouts as actions resulting from collective interests' labour disputes have been extensively studied suggest that studies on labour disputes' impacts are inadequate in terms of: (1) coverage with respect to types of labour disputes, (2) coverage with respect to the disputes' resulting actions. In addition, assessments of these conducted studies have only been limited to production loss related variables excluding labour disputes settlement cost and employment relationship loss related variables.

The exclusion of individual interests labour disputes; individual rights labour disputes in the earlier studies was based on previous research findings that strikes are very detrimental labour disputes [actions] with huge impacts on production as compared to other forms of labour disputes (Knowles, 1955). It was also based on the assumption that they (the excluded dispute types) do not result into strikes or lockouts. The assumption is however disproved by empirical evidence on strikes that shows both the collective rights and interests labour disputes resulting into strikes and lockouts (Okene & Emejuru, 2015).

Note that individual interests labour disputes and/or individual rights labour disputes lead into disputes' resultant actions such as workplace discipline and labour dispute settlement (both at dispute conciliation commission offices or labour offices and court level). In addition, theories on labour disputes' impacts on production and economy are inclusively and generally defined. They do not only cover strike related variables/dimensions but also extend their general explanations to cover all variables that may be associated with labour disputes' impacts (Christenson, 1953; Hameed, 1971).

Further, it has also been observed that while every study on labour disputes' impacts on workplace production indicates strike as very detrimental labour dispute with huge impacts on

production as compared to other forms of labour disputes, measuring strike costs, however, remains a challenge for researchers. For instance, Gandz et al., (1980) observation that “not all of the strike costs can be measured”, clearly indicates difficulties and complexities in attempts to conduct conclusive measurements of strike costs and impacts. Their observation totally agrees with Cooke (2008) who stated that only with the availability of comprehensive government published statistics on country labour disputes, studies of labour disputes’ impacts on the economy are feasible. Furthermore, Florence Peterson of the USA Bureau of Labour Statistics in 1937, wrote that "an estimate of the cost of individual strikes or the cost of all strikes in a given period is misleading as well as inaccurate"; and more recently the Bureau has described the making of such estimates as an "impossible job" (Knowles, 1955: 221).

The revealed research gap calls for further comprehensive studies on labour disputes’ impacts that should holistically address all implications of labour disputes. Such studies should be able to extend study scope to include all types of labour disputes in the impacts assessment and to examine labour disputes’ implications that can be explained by the other disputes’ resultant actions such as the discipline and dispute settlement process actions. In respect to this revealed gap and the expressed need for further studies on labour disputes’ impacts, this study has been designed to address the research question of what implications of labour disputes on workplace operations (such as production, dispute settlement and employment relations management) can be explained by the resulting actions of various types of labour disputes.

3.5.4 Summary of Literature Review

Some most important (key) studies for this study and their focal area(s) have been indicated in the table 3.1.

Table 3.1: Summary of Most Key Relevant Literature for this Study

Studies / Relevant Literature	Focal Area(s) / Topic
Fraenkel (1937); Spielmans (1939); Shen (2008); ILO (2013); and Okene & Emejuru (2015); and Xinyi & Dangui (2017)	Nature, types and characteristics of labour disputes
Shen (2008); Zhuang (2015); and Kecici & Sema (2016)	Sources and causes of labour disputes
Christenson (1953); Seidman (1954); Perry (1978); Imberman (1979); Davidson, Worrell & Garrison (1988); Lam, Norsworthy, & Zabala (1991); Woodhams et al., (2007); Cooke (2008); Ge & Lopez (2015); and Kasim (2016)	Labour disputes' impacts on productivity and economy
Knowles (1955); Hameed (1971); Naples (1980); Gandz et al. (1980); and Enderwick (1882)	Criticism on use of strike costs alone as a measure of assessing labour disputes' impacts on productivity and economy
Stevens (1972); and Tcha (1998)	Use of broad approach to study labour disputes' impacts
Sanders (1947); Lal (1967); Petrylaite & Petrylaite (2015); Gerasimova (2017)	Labour dispute settlement management
Bhorat, Jacobs & Van Der Westhuizen (2013)	Labour disputes and the employment relationships.

These studies have captured a number of study themes which include: types of labour disputes, strike cost categories, strike cost measurements (i.e. number of working or man days lost, frequency of labour disputes, disputes time losses etc), production losses (i.e. losses to producers through production costs & output losses and also losses to workers), social and economic costs, social and economic benefits, and loss of economic freedom for producers and consumers. All these are appropriate study variables and/or dimensions for labour disputes' impact studies.

A synthesis from these studies has revealed the research gap, that is, an area that is still under researched which is filled by this study. The revealed research gap has been explained in terms of inadequate coverage with respect to types of labour disputes as well as with respect to disputes' resulting actions. The research gap has also been explained in terms of limitation with respect to examined dependent variables by past disputes' impact studies that have only covered production loss related variables excluding labour dispute settlement cost and employment relationship loss related variables.

This study, therefore, attempts to fill this gap by addressing the research question of “What are the implications of labour disputes on workplace operations (such as production, dispute settlement and employment relations management) that can be explained by the resulting actions of various types of labour disputes?” The study adopts a mixed methods research approach to address this research question that translates into an overall objective, which is to investigate and establish the nature and characteristics of workplace labour disputes as well as to identify and explain their effects (implications) on workplace operations. To fill the gap, the study extends the scope to involve all types of labour disputes, all labour disputes' resultant actions as well as expands coverage on dependent variables to include labour dispute settlement cost and employment relationship loss related variables in addition to the production loss related variables in context of the sample coal mining companies.

3.6 Chapter Summary

This chapter has first presented general literature review; theoretical framework and conceptual framework for this study. The presented conceptual framework model for this study attempts to integrate a number of important variables considered relevant to the nature of labour disputes in

the companies under investigation. The chapter has also presented empirical studies on labour disputes and their implications as well as the research gap. The next chapter presents research design and methodology for this study.

CHAPTER FOUR

Research Design and Methodology

4.1 Introduction

The previous chapter has presented literature review for this study that investigates, establishes the nature and characteristics of workplace labour disputes and examines their effects (implications) on workplace operations in the major formal privately owned coal mining companies in Rumphi district in Malawi. This chapter presents research design and methodology for this study. The chapter first presents an overview of different types of research that can be conducted while highlighting relevant types for this study. Thereafter, the chapter presents the detailed specific research methodology for this study.

4.2 Type of Research: Deductive Research

Deductive and inductive researches are two main types of research identified by methodological researchers (Collis & Hussey, 2003; Blumberg, et al., 2005; Saunders, et al., 2007; Flick, 2009). Collis & Hussey (2003) advocated that different types of research are identified based on the purpose of the research as well as on the research approach.

Collis & Hussey (2003), Blumberg, et al. (2005) and Saunders, et al. (2007) thus described a deductive research approach as a research type that involves the development of a conceptual and/or theoretical structure which is then tested by empirical observation (Collis & Hussey, 2003; Saunders, et al., 2007). On the other hand, an inductive research approach involves the collection of data and the development of theory because of data analysis (Saunders, et al., 2007).

In this regard, Collis & Hussey (2003) stated that in a deductive study, particular instances are deduced from general inferences, whereas in inductive research in which a theory is developed

from the observation of empirical reality, general inferences are induced from particular instances.

Furthermore, Saunders, et al., (2007) emphasize that the most important practical criterion when determining which theoretical approach to adopt is the nature of the research topic. These methodological researchers observed that a topic on which there is wealth of literature from which the researcher can define a theoretical framework and a hypothesis lends itself more readily to the deductive approach, whereas research into a topic that is new and exciting much debate, and on which there is little existing literature lends itself more readily to inductive approach.

This study, which focuses on labour disputes and their implications, adopted deductive research approach because it draws upon the theories of labour dispute impacts to examine/explore and explain how labour disputes implicate the workplace operations in the sample coal mining companies in Malawi. It is therefore clear that based on the reviewed theories; there is wealth of literature from which a research framework for this study has been defined.

4.3 Research Approach/Method: Mixed Methods Research

Quantitative, qualitative and mixed methods are three well known categories of research approaches (methods). The research methods are differentiated by looking at the approach adopted by the researcher (Collis & Hussey, 2003; Singh, 2007; Flick, 2014).

Quantitative research involves the collection of measurable information about a topic ((Hancock, 2002). This research approach is assumed objective in nature and concentrates on measuring phenomena by collecting and analysing numerical data and applying statistical tests (Collis &

Hussey, 2003). According to Vaus de (2002) as cited in Bakuwa (2009), quantitative research is sometimes portrayed as being well suited to providing certain types of factual, descriptive information, that is, the hard evidence by answering questions such as how many, how often, how much.

Qualitative research involves the direct observation of social phenomena in their natural settings (Babbie, 2004, Creswell, 2003; Singh, 2006). By going directly to the social phenomenon under study and observing it as completely as possible, researchers can develop a deeper and fuller understanding of it (Babbie, 2004; Bakuwa, 2009). Furthermore, qualitative research is emergent rather than tightly prefigured since several aspects emerge during a qualitative study and research questions may change and be refined anytime (Creswell, 2003). However, this research approach is often criticized for lacking generalisability, being too reliant on the subjective interpretations of researchers and being incapable of replication by subsequent researchers (Vaus de, (2002; Bakuwa, 2009).

Finally, Babbie (2004) argues that the social researcher, who limits himself or herself to a single method, severely limits the ultimate ability to understand the world around him or her. All methods have limitations and by adopting a mixed methods approach, biases inherent in any single method could neutralise or cancel the biases of the other methods (Creswell, 2003, Saunders et al., 2007; Bakuwa, 2009).

In this regard, Saunders et al. (2007) define mixed methods as an approach to research in which both quantitative and qualitative data collection techniques and analysis procedures are used in a research design at either the same time (parallel) or one after the other (sequential). It is an approach that is based on practical (pragmatic) knowledge claims (Creswell, 2003, Saunders et

al., 2007). According to Creswell (2003), pragmatism is not committed to only one system of philosophy and reality; individual researchers are 'free' to choose the methods, techniques and procedures of research that best meet their needs and purposes (Bakuwa, 2009: 96).

This study adopted a mixed methods research approach to address the research question of labour disputes' implications on workplace operations (such as production, dispute settlement and employment relations management) that can be explained by the resulting actions of various types of labour disputes. This mixed methods approach helped to collect required qualitative data (respondents' opinions/knowledge about disputes' nature, characteristics and implications) and quantitative data (tabulated labour disputes statistics from secondary data sources) from sampled workplace organizations under study as well as from workplace maintained registers and reports within government institutions. According to Babbie (2004), mixed methods approach is said to be unlimitive on part of the researcher to ably understand better on how two variables can relate or affect each other as was the case in this study.

4.4 Research Purposes: Descriptive and Explanatory

Exploration, description and explanation are three common and useful purposes of research (Babbie, 2004; Saunders, et al., 2007).

Exploratory research is conducted into a research problem or issue when there are very few or no earlier studies to which the researcher can refer for information (Collis & Hussey, 2003). Exploratory research is essential whenever a researcher is breaking new ground and in most cases it yields new insights into a topic for research (Babbie, 2004; Robson, 1993 cited in Bakuwa, 2009). It rarely provides conclusive answers to problems or issues, but gives guidance on what future research, if any, should be conducted (Collis & Hussey, 2003).

Descriptive research is research which describes phenomena as they exist (Collis & Hussey, 2003). The objective of descriptive research is to portray an accurate profile of persons, events or situations (Robson, 1993). Descriptive research may also involve an assessment of the interaction of two or more variables (Blumberg et al., 2005). According to (Collis & Hussey, 2003), descriptive research goes further in examining a problem than exploratory research because it is undertaken to ascertain and describe the characteristics of the pertinent issues. However, a major deficiency of descriptive research is that it cannot explain why an event has occurred or why the variables interact in the way they do (Blumberg et al., 2005, Vaus de, 2002).

Finally, explanatory research establishes causal relationships between variables ((Saunders et al., 2007). Such research answers questions of why or how something is happening (Bakuwa, 2009). Basically, analytical or explanatory research can be regarded as a continuation of descriptive research (Collis & Hussey, 2003). The researcher goes beyond merely describing the characteristics, to analysing and explaining the reasons for the phenomenon that the descriptive research has only observed (Blumberg et al., 2005, Collis & Hussey, 2003). In an explanatory research, the researcher uses theories, or at least hypotheses, to account for the forces that caused a certain phenomenon to occur (Blumberg et al., 2005 cited in Bakuwa, 2009: 95).

This study reviews the nature and types of labour disputes; describes the characteristics of labour disputes; explains labour disputes' resultant actions that have implications at the workplace; discusses labour disputes' implications on the workplace operations using examined labour disputes' resultant actions; interprets findings on the relationships between labour disputes resulting actions with their associated implications; and proposes some testable hypotheses for further research. The study provides a detailed description of the characteristics of labour

disputes that occur in the major formal privately owned coal mining companies in Rumphi district in Malawi as well as explaining their implications. In this regard, this study is mostly descriptive and explanatory in nature.

4.5 Research Strategies: Survey Research Method

Case study, ethnography, grounded theory, action research, experiment and survey are some of six different research strategies which researchers may use to conduct their research (Hancock, 2002).

Case study is the development of detailed, intensive knowledge about a single case, or a small number of related cases (Robson, 1993). The information collected may be qualitative or quantitative or a combination of both (Hancock, 2002, Yin, 1994). It is important to note that this method does not fundamentally rely on comparing cases but on fully understanding the ‘wholeness’ of a particular case and understanding particular attributes of a case within the context of the case’s other characteristics and history (Vaus de, 2002 in Bakuwa, 2009).

Ethnography involves studying an intact cultural group in a natural setting over a prolonged period of time by collecting, primarily, observable data in order to examine, describe and explain cultural behaviour (Creswell, 2003, Hancock, 2002 in Bakuwa, 2009). As a form of qualitative research, ethnography requires the collection of in depth information through face to face contact with individuals over a period of time. Analysis of data concentrates on understanding and describing the situation from the perspective of the culture or sub group under study (Hancock, 2002) with the purpose to interpret the social world inhabited by research subjects in the way in which the members of that particular world interpret it (Collis & Hussey, 2003, Saunders et al., 2007).

Grounded theory is a form of research that goes beyond collecting and analysing data to add new knowledge and new theories about the topic being investigated (Hancock, 2002). It is an approach to the study of social life that attempts to generate a theory from the constant comparing of unfolding observations (Babbie, 2004). Constant reference to the data to develop and test theory leads, according to Hussey & Hussey (1997), to call grounded theory an inductive/deductive approach, theory being grounded in such continual reference to the data (Bakuwa, 2009).

Action research assumes that the social world is constantly changing and the researcher and the research itself are part of this change (Collis & Hussey, 2003:67). It is a problem solving approach that involves a team in a process of reflecting on their situation, identifying problems and possible responses, implementing change and evaluating the effects (Collis & Hussey, 2003, Hancock, 2002). According to Hancock (2002) in Bakuwa (2009), action research is often described as cyclical in nature because the team may go through the process of reflection - identification - intervention - evaluation several times.

Experiments are controlled investigations that try to establish cause and effect between two or more variables with the purpose of predicting outcomes (Hancock, 2002). They are conducted either in a laboratory or in a natural setting in a systematic way (Collis & Hussey, 2003). In a classic experimental design, the researcher manipulates the independent variable by interfering with the natural flow of events to some degree with the basic intention of testing the impact of an intervention or treatment on an outcome after controlling for all other factors that might influence that outcome (Creswell, 2003, Bakuwa, 2009).

A *survey* design provides a quantitative description of trends, attitudes, or opinions of a population (Creswell, 2003). Individuals are selected to take part in a survey because they share certain characteristics and form some kind of population (Hancock, 2002). Various methods are available for collecting survey data but the three main methods are: face to face interviews, telephone interviews and questionnaires (Collis & Hussey, 2003; Hancock, 2002; Mathers et al., 2002).

Two major types of surveys are descriptive survey which is concerned with counting the frequency of a specific population, either at one point in time or at various times for comparison and analytical survey where the intention is to determine whether there is any relationship between different variables (Collis & Hussey, 2003).

The nature of survey research can vary depending on whether data are collected at one point in time or over time. A study in which data are gathered just once, perhaps over a period of days or weeks or months in order to answer a research question is called a cross-sectional study (Sekaran, 1992). On the other hand, a study, in which data are gathered over time, of a variable or group of subjects is called a longitudinal study (Collis & Hussey, 2003).

It is important to note that surveys are usually restricted to a sample of the potential group that the researcher is interested in (Mathers et al., 2002) with the aim of generalizing from this sample to the population (Bakuwa, 2009). To generalise in this way, it is essential that the sampling method used and the sample size are appropriate, so that the results are representative, and that the statistics can discern associations or differences within the results (Fox et al., 2002).

This study was designed as cross-sectional survey research as it was conducted once within a particular period using sampled companies as study areas. This study has predominantly used the survey research method. This is because the study sought to understand and explain the nature and characteristics of workplace labour disputes as well as to investigate their qualitative implications on the workplace operations in the selected major formal privately owned coal mining companies in Malawi using data that were collected once from the participating employees and employers.

The survey research method was particularly appropriate for this study because of the following reasons:

- A survey research does not create variation in the population being studied but finds ‘naturally occurring’ variation (Vaus de, 2002). Thus, through the survey it was possible to find some major formal private coal mining companies that are challenged with impacts of workplace labour disputes. By going further to systematically examine the characteristics of labour disputes in occurrence in the coal mining companies; it has been possible to explain how labour disputes through their resultant actions implicate the workplace operations.
- Surveys are efficient because relatively small sample sizes can be used to generate findings which can be used to draw conclusions about the whole population (Mathers et al., 2002). Thus, a survey was a very cost-effective way of investigating the nature and characteristics of workplace labour disputes and their qualitative implications on the workplace operations in the selected major formal privately owned coal mining companies in Malawi.
- In one sense, surveys are flexible (Babbie, 2004). Although there is a limit to the number of questions which any questionnaire can contain if the goodwill of the respondents is not to be presumed on too much (Saunders et al., 2007), many questions can be asked on a given

topic, giving the researcher considerable flexibility during analyses (Babbie, 2004). For instance, in this study, it was possible to ask 26 questions, each with several response options relating to nature and characteristics of labour disputes and their implications. In addition, as observed by Mathers et al. (2002), surveys are also flexible because they can easily be combined with other methods to produce richer data. For this study, semi-structured interviews with key informants were also conducted in order to have a clear explanation of the patterns and associations that the survey revealed.

4.6 Detailed Methodology for this Study: Sources of Data and Data Collection Methods

4.6.1 Study Population and Sampling Frame

Study population refers to the total number of items about which information is desired (Kothari, 2004). The population can be finite or infinite. Kothari (2004) stated that the population is said to be finite if it consists a fixed number of elements so that it is possible to enumerate it in its totality. For instance, the population of a city [or] the number of workers in a factory is an example of a finite population (Kothari, 2004: 153). On the other hand, an infinite population is that population in which it is theoretically impossible to observe all the elements (Kothari, 2004). Thus, in an infinite population the number of items is infinite such that we cannot have any idea about the total number of items.

This study on labour disputes targeted employees (workers) and their employers from the study selected companies as the study population. The study selected four surveyed coal mining companies of Mchenga, Kaziwiziwi, Mean Jalawe and Rukuru. These study companies were selected based on the defining criteria of the major formal private coal mining company in the district.

As presented in chapter 2 under section 2.5, this study operationally defines the phrase “*major formal private coal mining company*”, to mean any non government owned coal mining company in Rumphi district which is duly registered and/or licenced by the Malawi Government and had at least, at the time of the study, a hundred total workforce producing more than twenty metric tones of coal per month. This means size of workforce, monthly coal production quantity along with registration or recognition and ownership status (whether government owned or not) were used as four defining criteria. This selection criteria enabled the researcher to select appropriate coal mining companies that meet the operational definition of major formal private coal mining company or workplace establishment.

According to Rumphi district labour office annual reports, there were a total of 1,083 employed workers in the four selected major coal mining companies, the number that constituted the study population (see table 4.1). This total workforce includes the companies’ employed managers and human resource officials who responded to the survey questionnaire as employers and/or employers’ representatives, thereby defining the study population and/or sampling frame as constituting employees and employers.

In other words, it means that the employees and employers from the four selected companies are the individuals that constituted the study sampling frame from which the sample size was determined. This defined study population was found to be appropriate for this study because labour disputes are disagreements between two groups of individuals, the employee(s) and employer(s), who are parties to the employment relationship. These employment parties constitute finite population according to Kothari’s categorization of a study population.

4.6.2 Sample Size

As showed in table 4.1 below, a total of 1,083 employees were employed working in the 4 selected coal mining companies in Rumphi district in Malawi (RDLO Annual report, 2020) by mid 2019, the time for designing this study.

To determine sample size, the study used Yamane’s 1967 model formula of calculating the total number of minimum required respondents. Using this formula, the number of sampled representatives is computed by considering the total population size; required minimum confidence level and tolerable sampling error (the level of precision). The formula is given in the equation 1 below:

$$n_0 = \frac{N}{1+N(e^2)} \dots\dots\dots (1)$$

Where n_0 = sample size; N = total population size and e = probability sampling error.

Using this formula and given the total workforce size of 1,083 employees (N) in the district selected coal mining sector companies, and confidence level of 95 % (with precision level of 5 %), which according to Israel (2003) and Weisberg & Bowen (1977) is recommended for descriptive studies, the sample size (n_0) of the respondents is computed as follows:

$$n_0 = \frac{N}{1 + N(e^2)} = \frac{1083}{1 + 1083(0.05^2)} = \mathbf{292}$$

However, Israel (1992: 3) noted that if the population is small [as is the case in this study population with 1,083 employees] then the sample size can be reduced slightly. According to Israel, this is because a given sample size provides proportionately more information for a small

population than for a large population. The sample size (n_0) was therefore adjusted using the equation 2 as follows:

$$n = \frac{n_0}{1 + \frac{(n_0 - 1)}{N}} \dots\dots\dots(2)$$

Thus, using this adjusted formula (2),

$$n = \frac{n_0}{1 + \frac{(n_0 - 1)}{N}} = \frac{292}{1 + \frac{(292 - 1)}{1083}} = \mathbf{230}$$

However, to increase response rate, (taking into consideration that the non-response rate may be higher as many of the respondents are located in separate workplace sites within the mine location), the researcher added 50 respondents for contingency. This brought the total sample size to be 280 of which 8 of them were from the management sections mainly the managers and/or the human resource officers as employers’ representatives, that is, 2 from each of the four selected companies. The sample size of 280 was proportionately considered from each of the four selected companies using quota sampling method (Table 4.1).

4.6.3 Types or Sources of Data

This study collected both primary and secondary data. Primary data were collected directly from the respondents by the researcher and/or assistant using prepared structured questionnaires containing both closed-ended and rating-scale questions. With closed questions, participants are asked to choose from a limited number of alternatives or to choose the one answer that best represents their beliefs, whereas with rating scale questions, participants are asked to choose a number that represents the direction and strength of their response (Jackson, 2009: 89).

Primary data formed the main type of data for this study. Secondary data was collected from various documentary materials that include policy documents and office reports among others.

For example, different ILO documentations on labour disputes and country labour legislative laws together with studies that were conducted on labour disputes were reviewed and analysed to determine appropriate study variables used in this study. Above all, secondary data on the reported labour disputes to labour offices and other government disputes' resolution institutions were collected and analysed.

4.6.4 Sampling Strategies: Simple Random, Quota and Purposive Sampling Strategies

Probability and non-probability sampling are two groups of sampling strategies used in research (Saunders et al., 2007).

With probability sampling, the basic principle is that a sample will be representative of the population from which it is selected if all members of the population have an equal chance of being selected in the sample (Blumberg et al., 2005, Saunders et al., 2007). Thus, in probability sampling, researchers use a random selection of cases to reduce or eliminate sampling bias (Blumberg et al., 2005). Probability sampling strategies include *simple random* sampling, systematic sampling, stratified random sampling and cluster sampling (Babbie, 2004, Blumberg et al., 2005, Saunders et al., 2007). The choice between these strategies depends on the nature of the research problem, the availability of good sampling frames, money, the desired level of accuracy in the sample, and the method by which data are to be collected (Vaus de, 2002).

On the other hand, non probability sampling is any strategy in which samples are selected in some way not suggested by probability theory (Babbie, 2004). Hence, for non-probability samples, the probability of each case being selected from the total population is not known and it is impossible to answer research questions or address objectives that require the researcher to make statistical inferences about the characteristics of the population (Saunders et al., 2007).

According to Saunders et al. (2007), the researcher may still be able to generalise about the population from non-probability samples, but not on statistical grounds. Non-probability sampling is, however, appropriate for situations where probability sampling strategies are either impractical or unnecessary (Vaus de, 2002). For example, when the sampling frames are unavailable and when researchers are not concerned with generalising from a sample to the population (Vaus de, 2002). Non-probability sampling strategies include: convenience sampling, *purposive* or *judgemental* sampling, *quota* sampling and snowball sampling (Babbie, 2004, Saunders et al., 2007).

For this study, first, it has been indicated that the sample size of 280 participants was determined using Yamane's 1967 model formula. Second, the sample size was further proportioned with respect to workforce size of each of the four selected coal mining companies. Thus, there were 117, 90, 45 and 28 participants from Mchenga, Kaziwiziwi, Mean Jalawe and Rukuru coal mining companies, respectively (Table 4.1) from where participants were simple randomly selected to provide responses to this study questionnaire. In other words, simple random sampling strategy was used to select the required number of respondents from each coal mining workplace establishment.

Finally, to ensure that the selection of at least two respondents from each workplace establishment included the HR official and the mine manager, purposive sampling strategy was used to first select 8 participants/respondents who were the mine managers and HR officials from the selected coal mining companies. The 8 were also employees and hence were within the 240 actual study respondents.

The table 4.1 below presents the distribution of employees in the studied coal mining companies, within the study sample, as well as the distribution of respondents based on proportioned groups of employees.

Table 4.1: Four Purposive Sample Coal Mining Companies for this Study

Coal Mining Company (Workplace Establishment)	Total Workforce (Study Population)	Sample Size	Proportion of the Population or Sample (%)	Number of Respondents in the Sample
Mchenga Coal Mines Ltd	452	117	42	101
Kaziwiziwi Coal Mines Ltd	350	90	32	77
Mean Jalawe Coal Mines Ltd	175	45	16	38
Rukuru (Chombe) Coal Mines Ltd	106	28	10	24
Total	1,083	280	100	240

Source: Author's own design and computation

4.6.5 Survey Instrument: Structured Questionnaire

Data for survey research can be collected using a variety of methods (Vaus de, 2002). However, the method of data collection chosen for a study should be appropriate for the type of information required whether the required information is qualitative or quantitative in nature is the major consideration (Hancock, 2002). This study required quantitative data and therefore the survey instrument used was a structured questionnaire (see appendix B). Guided by previous research related to workplace labour disputes literature, labour disputes' impact studies (Christenson, 1953; Hameed, 1971; Tcha, 1998) and concepts from conceptual framework literature and labour disputes' impact theories, this survey instrument was specifically designed for this study.

This questionnaire comprised of mostly closed-ended and rating-scale questions. Closed-ended questions were used to allow respondents to choose from a limited number of alternatives. For instance, respondents were asked to choose the one answer that best represents their perceptions or to check as many answers as apply to them. Most of the closed questions provided respondents with a pre-set list of answers to choose from. These closed-ended questions were formulated to make sure that the alternatives provided included all possible and mutually exclusive answers in order for the data to be more reliable and valid. Although closed-ended questions, in other cases, can seriously limit the responses that participants can give, but they are easy to analyze statistically (Jackson, 2009: 89). Methodology researchers have agreed that closed questions provide greater uniformity of responses (Babbie, 2004), and make the responses easier to compare since they have been predetermined and that it becomes quicker and easier on the part of the respondents to answer such questions since the responses require minimal writing (Saunders et al., 2007).

On the other hand, rating-scale questions were used to allow respondents to choose a response option that represents the direction and strength of their responses. Rating-scale questions were also used to enable the researcher to easily convert the data into an ordinal or interval scale of measurement and proceed with statistical analysis. Many researchers prefer to use a Likert-type scale because it is very easy to analyze statistically data collected on this scale as most psychologists view this scale as interval in nature with others seeing it as an ordinal scale (Jackson, 2009: 89). A Likert rating scale presents a statement rather than a question and respondents are asked to rate their level of agreement with the statement (Jackson, 2009: 89).

The questionnaire had two major sections and a total of 26 questions. The first section had 7 questions and was designed to solicit descriptive background information about the respondents and involvement of respondents in labour disputes. The remaining 19 questions were designed to solicit information on various aspects pertaining to the nature of workplace labour disputes and their implications on the coal mining companies of Rumphi district in Malawi. Different types of scales were used to measure items on the instrument, such as Likert Scales of strongly disagree to strongly agree and dichotomous scales of Yes or No.

This questionnaire had a cover letter signed by the Research Director (see appendix A) which as part of social research ethics, concisely introduced the respondents to the research topic, explained the reason why the research was being conducted, explained why the respondent was required to complete the questionnaire, and also assured respondents of confidentiality.

4.6.6 Questionnaire Administration

Delivery and collection method was the mode of questionnaire administration adopted for this study. With this method, the questionnaire was administered directly to the respondents by the researcher and/or assistant through a means of visiting their workplace sites/offices for direct contact. The questionnaire deliverance and collection of the responded questionnaires at the same time of the researcher's and/or assistant's visit ensured that only the targeted respondents were conveniently reached for responses. In this regard, there were mainly two reasons for adopting this particular mode of questionnaire administration.

First, the opportunity for personal contact through this mode of administration benefited both the researcher and the respondents. On one hand, the researcher had the opportunity to personally explain the study to the respondents, articulate issues of confidentiality already presented in the

cover letter and only handed in the questionnaire after getting the respondents' consent to participate. On the other hand, the respondents had the opportunity to ask questions about the study and get clarification on what was required.

Second, the type of questionnaire administration the researcher chooses will dictate how sure one can be that the respondent is the person whom the researcher wishes to answer the questions thus the reliability of responses (Saunders et al., 2007). With delivery and collection of questionnaires, where necessary, the researcher was able to check who answered the questions when collecting the questionnaires.

However, questionnaires for those respondents who were not reached directly due to some unknown reasons were administered through emails or by post with already stamped envelopes.

4.6.7 Supplementary Data Collection Methods

Although the main source of primary data was the survey, one more supplementary data collection method was used in this study. Semi-structured interviews were also conducted with each of the 5 judgementally selected key responding informants. These interviewed key informants included the trade union leader as employees' representative, leader of employers' consultative association of Malawi (ECAM) as employers' organization, the district industrial relations court official and head labour officers from the District and Northern regional labour offices.

These interviews were conducted in March and April 2020 immediately after preliminary data analysis of the survey results. The preliminary data analysis was therefore used to develop a list

of themes and questions that were covered during the interviews (see appendix C - study questionnaire for key informants). This being an explanatory study, these few targeted semi-structured interviews provided qualitative insights to understand implications of labour disputes on the surveyed companies.

4.7 Data Analysis

4.7.1 Characteristics of the Study Sample

It is important to have a clear description of the characteristics of the study sample in order to understand the context of the study and properly interpret the results. Table 4.2 summarises key characteristics of the study sample.

Table 4.2: Demographic Information / Profile of Study Respondents

Variable/Characteristic	Category	Frequency (N = 240)	Valid percent
Age in years	Below 20 years	5	2
	21 to 30 years	92	38
	31 to 40 years	90	38
	41 to 50 years	27	11
	Above 50 years	26	11
Education level	Primary level	65	27
	Secondary level	126	53
	Diploma level	29	12
	Bachelor's degree level	16	7
	Master's degree level	4	1
Work Experience	Less than 12 months	49	20
	From 1 to 5 years	106	44
	From 6 to 10 years	31	13
	Above 10 years	54	23

Source: Author's empirical results

Age of Respondents

As indicated in the literature, most employees in the mining sector in Malawi have young workers in the middle ages (Malema, 2017). These young people are needed in the mining sector

because they are more energetic than older people and the mining sector is associated with hard work (labour). This is reflected in this study results as shown in table 4.2. The majority of respondents were between 21 to 40 years old (76 %) followed by those in the age bracket of 41 to 50 years.

Education Level of Respondents

The mining sector in Malawi usually employs many workers with low education level (Malema, 2017). The average education level group was secondary education and the majority of respondents (53 %) (Table 4.2) indicated they had secondary education as their maximum education level. However, any possible implication regarding this level of education amongst the majority respondents was addressed by the researcher's adopted delivery and collection method of questionnaire administration. The method, among other advantages, gave the researcher an opportunity for personal contact during when respondents had the opportunity to ask questions about the study questions and get clarification on what was required.

Work Experience of Respondents

Of the 240 respondents, there were over 150 (more than half respondents) who had less than 5 years of work experience in the mining sector (Table 4.2). Only 85 (36 %) respondents had more than 5 years work experience. These results would imply that the majority respondents did not have more work experience, thereby suggesting their possible non involments and/or fewer involvements in the workplace labour disputes. However, further analysis of the study results (Table 4.3) reveal that all the 240 respondents (100 %) had ever involved themselves in a labour dispute for at least once.

Respondents' Involvement in Handling of Labour Disputes

To ensure, reliability and credibility of the collected data, one question required respondents to indicate their involvement frequency in the handling of labour disputes. Table 4.3 shows results.

Table 4.3: Respondents' Involvement in Handling of Labour Disputes

Variable	Respondents' involvement in labour disputes (N = 240)				
	Category	As Employees		As Employers/Representatives	
		N	%	N	%
Frequency involved in handling a labour dispute	Just once	139	62	2	12
	More than once	84	38	15	88
	Don't remember	0	00	0	0
	Totals	223	100	17	100

Source: Author's empirical results

Table 4.3 shows that all the study respondents (both employee and employer respondents) had ever involved themselves in handling labour disputes at least once. Specifically, the table shows all 223 employee respondents and 17 employer respondents or their representatives being involved in the handling of labour disputes. These study results suggest greater frequency in the occurrences of labour disputes in the surveyed coal mining companies. A relatively greater number of employees (38 %) and more than three quarters of employers or their representatives (88 %) were involved in handling labour disputes for more than once.

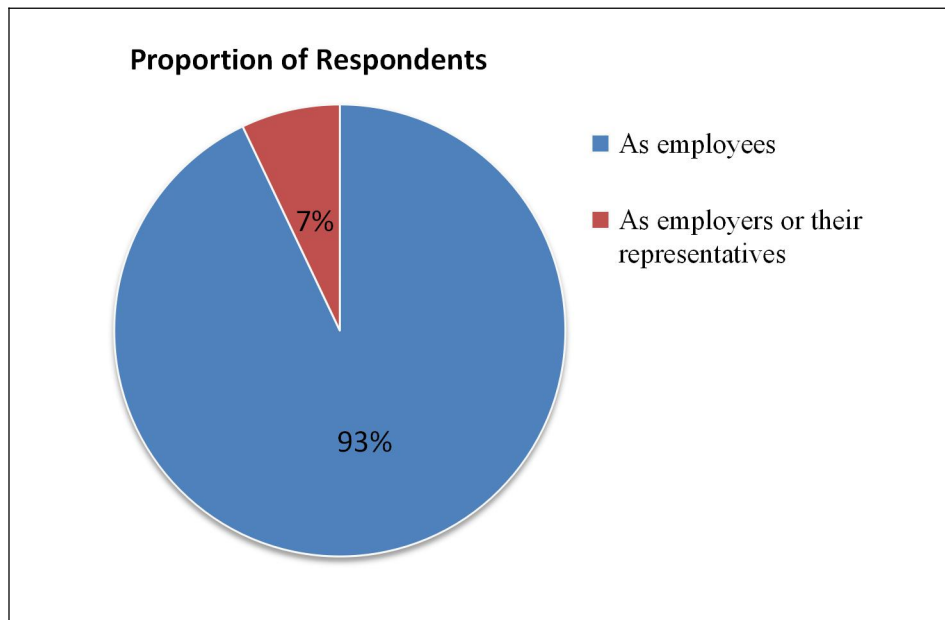
Study Response Rate

A total of 280 questionnaires were distributed of which 240 usable responses were returned representing 86 % response rate. The 240 responded questionnaires were 10 more than the 230 computed sample size for this study before addition of 50 more contingency questionnaires.

Proportion of Respondents

The study results (Figure 4.1) show a higher number of responding employees (93 %) than employers and/or employers' representatives (7 %). Note that at least two respondents within the 7 % employers' category were from each of the surveyed coal mining companies. To ensure that the selection of at least two respondents from each workplace establishment were the HR official and the mine manager, purposive sampling strategy was used to select 8 participants who were the mine managers and HR officials from the selected coal mining companies. The 8 were also employees and hence were within the 240 respondents.

Figure 4.1: Proportion of Study Employee and Employer Respondents



Source: Author's empirical results

4.7.2 Overview of Data Analysis

Statistical Package for the Social Sciences (SPSS) version 20.0 was used to analyse survey data. However, analysis of data collected through the semi-structured interviews and the review of various documentary materials that included policy documents and office reports were

reorganized and presented according to their related themes with which qualitative interpretative analysis such as text analysis was thus used.

4.7.2.1 Data Presentation

The data collected using the survey questionnaire were cleaned and prepared for computer coding using SPSS. Frequency tables were generated using SPSS. The generated frequency tables were reorganized to form various combined tables with significant statistical information to address specific research objectives. In this regard, three forms of descriptive statistical analysis were used.

4.7.2.2 Data Analysis Techniques/Tools

First, data collected to address the first three research questions: on nature and types of labour disputes; on characteristics of labour disputes; and on exploration of labour disputes' resultant actions were analysed using univariate statistical analysis. Note that each of these first three research questions concern how labour disputes may differ in terms of nature/types (first), characteristics (second) and dispute actions (third). In this case, type, characteristic and action of labour disputes, respectively, are the only single variable of interest in these first three questions. Since the study analyzed types of labour disputes, characteristics of labour disputes and labour disputes' resulting actions, for only one variable in each case, data collected from such research questions were appropriately analysed using univariate statistical analysis method.

Second, bivariate statistical analysis was used to conduct statistical analysis on data collected to address the fourth and fifth research questions on labour disputes' implications and interpretations. Note that in each of these two research questions, there are two variables associated to each other. For instance, the fourth research question involves investigating

implications of labour disputes' actions (as independent variables) on workplace operations (as dependent variables). These are two different sets of related variables. Argyrous (2011) observed that a research question that addresses the possible relationship between two variables leads to bivariate statistical analysis. Associated variables such as labour disputes and production effects; labour disputes and labour disputes settlement effects as well as labour disputes and employment relations effects are involved as related variables.

In addition, data collected to address relationships involving variables of labour disputes, production effects and labour disputes settlement effects as well as employment relations effects were analysed using multivariate statistical analysis because of more than two variables which are involved in the relationships.

Finally, data collected through semi-interviews with key informants were reorganized and presented according to their related themes. Qualitative interpretative analysis such as text analysis was thus used when analysing qualitative data collected from secondary data sources.

4.7.2.3 Data Interpretation : Crosstabulation of Results using SPSS

A crosstab shows the joint frequency distribution for two variables. Crosstabs are used to describe the relationship between two variables whose variation is expressed in only a few categories. Argyrous (2011: 104) stated the rule of thumb that: "the data will directly 'fit' into a crosstabulation if each variable is measured on a scale with five or fewer points". The data for relationships between various variables used in this study objective (Q12 on the questionnaire) have utmost three categories each hence the need for use of crosstabs to interpret part of the data in this study.

A bivariate table describes data in a way that reveals such a joint distribution. In this study, bivariate crosstables were used under this subsection to investigate whether labour dispute settlement time and production costs/losses are related.

Thus, crosstabulation descriptive statistics technique was used to interpret findings on the relationships between labour disputes' resulting actions and their associated implications. This was done by first verifying possible existence of relationships and then assesses the pattern and/or strength of such existing relationships.

4.7.3 Measurements and Scale Development of Variables

4.7.3.1 Measurements and/or Operationalisation of Study Variables

In this study production is conceptually defined as a workplace operation that deals with the creation of value or wealth by producing goods and services within a given period of time that can be described as production outputs. This conceptual definition, however, cannot help to show how production as a workplace operation can be implicated by labour disputes' actions. This calls for an operational definition of the concept. Argyrous (2011) stated that an operational definition of a variable specifies the procedures and criteria for taking a measurement of that variable for individual cases. Two things are necessary to constitute the operational definition of production as a concept for this study.

First, the fact that production uses resources including workers that can be hired from elsewhere implies that there would be various production costs associated with the acquiring and use of such production resources.

Second, any interruptions to the production process caused by various forces including labour disputes may result into production losses as well as increasing, or incurring additional, production costs.

Therefore, the concept has been operationally defined in terms of production costs and/or losses in order to determine appropriate measures of how production can be implicated as a result of labour disputes' actions. Production costs or losses in this study will be measured by grouping costs/losses according to whether they are low, medium or high costs or losses where low, medium and high relate to below average, average and above average cost/loss, respectively. This measuring scale has been reflected in questions 12 - 14 on the study questionnaire.

Note that production costs or losses could also be appropriately measured by quantifying in actual monetary terms. The researcher, however, decided to limit from using such quantification measure in this mixed methods study as that measure may be most appropriate for quantitative studies that mostly address quantitative research questions. It was also based on the fact that availability of quantified data may not be available and easily obtained in context of Malawi where the maintenance of segregated production data bases is not well developed.

In this study, labour disputes management is conceptually defined as a workplace operation that deals with the settlement of labour disputes using methods such as negotiation (individual or collective bargaining), conciliation, mediation, arbitration and litigation. The operation involves parties in an employment relationship. Like production, the management of dispute settlement has cost implications at the workplace. Costs that are incurred in the process of settling labour disputes are known as dispute settlement costs. In this regard, *dispute settlement costs* are described as all those costs incurred during the process of settling labour disputes at every level of the dispute settlement framework.

In addition, the management of dispute settlement also has time implication. This is because disputing parties would require committing certain amount of time for handling their labour disputes.

Therefore, the concept of dispute settlement has been operationally defined in terms of settlement costs and time in order to determine appropriate measures of how dispute management (resolution/settlement) can be implicated because of labour disputes' resultant actions.

In this study, dispute resolution/settlement costs are measured by grouping costs according to whether they are least costly (below average settlement cost), moderate (average settlement cost) or very costly (above average settlement cost). This measuring scale has been reflected in questions 17, 19 and 28 of the study questionnaire. On the other hand, dispute resolution/settlement time are measured by grouping settlement time taken into three categories/scales of below average settlement time, average settlement time or above average settlement time. This measuring scale (scale of measurement) has been reflected in questions 20 and 28 of the study questionnaire.

Employment relationship management refers to managing the relations between various employees themselves and their employer in an organization. This implies that the relationship can be between employee and the employer as well as between the employee and another employee at the same level. In this study, however, the management of the employment relationship concerns the relationship between employee(s) and their employer. The management is also a workplace operation function because it includes various activities undertaken by the

management to develop harmonious relations among workplace parties for productivity improvement.

Empirical studies indicate that the employee-employer relationship can be affected by several factors of which labour disputes is one of them (Mzembe, 2012; Subba Rao, 2014; Malema, 2015; Kochan, et al., 2019; Malema, 2019). Therefore, the concept of employment relationship implication has been defined in terms of employment relationship effects in order to determine appropriate measures of how the employment relationships management can be implicated because of labour disputes' actions.

In this study, employment relationship effects are measured according to whether there is soured employee-employer relationship (usually evidenced by written warnings), employment/employee suspension, employee demotion (loss of wages/salaries) or employment termination (dismissal). This measuring scale (scale of measurement) has been reflected in question 21 of the study questionnaire.

Note that this is a study in context of Malawi, the country that has legal framework that recognize that a labour dispute can result into disciplinary actions such as written warning, suspension and demotion as provided for under section 56 (2) of the Malawi EA. In addition, section 56 (4) provides that an employer may deduct an amount of money from an employee's wages as restitution for any property damaged by the employee.

4.7.3.2 Scale Development (for Q13, 15 & 25)

Three questions on the appended study questionnaire, question 13 on the workplace production associated costs and/or losses; question 15 on the impacts of labour dispute strikes/lockouts on

the employment social partners; and question 25 on the labour disputes prevention and reduction strategies, each contain multiple items with multiple response options. For each of these three questions, Renis Likert's 1932 rating scale (Likert rating scale) was used to develop a 5-point rating scale with (1 = Strongly disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly agree). The Likert rating scale presented statements (items) for which respondents were asked to rate their level of agreement with the statements. For each question scale, respondents were provided with a 'neutral' response option. The 5- point rating scale with an odd number (5) of response options was used to ensure that respondents are not forced to lean in one direction or another. Many researchers prefer to use a Likert-type scale because it is very easy to analyze data statistically (Jackson, 2009; Gaur & Gaur, 2009).

Creation of a Scale for Production Associated Costs/Losses (Q13)

First, to measure the degree of perceived production associated costs and/or losses, the following eight statements measured on a five point Likert Scale, ranging from strongly disagree to strongly agree, were presented to respondents:

1. Production and/or operational costs.
2. Damaged equipment replacement costs.
3. Production time loss.
4. Man-hours/man-days loss (Working hours/days loss).
5. Loss/shortage in supply of goods and services.
6. Dispute time loss (Lost time due to dispute).
7. Workplace customers or markets loss.
8. Production process disturbances/disruptions.

Table 4.4: Perceived Production Associated Costs/Losses - Validity Test 1

Production Associated Costs/Losses	Corrected Item-Total Correlation	Cronbach's Alpha if Item Deleted
Production and/or operational costs	.660	.930
Damaged equipment replacement costs	.635	.932
Production time loss	.824	.918
Man-hours/man-days loss (Working hours/days loss)	.844	.917
Loss/shortage in supply of goods and services	.805	.919
Dispute time loss (Lost time due to dispute)	.838	.917
Workplace customers or markets loss	.755	.923
Production process disturbances/disruptions	.746	.924

Source: Author's empirical results

These eight statements were assessed for reliability and validity. Cronbach Alpha coefficient assesses reliability and to be reliable, a scale should have as high an alpha coefficient as possible of at least 0.7 (Vaus de, 2002; Jackson, 2009; Pallant, 2010). A valid Likert Scale should be unidimensional in the sense that it should measure only one concept rather than a mixture of different concepts and corrected item total-correlations provide evidence for the unidimensionality of the scale (Vaus de, 2002; Jackson, 2009). To retain in a scale an item should have an item – total correlation of at least 0.3 (Pallant, 2005; Pallant, 2007).

As can be seen in table 4.4, corrected item-total correlation for each one of the eight statements is greater than 0.3. Hence, the scale can be regarded as valid with this study sample. In addition,

the Cronbach Alpha for the above eight statements is 0.932 hence the scale can be considered reliable with this study sample.

Creation of a Scale for Labour Disputes' Impacts on Social Employment Partners (Q15)

Second, to measure the degree of perceived impact of labour disputes on each employment social partner, the following seventeen statements measured on a five point Likert Scale, ranging from strongly disagree to strongly agree, were presented to respondents:

1. Loss of wages/salaries during the strike/lockout period
2. Loss of employment to strikers through terminations as a result of structural changes caused by dispute
3. Leads into arrests and prosecution of violent workers/strikers
4. Leads into disappointments and loss of confidence in trade unions due to unsuccessful strikes
5. Leads into increased wages or improved/favourable conditions of service/employment
6. Leads into some undeterminable monetary psychological losses
7. Loss of staff members (employees) through deaths as part of strike effects
8. Loss of production outputs, sales and markets
9. Leads into increased disputes (strikes) settlement or management costs (e.g. hiring, security, counter-strike costs)
10. Replacement costs for the damaged equipments or machineries and for extra hired employees to sustain minimum maintenance
11. Increased production costs through increased wages
12. Staff loss/death associated costs such as funeral expenses for the deceased employee as part of strike consequences
13. Leads into some undeterminable monetary psychological losses
14. Increased costs on part of state to enforce and restore peace and order
15. Disturbs the country's harmonious industrial relations
16. Has lowering effects on the country's wealth/GDP through loss of production outputs
17. Disturbs country's economic growth as a result of possible decrease in living standards of workers due to reduced wages or wage losses

Table 4.5: Perceived Labour Dispute Strikes/Lockouts Impact - Validity Test 1

Labour dispute strikes/lockouts impact	Corrected Item-Total Correlation	Cronbach's Alpha if Item Deleted
Loss of wages/salaries during the strike/lockout period	.673	.929
Loss of employment to strikers through terminations as a result of structural changes caused by dispute	.703	.928
Leads into arrests and prosecution of violent workers/strikers	.686	.928
Leads into disappointments and loss of confidence in trade unions due to unsuccessful strikes	.692	.928
Leads into increased wages or improved/favourable conditions of service/employment	.662	.929
Leads into some undeterminable monetary psychological losses	.818	.925
Loss of staff members (employees) through deaths as part of strike effects	.726	.927
Loss of production outputs, sales and markets	.660	.929
Leads into increased disputes (strikes) settlement or management costs (e.g. hiring, security, counter-strike costs)	.605	.930
Replacement costs for the damaged equipments or machineries and for extra hired employees to sustain minimum maintenance	.650	.929
Increased production costs through increased wages	.699	.928
Staff loss/death associated costs such as funeral expenses for the deceased employee as part of strike consequences	.675	.929
Leads into some undeterminable monetary psychological losses	.733	.927
Increased costs on part of state to enforce and restore peace and order	.393	.939
Disturbs the country's harmonious industrial relations	.705	.928
Has lowering effects on the country's wealth/GDP through loss of production outputs	.605	.930
Disturbs country's economic growth as a result of possible decrease in living standards of workers due to reduced wages or wage losses	.599	.930

Source: Author's empirical results

The Cronbach Alpha coefficient for the seventeen statements is .933 hence, the scale can be considered reliable with this study sample. As can be seen in table 4.5, even though corrected item-total correlation for increased costs on part of state to enforce and restore peace and order is above the 0.3 value, when compared to the other sixteen statements, the item-total correlation for this statement is relatively lower. Items that do not correlate well with the rest of the items probably do not belong to the scale since they are probably tapping a different concept ((Vaus de, 2002; Pallant, 2007). Also, the Cronbach Alpha value increases if this statement is deleted. Pallant (2005) states that if any of the values in the “Cronbach Alpha if item is deleted” column is higher than the final alpha value, one may consider removing this item from the scale. For purposes of building a Likert Scale of the perceived labour dispute strikes/lockouts impact, this aspect of the impact has therefore been left out. Consequently, the Cronbach Alpha coefficient for the sixteen aspects of the impact is .939 and the revised corrected item-total correlations are presented in table 4.6.

Table 4.6: Perceived Labour Dispute Strikes/Lockouts Impact - Validity Test 2

Labour dispute strikes/lockouts impact	Corrected Item-Total Correlation	Cronbach's Alpha if Item Deleted
Loss of wages/salaries during the strike/lockout period	.698	.935
Loss of employment to strikers through terminations as a result of structural changes caused by dispute	.707	.934
Leads into arrests and prosecution of violent workers/strikers	.696	.935
Leads into disappointments and loss of confidence in trade unions due to unsuccessful strikes	.686	.935
Leads into increased wages or improved/favourable conditions of service/employment	.668	.935
Leads into some undeterminable monetary psychological losses	.808	.932
Loss of staff members (employees) through deaths as part of strike effects	.722	.934
Loss of production outputs, sales and markets	.668	.936
Leads into increased disputes (strikes) settlement or management costs (e.g. hiring, security, counter-strike costs)	.619	.936
Replacement costs for the damaged equipments or machineries and for extra hired employees to sustain minimum maintenance	.666	.935
Increased production costs through increased wages	.697	.935

Staff loss/death associated costs such as funeral expenses for the deceased employee as part of strike consequences	.681	.936
Leads into some undeterminable monetary psychological losses	.734	.934
Disturbs the country's harmonious industrial relations	.692	.935
Has lowering effects on the country's wealth/GDP through loss of production outputs	.592	.937
Disturbs country's economic growth as a result of possible decrease in living standards of workers due to reduced wages or wage losses	.596	.937

Source: Author's empirical results

These sixteen statements have been used to build a scale of the degree of perceived labour dispute strikes/lockouts impacts on the employment social partners.

Creation of a Scale for Labour Disputes' Prevention and Reduction Strategies (Q25)

Third, to measure the degree of perceived effective labour disputes' prevention and reduction strategies, the following fifteen statements measured on a five point Likert Scale, ranging from strongly disagree to strongly agree, were presented to respondents:

1. Improvement in working conditions.
2. Workers' education.
3. Workers' education and training programmes.
4. Workers' voice and participation.
5. Employee Communication.
6. Availability and use of grievance procedures.
7. Speedy or timely settlement of labour disputes.
8. Availability and utilization of collective bargaining agreements.
9. Utilisation of different levels of workplace joint consultation.
10. Observance of the code of discipline.
11. Positive labour-management associations.
12. Positive attitudes of supervisors to workers' problems.
13. Recognition of functional and stable trade unions as bargaining agents.
14. Wage provision or adjustment based on price index level, inflation and prevailing living standards.

15. Provision of welfare amenities to every worker (e.g. loan, transport, education, housing facilities and healthy services for workers and their families).

Table 4.7: Perceived Effective Labour Disputes Prevention and Reduction Strategies - Validity Test 1

Labour dispute prevention and reduction strategies	Corrected Item-Total Correlation	Cronbach's Alpha if Item Deleted
Improvement in working conditions	.442	.965
Workers' education	.526	.963
Workers' education and training programmes	.833	.955
Workers' voice and participation	.825	.955
Employee Communication	.788	.956
Availability and use of grievance procedures	.815	.956
Speedy or timely settlement of labour disputes	.822	.955
Availability and utilization of collective bargaining agreements	.859	.954
Utilisation of different levels of workplace joint consultation	.825	.955
Observance of the code of discipline	.785	.956
Positive labour-management associations	.861	.955
Positive attitudes of supervisors to workers' problems	.793	.956
Recognition of functional and stable trade unions as bargaining agents	.830	.955
Wage provision or adjustment based on price index level, inflation and prevailing living standards	.880	.954
Provision of welfare amenities to every worker (e.g. loan, transport, education, housing facilities and healthy services for workers and their families)	.831	.955

Source: Author's empirical results

As can be seen in table 4.7, corrected item-total correlation for each one of the fifteen statements is greater than 0.3. Hence, the scale can be regarded as valid with this study sample. In addition, the Cronbach Alpha for the above fifteen statements is 0.959 hence the scale can be considered reliable with this study sample. These fifteen statements have been used to build a scale of the labour disputes prevention and reduction strategies. Note that a high score on each of the 15

statements indicates that nearly all the statements are most effective labour disputes prevention/reduction strategies.

4.7.4 Validity and Reliability Assessment

In this study, some approaches have been used to assess validity and reliability of the results. For some key questions' variables, Cronbach's Alpha statistic and corrected item-total correlations were used to assess reliability and validity, respectively as shown earlier in subsection 4.7.3.2 above. Whereas, for the various questions relating to the implications of workplace labour disputes as well as labour disputes prevention/reduction strategies, reliability of the results was assessed by comparing responses to alternative forms of the same question. This approach, according to Saunders et al. (2007), is known as "check questions" approach. Using this approach, the specific results of questions 12a, 12b, and 12c have been compared to the results of question 14; results of questions 16, 17, 19b and 20 have been compared to the results of question 19a; and results of questions 21, 22 and 23 have been compared to the results of each other. Finally, the results of questions 25 and 26 have also been compared to the results of each other. Similar patterns have emerged in terms of the relative strengths of the observed relationships between various variables.

4.8 Chapter Summary

This chapter has presented the overall research approach that was adopted to conduct this study. It has explained what data were collected, why, from where, when, and how. The chapter has also described how the data collected for this study were analysed. The next chapter presents the results of this study based on questionnaire responses and supplemented by an analysis of data obtained through semi-structured interviews together with reviews of workplace labour dispute policy documents.

CHAPTER FIVE

Research Results

5.1 Introduction

The main focus of this study was to investigate labour disputes' effects (implications) on workplace operations in the major formal privately owned coal mining companies in Rumphi district in Malawi. However, unless the nature, types and characteristics of these labour disputes have been described accurately and systematically, any attempts to explain the implications, would be misplaced. This chapter, therefore, presents first, the research results and findings that focus on the nature, types and characteristics of labour disputes that occur in coal mining companies in Rumphi district in Malawi. Second, the chapter, presents results on labour disputes' implications on workplace operations. These results are based on questionnaire responses and supplemented by analysis of secondary data from office reports and interviews from key informants.

5.2 Nature, Types and Characteristics of Labour Disputes

5.2.1 Nature of Labour Disputes

Different kinds of labour disputes based on different causes or sources occur in workplaces. While every workplace may experience any kind of labour dispute, there are specific labour disputes that may occur or not occur in the sample coal mining companies. In this study, respondents were asked to identify kinds of labour disputes based on causes experienced in their companies by answering Yes or No to each of eleven specified kinds of labour disputes. The results are provided in table 5.1.

Table 5.1: Nature of Labour Disputes Occurring in the Sample Coal Mining Companies

Nature of labour dispute	Yes Frequency (N = 240)	Valid percent
Labour disputes on severance pay	183	76.3
Labour disputes on interpretation of collective bargaining agreements	182	75.8
Labour disputes on unfair labour practices	182	75.8
Labour disputes on recognition for bargaining	180	75.0
Labour disputes on unfair dismissals	178	74.2
Labour disputes on retrenchments/redundancies	177	73.8
Labour disputes on disclosure of information	176	73.3
Labour disputes on refusal to bargain	176	73.3
Labour disputes on probation	173	72.1
Labour disputes on discrimination	172	71.7
Labour disputes on organizational rights	168	70.0

Source: Author’s empirical results

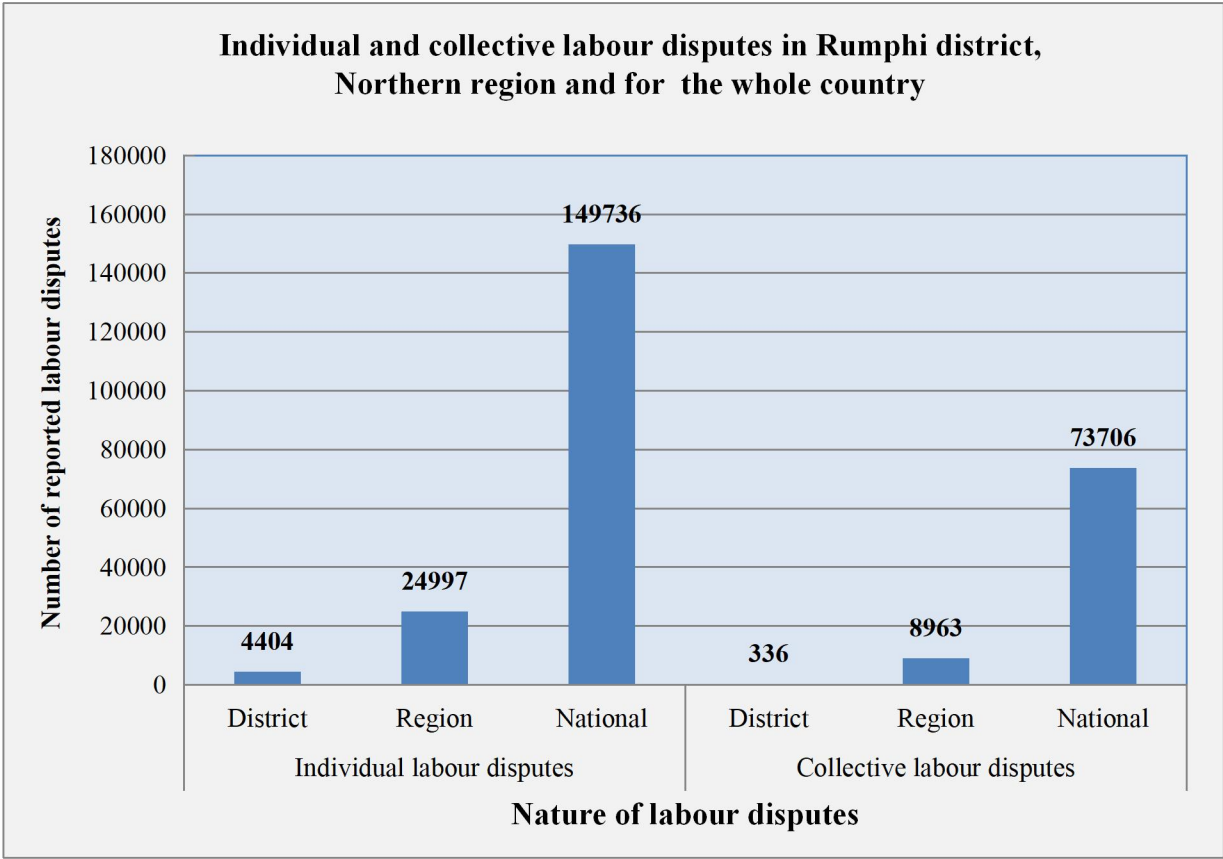
Table 5.1 shows that each of the eleven specified kinds of labour disputes was identified by over half of the total respondents with disputes on severance pay being identified by the majority respondents (76.3 %) followed by disputes on interpretation of collective bargaining agreements and unfair labour practices (75.8 % each). One interviewee confirms this latter result: “We agreed that wages shall be increased in April every year provided our company realises profits and thus we were justified to go on strike following our employer’s failure to increase our wages as per our agreement”. The least majority respondents (70 %) identified disputes on organizational rights.

The results reveal that labour disputes on severance pay followed by disputes on interpretation of collective bargaining agreements and those on unfair labour practices were identified by the most majority respondents as kinds of labour disputes based on causes, which are experienced in the

surveyed coal mining companies. On the other hand, the least majority respondents identified labour dispute on organizational rights. The other identified kinds of labour disputes were disputes on recognition for bargaining, unfair dismissals, retrenchments/redundancies, disclosure of information, refusal to bargain, probation and discrimination.

Naturally, these identified labour disputes based on causes may either be individual or collective labour disputes. In this regard, this study further examined the nature of labour disputes in terms of individual and collective labour disputes using secondary data collected on the reported labour disputes from 2010 to 2019. Figure 5.1 shows results.

Figure 5.1: Reported Individual and Collective Labour Disputes in Malawi (2010 – 2019)



Source: Author’s own computation from the collected secondary data from office annual reports for 10-year period from 2010 - 2019.

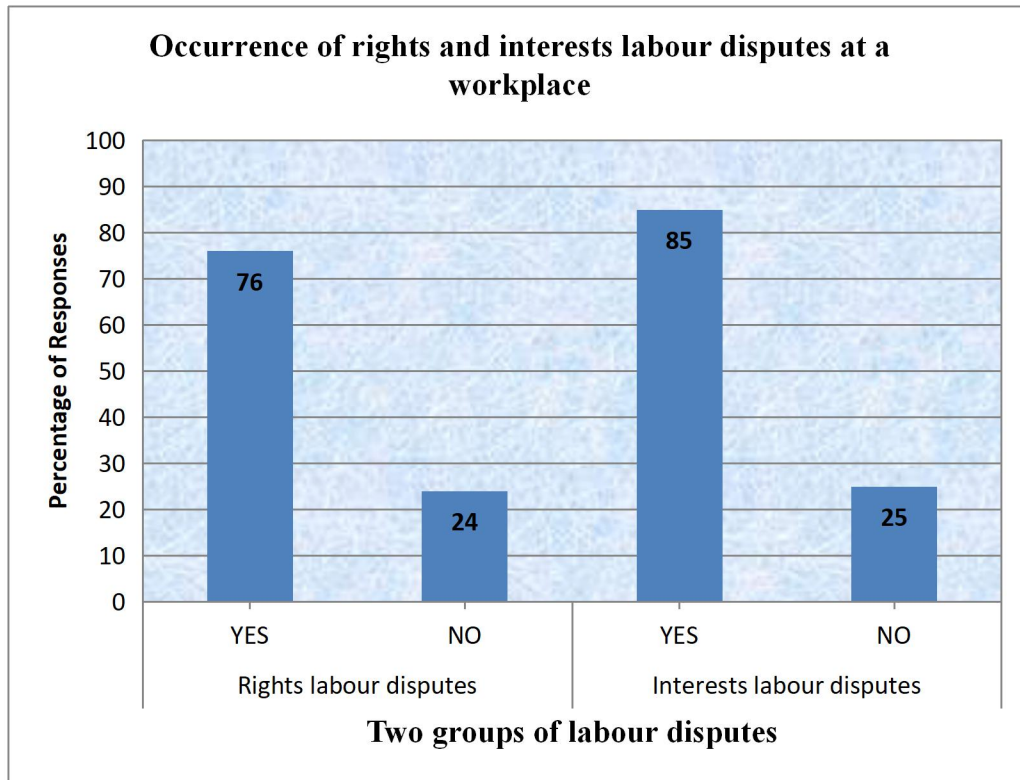
Figure 5.1 shows a total of 4,404 reported individual labour disputes against 336 collective labour disputes in Rumphi district for the past 10 years from 2010 – 2019. Furthermore, the figure shows 24,997 and 149,736 individual labour disputes in the Northern region and for the whole country, respectively, during the same 10-year period. On the other hand, 8,963 and 73,706 were the reported collective labour disputes, respectively. These results indicate that more individual labour disputes than collective labour disputes occur in Rumphi district and let alone in Malawi.

This finding supports the theory of individual and collective labour disputes, which stipulates that naturally, it is the individual labour disputes that occur mostly in many workplaces in the world of work as compared to collective labour disputes. The possible explanation is that it is rather difficult for a collective labour dispute to frequently occur as it requires more than one employee to collectively consent their disagreement with their employer. This collective consent is not easy for individuals with different reasoning capacities as compared to an individual labour dispute that only requires one person to decide his/her way forward regarding one's eminent disagreement with his/her employer.

5.2.2 Types of Labour Disputes

In terms of types of labour disputes, each of the eleven specified labour disputes falls either as rights labour dispute or as interests labour dispute. It became necessary therefore, to perform a comparative analysis between occurrence of rights labour disputes and that of interests labour disputes. Figure 5.2 shows comparative results.

Figure 5.2: Percentage of Study Respondents on the Types of Workplace Labour Disputes



Source: Author's empirical results

Figure 5.2 indicates that interests labour disputes (85 %) are the mostly occurring labour disputes in the mining companies as compared to rights labour disputes (76 %).

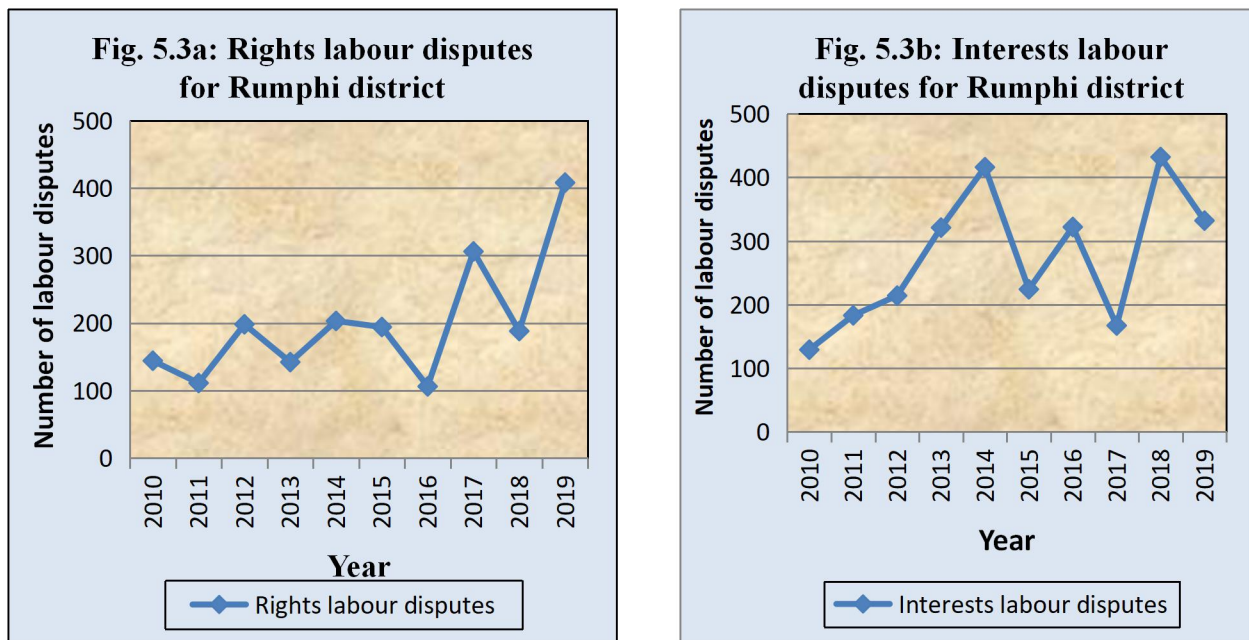
However, an analysis from the collected secondary data on the types of labour disputes shows contrasting results (Figure 5.3). The analysis shows a **W** shaped pattern almost repeatedly from 2010 to 2018 in the occurrence of rights labour disputes (Fig. 5.3a). On the other hand, it shows increasing trend of interests labour disputes from 2010 to 2014 (Fig. 5.3b). Thereafter, it also shows a **W** shaped pattern to 2018. This **W** shaped occurrence pattern implies a rising and falling trend in occurrence of the two types of labour disputes.

An observation from Figure 4.3 below clearly shows that, while both rights and interests labour disputes had almost followed a similar increasing and decreasing trend in their occurrence, rights

labour disputes, however, continued rising sharply from 2018 as compared to interests labour disputes that started decreasing from the same year. It is this observation that contradicts results indicated in Figure 5.2 above.

Possibly another major observation with this occurrence of labour disputes in Rumphi district is that although the two types of labour disputes depict a similar occurrence pattern over the past decade, the observed occurrence pattern, however, reveals a sharp opposite trend between occurrence of rights labour disputes and those of interests labour disputes from 2016. This opposite trend is clear from the Figure 5.3 where rights labour disputes, firstly, rose sharply from 2016 to 2017, whereas interests labour disputes sharply decreased. Secondly, rights labour disputes decreased sharply from 2017 to 2018, whereas interests labour disputes sharply increased. Finally, rights labour disputes rose sharply from 2018 to 2019, whereas interests labour disputes sharply decreased.

Figure 5.3: Comparative Trend in Occurrence of Rights and Interests Labour Disputes in Rumphi District, (2010 – 2019)



Source: Author’s own computation from collected secondary data from office annual reports for 10-year period from 2010 - 2019.

In summary, the results from primary data analysis on occurrence of the two types of labour disputes slightly differ from those of secondary data analysis. Primary data analysis results show

more interests labour disputes than rights labour disputes, whereas secondary data analysis results show more rights labour disputes than interests labour disputes. This difference might be due to two possible explanations. First, this study is a cross sectional study that collected primary data at one time period (February – April, 2020). On the other hand, secondary data was collected from labour disputes statistics that had been reported at different times over the period of ten years from 2010 to 2019.

Second, the primary data analysis was based on respondents' perceptions regarding the occurrence of rights and interests (individual and collective) labour disputes only in the coal mining companies, whereas secondary data analysis was based on reported labour disputes from different companies in the study district including the sample coal mining companies.

However, referring to the continued opposite trend in occurrence of rights and interests labour disputes observed in Figure 5.3, it might be possible that the occurrence of rights labour disputes decreased, whereas that of interests labour disputes increased from 2019. Thus, reflecting results based on analysis of the primary data collected in 2020 which showed more occurrences of interests labour disputes than rights labour disputes.

5.2.3 Characteristics of Rights Labour Disputes

Rights labour disputes which are about existing entitlements can further be characterized. They can be characterized based on their prescribed legal entitlements provided in a country's employment and labour laws. Literature review reveals ten different characterized rights labour disputes applicable in Malawi (LRA, 1996; EA, 2000 & WCA, 2000). These are:

1. Non-wage payment labour disputes,
2. Delayed wage payment labour disputes,

3. Under-minimum wage payment labour disputes,
4. Non-overtime payment labour disputes,
5. Under-payment of overtime labour disputes,
6. Employment contract violation labour disputes,
7. Dismissal/employment termination labour disputes,
8. Mandatory work conditions violation labour disputes (e.g. rest, leave, hours etc),
9. Workers' compensation labour disputes (e.g. non-payment, delayed or non-coverage),
10. Non-payment of terminal benefits labour disputes (e.g. notice, gratuity, pension, severance allowance etc).

This study has identified eleven kinds of labour disputes based on causes/sources which are either individual or collective (Table and Figure 5.1). Note that there is no clear distinction between labour disputes grouped based on causes and characterized rights labour disputes based on legal entitlements. Labour disputes based on causes/sources mostly involve disagreements between two disputing parties only, whereas characterized rights labour disputes apart from involving two primary parties they also, usually at later stage, extend disagreements to involve respective representatives of the two primary disputing parties. This is in addition, to the characterized labour disputes being legal disputes. This implies that a characterized labour dispute can be originated by a third party or party's representative which is not necessarily the case with the other group. Otherwise, the two are groups of labour disputes with related kinds of labour disputes.

In this regard, it is therefore clear that some specific labour disputes especially those not familiar with respondents would not have been rated adequately if the two labour dispute groups were not separated. Note however, that while this study has presented results of these two groups of

labour disputes separately, for purposes of clarity and comprehensiveness, the discussion chapter has, however, discussed results from these two labour dispute groups in combination.

Therefore, to establish the occurrence of the characterized rights labour disputes in the sample coal mining companies, the ten different characterized rights labour disputes (LRA, 1996; EA, 2000 & WCA, 2000) were presented for verification by respondents. Specifically, respondents were asked to indicate characterised labour disputes applicable in their companies by answering Yes or No to each of the ten characterised rights labour disputes. The results are provided in table 5.2.

Table 5.2: Characteristics of Workplace Rights Labour Disputes

Characterised rights labour dispute	YES Frequency (N = 240)	Valid percent
Dismissal/employment termination labour disputes	184	76.7
Under-Minimum wage payment labour disputes	181	75.4
Workers' Compensation labour disputes (e.g. non-payment, delayed or non-coverage)	181	75.4
Non-wage payment labour disputes	180	75.0
Non-payment of terminal benefits labour disputes (e.g. notice, gratuity, pension, severance allowance etc)	180	75.0
Under-payment of overtime labour disputes	177	73.8
Employment contract violation labour disputes	175	72.9
Non-overtime payment labour disputes	171	71.3
Mandatory work conditions violation labour disputes (e.g. rest, leave, hours etc)	171	71.3
Delayed wage payment labour disputes	161	67.1

Source: Author's empirical results

Table 5.2 shows that each of the ten characterised labour disputes was indicated by over half of the total respondents with “Dismissal/employment termination labour disputes” being perceived by the majority respondents (76.7 %) followed by “Workers’ compensation labour disputes, Under-minimum wage payment labour disputes, Non-wage payment labour disputes and Non-payment of terminal benefits labour disputes (75 % each). Delayed wage payment labour disputes, was perceived applicable by the least majority respondents (67.1 %).

These results indicate that the characterised rights labour disputes were all indicated to be occurring in the sample coal mining companies. These are Dismissal/employment termination labour disputes, Workers’ compensation labour disputes, Under-minimum wage payment labour disputes, Non-wage payment labour disputes, Non-payment of terminal benefits labour disputes, Under-payment of overtime labour disputes, Employment contract violation labour disputes, Non-overtime payment labour disputes, Mandatory work conditions violation labour disputes (e.g. rest, leave, hours etc) and Delayed wage payment labour disputes.

The occurrence of these characterized rights labour disputes based on legal entitlements was also reported in Chinese companies (Shen, 2008) as well as in the Nigerian companies (Okene & Emejuru, 2015). Therefore, this study’s finding on characterized labour disputes confirms findings by earlier studies (Shen, 2008; Okene & Emejuru, 2015) on characteristics of workplace labour disputes.

5.2.3.1 Occurring Frequency of the Characterised Labour Disputes

In addition to describing the characteristics of labour disputes occurring in the sample coal mining companies, this study also examined the relative frequency of the characterised labour disputes perceived to be mostly occurring in the studied companies. Respondents were required to

specifically indicate the level of their agreement with respect to various characterized labour disputes perceived to be most occurring in their companies. The same 10 characterised rights labour disputes in Table 5.2 above of this study were presented to respondents (see question 10 of the study questionnaire). The aim of this question was to determine the relative frequency of the characterized labour disputes that are perceived to be most occurring in the sample coal mining companies according to the respondents.

To analyse questionnaire responses on the most perceived frequent occurring characterized labour disputes, *relative mean ranking* has been used. The *means* of the 10 characterised labour disputes that were presented to respondents have been analysed to determine the degree to which the respondents agreed or disagreed with each characterized labour dispute. The results are provided in Table 5.3.

Table 5.3: Relative Mean Ranking of Characterised Rights Labour Disputes

Characterised rights labour disputes	Mean Score	Standard Deviation
Non-payment of terminal benefits labour disputes (e.g. notice, gratuity, pension, severance allowance etc)	4.19	1.349
Dismissal/employment termination labour disputes	4.15	1.365
Workers’ compensation labour disputes (e.g. non-payment, delayed or non-coverage)	4.13	1.360
Mandatory work conditions violation labour disputes (e.g. rest, leave, hours etc)	3.98	1.251
Under-payment of overtime labour disputes	3.92	1.514
Employment contract violation labour disputes	3.92	1.247
Non-overtime payment labour disputes	3.91	1.532
Under-minimum wage payment labour disputes	3.84	1.339
Delayed wage payment labour disputes	3.53	1.120
Non-wage payment labour disputes	3.00	1.292
Note: Used a 5-point scale where (1 = Strongly disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly agree)		

Source: Author’s empirical results

Table 5.3 shows descriptive results indicating the highest mean score of 4.19 accounted for by the labour dispute of non-payment of terminal benefits. In terms of percentages, most respondents agreed that non-payment of terminal benefits labour disputes occur mostly at their workplaces with 68 % “strongly agreeing” and 10 % “agreeing” (Table 5.4a) reflecting an accumulative total of 78 % “agreement”. On the other hand, a comparatively small percentage disagreed with this statement by 16 % as accumulative total of 9 % “strongly disagreeing” and 7 % “disagreeing”. In other words, it means workplace employees and employers in the sampled mining workplaces are mostly faced with (mostly experience) labour disputes of non paid terminal benefits such as notice, gratuity, pension, severance allowance etc as compared to other forms of labour disputes. Terminal benefits such as notice, gratuity, pension, severance allowance etc are prescribed as legal entitlements for deserving employees at termination of their employment contracts in Malawi (EA, 2000).

The table also shows non-wage payment labour dispute with the lowest mean score of 3.00. The mean score of 3.00 was an average mean score for the used 5-point scale. This lowest scored labour dispute was accounted for by 42 % “agreeing” and 9 % “strongly agreeing” (Table 5.4b), thereby achieving an accumulative total of 51 % of respondents in agreement. This means that non-wage payment labour disputes were agreed as the least faced labour disputes by employees and employers in the sample coal mining companies.

Table 5.4a: Categorical Response Frequencies on Non-wage Payment and Delayed Payment Labour Disputes

Variable Category	Non-payment of terminal benefits labour disputes		Dismissal/employment termination labour disputes	
	Frequency (N = 240)	Valid Percent	Frequency (N = 240)	Valid Percent
Strongly disagree	22	9	21	9
Disagree	17	7	25	10
Neutral	16	6	6	3
Agree	23	10	32	13
Strongly agree	162	68	156	65
Total	240	100	240	100

Source: Author’s empirical results

Overall, these results indicate that at least 50 % of the respondents agreed that each of the ten prescribed / characterized labour disputes: (Non-payment of terminal benefits labour disputes (e.g. notice, gratuity, pension, severance allowance etc); Dismissal/employment termination labour disputes; Workers’ compensation labour disputes (e.g. non-payment, delayed or non-coverage); Mandatory work conditions violation labour disputes (e.g. rest, leave, hours etc); Under-payment of overtime labour disputes; Employment contract violation labour disputes; Non-overtime payment labour disputes; Under-minimum wage payment labour disputes; Delayed wage payment labour disputes; and Non-wage payment labour disputes) was mostly occurring in the sample coal mining companies. This overall result means that all the ten characterized rights labour disputes were agreed as different kinds of legal related labour disputes that are faced by employees and employers in the surveyed coal mining companies.

Although the “Non-wage payment labour disputes” was also agreed as one faced kind of labour disputes in the surveyed coal mining companies, nearly half of the respondents (accumulative

percentage in disagreement of 43 %), however, disagreed that this kind of labour dispute does not mostly occur in their workplaces. Relating this kind of labour dispute of non-wage payment to the dispute of delayed payment, it is shown that 10 % and 6 % (Table 5.4b) of the respondents were neutral with regard to whether “Delayed wage payment labour disputes” and “Non-wage payment labour disputes”, respectively, were occurring in their workplaces. This might imply, to certain extent that some respondents had to treat delayed wage payment as similar to non wage payment in cases where the delay goes beyond the next cycle of wage payments which is possible in the coal mining sector.

Table 5.4b: Categorical Response Frequencies on Non-wage payment and Delayed Payment Labour Disputes

Variable Category	Non-wage payment labour disputes						Delayed wage payment labour disputes					
	Frequency (N = 240)			Valid Percent			Frequency (N = 240)			Valid Percent		
	WR	ER	Both	WR	ER	Both	WR	ER	Both	WR	ER	Both
Strongly disagree	28	9	37	13	53	15	17	4	21	8	24	9
Disagree	66	2	68	30	12	28	25	2	27	11	12	11
Neutral	12	3	15	5	18	6	22	3	25	10	18	10
Agree	97	2	99	44	12	42	136	1	137	61	6	57
Strongly agree	20	1	21	9	6	9	23	7	30	10	41	13
Total	223	17	240	100	100	100	223	17	240	100	100	100

Note: WR = Worker (employee) respondents and ER = Employer respondents

Source: Author’s empirical results

Table 5.4b shows that there were 65 % of employer respondents who cumulatively disagreed that “Non-wage payment labour disputes” do occur against 43 % of employee respondents. On the

other hand, there were 36 % of employer respondents who cumulatively disagreed that “Delayed wage payment labour dispute” do occur against 19 % of employee respondents. These results mean that more employer respondents than employee respondents disagreed that Non-wage payment labour disputes and Delayed wage payment labour disputes occur in the surveyed coal mining companies. The possible explanation is that most workplace employers are reluctant to acknowledge the existence of non-wage payment and delayed wage payment labour disputes in their companies.

The overall finding is that all the ten characterized rights labour disputes were indicated by at least 50 % of respondents to be occurring at their companies with non-payment of benefits followed by dismissal and workers compensation reported as three top most occurring disputes. The other finding is that nearly half of the respondents disagreed with the occurrence of non-wage payment and delayed wage payment labour disputes in their companies.

5.3 Labour Disputes’ Resultant Actions

Labour disputes at a workplace can result into actions called labour disputes’ resultant actions. Respondents were asked to confirm their knowledge about the existence of labour disputes’ resultant actions by answering Yes or No to each of the four explored labour disputes’ resultant actions. Figure 5.4 shows results.

Figure 5.4: Percentage of Study Respondents Confirming Labour Disputes' Resultant Actions at Workplaces



Source: Author's empirical results

Figure 5.4 shows dispute settlement (88 %), employee discipline (87 %); strikes (86 %) and lockouts (77 %) indicating that all four specified actions are known to be labour disputes' resultant actions as confirmed by the majority respondents in this study.

These results indicate that almost all the four: strikes, lockouts, employee discipline and dispute settlement; are the most resulting actions of labour disputes in the sample coal mining companies. The results agree with earlier studies that reported that strikes and lockouts are the most labour dispute resulting actions of all other possible actions (Chamberlain & Schilling, 1954; Knowles, 1955; Hameed, 1971). This is despite the fact that those earlier studies focused mainly on collective labour disputes which result into strikes unlike this study that extended its focus to all types of labour disputes including individual labour disputes that result into actions of employee discipline and dispute settlement.

However, 34 % of the respondents are of the view that they are other actions that can arise as a result of labour disputes in the workplaces. These other actions were, however, not specified.

The failure to specify other actions by the 34 % respondents may be due to factor of educational level of which most study respondents (80 %) were educated only up to secondary level against this technical knowledge of labour disputes' resulting actions.

Although this study examined employee discipline (Figure 5.4) as a separate action from dispute settlement, a disciplinary action against an employee is a form of dispute settlement. Thus any discussion of labour disputes' implications with respect to dispute settlement in this study is inclusive of employee discipline.

5.4 Implications of Labour Disputes on Workplace Operations

5.4.1 Labour Disputes and the Production Workplace Operation

The results of this study as shown earlier in (Figure 5.4) have revealed four frequent labour disputes' resultant actions that have implications on workplace operations. Therefore, the focus in this subsection is on examining how the labour disputes' resulting actions implicate workplace operations in the sampled private coal mining companies. Labour disputes' resultant actions are examined against variables of production costs/losses under production operation, dispute settlement costs or outcomes under labour dispute settlement management and employment relationship consequences under employment relationship management.

5.4.1.1 Labour Disputes' Resultant Actions versus Production Associated costs/losses

The workplace production output loss or the reduced production output is affected by production associated cost/loss variable(s). Eight production associated cost/loss variables were identified and used in this study. These production associated cost/loss variables are: working hours/days loss (man-hours/days loss), production time loss, dispute time loss (lost time due to dispute), production process disturbances/disruptions, loss in supply of goods and services, workplace customers or markets loss, production/operational costs and damaged equipment replacement cost.

The production associated cost/loss variables are in turn affected by the type of labour disputes/disputes' actions. In this study, to show extent how labour disputes' resultant actions of strike, lockout and dispute settlement affect the workplace associated cost/loss variables, respondents were asked to associate their perceptions by ticking each appropriate resultant action associated with each of the eight identified production associated cost/loss variable(s). The level

of each cost/loss variable is measured as low or medium or high. The results are provided in Table 5.5.

Table 5.5: Labour Disputes’ Resultant Actions by Production Associated Cost/loss Variable(s): Column Percentages

Production associated cost/loss variable(s)	Labour disputes’ resultant actions			
	Category	Strike (N = 240)	Lockout (N = 240)	Dispute settlement (N = 240)
Working hours/days loss (man-hours/man-days loss)	Low	11	37	16
	Medium	14	51	44
	High	75	12	40
	Total (%)	100	100	100
Production time loss	Low	12	30	14
	Medium	31	47	44
	High	57	23	42
	Total (%)	100	100	100
Dispute time loss (lost time due to dispute)	Low	7	35	18
	Medium	33	47	37
	High	60	18	45
	Total (%)	100	100	100
Production process disturbances/disruptions	Low	9	33	12
	Medium	31	48	45
	High	60	19	43
	Total (%)	100	100	100
Loss in supply of goods and services	Low	8	35	18
	Medium	30	47	39
	High	62	18	43
	Total (%)	100	100	100
Workplace customers or markets loss	Low	8	33	14
	Medium	30	43	42
	High	62	24	44
	Total (%)	100	100	100
Production/operational costs	Low	11	12	38
	Medium	12	72	22
	High	77	16	40
	Total (%)	100	100	100
Damaged equipment replacement costs	Low	13	38	38
	Medium	10	47	19
	High	77	15	43
	Total (%)	100	100	100

Source: Author’s empirical results

Table 5.5 shows that less than 40 % of the respondents indicate low cost/loss for each of the eight identified production associated costs/losses against each labour disputes' resultant action. These results imply that, cumulatively, over 60 % of the respondents perceive that each labour disputes' resultant action of a strike or lockout or dispute settlement accounts for medium or high level of cost/loss for each production associated cost/loss.

The table also shows that at least 57 % of the respondents associated strikes with high cost/loss level for each production associated cost/loss, whereas at least 43 % of the respondents associated lockouts with medium cost/loss level for each production associated cost/loss. Further analysis of results in this table reveals that average respondents (65 % and 50 %) hold the view that strikes and lockouts are associated with high and medium cost/loss levels, respectively.

On the other hand, a significant number of respondents (at least 37 % in each case) associated dispute settlement action with either medium or high cost/loss level except for the production/operational costs and damaged equipment replacement costs where the dispute action was equally associated with either low (38 % in each case) or high (40 and 43 %, respectively) level of cost/loss. A possible explanation for this latter finding may be that workers/employers in the sample coal mining companies do view dispute settlement as a continuous workplace event that is just normal and peaceful to the effect that it does not lead into any physical damage to workplace machinery nor does it halt the workplace production process.

Note that although the majority respondents did not associate dispute settlement action with low level of cost/loss for all the other production associated costs/losses other than the production/operational costs and damaged equipment replacement costs, their significant cumulative responses for low and medium levels of costs/losses for each of the other production

associated costs/losses reveal that workers/employers in the sample coal mining companies perceive that dispute settlement action seems to be the labour disputes' resultant action common to every production associated cost/loss.

Overall, these results firstly indicate that labour disputes' resultant actions of strikes and lockouts are specifically associated with high and medium production associated costs/losses, respectively. Secondly, the results indicate that dispute settlement action, on the other hand, is mainly associated with either high or medium production cost/loss levels except for production/operational costs and damaged equipment replacement costs where the dispute settlement action was also equally perceived to be associated with low level of cost/loss.

5.4.1.2 Labour Dispute Settlement Time versus Production Associated costs/losses

Various workplace production associated costs and/or losses increase with the increasing time it takes for the labour disputes to be settled or resolved. Three categories of labour dispute settlement time (below average settlement time, average settlement time and above average settlement time) were compared with three categories of production associated costs/losses (low, medium and high costs). Respondents were asked to rate by ticking the appropriate time category associated with a level of production associated cost/loss. Results were crosstabulated using SPSS and are provided in Table 4.6.

Table 5.6: Labour Dispute Settlement Time by Production Associated Costs/losses: Column Percentages

Variables	Labour dispute settlement time				
	Category	Below average settlement time (N = 39)	Average settlement time (N = 73)	Above average settlement time (N = 128)	Total (N = 240)
Production associated costs/losses	Low	51	15	14	27
	Medium	18	69	16	34
	High	31	16	70	39
	Total (%)	100	100	100	100

Source: Author’s empirical results

Study results in Table 5.6 reveal that 51 % of those who responded about “below average settlement time” hold a view that the below average labour dispute settlement time is associated with low production costs/losses. On the other hand, 70 % of those who responded about “above average settlement time” are of the view that high production costs/losses are associated with the above average dispute settlement time. It is also clear from the table that at the average settlement time scale, the majority (69 %) who responded within this scale hold a corresponding view that medium production costs/losses are associated with the average time of labour dispute settlement.

These results show that there is a relationship between the time taken to settle a labour dispute and the associated dispute production costs and/or losses at a workplace. The relationship is that the associated dispute production costs/losses increase with the increasing labour dispute settlement time. It is a positive relationship.

While the modal category with majority responses for below average settlement time accounts for low production associated costs/losses, nearly half responses fall into the other two categories. Similarly, while the majority responses for above average settlement time accounts for high production associated costs/losses, a significant percentage (30 %) of the responses do not. This result implies that the positive relationship between production associated costs/losses and labour dispute settlement time is not very strong.

5.4.2 Labour Disputes and the Dispute Settlement Management Workplace Operation

5.4.2.1 Labour Dispute Settlement Costs/losses

Labour dispute settlement at a workplace is associated with various kinds of costs/losses, which can be met by either employees or employers. First, respondents were asked to confirm kinds of labour dispute associated costs/losses experienced in their companies by answering Yes or No to each of the 6 specified kinds of costs and/or losses. The results are provided in table 5.7.

Table 5.7: Kinds of Labour Dispute Settlement Associated Costs and/or Losses: Frequency of Yes Responses

Cost and/or loss	Yes Frequency (N = 240)	Valid percent
Increased labour costs as a result of increase in employees' wages and improved working conditions following settled strike with wage increase and improved conditions of service demands	217	90.4
Increased operational costs as a result of payments for additional hired security personnel	213	88.8
Direct dispute settlement costs arising from handling of labour disputes brought before labour office or courts for intervention	211	87.9
Replacement costs for lost or damaged equipment, machinery and other resources during strikes/lockouts including staff re-recruitment costs	210	87.5
Loss of staff members (employees) through deaths as part of strike effects	193	80.4
Staff loss/death associated costs such as funeral expenses for the deceased employee as part of strike consequences	189	78.8

Source: Author's empirical results

Table 5.7 shows that each of the 6 described kinds of labour dispute associated costs/losses was confirmed by over half of the total respondents with costs due to increased wages and improved working conditions being identified by the majority respondents (90.4 %). Staff loss/death associated costs was confirmed by the least majority of respondents (78.8 %).

These results indicate that the described kinds of labour dispute associated costs/losses were all confirmed in the sample coal mining companies. These are costs/losses due to increased wages and improved working conditions, operational costs, direct dispute settlement costs, replacement costs, loss of staff members and staff loss/death associated costs.

Regarding direct dispute settlement costs, further data were collected from key informants (trade unionists, labour officers and court/judicial officers) as well as from office registers/records. The data were analysed to support findings on labour dispute settlement implications on dispute settlement costs. The informants were particularly asked to estimate average cost for concluding/settling an individual and/or a collective labour dispute brought before settlement using each of the following indicated dispute settlement methods. The results are shown in Table 5.8.

Table 5.8: Estimated Average Costs to Settle Individual and Collective Labour Disputes: Key Informants' Average Responses

Individual labour dispute	Average cost in Malawi kwacha (Mk)		
	< 10,000	10,000-50,000	> 50,000
Discipline	√		
Collective Bargaining		√	
Labour office intervention		√	
Court intervention		√	
Collective labour dispute	Average cost in Malawi kwacha (Mk)		
	< 10,000	10,000-50,000	> 50,000
Discipline	√		
Collective Bargaining			√
Labour office intervention		√	
Court intervention			√

Source: Author's empirical results (Note: Average exchange rate was Mk744.18 = USD1 in 2020 - according to

www.exchangerates.org.uk)

Table 5.8 shows firstly, that an estimated average cost between Mk10,000 to Mk50,000 would be required to settle an individual labour dispute using collective bargaining or labour office or court litigation methods as compared to less than Mk10,000 that would be required to settle the same labour dispute using discipline (individual bargaining) method. Secondly, the table shows that for the settlement of a collective labour dispute it would require an estimated average cost of less than Mk10, 000 using discipline method, of between Mk10, 000 to Mk50, 000 using labour office and of more than Mk50, 000 using either collective bargaining or court litigation method.

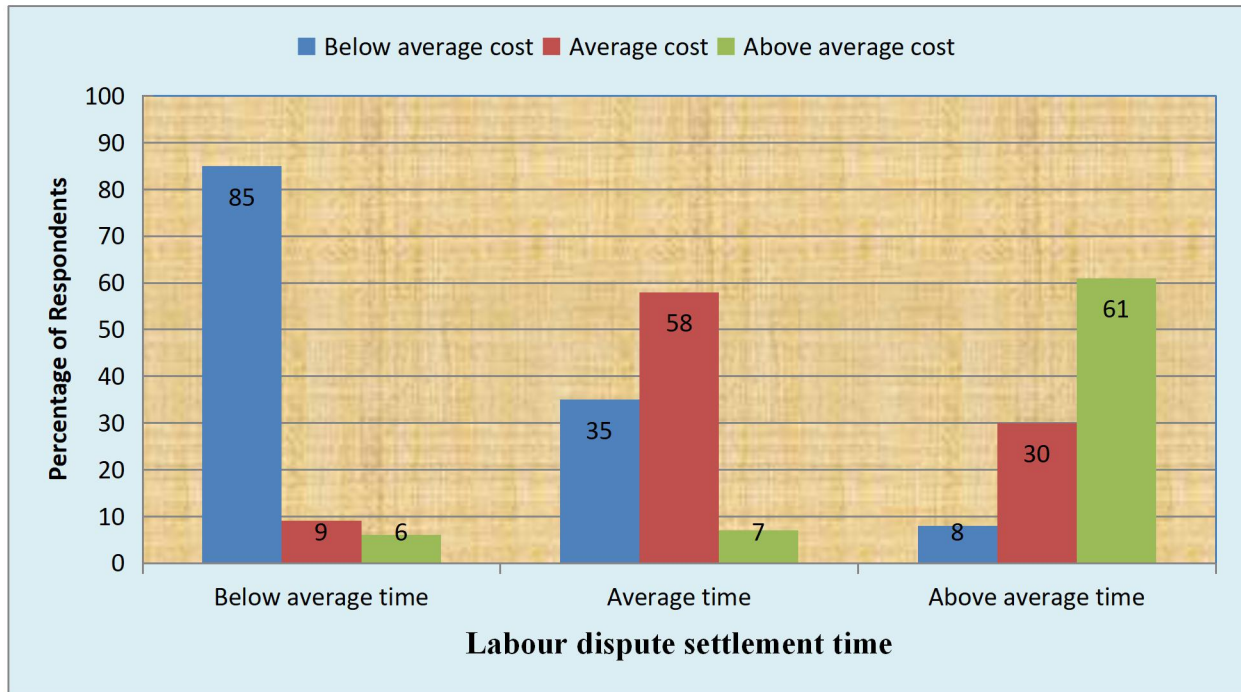
Overall, the finding in this table confirms earlier finding that direct dispute settlement costs arising from handling of labour disputes brought before labour office or courts (87.9 %) are incurred at the companies (Table 5.7). Furthermore, table 5.8 shows that for settlement of individual labour disputes, estimated dispute settlement cost using collective bargaining, one of the in-house dispute settlement methods, is perceived to be equal to that of settling disputes using labour office and courts as third party interventions. The possible explanation for this equality is that ‘third’ party bargainers are still involved when settling individual labour dispute using collective bargaining method. Similarly, for settling collective labour dispute, the estimated cost is the same for using collective bargaining or court intervention, whereas the cost for using the labour office intervention is indicated to be less than that cost for using collective bargaining.

5.4.2.2 Labour Dispute Settlement Time, Methods and Framework Levels versus Dispute Settlement Costs and/or Losses

5.4.2.2.1 Labour Dispute Settlement Time versus Dispute Settlement Costs

Labour dispute settlement time has cost implications. To establish how labour dispute settlement time implicates dispute settlement costs, respondents were asked to rate the estimated cost of dispute settlement against each categorized labour dispute settlement time. The results are provided in Figure 5.5.

Figure 5.5: Labour Dispute Settlement Time by Dispute Settlement Costs



Source: Author's empirical results

Figure 5.5 reveals that 85 % of the respondents indicate below average settlement cost with “Below average time” of labour dispute settlement compared to 9 % and 6 % of respondents indicating average settlement cost and above average settlement cost respectively. For the average dispute settlement time, 35 % and 7 % of the respondents indicate below average settlement cost and above average settlement cost, respectively with “Average time” of labour dispute settlement compared to 58 % of respondents indicating average settlement cost. On the other hand, 8 % and 30 % of the respondents indicate below average settlement cost and average settlement cost, respectively with “Above average time” of labour dispute settlement compared to 61 % of respondents indicating above average settlement cost.

These results show that lower dispute settlement cost is associated with shorter time of labour dispute settlement; average dispute settlement cost is associated with medium or average time of labour dispute settlement and that higher dispute settlement cost is associated with longer time of labour dispute settlement. The results show a relationship between labour dispute settlement cost and labour dispute settlement time. The pattern of the relationship is that lower dispute settlement cost is associated with shorter time of labour dispute settlement, whereas higher dispute settlement cost is associated with longer time of labour dispute settlement. In other words, dispute settlement costs increases with increasing dispute settlement time.

This study further sought to collect data from key informants (trade unionists, labour officers and court/judicial officers) as well as from office registers/records on the estimated time it would take to conclude the settlement of either an individual or collective labour dispute using different settlement methods and framework levels. Key informants were particularly asked to estimate average time for concluding/settling an individual and/or a collective labour dispute brought before settlement using each of the following dispute settlement methods. The results are shown in Table 5.9.

Table 5.9: Estimated Average Time to Settle Individual and/or Collective Labour Disputes: Key Informants’ Average Responses

Individual labour dispute	Average time in days		
	≤14 days	15–30 days	>30 days
Discipline	√		
Collective Bargaining		√	
Labour office intervention		√	
Court intervention			√
Collective labour dispute	Average time in days		
	≤14 days	15–30 days	>30 days
Discipline	√		
Collective Bargaining		√	
Labour office intervention			√
Court intervention			√

Source: Author’s empirical results

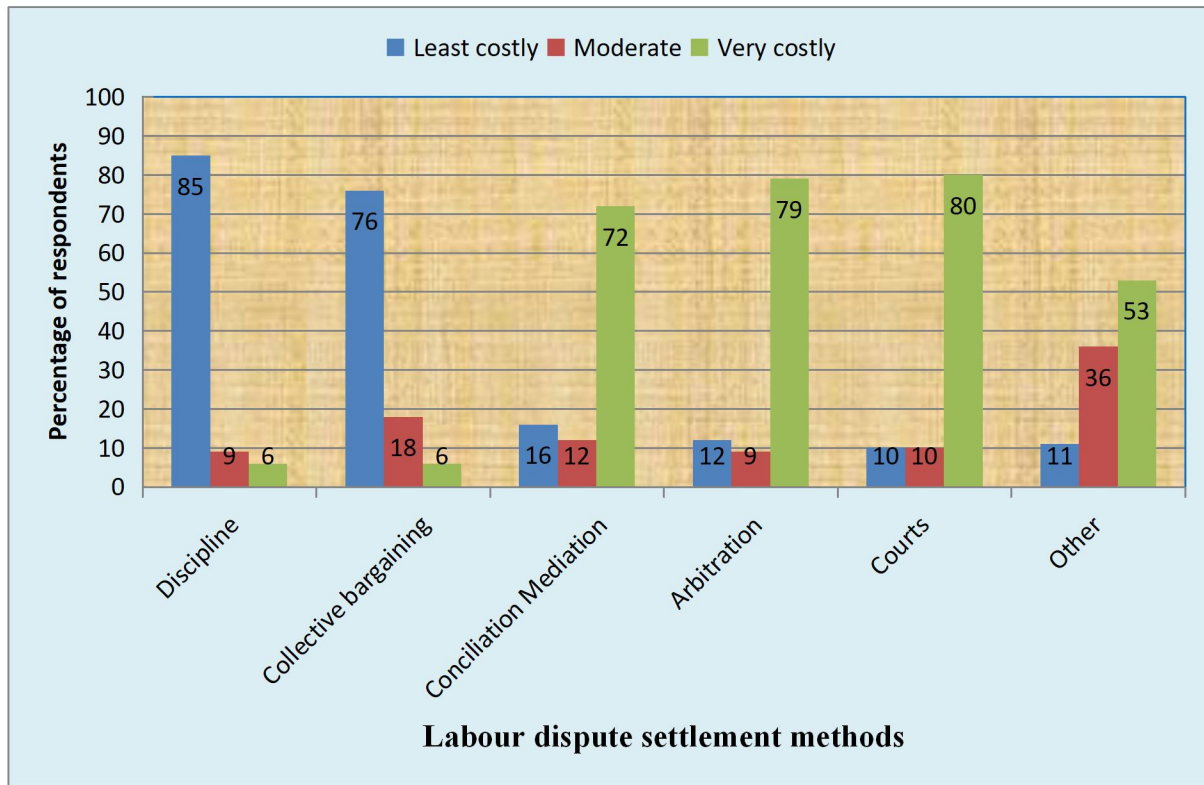
The results in table 5.9 reveal firstly, that an estimated average time of 14 days or less would be required to settle an individual labour dispute using discipline method, of between 15 to 30 days using collective bargaining or labour office methods and of more than 30 days using court intervention method. Secondly, the table shows that for the settlement of a collective labour dispute it would require an estimated average time of 14 days or less using discipline method, of between 15 to 30 days using labour office and of more than 30 days using either collective bargaining or court litigation method. The interviewed IRC official confirmed the case delays depicted in these results by stating that: “IRC handles labour dispute cases periodically at Rumphu district court and usually waits for accumulation of at least five cases before the judge from Mzuzu city court is called to come for case hearing at the district”.

Overall, the finding in this table agrees with findings on labour dispute settlement methods and framework levels versus dispute settlement costs (Figures 5.6 & 5.7 below). For settling collective labour dispute, the estimated cost for using the labour office and court interventions is indicated to be higher than that cost for using collective bargaining method. In other words, dispute settlement cost also seems to increase with the increasing labour dispute settlement framework levels. However, for settlement of individual labour disputes, estimated dispute settlement cost using collective bargaining, one of the in-house dispute settlement methods, is perceived to be equal to that of settling disputes using labour office as third party intervention.

5.4.2.2 Labour Dispute Settlement Methods versus Dispute Settlement Costs

Labour dispute settlement methods have cost implications. To establish how labour dispute settlement methods implicate dispute settlement costs, respondents were asked to rate the cost of dispute settlement against each dispute settlement method. The results are provided in Figure 5.6.

Figure 5.6: Labour Dispute Settlement Methods by Dispute Settlement Costs



Source: Author's empirical results

Figure 5.6 shows that the majority respondents indicate discipline (85 %) and collective bargaining (76 %) as the least costly dispute settlement methods compared to less than 20 % of respondents indicating each of the two settlement methods as moderate and very costly methods. On the other hand, over 70 % of the respondents, in each case, indicate labour office (72 %), arbitration (79 %) and courts (80 %) as very costly dispute settlement methods compared to less than 17 % of respondents indicating each of the three settlement methods as least costly and moderate costly methods.

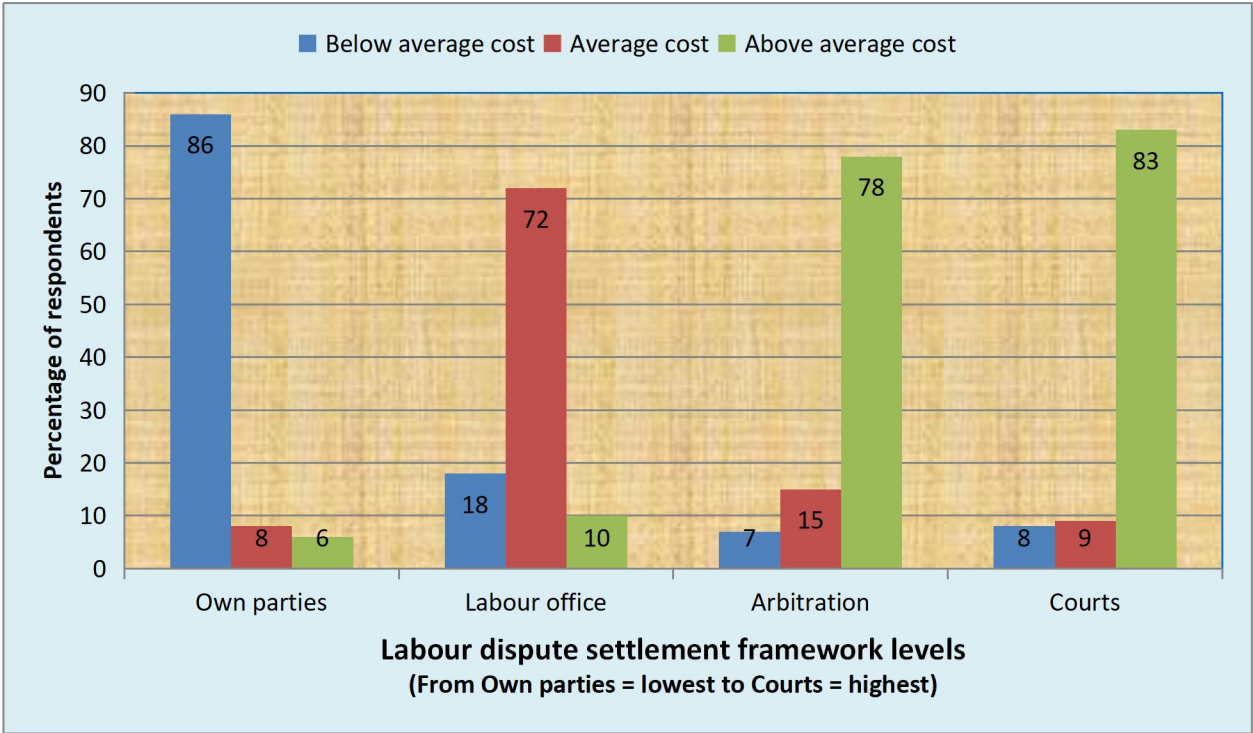
However, more than half of the respondents indicate other (53 %) dispute settlement methods, which are perceived to be very costly. It seems clear from the figure that these other methods may not be alternatives/supplements of either discipline or collective bargaining method.

These results indicate that labour dispute settlement costs appear to be associated with each of the dispute settlement methods. The pattern of association is that the first two options (discipline and collective bargaining) are least costly as compared to the other three methods (conciliation/mediation, arbitration and courts) perceived to be very costly.

5.4.2.2.3 Labour Dispute Settlement Framework Levels versus Dispute Settlement Costs

Labour dispute settlement framework levels have cost implications. To establish how labour dispute settlement framework levels implicate dispute settlement costs, respondents were asked to rate the cost of dispute settlement against each labour dispute settlement framework level. The results are provided in Figure 5.7.

Figure 5.7: Labour Dispute Settlement Framework Levels by Dispute Settlement Costs



Source: Author’s empirical results

Figure 5.7 reveals that 86 % of the respondents indicate below average settlement cost with “own parties” labour dispute settlement level compared to 8 % and 6 % of respondents indicating average cost and above average cost respectively. For the second labour dispute settlement level, 18 % and 10 % of the respondents indicate below average settlement cost and above average settlement cost respectively with “labour office” labour dispute settlement level compared to 72 % of respondents indicating average settlement cost. On the other hand, 7 % and 15 % of the respondents indicate below average settlement cost and average settlement cost respectively with “arbitration” labour dispute settlement level compared to 78 % of respondents indicating above average settlement cost. For the last labour dispute settlement level, 8 % and 9 % of the respondents indicate below average settlement cost and average settlement cost respectively with “courts” labour dispute settlement level compared to 83 % of respondents indicating above average settlement cost.

These results show that lower dispute settlement costs are associated with lower framework level of dispute settlement; average dispute settlement costs are associated with medium framework level of labour dispute settlement and that higher dispute settlement costs are associated with higher framework levels of dispute settlement. The results show a relationship between labour dispute settlement cost and labour dispute settlement framework level. The pattern of the relationship is that lower dispute settlement costs are associated with lower framework level of labour dispute settlement, whereas higher dispute settlement costs are associated with higher framework level of labour dispute settlement.

Workplace social partners including trade unionists, labour officers and court/judicial officers are professionals involved in the settlement of labour disputes in Malawi. These professionals settle labour disputes using different labour dispute settlement methods at a specific labour dispute

settlement framework level. Labour dispute settlement methods and framework levels affect dispute settlement costs (Figures 5.6 & 5.7). The nature/type of labour disputes (i.e. individual or collective labour disputes), apart from dispute settlement methods and levels, also affect the involved dispute settlement costs.

Having established the dispute settlement methods and framework levels with more cost implications than others on labour dispute settlement management operation, the study sought to explain which of the settlement methods and framework levels are frequently used in order to estimate the magnitude of the likely dispute settlement costs involved in the surveyed coal mining companies. Respondents were asked to rate their appropriate response settlement methods/levels to indicate their level of applicable frequency. The results are provided in Table 5.10.

Table 5.10: Frequency Percentages of Labour Dispute Settlement Methods

Labour dispute settlement methods	Category	Frequency (N = 240)	Valid percent
Employee discipline / individual bargaining	Least frequent	176	73
	Most frequent	36	15
	Don't know	28	12
Collective Bargaining	Least frequent	162	68
	Most frequent	33	14
	Don't know	45	18
Labour Office intervention	Least frequent	44	18
	Most frequent	165	69
	Don't know	31	13
Arbitration (Independent Arbitrator)	Least frequent	84	35
	Most frequent	101	42
	Don't know	55	23
Litigation (Court intervention)	Least frequent	95	40
	Most frequent	106	44
	Don't know	39	16
Other office/institution intervention	Least frequent	47	20
	Most frequent	105	43
	Don't know	88	37

Source: Author's empirical results

The results in table 5.10 show that labour office intervention (69 %) is the most frequently used labour dispute settlement method in the surveyed company workplaces followed by court litigation (44 %) and other office/institution intervention (43 %) in that order. In contrast, the table shows employee discipline / individual bargaining (73 %) as the least frequently used method followed by collective bargaining (68 %) method.

5.4.3 Labour Disputes and the Management of Employment Relationship Workplace Operation

Labour dispute settlement outcomes such as improved working conditions and increased wages and/or salaries as well as labour dispute settlement consequences of warnings, suspension, demotion and termination affect the employment relationships between employees and employers. Literature review shows that the outcomes of improved working conditions and increased wages/salaries have positive effect of improving the employment relationship between employees and employers. On the other hand, the consequences of warning, suspension, demotion and termination are labour dispute settlement disciplinary measures (consequences) that have negative effect on the employment relationship between employers and employees.

In this study, these labour dispute settlement outcomes and consequences were used to investigate labour disputes' implications on the workplace operations of employment relationship management.

5.4.3.1 Labour Dispute Settlement Outcomes and Employment Relationship – Respondents’ Level of Agreement: Mean scores

Respondents were asked to indicate the level of their agreement with respect to two labour dispute settlement outcomes perceived to be useful to improve the employment relationship between employee and employer. The results are provided in table 5.11.

Table 5.11a: Percentages of Responses for Labour Disputes Settlement Outcomes

Labour disputes settlement outcomes	Study respondents (N = 240)					Total %
	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	
Outcome of improved working conditions	9	7	5	51	28	100
Outcome of increased workers’ wages as demanded by workers	1	3	3	45	48	100

Source: Author’s empirical results

Table 5.11b: Relative Mean Scores and Standard Deviations (for respondents on) of Labour Disputes Settlement Outcomes

Labour disputes settlement outcomes	Mean Score	Standard Deviation
Outcome of improved working conditions	4.34	0.797
Outcome of increased workers’ wages as demanded by workers	3.84	1.162
Note: Used a 5-point scale where (1 = Strongly disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly agree)		

Source: Author’s empirical results

Table 5.11b shows that both outcomes of improved working conditions with mean score of 4.34 and of increased workers’ wages with mean score of 3.84 are perceived by the majority

respondents to be useful to improve the employment relationship between employee and employer.

In terms of percentages, most respondents agreed that increased workers' wages is an outcome perceived to have most effect in improving the relationship with 48 % "strongly agreeing" and 45 % "agreeing" reflecting an accumulative total of 93 % "agreement" (Table 5.11a). The second outcome of improved working conditions with mean score of 4.34 was accounted for by 51 % "agreeing" and 28 % "strongly agreeing", thereby achieving an accumulative total of 79 % of respondents in agreement (Table 5.11a).

These results indicate that the labour dispute settlement outcome of increased workers' wages (93 %) has the most effect in improving the employment relationship between employees and employers followed by the outcome of improved working conditions (79 %). Note, however, that while the mean score for improved working conditions is greater (4.34) than that of the other outcome, cumulatively, the outcome scored a significant number of respondents in the disagreement direction including those who remained neutral (21 %).

4.4.3.2 Labour Dispute Settlement Consequences and Employment Relationship

Labour disputes' actions affect employment relationships between workplace parties (employee and employer) in different ways. Respondents were asked to confirm employment relationship consequence experienced in their companies by answering Yes or No to each of the 4 specified consequences. The results are provided in Table 5.12.

Table 5.12: Employment Relationship Consequences: Frequency of Yes Responses

Employment relationship consequence	YES Frequency (N = 240)	Valid percent
Soured/damaged employee-employer relationship evidenced by written warnings (warning)	217	90.4
Employee demotion (loss of wages/salaries) and other employment benefits as a result of labour disputes' discipline actions (demotion)	213	88.8
Employment/employee suspension (suspension)	208	86.7
Loss of employment through employment termination or dismissal (termination)	199	82.9

Source: Author's empirical results

Table 5.12 shows that each of the 4 specified consequences was confirmed by over half of the total respondents with soured/damaged employee-employer relationship consequence being identified by the majority respondents (90.4 %). Loss of employment through employment termination or dismissal was confirmed by the least majority of respondents (82.9 %).

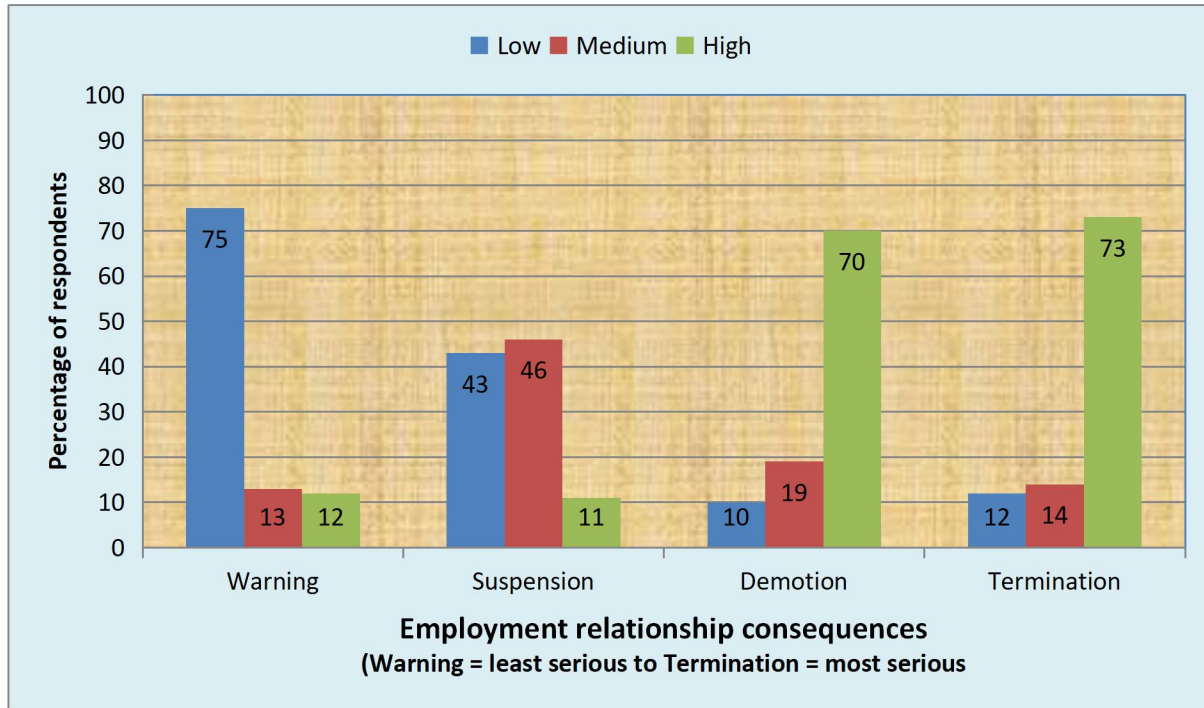
These results indicate that the specified employment relationship consequences were all confirmed in the sample coal mining companies. These are warning, suspension, demotion and termination.

5.4.3.3 Employment Relationship Consequences versus Labour Dispute Degree Levels

The degree level of any labour dispute has implications on the employment relationships. It can affect the relationship to be soured/warned, suspended, demoted and terminated as all inevitable consequences. Warning is the least serious consequence, whereas termination is the most serious consequence. To establish how degree levels of labour dispute implicate employment relationship

consequences, respondents were asked to indicate their perceived impact level against each employment relationship consequence. The results are provided in figure 5.8.

Figure 5.8: Labour Dispute Degree Levels by Employment Relationship Consequences



Source: Author’s empirical results

Figure 5.8 shows that the majority respondents indicate warning (75 %) as an employment relationship consequence associated with low degree level of labour disputes compared to 13 % and 12 % of the respondents who perceive that warning is associated with medium and high degree levels of labour disputes respectively. On the other hand, at least 70 % of the respondents, in each case, indicate demotion (70 %) and termination (73 %) as employment relationship consequences associated with high degree level of labour disputes compared to less than 20 % of respondents indicating each of the two employment relationship consequences as associated with low and medium degree levels of labour disputes.

Interestingly, the figure also shows that nearly half of the respondents indicate suspension (43 % and 46 %) as an employment relationship consequence associated with both low and medium degree levels of labour disputes, respectively.

Overall, the results show that lower degree level of labour dispute is associated with warning and suspension as employment relationship consequences, whereas demotion and termination seem to be associated with high degree levels of labour disputes. These results reveal a relationship between degree levels of labour disputes and employment relationship consequences.

The pattern of the relationship is that lower degree level of labour dispute is associated with warning and suspension as employment relationship consequences, whereas demotion and termination seem to be associated with high degree levels of labour disputes.

5.4.4 Labour Disputes' Impacts on Employees, Employers and the State

Having examined implications of labour disputes' resultant actions on specific workplace operations, this study further sought to explain how labour disputes' resultant actions of strikes, lockouts and dispute settlement generally impact workplace parties (i.e. employees, employers and State) with reference to surveyed companies. This was based on the justification that existing literature suggests huge evidence of labour disputes' effects on workplace parties such as employees, employers and the state or the public in many different ways.

Respondents were asked to indicate the level of their agreement with respect to each statement of implications. There were 17 items that asked about respondents' level of agreement with respect to how the labour disputes' resultant actions implicate the workplace parties and the state. Each item used a 5 point scale, ranging from 1 = Strongly disagree, indicating total disagreement to 5 = Strongly agree, indicating total agreement. The results are provided in Table 5.13.

First, seven items asked about respondents' level of agreement with respect to how the labour disputes' resultant actions implicate the workplace employees. Results are shown in table 5.13a.

Table 5.13a: Relative Mean scores and Standard deviations on Strike/Lockout Effects on Workers (N = 240)

Effect of Strikes and/or Lockouts	Mean Score	Standard Deviation
Leads into disappointments and loss of confidence in trade unions due to unsuccessful strikes	4.27	0.936
Leads into arrests and prosecution of violent workers/strikers	4.23	1.014
Loss of wages/salaries during the strike/lockout period	4.21	1.270
Loss of employment to strikers through terminations as a result of structural changes caused by dispute	4.14	0.992
Leads into increased wages or improved/favourable conditions of service/employment	4.14	1.064
Leads into some undeterminable monetary psychological losses	4.12	1.070
Loss of staff members (employees) through deaths as part of strike effects	3.99	1.298
Note: Used a 5-point scale where (1 = Strongly disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly agree)		

Source: Author's empirical results

Table 5.13a shows that the majority of respondents indicated high level agreement of “disappointments and loss of confidence in trade unions due to unsuccessful strikes” with a sample mean of 4.27 (216, 90 %). The high level of agreement on this item reflects a high degree of impact on workers with respect to the scored item. Furthermore, from the table, it can be summarised that more than three quarters of the respondents agreed with all the 7 items as true labour disputes' effects on the workers.

The last lowest item “Loss of staff members (employees) through deaths as part of strike effects” had the lowest mean score of 3.99 which is above the scale midpoint of 3.00. This implies that more than half of the respondents agreed that all the seven listed items represented effects suffered by workplace employees/workers as a result of labour disputes’ resultant actions of strikes, lockouts and dispute settlement.

Second, six items asked about respondents’ level of agreement with respect to how the labour disputes’ resultant actions implicate the workplace employers. Results are shown in Table 5.13b.

Table 5.13b: Relative Mean scores and Standard Deviations on Strike/Lockout Effects on Employers (N = 240)

Effect of Strikes and/or Lockouts	Mean Score	Standard Deviation
Loss of production outputs, sales and markets	4.58	0.783
Leads into increased disputes (strikes) settlement or management costs (e.g. hiring, security, counter-strike costs)	4.54	0.895
Replacement costs for the damaged equipments or machineries and for extra hired employees to sustain minimum maintenance	4.52	0.946
Increased production costs through increased wages	4.44	1.017
Leads into some undeterminable monetary psychological losses	4.40	0.975
Staff loss/death associated costs such as funeral expenses for the deceased employee as part of strike consequences	4.11	1.360
Note: Used a 5-point scale where (1 = Strongly disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly agree)		

Source: Author’s empirical results

Table 5.13b shows that all six strikes/lockouts’ (labour disputes’ resultant actions’) effect items elicited/achieved a high level of agreement. The highest mean score was 4.58 for the item “Loss of production outputs, sales and markets”. The lowest mean score was “Staff loss/death associated costs

such as funeral expenses for the deceased employee as part of strike consequences” with a mean score of 4.11. These results mean that the respondents agreed that labour disputes’ resultant actions have impacts on the workplace employers in just the same way they have on employees (Table 5.13a) and on the state as shown in Table 5.13c.

Finally, four items asked about respondents’ level of agreement with respect to how the labour disputes’ resultant actions implicate the state and/or public/society. Results are shown in Table 5.13c.

Table 5.13c: Relative Mean scores and Standard Deviations on Strike/Lockout Effects on the State (N = 240)

Effect of Strikes and/or Lockouts	Mean Score	Standard Deviation
Has lowering effects on the country’s wealth/GDP through loss of production outputs	4.29	0.949
Increased costs on part of state to enforce and restore peace and order	4.27	1.554
Disturbs the country’s harmonious industrial relations	4.24	0.994
Disturbs country’s economic growth as a result of possible decrease in living standards of workers due to reduced wages or wage losses	4.23	1.021
Note: Used a 5-point scale where (1 = Strongly disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly agree)		

Source: Author’s empirical results

Table 5.13c shows that all the four effect items elicited a high level of agreement. The highest effect item, “Has lowering effects on the country’s wealth/GDP through loss of production outputs” has a mean score of 4.29. On the other hand, the lowest effect item, “Disturbs country’s economic growth as a result of possible decrease in living standards of workers due to reduced wages or wage losses” has a mean score of 4.23. The mean score range, 0.06 (4.29 - 4.23) of the highest and lowest scored effect

items is almost zero which means that all the four effect items were equally agreed to be labour disputes' effects on the state with equal impacts.

The lowest effect item, "Disturbs country's economic growth as a result of possible decrease in living standards of workers due to reduced wages or wage losses" has a mean score of 4.23. This result means that the respondents agreed that the state or the country's socio-economic growth is being disturbed as a result of labour disputes occurring in the companies. This is true as labour disputes may lead into reduced wages, thereby affecting workers' living standards which in turn affect country's socio-economic growth.

The overall result is that labour disputes' resultant actions, have equally remarkable effects on both the workplace parties including the state. This is evidenced by high level of respondents' agreement for each of the 17 selected effect items of which 7, 6 and 4 were effect items on workers, employers and the state.

5.5 Labour Disputes Prevention and Reduction Strategies

5.5.1 Labour Disputes Prevention and Reduction Strategies, Respondents Level of

Agreement: Mean Scores

Effective management of labour disputes helps to prevent or minimize occurrence and impacts of labour disputes. To suggest ways of minimizing the occurrence and impacts of labour disputes in Malawi, the following fifteen statements of dispute management strategies, measured on a five point Likert Scale ranging from strongly agree (indicating high levels of prevention/reduction effects) to strongly disagree (indicating low levels of prevention/reduction effects), were presented for respondents to tick their appropriate response option indicating the level of their

agreement or disagreement. Responses were analysed to get relative mean scores and standard deviations for ranking and the results are provided in Table 5.14.

Table 5.14 Relative Mean Scores and Standard Deviations of Disputes Prevention and/or Reduction Strategies

Labour disputes prevention and/or reduction strategy	Mean Score	Standard Deviation
Availability and use of grievance procedures	4.60	0.827
Wage provision or adjustment based on price index level, inflation and prevailing living standards	4.60	0.833
Positive attitudes of supervisors to workers' problems	4.59	0.843
Positive labour-management associations	4.56	0.811
Speedy or timely settlement of labour disputes	4.56	0.836
Recognition of functional and stable trade unions as bargaining agents	4.56	0.861
Employee communication	4.54	0.843
Provision of welfare amenities to every worker (e.g. loan, transport, education, housing facilities and healthy services for workers and their families)	4.53	0.919
Observance of the code of discipline	4.53	0.828
Workers' voice and participation	4.53	0.901
Utilisation of different levels of workplace joint consultation	4.51	0.942
Workers' education and training programmes	4.48	0.946
Availability and utilization of collective bargaining agreements	4.44	1.037
Workers' education	4.07	1.155
Improving working conditions	3.81	1.125
Note: Used a 5-point scale where (1 = Strongly disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly agree)		

Source: Author's empirical results

Table 5.14 shows the relative mean ranking of labour disputes prevention/reduction strategies. The table indicates that availability and use of grievance procedures is perceived as the most significant strategy for preventing and reducing occurrence of labour disputes in the sample coal

mining companies ($x = 4.60$; $s.d. = 0.827$). The second significant strategy for preventing labour disputes is wage provision or adjustment based on price index level, inflation and prevailing living standards ($x = 4.60$; $s.d. = 0.833$) followed by positive attitudes of supervisors to workers' problems ($x = 4.59$; $s.d. = 0.843$). Improving working conditions is perceived as the least significant strategy for preventing and reducing occurrence of labour disputes ($x = 3.81$; $s.d. = 1.125$).

These results, with the least ranked labour disputes prevention/reduction strategy of improving working conditions with mean score of 3.81 above the average mean score of 3.0, imply that all the identified 15 statements of labour disputes management strategies are significant towards prevention and reduction of workplace labour disputes. In other words, the majority of respondents indicated high levels of agreement for each presented statement with sample mean of 3.81, (80%) of the respondents indicating above the scale midpoint of 3.0.

5.6 Chapter Summary

In summary, the results presented in this chapter have shown that the nature of workplace labour disputes in the sample coal mining companies is complex and that these labour disputes mostly have negative impacts on the workplace operations of production, dispute settlement management and employment relationship management. Particularly, the results have shown that:

- labour disputes' resultant actions of strike, lockout and dispute settlement negatively affect the production associated costs/losses such as working hours/days loss (man-hours/days loss), production time loss, dispute time loss (lost time due to dispute), production process disturbances/disruptions, loss in supply of goods and services, workplace customers and/or markets loss, production/operational costs and damaged equipment replacement cost;

- labour dispute settlement time, methods and framework levels implicate labour dispute settlement costs; and
- labour dispute settlement consequences of warning, suspension, demotion and termination negatively affect employment relationships between workplace parties.

In addition, the results have also shown that generally labour disputes' resultant actions have equally significant effects on both the workplace parties (the employees and employers) including the state. Positively, the results have also shown that labour dispute settlement outcome of increased workers' wages affect by way of improving employment relationships between workplace parties (employees and employers). Therefore, this study has produced empirical results which corroborate the findings of a great deal of the previous work on labour disputes' impacts.

CHAPTER SIX

Discussion of the Research Results

6.1 Introduction

The purpose of this mixed methods study was to, first, investigate and establish the nature and characteristics of workplace labour disputes and, second, to identify and explain their effects (implications) on workplace operations of production, dispute settlement and employment relationship managements in the major formal privately owned coal mining companies in Rumphi district in Malawi. Chapter five presented the research results of this study. This chapter discusses the presented research results. The discussion of the results is based on the context of the study questions or objectives with reference to summaries of the theoretical and empirical literature reviewed in chapter three. Therefore, this chapter provides the basis for the conclusions and implications which are presented in the last study chapter seven. The final section concludes this chapter.

6.2 Nature and Types of Labour Disputes

This study, first, set to describe the nature, kinds/types and characteristics of labour disputes occurring in coal mining companies in Rumphi district in Malawi. With respect to the nature of labour disputes, respondents identified kinds of labour disputes experienced in their companies' workplaces by answering Yes or No to each of the 11 specified kinds of labour disputes.

The data supported existence of 11 different kinds of labour disputes occurring in the sample coal mining companies. Particularly, the results (Table 5.1) reveal that labour disputes on severance pay followed by disputes on interpretation of collective bargaining agreements and those on unfair labour practices were identified by the most majority respondents as kinds of labour disputes, based on causes, which are experienced in the surveyed coal mining companies.

On the other hand, labour dispute on organizational rights was identified by the least majority respondents (70 %). The other identified kinds of labour disputes were labour disputes on recognition for bargaining, unfair dismissals, retrenchments/redundancies, disclosure of information, refusal to bargain, probation and discrimination. All of them are qualified labour disputes based on their respective causes.

These study findings confirm similar findings by earlier studies (Shen, 2008; Feng, 2012). For instance, Shen (2008) reported several kinds of labour disputes occurring in the Chinese workplaces which include delayed or non-wage payment disputes, wage underpayment disputes, non-overtime wage payment disputes, dismissals as well as labour disputes on violation of working conditions such as hours of work, leave and rest.

Note that these different kinds of labour disputes reported in the surveyed companies' workplaces have different causes based on the nature of the involved disagreement between disputants in each kind of labour dispute. For example, reviewed literature for this study shows that a labour dispute on:

1. severance pay is caused as a result of a disagreement between employee and employer over issue of severance pay (allowance);
2. interpretation of collective bargaining agreements is caused as a result of a disagreement between a group of employees or trade union and employer over issue of interpretation of some clauses contained within their signed collective bargaining agreements;
3. unfair labour practice is caused as a result of a disagreement between employee and employer over issue of alleged unfair labour practices by either of the party on each other;
4. recognition for bargaining is caused as a result of a disagreement between employees or trade union and employer(s) over issue of recognition for bargaining;
5. unfair dismissal is caused as a result of a disagreement between employee and employer over issue of dismissal procedure;

6. retrenchment / redundancy is caused as a result of a disagreement between a retrenched employee and employer over issue regarding violations of retrenchment/redundancy procedures;
7. disclosure of information is caused as a result of a disagreement between employees or trade union and employer over issue of disclosure of information;
8. refusal to bargain is caused as a result of a disagreement between employees or trade union and employer involving refusal to collective bargaining;
9. probation is caused as a result of a disagreement between employee and employer over probationary issues;
10. discrimination is caused as a result of a disagreement between employee and employer over discrimination issues; and
11. organizational right is caused as a result of a disagreement between employees or trade unions and employers' organizations over issue of forming and belonging to an organization of one's choosing (of trade union or of employers' organizations).

Thus, this study finding, of different kinds of labour disputes occurring in the workplaces based on different causes, suggests the complexity in the nature of labour disputes that occur in the sample coal mining companies. This interpretation is supported by Salamon (2000) who observed that the mining sector, particularly the coal mining sector registers greater frequency of a number of labour disputes occurring due to the sector being labour intensive as compared to merchandised operating sectors. The interpretation is also supported by Kecici & Sema (2016) who noted that causes of labour disputes are numerous and diverse.

Next, this study, particularly, found that labour disputes on severance pay followed by disputes on interpretation of collective bargaining agreements and those on unfair labour practices are the kinds of labour disputes mostly occurring in the surveyed coal mining companies.

Labour dispute on severance pay is due to non-payment of severance allowance to an employee by employer following termination of employee's contract of employment because of unfair

dismissal, redundancy or retrenchment, economic difficulties for the employer and restructuring of jobs based on employer's technical, structural or operational requirements (Employment Amendment Act, 2010). The dispute involves a difference between an individual employee and his/her employer. Therefore, the labour dispute on severance pay is an individual labour dispute. The fact that severance pay labour disputes include unfair dismissal and retrenchment or redundancy as causal reasons implies that labour disputes on severance pay are related to labour disputes on unfair dismissals and/or unfair labour practices as well as those on retrenchments/redundancies.

In this study, the majority respondents (76 %) identified labour disputes on severance pay as most occurring labour disputes at their workplaces. This result suggests that workers in the mining sector are dismissed unprocedurally or laid off frequently or mostly engaged in temporary jobs. It is this unprocedural way of terminating employees' services that is believed to result into frequent occurrence of severance pay labour disputes and other severance pay related labour disputes in the studied coal mining industry.

Similarly, the majority respondents (75.8 %) identified labour dispute on interpretation of collective bargaining agreements as another most occurring labour disputes at their workplaces. Labour dispute on interpretation of collective bargaining agreements concerns disagreement between a group of employees or trade union and employer over the meaning and application of some particular statements provided in their signed collective bargaining agreements (CBAs). This is a collective labour dispute as it involves a group of employees in a dispute with their employer.

The agreement of increasing wages based on realized profits may be easily misinterpreted by workers depending on their level of education coupled with knowledge regarding profitability analysis. This misinterpretation is possible unless the employer chooses to disclose authentic, that is, audited information indicating whether a company has made profits or losses. This means that disclosure of information to employees about company's profits is a key towards prevention of related labour disputes on interpretation and disclosure of information. In this study, over half of the respondents (53 %), most of whom being employees, indicated that they had secondary education as their maximum education level. This low level of education amongst study respondents has implication regarding their workplace labour disputes on interpretation of collective bargaining agreements. It is not surprising, therefore, that this study reports a labour dispute on interpretation of collective bargaining agreements as another most occurring labour dispute in the surveyed companies' workplaces.

Regarding the study finding on occurrence of unfair labour practices, the employers may attribute the finding with respect to most frequent occurrence of labour disputes on unfair labour practices to the fact that of the respondents who rated this kind of labour dispute, the majority of them were employees who mostly suffer the unfair labour practices. Note that these unfair labour practices are practices that infringe on the rights of workers and employers. They include discrimination, denying workers an opportunity to be heard, failure to pay wages in time, failure to compensate for injuries or diseases contracted in the course of employment, denying workers freedom of association, conditions of employment that are below the minimum legal provisions, and using abusive or offensive language (Labour Relations Act, 1996; Employment Act, 2000; Budd, 2004).

It follows from the discussion above that various identified labour disputes occurring in Malawi, particularly in the surveyed coal mining companies are related through common causes. It also follows that most of them appear to be individual in nature (i.e. labour disputes on severance pay, unfair labour practices, unfair dismissals, retrenchments/redundancies, probation and discrimination) as compared to being collective in nature (i.e. labour disputes on interpretation of collective bargaining agreements, recognition for bargaining, disclosure of information, refusal to bargain and organizational rights). However, this conclusion cannot be established only by results based on the question of Yes or No answers unless triangulated by results from secondary data.

As a result, an analysis of secondary data on reported labour disputes was done. The analysis reveals a total of 4,404 reported individual labour disputes against 336 collective labour disputes in Rumphi district for the past 10 years from 2010 – 2019 (Figure 5.1). It is further shown in the figure that 24,997 and 149,736 were reported individual labour disputes in the Northern Region and for the whole country, respectively, during the same 10-year period. On the other hand, 8,963 and 73,706 were the reported collective labour disputes, respectively, for the same 10-year period. The results support the finding derived from primary data analysis. These results from quantitative secondary data analysis clearly show that more individual labour disputes than collective labour disputes occur in Rumphi district and let alone in Malawi.

This study finding of more individual labour disputes than collective labour disputes supports the theory of individual and collective labour disputes that stipulates that, naturally, the individual labour disputes mostly occur in many workplaces in the world of work as compared to collective labour disputes. The possible explanation is that it is rather difficult for a collective labour dispute to frequently occur as it requires more than one employee to collectively consent their

disagreement with their employer. This collective consent is not easy for individuals with different reasoning capacities as compared to an individual labour dispute that only requires one person to decide his/her way forward regarding one's eminent disagreement with his/her employer.

Finally, the study results have shown that labour disputes on organizational rights are perceived the least occurring labour disputes in the surveyed companies' workplaces. Literature review indicates that a labour dispute on organizational right is caused as a result of a disagreement between employees or trade unions and employers' organizations over issue of forming and belonging to an organization of one's choosing (of trade union or of employers' organizations).

From the above discussion, it has been shown that labour disputes on organizational rights, refusal to bargain, interpretation of collective bargaining agreements, recognition for bargaining and disclosure of information are collective labour disputes. These collective labour disputes are a result of the workers' willingness to collectively organize and seek recognition for bargaining from their employers. On the other hand, employers in the coal mining sector believe that organized workers through trade unions encourage workers to be militant against their employers hence appear to mobilize to refuse recognition for collective bargaining. Such employers' purported behaviours to refuse recognition of their employees' trade unions for purpose of collective bargaining escalate labour disputes (Chris, 2006; Kecici & Sema, 2016) on organizational rights and refusal to bargain in the sample coal mining companies.

A study conducted by Malema (2017) reported relatively poor working conditions in the mining sector in Malawi. This entails that workers in the mining sector are always, or would be, fighting for improved working conditions. Workers are aware that such fight would be successful once

they are collectively organized. Theories of collective bargaining assert that the origin for workers' collective action against employers was due to their realization that the individual employee on his/her own is powerless to the extent that s/he cannot fight the powerful employer (Webbs, 1897; Chamberlain & Kuhn, 1965). In this regard, while workers in the coal mining companies are fighting to collectively organize themselves through their preferred trade unions, the trade unionism/movement in the coal mining sector, however, is still under-developing in the district. A complete absence of trade union activities in almost three quarters of the surveyed coal mining companies (Malema, 2017) is enough evidence for the under-developing trade unionism in the district mining sector. Therefore, it is not surprising that the least majority respondents in this study perceived labour disputes on organizational rights to be the least occurring labour disputes in the surveyed companies' workplaces.

With respect to types of labour disputes, this study results indicate interests labour disputes (85 %) as the mostly occurring type of labour disputes in the sample coal mining companies as compared to rights labour disputes (76 %) [Figure 5.2]. These results contradict with results from the analysis on secondary data on types of labour disputes collected for this study. For instance, the results on types of labour disputes from secondary data analysis show that there are instead more rights labour disputes occurring in Rumphu district as compared to interests labour disputes.

The study finding that more interests labour disputes are in occurrence than rights labour disputes is according to the majority respondents' perception that interests labour disputes are the mostly occurring labour disputes in the mining companies' workplaces as compared to rights labour disputes. It appears most respondents were knowledgeable that interests labour disputes concern claim of future entitlements which fit well with their usual demand for improved working conditions. It seems they were also aware that most rights labour disputes concern

interpretation of existing entitlements or agreements, which can rightly or legally be addressed by third party interventions at either labour office through conciliation/mediation processes or in courts through litigation. It is this knowledge that might have enabled majority respondents to rate interests labour disputes more than rights labour disputes based on their past experiences. Respondents have experience that interests labour disputes are easily settled by own parties themselves at their workplace because they concern future entitlements that may not necessarily need court interpretation. Thus, respondents (mostly employees) utmost avoid differences with their employers on rights issues as they believe their employers can always be winners through third party settlement processes.

On the other hand, the study finding that more rights labour disputes are in occurrence than interests labour disputes is according to secondary data analysis. In research, secondary data from government office reports and documents are usually sources of hard evidence and are thus recognized as such (Dunleavy, 2003; Saunders et al., 2007; Wallwork, 2011). This seems to suggest that results from secondary data analysis may supercede those on primary data analysis. However, this may not always be true unless the analysed primary data were purely based only on respondents' perceptions. In this study, an analysis on the secondary data collected (Figure 5.3) shows general rise of labour disputes in Rumphu district over the past ten years (2010 - 2019).

Possibly a major observation with this analysis is that rights labour disputes rose sharply from 2016 to 2017, whereas interests labour disputes sharply decreased; secondly, rights labour disputes decreased sharply from 2017 to 2018, whereas interests labour disputes sharply increased; finally, rights labour disputes rose sharply from 2018 to 2019, whereas interests labour disputes sharply decreased (Figures 5.3a & 5.3b). Probably this labour dispute occurrence trend continued to 2020

in which case it was rights labour disputes that decreased while interests labour disputes increased from 2019 to 2020. This occurrence trend could therefore explain why the study conducted in 2020 reports more interests labour disputes than rights labour disputes in occurrence in the district studied companies' workplaces.

However, earlier findings in this study reveal that they are more individual labour disputes occurring in the coal mining companies as compared to collective labour disputes. Note that it is rare for employees in interests labour disputes to express their difference(s) individually but rather collectively (Okene & Emejuru, 2015). On the other hand, it is mostly employees in the rights labour disputes that are expressed individually as compared to being expressed collectively. In other words, most interests labour disputes are expressed collectively or most collective labour disputes are based on employees' interests hence are described as interests labour disputes, whereas rights labour disputes are mostly expressed individually or most individual labour disputes are based on employees' rights hence are described as rights labour disputes. The implication with regard to rights labour disputes being mainly expressed individually, whereas interests labour disputes being mainly expressed collectively appears to support the finding that there are more rights labour disputes occurring in Rumphi district as compared to interests labour disputes. This is because more individual than collective labour disputes have been reported in this study. This study, therefore, concludes that more rights labour disputes (mostly individual labour disputes) are occurring in the sample coal mining companies as compared to interests labour disputes (mainly collective labour disputes).

6.3 Characteristics of Workplace Labour Disputes

With respect to characteristics of workplace labour disputes, this study results (Table 5.2) indicate that ten characterised labour disputes were all indicated to be occurring in the sample coal mining companies. These are (1) dismissal/employment termination labour disputes; (2) workers' compensation labour disputes; (3) under-minimum wage payment labour disputes; (4) non-wage payment labour disputes; (5) non-payment of terminal benefits labour disputes; (6) under-payment of overtime labour disputes; (7) employment contract violation labour disputes; (8) non-overtime payment labour disputes; (9) mandatory work conditions violation labour disputes (e.g. rest, leave, hours etc); and (10) delayed wage payment labour disputes. These results are consistent with findings by Shen (2008) and Okene & Emejuru (2015) that various characterized labour disputes based on legal entitlements were occurring in the Chinese companies (Shen, 2008) as well as in the Nigerian companies (Okene & Emejuru, 2015). Therefore, these study findings on characterized labour disputes confirm findings by earlier studies (Shen, 2008; Okene & Emejuru, 2015) on characteristics of workplace labour disputes.

Possibly a major observation here is that 7 of the 10 characterized labour disputes are wage related labour disputes all of which accounted for high percentage of occurrence (Table 5.2). This suggests that labour disputes in the sample coal mining companies are mostly wage related labour disputes caused as a result of workers seeking for increased monetary benefits in order to meet their daily social needs.

This finding confirms Williams (2017) who found that wages, bonus and other compensation were the primary reasons for industrial actions (strikes) that made most employees participate in strikes to demand greater salary increases in order to meet their socioeconomic necessities. Therefore, this study findings are consistent in that workers' compensation labour disputes, under-

minimum wage payment labour disputes, non-wage payment labour disputes, non-payment of terminal benefits labour disputes, under-payment of overtime labour disputes, non-overtime payment labour disputes and delayed wage payment labour disputes are some of the listed wage related labour disputes reported in this study. The claim of wages, bonus and compensation reported in Williams (2017) relates to this study reported wage related labour disputes that are a result of wage related demands.

6.3.1 Three Most Frequent Occurring Characterised Labour Disputes

This study, further, set to determine the relative frequency of the characterized labour disputes that are perceived to be most occurring in the sample coal mining companies according to the respondents. While the results of this study reveal that all the 10 characterized labour disputes were indicated by at least 50 % of respondents to be occurring at their companies' workplaces, the non-payment of benefits, dismissal and workers compensation labour disputes are the first three top most occurring labour disputes in the sample coal mining companies.

The finding that non-payment of terminal benefits labour dispute is the first top most occurring characterized labour dispute in the sample coal mining companies is related to the earlier finding, in this study, that labour disputes on severance pay ranked the top most occurring labour dispute (Table 5.1) in the studied companies. The two findings are related in the way that payment of terminal benefit refers to any amount of money payable to the terminated employee from his/her employment of which severance pay which is payable upon one's unfair or abrupt termination of one's employment, according to (EA, 2000), is one form of terminal benefit payments. In this regard, respondents' high rating for non-payment of terminal benefits may be based on the fact that workers in the studied companies mostly experience wage related labour disputes as well as

dismissals including unfair one, retrenchments/redundancies, among others, according to Rumphu district labour office reports, hence their high rating for this characterized labour dispute.

Furthermore, the finding with respect to dismissal/employment termination labour dispute as the second top most occurring labour dispute shares similar explanation. The workplace employers may delay or not settle payment to particular terminated employee due to various reasons hence the cause to non-payment of terminal benefits. Similarly, the employer may dismiss an employee who thereafter may feel being suffered from unfair dismissal and thus lodges a complaint of unfair dismissal to any third party for help. This becomes a dismissal/employment termination labour dispute.

Finally, the finding that workers' compensation labour disputes emerged the third top most characterized labour dispute occurring in the surveyed companies' workplaces is consistent with findings by Williams (2017) who, among others, reported bonus and other compensation as one of the most causes of industrial actions in the mining and manufacturing injuries in South Africa.

The study analysis on labour dispute settlement reports reveals significant number of non settled labour disputes with respect to terminal benefits for various dismissed workers by three quarters of employers in the studied workplaces. Therefore, it seems it was respondents' reflection on their knowledge of greater number of non settled labour disputes with respect to terminal benefits for various dismissed workers along with presence of their known long time unpaid compensation cases, which contributed to the finding of non-payment of terminal benefits, dismissal and workers compensation labour disputes as the first three top most occurring labour disputes in the sample coal mining companies.

6.4 Labour Disputes' Resultant Actions

While over 75 % of the respondents confirmed their knowledge of dispute settlement, employee discipline, strikes and lockouts as four mostly experienced labour disputes' resultant actions at their workplaces, a significant percentage of the respondents (34 %), however, indicated that they are other actions that can arise as a result of labour disputes, although these respondents did not, however, specify such other actions. The failure to specify other actions by the 34 % respondents may be due to the factor of educational level of which most study respondents (69 %) had secondary education as their highest academic qualification at the time of this study. Nevertheless, this study only used these four confirmed labour disputes' resulting actions to explain labour disputes' implications.

The confirmation of dispute settlement and employee discipline by most majority respondents as compared to strikes and lockouts suggests a higher frequency in the occurrence of individual labour disputes than collective labour disputes in the studied mining workplaces. This is because collective labour disputes result into concerted actions of strikes and lockouts (Zhuang, 2015; Okene & Emejuru, 2015; Kecici & Sema, 2016), whereas individual labour disputes result into actions of employee discipline and dispute settlement (where dispute settlement is operationally defined to mean settlement by 3rd party intervention). This study finding reflects the study's earlier finding that the nature of labour disputes occurring in the mining sector are mostly individual labour disputes as compared to collective labour disputes. The focus of this study, on use of dispute settlement and employee discipline in addition to strikes and lockouts to explain labour disputes' implications, has implication for further quantitative research to expand their quantitative assessment of labour disputes' impacts on workplace using additional variables of dispute settlement and employee discipline.

The non use of the “other” (34 %) labour disputes’ resultant actions to explain implications of labour disputes could be a shortfall in this study as this may lead into rather inconclusive findings with respect to implications. This is because there may be other labour disputes’ implications on workplace operations that can be specifically explained by the ‘other’ labour disputes’ resultant actions. However, from the explained implications using the four confirmed labour disputes’ resultant actions, a clear conclusive findings/pattern of labour disputes’ implications emerged implying that the used resultant actions are the most representative labour disputes’ resulting actions at the workplace.

Although study respondents did not specify such “other” labour disputes’ resultant actions, Finnemore (1998) and Salamon (2000) reported the other disputes’ resulting actions such as withdrawal of co-operation, work to rule, overtime bans, go slows, and work-in or sit-in. However, Brown (1981) argued that all these labour disputes’ actions mentioned by Finnemore and Salamon are just forms of strikes just like plant relocation or closure and technological redundancy are just other forms of lockouts (Finnemore, 1998). This suggests that strike and/or lockout actions are the most representative actions of all the collective (organized) labour disputes’ resulting actions at a workplace as confirmed in this study.

Similarly, other individual expressions of dissatisfaction such as lateness, absenteeism, low employee morale, poor product quality, labour turnover, legal action, wastage of raw materials and various forms of sabotage at work are reported as labour disputes’ resultant actions (Finnemore, 1998; Salamon, 2000). However, industrial relations experts and/or practitioners have observed that those individual expressions are grouped as unorganized actions that can lead into employee discipline or dispute settlement actions at the workplace (Dzimbiri, 2002; Dzimbiri, 2016; Kaufman, 2010; Malema, 2015). Thus, it is clear that employee discipline or

dispute settlement is equally the most representative action of those other individual expressions of dissatisfaction.

This study, therefore, concludes that the four identified labour disputes' resultant actions of dispute settlement, employee discipline, strikes and lockouts are the most representative resulting labour disputes' actions in the coal mining companies with dispute settlement / employee discipline emerging top followed by strikes and/or lockouts. This is because any other resulting actions of labour disputes seem to be inclusive within any of such most representatives of labour disputes' resultant actions.

6.5 Implications of Labour Disputes on Workplace Operations

This section discusses study findings on labour disputes' implications on the workplace operations of production, labour dispute management and employment relationships management. However, the discussion starts with a reflection regarding implication of the finding of more individual labour disputes in occurrence as compared to collective labour disputes in the sample coal mining companies.

To begin with, the study finding of more individual labour disputes than collective labour disputes occurring in the surveyed companies entails huge cost burden on the workplace operation of labour disputes management. This is despite the finding by past studies that individual labour disputes are reported to be less destructive than collective labour disputes (ILO, 2013).

Obviously, the fact that this study reports more occurrences of individual labour disputes than collective labour disputes implies less negative implications of labour disputes on workplace

operations in the sample coal mining companies. However, due to possible influence of dispute occurrence frequency and time factors, individual labour disputes appear to be more destructive, cumulatively, than the collective labour disputes or equally destructive in the surveyed coal mining companies. The following two paragraphs support this alternative interpretation.

Note that individual labour disputes generally take longer time to be settled as compared to collective labour disputes in the sample coal mining companies. Thus, all cost implications arising from delays in the settlement of individual labour disputes (see Table 5.8 and Figure 5.1) are potential to contrast with the earlier finding that individual labour disputes have less negative implications than those of the collective labour disputes.

In addition, it has been shown in the literature that collective labour disputes mostly result into strikes and/or lockouts thus their being more destructive than individual labour disputes. However, empirical evidence shows that the occurrence of strikes/lockouts at a workplace is far much less frequent as compared to individual labour disputes (Durcan, et al., 1974; Hunter, 1980; Edwards, 1981). Correspondingly, this means less strike/lockout incidences at a workplace. On the other hand, the less destructive individual labour disputes have greater occurrence frequency at a workplace throughout the year. In other words, at least one individual labour dispute may be reported at a workplace on daily basis (for example, a total of 4,404 individual labour disputes were recorded at Rumphi district labour office for a period of 10 years from 2010 to 2019, thereby implying that at least one individual labour dispute was in occurrence per day (Figure 5.1). This implies that the possible cumulative impacts of numerous individual labour disputes can have an off-set implication, thereby making individual labour disputes to be cumulatively more destructive than the collective labour disputes.

6.5.1 Labour Disputes and the Production Workplace Operation

6.5.1.1 Labour Disputes' Resultant Actions versus Production Associated Costs/losses

This study set to show extent how labour disputes' resultant actions of strike, lockout and dispute settlement affect the workplace associated cost/loss variables of working hours/days loss (man-hours/days loss), production time loss, dispute time loss (lost time due to dispute), production process disturbances/disruptions, loss in supply of goods and services, workplace customers and/or markets loss, production/operational costs and damaged equipment replacement cost.

The data analysis (Table 5.5) supports the findings, firstly, that labour disputes' resultant actions of strikes, lockouts and dispute settlement each accounts for either medium or high level of cost/loss for each studied production associated cost/loss. Secondly, that strikes and lockouts are specifically associated with high and medium production associated costs/losses, respectively. Finally, that dispute settlement action, on the other hand, is associated with either high or medium production cost/loss levels.

The first study finding, [that strikes/lockouts and dispute settlement lead into medium or high working hours/days loss (man-hours/days loss), production time loss, dispute time loss (lost time due to dispute), production/operational costs and damaged equipment replacement cost], is consistent with those of earlier studies that reported that industrial actions in the mining sector resulted into a number of working hours/days lost, foregone earnings and outputs and knockdown effects in other sectors, among others (Christenson, 1953; Hameed, 1971; Imberman, 1979; Neumann & Reder, 1984; Davidson et al., 1988; Feng, 2012; Zhuang, 2015; Ge & Lopez, 2015; Williams, 2017). One difference in these studies, however, is that the present study expands labour disputes' resultant action variables to include one more action of dispute settlement which has not been studied before under those studies of labour disputes' impacts on

workplace production. This entails that this study finding with respect to labour disputes' action of dispute settlement extends previous research findings regarding labour disputes' implications on the workplace productivity and let alone on the country's economic growth.

This first study finding suggests any of the three possible interpretations. First, that more workers are involved in each strike. Second, that strikes in the mining sector take longer duration to last. Finally, that there are many strike incidences, that is, strike occurring frequency is high. But an analysis from documents/office annual reports from Rumphu district labour office indicates that for the past 10 years, strikes in the coal mining companies in the district were less frequent and lasted, on average, for relatively shorter period of time, that is, for less than five days (RDLO annual reports, 2010-2019). Therefore, with respect to this study finding, it implies that strikes in the sample coal mining companies involve more workers usually demanding increased wages. This interpretation is consistent with this study's earlier findings that revealed that the nature of labour disputes faced in the coal mining sector in the district is mostly the wage related labour disputes (Table 5.3) that usually concern every worker despite differences in grade levels. This is because wages in the sector are reported to be relatively lower compared to the nature of the mining job which is hard labour (Malema, 2017). It is the lower wages that make every worker to be participants in almost every strike that may arise in the district coal mining companies.

Most studies on impacts of strikes/lockouts use quantitative data based on application of a theoretical model of labour productivity and national development. Although quantitative assessment was not conducted in this study, the results do overlap with findings based on application of the model. Proponents of the theoretical model of labour productivity and national development hold that an industrial action is one of the negative factors to reduce the national

productivity or to hinder the achievement of planned economic growth (Kasim, 2016). Thus, workplace productivity may increase or decrease with increased or decreased outputs (numerator), respectively, while holding the inputs (denominator) constant. In this case, production outputs are influenced by labour disputes' resultant actions of strikes, lockouts and dispute settlement which are all industrial actions. This study results support this theoretical model prescription in that less than half of the total respondents held the view that low production associated costs/losses are accounted for by each of the three dispute actions. This implies that strikes, lockouts and dispute settlement all have reduction effect on the workplace production outputs as they lead into working hours/days loss (man-hours/days loss), production time loss, dispute time loss (lost time due to dispute) and production process disturbances/disruptions, all of which result into production output loss. This conclusion draws support from this study-reviewed literature where it is indicated that the working hours or days loss, production time loss and dispute time loss as well as production process disturbances/disruptions all have negative implications at the workplace as they have effects of reducing production outputs at the workplace.

The second study finding is that labour disputes' resultant actions of strikes and lockouts are specifically associated with high and medium production associated cost/loss levels, respectively. In addition, that dispute settlement action, on the other hand, is associated with either high or medium depending on the involved production associated costs/losses.

The finding that strikes account for high production associated costs/losses is consistent with findings of earlier studies (Williams, 2017) that strikes resulted into high total value of production foregone due to strikes, high number of strike incidences, high number of workers involved in strikes, high total work hours lost due to strikes especially in the mining industry,

high number of work days lost due to strikes and high dispute time lost mostly in the mining industry in South Africa. One shortfall of this study is that it did not employ any econometric analyses technique to assess labour disputes' impacts on workplace production. Nevertheless, this study finding is not affected based on this stated possible shortfall as triangulation of data analysis was extensively used to validate findings based on qualitative collected data from respondents including key informants with those findings based on the collected quantitative secondary data from office documents. Moreover, several other past studies on labour disputes' impacts with valid findings have also used other analytical tools rather than the quantitative econometric analysis tools.

Specifically, the finding that strikes account for high working hours/days loss (man-hours/days loss) as compared to lockouts and dispute settlement that account for medium working hours/days loss implies that some labour disputes' actions affect workplace operations more than others. In other words, the finding implies that strikes are perceived more destructive on the workplace as compared to lockouts and dispute settlement actions. This interpretation seems to be supported by a number of past studies on labour disputes' impacts that reported strikes as the most destructive action on the workplace (Murwirapachena & Sibanda, 2014; Jacobs & Yu, 2013 in Williams, 2017). This is despite the fact that several of those studies have mostly examined strikes as compared to other forms of labour disputes' resultant actions. Ge & Lopez (2015) examined lockout impacts on sports industry and found that labour outcomes may not be affected under lockouts and that consumer welfare may not suffer as much after a lockout compared to a strike. Furthermore, empirical evidence has shown that, although lockouts equally implicate the world of work, but their implications are far much minimal as compared to those of strikes (Jacobs, 1998; Jacobs, 2013; Ge & Lopez, 2015). In addition, workers' frustration as a result of delays in settlement (arbitration) of their labour disputes have shown to be less or non destructive

on working hours/days loss (Ge & Lopez, 2015), thereby implying that the action of dispute settlement cannot have its workplace negative implications compared with those of labour disputes' actions which result into work stoppage. Finally, empirical studies (Gunderson, & Melino, 1987; Tcha, 1998) have revealed that those labour disputes' resultant actions which result into work stoppage are reported to be more counter-productive / destructive as compared to dispute settlement which has almost zero effect of halting the workplace production process.

Furthermore, the finding that strikes account for high damaged equipment replacement costs, for example, is consistent with assumptions of the theory of strike impact/cost. The theory, among others, assumes that during strikes some violent striking workers may end up breaking/damaging production machinery, for example, which can be replaced by the company at a cost (Humphrey, 1991 cited in Kasim, 2016). This company incurred cost known as damaged equipment replacement cost increases with more replaceable damages and it is certain with frequent occurrence of violent strikes or strikes with long duration. The surveyed coal mining companies are faced with somewhat violent strikes that are caused because of the unresolved wage related labour disputes. This explains why the study respondents associated strikes with high damaged equipment replacement costs.

One contrasting result of the present study to those of the previous studies which implied that all forms of work stoppage (strikes and/or lockouts) have similar negative effects on workplace production is that lockout accounts for medium and not high degree of damage yet it is also an equally form of work stoppage like a strike. A possible explanation may be that this finding is based on respondents' perceptions and not based on any quantitative assessments because in a normal circumstance, it may be argued that lockout which is also a form of work stoppage would equally lead into same quantity of production output loss as that accounted for by a strike as long

as the work stoppage means a halt to a workplace production process. However, in reality this is not always the case as different variables (production time loss, man-hours/days loss etc) that may be affected differently by any form of work stoppage come into play.

Lockouts, as employer's own initiated actions, are less destructive or free from being destructive (Ge & Lopez, 2015) hence low damaged equipment replacement costs may result as compared to strikes. The fact that a lockout is an employer's initiated action (work stoppage) which does not usually last long nor does it turn destructive as may be the case with a strike as employees' initiated action, explains why a lockout accounts for medium degree of damage at the workplace as compared to a strike.

It is likely that a lockout may differ in its commencement timing from that of a strike. For instance, the employer may commence a lockout at the appropriate time when he knows no any abrupt damage may be caused to the workplace production process because of the commenced lockout. On the other hand, workers may deliberately commence their initiated strike action at the time when they know more damage would be caused to the workplace production process because of their commenced strike. This is because more damage is part of what the workers feel would force their employer to concede to their demands. Furthermore, the employer may not like to extend his/her own lockout planned days to avoid affecting the already set production target to be performed. This employer's practical behaviour of shortening lockout duration leads into reduced production time loss, reduced man-hours/days loss which in turn minimizes the production output losses. Thus this study finding that lockout has less negative (medium degree of damage) impact as compared to strike is consistent with theoretical prescriptions regarding strikes' and lockouts' impacts on workplace production.

Furthermore, the study reports that lockouts account for medium damaged equipment replacement costs. This finding contrasts with the fact that lockout as a form of work stoppage initiated by employers may be non-violent and short lasting without any equipment damage consequences. However, the finding might be a result of costs arising from equipment damage caused as a result of idleness of the working machines, during work stoppage (lockout), that are naturally prone to damage due to mere idleness. Humphrey (1991) cited in Kasim (2016) observed that levels of production outputs can also reduce (thus increasing average production cost) when incessant work stoppages, machines and other fixed and variable capitals are not fully utilized, thereby reducing the level of output and increasing average cost (Humphrey, 1991 cited in Kasim, 2016).

While the degree pattern of dispute impact seems to be clear for strikes and lockouts, it is not clear for dispute settlement action. For instance, the finding clearly shows that strikes account for high degree of impact on each production associated cost/loss, whereas lockouts account for medium degree of impact. On the other hand, the finding shows that dispute settlement accounts for either medium or high degree of impact for some production associated costs/losses. Explicitly, dispute settlement accounts for medium working hours/days lost, production time lost and production process disturbances/disruptions and for high production/operational costs, damaged equipment replacement costs, loss in supply of goods and services, workplace customers or markets loss and dispute time loss.

Thirdly, dispute settlement accounts for high damaged equipment replacement costs possibly because of effects of dissatisfied employees in their process of dispute settlement with their employer who may turn negligent while at work. Labour dispute settlement in the studied coal mining workplaces is associated with dissatisfaction amongst workers who always feel

unsatisfied with their dispute settlement outcomes. Note that damaging of production machinery could also be a result of negligent employees as observed by Lam et al. (1991). Lam and others observed that dissatisfied workers in a labour dispute with their employers tend to be negligent and thus sabotage the production process that may take the form of breakage (i.e. letting machines break down through inattention).

With respect to study finding that dispute settlement accounts for high production/operational costs. It should be noted that of the two dispute settlement method extremes: own parties settlement methods and third party intervention methods, there is collective bargaining method of dispute settlement within the first extreme of own parties. For the workers in the sample coal mining companies, a tendency for workers to settle their labour disputes collectively has been growing as it ensures workers' protection from some alleged unfair dismissals, which are common following the individual bargaining method of dispute settlement. This collective bargaining dispute settlement method once ineffectively applied, may lead into frustrated workers mobilizing to undertake some other forms of work stoppage such as go-slow, sit-in etc other than a strike. These other forms of work stoppage can have similar effects of halting the workplace production process. It is this situation that can lead into high sunk production/operational costs because of delays in the settlement of a labour dispute collectively.

However, the results reveal that the surveyed private coal mining companies are mostly affected by strikes and lockouts rather than by the action of dispute settlement. These results are similar to the findings of Ge & Lopez (2015) and Williams (2017) who reported that strikes and lockouts are the only industrial actions with huge negative implications on the workplace productivity. This is particularly the case in the coal mining sector in Malawi where the kind of labour in all the mining companies' workplaces is labour intensive (Malema, 2017, SOER, 2016, RDLO,

2010 - 2019) as compared to the less labour intensive kind in the mining workplaces of the merchandised companies in other countries such as South Africa.

From the discussed study findings above, two explanatory routes of labour disputes' implications on the workplace production operation are clear. First, it is clear that the workplace production associated costs/losses such as working hours/days loss, production time loss and/or dispute time loss, and production process disturbances/disruptions result into reduction in the workplace production outputs. The reduced production output which is the production output loss further results into shortage in supply of goods and services as well as possible loss of the workplace customers or markets in the long run (Hameed, 1971). All this leads into huge revenue and thus profitability losses for the workplace. Most importantly, the findings have shown that the labour disputes' resultant actions of strikes, lockouts and dispute settlement negatively affect these workplace production associated costs/losses. Therefore, as a first explanatory route, it is clear that labour disputes implicate the workplace production operation through the increasing of workplace production associated costs/losses due to influences by labour disputes' resultant actions. The increased production associated costs/losses result into reduction of the workplace production output that further results into workplace potential revenue and productivity losses.

Second, it is also clear that the reported medium to high production/operational costs, damaged equipment replacement cost, collectively form as part of sunk production costs. The sunk production costs mean reduction in the workplace working capital. In other words, this finding indicates medium to high production/operational costs, damaged equipment replacement cost that translate into sunk production costs which are a reduction in the workplace working capital. Therefore, as a second explanatory route, it is clear that labour disputes implicate the workplace

production operation through possible reduction of the workplace working capital as a result of sunk production costs due to effects of labour disputes' resultant actions.

In summary, this study finding(s), firstly, imply that the three labour disputes' resultant actions of strikes, lockouts and dispute settlement lead into medium to high workplace production associated costs/losses. The study findings, secondly, imply that, specifically, strikes account for high production associated costs/losses, lockouts account for medium costs/losses, whereas dispute settlement accounts for either medium or high cost/loss levels depending on the involved production associated costs/losses. Overall, the study concludes that labour disputes through their labour disputes' resultant actions of strikes, lockouts and dispute settlement negatively implicate the workplace production operation in the studied coal mining companies by increasing workplace production associated costs/losses including production/operational costs that lead into reduction of workplace production outputs as well as reduction of the working capital through increased labour and other operational costs.

The study findings have implications for the employment social partners including government policy makers as well as implications for further research. For instance, for workers, the study findings have implications as it would help workers to understand that a strike, while it may be their preferred course of action, it is relatively an expensive course of action for settling their outstanding workplace labour disputes as it (strike) can minimize their workplace productivities through production output losses, thereby affecting their wages/salaries or risking themselves from possible job losses through permanent closures of their workplaces.

On the other hand, for employers, the findings are useful for employers to prioritise their workplace labour dispute management. In other words, employers will understand the

importance of having labour dispute prevention or reduction programmes at their workplaces having known the deadly/destructive effects of strikes and/or lockouts. In addition, for all social employment partners, workplace parties and/or government policy makers to strive to put in place effective mechanisms for settling their labour disputes before they result into strikes and/or lockouts. This will help minimize medium or high workplace production costs/losses arising from effects of strikes/lockouts.

Finally, a high percentage of respondents for this study (of at least 50 % cumulatively) suggests that the respondents (workers/employers) from the district sample coal mining companies are of the view that the labour disputes' resultant action of dispute settlement is equally destructive or counter-productive to the workplace production process. As a result, further quantitative studies are needed to quantitatively assess and confirm dispute settlement impacts on workplace production associated costs/losses. This is based on justification that the action variable of dispute settlement has been rarely included in the previous quantitative studies that assessed labour disputes' impacts on workplace production.

6.5.1.2 Labour Dispute Settlement Time versus Production Associated Costs/losses

Next, this study set to examine implication of labour dispute settlement time on workplace production associated costs and/or losses. The hypothesis was that various workplace production associated costs and/or losses increase with the increasing time it takes for the labour disputes to be settled or resolved. The data supported the hypothesis. The results (Table 5.6) reveal a positive relationship that the associated dispute production costs/losses increase with the increasing labour dispute settlement time.

A strike or lockout that takes longer duration to resolve means that its corresponding labour dispute failed to settle in the shortest time possible. This suggests that all those reported workplace production associated costs/losses as a result of strike/lockout action will result, thereby confirming that the longer time it takes to settle a labour dispute, the higher the likelihood the workplace production costs/losses would be. On the other hand, note that not every unsettled labour dispute would result into a strike or lockout. This is because some labour disputes remain unsettled for a longer period of time due to their subjection to other methods of labour dispute settlement such as those of third party interventions (mediation, arbitration or court litigation). All the same, such involved longer time to settle labour dispute would equally negatively affect the workplace production process as it does to other workplace operations. This is because production disturbances or disruptions would obviously arise in cases where the workers with scarce skills (rare skilled workers) are involved in the long outstanding labour dispute set aside for arbitration. The possible production disruption is based on the premise that production of coal is labour intensive hence it cannot be automatically continued without required labour force presence (Christenson, 1953).

The finding presented in this study appears to be consistent with the consumptionist versus productionist theory of trade unions. The theory provided the emphasis that workers organizations (trade unions) should strive more to increase the productivity and sacrifice their immediate consumption preferences. Among other underlying assumptions, the theory prescribes that workers should strive to increase workplace productivities on the expense of their consumption preferences and that they should be in total support of the employer's objective to increase productivity with less production costs while avoiding or settling their labour disputes at the earliest time possible of their occurrences. Therefore, this study finding is consistent with this consumptionist - productionist theory in that workers' effort to lessen production costs by

helping in settling their labour disputes at the earliest time possible as per the theory assumption seems to suggest that any delay in settling such labour disputes would translate into more workplace production costs, thus consistency with the study finding.

This finding has management implications as it implies that workplace disputants who settle their labour disputes at the earliest or shortest time possible minimizes or should be able to minimize possible workplace production costs/losses arising from delays in the settlement of labour disputes. Alternatively, that timely settlement of labour disputes has implication of minimizing workplace production associated costs/losses arising from delays in the settlement of labour disputes.

It is clear from the discussed findings that the longer time it takes to settle a labour dispute or the longer time a dispute takes to be settled, the higher the likelihood the workplace production costs/losses would be. This appears to be in agreement with Christenson (1953) who reported that when organizational strife in the [workplace] establishment is over, losses in working time due to labour disputes may be expected to decrease. This means that labour dispute settlement time has negative impacts on the workplace production process. In other words, it means that labour disputes in terms of dispute settlement time implicate the workplace production operation through production disturbances or disruptions, among others.

Note that in the data analysis that revealed the relationship between production associated costs/losses and labour dispute settlement time, it was concluded that production associated costs/losses is related to labour dispute settlement time such that the below average settlement time seems to account for lower production associated costs/losses. Since the two used variables: production associated costs/losses and labour dispute settlement time, are each measured on an

ordinal scale, an increase or decrease in the production associated costs/losses being associated with an increase or decrease in labour dispute settlement time would be quantitatively established with available data which unfortunately is scarce in the studied coal mining companies. Thus a further similar study but in a different industry with available data for quantification is needed.

6.5.2 Labour Disputes and the Workplace Operation of Labour Dispute Settlement Management

6.5.2.1 Labour Dispute Settlement Costs/losses

The study sought to examine kinds of labour dispute settlement associated costs/losses, which are met by either employees or employers in the sample coal mining companies. Six different kinds of labour dispute settlement associated costs/losses were each confirmed by the majority respondents (of at least 79 % in each case). These are labour costs/losses due to increased wages and improved working conditions, operational costs, dispute settlement costs, replacement costs, loss of staff members and staff loss/death associated costs (Table 5.7).

A number of previous studies have reported various costs or losses associated with the settlement of workplace labour disputes. For instance, Tcha (1998) reported effects of labour disputes which include increased wages that lead into increased wage labour costs for the firm as well as increased fringe benefits and improved conditions of employment that lead into increase in non-wage labour costs. And Woodhams et al. (2007) reported some net direct financial costs of labour disputes that include legal or similar costs, meeting costs and replacement cost for hiring staff to carry out the duties of staff under suspension or on stressed leave during the course of a labour dispute. According to Woodhams and others, net direct financial cost refers to the total amount that employers and employees or their representatives spend on investigating, negotiating and resolving labour disputes. Therefore, this study finding on labour dispute settlement associated costs/losses confirms findings of those earlier studies.

One contradictory result of the present study to these earlier studies is that of confirmed loss of staff members (80 %) due to their involvements in labour disputes and staff loss/death associated costs (79 %). A possible explanation may be that this finding is due to influence of current democratic legal environment because in today's world of work, freedom of association and action as permitted by labour laws are important attributes to both workplace parties (ILO, n.d.; ILO, 2006b). Thus, the current workers' freedom at work may explain the reason why it is possible for current workplace parties in a dispute to turn into some uncontrollable or militant parties likely to cost some one's life unlike in the past when most of the country's labour laws were too restrictive and/or limitive on workers' actions during their labour dispute settlement processes.

It must however be noted that, while loss of staff members due to their involvement in a strike/lockout was confirmed to be one of the labour disputes' associated losses, an analysis from workers compensation and/or accident reports together with interviews with some key informants indicates that there has been no any death incidence of a worker due to involvement in a strike/lockout for the past three years at any of the studied mining companies. Suffice to note that deaths of some employers being killed by their violent tenant employees have been reported in the district but in the agricultural tobacco sector. This does not mean, however, that the confirmed loss is ruled out. This may be due to some effective strategies put in place to curb activities of some violent strikers or disgruntled workers in a dispute with their employers, thereby sustaining loss of staff members as one of the valid labour disputes' associated costs/losses in this study.

Furthermore, the results reveal that costs due to increased wages and improved working conditions are the most experienced costs (90 %). On the other hand, the least experienced cost/loss was staff loss/death associated costs (78 %).

One of the earlier findings of this study is that the sample coal mining companies are faced with the nature of labour disputes that are mostly wage related. This finding confirms Williams (2017) who found that wages, bonus and other compensation were the primary reasons for strikes that made most employees participate in strikes to demand greater salary increases in order to meet their socioeconomic necessities. In addition, Green (1998) also found that wage claims was the main cause of labour disputes in most trading companies in London.

This study finding that labour cost, due to increased wages and improved working conditions, is indicated as the most experienced labour disputes' associated cost (90 %), therefore, appears to be a reflection or rather a consequence of such earlier finding. A possible reason for relating these two key findings is that a settlement to any of such wage related labour disputes is what would translate into increased labour cost on part of the employer. This is because most of such disputes would be settled once the employer concedes to workers' demands for increased wages or once the claimed unpaid wages are settled. Furthermore, an analysis of the collected secondary data on the reported labour disputes reveals the rising trend of labour disputes in the district where study companies are located. This suggests that such wage related labour disputes are also inclusive in such a dispute rising trend and therefore is the implication that the labour disputes' associated costs of labour cost due to increased wages and improved working conditions would continue increasing as long as the workers continue demanding for increased wages and improved working conditions.

Furthermore, note that a labour dispute at any workplace may come about because of the employees being interested in having from the employer either of the following: higher wages, improved conditions of work, enhanced benefits, frequent promotions as well as better frequency in rewards, among others. The employer's interests on the other hand include making profits; keeping operation costs down; realizing higher productivity; achieving company goals; ensuring company/business survival and remaining competitive, among others. Note that each of the employees' interests is in sharp contrast to each of the employer's interests hence the high likelihood for a dispute to arise. This logic is true and draws support from Feliu (1966) who observed that legal and economic interests of employees and employers are often in sharp contrast and hence conflict is inevitable. All this supports the increasing trend of wage related labour disputes and hence it supports the conclusion that labour disputes' associated costs of a labour cost due to increased wages and improved working conditions would continue increasing.

This conclusion is supported by Hicks theory of labour disputes and wages. According to Hicks, the wage an employer will accept to pay rather than submit to a strike of a given length will depend on the relative costs of concession and resistance and that anything that raises the cost of strike to him will raise the wage rate s/he would be prepared to pay (Hicks, 1963). Hicks noted that the employer can facilitate the effective settlement of labour dispute by avoiding strike direct costs – unearned profits and/or uncovered working capital; indirect losses through contract breaking with suppliers or customer disappointments; and also avoiding effectiveness of trade union action to bring about stoppage of employer's business.

The implication of Hicks' theory with reference to this study finding on labour cost due to increased wages is that the increase in labour costs due to increased wages and improved working conditions would continue growing. This is because the employers in the coal mining

workplaces are bound to continue conceding to their workers' increased wage demands from time to time in order to avoid occurrence of strikes which are known or perceived to be destructive and costly on their workplace businesses. Moreover, it is this employers' behaviour to avoid strikes that attributes to the fact that strike/lockout duration is relatively shorter in the private coal mining industry as compared to other sectors such as those in the public sectors.

In this study, a review of literature reveals a number of labour disputes' associated costs that are met by either employers or employees in their course of settling labour disputes. These costs include trial (litigation) costs as in most countries including Malawi, court sitting time is paid for, using rates usually calculated per each sitting hour; disputants may also meet some direct expenses incurred on production of some required documents to support their case under process as well as to pay for other expenses such as transport costs for themselves and/or their representatives. These costs may increase overtime as long as the case takes longer to settle.

For example, the finding that dispute settlement costs (87.9 %) arising from handling of labour disputes brought before labour office or courts for intervention are met by workplace parties in the surveyed mining companies' workplaces is further supported by this study finding that it would require labour disputants to pay an estimated average cost of between Mk10, 000 to Mk50, 000 to settle a labour dispute through labour office and of more than Mk50, 000 using court litigation method (Table 5.8). These study results are evidence that this study contributes towards research on labour dispute settlement implications on the workplace operation of labour dispute settlement management.

Possibly a major observation here is that the rating for increased operational costs as a result of payments for additional hired security personnel was higher (89 %) than those of replacement

costs for lost or damaged equipments, machineries and other resources during strikes/lockouts including staff re-recruitment costs and of loss of staff members (employees) through deaths as part of strike effects (80 %). These results suggest an off-set of some labour disputes' associated costs. It appears the employers in the sample companies, considering deadly effects of some violent strikers, resort into hiring of additional security personnel to manage the situation during times of strikes. This has been a common practice for employers in the coal mining companies to hire more police officers to safeguard their premises from violent strikers (RDLO, 2019). While the hiring of security personnel increases the workplace operational costs among others, it has some implications towards prevention or reduction of the replacement costs and/or staff loss/death associated costs such as funeral expenses for the deceased employee as part of strike consequences. This prevention implication becomes a reality because some possible prevented incidents of staff members' deaths as result of strike effects would translate as cost saving.

The trend of cost off-set has been reported as common phenomenon in the study of labour disputes' implications at the workplace. For instance, Sanders (1947) discussed several cost off-sets arising from the process of labour dispute settlement as evidenced in the following paragraph.

Labour dispute settlement costs (awards) can arise from judicial orders, negotiated agreements, arbitration, or an order from a federal agency or board (Sanders, 1947). For example, the determined notice payment can be a cost to be paid by either party to the other. It can be a benefit/award received by either of the party. In other words, notice amount paid by employee to employer is a cost to the employee and a benefit/award to the employer. On the other hand, notice paid by employer to the employee becomes a cost for the employer and a benefit/award for the employee. Furthermore, the determined restitution payable by the employee to the

employer is a cost and benefit for the employee and employer, respectively. All these costs and benefits are involved during the labour dispute settlement process hence are used as variables to study impacts of labour disputes on workplace operations in terms of labour disputes management operation. Similarly, replacement cost during strikes is an example of strike indirect cost for the employer.

In Malawi, labour disputes from various workplaces in many districts across the country take different dimensions because of different kinds of economic activities, work procedures and their work demands taking place in such various workplaces (Malema, 2014). For instance, in Blantyre, Lilongwe, Zomba and Mzuzu, the current industrial relations situation on workplaces comprises of: tendencies of bringing dead bodies to workplaces (very common practice in Blantyre) as a way of pressing for transport support from the employers; and in some districts including Rumphi, tenant employees tend to be violent towards their landlords due to influence of alcohol and other abusive drugs (Malema, 2014). It appears it is such legal environment that attributes to the confirmed cost of increased operational costs as a result of payments for additional hired security personnel and other related costs forced on employers.

6.5.2.2 Labour Dispute Settlement Time versus Dispute Settlement Costs

This study set to establish how labour dispute settlement time implicates dispute settlement costs. It was hypothesised that the labour dispute settlement cost increases with the increasing labour dispute settlement time. That is, the estimated cost those employees and employers or their representatives spend on investigating, negotiating and adjudicating to resolve labour disputes increases with increasing time it takes to settle/resolve such particular labour disputes.

The data supported the hypothesis. First, respondents' ratings support the finding that the lower dispute settlement cost is associated with shorter time of labour dispute settlement, whereas higher dispute settlement cost is associated with longer time of labour dispute settlement. Second, an analysis from secondary data indicates that dispute settlement costs seem to increase with increasing levels in the labour dispute settlement framework such as labour office intervention and/or court litigation levels which take relatively longer time for a labour dispute to be resolved (Table 5.8).

Further analysis from Rumphu district labour office annual reports for ten-year period (2010 - 2019) reveals a significant number of outstanding labour disputes in each year pending for settlement. The analysis further reveals that more than half of the outstanding labour disputes are workers' compensation and wage related labour disputes reported from the district coal mining companies (Malema, 2017) and that some of these workers' compensation cases have been outstanding for more than two to five years. This implies that labour disputes in the district and in the coal mining companies in particular, take longer time to settle. This implication, considered along with this study finding that labour dispute settlement costs increase with the increasing dispute settlement time, suggests that the cost of labour dispute settlement in the district particularly in the sample coal mining companies is likely to be high on part of the involved labour disputants. Therefore, it can be concluded that labour disputes negatively implicate the workplace operation of dispute settlement management by increasing dispute settlement costs as a result of labour disputes that take longer time to settle.

The study findings imply that labour dispute settlement managers are negatively affected with the increasing dispute settlement costs because of increasing dispute settlement time as well as frequent referrals of unresolved labour disputes to third party institutions for settlement. This is

because disputing parties suffer relatively increasing costs with increasing settlement time as well as increasing levels of dispute settlement. It is therefore proper for policy makers to ensure that the labour dispute settlement management system is designed and constituted in such a way that there is prescribed minimal time possible it can take for settlement of labour dispute to be concluded with encouragement for labour disputes to be utmost prevented or settled at early stage of their occurrence within the lowest labour dispute settlement framework levels while using in-house dispute settlement methods.

This study results highlight that labour dispute settlement costs increase with the increasing dispute settlement time. Thus the best way to minimize dispute settlement costs is by ensuring that labour disputes are settled within shortest time possible using own parties' methods from within the lowest levels in the dispute settlement framework structure. This is critical for workplace disputing parties and dispute settlement facilitators involved in settling labour disputes.

The Malawi labour dispute settlement framework system prescribes some time limits to settle labour disputes. For instance, section 24 of the Workers Compensation Act provides that a dispute involving injury of a worker must be reported for compensation processing to labour office within 21 days from the date of injury. Secondly, section 62 of the Employment Act provides for a maximum of 30 days within which a reported labour dispute must be processed at labour office, failing which it has to be referred to court for intervention. Finally, part five of the Labour Relations Act provides for a minimum total of 35 days, which includes a 21 day conciliation process period, before a strike or lockout, which can be legally supported by law, takes into effect (Malema & Krishna, 2020). This implies that any labour dispute settled outside

(i.e. that remains unresolved within) the prescribed time limit is deemed an “above average time” settled labour dispute in this study.

One key finding (Table 5.9) is that it would require an estimated average settlement time of more than 30 days to settle either an individual or collective labour dispute using collective bargaining and/or court litigation dispute settlement methods. It appears from the costs and time implications, likely to be involved in the process of labour dispute settlement, that the longer time it can take to settle a labour dispute, the greater the expenses that can be incurred on part of the disputing parties.

These results mean that it is more expensive to settle any labour dispute within higher dispute settlement framework levels than to settle it within lower dispute settlement framework levels. An interview with an Industrial Relations Court key informant revealed that labour disputes take relatively longer time to be settled at a district court than to be settled outside the court. This not only shows delays of settling labour disputes but it also shows that the district court is understaffed, a factor that further contributes to delays in the settlement of labour disputes at the court. This is not surprising, therefore, that a significant number of 2017 reported labour disputes were settled in 2019, two years after their reporting date, according to the IRC official.

6.5.2.3 Labour Dispute Settlement Methods versus Settlement Costs

This study set to establish how labour dispute settlement methods implicate dispute settlement costs. It was hypothesised that the lowest labour disputes settlement costs arise when labour disputes are settled in-house by own parties themselves with neither the employee nor the employer having representation. Alternatively, the highest labour disputes settlement costs arise when labour disputes are settled through third party intervention methods.

The data supported the hypothesis. Respondents' ratings support the finding that the first two in-house labour dispute settlement methods of discipline and collective bargaining are least costly as compared to the other three methods of labour office, arbitration and courts, which are, respectively, rated to be very costly. This finding implies that the settlement of the same labour dispute using a settlement method that involves third party interventions would cost the disputing parties more than what it would cost them if the same labour dispute is settled using an in-house dispute settlement method. In other words, the finding means that workplace disputing parties would minimize their labour dispute settlement costs by settling their labour disputes through use of in-house labour dispute settlement methods such as discipline or individual bargaining and collective bargaining methods as compared to use of third party intervention methods such as mediation, arbitration and court litigation.

Although no any hypothesis was statistically tested in this study, the results overlap with findings based on those of statistically tested hypotheses. Woodhams et al. (2007) tested and supported the hypothesis that the lowest dispute settlement costs rose where the settlement process took place entirely in-house with neither the employer nor the employees having representation. In addition, industrial relations practitioners have found that the in-house dispute settlement methods are associated with less control and use of fewer resources, whereas those methods from within the category of third party interventions are associated with more control and thus use of more resources (Lal, 1967; Adendorff & Associates, 1986). This study's results support findings by IR practitioners in that respondents' ratings revealed least cost, moderate (average) cost and high cost associated with the workplace in-house negotiations, conciliation/mediation and court litigation dispute settlement methods, respectively.

Earlier studies found that labour dispute settlement has cost and time implications on the labour dispute settlement management (ILO, 2013). Although this study used only cost variable and not time, its finding on labour dispute settlement costs confirms such earlier studies' finding with respect to cost implication. Furthermore, previous studies on labour disputes' impacts used strikes and lockouts as the only labour disputes' resultant actions to investigate implications of labour disputes on workplaces. This study has used the dispute action of labour dispute settlement in addition to labour disputes' resultant actions of strikes and/or lockouts to investigate implications of labour disputes on the operation of labour dispute settlement management. Therefore, this study extends research on labour disputes' impact on the workplace.

The earlier finding in this study revealed that individual labour disputes as well as interests labour disputes are the mostly occurring types of labour disputes in the coal mining companies in Rumphi district (Figures 5.1 & 5.2). Okene & Emejuru (2015) reported that disputes of interests would be effectively settled by collective bargaining, whereas individual labour disputes would be settled mostly through use of individual bargaining method. This study's findings therefore imply that labour dispute settlement management can be efficient through settlement of labour disputes at low costs once in-house labour dispute settlement methods are encouraged and used in the coal mining companies as most of the reported labour disputes occurring in such companies' workplaces are individual as well as interests labour disputes which according to Okene & Emejuru (2015) can be effectively settled using individual discipline and collective bargaining methods, respectively. In other words, by these study findings, labour dispute managers would minimize their workplace costs of labour dispute settlement by ensuring use of mostly the in-house labour dispute settlement methods.

Negotiation (bargaining) methods, that is, the disciplinary hearing / individual bargaining and collective bargaining labour dispute settlement methods are negotiated methods while at the workplace by disputing parties themselves without involvement of any third party for intervention. Respectively, they are the simplest methods of resolving labour disputes. On the other hand, conciliation, mediation and arbitration are relatively expensive, respectively, as compared with the earlier methods. Finally, court litigation is the most expensive dispute settlement method. This is evident in ILO (2013:188) observation that:

“Adjudication by a court or labour tribunal is the most formal and legalistic approach to dispute resolution. The disputing parties now surrender their dispute, not only to a third party with power to make a final settlement, but also to a process that is formal, legalistic, expensive, time-consuming and frequently delayed, along with the possibility of a result that satisfies neither party. In the same way as arbitration, the dispute may be settled but not necessarily resolved”.

6.5.2.4 Frequency Percentages of Labour Dispute Settlement Methods

The results in table 5.10 show that labour office intervention (69 %) is the most frequently used labour dispute settlement method in the surveyed companies' workplaces followed by court litigation (44 %) and other office/institution intervention (43 %) in that order. In contrast, the table shows employee discipline / individual bargaining (73 %) as the least frequently used method followed by collective bargaining (68 %) method.

For the workers in the sample coal mining companies, a tendency for workers to settle their labour disputes collectively has been growing as it ensures workers' protection from some alleged unfair dismissals, which are common following the individual bargaining means of dispute settlement. However, this workers' tendency to use collective bargaining method appears to contrast with results in table 5.10 that places collective bargaining at 68 % as second least frequently used labour dispute settlement method. Nevertheless, this study, considering that

collective bargaining method (as one in-house dispute settlement method) is likely to be less costly as compared to their most frequently used method of labour office intervention, recommends disputing parties in the sample coal mining companies to prioritise the use of collective bargaining dispute settlement method before they resort into use of labour office and let alone arbitration or court litigation.

6.5.2.5 Labour Dispute Settlement Framework Levels versus Settlement Costs

This study set to establish how labour dispute settlement framework levels implicate dispute settlement costs. It was hypothesised that the labour disputes settlement costs increases with the increasing level of labour disputes settlement framework from the lowest settlement framework level of own parties themselves through labour office conciliation and/or mediation, arbitration to court litigation/adjudication as the highest level in the dispute resolution framework. That is, the total estimated amount of money (costs) those employees and employers, their representatives spend on investigating, negotiating and adjudicating to resolve labour disputes increases with increasing, or progression through the hierarchy of labour disputes settlement framework levels from workplace resolution / bargaining through litigation/adjudication level.

The analysed data supported the hypothesis. Firstly, respondents' ratings support the finding that the lower dispute settlement costs are associated with lower level of labour dispute settlement, whereas higher dispute settlement costs are associated with higher level of labour dispute settlement. Secondly, an analysis from data collected from key informants on estimated dispute settlement costs shows, firstly, that an estimated average cost of between Mk10, 000 to Mk50, 000 (Table 5.8) would be required to settle an individual labour dispute using collective bargaining or labour office or court litigation methods as compared to less than Mk10, 000 that would be required to settle the same labour dispute using discipline (individual bargaining)

method. Secondly, the analysis shows that for settlement of a collective labour dispute it would require an estimated average cost of less than Mk10, 000 using discipline method, of between Mk10, 000 to Mk50, 000 using labour office and of more than Mk50, 000 using either collective bargaining or court litigation method.

This study's results on labour dispute settlement framework levels versus settlement costs highlight, firstly, that the lower dispute settlement costs are associated with lower level of labour dispute settlement, and secondly, that the higher dispute settlement costs are associated with higher level of labour dispute settlement. Woodhams et al. (2007) found that the dispute settlement costs increased with the labour dispute settlement process progressing through the hierarchy of dispute resolution levels of workplace mediation, conciliation and litigation. This study's finding regarding increasing of dispute settlement costs from lower dispute settlement level through to higher dispute settlement level is consistent with findings on the same by Woodhams and others. Thus, the best way to reduce costs is by ensuring that the labour disputes are settled mostly by in-house settlement methods and not by third party intervention methods. This is clearly critical for all those involved in the management, that is, prevention and settlement of workplace labour disputes.

Labour dispute settlement management is implicated by workplace labour disputes in terms of settlement costs that vary depending on the settlement methods, framework level and time involved in the dispute settlement process. For instance, Adendorf & Associates (1986) contend that ALDR is the ideal way available to business workplaces in resolving their labour disputes. They further argue that dispute settlement methods or options from within the lowest level of dispute settlement framework system are associated with less control and use of fewer resources,

whereas those methods from within the highest level are associated with more control and thus use of more resources.

6.5.3 Labour Disputes and the Management of Employment Relationships

In this study, labour dispute settlement outcomes of improved working conditions and increased wages/salaries as well as labour dispute settlement consequences of warning, suspension, demotion and termination were used to explain labour disputes' implications on the workplace operation of employment relationship management.

6.5.3.1 Labour Dispute Settlement Outcomes and Employment Relationship

The employer-employee is a principal example of any employment relation. This means that an employer and employee are two dependent parties in an employment relationship. Note that in an employment relationship, there are some commonly prescribed roles and responsibilities to be done by either of the two dependent parties to each other in a relationship. These roles and responsibilities are vital for the sustenance of their relationship. Some of these roles and responsibilities are legal in nature. They are the ones that, conditionally, define either of such a relationship to be legally accepted.

Specifically, in an employment relationship, the employee is legally required to perform any contractual assigned work to him/her by the employer for the employer. On the other hand, the employer is legally required to pay wages or salaries to the employee for the performed work and other non monetary benefits some of which are not legal provisions. Thus, work, wages and benefits are key unifying factors in any employment relationship. They are not only instrumental for improving the employment relationship but also destroying it depending on whether they have been implemented as agreed or not. It has been argued that better wages for employees is one key

element of improved working conditions. A labour dispute between employee and employer when not handled (settled) properly is one phenomenon that can destroy the employment relationship.

To examine the implications of labour dispute settlement outcomes on the employment relationship, this study, first, set to explain the extent how improved working conditions and increased wages/salaries affect employment relationships between employees and employers. The study results indicate that the labour dispute settlement outcome of increased workers' wages (93 %) has the most effect of improving the employment relationship between employees and employers in the sample coal mining companies followed by the outcome of improved working conditions (79 %).

Empirical evidence has shown that the outcomes of increased wages/salaries and improved working conditions have positive effect of improving the employment relationship between employees and employers. For instance, Tcha (1998) found that the effect of labour disputes is the increased wages and fringe benefits that led into improved conditions of employment for workers in the studied workplaces in Korea. Therefore, this present study finding is consistent with findings of Tcha (1998) in that the labour dispute outcomes of increased wages and of improved working conditions have been perceived by the majority respondents to have effect of improving the employment relationships between workers and employers in the sample coal mining companies in Rumphi district in Malawi.

Both, theories of motivation and empirical studies on motivation show that motivated workers yield high labour productivity compared to non motivated workers. The workplace improved labour productivity entails workplace profitability which is a benefit for the workplace employer. This implies that although increasing wages for workers appears to have direct negative effect on

employers in terms of increasing their workplace labour costs, it has, however, some long term indirect benefits for the employers as the motivated workers due to their increased wages will in turn work hard to increase their labour productivities, thereby increasing workplace profitability for employers' benefits. This is an opposite implication of labour disputes at a workplace. Such opposite implication of labour disputes has been demonstrated in findings of Tcha (1998) who discussed and pointed out that the effect of labour disputes is, first, the increased wages that leads into increased wage labour costs for the firms [employers] and is, second, the increased fringe benefits and improved conditions of employment that lead into increase in non-wage labour costs.

These study findings have management implications on workplace parties. For instance, employers who want to effectively manage their employment relationships with their employees, should strive to consider increasing sufficient wages as well as improving working conditions for their employees from time to time, otherwise they risk disturbing their employment relationships by resisting any meaningful wage increase requests from their workers. Secondly, employers should not always view wage increases or demands, in times of labour disputes with their workers, only as negative impacts on their part, but should also view such requests as their opportunities towards improving their workplace labour productivities in the long run.

6.5.3.2 Labour Dispute Settlement Consequences and Employment Relationship

Second, the study set to establish and explain the respondents' perceived impacts of labour dispute settlement consequences of warning, suspension, demotion and termination on the employment relationships between employees and employers. It was hypothesized that employment relationship between employee and employer graduates/deteriorates towards termination with increasing degree level of their differences from low degree of dispute level to high degree of dispute level. Alternatively, employment relationship between employee and

employer improves/strengthens with decreasing degree level of their differences from high degree of dispute level to low degree of dispute level. The collected data supported the hypothesis.

First, the study results indicate that four specified employment relationship consequences of warning, suspension, demotion and termination were all confirmed in the sample coal mining companies. Although direct past studies are inadequate regarding termination of employment relationship arising as a labour dispute consequence, there has been some indirect studies indicating that industrial labour disputes attribute to loss of employment relationship between employee and employer. For instance, while Shimada (1982) despite his finding that Japanese labour turnover is quite high, finding that did not indicate any reason for such high labour turnover, Levine and Koji (1980) had reported that part of the Japanese high turnover results from latent industrial conflict / labour dispute. This is a clear indication that industrial labour disputes indeed attribute to loss of employment relationship between employee and employer.

The second key finding is that the lower degree level of labour dispute is associated with warning and suspension as employment relationship consequences, whereas demotion and termination seem to be associated with high degree levels of labour disputes. There has been no any known past study that examined implications of these four employment relationship consequences, thus empirical evidence in support of this finding is not available.

However, ILO conventions and recommendations on workers' discipline and employment termination recommend for countries to legislate discipline penalties that are in tandem with the degree of workers' committed offences at the workplace. Therefore, while there is no any empirical evidence in support of this study finding, the provisions of ILO conventions and recommendations and those of labour laws for most countries including Malawi are in support of

this study finding in the way that they are framed on the basis that high degree level offences at a workplace are for serious penalties and vice versa. This entails that a labour dispute of low degree level is mostly a labour dispute over work under-performance by the worker. A labour dispute of high degree level is largely a labour dispute over theft by a worker according to most countries labour legislative laws.

For instance, the Malawi Employment Act, under section 56, provides for issuance of, by employer to his/her employee, a written warning followed by suspension and demotion as first disciplinary actions that can be imposed on a worker before any other serious penalty. This means that this study finding, although not consistent/supported by any past study findings, it is, nevertheless, consistent with the current labour legislative frameworks for Malawi and other countries, the legal frameworks that are followed by courts. Thus, an employee can be wrongly disciplined at a workplace but correctly assisted by courts of law.

Literature review shows that labour dispute settlement consequences of warning, suspension, demotion and termination are labour dispute settlement disciplinary measures (consequences) that have negative effect on the employment relationship between employers and employees (Half, 2018). Termination of employment relationship means termination of work performance and wage payment. In other words, it means loss of employment for the worker or end of employment relationship that is why it is the most serious consequence of all the four consequences. Demotion of employment relationship means reduction of wage payment or benefits and/or work to be performed. Suspension of employment relationship means suspension of work performance and/or wage payment. Note that demotion and suspension do not entail end of employment relationship between employee and employer that is why they are lesser serious consequences.

The study finding has implications for the workplace parties with respect to their employment relationships. Due to the study findings, employers in the sample coal mining companies can revise their mining industry discipline policy to provide for consistent and correct disciplinary penalties commensurate with correct degree level of labour dispute involved. The current study finding suggests that it would be correct and proper for employers to terminate employment relationships with their workers who are implicated in labour disputes of high degree levels and to warn workers or suspend their employment relationships if they are implicated in labour disputes of lower degree levels. On the other hand, it would be incorrect and improper for employers to instantly subject those workers implicated in labour disputes of low degree levels for employment termination.

6.5.4 Labour Disputes' Impacts on Employees, Employers and the State

The implications of labour disputes' resultant actions - strikes, lockouts and dispute settlement - on the workplace operations of labour dispute settlement management and employment relationship management imply, by extension, labour disputes' implications on the employment social partners - the employees, employers and the state. For instance, employees and employers are implicated because they are the disputing parties in a labour dispute settlement process or they are the two parties in every employment relationship. On the other hand, the state or the public (society) is implicated because it is involved in the labour dispute settlement process as a regulator or third party intervener. In this respect, it became imperative to separately examine specific implications of labour disputes' resultant actions of strikes/lockouts on each party.

Seventeen possible statements of impact considered relevant to the mining sector companies under study were presented to respondents (see Q15 of the study questionnaire). The aim of this question was to determine the relative ranking of statements of impact perceived as having

significant impact on the three employment social partners in the sample coal mining companies according to the respondents. The questionnaire responses on statements of impact perceived as having significant impact were analysed using relative mean ranking (Tables 5.13a, 5.13b and 5.13c).

The data supported the overall finding that the 17 statements of impact were perceived as having significant impact on the three employment social partners, respectively, in the sample coal mining companies by more than three quarters of the respondents. A discussion of some selected top most and least ranked statements of impact follows in the next three subsections.

6.5.4.1 Labour Disputes' Impacts on Employees/Workers

6.5.4.1.1 Three Top most ranked Statements of Impact affecting Workers

Workers' disappointments and loss of confidence in trade unions due to unsuccessful strikes; arrests and prosecution of violent striking workers; and loss of wages/salaries during the strike/lockout period are the three top most ranked statements of impact discussed in this study.

The results of this study reveal that workers' disappointments and loss of confidence in trade unions due to unsuccessful strikes; arrests and prosecution of violent workers/strikers; and loss of wages/salaries during the strike/lockout period are the three top most (in that order) ranked implications of strike labour disputes on workers in the surveyed coal mining companies. These findings contradict with findings of past studies (Chamberlain & Schilling, 1954; Perry, 1978; Tcha, 1998) that reported that workers are mostly impacted with loss of wages/salaries during strikes as compared to any other strike effects. In other words, these past study findings place the impact of wage/salary loss as the first top most ranked impact. Chamberlain & Schilling (1954) conducted studies on impact of strikes and their social and economic costs. They concluded that

some strikes are serious, not because they withhold final products from consumers, but because they deprive employees in related industries of employment income. In this regard, Chamberlain & Schilling seem to suggest that loss of worker's income (wages) appears to be the most strike impact on a worker. Note that serious strikes are usually the most destructive strikes with most negative impacts on workers as well as on other employment social partners (Tcha, 1998).

During a strike, workers represented by their trade union in their fight for increased wages or improved conditions of service expect their employer to concede and honour their requested demands. Workers, therefore, trust their trade union once their expectations are met. Otherwise, they lose trust and confidence in their trade union leaders once their expectations for increased wages/salaries or improved conditions of service fail to materialise. The failure means that their strike is unsuccessful. In this regard, workers will also be disappointed, that is, they will suffer from disappointments.

An analysis from the district strike reports indicate that workers in the surveyed district companies do not always win their strike expectations, although at times strikes have helped them achieve their demands. Two possible reasons for their unsuccessful strikes, first, has been the fact that most of their staged strikes are usually declared illegal strikes by competent authorities, the labour officers. The second possible reason is due to the fact that their requested wage increase demands tend to be unrealistic, that is, they tend to be on the higher side once compared to their overall workplace productivity and profitability. The unrealistic demands for wage increase are what, in most cases, make a particular workplace employer fail to effect any high wage increase demand for his/her workers, thereby leaving workers disappointed. It is not surprising, therefore, that these results reveal that workers' disappointments and loss of confidence in trade unions due

to unsuccessful strikes was rated the top most impact on workers during labour dispute strikes in the sample coal mining companies.

Next, as indicated in the overall finding above, “arrests and prosecution of violent workers/strikers” has been ranked as the second top most impact of labour dispute strikes on workers in the sample coal mining companies. This finding is despite the fact that arrests and prosecution of violent workers/strikers is not common in the studied companies (RDLO, 2019). The possible explanation for this finding would be due to respondents’ own comparisons with respect to what, in their own view, would most negatively affect workers between the arresting or prosecuting of a worker and just worker’s loss of wages/salaries during strike period. Thus, the finding seems to be a true reflection of what it would take for a worker to be imprisoned while s/he feels had just been exercising his/her labour rights which, among others, include disagreeing with his/her employer. The imprisoned worker together with his/her family would feel more negatively and/or psychologically affected than just receiving reduced or losing wages. Therefore, it is not surprising that this study results indicate that arrests and prosecution of violent workers/strikers is second top most strike experience with negative impact on workers’ lives having indicated loss of wages/salaries as the third top most experienced impact.

One contradictory result of the present study to those of the past studies, as indicated in the overall finding above, is that “loss of wages/salaries during the strike/lockout period” has, however, been ranked as the third top most negative impact of strikes on workers. Timing and location of the studies can help to explain for such contrasting findings. For instance, the present study was conducted in Malawi at the time when the country uses labour laws which do not restrict payment of wages/salaries to workers on strikes. This suggests that workers on strike in

Malawi including the respondents in this study do not experience impact with respect to loss of wages as they continue getting paid even on strikes.

On the other hand, the earlier studies (Chamberlain & Schilling, 1954; Perry, 1978; Tcha, 1998), some of them, were conducted in countries such as USA & Canada (Chamberlain & Schilling, 1954) and Korea (Perry, 1978; Tcha, 1998) which enshrine in their labour laws, the principle of “No Work No Pay”. Had it been that the current study was conducted in a location (country) with labour laws containing the said wage principle; chances were high for the current study findings to be compatible with those of the earlier studies. This is because loss of wages has been extensively reported before (Chamberlain & Schilling, 1954) as one of the most top ranking negative impact of a strike for workers who together with their families depend on such wages for their living.

Furthermore, timing and location might have also led to the contradicted findings in the way that the current study was conducted in 2020 particularly in the coal mining industry, at the time when the coal mining companies had been hit with the unprecedented series of strikes most of which were never successful (RDLO, 2019). This suggests that the workers (most of whom were respondents) were already experiencing some disappointments from their failed strikes at the time of the study. One would, however, argue that it was not only workers who were respondents in this study but that employers too were part of them. However, this argument may be enlightened based on the fact that of all the respondents for this study, 93 % were employees (workers). Hence, the current finding that loss of wages/salaries during the strike/lockout period falls as the third top most ranked negative impact of strikes on workers might not really be surprising due to the above explanations. In essence, results of the same study if it were to be conducted at a different time in

a different industry workplace would likely be different, although such possibility cannot be explained by findings of the current study.

6.5.4.1.2 Increased Wages or Improved Conditions of Service/Employment

The results of this study reveal that increased wages or improved conditions of service/employment for workers is one of the strike implications on workers with mean ranking score of 4.14 and standard deviation of 1.064 (Table 5.13a). It is the fifth ranked statement of impact out of the considered seven total statements of impact. Although this impact is not among the first three top most ranked impacts worthy for further discussion, the finding has nonetheless, been discussed in this study report. This is because it is the only finding in this study with positive impact for workers. Note, however, that while the finding is a positive (plus) on part of workers, it is a minus on part of employers for the reason that increased wages and/or improved working conditions are all associated with some corresponding increases in labour costs as demonstrated in earlier findings of this study (section 6.5.3.1). Labour cost is a subtraction from the employer's working capital hence is a negative impact on the employer.

Tcha (1998) found that militant labour disputes led to rapid increases in wages and uncertainty in production. His study pointed out that the effect of labour disputes is the increased wages that leads into increased wage labour costs for the firm and also is the increased fringe benefits and improved conditions of employment that lead into increase in non-wage labour costs. Tcha explained that this, in turn, undermined Korea's comparative advantage, especially in labour-intensive industries, and reduced profitability even in capital-intensive industries. This study finding is thus compatible with findings by Tcha (1998) who reported that increased wages along with increased fringe benefits and improved conditions of employment following strikes are strike positive impacts on workers.

6.5.4.1.3 The Least Ranked Statement of Impact affecting Workers: Loss of Staff Members (Employees) through Deaths as part of Strike effects

The results of this study reveal that loss of staff members through deaths as part of strike effect with mean ranking score of 3.99 and standard deviation of 1.298 is the least ranked strike implication on workers in the sample coal mining companies. This finding corresponds to the earlier finding discussed in section 6.5.2.1 that revealed that loss of staff members (employees) through deaths as part of strike effects is the second lowest labour dispute associated loss at the workplace (Table 5.7). It can be argued that with all other factors held constant, respondents would have ranked this labour strike impact on workers as the first top most impact because death of an employee caused as a result of strike effect translate into 100 % loss of a staff member. Contrary to this somewhat logical argument, however, is that loss of staff members in this study was rated as one of workers' lowest negative impact. A possible explanation for this finding, as discussed earlier, is that no any studied companies has ever experienced death of a worker due to strike consequences, hence most respondents seem to have exercised their fairness and accuracy in their responses with respect to that labour dispute associated loss. Thus, it is not surprising that this study reports loss of staff members through deaths as part of strike effect as the least ranked strike implication on workers in the sample coal mining companies.

6.5.4.2 Labour Disputes' Impacts on Employers

6.5.4.2.1 Three Top most ranked Statements of Impact affecting Employers

The results of this study reveal that loss of production outputs, sales and markets; increased dispute (strike) settlement or management costs (e.g. hiring, security, counter-strike costs); and replacement costs for the damaged equipments or machineries and for extra hired employees to sustain minimum maintenance are the three top most (in that order) ranked implications of strike/lockout labour

disputes on employers in the surveyed coal mining companies. These findings are compatible with earlier findings of this study discussed under section 6.5.1.1. The findings' discussion concluded that strikes, lockouts and dispute settlement all have reduction effect on the workplace production outputs as they lead into working hours/days loss (man-hours/days loss), production time loss, dispute time loss (lost time due to dispute) and production process disturbances/disruptions, all of which result into production output loss.

Loss of production outputs, sales and markets entails three different but related losses suffered by employers as a result of strike effect. These three losses are loss of production outputs, loss of sales and loss of markets. The finding that loss of production outputs, sales and markets is the top most strike/lockout impact on employers reflect respondents' strong perception on how they feel employers in the surveyed coal mining companies suffer as a result of strike/lockout effect. The finding has a triple implication. That is, it has a triple impact on part of employers. First, employers suffer directly the loss of production outputs in the way that strikes/lockouts result into production work stoppage, thereby leading into working hours/days loss (man-hours/days loss), production time loss and dispute time loss, all of which have been confirmed to have potential reduction effect on the production outputs. That is, the losses result into reduced production outputs. Second, the lost production outputs mean lost workplace products for sale which is a loss of sales suffered by the employers. Loss of sales impacts employers as it means loss of revenue and thus reduced profits for employers. Finally, employers suffer loss of markets in the way that some reliable customers tend to switch for product substitutes on the market as a result of scarcity of their original preferred product. It is this customer loss that entails loss of markets suffered by employers. Empirical evidence has shown a well supported relationship among these three losses of production outputs, sales and markets (Hameed, 1971; Hameed, 1982).

Hameed (1971) summarized that loss of production is undoubtedly the most significant cost of a strike that may be calculated in terms of production lost during the period of a strike. It can be measured effectively by using the Leontief system, or input-output technique, which can account for the production losses not only in the struck industry but also in all the related industries through its backward and forward linkages. This is clear indisputable empirical evidence that labour dispute strikes exert great negative impacts not only to workplace employers through reduction of their production outputs, but that it also exert great impact to the general society as a whole.

Christenson (1953:520) noted as a common understanding that "when coal miners work, they produce coal and when they walk out or are locked out, they don't mine coal and therefore output falls by the amount that would have been produced if the men had remained at work". Christenson, however, argued that this common understanding is just less than 50 % true. This implies that other factors apart from dispute time losses are responsible for the fall of production output losses.

As indicated above, this study finds that increased dispute (strike) settlement or management costs (e.g. hiring, security, counter-strike costs) is the second top most ranked implication of strike/lockout on employers in the surveyed coal mining companies. Earlier findings, as discussed in section 6.2 in this study, indicate increasing dispute settlement costs with increasing dispute settlement time. Although empirical evidence has shown that both workplace parties (employees and employers) suffer from dispute settlement costs, practically, it is employers who mostly meet larger proportion in any workplace incurred dispute settlement cost. This is because some dispute settlement costs to be paid by employees are instead paid by their employers on behalf of them. For instance, employers in the surveyed coal mining companies are willing to settle on behalf of

their employees any dispute settlement cost that would otherwise have been payable by employees themselves as one strategy of diluting employees' anger in their dispute settlement process. Thus, it is not surprising, therefore, that these results reveal that increased dispute (strike) settlement or management costs (e.g. hiring, security, counter-strike costs) is the second top most ranked implication of strike/lockout on employers in the surveyed coal mining companies.

Next, this study finds that replacement costs for the damaged equipments or machineries and for extra hired employees to sustain minimum maintenance is the third top most ranked implication of strike/lockout labour disputes on employers in the surveyed coal mining companies. Humphrey (1991) cited in Kasim (2016) observed that trade dispute [labour dispute] does not only affect productivity through labour loss alone. Humphrey thus stated that when there are incessant work stoppages, machines and other fixed and variable capitals are not fully utilized, thereby reducing the level of output and increasing average cost at the workplace. Thus, this study finding on replacement costs as one labour dispute strike/lockout impact on employers agrees with Humphrey's observation on consequences of idle workplace production machines.

Finally, the study finds that increased production cost through increased wages is ranked the fourth implication of strike/lockout labour disputes on employers in the surveyed coal mining companies. This finding is similar to an earlier finding in this study which revealed that increased wages result into increased workforce labour cost which is one form of workplace production costs. Tcha (1998) found that militant labour disputes led into rapid increases in wages and uncertainty in production. The study pointed out that the effect of labour disputes is the increased wages that leads into increased wage labour costs for the firm. Therefore, this current study finding is similar with the finding by Tcha (1998) in the way that both findings point to the fact that workplace production costs seem to be mostly influenced by labour costs that increase

following any increase in wages and/or salaries for employees. The implication of this finding is that employees and employers in the sample coal mining companies would always be in labour disputes if they do not understand and balance the relationship between their workplace production costs and wage increase requests.

6.5.4.3 Labour Disputes' Impacts on the State

The results of this study reveal that lowering effects on the country's wealth - Gross Domestic Product - through loss of production outputs; increased costs on part of state to enforce and restore peace and order; disturbance of the country's harmonious industrial relations; and also disturbance of country's economic growth as a result of possible decrease in living standards of workers due to reduced wages or wage losses are the four most (in that order) ranked implications of strike/lockout labour disputes on the state in the surveyed coal mining companies. Several past studies (Hameed, 1971: Tcha, 1998) have reported similar findings regarding labour disputes' impacts on the state. This study results, therefore, confirm findings by such past studies. From the literature review of this study, the following are few selected relevant past studies whose findings corroborate with this study findings on how labour disputes impact the state, that is, the public and/or society.

For instance, Tcha (1998) conducted a study to test a model used to analyze the effect of labour disputes on Korea's Direct Foreign Investment (DFI) in the selected Korean's regions. He used three different measures of labour disputes: the number of working days lost because of labour disputes, the frequency of labour disputes, and the number of working days lost per labour dispute per annum. The study found that labour disputes have substantial explanatory power for Korea's loss of DFI in Asia as well as North America. This study finding that labour dispute strike/lockout negatively affects the state through lowering effects on the country's wealth/GDP through loss of

production outputs relates to labour disputes' impact contributing to loss of DFI as reported by Tcha (1998).

Hameed (1971: 165) summarized that loss of production is undoubtedly the most significant cost of a strike that may be calculated in terms of production lost during the period of a strike. It can be measured effectively by using the Leontief system, or input-output technique, which can account for the production losses not only in the struck industry but also in all the related industries through its backward and forward linkages. This is clear indisputable empirical evidence that labour dispute strikes exert great negative impacts not only to workplace employers through reduction of their production outputs, but that it also exert great impact to the general society as a whole.

Furthermore, Hameed (1971) explained that both consumers and producers suffer from the loss of their economic freedom during labour disputes (strikes/lockouts). He explained that such losses are suffered because of the fact that a dispute affected industry does not permit the producers to supply goods and services hence restricting their freedom to exercise their economic right to do business. In return, this restriction places constraints on the choice of consumers to buy such goods and services during the period of industrial dispute, thus depriving consumers from exercising their right to choice. Hameed noted that conceptually, the loss of economic freedom for producers and consumers is different from loss of production but operationally they are the same. This, according to Hameed, is because the value of total production lost is equal to the loss of economic freedom for the society.

The impact of the existence of the industrial disputes has far reaching consequences. The industrial disputes affect the economic, social and political life of a country in any given situation.

They retard the industrial growth of a country. Industrial disputes results in loss of production days and precious man days for ever. Employers as well as the labour (workers), as shown in previous sections, also suffer from industrial conflicts. This leads to suffering of the society at large. Labour or man days are perishable, once lost are lost forever.

Sometimes industrial unrest also leads to law and order problems thus putting the state/society in vulnerable position. This is why the state, according to Hameed (1971) theory of strike cost, has to intervene into a workplace labour dispute at such a point beyond which the labour dispute's impacts on the state becomes disastrous. This is evident enough that the state is aware with how it can be negatively impacted by workplace labour disputes. In this regard, this study results about labour disputes' implications on the state are, therefore, supported by prescriptions of the theory of strike costs as developed by Hameed (1971). Thus, this study findings are a great contribution towards the knowledge body of labour disputes' impacts on the social employment partners including the state.

6.6 Labour Disputes Prevention and Reduction Strategies

After examining how labour disputes' resultant actions implicate the workplace operations, this study further sought to examine strategies perceived to be effective in preventing and/or reducing the occurrence of workplace labour disputes. The study through literature review identified 15 statements of dispute management strategies that were presented to respondents. Respondents whose sample coal mining companies are faced with various nature of labour disputes were required to specifically indicate which prevention/reduction strategy is perceived to have significant effect(s) in the prevention and reduction of workplace labour disputes. The 15 presented strategies considered relevant with respect to the prevention and reduction of workplace labour disputes in the companies' workplaces under investigation in this study are contained in

question 25 on the study questionnaire. The aim of this question was to determine the relative effect of the strategies that are perceived as effective in terms of preventing or reducing the occurrence of workplace labour disputes according to the study respondents.

The 15 identified strategies have been grouped into seven thematic areas and discussed with reference to this study's earlier findings. These seven themes are working conditions, workers' capacity building, grievance procedures, trade unions and collective bargaining, labour relations, workplace communication attitudes and settlement of labour disputes.

6.6.1 Working Conditions (*Wage provision or adjustment based on price index level, inflation and prevailing living standards, Improving working conditions and Provision of welfare amenities to every worker*)

The results of this study reveal that the first top most labour dispute prevention strategy for workplace parties in the sample coal mining companies in Rumphi district in Malawi is wage provision/adjustment based on price index level, inflation and prevailing living standards. Several global studies on causes of labour disputes in the world of work reveal that workers' demand for increased wages/salaries and/or improved working conditions is a major cause for the increased occurrence of workplace labour disputes (Green, 1998; Salamon, 2000; ILO, 2014; Herr et al., 2014). In particular, Williams (2017) found that wages, bonus and other compensation were the primary reasons for strikes that made most employees participate in strikes to demand greater salary increases in order to meet their socioeconomic necessities in the South African mining and manufacturing industries.

As for Malawi, the analysis from Ministry of labour reports on occurrence of labour disputes indicates that demand for increased salaries/wages, improved working conditions of service as well as workers' demand for removal of selected top human resource managers or administrators

are the common causes for labour disputes in most of the country's companies, both in the public and private sectors (MoL, 2018). The demand for removal of top human resource managers/administrators seem to suggest that it is workers' perception or understanding that their workplace human resource managers are the ones hindering approvals and implementation of their wage increase demands. Findings from these studies suggest that workplace labour disputes can be better prevented if workplace employers can prioritise the continued adjustment of wages/salaries for their employees. Note that better wages for employees is one key element of improved working conditions.

While most employers may be aware of the need to continuously adjust workers' wages based on inflation and that do not dispute the fact that increased workers' wages are instrumental to improve workers' living standards, most of the workplace employers are, however, unable to manage the continuous wage adjustments as per their workers' demands. This is partly because of the prevailing country's economic conditions that may not be supportive enough for the workplaces to realize high levels of profitability to meet workers' demands for increased wages. Earlier findings in this study (Table 5.3) have shown that the sample coal mining companies are mostly faced with wage related labour disputes and that the workplace employers are negatively implicated with increased labour costs as a result of increases in wages and improved working conditions (section 6.5.4.2). These study earlier findings correspond with this finding that wage provision or adjustment based on price index level, inflation and prevailing living standards is one of the most labour dispute prevention strategies that appear to be most effective to prevent workplace labour disputes in the sample coal mining companies.

Improving working conditions and provision of welfare amenities to every worker (e.g. loan, transport, education, housing facilities and healthy services for workers and their families) scored

3.81 and 4.53, respectively. The mean scores of 3.81 and 4.53 are above the average midpoint of 3.0. This implies that these two scored labour dispute prevention/reduction strategies were each perceived, by over half of the study respondents, as equally effective strategies for preventing or reducing labour disputes in the sample coal mining companies. These two strategies are related to the wage provision/adjustment strategy in that they all have a common denominator of improving the working life of an employee. This is why the three strategies have been grouped under the theme of working conditions in this study.

6.6.2 Grievance Procedures (*Availability and use of grievance procedures and Observance of code of discipline*)

The results of this study reveal that “availability and use of grievance procedures” is another top most ranked labour dispute prevention strategy available for workplace parties in the sample coal mining companies. As indicated in the literature review, grievance procedures are a set of procedural rules that guide the workplace management and workers on the procedures to be followed when handling grievances that arise at the workplace. In this regard, “grievance procedures” is one of the industrial relations structures.

The surveyed coal mining companies are all major formal companies with well laid grievance procedures. Unlike in the informal coal mining companies, the management of workplace differences as well as labour dispute in the formal companies’ workplaces is known to be procedural, consistent and fair because of the application of their available grievance procedures. In this regard, the finding that availability and use of grievance procedures was rated as another top effective strategy for preventing or reducing labour disputes means that most of the responding employees and employers were aware and knowledgeable of the importance of their grievance procedures in their workplaces.

The coal mining companies are faced with many kinds of labour disputes some of which are reported to be very complicated (see section 5.2). The daily handling of labour disputes would be chaotic in the absence of disputes' grievance procedures because some disputes could be handled unfairly with imposition of inconsistent penalties. It is a common fact that the disputing employee(s) who notes unfair treatment of their grievances followed by imposition of inconsistent penalties does not fully resolve their dispute with employers. This was observed by ILO (2013) that a workplace labour dispute may be settled but not resolved. Thus, if there is no procedure to follow or to direct how a dispute has to be handled/processed, there is high likelihood that some labour disputes would be left unresolved only to resurface later or that some disciplined employees would be punished severely than others for same offences, thereby triggering ineffectiveness on the part of workplace employers in the process of labour dispute management.

The importance of adherence to grievance procedures and observance of code of discipline was highlighted by Beach (1980) in Finnemore (1998). Beach noted that workplace labour disputes are not easily contained if discipline is being applied inconsistently and further stated that it is positive discipline that develops willingness to adhere to rules and regulations by workplace parties in a labour dispute.

Furthermore, although this study did not compare quantities of labour disputes originating from the surveyed companies, an analysis from reported labour disputes at Rumphi labour office indicates that some workplaces, record more outstanding labour disputes than the others in each particular year. This means that labour disputes take more time to be settled in some surveyed companies' workplaces as compared to others. Therefore, a study is needed to investigate whether those companies that "make use" or "do not make use" of their available grievance procedures

would record few differences in the quantities of outstanding labour disputes in the sample coal mining companies. Otherwise, this study finding cannot explain the implication on outstanding of labour disputes with respect to those companies “making use” and those “not making use” of their available grievance procedures. However, it must be noted that these study findings do not confirm that the use of grievance procedures account for such differences in the outstanding of labour disputes nor do they confirm otherwise. However, what is clearly known from this discussion is that a company can have its grievance procedures but without necessarily using them as having the grievance procedures is one thing and using them is another thing.

The award of the arbitrator will settle the dispute but it is unlikely that the result will be to the satisfaction of both parties, and the dispute may be settled but not necessarily resolved. As a result of the arbitrator’s decision, the disputing parties may adopt an adversarial approach to their future interactions and thereby create a situation in which consensus-based approaches to resolving problems become more difficult (ILO, 2013: 188). It is such situation that can fuel continued existence of labour disputes between employee(s) and employer. On the other hand, it is the situation that can be prevented by use of grievance procedures and observance of code of discipline.

6.6.3 Trade Unions and Collective Bargaining (*Recognition of functional and stable trade unions as bargaining agents and Availability and utilization of collective bargaining agreements*)

The results of this study reveal that the fourth most labour dispute prevention strategy for workplace parties in the sample coal mining companies in the district is recognition of functional and stable trade unions as bargaining agents. This finding is consistent with findings by Malema (2017) that the enterprise level collective bargaining activities between the employer and the employees’ trade union leaders brought about improved communication between the employers

and employees as well as minimized unnecessary labour disputes at Mchenga coal mines workplace. This study finding means that trade unions are instrumental in preventing and/or minimizing the occurrence of labour disputes. Das (2015) and Mamoria et al. (2017), however, observed that only functional and stable trade unions in a well legal supportive environment can help trade unions to achieve their intended roles to defend their members and let alone help in addressing differences between workers and their employers. This entails that a supportive labour legislative framework, functionality and stability are key conducive factors for any effective trade union in the world of work.

In Malawi, before the multiparty democracy in 1994, there were undemocratic and oppressive labour laws that totally hindered effective operations of a few registered trade unions that existed during the one party state era (Dzimhiri, 2005; Dzimhiri, 2007; Dzimhiri, 2008). To this effect, reports and documentary records sourced at the two major coal mining companies and those available at Rumphi district labour office indicate that workers at both Mchenga and Kaziwiziwi coal mines, for example, rarely formed or participated in workers' organizations such as in trade unions between the years of 1985 to 1994. However, following the multiparty democracy in 1994 and the subsequent enactment of democratic labour legislative laws in 1996 and thereafter, Joint Consultative Committees (JCCs) were established at Mchenga coal mining company in 1996 followed by establishment of the Building, Construction & Civil Engineering Allied Workers Union of Malawi (BCCEAWUM) trade union in 2009. These democratic labour legislative laws provided for the formation of trade unions as one major form of workers' organizations and granted workers freedom of association. Consequently, the mining workers from the coal mining companies under study, particularly at Mchenga coal mining company's workplace, started to engage in collective bargaining process with their employer through their formed trade unions as well as to demand their rights without necessarily resorting to labour dispute strikes.

Malema (in press) notes that functional and stable trade unions help in accelerated pace of economic development in many ways such as the following, among others: inculcating discipline among the workforce; enabling settlement of industrial disputes in rational manner; and helping in social adjustments by workers. With the latter, Malema observes that workers have to adjust themselves to the new working conditions, the new rules and policies and that workers coming from different backgrounds may become disorganised, unsatisfied and frustrated. Hence, it is the role of functional and stable trade unions to help their worker members in such adjustments.

While some studies indicate that trade unions' activities have resulted into emergency of some militant workers and/or violent strikes during times of strikes (Allsop, 1912; Hameed, 1971), the majority of such studies have, however, indicated that, nevertheless, trade unions are instrumental towards prevention and settlement of workplace labour disputes (Das, 2015; Kambilinya, 2008; Malema, in press).

An interview with one workplace trade unionist and an employee consensuously reveal that the majority of the workers in the sample coal mining companies are in agreement with the fact that the coming in of trade union in their workplaces is a useful opportunity for them. For instance, the interviewed workplace trade unionist stated that trade union leaders at our workplaces help us workers in getting united towards our fight for increased wages as well as enable us to quickly settle both our individual and collective labour disputes with our employers. In addition, one interviewed employee stated that our workplace trade union leaders sometimes help us to adjust our anger against some employers' human resource officers who tend to be harsh about our needs. All these sentiments support the finding that recognition of functional and stable trade unions as

bargaining agents appears to be one of the effective labour dispute prevention strategies for workplace parties in the sample coal mining companies in Rumphi district.

In summary, it is therefore not surprising that workplace employers, in the sample coal mining companies, who recognize existence of functional and stable trade unions as bargaining agents in their companies, are likely to have most labour disputes prevented or timely settled in their companies. This is because it has been found (reported in this study) that functional and stable trade unions, utmost, help to prevent or minimize occurrence of labour disputes.

6.6.4 Workers' Capacity Building (*Workers' education and training programmes*)

The results of this study reveal that workers' education and training programmes is one of the labour dispute prevention strategies for employees in the sample coal mining companies in Rumphi district in Malawi. The Encyclopaedia of social sciences views that workers' education helps a worker to solve his/her problems not as an individual but as a member of his/her social class (Mamoria et al., 2017). This study finding is compatible with this encyclopedic view in that workers who are prepared to solve their problems collectively are also likely to be capable to prevent some of their eminent differences with their employer at the workplace, thereby preventing the occurrence of labour disputes.

According to William Flayed, "workers' education is an attempt on the part of organized labour to educate its own members under an educational system in which the workers prescribe the courses of instructions, select the teachers and furnish the finance in a considerable measure" (Mamoria et al., 2017: 375). This implies that the educated and/or trained workers on their rights and responsibilities, for example, are able to positively analyse their employer's economic situation especially in terms of their workplace profitability and make rational decisions on

whether to withdraw or sustain their raised wage increase demand. It is this workers' knowledge related decision or behaviour that has positive implications towards the prevention and/or minimizing occurrence of labour disputes at their workplaces. To support this interpretation, Mamoria et al. (2017: 375) reported that where the level of general education is low and trade unions suffer from a number of operational problems, the scope for workers' education is very great. This suggests that it is workers' education that can enable trade unions to function effectively with respect to managing their worker members during times of collective bargaining or dispute settlement process with their employers.

This study reports labour disputes on interpretation of collective bargaining agreements as one kind of labour dispute experienced in the surveyed coal mining companies being identified by the most majority respondents (76 %). Reviewed literature for this study shows that a labour dispute on interpretation of collective bargaining agreements is caused as a result of a disagreement between a group of employees or trade union and employer over issue of interpretation of some clauses contained within their signed collective bargaining agreements. A correct interpretation or misinterpretation of some collective bargaining agreement clauses mainly depends on someone's knowledge on something, which hinges on one's level of education or on one's acquired amount of profession's training. This study also reveals that most respondents' highest level of education is secondary and that Malawi does not have any prescribed formal workers' education and training, which would have benefited the country workforce including those in the surveyed coal mining companies (the study respondents). This implies that a labour dispute on interpretation of collective bargaining agreements may be arising in the studied companies due to the sector workers' low education and/or training levels, among others. Therefore, there is high likelihood that the finding on workers' education and training as one preventive strategy is supported.

Note that it takes trained and well educated or knowledgeable trade union leaders to professionally organise and convince their member employees to conduct themselves in accordance with required procedures in times of disputes with their employers. While some other developing countries such as India have well established central boards for workers' education and training programmes, Malawi does not have any of such boards yet. The country is currently depending on erratic funding from some donors interested in supporting the workers' education such as the Norwegian government with its interest in promoting social dialogue in African developing countries. Above all, industrial relations practitioners and experts support workers' education programmes for employees. They hold the view that workers' education arouses the social consciousness of the worker, promote his/her solidarity with other workers and enable him/her to perform his/her functions effectively by committing him/her to workers' organizations for the defense of common interests (Mamoria et al., 2017).

6.6.5 Labour Relations (*Positive labour-management associations, Workers' voice and participation and Utilisation of different levels of workplace joint consultation*)

The results of this study reveal that positive labour-management associations, workers' voice and participation and utilisation of different levels of workplace joint consultation are perceived labour dispute prevention strategies for employment social partners in the sample coal mining companies in Rumphi district in Malawi. These findings are compatible with the findings of (Kristensen et al., 2012; cited in Tapia et al., (2015: 164) that reported reduced workplace conflicts between workers and employers in Nordic countries where shop stewards are actively involved in managing restructuring processes in partnership with management.

Similarly, Boxall & Macky (2009) had observed that the effectiveness of workplace labour-management partnerships and workers' voice representation hinges on the degree of worker

involvement that triggers worker motivation (Tapia et al., 2015). Furthermore, Guest and Peccei (2001) noted that notions of mutual gains enterprises and partnership approaches show how worker representation can play a positive role in high employment relations where workers are involved to produce win-win solutions. Literature review indicates that the concepts of labour-management associations and workers' voice and participation are interchangeably used with the concepts of labour-management cooperation or labour-management partnerships (Godard, 2004; Kelly, 2004) and workers' voice representation (Paauwe & Boselie, 2007; Kochan et al., 2008), respectively.

Possible reasons why positive labour-management associations, workers' voice and participation appear to be effective labour dispute prevention and reduction strategies could be linked to problem solving and decision making processes which past studies have described as two dependent variables for positive labour-management associations and/or workers' voice and participation.

In this respect, past studies (Kochan & Osterman, 1994; Guest & Peccei, 2001; Kristensen, 2006; Boxall & Macky, 2009 in Tapia et al., 2015) have shown that the functionality of labour-management associations or of workers' voice and participation is dependent on two variables of worker involvement in decision making process and problem solving at the workplace. According to these authors, the application of these two variables instills within the employees a sense of ownership in whatever resource that is being utilized at the workplace. This sense of ownership motivates workers not only to work hard but also to relate well with their employers, the latter of which is an important element for sound industrial relations at a workplace, which is free from labour disputes.

Furthermore, this study finding is consistent with dictates of pluralistic and radicalistic perspectives of industrial relations in that relevance of labour-management or workers' participation, which were predicted by these industrial relations perspectives, have been reported in this study finding. For instance, the pluralistic perspective predicted that new institutions and practices such as unions/associations or other forms of representation would emerge and adapt over time to maintain some reasonable or acceptable balance of power among the different interest groups present in employment relationships (Tapia et al., 2015). In this regard, Pluralists see some form of worker representation as necessary for the 'win-win' outcomes to prevail at the workplace. Furthermore, the radicalistic perspective predicts both a sharp decline of trade unions that work within the capitalistic system and ultimately the rise of transformational worker organizations that gain significant control over workplace and production processes under a different economic system.

In this era of the decline in trade unionism and weakening of collective bargaining structures, industrial relations theorists and scholars have researched and reported some new alternative forms for worker's voice and representation that are taking shape. For instance, Tapia et al. (2015) mention four of these alternatives namely: high-performance work systems; corporate social responsibility; internationalization [and internalization] of worker representation; and civil society organizations. Empirical evidence shows high-performance work systems and internalization of worker representation being currently promoted in some studied coal mining companies. This means that workers' voice and representation (participation) is being practiced as a means of addressing possible differences between employees and employers in some sample coal mining companies.

Tapia et al. (2015) noted that “similarly, scholars have pointed toward different sources of labour power: structural and associational. Since trade unions have lost their structural power in many cases, it has become more important to strengthen their associational power by building alliances with community groups (Wright, 2000; Silver, 2003 as cited by Tapia et al., 2015: 172)”. This suggests that scholars currently view trade union-community group associations as effective interactions to address problems failed by trade unions alone. Similarly, labour-management associations are also emerging and viewed by scholars as effective interactions for managing workplace differences between workers and employers, which cannot be easily managed by the already declining trade unionism.

These labour-management associations and workers’ voice and participation draw support from the pluralistic perspective of industrial relations that emphasizes on power balance between employees and employers as a catalyst for preventing or settling their labour disputes. Meanwhile, the pluralistic perspective predicted that new institutions and practices such as unions/associations or other forms of representation would emerge and adapt over time to maintain some reasonable or acceptable balance of power among the different interest groups present in employment relationships (Tapia et al., 2015).

Furthermore, the radicalistic perspective predicts both a sharp decline of trade unions that work within the capitalist system and ultimately the rise of transformational worker organizations that gain significant control over workplace and production processes under a different economic system. Similarly, the unitaristic perspective largely predicts continued trade union decline in the presence of a gradual diffusion of high-performance work systems (Tapia et al., 2015).

The implication of this study finding about the labour-management associations and workers' voice and participation as perceived effective labour dispute prevention and reduction strategies is that workers and employers in the sample coal mining companies will have some eminent labour disputes prevented and/or reduced. However, this will only be possible once the workplaces ensure that such associations and participation are positively motivated. Otherwise, it would be difficult for labour disputes to be minimized with poor labour-management associations and workers' voice and participation. This is because Malema (2017) found that CSOs that were promoting engagements between labour-management associations in the district mining companies were not conclusive in their advocacy activities for workers, that is, they could conduct their activities, at times, with one sided focus potential to defeat the purpose of positive labour-management associations.

Regarding the study finding on the utilisation of different levels of workplace joint consultation, an analysis of secondary documents reveals that workers' organizations such as Joint Consultative Committees (JCCs) and/or trade unions were established and have been working at Mchenga coal mines since 1996 to date. This is despite the fact that JCCs are currently phasing out in Malawi. Both the JCCs and the union leaders have been conducting enterprise collective bargaining negotiations at various levels with the management of the company. As a result, there are generally improved working conditions at Mchenga coal mines as compared to Kaziwiziwi coal mining company.

Secondly, the occurrence of frequent industrial actions (strikes or lockouts) at Mchenga coal mines and not at Kaziwiziwi, implies to some extent increased level of knowledge amongst workers on their working rights (labour laws), the situation that makes workers exercise their

right to strike and employers to lockout in cases where their workplace disputes remain unresolved.

6.6.6 Workplace Communication Attitudes (*Positive attitudes of supervisors to workers' problems and employee communication*)

The results of this study reveal that positive attitudes of supervisors to workers' problems and employee communication are perceived labour dispute prevention strategies for employment social partners in the sample coal mining companies. Workplace communication refers to interactional sharing of messages, whether verbally or non verbally, between workplace parties, that is, the employees and employers. Theories of communication indicate that personal attitude is one of the factors that affect quality of communication. For the purpose of this study, the critical workplace communication is that which engages the employee supervisors and their supervised employees. This study finding entails that if the supervisor's attitude is positive towards workers' problems, some eminent labour disputes between employees and their employer can be prevented. Most of the employee respondents in the surveyed coal mining companies appear to be aware of the need for their workplace supervisors to relate or communicate well with them, especially during their time of need. This study result where over half of the respondents perceived that positive attitudes of supervisors to workers' problems and employee communication are effective labour dispute prevention strategies is a reflection of their awareness.

The alternate implication of this study finding is that some labour disputes between employees and their employers cannot be prevented and/or can be escalated with hostile or negative communication attitudes of supervisors towards workers especially those confronted with workplace problems. This implication is partially supported by the industrial relations practice where it is reported that workers who are negatively responded to as human beings harbour

negative attitudes that significantly influence their performance and bring about bad relationship with their employers. These attitudes relate to negative workplace communication attitudes that are bound to escalate labour disputes at a workplace instead of preventing them.

6.6.7 Settlement of Labour Disputes (*Speedy or timely settlement of labour disputes*)

One of the earlier findings of this study is that labour disputes implicate the workplace labour dispute settlement management operation through labour dispute settlement costs, which are met by disputants during the process of settling their labour disputes. This study has further found that greater labour dispute settlement costs are associated with longer times taken to settle labour disputes. The study has also confirmed previous studies' finding that the longer time it takes to settle a labour dispute strike, for example, the more destructive a labour dispute becomes. This means that labour disputes are more implicative once they take longer time to be settled than when they are settled in the shortest time possible.

The results of this study, with respect to labour dispute prevention/reduction strategies, reveal that speedy or timely settlement of labour disputes is perceived as one effective labour dispute prevention strategy available for employment social partners in the sample coal mining companies in Rumphi district in Malawi. This means that labour disputes that are inevitable at a workplace, according to pluralistic perspective of industrial relations to the extent that they cannot be avoided, can just have their impacts such as labour dispute settlement costs minimized by way of speedy and timely settlement of such labour disputes. This strategy of labour dispute prevention/reduction was perceived by over half of the study respondents to be one of the effective strategies to minimize impacts of labour disputes in the sample coal mining companies in the district.

In summary, labour disputes should be prevented or avoided at any cost from occurring at the workplace. However, since labour disputes have been reported to be inevitable at a workplace with parties having divergent business interests, according to pluralistic perspective of industrial relations, labour dispute managers and all concerned workplace parties should therefore prioritise to timely resolve their labour disputes before they result into more destructive/costly resultant actions or before parties resort into seeking court intervention that is a relatively expensive option for them. This would greatly help to minimize possible negative impacts of labour disputes at the companies' workplaces. In addition, the attempt would also create conducive environment for sound workplace industrial relations as more destructive and costly disputes' resultant actions would have been avoided.

6.7 Chapter Summary

The discussion on the nature, types and characteristics of labour disputes has shown that the nature of workplace labour disputes in the sample coal mining companies is complex and that the labour disputes through their resultant actions are indeed counter-productive at the workplace. Particularly, the discussion has shown that:

- more than 10 different kinds of labour disputes with different causes occur in the sample coal mining companies, thereby complicating the nature of workplace labour disputes;
- there are more occurrences of individual labour disputes as compared to collective labour disputes;
- there are more interests labour disputes than rights labour disputes occurring in the coal mining companies;
- 70 % of the characterized labour disputes in the sample coal mining companies are wage related labour disputes;
- labour disputes result into resultant actions of strikes, lockouts and dispute settlement, which affect the workplace operations in different ways; and
- labour disputes through their resultant actions of strikes, lockouts and dispute settlement are counter-productive at the workplace.

In conclusion, labour disputes implicate workplace production operation through the following two ways. First, labour disputes' resultant actions affect by increasing various production associated costs/losses such as working hours/days loss, production time loss and/or dispute time loss, and production process disturbances/disruptions which in turn reduces the workplace production outputs. Second, labour disputes' resultant actions affect by increasing production associated costs/losses such as production/operational costs and damaged equipment replacement cost which in turn increases workplace sunk production costs that negatively affect the production working capital. Both reduced workplace production working capital and production outputs have effects of reducing workplace productivity. For instance, reduced production working capital means less investment and reduced production outputs means lost workplace revenue. This study confirms most of the findings of past studies on labour disputes' impacts and adds that dispute settlement is another labour disputes' resulting action apart from strikes/lockouts that must be used as variable to assess disputes' implications on the workplace production processes. Furthermore, the discussion has highlighted some propositions summarising the study findings on the relationships between labour disputes' resultant actions and their implications on the workplace operations. The next final chapter presents conclusions and implications of this study based on the discussed study findings.

CHAPTER SEVEN

Conclusions and Implications of this Study

7.1 Introduction

This final chapter summarises the salient points of this study, draws relevant conclusions, demonstrates practical implications and explains the study's contribution to the body of knowledge. The chapter also presents limitations of this study and proposes directions for future research.

7.2 An Overview of this Study

Labour disputes through their resultant actions remain counter-productive in the world of work (Tcha, 1998; Zhuang, 2015). The success of addressing labour disputes demands concerted efforts from employment social partners including the private coal mining industry companies equally faced with the rising levels of different kinds of workplace labour disputes. However, there is evidence that comprehensive implications of labour disputes at the workplace are not known (Hameed, 1971; Stevens, 1972; Woodhams et al., 2007; Bhorat, Jacobs, & Van Der Westhuizen, 2013), yet their clarity is critical for addressing labour disputes. Thus, it became justifiable to further investigate labour disputes' implications on the workplace operations with respect to the select private coal mining companies in case of this study.

Therefore, the overall objective of this mixed methods study was to first investigate and establish the nature and characteristics of workplace labour disputes and second to identify and explain their effects (implications) on workplace operations of production, dispute settlement and employment relationship managements in the major formal privately owned coal mining companies in Rumphi district in Malawi. This investigation was done based on a conceptual framework developed through a synthesis of concepts drawn from different relevant theories of labour

disputes and of labour disputes' implications. These relevant theories collectively help to explain the occurrence and implications of labour disputes at the workplace. Hence, the primary interest of this study was to investigate a more comprehensive set of labour disputes' implications at the workplace than previously available in the literature.

In terms of methodology, this study adopted a mixed methods research approach. A questionnaire survey of 240 respondents drawn from four selected formal private coal mining companies in Rumphi district in Malawi provided quantitative data. The sample was random because according to Babbie (2004), a carefully selected probability sample in combination with a standardized questionnaire offers the possibility of making refined descriptive assertions about any large population which cannot easily be provided by any other method of observation. In addition, semi-structured interviews with selected key informants and a review of various district labour office annual reports and other Ministry of labour documents produced further supporting data. This being an explanatory study, qualitative results provided insights that have been used where relevant to explain and interpret the results of this study.

7.3 Summary of the Major Findings and Conclusions

Major findings and conclusions for this study have been summarised based on the six specifically investigated research questions. The six investigated questions are: (1) What nature and types of labour disputes occur in the sample coal mining companies? (2) What are the characteristics of labour disputes occurring in the sample coal mining companies in Rumphi district in Malawi? (3) What are the labour disputes' resultant actions that can be used to explain the implications of labour disputes on the workplace operations? (4) What are the qualitative implications of workplace labour disputes on workplace operations that can be explained using the labour disputes' resultant actions? (5) How do labour disputes generally impact workplace parties (i.e.

employees, employers and state/public) with reference to surveyed companies? (6) What would be the appropriate policy strategies for workplace parties and policy makers to adopt and implement in order to help minimise the occurrence and impacts of labour disputes in Malawi?

7.3.1 With respect to the nature and types of labour disputes occurring in the sample coal mining companies, the study confirms and concludes that labour disputes are complex with more than 10 different kinds of such labour disputes with different causes occurring, most of which are individual labour disputes in nature as compared to collective labour disputes.

The results of this study have shown that more than 10 different kinds of labour disputes based on different causes occur in the sample coal mining companies. According to the reviewed literature, the kind of a labour dispute is identified based on the source (cause) of that particular labour dispute (Kecici & Sema, 2016). For example, a labour dispute on severance pay is caused as a result of a disagreement between employee and employer over issue of severance pay (allowance). On the other hand, a labour dispute on interpretation of collective bargaining agreements is caused as a result of a disagreement between a group of employees or trade union and employer over issue of interpretation of some clauses contained within their signed collective bargaining agreements. Therefore, the fact that different kinds of these labour disputes with different causes are shown to be in occurrence suggests that labour disputes occurring in the sample coal mining companies are complex.

In terms of the nature of these labour disputes in occurrence, the study found that more individual labour disputes as compared to collective labour disputes are in occurrence. Individual labour dispute is a disagreement between a single worker and his or her employer, usually over existing rights, whereas collective labour dispute is a disagreement between a group of workers usually, but not necessarily, represented by a trade union, and an employer or group of employers over

existing rights (ILO, 2013). The theory of individual and collective labour disputes which stipulates that, naturally, it is the individual labour disputes that mostly occur in many workplaces in the world of work as compared to collective labour disputes, supports this study finding. Based on these key findings on the nature and types of labour disputes, it is, therefore, confirmed and concluded that the labour disputes in the sample coal mining companies are complex with more than 10 different kinds of such labour disputes with different causes occurring, most of which are individual labour disputes in nature as compared to collective labour disputes.

7.3.2 With respect to characteristics of labour disputes occurring in the sample coal mining companies, the study concludes that the characterized labour disputes are wage related labour disputes, and that of all the characterised labour disputes, the non-payment of benefits, dismissal and workers compensation labour disputes are the first three top most occurring labour disputes in the coal mining companies.

With reference to characteristics of labour disputes, this study found that the characterized labour disputes occurring in the sample coal mining companies are wage related labour disputes. Wage related labour disputes are caused mostly as a result of employee-employer differences over workers claiming payments of their dues/entitlements as well as seeking for increased monetary benefits. In this regard, this study found workers' compensation labour disputes, under-minimum wage payment labour disputes, non-wage payment labour disputes, non-payment of terminal benefits labour disputes, under-payment of overtime labour disputes, non-overtime payment labour disputes and delayed wage payment labour disputes as 7 wage related labour disputes out of the 10 total identified characterised labour disputes facing the coal mining companies. Williams (2017) also found that wage related claims such as wage, bonus and other compensation claims topped the reasons for industrial actions (strikes) in the mining and manufacturing

industries in South Africa. This suggests that the mining industry workplaces in Malawi and elsewhere seem to be mostly faced with wage related labour disputes.

In terms of the relative frequency of occurrence of each of the confirmed characterised labour disputes, the study found that the non-payment of benefits, dismissal and workers compensation labour disputes are the first three top most occurring labour disputes in the sample coal mining companies. Payment of terminal benefit refers to any amount of money payable to the terminated employee from his/her employment. Thus, the non-payment of such terminal benefit triggers the labour dispute of non-payment of labour disputes. The study analysis on labour dispute settlement reports, reveals significant number of non settled labour disputes with respect to terminal benefits for various dismissed workers by three quarters of employers in the studied workplaces. Therefore, it seems it was respondents' reflection on their knowledge of greater number of non settled labour disputes with respect to terminal benefits for various dismissed workers along with presence of their known long time unpaid compensation cases that contributed to the finding that non-payment of benefits, dismissal and workers compensation labour disputes are the first three top most occurring labour disputes in the sample coal mining companies.

Based on these key findings with respect to characteristics of labour disputes, the study, therefore, concludes that the characterized labour disputes in the sample coal mining companies are wage related labour disputes, and that of all the characterised labour disputes, the non-payment of benefits, dismissal and workers compensation labour disputes are the first three top most occurring labour disputes in the sample coal mining companies. These wage related labour disputes include: workers' compensation labour disputes, under-minimum wage payment labour disputes, non-wage payment labour disputes, non-payment of terminal benefits labour disputes,

under-payment of overtime labour disputes, non-overtime payment labour disputes and delayed wage payment labour disputes.

7.3.3 The overall study finding with respect to examined labour disputes' resultant actions is that the four explored labour disputes' resultant actions of dispute settlement, employee discipline, strikes and lockouts were all confirmed as most representative resulting labour disputes' actions in the coal mining companies with dispute settlement/employee discipline emerging top followed by strikes and/or lockouts.

The results of this study have shown that while dispute settlement, employee discipline, strikes and lockouts are the four mostly experienced labour disputes' resultant actions at their workplaces, there are "other" actions that can arise as a result of labour disputes. Although the study respondents did not specify such "other" labour disputes' resultant actions, Finnemore (1998) and Salamon (2000) reported the other disputes' resulting actions such as withdrawal of cooperation, work to rule, overtime bans, go-slows, and work-in or sit-in. However, Brown (1981) argued that all these labour disputes' actions mentioned by Finnemore and Salamon are just forms of strikes just like plant relocation or closure and technological redundancy are just other forms of lockouts (Finnemore, 1998). This suggests that strike and/or lockout actions are the most representative actions of all the collective (organized) labour disputes' resulting actions at a workplace as confirmed in this study.

In addition, while it has been shown and acknowledged that other individual expressions of dissatisfaction such as lateness, absenteeism, low employee morale, poor product quality, labour turnover, legal action, wastage of raw materials and various forms of sabotage at work are also labour disputes' resultant actions (Finnemore, 1998; Salamon, 2000), industrial relations experts and/or practitioners have, however, observed that those individual expressions are grouped as

unorganized actions that can lead into employee discipline or dispute settlement actions at the workplace (Malema, in press). Similarly, it is clear that employee discipline or dispute settlement is also the most representative action of those other individual expressions of dissatisfaction. Therefore, it can be concluded in this study that the four explored labour disputes' resultant actions of dispute settlement, employee discipline, strikes and lockouts were confirmed as most representative resulting labour disputes' actions in the coal mining companies with dispute settlement/employee discipline emerging top followed by strikes and/or lockouts. This is because any other resulting actions of labour disputes seem to be inclusive within any of such four most representatives of labour disputes' resultant actions.

7.3.4.1 Labour disputes through their labour disputes' resultant actions of strikes, lockouts and dispute settlement negatively implicate the workplace production operation by increasing workplace production associated costs/losses including production/operational costs that lead into reduction of workplace production outputs as well as reduction of the working capital through increased labour and other operational costs.

Results of this study have, firstly, shown that labour disputes' resultant actions of strikes, lockouts and dispute settlement influence the workplace production associated costs/losses such as working hours/days loss, production time loss and/or dispute time loss, and production process disturbances/disruptions, that in turn result into reduction in the workplace production outputs. The reduced production output which is the production output loss further leads into shortage in supply of goods and services as well as possible loss of the workplace customers or markets in the long run (Hameed, 1971). All this amounts for huge revenue and thus profitability losses for the workplace. Most importantly, the findings have shown that the labour disputes' resultant actions of strikes, lockouts and dispute settlement negatively affect these workplace production associated costs/losses. Therefore, as a first explanatory route, it was concluded that labour

disputes implicate the workplace production operation through the increasing of workplace production associated costs/losses due to influences by labour disputes' resultant actions. The increased production associated costs/losses result into reduction of the workplace production output that further leads into workplace potential revenue and productivity losses.

Secondly, the study results that labour disputes' resultant actions account for medium to high production associated costs/losses suggest that the reported medium to high production/operational costs, damaged equipment replacement cost, collectively form as part of sunk production costs. The sunk production costs mean reduction in the workplace working capital. In other words, this finding indicates medium to high production/operational costs, damaged equipment replacement cost that translate into sunk production costs which are a reduction in the workplace working capital. Therefore, as a second explanatory route, it was concluded that labour disputes implicate the workplace production operation through possible reduction of the workplace working capital as a result of sunk production costs due to effects of labour disputes' resultant actions.

With respect to these study findings, it is therefore concluded that labour disputes implicate workplace production operation through the following two ways: first, labour disputes' resultant actions affect by increasing various production associated costs/losses such as working hours/days loss, production time loss and/or dispute time loss, and production process disturbances/disruptions which in turn reduce the workplace production outputs. Second, labour disputes' resultant actions affect by increasing production associated costs/losses such as production/operational costs and damaged equipment replacement cost which in turn increase workplace production sunk costs that negatively affects the production working capital. Both reduced workplace production working capital and production outputs have effects of reducing

workplace productivity. For instance, reduced production working capital means less investment and reduced production outputs means lost workplace revenue.

7.3.4.2 Labour dispute settlement attracts dispute settlement cost on disputants which may increase or decrease depending on the involved labour dispute settlement time, method and framework level.

This study found that labour dispute settlement costs increase with increasing dispute settlement time. Secondly, the study also found that the first two labour dispute settlement methods of discipline and collective bargaining are least costly as compared to the other three methods of conciliation/mediation, arbitration and courts, which are perceived to be very costly. Finally, the study also found that lower dispute settlement costs are associated with the lower framework level of labour dispute settlement, whereas higher dispute settlement costs are associated with higher framework level of labour dispute settlement. These study findings suggest that labour disputes implicate the workplace operation of labour dispute settlement management by incurring dispute settlement costs that are dependent on dispute settlement time, method and framework level upon the disputants with respect to settlement of their labour dispute. Therefore, it can be concluded that labour dispute settlement attracts dispute settlement cost on disputants, which may increase, or decrease, depending on the involved labour dispute settlement time, method and framework level.

7.3.4.3 Labour disputes can lead into demotion or suspension or termination of an employment relationship between an employee and employer depending on the degree level of a labour dispute whether low or high dispute degree level.

The study has found that the lower and medium degree levels of labour disputes are associated with warning or suspension and demotion as employment relationship consequences, respectively. Suspension of employment relationship means suspension of work performance and/or wage

payment. Demotion of employment relationship means reduction of wage payment or benefits and/or work to be performed. Suspension and demotion do not entail end of employment relationship between employee and employer that is why they are lesser serious labour dispute settlement consequences. The study has also found that termination seems to be associated with high degree levels of labour disputes. Termination of employment relationship means termination of work performance and wage payment, thereby resulting into loss of employment for the worker or end of employment relationship. This makes termination as the most serious labour dispute settlement consequence of all the examined consequences.

Therefore, it can be concluded that labour disputes through the dispute settlement process implicate the workplace operation of employment relationships management by leading into either demotion or suspension or termination of an employment relationship between an employee and employer depending on the degree level of a labour dispute whether low or high dispute degree level.

7.3.5 With respect to labour disputes' impact on the employment social partners - the employees, employers and the state, largely labour dispute strikes/lockouts and settlement are a source of workers' disappointments at work and a cause of employers' suffered production output losses as well as a contribution to a country's (state's) lowered gross domestic product.

The study has found that workers' disappointments and loss of confidence in trade unions due to unsuccessful strikes is the top most ranked implication of strike labour disputes on workers in the surveyed coal mining companies. During a strike, workers represented by their trade union in their fight for increased wages or improved conditions of service expect their employer to concede and honour their requested demands. Workers, therefore, trust their trade union once

their expectations are met. Otherwise, they lose trust and confidence in their trade union leaders once their expectations for increased wages/salaries or improved conditions of service fail to materialise. The failure means that their strike is unsuccessful. In this regard, workers will also be disappointed, that is, they will suffer from disappointments.

Secondly, the study has found that loss of production outputs, sales and markets is the top most ranked implication of strike/lockout labour disputes on employers in the surveyed coal mining companies. Loss of production outputs, sales and markets entails three different but related losses suffered by employers as a result of strike effect. These three losses are loss of production outputs, loss of sales and loss of markets. The finding that loss of production outputs, sales and markets is the top most strike/lockout impact on employers reflect respondents' strong perception on how they feel employers in the surveyed coal mining companies suffer as a result of strike/lockout effect.

Finally, the study has revealed that lowering effects on the country's wealth/GDP through loss of production outputs is the most ranked implication of strike/lockout labour disputes on the state in the surveyed coal mining companies. Accordingly, Hameed (1971) summarized that loss of production is undoubtedly the most significant cost of a strike, which can be measured effectively by using the Leontief system, or input-output technique, which can account for the production losses not only in the struck industry but also in all the related industries through its backward and forward linkages. This is a clear indisputable empirical evidence that labour dispute strikes exert great negative impacts not only to workplace employers through reduction of their production outputs, but that it also exert great impact to the general society as a whole.

Based on these study findings regarding labour disputes' impacts on employment social partners, it can therefore be concluded that largely, labour dispute strikes/lockouts and settlement are a source of workers' disappointments at work and a cause of employers' suffered production output losses as well as a contribution to a country's (state's) lowered gross domestic product (GDP).

7.3.6 Provision or adjustment of wages based on price index level, inflation and prevailing living standards coupled with availability and use of grievance procedures are the most perceived effective strategies to minimise the occurrence and impacts of labour disputes in the surveyed companies.

This study suggested effective strategies of minimising the occurrence and impacts of labour disputes based on its findings. Fifteen various strategies considered relevant to preventing and reducing workplace labour disputes were scored on a five point Likert scale with 1 representing strongly disagree and 5 strongly agree. The suggested prevention and/or reduction strategies were grouped and discussed in seven thematic areas which included related strategies under working conditions; grievance procedures; workers' capacity building; trade unions and collective bargaining; labour relations; workplace communication attitudes; and settlement of labour disputes.

The study has found the provision or adjustment of wages based on price index level, inflation and prevailing living standards as the top most labour disputes prevention and/or reduction strategies for workplace parties in the sample coal mining companies. This study has found those workers' requests/demands for increased salaries/wages and/or for improved working conditions as the major causes of the occurring labour disputes most of which have been described as wage related labour disputes. Findings from this study suggest that workplace labour disputes can be better prevented if workplace employers can prioritise the continued adjustment of wages/salaries

for their employees. Note that better wages for employees is one key element of improved working conditions.

While most employers may be aware of the need to continuously adjust workers' wages based on inflation and that do not dispute the fact that increased workers' wages are instrumental to improve workers' living standards, most of the workplace employers are, however, unable to manage the continuous wage adjustments as per their workers' demands. This is partly because of the prevailing country's economic conditions that may not be supportive enough for the workplaces to realize high levels of profitability to meet workers' demands for increased wages.

The study has also found the availability and use of grievance procedures as the other top most labour disputes prevention and/or reduction strategies for workplace parties in the sample coal mining companies. Therefore, it can be concluded that provision or adjustment of wages based on price index level, inflation and prevailing living standards coupled with availability and use of grievance procedures are the most perceived effective strategies to minimise the occurrence and impacts of labour disputes in the surveyed companies.

7.4 Overall Study Conclusion

This study finds and concludes three major implications of labour disputes on workplace operations. First, labour disputes negatively implicate the workplace production operation by reducing workplace production outputs and the working capital through increased workplace production associated costs/losses and labour/operational costs, respectively. Second, labour disputes increase workplace operations' costs through the labour dispute settlement process that results into disputants incurring some costs, which may increase, or decrease, depending on the involved labour dispute settlement time, method and framework level. Third, labour disputes lead into demotion,

suspension or termination of an employment relationship between an employee and employer depending on the degree level of a labour dispute whether low or high dispute degree level.

Overall, these concluding findings suggest that labour disputes are indeed counter-productive to the workplace productivity and disastrous to workplace labour relations and let alone to the country's economic growth. Therefore, both employment parties in the major formal privately owned coal mining companies in Rumphi district in Malawi should be able to know the negative impacts of labour disputes on their workplace operations and thus recognize the need to prevent/reduce the occurrence or minimize impacts of labour disputes as per this study findings with respect to labour disputes prevention and reduction strategies. Furthermore, by this study findings, it is generally recommended that prevention/reduction of labour disputes in companies' workplaces in Malawi should not just be a matter of entrusting the dispute management process in the hands of disputing parties alone but rather should be a collective effort by all concerned stakeholders in the field of labour and employment.

These study findings add to a growing body of literature on the scale and scope of labour disputes' impact studies. In other words, this study of labour disputes' implications on workplace operations brings significant contribution towards the knowledge body of impacts of labour disputes. This is because a study on implications of labour disputes on workplace operations is generally important as it helps to generate knowledge and understanding on how to address the practical problem of inadequate knowledge with respect to implications of labour disputes' resulting actions at the workplace. It also helps to understand how labour disputes affect the country productivity and economy so that effective dispute prevention and resolution policies and strategies can be formulated for effective implementation. For instance, a clear comprehension of the most significant impacts could enhance the development of effective labour dispute resolution

system with targeted interventions aimed at preventing or reducing the occurrence of labour disputes.

7.5 Contribution to the Body of Knowledge

In terms of study contribution to the body of knowledge, that is, to scholarly research and literature in the field of industrial relations, the following three are summarised as major contributions of this study.

Firstly, several past studies on labour disputes' impacts have focused on strikes' impacts (Chamberlain & Schilling, 1954; Knowles, 1955; Hameed, 1971; Salamon, 2000) with a few of them extending their focus on lockouts' impacts (Ge & Lopez, 2015). All these studies have mostly limited examination of strikes/lockouts impacts studies on production. This study has, however, extended the focus of labour disputes' impacts, firstly, to include dispute settlement impacts as part of independent variables and, secondly, include two more workplace operations of labour dispute settlement management and of employment relationships management as part of the dependent variables. In this regard, the present study has significantly contributed to the body of knowledge by expanding the conceptual model of labour disputes' impact studies from the previous model of "*Labour dispute strikes/lockouts → Workplace production*" (Figure 3.1) to the current extended model of "*Labour dispute strikes/lockouts and Dispute settlement → Workplace production, Dispute settlement management and Employment relationships management*" (Figure 3.2).

It is clear that the extension of labour disputes' resultant action to include the action of dispute settlement, thereby enabling exploration of a more comprehensive set of labour disputes' implications sets this study different from others. Therefore, this study has gone some way towards enhancing our understanding of the impacts of workplace labour disputes within the

world of work. In fact, this study has empirically demonstrated that even in the context of labour dispute settlement and employment relationship managements; there are more issues that can be quantitatively examined to understand more implications of labour disputes at the workplace than just examining on strikes/lockouts alone.

Secondly, the results of this study have generated some propositions on the relationships between labour disputes resulting actions and their associated implications. Statistically, these propositions are testable hypotheses, that is, they can be subjected for statistical testing as potential hypotheses in future studies. In this regard, this study has therefore contributed by generating information (findings) in terms of hypotheses that could be a valuable source for further research on quantitative assessment of labour disputes' impacts on productivities and economy which is beyond the scope of this current study.

Thirdly, the researched nature and characteristics of labour disputes broaden knowledge about the phenomenon of labour disputes, which may be useful in higher academic institutions for teaching and learning purposes as well as to be used for literature review in further studies. For instance, the study has described and reported ten different characterized labour disputes based on legal entitlements.

Lastly, this study confirms most of the findings of past studies on labour disputes' impacts and adds that dispute settlement is another labour disputes' resulting action apart from strikes/lockouts that must also be used as an additional variable to assess disputes' implications on the workplace production processes. For instance, the study cites Williams (2017) who conducted a static analysis on real production output foregone due to industrial actions and found that the total value of foregone production output due to work stoppages (strikes/lockouts) was proportionately high

mainly in the South African mining industry. Again Woodhams et al., (2007) had recommended further research of labour disputes' impacts to include implications from resolution of workplace employment relationship problems.

This study has found that labour disputes' resultant actions of strikes, lockouts and dispute settlement account for medium to high production output losses (reduced production outputs) in the mining companies in Malawi. This implies that this study finding confirms finding of earlier studies (Williams, 2017) although the present study used qualitative study approach as opposed to quantitative approach used by earlier studies. Furthermore, this present study used dispute settlement as additional labour disputes' resultant action to strikes and lockouts used in earlier studies. The fact that this study location was in the mining sector as was the case with study by Williams (2017) entails that this study's findings build on findings by such previous studies that only used strikes/lockouts to assess labour disputes' impacts on the workplace production (Williams, 2017, Eaton, 1972).

Overall, the contribution of the study findings is the addition to a growing body of literature on the scale and scope of labour disputes' impact studies. In other words, this study of labour disputes' implications on workplace operations brings significant contribution towards the knowledge body of impacts of labour disputes. This is because a study on implications of labour disputes on workplace operations is generally important as it helps to generate knowledge and understanding on how to address the practical problem of inadequate knowledge with respect to implications of labour disputes' resulting actions at the workplace. It also helps to understand how labour disputes affect the country productivity and economy so that effective dispute prevention and resolution policies and strategies can be formulated for effective implementation. For instance, a clear comprehension of the most significant impacts could enhance the development of effective labour dispute resolution system with targeted interventions aimed at preventing or reducing the occurrence of labour disputes.

7.6 Practical Implications of this Study

With respect to practical implications, this study has reported findings whose application can help to improve practice while demonstrating their usefulness towards policy improvement. In this regard, the results of this study have a number of practical implications both at company level and at national (policy) level as highlighted in the following subsections.

7.5.1 Practical Implications for Workers, Employers and their Organisations

Firstly, in terms of how the study helps to improve practice, note that the clear understanding of the characteristics of labour disputes is critical to resolving labour disputes and preventing them from occurring in the future through the pursuit of good formulated workplace strategies based on informed research. In this regard, the findings will be of much use to workplace parties especially the employers for them to understand the nature and characteristics of labour disputes that occur in relation to their specific work environments for them to effectively manage their labour disputes before they become disastrous on their workplace operations.

Particularly, the study findings have implications as it would help workers to understand that a strike, while it may be their preferred course of action, it is relatively an expensive course of action for settling/resolving their outstanding workplace labour disputes as it (strike) can minimize their workplace productiveness through production output losses, thereby affecting their wages/salaries or risking themselves from possible job losses through permanent closures of their workplaces. On the other hand, the findings are useful for employers to prioritise their workplace labour dispute management. In other words, employers will understand the importance of having labour dispute prevention or reduction programmes at their workplaces having known the deadly effects of strikes and/or lockouts.

This study results highlight that labour dispute settlement costs increase with the increasing dispute settlement time. Thus the best way to minimize dispute settlement costs is by ensuring that labour disputes are settled within shortest time possible using own parties' methods from within the lowest levels in the dispute settlement framework structure. This is critical for workplace disputing parties (employees and employers) and dispute settlement facilitators (labour officers and arbitrators including courts) involved in the settlement of labour disputes.

7.5.2 Practical Implications for Government and Policy Makers

In terms of why the study is useful towards policy improvement, the findings on implications of labour disputes can help to enhance the prioritization of development issues by government policy makers and guide on the formulation of targeted policies and strategies aimed at minimizing occurrences and/or impacts of workplace labour disputes. In this case, the study findings will be a reference of information for the government policy makers to be guided in the development of relevant workplace disputes resolution policies with positive impact towards the reduction and/ or prevention of labour disputes.

In particular, with these study findings, workplace parties and/or government policy makers should be able to strive to put in place effective mechanisms for settling labour disputes before they result into strikes and/or lockouts. This will help minimize medium or high workplace production costs/losses arising from effects of strikes/lockouts. It is therefore recommended for policy makers to ensure that the labour dispute settlement management system is designed and constituted in such a way that there is prescribed minimal time possible it can take for settlement of labour dispute to be concluded with encouragement for labour disputes to be utmost prevented or settled at early stage of their occurrence within the lowest labour dispute settlement framework levels while using in-house dispute settlement methods.

7.7 Limitations of this Study

Firstly, one shortfall of this study is that it did not employ any econometric analyses technique to assess labour disputes' impacts on workplace production. Nevertheless, this study finding is not affected based on this stated possible shortfall as triangulation of data analysis was extensively used to validate findings based on qualitative collected data from respondents including key informants with those findings based on the collected quantitative secondary data from office documents. Moreover, several other past studies on labour disputes' impacts with valid findings have also used other analytical tools rather than the quantitative econometric analysis tools.

Secondly, the developed set of such testable propositions/hypotheses (section 7.4) on the relationships between labour disputes' resulting actions with their associated implications could be a valuable source for further research on quantitative assessment of labour disputes' impacts on productiveness and economy which is beyond the scope of this study. For example, one limitation with respect to these developed hypotheses is that the present study cannot quantify the increasing comparison in labour dispute settlement costs with respect to each of the examined labour dispute settlement methods. This is because it was not this study's focus to quantitatively investigate labour disputes' implications in terms of quantitative costs.

Thirdly, this study was conducted in Rumphi district in Malawi with a random sample drawn specifically from the major formal privately owned coal mining companies. Thus, the study focused on the organized and formal companies most of which were large and registered or licenced. This means that all the informal and large proportion of small scale mining companies in the district were not included. Statistically, this limits the generalizability of the results of this study to the population from which the sample was drawn. However, considering the fact that these excluded informal coal mining companies usually have very small sizes of their workforce;

the major surveyed coal mining companies could be regarded as being representative of the private sector companies in the district especially in terms of number of employees who were the subject (study population) for this study. Therefore, this study limitation does not weaken the significance of the findings of this study, which corroborate with the findings of most of the studies in field of labour disputes' impact studies, and findings that confirm what in theory is expected when the theoretical industrial relations perspectives are simultaneously used in a single study.

Finally, the survey questions focused on perceptions of individual employees and employers completing the questionnaire rather than providing hard or objective data. Hence some responses may appear to portray subjective views. However, this does not diminish the value of the results because, according to O'Neil (1998), how individuals perceive their reality forms the basis upon which their decisions take place. Workplace employees, generally make decisions based more on their work experiences and perceptions than their actual understanding of the real world of work. In addition, since most of the respondents to this study were those employees/employers that had at least been involved in a labour dispute for at least once, it would be likely that they had an understanding of the central issues of their workplace labour disputes.

7.8 Directions for Future Research

Firstly, the focus of this study, on use of dispute settlement and employee discipline in addition to strikes and lockouts to explain labour disputes' implications, has implication for further quantitative research to expand their quantitative assessment of labour disputes' impacts on workplace using additional variables of dispute settlement and employee discipline.

Secondly, the study expands the conceptual model for investigating labour disputes' impacts to include additional variables of dispute settlement and employment relationship managements in addition to the mostly researched variable of production operation. This expansion may be useful

for further research that may be set to quantitatively analyse labour disputes' implications on dispute settlement management costs as well as on employment losses related to labour disputes.

Note that in the data analysis that revealed the relationship between production associated costs/losses and labour dispute settlement time, it was concluded that production associated costs/losses is related to labour dispute settlement time such that the below average settlement time seems to account for lower production associated costs/losses. Since the two used variables: production associated costs/losses and labour dispute settlement time, are each measured on an ordinal scale, an increase or decrease in the production associated costs/losses being associated with an increase or decrease in labour dispute settlement time would be quantitatively established with available data which unfortunately is scarce in the studied coal mining companies. Thus a further similar study but in a different industry with available data for quantification is needed.

Thirdly, a high percentage of respondents for this study (of at least 50 % cumulatively) suggests the respondents (workers/employers) from the district sample coal mining companies are of the view that the labour disputes' resultant action of dispute settlement is equally destructive/counter-productive to the workplace production process. As a result, further quantitative studies are needed to quantitatively assess and confirm dispute settlement impacts on workplace production associated costs/losses. This is based on justification that the action variable of dispute settlement has been rarely included in the previous quantitative studies that assessed labour disputes' impacts on workplace production.

Fourthly, as indicated above, the results of this study have generated some propositions on the relationships between labour disputes resulting actions and their associated implications. Statistically, these propositions are testable hypotheses and thus could be a valuable source for further research on quantitative assessment of labour disputes' impacts on productivities and economy which is beyond the scope of this current study. These generated propositions that may be subjected for statistical testing as potential hypotheses in future studies are:

1. Associated labour dispute production costs/losses increase with the increasing labour dispute settlement time.
2. Labour dispute settlement cost increases with the increasing labour dispute settlement time.

3. Lowest labour dispute settlement costs a rise when labour disputes are settled in-house by own parties themselves with neither the employee nor the employer having representation. Alternatively, the highest labour dispute settlement costs a rise when labour disputes are settled through third party interventions.
4. Labour dispute settlement costs increase with the increasing level of labour dispute settlement framework from the lowest settlement framework level of own parties themselves through labour office conciliation and/or mediation, arbitration to court litigation/adjudication as the highest level in the dispute resolution framework.
5. Employment relationship between employee and employer graduates/deteriorates towards termination with increasing degree level of their differences from low degree of dispute level to high degree of dispute level. Alternatively, employment relationship between employee and employer improves with decreasing degree level of their differences from high degree of dispute level to low degree of dispute level.

Finally, this study has found that “availability and use of grievance procedures” is one of the most effective labour dispute prevention strategies available for workplace parties in the sample coal mining companies. However, this study finding cannot explain the implication on the outstanding workplace labour disputes with respect to those companies “making use” and those “not making use” of their available grievance procedures. This is because this study finding does not confirm that the use of grievance procedures accounts for such differences in the outstanding of labour disputes nor does it confirm otherwise. However, what is clearly known from this study discussion is that a company can have its grievance procedures but without necessarily using them as having the grievance procedure is one thing and using them is another thing. Therefore, a study is needed to investigate whether those companies that “make use” or “do not make use” of their available grievance procedures would account/record fewer differences in the quantities of outstanding labour disputes in the sample coal mining companies.

In conclusion, although efforts have been made through this study to understand the nature and characteristics of workplace labour disputes and their impacts on the workplace operations, the study has unearthed a number of issues that may require further research.

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APPENDICES

Appendix A: Data Collection Introduction Letter Signed by the Research Director, Prof. V. Krishna Mohan

PhD Research Study Questionnaire: Introduction letter

Research title: Implications of Labour Disputes in Workplace Operations: A Study on Select Major Private Formal Coal Mining Companies in Rumphi District of Malawi

C/O Rumphi District Labour Office,
Ministry of Labour,
P.O. Box 55,
Rumphi,
Malawi.

Dear Respondent,

I am a Labour officer working in the Malawi Ministry of Labour. Currently I am studying for PhD at Andhra State University in India under the guidance of Professor V. Krishna Mohan. My study topic is titled: **Implications of Labour Disputes in Workplace Operations: A Study on Select Major Private Formal Coal Mining Companies in Rumphi District of Malawi.** I am carrying out this study with an aim to establish the nature and characteristics of labour disputes and to investigate their implications on workplace operations of the selected establishments. Your workplace establishment was randomly selected for this study and the responses you provide are important for me to have a clear understanding of the issue.

Attached is a questionnaire that addresses issues relevant to companies/establishments that have ever or never experienced labour disputes. Most of the questions simply require you to tick the appropriate response options and the questionnaire will take a maximum of about 15 to 20 minutes to complete. If you wish to add further comments feel free to do so using blank space of the questionnaire.

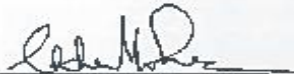
The information you provide will be treated with strict confidentiality. You will notice that you are not asked to include your name and/or the name of your company/establishment anywhere on the questionnaire. The findings from your questionnaire and others will be aggregated and be used as the main data set for my study.

If you have any queries or would like to know further information, please feel free to contact me on WhatsApp number +265999473169 (Malawi) or +917799167594 (India).

Thank you for taking your time to complete the questionnaire.



Kalani Malena
PhD Research Student



Research Director (Supervisor)
Prof. V. KRISHNA MOHAN
M.Com, MBA, Ph.D., FDPM (IIM-A)
Department of Commerce and Management Studies
ANDHRA UNIVERSITY
VISAKHAPATNAM-530003

Appendix B: Main Study Questionnaire for Employees / Employers

Instruction! If you are responding to these questions while on your computer, please just copy this tick \surd and paste it in your appropriate box/space of your response. Continue doing so for all the questions. After you finish answering, **Remember** to save and then email your completed responses back to me using: kmalema.au@gmail.com or kalani.malema@gmail.com Thank you in advance for your time to respond to my questionnaire.

Demographic information of respondents

Q1. State your age in years	Tick
Below 20 years	
21 to 30 years	
31 to 40 years	
41 to 50 years	
Above 50 years	

Q2. State level of your education completed	Tick
Primary level	
Secondary level	
Diploma level	
Bachelor's degree level	
Master's degree level	
Others	

Q3. For how long have you been employed or have you worked as an employee or employer?	Tick
Less than 12 months	
From 1 to 5 years	
From 6 to 10 years	
Above 10 years	

Q4. Have you ever been affected/ involved in or ever handled /experienced a labour dispute as an employee or employer/employer's representative yourself? Tick one box.		
Employee	Employer/E's Rep.	Don't Remember

Q5. If ever involved/affected etc, as answered in Q4 above, for how many times (frequency) have you been involved in or ever handled labour disputes? Tick one box	Just once	
	For more than once	
	Don't Remember	

Q6. State or estimate the average coal produced in Kg or number of wheelbarrows on each working day of 8 hours by each employed coal miner according to signed or agreed production work agreement per day at your company.	Tick
Below 1,000 Kg (1 ton)	
1,000 to 2,000 (1-2 tons)	
>2,000 to 3,400 Kg (>2 to 3.4 tons)	
3,500 Kg (3.5 tons)	
Above 3,500 Kg (3.5 tons)	
Don't know	

Q7. Indicate the starting/minimum and maximum monthly wage/salary in Mk paid to each employed coal miner by your company.	Tick
Below minimum wage	
Minimum wage	
Above minimum wage – Write exact amount in Mk	
Not interested	

Nature, Types and Characteristics of Labour Disputes

Q8. Does your workplace experience all nature and/or kinds/types of labour disputes as follows?	YES	NO	Don't know
KINDS/TYPES OF LABOUR DISPUTES			
Labour disputes on unfair dismissals			
Labour disputes on severance pay			
Labour disputes on retrenchments/redundancies			
Labour disputes on probation			
Labour disputes on discrimination			
Labour disputes on organizational rights			
Labour disputes on recognition for bargaining			
Labour disputes on interpretation of collective bargaining agreements			
Labour disputes on disclosure of information			
Labour disputes on refusal to bargain			
Labour disputes on unfair labour practices			
NATURE OF LABOUR DISPUTES			
Labour disputes on existing rights/workers' entitlements			
Labour disputes on future interests/i.e. wage increase requests			

Q9. Labour disputes can be characterized or described based on their prescribed legal entitlements. Which of the following labour disputes occur on your workplace establishment? For each related labour dispute please tick the appropriate response option (**i.e. YES or NO**).

Related labour dispute	YES	NO
Non-wage payment labour disputes		
Delayed wage payment labour disputes		
Under-Minimum wage payment labour disputes		
Non-overtime payment labour disputes		
Under-payment of overtime labour disputes		
Dismissal/Employment termination labour disputes		
Non-payment of terminal benefits labour disputes (e.g. notice, gratuity, pension, severance allowance etc)		
Workers' Compensation labour disputes (e.g. non-payment, delayed or non-coverage)		
Employment contract violation labour disputes		
Mandatory work conditions violation labour disputes (e.g. rest, leave, hours etc)		

Q10. Which of the following characterized labour disputes do you agree or disagree to be mostly occurring on your workplace establishment? For each related labour dispute, please rate by ticking the appropriate response option indicating the level of your agreement or disagreement.

Related labour dispute	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Non-wage payment labour disputes					
Delayed wage payment labour disputes					
Under-Minimum wage payment labour disputes					
Non-overtime payment labour disputes					
Under-payment of overtime labour disputes					
Dismissal/Employment termination labour disputes					
Non-payment of terminal benefits labour disputes eg notice, gratuity, pension, severance allowance etc)					
Workers' Compensation labour disputes (eg non-payment, delayed or non-coverage)					
Employment contract violation labour disputes					
Mandatory work conditions violation labour disputes (eg rest, leave, hours etc)					

Q11. Labour disputes at a workplace can result into some actions called labour disputes' resultant actions. The following are the most likely labour disputes' resulting actions. Confirm by ticking YES or NO against each dispute resultant action.

Labour disputes' resultant action	YES	NO
Strikes		
Lockouts		
Employee discipline proceeding/processing		
Dispute settlement		
Other (<i>Please specify and then tick YES or NO</i>) ()		

Labour disputes' Resultant Actions and Labour dispute settlement time versus Production Costs and/or Losses

Q12a. For how long, on average, does a labour dispute take to settle at your workplace establishment? Choose the appropriate response by ticking any one box below each of the three estimated time options.

Below average settlement time	Average settlement time	Above average settlement time
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q12b. Compare the indicated time categories, in Q12a above, taken to settle a labour dispute versus each level of production costs or losses. With reference to how the production costs or losses are affected by the settlement of labour disputes at your workplace, which cost/loss level of the production associated costs/losses is applicable at your workplace during the times of labour dispute settlement? Tick your appropriate response option against each stated production cost or loss.

Production associated costs or losses	Low costs/losses	Medium	High costs/losses
Production and/or operational costs			
Damaged equipment replacement costs			
Production time loss			
Man-hours/man-days loss (working hours/days loss)			
Production output loss (reduced production outputs)			
Loss/shortage in supply of goods and services			
Dispute time loss (lost time due to dispute)			
Workplace customers or markets loss			
Production process disturbances/disruptions			

Q12c. Which of the confirmed labour disputes’ resultant actions in **Q 11** above is likely to impact most on the workplace production associated costs and/or losses? Choose the appropriate response by ticking any one box below each of the five listed options.

Strikes	Lockouts	Employee discipline	Dispute settlement	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q13. Various workplace production associated costs and/or losses increase with the increasing time it takes for the labour disputes to be settled or resolved. For each production associated cost or loss, please rate by ticking the appropriate response option indicating the level of your agreement or disagreement.

Production associated costs or losses	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Production and/or operational costs					
Damaged equipment replacement costs					
Production time loss					
Man-hours/man-days loss (Working hours/days loss)					
Production output loss (reduced production outputs)					
Loss/shortage in supply of goods and services					
Dispute time loss (Lost time due to dispute)					
Workplace customers or markets loss					
Production process disturbances/disruptions					

Q14. The magnitude (size) of various workplace production associated costs and/or losses (measured as “low, medium and high” costs/losses) vary or change depending on the type of labour disputes/disputes’ actions involved. Consider each dispute action (strike, lockout & dispute settlement/resolution) under each production associated cost or loss and rate by ticking the appropriate response option in each of table boxes to your right side (Tick one box only on each row).

Production associated costs or losses	Dispute action	Low costs/losses	Medium	High costs/losses
Production and/or operational costs	Strike			
	Lockout			
	Dispute settlement			
Damaged equipment replacement costs	Strike			
	Lockout			
	Dispute settlement			
Production time loss	Strike			
	Lockout			
	Dispute settlement			
Man-hours/days loss (working hours/days loss)	Strike			
	Lockout			
	Dispute settlement			
Loss/shortage in supply of goods and services	Strike			
	Lockout			
	Dispute settlement			
Dispute time loss (lost time due to dispute)	Strike			
	Lockout			
	Dispute settlement			
Workplace customers or markets loss	Strike			
	Lockout			
	Dispute settlement			
Production process disturbances/disruptions	Strike			
	Lockout			
	Dispute settlement			

Q15. Labour disputes' actions such as strikes or lockouts and dispute settlement affect workplace parties in different ways. For each effect, please rate by ticking the appropriate response option indicating the level of your agreement or disagreement.

Effect of strikes and/or Lockouts	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
ON WORKERS					
Loss of wages/salaries during the strike/lockout period					
Loss of employment to strikers through terminations as a result of structural changes caused by dispute					
Leads into arrests and prosecution of violent workers/strikers					
Leads into disappointments and loss of confidence in trade unions due to unsuccessful strikes					
Leads into increased wages or improved/favourable conditions of service/employment					
Leads into some undeterminable monetary psychological losses					
Loss of staff members (employees) through					

deaths as part of strike effects					
ON EMPLOYERS					
Loss of production outputs, sales and markets					
Leads into increased disputes (strikes) settlement or management costs (e.g. hiring, security, counter-strike costs)					
Replacement costs for the damaged equipments or machineries and for extra hired employees to sustain minimum maintenance					
Increased production costs through increased wages					
Staff loss/death associated costs such as funeral expenses for the deceased employee as part of strike consequences					
Leads into some undeterminable monetary psychological losses					
ON STATE and/or PUBLIC/SOCIETY					
Increased costs on part of state to enforce and restore peace and order					
Disturbs the country's harmonious industrial relations					
Has lowering effects on the country's wealth/GDP through loss of production outputs					
Disturbs country's economic growth as a result of possible decrease in living standards of workers due to reduced wages or wage losses					
	Strongly disagree	Disagree	Neutral	Agree	Strongly agree

Labour Dispute Management

Q16. How frequent are labour disputes settled at your workplace using each of the following dispute settlement options/means? For each settlement option, please rate by ticking the appropriate response option indicating the level of applicable frequency.

Dispute settlement option (method)	Least frequent	Most frequent	Don't know
Employee discipline / individual bargaining			
Collective Bargaining			
Labour Office intervention			
Arbitration (Independent Arbitrator)			
Litigation (Court intervention)			
Other office/institution intervention			

Q17. In your own view and/or experience, rate the cost of dispute settlement using each of the following dispute settlement options.

Dispute settlement Option (method)	Least costly	Moderate	Very costly
Employee discipline / individual bargaining			
Collective Bargaining			
Labour Office intervention			
Arbitration (Independent Arbitrator)			
Litigation (Court intervention)			
Other office/institution intervention			

Q18. The management of labour disputes at a workplace is associated with various kinds of costs, benefits and/or losses, which can be paid/met by either the employees or employers. The following are the costs, losses and benefits. Confirm by ticking YES or NO the ones that are applicable in your own view or experience.

Cost/Loss or Benefit	YES	NO
Increased labour costs as a result of increase in employees' wages and improved working conditions following settled strike with wage increase and improved conditions of service demands		
Replacement costs for lost or damaged equipments, machineries and other resources during strikes/lockouts including staff re-recruitment costs		
Increased operational costs as a result of payments for additional hired security personnel		
Disputes settlement costs arising from handling of labour disputes brought before labour office or courts for intervention		
Loss of staff members (employees) through deaths as part of strike effects		
Staff loss/death associated costs such as funeral expenses for the deceased employee as part of strike consequences		

Q19a. For how much, on average, does a labour dispute take to settle at your workplace establishment? Choose the appropriate response by ticking any one box below each of the three estimated cost options.

Below average settlement cost	Average settlement cost	Above average settlement cost
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q19b. Which labour dispute settlement cost level is applicable at your workplace against each of the four labour dispute settlement levels/options? Tick your appropriate response option against each stated labour dispute settlement level/option.

Labour dispute settlement level or option/method	Low level	Medium	High level
Settlement by OWN parties themselves			
Settlement by 3 rd Party – LABOUR office intervention (i.e. Conciliation or Mediation)			
Settlement by 3 rd Party ARBITRATOR intervention - Arbitration			
Settlement by 3 rd Party COURT intervention (i.e. Litigation or Adjudication)			

Q20. Which of these labour dispute settlement levels/options should be applicable against each of the three average dispute settlement times between employee(s) and employer? Choose the appropriate response by ticking in the appropriate box/space.

Labour dispute settlement level or option/method	Below average settlement time	Average settlement time	Above average settlement time
Settlement by OWN parties themselves			
Settlement by 3 rd Party – LABOUR office intervention (i.e. Conciliation or Mediation)			
Settlement by 3 rd Party ARBITRATOR intervention - Arbitration			
Settlement by 3 rd Party COURT intervention (i.e. Litigation or Adjudication)			

Labour Disputes and Employment Relationships Management

Q21. Labour disputes' action such as employee discipline affects employment relationships between workplace parties (employee and employer) in different ways. Confirm by ticking YES or NO the ones that are applicable in your own view or experience.

Employment relationship effect / consequence	YES	NO
Soured/damaged employee-employer relationship (usually evidenced by written warnings)		
Employment/employee suspension		
Employee demotion (loss of wages/salaries) and other employment benefits as a result of labour disputes' discipline actions		
Loss of employment through employment termination or dismissal		

Q22. For your "YES" confirmed consequence in Q21 above, rate by ticking the appropriate response how frequent is the consequence experienced or used at your workplace.

Employment relationship effect / consequence	Least frequent	Most frequent	Don't know
Soured/damaged employee-employer relationship (usually evidenced by written warnings)			
Employment/employee suspension			
Employee demotion (loss of wages/salaries) and other employment benefits as a result of labour disputes' discipline actions			
Loss of employment through employment termination or dismissal			

Q23. Which of these consequences should be applicable against each of the three degree levels of a dispute/difference between employee and employer? Choose the appropriate response by ticking.

Employment relationship effect / consequence	Low degree of dispute level	Medium degree of	High degree of dispute

		dispute level	level
Soured/damaged employee-employer relationship (usually evidenced by written warnings)			
Employment/employee suspension			
Employee demotion (loss of wages/salaries) and other employment benefits as a result of labour disputes' discipline actions			
Loss of employment through employment termination or dismissal			

Q24. Do you agree or disagree that the following outcomes from the labour disputes settlement process can help to improve the employment relationship between employee and employer? Please rate by ticking the appropriate response option indicating the level of your agreement or disagreement.

Labour disputes settlement outcome	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Outcome of increased workers' wages as demanded by workers					
Outcome of improved working conditions					

Labour Disputes' Prevention and Reduction Strategies

Q25. Effective Management of labour disputes helps to prevent or minimize occurrence and impacts of labour disputes. For each dispute management strategy, please rate by ticking the appropriate response option indicating the level of your agreement or disagreement.

Dispute Management Strategy	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Improving working conditions					
Workers' education					
Workers' education and training programmes					
Workers' voice and participation					
Employee Communication					
Availability and use of grievance procedures					
Speedy or timely settlement of labour disputes					
Availability and utilization of collective bargaining agreements					
Utilisation of different levels of workplace joint consultation					
Observance of the code of discipline					
Positive labour-management associations					
Positive attitudes of supervisors to workers' problems					
Recognition of functional and stable trade unions as bargaining agents					
Wage provision or adjustment based on price index level, inflation and prevailing living standards					
Provision of welfare amenities to every worker (e.g. loan, transport, education, housing facilities and healthy services for workers and their families)					

Q26. The following statements are about the general suitable strategies for the improvement of Industrial/labour relations at a workplace. Please reflect on each of the listed statement and indicate your degree of agreement or disagreement with each of the statement by ticking the appropriate response option.

Statements for improvement of Industrial/labour relations at a workplace	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Adoption by management of well defined, precise, clear and progressive human resource management policies is good for maintenance of good/sound industrial relations in the company					
It is good to ensure effective administration and timely implementation of the company adopted HR policies					
It is good to have an effective two-way communication system that is operational/functional					
It is good to have a provision of fair and good/improved conditions of work including attractive welfare activities for the benefit of workers					
It is good to develop close personal contacts with employees at all the workplace levels					
Adoption of suitable and speedy grievance redress procedures for effective management of workers' problems					
Recognition to a representative trade union					
Adoption by management of practical approach to trade union activities is necessary					
It is good to ensure availability of system for joint consultation at different levels within the company					
Encouragement of collective bargaining for the resolution of differences/disagreements between employees' themselves and employees and employers					

END OF MAIN STUDY QUESTIONNAIRE
Thank you very much once again for your responses provided.

Appendix C: Study Questionnaire for Key Informants / Stakeholders

PhD Thesis Title: Implications of Labour Disputes on workplace Operations: A Study on Select Major Formal Private Coal Mining Companies in Rumphi District, Malawi

Instruction! If you are responding to these questions while on your computer, please just copy this tick ✓ and paste it in your appropriate box/space of your response. Continue doing so for all the questions. After you finish answering, **Remember** to save and then email your completed responses back to me using: kmalema.au@gmail.com or kalani.malema@gmail.com. Thank you in advance for your time to respond to my questionnaire.

Q27/1. The nature and/or types of labour disputes are grouped into two groups of individual and collective with each group classified into two classes of rights and interests labour disputes. Using your office records and reports, provide information by filling the annual total numbers of labour disputes that were reported for processing at your District/Regional/National labour offices against each indicated type of labour disputes in the provided table for a period of 10 years from 2010 to 2019. **(NOTE/ This question, Q27/1, is for 3 head labour officers only)**

Name of the District/Regional/National labour office:

Years	Individual		Collective	
	Rights labour disputes	Interests labour disputes	Rights labour disputes	Interests labour disputes
2010				
2011				
2012				
2013				
2014				
2015				
2016				
2017				
2018				
2019				
Totals				

Q28/2. In settling or handling different types of labour disputes, the average settlement cost and time, each depends on the type of labour disputes as well as on the dispute settlement options. Using your office records and basing on your own work experience, what would be your estimated average cost and time for concluding/settling an individual and/or a collective labour dispute brought before settlement using each of the following dispute settlement options. Provide your response by ticking in your box of choice. *(NB/ Management should provide answers for options 1 & 2; Labour officers for option 3 and court/Judicial officer for option 4).*

Individual labour dispute	Average cost in Malawi kwacha (Mk)			Average time in days		
	< Mk10,000	10,000-50,000	> 50,000	≤14 days	15–30 days	>30 days
Discipline (1)						
Collective Bargaining (2)						
Labour office intervention (3)						
Court intervention (4)						
Collective labour dispute	Average costs in Malawi kwacha (Mk)			Average time in days		
	< Mk10,000	10,000-50,000	> 50,000	≤14 days	15–30 days	>30 days
Discipline (1)						
Collective Bargaining (2)						
Labour office intervention (3)						
Court intervention (4)						

Q29/3. Please read and reflect on each of the listed statements (propositions) and indicate whether you agree or disagree with each statement by ticking AGREE or DISAGREE in appropriate box space.

Proposition/Statement	Disagree	Agree
Various workplace production associated costs and/or losses increase with the increasing time it takes for the labour disputes to be settled or resolved		
Various workplace production associated costs and/or losses vary in their magnitudes depending on the involved type of labour disputes such as individual rights labour disputes, individual interests labour disputes, collective rights labour disputes and collective interests labour disputes or disputes' actions involved		
The lowest labour disputes settlement costs and/or time arises when labour disputes are settled/resolved in-house by own parties themselves with neither the employee nor the employer having representation		
The highest labour disputes settlement costs and/or time arises when labour disputes are settled/resolved through third party interventions		
There is no difference in labour disputes settlement costs and/or time when using either of the available methods to settle/resolve labour disputes between employees and employers		
The labour disputes settlement costs and/or time increases with the increasing level of labour disputes settlement framework from the lowest settlement framework level of own parties themselves through labour office conciliation and/or mediation, arbitration to court Litigation/adjudication as the highest level in the dispute resolution framework		
The total amount of money (costs) or time that employees and employers or their representatives spend on investigating, negotiating and adjudicating to resolve labour disputes increases with increasing or progression through the hierarchy of labour disputes settlement/resolution levels from workplace resolution/bargaining through (to) litigation/adjudication level		
Employment relationship between employee and employer graduates/deteriorates towards termination with increasing degree level of their differences from low degree of dispute level to high degree of dispute level		
Employment relationship between employee and employer improves/strengthens with decreasing degree level of their differences from high degree of dispute level to low degree of dispute level		
Employment relationship between employee and employer remains undisturbed (constant) at every degree level of their differences ranging from low degree through medium to high degree of their dispute levels (i.e. There is no disturbance difference in the employment relationship between an employee and employer at every degree level of their difference/dispute)		

END OF QUESTIONNAIRE FOR KEY INFORMANTS / STAKEHOLDERS
Thank you very much once again for your responses provided.