

**KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY  
COLLEGE OF ART AND SOCIAL SCIENCES  
SCHOOL OF BUSINESS  
DEPARTMENT OF MANAGERIAL SCIENCE**



**ASSESSMENT OF THE LABOUR ACT, 2003 (ACT 651) IN RESOLVING  
INDUSTRIAL DISPUTES: A CASE STUDY: GHANA NATIONAL  
ASSOCIATION OF TEACHERS (GNAT)**

**A THESIS SUBMITTED TO THE DEPARTMENT OF MANAGERIAL  
SCIENCE, KWAME NKRUMAH UNIVERSITY OF SCIENCE AND  
TECHNOLOGY, IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR  
THE DEGREE OF MASTER IN BUSINESS ADMINISTRATION, SCHOOL OF  
BUSINESS, COLLEGE OF ART AND SOCIAL SCIENCES.**

**BY  
JOSEPH KWAME OSAM  
B.A (Hons), L.L.B (Hons), BL**

**JULY, 2012**

### **Declaration**

I hereby declare that this submission is my own work towards the Master of Business Administration (Human Resources Management Option) and that, to the best of my knowledge, it contains no material previously published by another person nor material which has been accepted for the award of any other degree of the University, except where due acknowledgement has been made in the text.

Joseph Kwame Osam	.....	.....
(Candidate)	Signature	Date
Index Number: PG 4689410		

Mr. J.K Turkson	.....	.....
(Supervisor)	Signature	Date

Mr. J.K Turkson	.....	.....
(Head of Department)	Signature	Date

## **Dedication**

I dedicate this work to the God Almighty, my family and the entire members of Adansiman Chambers, Kumasi.

### **Acknowledgement**

My profound gratitude goes to my supervisor Mr. J. K Turkson for his directions and preparedness to read through this work even at the time when he had undergone a surgery operation and was in his sick bed. I also express my sincerest appreciation to Lawyer Kwame Asiedu-Basoah head of Adansiman Chambers for the fatherly support he gave me during the period I undertook this course. I also say a big thank you to my wife Mrs. Ellen Osam and the entire Osam family for their support, patience and prayer. To my study mates I say thank you for your encouragement and your willingness to share with me any relevant academic material.

## **Abstract**

Industrial disputes in recent times have assumed an alarming proportion especially in the public sector. It is expected that with the promulgation of the Labour Act, 2003 (Act 651) industrial disputants would have their grievances addressed in accordance with the procedures provided by the Labour Act to ensure industrial harmony and peace which are necessary conditions for increase productivity and economic growth. However, in many cases, workers resort to the use of strike actions and demonstrations whilst employers adopt lockout and other means that are not approved by the Labour Act. It was against this background that the research was conducted with the main objective of critically assessing the Labour Act, 2003 (Act 651), with a particular reference to the provisions on mechanisms for resolving industrial disputes with specific reference to Ghana National Association of Teachers (GNAT). To achieve the objectives of the research, an exploratory and descriptive design were adopted aimed at assessing how the provisions of the Labour Act can help to manage industrial disputes. Questionnaires were administered to a sample of both the executives and members of GNAT in the Kumasi Metropolis in the Ashanti Region for collection of primary data. The study revealed that the respondents appreciate the effectiveness of the mechanisms set out in the Labour Act in resolving industrial disputes. However, they did not want to go through the procedures in resolving dispute between them and their employers. The respondents believe that their employers Ghana Education Service (GES) which represents the government of Ghana use the mechanisms for resolving industrial disputes to buy time during industrial disputes. The research also revealed that respondents have low knowledge in the provisions of the Labour Act. The respondents wanted GNAT to organize seminars and symposia to educate them on the provisions in the Labour Act. Recommendations were made to that effect so that members of GNAT could have basic knowledge in the Labour Act.

## Table of Contents

<b>Content</b>	<b>Page</b>
<b>Title Page .....</b>	<b>i</b>
<b>Declaration .....</b>	<b>ii</b>
<b>Dedication.....</b>	<b>iii</b>
<b>Acknowledgement.....</b>	<b>iv</b>
<b>Abstract .....</b>	<b>v</b>
<b>Table of Contents.....</b>	<b>vi</b>
<b>List of Figures .....</b>	<b>x</b>
<b>List of Tables.....</b>	<b>xi</b>
<b>List of Abbreviations.....</b>	<b>xii</b>
<b>Definition of Terms.....</b>	<b>xiii</b>
 <b>CHAPTER ONE.....</b>	 <b>1</b>
<b>INTRODUCTION .....</b>	<b>1</b>
1.0    Background of the Study .....	1
1.1    Statement of the problem.....	4
1.2    Objectives of the study .....	5
1.2.1    General Objective.....	5
1.2.2    Specific Objectives.....	6
1.3    Research Questions .....	6
1.4    Significance of the Study.....	7
1.5    Scope of the study .....	8
1.6    Limitation of the study .....	8
1.7    Organization of the study .....	9
 <b>CHAPTER TWO.....</b>	 <b>10</b>
<b>LITERATURE REVIEW .....</b>	<b>10</b>
2.0    Introduction .....	10
2.1    The Organization and Labour Market .....	11

2.2	The Concept of Industrial Relation .....	12
2.3	The Nature of Industrial Disputes .....	14
2.4	Dispute Resolution Mechanisms and Grievances Process in Industrial Relations .....	16
2.5	Effects of Labour Dispute .....	19
2.6	Forms of Industrial Actions .....	20
2.7	Sources of Labour Disputes and Grievances in Ghana .....	21
2.8	Legal Framework of Industrial Relations in Ghana .....	22
2.9	Conceptual Framework .....	29
<b>CHAPTER THREE.....</b>		<b>31</b>
<b>METHODOLOGY AND ORGANIZATIONAL PROFILE.....</b>		<b>31</b>
3.0	Introduction .....	31
3.1	Research Design .....	31
3.2	Source of Data .....	31
3.2.1	Primary Data .....	32
3.2.2	Secondary Data .....	32
3.3	Study Population .....	32
3.4	Sampling Technique and sampling size Determination .....	33
3.5	Data Collection Tool and Procedure .....	33
3.6	Data Analysis and Presentation .....	33
3.7	Ethical Consideration .....	34
3.8	Profile of GNAT.....	34
3.8.1	Introduction .....	34
3.8.2	History of GNAT .....	35
3.8.3	Mission Statement.....	37
3.8.4	Objectives of GNAT .....	37
3.8.5	How GNAT works .....	37

<b>CHAPTER FOUR .....</b>	<b>42</b>
<b>DATA PRESENTATION, ANALYSIS AND DISCUSSION .....</b>	<b>42</b>
4.0 Introduction .....	42
4.1 Response Rate and demographics .....	43
4.1.1 Gender .....	43
4.2 Disputes with employers .....	44
4.2.1 Disputes between GNAT members and their employers .....	45
4.2.1.1 Salaries.....	47
4.2.1.2 Promotions.....	47
4.2.1.3 Discrimination .....	48
4.2.1.4 Working Conditions .....	49
4.3 Final ranking.....	50
4.4 Effectiveness of Mechanisms Provided in the Labour Act .....	51
4.4.1 Why the mechanisms fail .....	52
4.5 Knowledge Level of Members in the Labour Act.....	54
4.5.1 How members got to know of the Labour Act.....	54
4.5.2 Do you have a copy of the Labour Act? .....	55
4.5.3 How often respondents read Labour Act .....	56
4.5.4 Reasons for not having a copy of the Labour Act.....	57
4.5.5 GNAT should educate its members in the Labour Act .....	58
4.6 Conclusion .....	59
 <b>CHAPTER FIVE .....</b>	 <b>60</b>
<b>SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS .....</b>	<b>60</b>
5.0 Introduction.....	60
5.1 Summary of findings .....	60
5.1.1 Causes of Disputes between GNAT members and their employers .....	60
5.1.2 Assessment of the effectiveness of the mechanisms for resolving industrial disputes .....	61
5.1.3 Knowledge Level of Members in the Labour Act .....	63
5.1.4 Reasons for not having a copy of the Act .....	64



5.2	Conclusion .....	64
5.3	Recommendations .....	65
5.3.1	Education for GNAT members and Executives .....	65
5.3.2	Copies of the Labour Act be made available .....	65
5.3.3	Education on the Labour Act .....	66
5.3.4	Salaries as major source of dispute .....	67
5.3.5	Issues concerning promotion.....	68
<b>REFERENCES .....</b>		<b>69</b>
<b>APPENDICES</b>		

## **List of Figures**

Figure 2.1: Dispute Resolution Mechanisms.....	29
Figure 3.1: Organogram of political structure of GNAT .....	40
Figure 3.2: Organogram of the Administrative structure of GNAT.....	41
Figure 4.1: Analysis on Gender of respondents .....	44
Figure 4.2: Causes of industrial Disputes.....	51

## **List of Tables**

Table 3.1: Population of teachers in the selected schools .....	32
Table 4.1: Analyses on the return rate of questionnaire .....	43
Table 4.2: Analysis on Gender of respondents.....	44
Table 4.3: Disputes between GNAT members and their employers .....	45
Table 4.4: Causes of Disputes between GNAT members and their employers .....	46
Table 4.5: Effectiveness of Mechanisms for resolving industrial disputes .....	52
Table 4.6: Which step should be adopted as first option for dispute resolution?.....	53
Table 4.7: Knowledge level in the Labour Act .....	54
Table 4.8: How did you know the Labour Act? .....	55
Table 4.9: Have a copy of the Act.....	55
Table 4.10: How often do you read the Labour Act.....	56
Table 4.11: Reasons for not having a copy of the Labour Act.....	58
Table 4.12: GNAT should educate its members in the Labour Act. ....	58

## **List of Abbreviations**

ASTU	Assisted School Teachers Union
CPP	Convention People's Party
GNAT	Ghana National Association of Teachers
GES	Ghana Education Service
GSTU	Government School Teachers Union
GTUC	Ghana Trade Union Congress
LI	Legislative Instrument
NLC	National Liberation Council
PNDC	Provisional National Defence Council
PWD	Persons with Disability
SMC	Supreme Military Council
SPSS	Statistical Package for Social Sciences
TUC	Trade Union Congress
NCCE	National Commission on Civic Education
CIETAC	China International Economic and Trade Arbitration Commission

### **Definition of Terms**

1. **Lockout-** means the closing of workplace, the suspension of work by an employer consequence of an industrial dispute.
2. **Strike:** Strike is a process where workers refuse to work for the employer.
3. **Worker:** means a person employed under a contract of employment whether on a continuous, part time, temporary or casual basis.
4. **Employer** - means a person who employs or engages a worker under a contract of employment.
5. **Industrial dispute** - is a conflict between an employer and his workers over issues of salaries, working conditions etc. which ultimately affect productivity to decline.
6. **Commission** – means the National Labour Commission established under the Labour Act, 2003 (Act651)
7. **The Act** – means the Labour Act, 2003 (Act 651)

# **CHAPTER ONE**

## **INTRODUCTION**

### **1.0 Background of the Study**

Industrial dispute is one of the challenges facing industries, governments and employment as a whole. In recent times within the Ghanaian industrial relations terrain, whereas employers resort to the use of threat of dismissal and lockouts, workers adopt the use of threats, strikes and demonstrations in industrial disputes. The use of threats by any of the parties to industrial dispute does not permit goodwill and trust; the necessary conditions for industrial growth, peace and economic development. It has been observed that the general economic growth of every country depends on the peaceful and stable industrial environment.

According to Kerr (1954), industrial dispute includes the sources of discontent, the bases of hostility, the grievances and oppositions of interest. Thus, labour and management are said to be in conflict over wage payments or managerial prerogatives in the sense that they have different desires. Sometimes it covers all forms of opposed action, both non violent, such as collective bargaining, and violent, such as strike. In this sense, dispute means not the incompatible views of the parties but the battle between them which finds its source in these views. Hence, strike is said to constitute industrial dispute. Industrial dispute is sometimes intended to harm the other party so that that party will be compelled to respond in a desired manner.

Organized labour and management are primarily engaged in sharing between themselves what is, at any one moment of time, a largely given amount. The more one gets or keeps, the less the other has. Inevitably, dispute between organized labour and management is more than an expression of irrationality or ill will. Given a rational reaction of each party to the other and mutual goodwill (and the two are not necessarily always compatible), conflict is still inherent in the situation for certain reasons.

For Obeng-Fosu (2002), industrial dispute occurs during collective bargaining or as a result of ignorance of organized labour about the present conditions of the enterprise, its profits and prospects of employment. Again he recognizes as a cause of industrial dispute; the failure to estimate the balance of forces between the two sides, or a clash of personalities or a demand may have been made in such a way that agreement on less favorable conditions would involve 'loss of face', and be interpreted as weakness. Thus, if management and labour are to retain their institutional identities, they must disagree and must act on the disagreement.

According to Kerr (1954) dispute is essential to survival. The union which is in constant and complete agreement with management has ceased to be a union. It has destroyed itself; and the same is true for management.

The Labour Act, 2003 (Act 651) defines industrial dispute as "a dispute between an employer and one or more workers or between workers and employers which relates to the terms and conditions of employment, the physical condition in which workers are

required to work, the employment and non-employment or termination or suspension of employment of one or more workers and the social and economic interest, of the workers but does not include any matter concerning the interpretation of this Act, a collective agreement or contract of employment or any matter which by agreement between the parties to a collective agreement or contract of employment does not give cause for industrial action or lockout”.

The Labour Act also provides the mechanisms by which industrial disputes can be resolved. It enjoins parties to industrial dispute to negotiate in good faith, with a view to reaching a settlement of the dispute in accordance with the dispute settlement procedures established in their Collective Agreement or Contract of Employment.

However, where, the parties fail to agree, the Labour Act further enjoins them to refer the dispute to voluntary arbitration or where the dispute remains unresolved at the end of the arbitration proceedings, either party intending to take strike action or institute lockout, shall give written notice of this to the other party. The Labour Act further provides that strike action or lockout may take place only after the expiration of seven days from the date of the notice, and not at any time before the expiration of that period. If the dispute remains unresolved within seven days from the commencement of the strike or lockout, the dispute shall be settled by compulsory arbitration by the Commission. Employees involved in a strike action, or employers involved in lockout, shall cease their action during the period of negotiations, mediation or arbitration. These dispute resolution mechanisms are enshrined in the Labour Act, ostensibly to guide



parties to any industrial dispute to amicably settle their differences to maintain industrial harmony.

### **1.1 Statement of the problem**

Ghana like any developing country has since independence had its fair share of industrial dispute. Institutional, like individual, independence is asserted by acts of criticism, contradiction, dispute and competition. Thus, labour-management dispute flows inevitably from the insatiable desires of men, the relationship of managers and the managed, the need to adapt to changed conditions in one fashion or another; and the drive for institutional separateness. Strike is the most common and most visible expression. But dispute with the employer may also take the form of peaceful bargaining and grievance handling, boycotts, restriction of output, sabotage, absenteeism, or personnel turnover. Several of these forms, such as sabotage, restriction of output, absenteeism, and turnover, may take place on an individual as well as on an organized basis and constitute alternatives to collective action. Industrial disputes may involve all the workers or only key men. It may take the form of refusal to work overtime or to perform certain process. It may even involve such rigid adherence to the rules that output is stifled. It has been observed that disputes are means for inducing agreement between management and labour; out of dispute or the threat of dispute come the settlement of controversies. It is through such aggressive dispute or its potentiality that the parties find the bases for continued association and acceptance of each other. It is therefore imperative for management and labour to co-exist notwithstanding their seemingly opposing interests which in most cases lead to dispute. Thus, the Labour Act

has set elaborate provisions on how industrial disputes could be resolved amicably. However, most management and organized labour seem not to appreciate the dispute resolution mechanisms provided in the Labour Act for the resolution of industrial dispute. Hence, organized labour in our case Ghana National Association of Teachers (GNAT) resorts to illegal strike, threat of strike and or demonstrations during industrial disputes without first exhausting the mechanisms provided in the Labour Act in resolving industrial disputes. This study therefore assesses the Labour Act, 2003 (Act 651) in resolving industrial disputes between members of GNAT and their employers.

## **1.2 Objectives of the study**

Industrial disputes in recent times have assumed an alarming proportion especially in the public sector. One expects that with the promulgation of the Labour Act, 2003 (Act 651), industrial disputants would have their grievances addressed in accordance with the procedures provided for by the Labour Act. Thus, the Labour Commission has been mandated under the Act to handle labour disputes. The researcher therefore has the following objectives to guide him in this research. These objectives are categorized into general and specific objectives.

### **1.2.1 General Objective**

The general objective of the study is to critically assess how the provisions in the Labour Act can effectively help to manage and or resolve industrial disputes between members of GNAT and their employers GES.

### **1.2.2 Specific Objectives**

The following are the specific objectives of the study.

- i. To identify the causes of industrial disputes between GNAT members and their employers, GES.
- ii. To identify and assess the various mechanisms and/or procedures provided by the Labour Act, 2003 (Act 651) in resolving industrial disputes between GNAT members and their employers, GES.
- iii. To evaluate the effectiveness of the mechanisms set under the Labour Act in resolving industrial disputes between GNAT members and their employers, GES.
- iv. To find out the factors that influence organized labour GNAT to comply with the Labour Act in resolving industrial disputes between its members and GES.
- v. To find out the knowledge level of the GNAT members in the provisions of the Labour Act specifically the sections that relate to disputes resolution.

### **1.3 Research Questions**

In order to achieve the objectives of this study the following research questions were answered.

- i. What are the causes of industrial disputes between the members of GNAT and the GES?
- ii. What are the various mechanisms and procedures provided by the Labour Act, 2003 (Act 651) in resolving industrial disputes between GNAT and their employers GES?

- iii. How effective are the mechanisms set out under the Labour Act in resolving industrial disputes between the members of GNAT and their employers GES?
- iv. What are the factors that influence the members of GNAT to comply with the Labour Act in resolving industrial disputes between them and their employers GES?
- v. What is the knowledge level of members of GNAT in the provisions of the Labour Act specifically the sections that relate to resolution of industrial disputes?

#### **1.4 Significance of the Study**

This study has engaged the attention of the researcher for the fact that at the end of the research, answers would be found to the various questions raised supra. The researcher intends to unravel the reasons for which members of GNAT in most cases would want to adopt other means rather than the provisions in the Labour Act in resolving industrial disputes between them and their employers GES.

Again, the research would provide a platform for members of GNAT and for that matter organised labour to assess the mechanisms and procedures provided under the Labour Act in resolving industrial disputes.

Furthermore, the findings and recommendations of the research would serve as a guide for the Labour Commission in assessing its role in resolving industrial disputes and

where possible make the needed efforts to redirect its attention to where it might have fallen short.

Finally, the research will add to the knowledge of labour issues as a whole and in particular; the mechanisms and procedures for resolving industrial disputes.

### **1.5 Scope of the study**

The study dealt with selected schools namely: Opoku Ware Primary School, Kumasi; Anglican Senior High School, Kumasi; St. Louis Senior High School, Kumasi; Opoku Ware Junior High School, Kumasi; and Santase Presbyterian Primary School, Kumasi under the umbrella of GNAT in the Kumasi Metropolis.

### **1.6 Limitation of the study**

The researcher faced difficulties in collecting the primary data. This was because some of the respondents were reluctant to fill the questionnaire and submit them on time. However, the continuous reminder and personal contact by the researcher with the respondents encouraged most of them to fill the questionnaires and submitted them. Another challenge was time constraint. It was difficult to balance working time with the research. In most cases the researcher had to sacrifice his working time for the research. There was also financial challenge. The researcher had to travel to all the selected schools on several occasions to collect the primary data.

## **1.7 Organization of the study**

The study is organized into five chapters. Chapter one deals with the introduction with sub topics arranged in seriatim: problem statement, objectives of the study, the research questions, significance of the study, scope of the study, limitations of the study and organisation of the study. Chapter two is on the literature review whilst chapter three is on the methodology. Chapter four also deals with data presentation, analysis and discussion. Finally chapter five is about the summary of findings, recommendations and conclusions.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.0 Introduction**

According to Cole (2004) the desires of employers and employees are more or less unlimited, while the means of satisfaction are not sufficient. Wages can never be as high as workers desire or profits or sales as high as owners or managers might wish, yet the money available for distribution between the contending claimants is always limited in the short run. The power to make those decisions lying within the orbit of an economic enterprise is also finite. Given the survival of both parties, they must share it in some fashion, and neither can ever be entirely happy with the distribution, for, so long as the other has any power at all, it can make unsatisfactory decisions. Someone manages and someone is managed, and this is an eternal opposition of interest, which may be made bearable but can never be eliminated in a complex, industrial society. Thus, Kerr (1954) has noted that dispute is essential to survival. The union which is in constant and complete agreement with management has ceased to be a union. It has destroyed itself; and the same is true for management. Institutional, like individual, independence is asserted by acts of criticism, contradiction, conflict, and competition. Labour-management conflict flows inevitably from the insatiable desires of men, the relationship of managers and managed, and the need to adapt to changed conditions.

## **2.1 The Organization and Labour Market**

Kaufman and Hotchkiss (2003) describe the labour market like other markets in terms of demand and supply components. The supply primarily consists of the number of potential workers and their characteristics whereas the demand consists of employers' staffing requirement. Furthermore, in the labour market, labour services are exchanged and it is the interaction of the workers and the organization that determine, in part, the price of labour, the number of workers employed, and the working conditions attached to employment such as the work schedule and specific duties.

According to Ferguson (2003), labour markets are unique because of the types of commodities traded in this market. Accordingly, unlike any input into production, the productive performance of labour- the intensity and quality of effort exerted on the job- depends in part on human attitudes, specifically the attitudes of workers and their employers concerning the returns to labour and the nature of the work to be performed. Labour markets are therefore inherently political institutions in the sense that coalitions of participants can affect important outcomes. These interactions have economic significance because labour performance affects productivity, which in turn affects the cost and quality of production. Thus, to Lewis et al, (2003) the labour market performs the function of bringing employees and employers together in order to determine wages and salaries as well as conditions of services based on the principle of demand and supply. This basic economic theory predicts that if the amount of labour supplied exceeds the amount demanded by employers, then it is expected that the wages and



salaries of employees will fall. On the other hand, if the demand for labour exceeds what is supplied, it is expected that wages and salaries will rise.

Nevertheless, while the labour market is often described in terms of demand and supply components, there are many unique features of the labour market that impedes or limit the applicability of this theoretical preposition. Practically, in the labour market, the principle of excess supply does not typically result in price reduction (i.e. drop in the wage rate). Similarly, excess demand does not necessarily lead to a rise in price. Legislation is an obvious impediment to the unfettered operation of demand and supply forces. It is against this background that the concept of industrial relation has developed significantly to ensure that employees and employers relationship is regulated by laws, (Lewis et al, 2003).

## **2.2 The Concept of Industrial Relation**

According to Mills and Dalton, (1994) industrial relations is a process which entails organization of unions, collective bargaining and contract administration. The concept of industrial relation involves the relationship that exists among employers (management), workers (labour) and the government as regards conditions of work which may be contained in the collective bargaining agreement. It is also seen as a process of consultation, negotiation and consensus building among the three participants with the ultimate aim of promoting peace and harmony in the industrial terrain for growth and development. Industrial relations also deal with evolving rules, regulations and procedures to facilitate or promote cordial working relationships among

the free parties. These free parties are workers and their unions, employers and their organizations, government and its agencies. Essentially, industrial relations are conducted between workers and employers through collective bargaining with the government as the referee. The parties involved try to develop negotiation skills to adjust to each other. The government has emerged as a mediator to save the weaker party from exploitation and to ensure fairness in negotiation. This, to a large extent influences the relationship between employers and employees (Obeng-Fosu, 2002).

However, the industrial relationship that exists in order to have a strong voice in the determination of salaries and wages has necessitated that labour all over the world forms unions with common objectives to negotiate with employers on matters that affect their interests such as salaries and conditions of work. It is therefore imperative to ensure harmonious relationship between employers and employees. In this direction there are fundamental laws which guide and regulate employers and employees' relationship at workplaces. Some of these laws are international in nature such as International Labour Organization (ILO) while others are local enactments such as the 1992 Constitution, the Labour Act, 2003 (Act 651), Legislative Instrument (LI) 1882 among others. There are also rules and regulations found in the collective bargaining agreements which also ensure that fundamental procedures are adhered to in order to manage disputes between workers and their employers.

### **2.3 The Nature of Industrial Disputes**

From a global perspective Chan and Suen (2005) have identified globalization of businesses and trade as one of the sources of dispute at the work place. Invariably Chan and Suen maintain that on an international scale, cultural differences could be a source of industrial dispute arising from the fact that local legal system may not be well understood by the international bodies or expatriates working in a particular nation. Subsequently, Chan and Suen identified two sources of dispute at the work place. Firstly, that dispute arises when the parties' knowledge and experience in the industrial law and management are not homogenous. Secondly that when the parties' involved lack solidarity arising from conflicting goals and objectives. As a result Chan and Suen suggest that it is essential that managers of organizations harmonize the differences at the workplace and ensure that employees work together as a team. Thus, if differences between the parties are not managed properly or speedily removed, they could develop into disputes, which in turn may lead to programme delay, increase tension, and breakdown of business relationships.

According to Davis, (1947) industrial disputes may arise in the form of interest dispute and or rights disputes. He explains that Interest disputes relate to determination of new wage level and other conditions of employment while rights disputes on the other hand relate to interpretation and application of existing standards and usually involve an individual worker or group of workers. Under category of rights disputes, claim is made that the workers have not been treated in accordance with the rules, individual contracts of employment, laws and regulations and as per collective agreements. Such disputes

are also described as grievance disputes. Such grievances may be related to retrenchment, dismissal, payment of wages, working time, overtime, demotion, promotion, transfer, seniority, job classification, work rules and fulfillment of obligation relating to safety and health laid down in an agreement.

Rotondo and Kincaid (2008) agree that individual dispute concerns an employee in an organization. They maintain that disputes are an essential feature of industrial relations. Parties to the employment arrangement invariably disagree on the variety of issues concerning agitation for better condition of work. Labour disputes involving rights are those rights of employees which have been covered and given protection under different laws. These disputes include controversies about the application, interpretation or existence of rights arising out of individuals or collective agreements or out of the law and the grievance procedure. If either party insists on its alleged rights, they may be settled by negotiation, mediation or by arbitration. Elangova (2005) sub-divides industrial dispute into three. These are:

**i. Unfair Labour Practice**

According to Elangova unfair labour practices are described when management discriminates against employees and union officials for engaging in trade union activities. Also, unfair labour practice can be brought against an employee by an employer, if the employee carries out an activity, or holds a personal interest of the activities of the employers work; for instance, if workers union decides to hold a meeting during normal business hours without permission.

## **ii. Recognition Disputes**

According to ELangova (2005) recognition disputes arise when management refuses to recognize a trade union for the purpose of collective bargaining. Chan and Suen (2005) maintain that resolution of this type of dispute requires recognizing the issue involved to enable conciliation to be effective.

## **iii. Collective Disputes**

Collective Disputes are disputes that concern a number of workers or a group of individual employees in an organization over an issue they ascribe. In such negotiations, the position of either party with regard to demands of the other party is based on what it deems necessary. In unionized industrial relations, collective disputes are obvious and as such dispute resolution mechanisms are important to both the employees and the employers (Elangovan 2005).

## **2.4 Dispute Resolution Mechanisms and Grievances Process in Industrial Relations**

Writers such as Chan and Suen (2005) and Elangovan (2005) have agreed that there are three principal dispute resolution mechanisms which are negotiation, mediation and arbitration. These mechanisms are undoubtedly the most preferred methods in the world due to the backing of legislation of such mechanism throughout the world especially the ILO. These mechanisms are negotiation, mediation and arbitration. However, Mills and Dalton, (1994) maintain that labour arbitration is established as the final stage of dispute resolution mechanism in virtually every collective bargaining agreement.

According to Mills and Dalton (1994) an effective dispute resolution process is fundamental to sound labour /management relations. Consequently, those processes are notable for several reasons, which include their ubiquitous nature. They maintain that generally the collective bargaining agreement sets forth the elements and administration of a grievance procedure and that apart from matters that the parties specifically exclude, all of the questions on which the parties disagree must therefore come within the scope of the grievance provisions of the collective bargaining agreement. Thus, the grievance process is a formal mechanism by which employees can “appeal” any disciplinary action or gain a hearing for allegedly unjust treatment of almost any description.

The existence of grievance systems is therefore also a tacit recognition by the organization-as well as the union- that problems may arise in the future for which no solution can be specified in advance. Essentially, grievance processes provide unions and management a stipulated vehicle through which employees may pursue contentious issues with an assurance that doing so will not jeopardize their continued employment. Lastly, through grievance processes disputes are subject to settlement without resort to higher cost resolution methods such as strikes, slowdowns, and litigation. This advantage has been recognized as a matter of national policy in some nations (Mills and Dalton, 1994).

Clearly, a paramount objective of a grievance process is the resolution of disputes. While not all disputes are easily resolved in the workplace, no dispute can be allowed to

continue interminably. If the parties are otherwise unable to reach a resolution through the various steps of grievance processes, the final stage in the grievance procedure will be arbitration. The arbitration stage of the grievance process has been characterized as a simple proceeding voluntarily chosen by parties who want a dispute determined by an impartial judge of their own selection, whose decision is based on the merits of the case; they agree in advance to accept as final and binding. A close look at dispute intervention shows that intervention process consists of a sequence of decisions that needs to be handled resiliently (Elangovan, 2005). In the light of this, Chan and Suen (2005) postulate three dispute resolution processes which are negotiation, mediation and arbitration. Accordingly, Chan and Suen (2005) suggest that negotiation should be employed as the first method to resolve disputes. Furthermore, unlike mediation and arbitration, negotiation does not involve a third party in the process of resolution.

They maintained that some of the identified advantages with negotiation are: speedy resolution, flexibility, quick and simple procedure, informality, and privacy. Thus, the disputing parties would get together to discuss the problem voluntarily and reach a mutual agreement. Resolving disputes through negotiation is an indispensable part of the relationship between employees and employers.

The other popular voluntary dispute resolution method is mediation which requires a third neutral party, known as “mediator” to facilitate the parties reaching a settlement. The mediator helps to draft out the accord of settlement as a contract binding on the parties. As for negotiation and mediation, they are popular alternatives and are particularly useful when the parties are bona fide and willing to discuss matters openly

and constructively. Both negotiation and mediation require concerted efforts and trust from both sides. Only when the disputants have failed to negotiate a settlement that arbitration would be employed. Arbitration panels are made up of a panel of experts, sometimes including experienced experts from overseas, which improve the quality of hearings and awards. A case in point is [{{CHINA INTERNATIONAL ECONOMIC AND TRADE ARBITRATION COMMISSION}}] (CIETAC, 2000)]. Nevertheless, arbitration is the most preferred method because of its binding effect with the backing of legislation. An arbitration clause usually specifies a choice of arbitration body and the choice of law to govern the dispute. With respect to the enforcement of an arbitral awards, in case one party fails to execute the arbitral award, the other party may apply to the competent court for enforcement.

## **2.5 Effects of Labour Dispute**

The effects of labour dispute can be examined from economic, social and political point of view. Economically, some organizations lose huge sums of revenue which affects profit in the long run as a result of strike actions. There is also loss of valuable assets when strikes drive away potential investors. Politically, the stability of government can be affected especially where unresolved disputes resulting in a strike action in an organization or industry sparks off solidarity strikes in other organizations or industries. Socially, industrial disputes have a negative effect on employee's dependants and the society at large in that, employees on strike often times lose their wages and are therefore unable to cater for their immediate dependants resulting from the loss of income.



Kornhauzer et al. (1954) observed that complete work stoppage and outbreaks of violence due to industrial disputes are certainly the most dramatic expression of industrial conflict. They further observed that when a conflict exists, each party strives to win relative advantages and to protect and advance the individual and organizational welfare of its own group and in the process: each may inflict loss or injury on the other. That is one party becomes better off and the other worse through the use of various industrial actions which include strike and picketing.

## **2.6 Forms of Industrial Actions**

According to Kornhauzer et al. (1954), if workplace disputes are unresolved, they can lead to industrial action. Industrial action usually happens when a dispute in the workplace could not be resolved through industrial relations dispute resolution mechanisms such as negotiation, mediation and arbitrations outlined in the industrial relations legislations.

Obeng- Fosu (2005) identified two main forms of industrial action. These are: strike and lock- out. He maintains that strike is any action by two or more workers acting in concert, which is intended by them to restrict in any way the service they normally provide to the employer or diminish the output of such service; with a view to applying coercive pressure upon the employer; and includes sympathy strike, and those activities commonly called a work- to- rule or a go slow or sit down strike. On the other hand he defines lock-out as the closing of a workplace, the suspension of work by an employer

or refusal by an employer to employ or re-engage any number of his or her workers, in consequence of an industrial action.

Industrial action is 'official' if it is formally backed by a trade union and members of that union are taking part in it because, illegal industrial actions by either employees or employers is a breach of employment contract and, may be sanctioned according to the rule set by the employment contract. However, most industrial relation laws provide protections against employees being dismissed for taking part in legal industrial actions.

## **2.7 Sources of Labour Disputes and Grievances in Ghana**

According to Obeng- Fosu, (2002), the causes of disturbances in the industrial relations are traced to flaws in the labour laws or regulations and the negative attitude of one or all the parties involved in industrial relations either through the violation of workers or trade union rights. In Ghana, examples of causes of labour disputes are:

- i. Failure or delays in the issuance of collective bargaining Certificate to Unions on time especially in the case of senior and professional staff.
- ii. Dissolution of TUC by the Government between 1969 and 1971.
- iii. Vetting of collective bargaining agreement by the then Prices and Income Board between 1983 and 87. Example salaries.
- iv. De-freezing of end-of-service benefits by government in 1990.

At the enterprise level in particular, many labour disputes have been attributed to the wrong managerial practices, some of which include anti- union attitude on the part of some employers, management refusing to negotiate on the basis of the collective

bargaining agreement, delays in the implementation of agreement reached between labour and management in respect of salary increase and other benefits.

He further argues that in recent times the causes of industrial disputes are centered on one or more of the following:

- i. Demand for salary adjustment
- ii. Demand for better conditions of service
- iii. Removal of management- personnel
- iv. In solidarity with dismissed workers
- v. Unionization
- vi. Breach of contract of employment and the failure to comply with employment ordinances.

## **2.8 Legal Framework of Industrial Relations in Ghana**

### **i. Historical Antecedent**

The laws on industrial relations in Ghana trace their roots in the colonial days. The colonial government did not pass a consolidated legislation purposely for industrial relations. Laws were passed as and when the need arose. Thus, laws relating to industrial relations were scattered in various enactments with different subject matter. In 1941 the colonial government passed Ordinance No. 20 known as CAP 93. The commencement date was 18<sup>th</sup> October, 1941. The main purpose for this Ordinance was to serve as a guide for settling industrial disputes. The preamble of the Ordinance reads: “An Ordinance to provide for the establishment of an Arbitration Tribunal and a Board of inquiry in connection with Trade dispute and to make provision for the settlement of

such disputes, and for the purpose of inquiry into economic and industrial conditions in the Gold Coast”.

Prior to the promulgation of CAP 93 Ordinance No. 20, the colonial government had passed CAP 91. This came into effect on 27<sup>th</sup> September, 1941. That is just after one month of passing CAP 90. The two laws dealt with different subject matters though both were on industrial relations. CAP 91 was passed to regulate the activities of Trade Unions in the colony. The Preamble to the law states as follows: “An Ordinance to provide for the registration and regulation of Trade Unions And for other purposes connected therewith”

Again in 1953 the colonial government passed yet another law on industrial relation amending CAP 90 Ordinance No. 20. This law was passed ostensibly to criminalize certain trade unions activities.

The Preamble of the law states: “An Ordinance to amend the Law relating to conspiracy and the protection of Property And for purposes connected with Trade Disputes”. In 1965 the Industrial Relations Act, 1965 (Act 299) was passed to consolidate the laws on labour relations. The preamble of the Act reads: “An Act to revise and consolidate the laws relating to trade unions, collective bargaining, conciliation and other matters affecting the relations between employers and employees. The date of assent was on the 23<sup>rd</sup> June 1965.

In 1967, after Dr. Kwame Nkrumah had been overthrown; a new industrial law was passed. The law was cited as Labour Decree, 1967 N.L.C.D 157. Thus, Act 299 was repealed. Several amendments were made to this law by the National Liberation Council (N.L.C.), the Supreme Military Council (S.M.C) and the Provisional National Defence Council (P.N.D.C) governments. These amendments were carried out by these governments all to fine tune the industrial laws existing at the time. In 2003 a new labour law was passed. This law is the current labour law the country has. The new labour law is the Labour Act 2003 (Act 651). This new Act sought to amend and consolidate the laws relating to labour, employers, trade unions and industrial relations; to establish a National labour Commission and to provide for matters related to these. It has been observed that the present labour law conforms to the 1992 Constitution especially as regards the fundamental human rights of workers

## **ii. The 1992 Constitutions**

The 1992 Constitution grants elaborate fundamental human rights that inure to the advantage of individuals and for that matter workers. The Constitution of Ghana, 1992, came into force on January 7, 1993. Several provisions protect the worker. Article 12 provides as follows: “Every person in Ghana, whatever their race, place of origin, political opinion, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual contained in this chapter...” The chapter is chapter 5 and it contains the fundamental human rights and freedoms. Article 14 provides for the protection of the right to personal liberty; whereas Article 16 protects against slavery and forced labour. Article 17(1) and (2) ensure equality before the law

and freedom from discrimination on grounds of gender, race, colour, ethnic, origin, religion, creed or social or economic status. Article 21 provides for general fundamental freedoms which include freedom to form or join trade unions.

Article 24 provides specifically for workers. It grants general provisions on fundamental human rights for workers. These rights include the right to work under satisfactory safe and healthy conditions, receive equal pay for equal work without discrimination among others.

Specific rights for women and children are provided for under Articles 27 and 28 respectively Women's rights, including paid leave during maternity. Again it provides for the provision of child care facilities which will enable nursing mothers to leave at these centers to practice their profession. Article 28 covers Children's rights, including the right to protection against exposure to physical and moral hazards. Article 29 provides for the rights of persons with disabilities (PWD). The provision promotes special incentives for PWD to engage in business and also for businesses that employ PWD in significant numbers.

### **iii. The Labour Act 2003 (Act 651)**

The Labour Act sought to amend and consolidate the laws relating to labour, employers, trade unions and industrial relations to establish a National Labour Commission and to provide for matters related to these.

It has been observed that the present labour law conforms to the 1992 Constitution especially as regards the fundamental human rights of workers. The Labour Act covers all employers and employees except those in strategic positions such as the Armed Forces, Police Service, Prisons Service and the Security Intelligence Agencies. Major provisions of the Labour Act include establishment of public and private employment centers, protection of the employment relationship, general conditions of employment, employment of persons with disabilities, employment of young persons, employment of women, fair and unfair termination of employment, protection of remuneration, temporary and casual employees, unions, employers' organizations and collective agreements, strikes, establishment of a National Tripartite Committee, forced labour, occupational health and safety, labour inspection and the establishment of the National Labour Commission.

The Labour Act which is the legal framework of industrial relations seeks to establish a regime of stable framework for the settlement of industrial disputes. The Act therefore contains a comprehensive set of procedures by which disputes are supposed to be resolved. Significantly, these procedures are mandatory or compulsory which implies that parties must comply with it.

Section 1 of the Labour Act provides for its application. It applies to all workers, employers except the Armed Forces, Police Service, the Prison Service and the Security and Intelligence Agencies specified under the Security and Intelligence Agencies Act 1996 (Act 526).

Section 68 provides for equal pay for equal work without discrimination whereas section 79 provides for freedom of association. Sections 96, 97 and 105 make provisions for collective bargaining which allows workers to negotiate with their employers for better working conditions. Section 108 allows parties to provide in the collective bargaining agreement final and conclusive settlement. The Labour Commission is established under section 135. The Commission's functions which include settlement of industrial disputes are enshrined under section 138, whilst section 139 provides for the powers of the Commission. The section provides that the Commission shall have powers like a High Court when settling disputes.

Sections 153, 154 and 157 provide for the procedures that shall be employed disputants and the Labour Commission to settle industrial disputes. These include the use of negotiation, mediation and arbitration. In negotiating parties are implored to negotiate in good faith with a view of reaching an agreement. The Commission after the parties have failed their differences through negotiation shall request the parties to settle the dispute by mediation. The Commission is empowered by the Act to refer an unresolved dispute to Arbitration. The Commission shall do so in agreement with the parties but where they fail the commission is further empowered under section 164 to refer the matter to a compulsory arbitration. Section 158 provides that the award by the arbitrator(s) shall be final and binding on the parties.

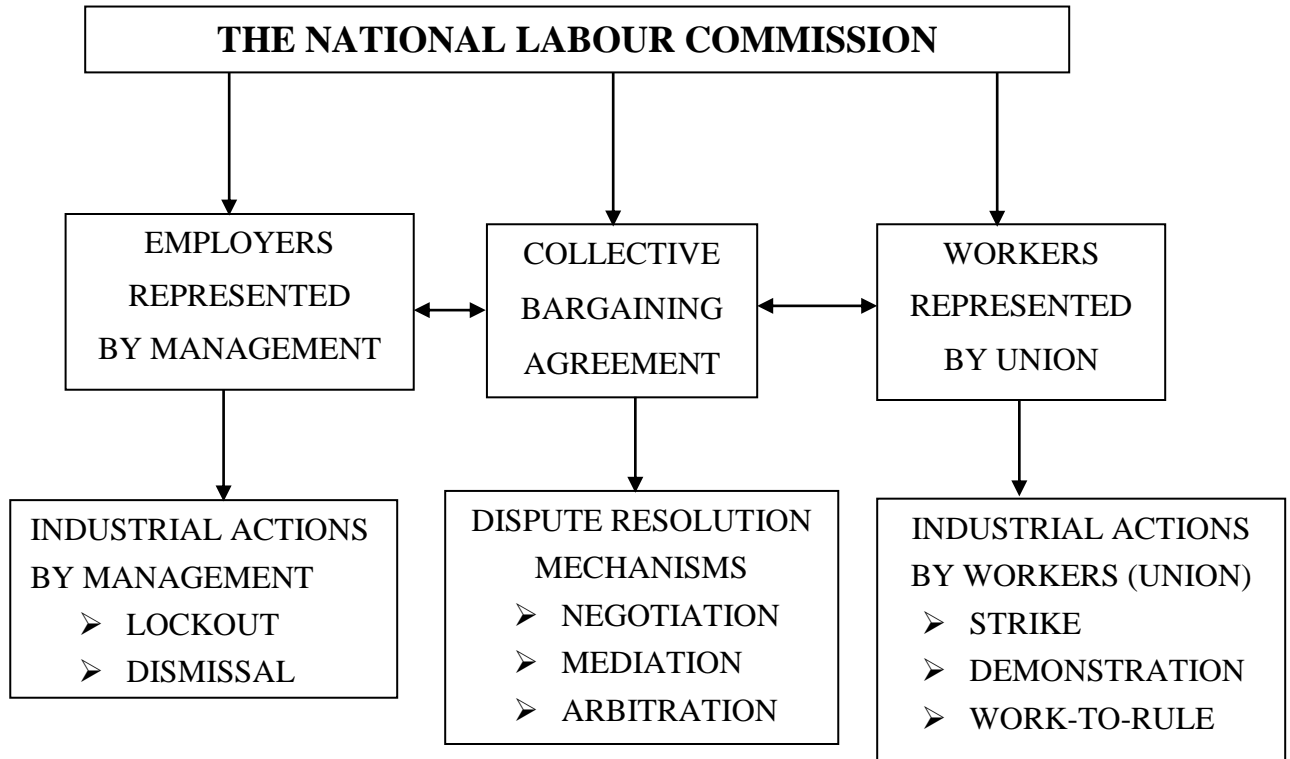
Sections 159, 160 and 161 provide for the procedures that a party to a dispute shall follow if he wants to embark on strike or lockout. Section 161 specifically proscribes strike action or lockout during mediation or arbitration. Section 162 and 163 however,



does not permit essential services workers to embark on strike at all. Section 165 provides that arbitrators appointed under sections 156 or 164 shall have the powers of a High Court to issue a subpoena to compel attendance of witnesses. Section 167 enjoins the Commission to publish the award by compulsory Arbitrators in the Gazette. The award published in the Gazette shall be final and binding unless challenged in the Court of Appeal. Thus, section 172 provides for the enforcement of orders of the Commission. The Commission is mandated to apply to the High Court for an order to compel obedience to its orders. Sections 168 and 169 provide for when strike or lockout shall be deemed to be lawful. This is where the strike or lockout is in sympathy with or support of a strike action taken by another worker or group of workers against their employer on account of an industrial dispute with the employer. Section 169 protects the employment of workers who undertake a lawful strike.

## 2.9 Conceptual Framework

### LABOUR ACT AND DISPUTE RESOLUTION



**Figure 2.1: Dispute Resolution Mechanisms**

*Source:* Researcher's own construct 2012

The industrial relations environment is usually set by legislations which are set out to protect the actors in the industrial environment. The main actors are government, employers and workers. However, in the organizational set up the actors become the union, representing workers whilst employers are represented by management.

In the modern industrial relation environment, union and management enter into bargaining and negotiations which finally leads to the establishment of a bargaining agreement which serves as a guide for the two actors in the conduct of their employment relations. Though, the overall industrial relation legislation presents to

actors the process and procedure for dispute resolution. The collective bargaining agreement between the actors also sets out internal procedure and process for dispute resolution. As a result, the collective bargaining agreement between unions and management usually sets out the process and procedures that both union and management should follow in case of unresolved issue arising from the collective bargaining agreement that guide them.

The three main dispute resolution mechanisms that are recognized by the Labour Act are negotiation, mediation and arbitration. These three mechanisms are applied in seriatim. Thus, if negotiation fails, mediation is seen as the possible alternative and then lastly arbitration which is considered the last resort in dispute resolution process.

However, under a situation where the principal dispute resolution mechanisms either fails to bring harmony or one party in the industrial dispute refuses to go through the process, then either party may take one or two forms of action to register their disagreement. Workers usually adopt strike action, work to rule, demonstration among others. Management on the other hand, may take industrial actions such as lock out, dismissal of employees as a form of industrial action to also register their disagreement. Nevertheless, irrespective of the industrial action taken by either party, the repercussion to the whole organization is great and invariably affects each party. Employees may lose their job and management may lose revenue as a result of any form of industrial action adopted by either party.

## **CHAPTER THREE**

### **METHODOLOGY AND ORGANIZATIONAL PROFILE**

#### **3.0 Introduction**

This chapter focuses on the methods adopted in the research which aimed at investigating into how Ghana National Association of Teachers (GNAT) employs the conflict resolution mechanisms enshrined in the Labour Act, 2003 Act 651 to resolve industrial disputes. The chapter presents the research design, sources of data, sampling technique and the data analysis procedure and tools used by the researcher to answer the research questions. The chapter finally outlines the profile of GNAT.

#### **3.1 Research Design**

The research combined both exploratory and descriptive designs which aimed at exploring into the mechanisms for resolving industrial disputes. The exploratory research design sought to explore to define and explain the human behaviour aspect of the study by looking into the causes underpinning the reasons why GNAT would not follow the mechanisms and procedures set in the Labour Act in resolving industrial disputes. As a result, an inductive approach was adopted towards the analysis of the research findings.

#### **3.2 Source of Data**

The researcher used two main sources of data. These were primary data and secondary data.

### 3.2.1 Primary Data

The researcher made use of primary data. The primary data were from administered questionnaires, which were given to the sampled respondents to answer.

### 3.2.2 Secondary Data

The secondary data were mainly from relevant literatures on the topic that were reviewed. Other documents that were collected from the executives of the association were also examined.

### 3.3 Study Population

The target population of the study was primarily the members of the GNAT in five selected schools in the Kumasi Metropolis and the executive members of GNAT in the Ashanti Region.

**Table 3.1: Population of teachers in the selected schools**

<b>Schools</b>	<b>Number of Teachers</b>
Opoku Ware Primary School, Kumasi	28
Anglican Senior High School, Kumasi	75
St. Louis Senior High School, Kumasi	68
Opoku Ware Junior High School, Kumasi	26
Santasa Presbyterian Primary School, Kumasi	27
<b>Total</b>	<b>224</b>

*Source:* GNAT Ashanti Regional Office Desk, Kumasi.

### **3.4 Sampling Technique and sampling size Determination**

The whole population was used as the sampling population. This is because the researcher found it convenient to use the whole population as the sampling size; especially as the population size was not large enough to be sampled. Questionnaires were administered to the population to verify how the provisions in the Labour Act have been followed by members of GNAT in resolving industrial disputes between them and their employers GES.

### **3.5 Data Collection Tool and Procedure**

The main means of collecting primary data was the use of questionnaires which were administered to the various respondents. The choice of this technique was based on the fact that it was the most convenient tool to use to elicit the needed information from a literate sampled population. The questionnaires were structured to include both closed and open ended questions. The information gathered included information about GNAT and how the organization adopts the procedures enshrined in the Labour Act in resolving disputes between them and their employers. Again the data collected includes the consistency of respondents' understanding and knowledge level in the Labour Act.

### **3.6 Data Analysis and Presentation**

Data analysis was done through the use of Statistical Package for Social Sciences (SPSS) and Excel Microsoft. These were analysed through graphs and tables. In addition to that, a comparison of data was also done in order to ascertain whether the

information gathered from the respondents was *in intendem* with the provisions of the Labour Act of Ghana and the literature reviewed.

### **3.7 Ethical Consideration**

Considering the nature of the study, a written permission to administer the questionnaires was sought from the Ashanti Regional Office of GNAT. The Regional Office in response wrote a consent letter to the researcher to administer the questionnaires on the Association members. The letter outlined the fact that the information requested was purely for academic purposes. To further assure the respondents that the information they would provide was going to be treated very confidential, no request was made for the respondent's names and other personal data.

### **3.8 Profile of GNAT**

#### **3.8.1 Introduction**

The Ghana National Association of Teachers is a service organization that is concerned with ensuring better conditions of service for its members who are drawn from pre-tertiary levels of the educational system (i.e. from public and private primary, junior and senior high secondary schools, teacher training colleges, technical institutes and offices of educational administration units). The total membership of GNAT now stands at 178,000 (according to figures issued by the Controller and Accountant-General's Department as of September, (2003).

### **3.8.2 History of GNAT**

The first teachers' union to be formed in this country (then Gold Coast) was the Government School Teacher Union (GSTU) in 1925. It was to serve as a platform for teachers to express their views on issues that affected their conditions of work. However, the GSTU did not represent all teachers since it excluded teachers who did not teach in Government schools. Following a massive protest by teachers against the colonial government to impose a 29 percent tax on their salaries, teachers mostly in schools set up by religious bodies formed the Assisted School Teachers Union (ASTU) in 1931. This body embraced teachers in both government schools and set up and managed by religious bodies.

In 1956, GSTU and ASTU reached an agreement to come together as one union under the common name of Gold Coast Teachers' Union (GCTU). In 1958, the GCTU joined with the Union of Teachers and Educational Institution Workers (UTEIW) as one of the fourteen (14) affiliated unions of the Ghana Trade Union Congress (GTUC) in accordance with provision of the Industrial Relation Act of 1958. This Act, however, excluded all workers who were earning 680 pounds and above per annum at the time, from membership. This prevented a number of teachers in secondary schools and training colleges to join the union on technical grounds.

Moreover, teachers did not favour TUC's over-dependence on the CPP Government and therefore decided to opt out, as Osae (1982) notes, to avoid being dragged into ideological controversies, governments, whether in power or not. Above all, the



ideological and “class” stance of teachers themselves that they had little in common with blue-collar workers of the TUC was the last straw that broke the camel’s back. Consequently, the then President of Ghana, Dr. Kwame Nkrumah agreed to teachers’ demand to back out of the T.U.C. Thus on July 14, 1962, the Minister of Education formally inaugurated the Ghana National Association of Teachers (GNAT) as a separate organization from and independent of the TUC. Though the GNAT derives its legal existence from the Trustee Incorporation Act, 1962 which strictly classifies it as a voluntary association, it has been recognized by successive governments as the sole representative body of teachers at the pre-tertiary level and has been granted the concession of utilizing the “check-off” system in collecting membership subscriptions. An Act of Parliament Act 506, 1995 that sets up the Ghana Education Service Council, section 16 (1) provides that: “The organization called Ghana National Association of Teachers has been formed to seek and promote, in accordance with law, the interests and well-being of members”.

In 1994, the Ghana National Association of Teachers decentralized its administration to give a measure of autonomy to local branches to manage their own affairs. According to Garbutt (1985), “the reason of creating a local authority is to clarify lines of management with a fuller knowledge of conditions in their areas” However, in spite of decentralization, the National Secretariat of the GNAT still co-ordinates and monitors the programmes and activities of all branches to ensure conformity and fairness at all levels.

### **3.8.3 Mission Statement**

The Ghana Association of Teachers exists to unify all teachers in pre-tertiary educational institutions and strive for better conditions of service and job security as well as enhance their professional status.

### **3.8.4 Objectives of GNAT**

- i. Protecting and safeguarding the trade union rights of teachers,
- ii. Promoting academic and professional development of members.
- iii. Promoting quality education for all and participation in decision making process.
- iv. Educating members on their professional responsibilities and promoting good professional conduct and ethics.
- v. Co-operating with national and international bodies, NGOs and other civil organization for promotion education and other basic rights
- vi. Mobilizing members for co-operative schemes to provide economic services and social protection.

### **3.8.5 How GNAT works**

Two structures operate within the GNAT. These are

- i. The political hierarchy which has responsibility for the formulation of policy guidelines and executive direction;
- ii. And Administrative set-up which is the secretariat that implements the policies and programmes of the Association.

The political (Structure) hierarchy is based on effective representation where the representatives carry the mandate of the members they represent. It is therefore necessary for the members at the various levels to be seriously involved in electing worthy representatives.

The various levels of the Associations are:

- i. Basic unit (School Branch)
- ii. Local Branch
- iii. District Branch
- iv. Regional Branch
- v. National

The Basic unit (School Branch) of the Association at the grassroots is the educational establishment (i.e. school, college, or education office). All teachers in such educational establishments are eligible to be members of the Association. The branch elects a leader (known as the School Representative) who co-ordinates the activities of the Association at the basic level, including attending meetings and participating in decision-making at the local level and carrying back decisions to his or her school branch. The local Branch embraces all the basic units (School Branches) in any specific locality. The District branch is made up of all local branches in a given district. The Regional Branch is constituted by the district branches in any given administrative region. There are 18 branches that constitute the Ashanti Region of the association. All the regional branches together constitute the National Association.

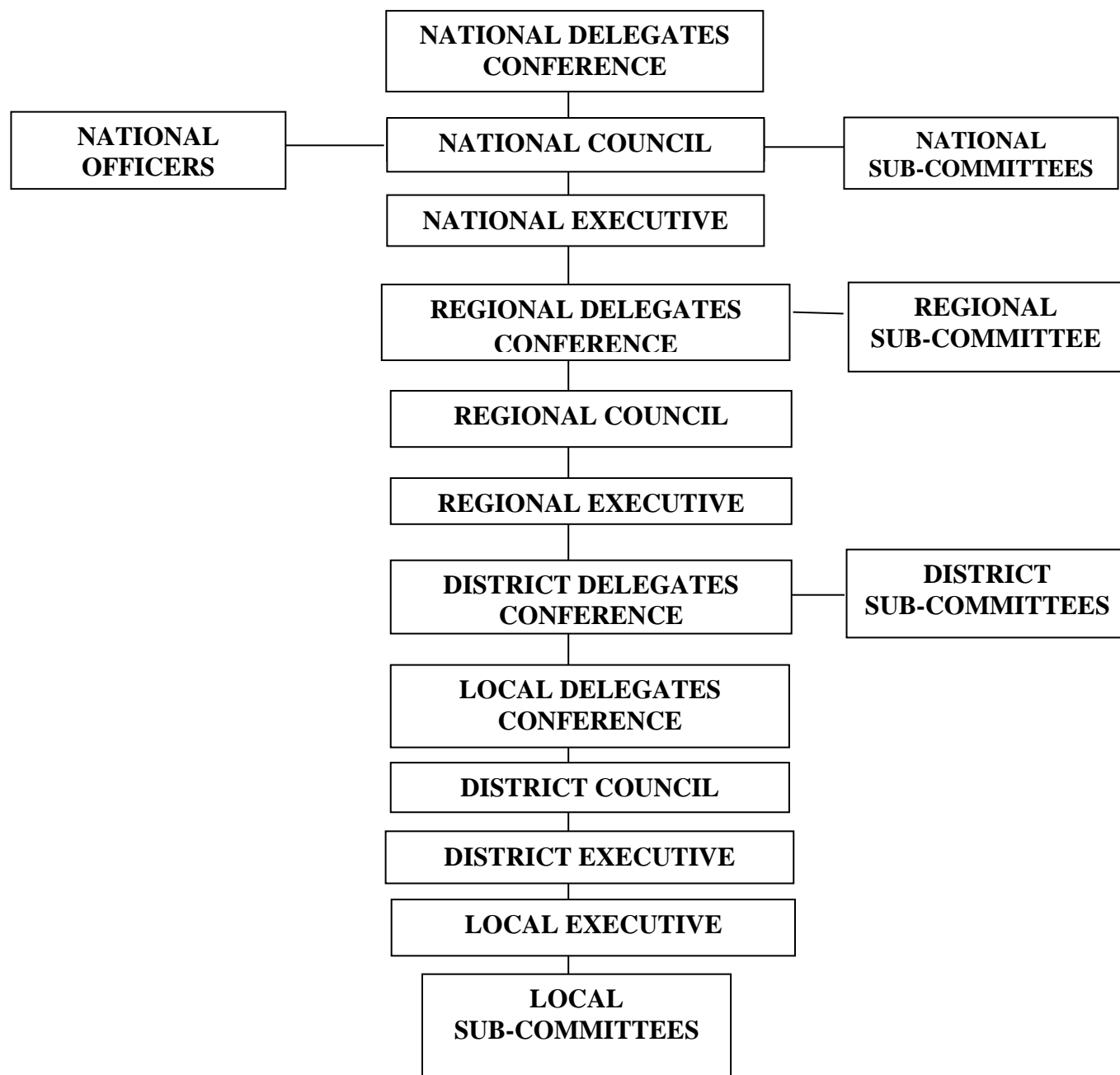
The Administrative set-up is headed by the General Secretary as the Chief Executive. The position is by appointment. He is assisted in the performance of his duties by deputies and other officers who have specific schedule at the national level. Administrative functions in the regions are handled by regional secretaries and their assistants. There are full-time secretaries who are responsible for administrative functions in all the districts.

GNAT also has a pool of supporting staff at the National and Regional levels that assist with accounting, secretarial, housekeeping and various forms of manual work.

*Source:* 2012 Dairy of Ghana National Association of Teachers (GNAT)

(<http://www.gnat.org/stable/27767176>). Date accessed: 5<sup>th</sup> June, 2012

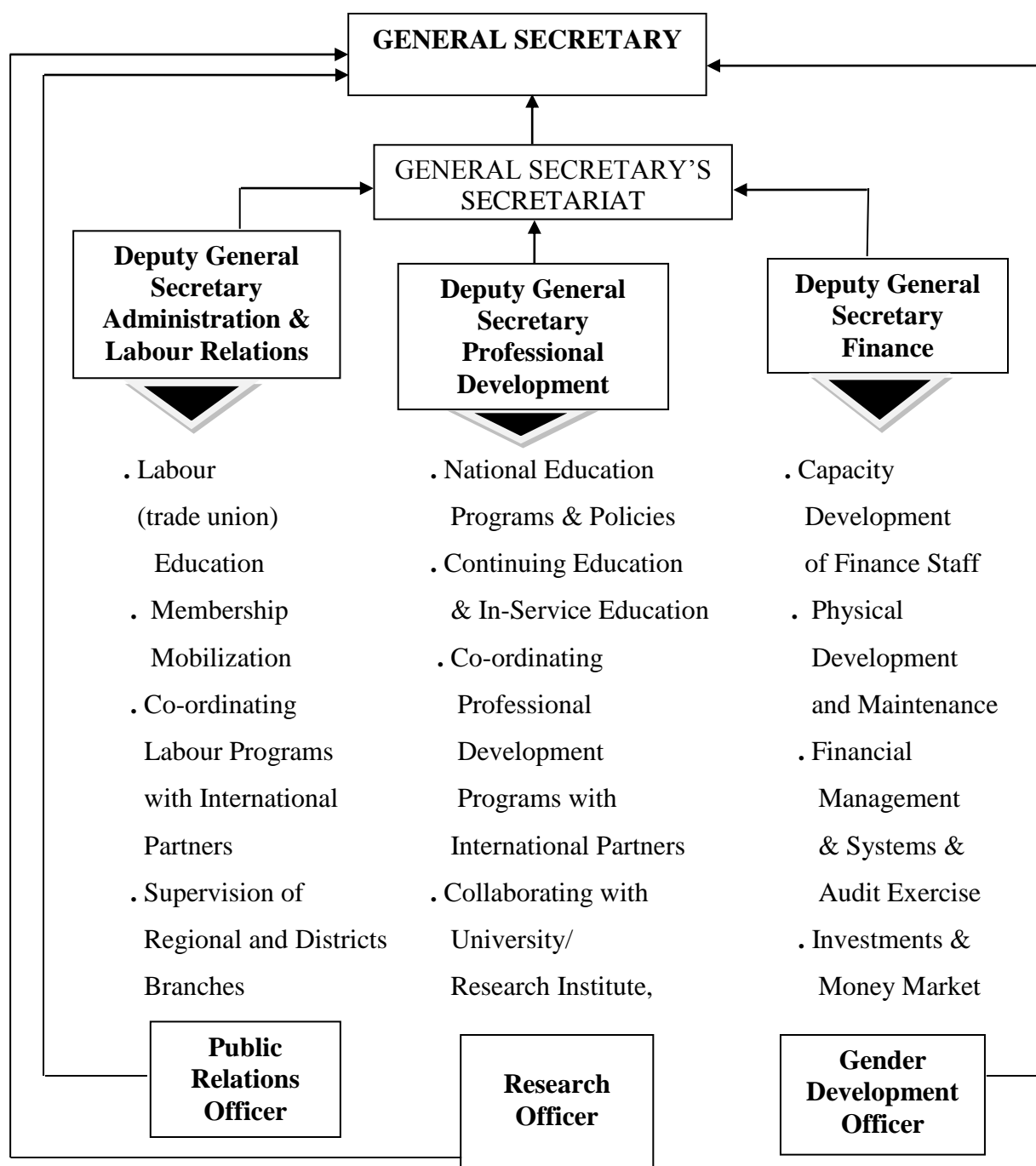
The diagram below depicts the political structure of GNAT



**Figure 3.1: Organogram of political structure of GNAT**

*Source:* 2012 Dairy of Ghana National Association of Teachers (GNAT)

The diagram below depicts the administrative structure of GNAT



**Figure 3.2: Organogram of the Administrative structure of GNAT**

*Source:* 2012 Diary of Ghana Association of Teacher

## **CHAPTER FOUR**

### **DATA PRESENTATION, ANALYSIS AND DISCUSSION**

#### **4.0 Introduction**

This chapter involves data presentation, analysis and discussion. The chapter seeks to give a clear and unbiased view of the data collected from the questionnaires. The questionnaires were analysed using Statistical Package for Social Science (SPSS) and then put into Microsoft Excel (ME) to generate the figures used in the analysis. In all 190 questionnaires were administered to five schools in the Kumasi Metropolis and the Executive members of GNAT in the Ashanti Region. Teachers who are GNAT members were from the following schools:

- i. Opoku Ware Primary School, Kumasi
- ii. Anglican Senior High School, Kumasi
- iii. St. Louis Senior High School, Kumasi
- iv. Opoku Ware Junior High School, Kumasi
- v. Santasa Presbyterian Primary

They answered questionnaires administered to them. Some executive members from the regional GNAT office also filled the questionnaire. The chapter also focuses on the implication of the findings.

#### **4.1 Response Rate and demographics**

Out of the 175 questionnaires distributed to the teachers who are GNAT members, 132 (75.42%) were returned and used for the analysis. Also out of the 15 questionnaires distributed to the executives of the regional GNAT, 10 (66.7%) were returned and used for the analysis. Table 4.1 detailed view of this.

**Table 4.1: Analyses on the return rate of questionnaire**

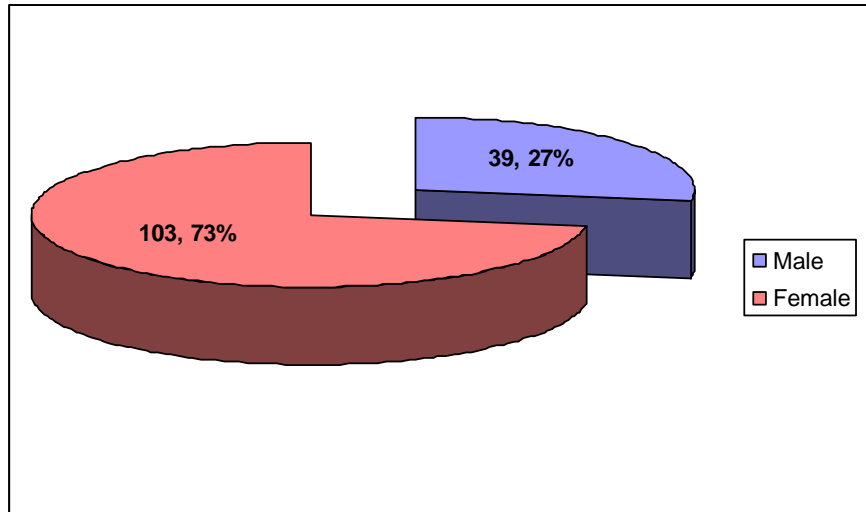
Variables (Respondents)	Frequency	Percentage (%)
Teachers	132	93
Regional Executives	10	7
<b>Total</b>	<b>142</b>	<b>100</b>

*Source:* Researcher's field study, 2012

##### **4.1.1 Gender**

From figure 4.2 below, it can be realised that majority of the respondents were females with 103 representing approximately 73% whereas 39 representing 27% of the total sampled teachers were males. This gives a clear indication that the teachers at the basic level of Ghana's educational setup are predominantly women. It is a fact that most of these females find teaching lucrative because it enables them to earn an income whiles giving enough time for childcare and other family related duties.





**Figure 4.1: Analysis on Gender of respondents**

Source: Researcher's field study

The researcher as part of the objectives, sought to find out the causes of labour disputes in Ghana especially between GNAT members and their employers GES and for that matter the government.

## **4.2 Disputes with employers**

To identify the causes of labour disputes, the researcher needed to find out if there exists any form of labour disputes between GNAT members and their employers that is the GES representing the Government. From table 4.3 below, it could be seen that 136 (95.8%) respondents acknowledged the fact that indeed there are some misunderstandings between members of GNAT and their employers. Six respondents however, stated that there is no disputes between GNAT members and their employers GES. To a large extent, majority of the respondents who answered the questionnaires agreed that GNAT members have disputes to settle with their employers GES. This then

moves the researcher to find out which factors are the causes of these industrial disputes between GNAT members and their employers (GES).

**Table 4.3: Disputes between GNAT members and their employers**

Variables	Frequency	Percentage (%)
Yes	136	95.8
No	6	4.2
<b>Total</b>	<b>142</b>	<b>100.0</b>

*Source:* Researcher's field study

#### **4.2.1 Disputes between GNAT members and their employers**

To identify the various causes of labour disputes between GNAT members and their employers, four key areas were identified as the major causes of industrial disputes. These include but not limited to Salaries, Promotions, Discrimination and Poor working conditions. From table 4.4 below whilst 98 (75%) respondents identified inadequacy of remuneration package received by members of GNAT as the main cause of dispute between GNAT members and their employers GES, 70 (54%) of the respondents maintained that promotion is the second cause of such disputes. The promotion aspect looks at the mechanisms and the prospects in obtaining promotion as a teacher who also is a member of GNAT. The respondents viewed promotion as the process they go through to obtain promotion. They also considered the fairness of the process they go through before they are promoted. The Respondents also looked at the discrimination aspects by comparing the relative fairness on the part of their employers in this case the Government in treating teachers who are members of GNAT. It goes further to look at

how they perceive discrimination against them as members of GNAT. One hundred and one respondents rated discrimination as the third cause of dispute between GNAT members and their employers GES. Working conditions was rated the fourth cause of dispute. Out of the 130 respondents 40 (30.8%) stated that working conditions is the fourth cause of dispute. In all, the respondents agreed to the fact that these factors as Salaries, Promotions, Discrimination and Working conditions accounted for the industrial disputes between members of GNAT and their employers.

From table 4.4 below which is diagrammatically shown on figure 4.3 below, respondents were asked to rank the factors that really served as a major cause of dispute between them and their employers. In all 130 valid responses on this area were used for the analysis representing 98.5% of the response rate.

**Table 4.4: Causes of Disputes between GNAT members and their employers**

Frequency				
<b>Variables</b>	<b>Salaries</b>	<b>Promotions</b>	<b>Discrimination</b>	<b>Working conditions</b>
1st cause of Dispute	98 (75.4%)	1 (0.7%)	0	31 (23.8%)
2nd cause of Dispute	14 (10.8%)	70 (54%)	6 (4.6%)	40 (30.8%)
3rd cause of Dispute	18 (13.8%)	59 (45.3%)	13 (10%)	40 (30.8%)
4th Cause of Dispute	0	0	111 (85.4%)	19 (14.6%)
<b>Total</b>	130(100%)	130(100%)	130(100%)	130(100%)

*Source:* Researcher's field study

#### **4.2.1.1 Salaries**

On salaries, 98 (75%) respondents agreed to the fact that it was the first cause of industrial disputes between GNAT members and their employers, 14 (10.8%) were of the view that it was the second cause of industrial disputes whilst 18 (13.8%) were of the view that it was the third highest cause of industrial dispute. It could be identified that majority of the respondents agreed to the fact that salary issue is the number one cause of industrial dispute between GNAT members and their employers. According to Davis, (1947) industrial disputes may arise in the form of interest dispute and or rights disputes. He explains that Interest disputes relate to determination of new wage level. Thus, the respondents' responses confirm the writer's position. It must be noted that the position of the members is also a reflection of the general economic situation of the country.

Thus, members of GNAT in order to make ends meet have to demand pay increment from their employers; in our case the government. However, given the limited resources of government it is not able to meet all the demands of the members of GNAT. The result therefore is a dispute that in most occasions arose between GNAT members and their employers.

#### **4.2.1.2 Promotions**

With regard to the respondents' views and their ranking of the causes, 1(0.7%) agreed to the fact that issues affecting Promotions were rated first as the cause of industrial disputes, 70 (54%) of the total respondents agreed that Promotions were rated as the

second cause of industrial dispute between GNAT members and their employers whilst 59(45.3%) respondents of the total responses on promotions stated that issues affecting promotions were rated third as the cause of industrial dispute. It can be clearly said that issues of promotion according to the respondents were rated second as the highest cause of industrial dispute between GNAT members and their employers. Davis, (1947) identified rights dispute as a cause of industrial disputes. Under rights disputes, Davis explains that claim is made that the workers have not been treated in accordance with the rules, individual contracts of employment, laws and regulations and as per collective agreements.

Such disputes are also described as grievance disputes. Such grievance may be related to promotion, retrenchment, dismissal among others. The researcher believes that members of GNAT who are teachers can give their best if issues concerning their promotion are taken seriously by their employers. It is therefore argued that issues concerning their promotions should be made known and transparent to all members. This will go a long way to retain young and energetic youth who are teachers.

#### **4.2.1.3 Discrimination**

The perceived discrimination was ranked as follows, none as a first cause, 6 (4.6) respondents agreed that it was the second highest cause whilst 13(10%) respondents accepted it as the third cause and a whopping 111 (85.4%) respondents agreed that it was the fourth cause of industrial dispute between GNAT members and their employers. It could be said that on the basis of ranking, discrimination was seen as the

fourth cause of industrial disputes between GNAT members and their employers (GES). According to Elangova, (2005) unfair labour practices are described when management discriminates against employees and union officials for engaging in trade union activities. It is not surprising that members of GNAT do not think discrimination is a major cause of industrial disputes between them and their employers.

This is because both 1992 Constitution and the Labour Act give legal backing to the formation and participation in Trade Union activities. Thus, it is illegal for employers to discriminate against their workers for forming and or joining a trade union.

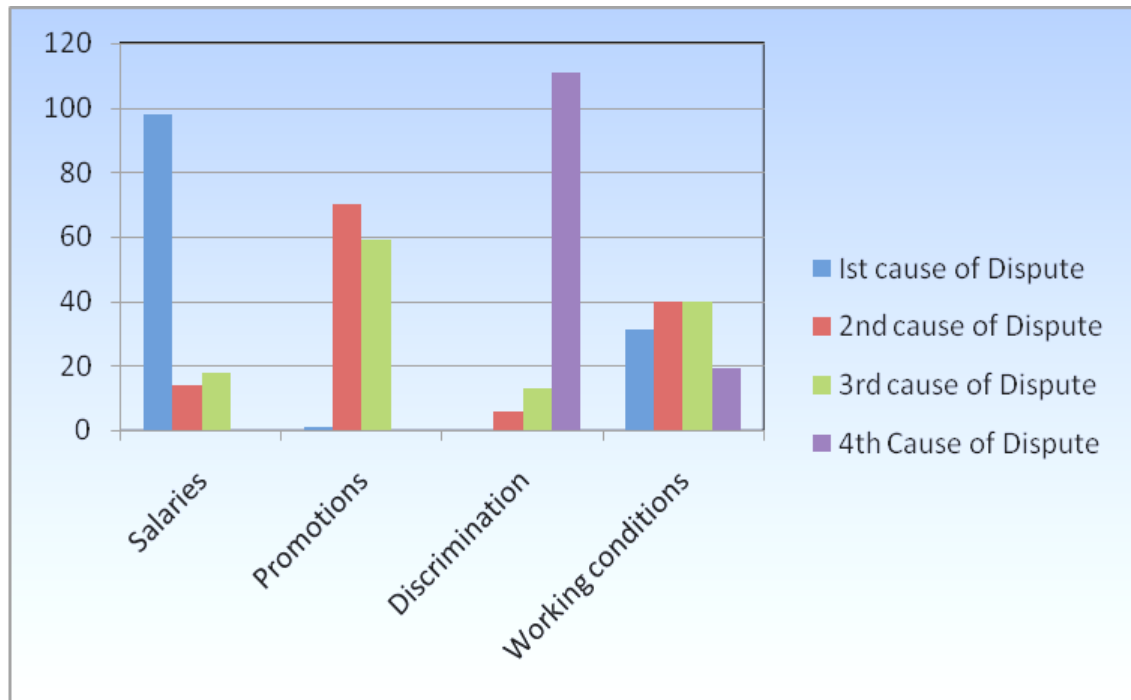
#### **4.2.1.4 Working Conditions**

The working condition portrayed a very interesting response as a cause of industrial disputes between GNAT members and their employers. In all 31(23%) out of the 130 respondents were of the view that it was the first cause of industrial disputes, with 40 (30.8%) respondents agreeing that it was the second cause whilst another 40 respondents also agree that it is the third reason for industrial dispute between them and their employers. Nineteen respondents representing 14.6% agreed that working condition was the 4<sup>th</sup> cause of industrial disputes between GNAT members and their employers. Although 40(30.8%) respondents showed that working conditions accounted for the second and third causes respectively, the values compared to promotion as a cause of industrial dispute in the second place was lower both in absolute figures and percentage wise. This indicates that working condition is a third cause in terms of ranking to the other cause.

In the view of Rotondo and Kincaid (2008), disputes are essential feature of industrial relations. They maintain that parties to the employment arrangement invariably disagree on a variety of issues concerning agitation for better conditions of work. This position has been confirmed by the responses from the respondents. The researcher believes that the high rate labour turnover in the Ghana Education Service may be attributed to lack of better working conditions. Thus, it is not surprising to hear from young persons who take teaching appointment as saying that they are going to use it as a “stepping stone”.

### **4.3 Final ranking**

From the figure 4.3 below, Salaries scored the highest 98, (75.4%) as the first cause of industrial disputes between members of GNAT and their employers. Hence it can be said that it is the major cause of industrial dispute between members of GNAT and their employers. It was followed by promotion with 70, (54%), whilst working conditions scoring 40, (30.8%) to take the third place. Discrimination obtaining 111, (85.4%) to take the fourth place as a cause of industrial disputes between GNAT members and their employers.



**Figure 4.2: Causes of industrial Disputes**

*Source:* researcher's field study

#### **4.4 Effectiveness of Mechanisms Provided in the Labour Act**

All the respondents were asked to respond to a question put out to them on whether they think the Labour Act has put together enough mechanisms for resolving various industrial disputes between industrial disputants specifically members of GNAT and their employers. From table 4.5 below 106 (i.e.93 +13) respondents answered questions related to the effectiveness of the mechanisms for resolving industrial disputes and 36 respondents did not answer the questions posed to them. Out of the valid responses, 93 (87.7%) agreed to the fact that there were enough mechanisms in the Labour Act to resolve industrial disputes. Thirteen respondents representing 12.3% of the valid responses disagreed to this. They stated that there were no adequate and effective mechanisms provided in the Labour Act to resolve industrial disputes.



**Table 4.5: Effectiveness of Mechanisms for resolving industrial disputes**

Responses	Frequency	Percent
Yes	93	65.5
No	13	9.2
No Response	36	25.4
Total	<b>142</b>	<b>100.0</b>

*Source:* Researcher's field study

#### **4.4.1 Why the mechanisms fail**

From table 4.5 above it was realised that majority of the respondents believe that the mechanisms provided in the Labour Act were adequate and effective in resolving industrial disputes. Then the question that could be asked is how come GNAT members do embark on strike action during dispute between them and their employers when in fact the dispute resolution mechanisms provided in the Labour Act have not been exhausted? The researcher therefore requested the executive members of GNAT to answer the steps they would adopt as a first step in resolving disputes between its members and their employers. Table 4.6 below shows the procedures that GNAT Executives would recommend or adopt as the first step when there is a dispute. From the responses, 8 out of 10 suggested negotiation with 2 opting for strike as the first response. It was noted that apart from negotiation most of the GNAT Executives did not believe in the remaining stages of the dispute resolution. These are mediation through to compulsory arbitration. It is believed that the government at this stage is usually adamant to give in to their demands. They believe that the government usually exploits the procedures for resolving industrial disputes enshrined in the Labour Act to buy time

and by so doing they unduly delay in reaching any agreement. Thus, the Executives usually request their members to embark on strike as a result of frustration they usually encounter during mediation or arbitration. They maintained that the only action that compels their employers to adhere to their demands is strike action. It was made clear that it was through strike that the government would usually consider their issues hence the trend of going on strike with a least delay by their employers in resolving a dispute between them. According to Obeng-Fosu (2002), if management and labour are to retain their institutional identities, they must disagree and must act on the disagreement. For Kerr (1954) dispute is essential to survival. The union which is in constant and complete agreement with management has ceased to be a union. It has destroyed itself; and the same is true for management. It is clear therefore that members of GNAT would use more radical methods such as strike during dispute between them and their employers to assert their independence and identity and also compel their employers to give in to their demands.

**Table 4.6: Which step should be adopted as first option for dispute resolution?**

Variables	Frequency	Percent (%)
Negotiation	8	80.0
Strike Action	2	20.0
<b>Total</b>	<b>10</b>	<b>100.0</b>

*Source:* researcher's field study

#### **4.5 Knowledge Level of Members in the Labour Act**

The analysis on this part focuses on the knowledge level of the members of GNAT in the Labour Act. From table 4.7 below 1(0.7) respondent stated that he has very high knowledge in the Labour Act whilst 29(20.4%) respondents responded that they have high knowledge. A whopping number of respondents, 69(48.6%) maintained that their knowledge level in the Labour Act is low. Thirty seven respondents representing 26.1% said that they did not have any knowledge at all in the Labour Act.

**Table 4.7: Knowledge level in the Labour Act**

Responses	Frequency	Percent
Very high	1	0.7
High	29	20.4
Low	69	48.6
None	37	26.1
No response	6	4.2
Total	<b>142</b>	<b>100</b>

*Source:* researcher's field study

##### **4.5.1 How members got to know of the Labour Act**

From table 4.8 below out of the 146 respondents, 118 stated that they have knowledge of the existence of the Labour Act whilst 28 said that they did not know of the Labour Act. The researcher went ahead to find out the mode by which they got to know of the Labour Act. From table 4.8 below 118 were aware of the existence of the Labour Act. Out of this, 86 got to know about the Labour Act through public education, 14

suggested that they got to know about it through Seminar and 18 got to know it through inquiry.

It could be realised from table 4.8 below that public education serves as more effective way that members of GNAT got to know about the existence of the Labour Act. It can also be identified that Seminars account for the least percentage of mode by which the respondents acquired knowledge of the Labour Act. It has been noted however that seminar is one of the most effective ways of letting workers to have knowledge in the Labour Act especially as that mode is target specific.

**Table 4.8: How did you know the Labour Act?**

Variable/Responses		Through Public Education	Through Seminar	Inquired about it	Total
Know Labour Act	Yes	86	14	18	<b>118</b>
	No	-	-	-	<b>28</b>
	<b>Total</b>	<b>86</b>	<b>14</b>	<b>18</b>	<b>146</b>

*Source:* Researcher's field study

#### **4.5.2 Do you have a copy of the Labour Act?**

The respondents were made to indicate whether they have copies of the Labour Act.

**Table 4.9: Have a copy of the Act**

Responses		Total	Percentage
Have a copy of the Act	Yes	17	12
	No	125	88
	<b>Total</b>	<b>142</b>	100

*Source:* Researcher's Field Study

From table 4.9 above it could be deduced that only 17 out of 142 respondents have copies of the Labour Act whilst 125 responded that they did not have copies. This situation limits the ability of members of GNAT to have ready access to a copy of the Labour Act to enable them read it to enrich their knowledge and skills in industrial relations. This is a demonstration of the members of GNAT lack of knowledge in the Labour Act. Thus, from table 4.7 supra only one respondent stated that his knowledge level in the Labour Act was very high whilst 69 respondents indicated that they had no knowledge at all in the Labour Act. It is in the interest of members of GNAT as workers to own a copy each of the Labour Act to enable them read it to upgrade their knowledge level in Labour laws. If this is not done it will leave them at the mercies of their employers who are well resourced in terms of skilful professionals and technocrats who have indepth knowledge in the Labour Act and other related labour laws. Thus, their employers are able to use the provisions in the Labour Act to their advantage without difficulties as against the members of GNAT.

### **4.5.3 How often respondents read Labour Act**

**Table 4.10: How often do you read the Labour Act**

	How often do you read the Labour Act			
	Very Often	Often	Don't Read at all	Total
Responses	1	16	125	142

*Source:* researcher's field study

The respondents were made to indicate whether they read the Labour Act. Only one respondent indicated that he reads the Labour Act very often whilst 125 stated that they do not read the Labour Act at all. Sixteen respondents also responded that they often read it. This analysis can be found on table 4.10 above. Certain factors may account for this situation. One of such factors was that, majority of the respondents did not have copies of the Labour Act. The respondents were made to indicate whether they have copies of the Labour Act. For example 88% of the respondents in table 4.8 above stated that they did not own copies of the Labour Act.

#### **4.5.4 Reasons for not having a copy of the Labour Act**

The respondents were asked to state the reasons for not having a copy of the Labour Act. The reasons were grouped into four main areas as has been shown in table 4.11 below. It was realised that 101 respondents out of the total 114 valid responses complained about their inability to find a copy of the Labour Act in the open market. Only one respondent stated that it can be found but it is very expensive whilst 6 respondents were of the view that they would not understand when they read it. This situation brings to light the question of accessibility of the Labour Act in the open market to enable all workers to gain access to it. It can be suggested that this is one of the major causes of less knowledge of GNAT members in the provisions of the Labour Act.

**Table 4.11: Reasons for not having a copy of the Labour Act**

Variables	Frequency	Percent (%)
Can't Find it on the Market	101	71.1
Can be found but expensive	1	.7
Will not understand the terms when I read	6	4.2
Others	6	4.2
No response	28	19.7
<b>Total</b>	<b>142</b>	<b>100</b>

*Source:* researcher's field study

#### **4.5.5 GNAT should educate its members in the Labour Act**

The researcher investigated into whether the respondents would want the GNAT to organise programmes to educate them on the provisions of the Labour Act. From table 4.12 below out of 142 respondents, 134 responded in affirmative that GNAT should educate its members on the provisions in the labour Act. It is noted that GNAT can do this through seminars and public lectures. GNAT can also procure number of copies of the Labour Act and make same available to its members. This would ensure that members will have ready access to the Act and read it frequently.

**Table 4.12: GNAT should educate its members in the Labour Act.**

Variables	Frequency	Percent
Yes	134	94.4
No response	8	5.6
<b>Total</b>	<b>142</b>	<b>100</b>

*Source:* Researcher's field study.

#### **4.6 Conclusion**

It could be concluded that even though the knowledge level of the members of GNAT in the Labour Act was very low, their desire to acquire some kind of knowledge in the Labour Act was quite significant. It is therefore important that GNAT gives due consideration to educating their members in the Labour Act in particular and issues of labour relations in general.



## **CHAPTER FIVE**

### **SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS**

#### **5.0 Introduction**

This chapter deals with the summary of the findings, conclusion and recommendations of the study. The summary of findings focuses on causes of dispute between GNAT members and their employers, assessment of the effectiveness of the mechanisms for resolving industrial disputes, knowledge Level of Members in the Labour Act and the reasons for not having a copy of the Labour Act. The recommendations were premised on the findings and they are included: education for members and executives of GNAT, making available copies of the Labour Act to members of GNAT and salaries as major source of dispute.

#### **5.1 Summary of findings**

Based on the research conducted, the study revealed the following findings:

##### **5.1.1 Causes of Disputes between GNAT members and their employers**

The research revealed four main causes of industrial dispute between members of GNAT and their employers (GES). The respondents identified the following as the main causes of dispute between them and their employers.

- i. Salaries
- ii. Promotion
- iii. Working conditions
- iv. Discrimination

The respondents identified salaries as the first cause of dispute. Ninety eight respondents stated that issues regarding salaries are the first cause of dispute between them and their employers (GES) which represents the government. It was followed by issues of promotion which has 70 respondents. Working conditions was the third cause of dispute. Forty respondents agreed that issues concerning general working conditions brings dispute between them and their employers. According to the respondents discrimination was the fourth cause of dispute. One hundred and one respondents ranked discrimination as the fourth cause of dispute between GNAT members and their employers. This finding could be found in table 4.4 above.

From the findings we may infer that the general economic trend in the country influences the members of GNAT to demand more from their employers. The continuous increase in prices of goods and services is a recipe for workers to demand better salaries to make ends meet. Thus, it is not surprising that issues of salaries were ranked first as cause of dispute.

### **5.1.2 Assessment of the effectiveness of the mechanisms for resolving industrial disputes**

Under this, respondents were made to assess the effectiveness of the mechanisms enshrined in the Labour Act in resolving industrial disputes specifically between members of GNAT and their employers. The Respondents were asked to assess whether they really think that the mechanisms for settling industrial disputes provided in the Labour Act were adequate and effective and could really serve the interest of both

parties in settling their differences when disputes arose between them. One hundred and six respondents answered the question related to the effectiveness of the mechanisms for resolving industrial disputes whilst 36 respondents did not answer it at all. Ninety three respondents agreed to the fact that there were enough mechanisms in the Labour Act to resolve industrial disputes. Thirteen disagreed to this. They stated that the mechanisms enshrined in the Labour Act in resolving industrial disputes are not effective.

From the above finding it is clear that members of GNAT do appreciate the mechanisms provided in the Labour Act in resolving industrial disputes. It is therefore surprising that in most cases members of GNAT would embark on strike action when there is a dispute between them and their employers when these mechanisms have not been exhausted. This could be that the members of GNAT do not have patience to completely exhaust the procedures before they embark on strike. It could also mean that their employers exploit the mechanisms to their advantage. This is possible because parties to industrial disputes are required to systematically go through the procedure which ranges from negotiation, mediation and then arbitration. During this period the Labour Act proscribes the use of strike actions by workers. It is therefore important to point out that when the respondents were asked which of the methods they would recommend as a first step in resolving industrial disputes between them and their employers, 80% of the respondents stated that they would recommend negotiation whilst only 20% stated that they would embark on strike action. Thus, the research has made a finding of fact that

GNAT members do appreciate the mechanisms enshrined in the Labour Act in resolving industrial disputes between them and their employers.

### **5.1.3 Knowledge Level of Members in the Labour Act**

Under this, the respondents were asked to indicate how they got to know the existence of the Labour Act. The respondents stated the mode by which they got to know of the Labour Act. One hundred and eighteen respondents were aware of the existence of the Labour Act. With this, 86 respondents got to know about the Labour Act through Public education, 11 respondents maintained that they got to know about it through Seminar and 18 got to know it through inquiry. From the above finding it can be said that most members of GNAT are aware of the existence of the Labour Act.

Another question that the respondents were made to answer to examine the respondents' knowledge level was whether they own a copy of the Labour Act. Sixty two percent of the respondents stated that they did not own copies of the Labour Act whilst 38% stated that they owned copies. It is clear from the findings that accessibility to the Labour Act is a problem. It is not surprising that out of 142 respondents only one said he has high knowledge in the Labour Act. Sixty nine respondents have low knowledge in the Labour Act whilst 37 respondents do not have any knowledge at all in the Labour Act. Only 29 respondents have high knowledge in the Labour Act. The finding of fact here is that even though most GNAT members have knowledge of the existence of the Labour Act majority of them do not own copies and as a result their knowledge level is very low.

#### **5.1.4 Reasons for not having a copy of the Act**

Respondents were to also determine the reason for not having a copy of the Labour Act. One hundred one respondents complained about their inability to find a copy of the Labour Act on the market. Only one respondent stated that the Labour Act can be found on the open market but it is very expensive. Six respondents stated that they do not have a copy of the Labour Act because they will not understand when they read it. This finding that the Labour Act cannot be found on the open market should be a worry to all concerned and it must be addressed. The legal maxim that “ignorance of the law is no excuse” should guide GNAT and for that matter their members to do all that is possible to secure copy of the Labour Act to enable them read to understand what are required of them during industrial dispute and other related labour issues.

#### **5.2 Conclusion**

In conclusion, it could be said that members of GNAT including their Executive members appreciate the effectiveness of the mechanisms that are enshrined in the Labour Act in resolving industrial dispute; however their knowledge level in the provisions of the Labour Act is very low. This low level knowledge in the Labour Act accounts for the reason why members of GNAT are in most cases prefer to adopt other methods in dealing with their employers in times of dispute. It could also be concluded that the inability of members of GNAT to secure copy of the Labour Act for themselves contributes to their low level knowledge in the Act. It is hoped that a continuous education in the form of seminars or symposia for both members and the Executives

would go a long way to ensuring that the provisions in the Labour Act are adhered to, especially those provisions that relate to disputes resolution.

### **5.3 Recommendations**

The researcher makes the following recommendations based on the research findings and the research objectives.

#### **5.3.1 Education for GNAT members and Executives**

The study has shown that both members of GNAT and the executives have very low knowledge in the provisions of the Labour Act. This situation accounts for the reason why GNAT members in most cases would want to use any means other than those that are provided for in the Labour Act in resolving industrial disputes between themselves and their employers. It is therefore recommended that the GNAT executives in conjunction with the Labour Commission should organise series of seminars, symposia and lectures for the members of GNAT and the executives to educate them in the provisions of the Labour Act and other related labour issues.

#### **5.3.2 Copies of the Labour Act be made available**

Another finding that was made by the researcher was that majority of members of GNAT including the executive members did not own copy of the Labour Act. The reason assigned for this was that they cannot find the Labour Act on the open market. To a large extent this assertion is true because most bookshops around including university bookshops do not generally sell Acts of Parliament and as a result it becomes

very difficult to get a copy of Acts of Parliament to buy in the open market. This problem may be overcome if GNAT as a body could liaise with the Labour Commission and Publishing Corporation the sole printers of Acts of Parliament to print quantities of the Labour Act for distribution to members of GNAT.

Further the Labour Commission should endeavour to make copies of the Labour Act available in all major public libraries so that workers can have access to the Act and read it. Again, a law could be passed to make it obligatory for every employer to ensure that their workers own a copy of the Labour Act.

### **5.3.3 Education on the Labour Act**

#### **i. By GNAT**

Another finding made by the researcher was that majority of the respondents; 69 of them stated that they have low knowledge in the Labour Act whilst 37 stated that they have no knowledge at all in the Act. Again the respondents recommended that GNAT should organize education for them to educate them on Act. One hundred and thirty four respondents called on GNAT to organise public education on the Labour Act for them. Upon the bases of these findings it is recommended that GNAT should work in conjunction with constitutional institutions and other state institutions such as the National Commission on Civic Education (NCCE), the National Labour Commission and Ghana Bar Association (GBA) to hold seminars, symposia and public lectures for GNAT members to educate them in the provisions of the Labour Act. It is believe that when members of GNAT who are all teachers have adequate knowledge in the Labour

Act it will go a long way to help teach students/pupils who are future workers of the nation.

**ii. By Labour Commission**

It is further suggested that the Labour Commission should take upon itself to organise series of public education to educate all workers and the general public as a whole on the provisions of the Labour Act. This is borne out of the fact that if workers have adequate knowledge in the Labour Act it will minimise industrial disputes and the rights of both employers and workers would be respected. To start with the Labour Commission may organise seminars and symposia for union leaders who are the ones they negotiate with management on behalf of workers.

**5.3.4 Salaries as major source of dispute**

The study shows that salaries are the first major cause for industrial disputes between GNAT members and their employers. The direct effect of this situation is the high labour turnover in the GES especially the young ones. It is suggested that the general economy should be improved upon. It is further suggested that a comprehensive working condition that would enhance the living standard of the GNAT members be worked out. This package may include opportunities for members of GNAT to develop themselves. The distant learning education for teachers for example is highly recommended. What the researcher would want to recommend is that teachers who pursue this programme should be given a rebate which could ultimately increase their



real incomes. Government is also encouraged to hold the bull by the horn by looking into the salary structure of teachers so the same could be enhanced.

#### **5.3.5 Issues concerning promotion**

Issues of promotion were rated the second cause of dispute between GNAT members and their employers. This means that if no solution is found to it, it can degenerate. It is therefore recommended that the promotion procedures and processes be made open and transparent by the GES to members of GNAT. In this direction a brochure should be printed by the GES detailing the procedures and processes that one has to go through get promotion. Copies of these brochures should be supplied to all stakeholders. Further, the GES must be able to identify opportunities and have members to take advantage thereof. When this is done it will go a long way to reduce the high labour turnover in the GES.

## REFERENCES

- Cole, G.A. (1995), *Organisational Behaviour: Theory and Practice*. London: D.P Pub. Ltd.
- Chan Edwin, H.W. and Sue Henry, C.H. (2005), *Dispute Resolution Management for International construction Projects U.K. Journal of Management Decision*.
- Davis, W.H., (1947), “*Collective Bargaining and Economic Progress*”, in *Industrial Disputes and the Public Interest* (Berkeley and Los Angeles: Institute of Industrial Relations, University of California), pp 12-13.
- Elangovan, E.R. (2005), *Framing Effects in Managerial Third Party Intervention*, Vol. (26) 7: 542-557, *Journal of Leadership & Organisation Development*, U.K.: Emerald Group Publishing Ltd.
- Elangovan, E.R. (2002) *Managerial Intervention in Disputes*, Vol.(23)7: 390-399, *Journal of Leadership and Organisation Development*, U.K. MCB UP Ltd.
- Kerr, *Industrial Conflict and Its Mediation* Vol. 60, No. 3 (Nov., 1954), pp. 230-245  
Published by: American Journal of Sociology, the University of Chicago Press
- Kaufman, B.E., and Hotchkiss J.L., (2003), *The Economics of Labour markets*, 6<sup>th</sup> Ed., Mason O.H: South West
- Obeng- Fosu, P. (2005), *Industrial Relations in Ghana: The law and Practice*. 3<sup>rd</sup> Ed., Accra: Ghana University Press. pp 104-109.

Obeng- Fosu, P. (2002), *Industrial Relations in Ghana: The law and Practice* 2<sup>nd</sup> Ed.,  
Accra: Ghana University Press.

Constitution of Republic of Ghana, 1992

Labour Act, 2003 (Act 651)

Industrial Relation Act, 1965 (Act 299)

Labour Decree, 1967 (N.L.C.D 157)

Ordinance No 20 CAP 90: Conspiracy and Protection of Property

Ordinance No.20 CAP 91: Trade Unions

Ordinance No.20 CAP 93: Ordinance No. 20 CAP 93: Trades Disputes (Arbitration and  
Inquiry).

Legislative Instrument 1882

(<http://www.jstor.org/stable/27767176>). Date accessed: 5<sup>th</sup> June, 2012

(<http://www.wordtradelaw.net/articles/dunoffmisfits.pdf>). Date accessed: 5<sup>th</sup> June, 2012

([http://en.wikipedia.org/wiki/Industrial\\_Disputes](http://en.wikipedia.org/wiki/Industrial_Disputes)). Date accessed: 5<sup>th</sup> June 2012.

([http://en.wikipedia.org/wiki/Union\\_violence](http://en.wikipedia.org/wiki/Union_violence)). Date accessed: 5<sup>th</sup> June, 2012 .

(<http://indiaguide.hubpages.com/hub/Highlights-of-Industrial-Disputes>). Date accessed:  
13<sup>th</sup> June, 2012

(<http://www.slideshare.net/sultanpur/industrial-disputes-11600495>). Date accessed: 13<sup>th</sup>  
June 2012.

(<http://www.jstor.org/stable/4401140>). Date accessed: 13th June 2012.

(<http://www.jstor.org/page/info/about/policies/terms.jsp>).Date accessed: 13<sup>th</sup> June, 2012

KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY  
KNUST BUSINESS SCHOOL  
DEPARTMENT OF HUMAN RESOURCES MANAGEMENT

QUESTIONNAIRE FOR MEMBERS OF GNAT FROM SELECTED SCHOOLS IN  
THE KUMASI METROPOLIS.

**THESIS TOPIC:** ASSESSMENT OF THE LABOUR ACT, 2003 (ACT 651) IN  
RESOLVING INDUSTRIAL DISPUTES. CASE STUDY: MEMBERS OF GNAT IN  
SELECTED SCHOOLS IN THE KUMASI METROPOLIS.

**INTRODUCTION**

I wish to introduce myself to you as a Master of Business Administration (MBA) student of the School of Business, Kwame Nkrumah University of Science and Technology. As part of the programme, I am required to write a thesis on a topic: Assessment of the Labour Act, 2003 (Act 651) in resolving industrial disputes. Case study: Members of GNAT in selected schools in the Kumasi Metropolis. Your school has been selected by the researcher as part of the sampled population. I would therefore be most grateful if you could spare some few minutes of your precious time to answer the following questions. The information hereby gathered from you shall be strictly used for academic purposes only and in consequence shall be treated with utmost confidential. I therefore appeal to you to answer the following questions. I shall come for the questionnaire three days later.

Thank you for your corporation.

**GENERAL INSTRUCTIONS**

- i. Where alternative answers have been provided please tick the appropriate response.
- ii. For other questions where no alternative answers are given you are required to provide your answer(s) in the space provided.

1. GENDER Male [ ] Female [ ]

2. Are you still in active teaching? Yes [ ] No [ ]

Proceed to answer the subsequent questions if your answer to question 2 is yes

3. In which school do you teach?

.....

4. Are you a member of GNAT YES [ ] NO [ ]

Please proceed to answer the questions below if your answer to question 4 is Yes.

5. Do members of GNAT normally have dispute with their employers i.e. GES or Government?

YES [ ] NO [ ]

If question 5 is yes please proceed to answer question 6 and the subsequent questions but proceed to answer question 7 and the subsequent questions if your answer is No.

6. Please state three main causes of such disputes.

i. ....

ii. ....

iii. ....

7. Rank the following as causes of industrial dispute between members of GNAT and their employers. Please rank them in the following manner a, b c...in that order.

Salary increment, [ ] Promotion, [ ] Discrimination for forming GNAT [ ]

General working conditions [ ]

8. Do you know that there is a law called the Labour Act, 2003, (Act 651)  
 Yes [ ] No [ ]  
 If your answer to question 8 is yes, then answer question 9
9. How did you get to know the existence of the Labour Act?  
 Through public education [ ]  
 Through seminar [ ]  
 I inquired about it [ ]
10. Do you have a copy of the Labour Act? Yes [ ] No [ ]  
 If question 10 is yes, answer question 11. If No, answer question 12
11. How often do you read the Labour Act?  
 Very often [ ]  
 Often [ ]  
 Don't read it at all [ ]
12. Why don't you have a copy?  
 Can't find it on the market [ ]  
 Can be found on the market but very expensive [ ]  
 Will not understand the terms when I read [ ]  
 Others (specify).....
13. Have you attended any conference/meeting where the Labour Act was discussed?  
 Yes [ ] No [ ]
14. What is your knowledge level in the Labour Act?  
 Very high [ ]  
 High [ ]  
 Low [ ]  
 None [ ]

15. Do you know the various mechanisms provided in the Labour Act in resolving industrial disputes? YES ☐ NO ☐
16. Which of the following would you recommend as a first step to be adopted by members of GNAT in resolving industrial disputes with their employers?  
Mediation ☐ Arbitration ☐ Strike action ☐ Negotiation ☐
17. Have you ever participated in strike action called by GNAT?  
☐ Yes  
☐ No
18. Please give reasons to your answer in question 17.  
.....  
.....  
.....
19. Under what circumstance would you go on strike?  
When decided by GNAT executives ☐  
When all avenue(s) for resolving disputes have been exhausted ☐  
To exercise my right as a member of GNAT ☐
20. Do you know about the Labour Commission?  
Yes ☐ No ☐  
If your answer to question 20 is yes proceed to answer question 21 and the subsequent questions but if No proceed to answer question 22 and the subsequent questions.
21. How did you get to know the existence of the Labour Commission?  
Through public education ☐ through the reading of the Labour Act ☐  
Through seminar/meeting ☐  
Others specify .....



22. Which of the following would the Labour Commission adopt as a first step in resolving industrial dispute?  
Mediation [ ☐ ] Arbitration [ ☐ ] Strike Action [ ☐ ] None [ ☐ ]
23. With your knowledge in the Labour Act, rank the following industrial dispute mechanisms as they are used in resolving industrial disputes.  
Use a, b, c, d.....in that order.  
Negotiation [ ☐ ], Arbitration [ ☐ ], Mediation [ ☐ ], Compulsory Arbitration [ ☐ ],  
Strike Action [ ☐ ]
24. In your opinion do you think the mechanisms provided in the Labour Act in resolving industrial disputes are effective? YES [ ☐ ] NO [ ☐ ]
25. Please give reasons for your answer in question 24  
.....  
.....  
.....
26. What other effective procedures would you recommend for resolving any future industrial disputes between members of GNAT and their employers?  
.....  
.....
27. Would you recommend that GNAT should organize seminar for its members to educate them on the provisions in the Labour Act? Yes [ ☐ ] No [ ☐ ]
28. Please give reason(s) for your answer to question 27.  
.....  
.....

*Thank you very much for your precious time!!!*

KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY  
KNUST BUSINESS SCHOOL  
DEPARTMENT OF HUMAN RESOURCES MANAGEMENT

QUESTIONNAIRE FOR EXECUTIVE MEMBERS OF GNAT, ASHANTI REGION.

**THESIS TOPIC:** ASSESSMENT OF THE LABOUR ACT, 2003 (ACT 651) IN  
RESOLVING INDUSTRIAL DISPUTES. CASE STUDY: MEMBERS OF GNAT IN  
SELECTED SCHOOLS IN THE KUMASI METROPOLIS.

**INTRODUCTION:**

I wish to introduce myself to you as a Master of Business Administration (MBA) student of the School of Business, Kwame Nkrumah University of Science and Technology, KNUST. As part of the programme, I am required to write a thesis on a topic: Assessment of the Labour Act, 2003 (Act 651) in resolving industrial disputes. Case study: Members of GNAT in selected schools in the Kumasi Metropolis. As Executive members of GNAT in the Ashanti region you have been selected by the researcher as part of the sampled population. I would therefore be most grateful if you could spare some few minutes of your precious time to answer the following questions. The information hereby gathered from you shall be strictly used for academic purposes only and in consequence shall be treated with utmost confidential. I therefore appeal to you to answer the following questions. I shall come for the questionnaire three days later.

Thank you for your corporation.

**GENERAL INSTRUCTIONS**

- iii. Where alternative answers have been provided please tick the appropriate response.
- iv. For other questions where no alternative answers are given you are required to provide your answer(s) in the space provided.

*Please tick the one that is applicable*

1. GENDER Male [ ] Female [ ]
2. Are you a member of the executives of GNAT Ashanti Region? Yes [ ] No [ ]  
Please proceed to answer the following questions if your answer to question 2 is yes
3. What position do you hold?  
.....
4. Do members of GNAT normally have dispute with their employers i.e. GES or Government?  
YES [ ] NO [ ]  
If question 4 is yes please proceed to answer question 5 and the subsequent questions but proceed to answer question 6 and the subsequent questions if your answer is No.
5. Please state three main causes of such disputes.  
iv. ....  
v. ....  
vi. ....
6. Please rank the following as causes of industrial dispute between members of GNAT and their employers i.e. GES or government. Please rank them in the following manner a, b c...in that order. Salary increment, [ ] Promotion, [ ] Discrimination for forming GNAT [ ] General working conditions [ ]
7. Do you know that there is a law called the Labour Act, 2003, (Act 651)  
Yes [ ] No [ ]  
If your answer to question 7 is yes, then proceed to answer question 8 and the subsequent questions but if No proceed to answer question 9 and the subsequent questions.

8. How did you get to know the existence of the Labour Act?  
 Through public education [ ☐ ]  
 Through seminar [ ☐ ]  
 I inquired about it [ ☐ ]  
 Others specify .....  
 .....
9. Do you own a copy of the Labour Act? Yes [ ☐ ] No [ ☐ ]  
 If the answer to 9 is yes, proceed to answer question 10. If No, answer question 11
10. How often do you read the Labour Act?  
 Very often [ ☐ ]  
 Often [ ☐ ]  
 Don't read it at all [ ☐ ]
11. Why don't you have a copy of the Labour Act?  
 Can't find it on the market [ ☐ ]  
 Can be found on the market but very expensive [ ☐ ]  
 Will not understand the terms when I read [ ☐ ]  
 Others (specify).....  
 .....
12. Have you attended any conference/meeting where the Labour Act was discussed?  
 Yes [ ☐ ] No [ ☐ ]
13. What is your knowledge level in the provisions of the Labour Act?  
 Very high [ ☐ ]  
 High [ ☐ ]  
 Low [ ☐ ]  
 None [ ☐ ]

14. Do you know the various mechanisms provided in the Labour Act in resolving industrial disputes? YES ☐ NO ☐
15. Which of the following would you recommend as a first step to be adopted by members of GNAT in resolving industrial disputes with their employers?  
Mediation ☐ Arbitration ☐ Strike action ☐ Negotiation ☐
16. Has GNAT ever asked its members to embark on strike action during a dispute between its members and their employers?  
☐ Yes  
☐ No
17. At what stage of dispute resolution would GNAT ask its members to embark on strike action?  
At the negotiation stage ☐ At the mediation stage ☐ At the arbitration stage ☐  
Immediately the dispute arises ☐
18. Please give reason(s) to your answer in question 17.  
.....  
.....  
.....
19. Do you know about the Labour Commission?  
Yes ☐ No ☐  
If your answer to question 18 is yes proceed to answer question 19 and the subsequent questions.
20. How did you get to know about the existence of the Labour Commission?  
Through public education ☐ Through the reading of the Labour Act ☐  
Through seminar(s)/ meeting(s) ☐  
Others specify .....

21. Which of the following would the Labour Commission adopt as a first step in resolving industrial dispute between GNAT members and their employers?  
Mediation [ ] Arbitration [ ] Strike Action [ ] None [ ]
22. With your knowledge in the Labour Act, rank the following industrial dispute mechanisms as they are used in resolving industrial disputes.  
Use a, b, c, d.....in that order.  
Negotiation [ ], Arbitration [ ], Mediation [ ], Compulsory Arbitration [ ],  
Strike Action [ ]
23. In your opinion do you think the mechanisms provided in the Labour Act in resolving industrial disputes have been effective in resolving industrial disputes between members of GNAT and their employers? YES [ ] NO [ ]
24. Please give reasons for your answer to question 22.  
.....  
.....  
.....
25. What other effective procedures would you recommend for resolving any future industrial disputes between members of GNAT and their employers?  
.....  
.....
26. Prior to your appointment as Executive member, did you receive any training/education in the Labour Act? Yes [ ] No [ ]
27. Has GNAT ever adopted the dispute resolution mechanisms provided in the Labour Act in resolving industrial disputes?  
Yes [ ] No [ ]  
If paragraph 26 is yes then answer question 27.

28. What was the outcome? Favourable [ ☐ ] Unfavourable [ ☐ ]
29. Which of the following would you recommend for the members of GNAT to adopt in case of industrial dispute between GNAT and its employers?
- Arbitration [ ☐ ]
- Negotiation [ ☐ ]
- Strike Action [ ☐ ]
- Mediation [ ☐ ]
- Demonstration [ ☐ ]
30. Please state your reasons for your answer to question 29 above
- .....
- .....
- .....
31. Would you recommend that GNAT should organize seminars for its members to educate them on the provisions in the Labour Act? Yes [ ☐ ] No [ ☐ ]
32. Please give reason(s) for your answer to question 31.
- .....
- .....
- .....

*Thank you for your precious time!!!*