

University part-time lecturer's union and sustainable university education and societal empowerment

By

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Abstract

Part time lecturers popularly known as associate faculty are the backbone of the university teaching and research, but also misused and abused by most private and public universities in Kenya. The problem is since there is no union covering them and to struggle for their benefits and welfare, they are unable to complain or take legal action against the university management council/boards. The objective of the study is to investigate why the part-time lecturers do not have their own union like their counterparts' full time lecturers in public universities, for sustainable university education and the societal empowerment. The paper adopts analytical method through document analysis. The key results include one, if the union will be started and registered, it will cater for the welfare of part time lecturers;two,there are three categories of part time lecturers as part-time unemployed lecturers,parttime employed lecturers in other organizations apart from universities,parttime lecturers employed in universities as full time lecturers, therefore, the two latter categories are the ones who would not cooperative and fail to register in the organization because of fear of victimization by their employers. It is concluded, if the union will be registered, many part time lectures will join and it will be powerful, since part time are many than full time lecturers in universities. the university managements in universities take long duration, more than one year to pay the unemployed part time lecturers and as a consequence become unable to start and register a union. It is recommended unemployed part time lecturers to unite and register their union in the registrar of companies and association, because "United they will stand and become powerful and exploit their academic achievements in universities".

Key Words: Union, Part time lecturers, welfare, Registration

Introduction to Historical background of the study

The trade union was established in Kenya to cater for the welfare of the workers, both the employers and employees. Enactment of the first trade union Law was in 1949, when a trade union registration ordinance, compulsory labour Act and deportation ordinance were introduced to give the government stronger powers of control over unions and workers (Aluchio, 1998). Thus, the trade union Act of Kenya (cap. 233), defines a trade union as

- (a) An association or combination whether temporary or permanent of more than six persons (other than a staff association, employees' organization not deemed to be a trade union under section 3 of this Act), the principal objects of which are under its constitution, the regulation, of the relations between employers and employees or between employees and employees and between employers and employers, whether such combination would or would not, if this Act or any Act thereby repealed had not been enacted, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade. Or
- (b) An association or combination of trade unions; provided that nothing in this Act shall: (i) affect any agreement between partners as to their own business or
- (c) Any agreement between an employer and those employed by him as to such employment
- (d) Any agreement in consideration of sale of the goodwill of a business or of instruction in any profession, trade or handicraft or
- (ii) Preclude any trade union from providing benefits for its members.

According to Coates (1982), defines trade union as "... a continuous association of wage earners for the purpose of maintaining or improving the conditions of their employment.

All the definitions are applicable to, Part time lecturers popularly known as associate faculty are the backbone of the university teaching and research, but also misused and abused by most private and public universities in Kenya. There is no societal empowerment if the part time lecturers are abused academically. Academic abuse refers to a situation where a scholar or academician works in the higher institution of learning and cannot be paid in the right time. This arena leads non societal empowerment. Empowerment rests on the principle that recognizes strengths, gifts, talents and assets of individuals and communities are likely to inspire action for change than exclusive focus on the needs and problems (Okebiro, 2014), leading to societal

empowerment and sustainable development. There are three categories of part time lecturers as part-time unemployed lecturers, part-time employed lecturers in other organizations apart from universities, part-time lecturers employed in universities as full time lecturers, therefore, the two latter categories are the ones who would not be cooperative and fail to register in the organization because of fear of victimization by their employers. If the union will be started and registered, it will cater for the welfare of part time lecturers. When they are not paid they have a dispute. This dispute is academically referred to as “industrial dispute” which is unrest in labour which expresses itself in many ways. The most striking feature of labour unrest is the protest through strikes or stop working in places of work. According to Okebiro (2014), the university management has unfair academic treatment of associate lecturers/part time lecturers as regards to borrowing textbooks from library, payments and other benefits in the university. Part time lecturers are core and key in the teaching pillar in universities and if they cannot be treated well, they would equally offer poor services and as a consequence compromise the standards of education, which is a source of sustainable university education and societal empowerment. Lowenthal (1994) stated the belief that Business Process Reengineering (BPR) analysis to be undertaken on the redesign of organization/university processes and structure should focus on core competencies as a key element of improving performance. It is expected that if the part time lecturers union of Kenya is established there will be sustainable university education and societal empowerment. The expectation is that the role description may be a way to confirm that all employees/lecturers are expected to step forward where needed and learn a wider set of skills to serve greater good of the overall organizations/university (Leonard, 2000).When the lecturers are given opportunity to express their views, there will be Total Quality Management(TQM) which refers to paradigms designed to emphasize and achieve incremental improvement in work methods and procedures over an undefined period of time,BPR deals with discrete measures that are designed to achieve work designs that altered radically and significantly improved in specific time frame (Devonport,1993;Malhotra,1998).

When Total Quality Management (TQM) and Business Process Reengineering (BPR) approaches will be followed technically the part time lecturers would realize their rights as employees. The only difference between the full time lecturers and part-time is employment terms where the former is employed full and pensionable and the latter is through partial/par time and un-pensionable basis. The qualification, competence, experience and professionalism can be

at the equilibrium. The rights of an employee or worker are contained in terms and conditions of employment which usually forms the basis of collective bargaining agreement (Aluchio, 1998). The terms and conditions of employment are the general rules which govern employment contract. Therefore, the part time lecturer's union would be registered through the terms and conditions of employment as regulated by Acts of parliament which include the following:

- (i) The Employment Act (cap.226) of the laws of Kenya.
- (ii) Regulations of wages and conditions of Employment Act (cap.229) of the laws of Kenya.
- (iii) The Trade Disputes Act (cap.234) of the laws of Kenya.
- (iv) The Service commission Act (cap.185) of the laws of Kenya.
- (v) The pension Act (cap.189) of the laws of Kenya.
- (vi) The National Security Act (cap.258) of the laws of Kenya.
- (vii) The Factories Act (cap.514) of the laws of Kenya.
- (viii) The National Hospital Insurance Fund Act (cap.236) of the laws of Kenya.

Problem statement

The problem is since there is no union covering (The University part time lecturers) and to struggle for their benefits and welfare, they are unable to complain or take legal action against the university management council/boards. Some public universities do not issue letters of appointments in the contracts and becomes difficulty for lecturers to sue the university management for non payments of wages.

The objectives of the study

The objective of the study is to investigate why the part-time lecturers do not have their own union like their counterparts' full time lecturers in public universities, for sustainable university education and the societal empowerment.

Methodology

The research adopted a combination of both descriptive and exploratory survey design to establish the impact of University part-time lecturer's union and sustainable university education and its implications to the society. Kombo and Tromp (2006), noted, concerning descriptive design, that such studies are not only restricted to fact finding, but may often result in the formulation of important principles of knowledge and providing solutions to significant problems. Exploratory studies are discovering investigations that are suitable when researchers are searching for new insights to problems and want to measure phenomena in a new light. Research that use exploratory studies must be prepared to modify their research directions in case new data and insights arise; hence this type of research is flexible and adjustable.

The paper adopted analytical method through document analysis. The use of document analysis as a data generation technique was important in the study. Yin (2009), asserts that documentary information is likely to be very relevant every case study topic. One advantage of document analysis as a source of data in qualitative research is that they enhance the credibility of the study an important aspect of trustworthiness (Jwan and Ong'ondo, 2011).

Key Results

The key results include one, if the union will be started and registered, it will cater for the welfare of part time lecturers; two, there are three categories of part time lecturers as part-time unemployed lecturers, part-time employed lecturers in other organizations apart from universities, part time lecturers employed in universities as full time lecturers, therefore, the two latter categories are the ones who would not cooperative and fail to register in the organization because of fear of victimization by their employers. Recently late January and early February 2016, part time lecturers protested in both private and public universities, over alleged unpaid salaries. The part time lecturers demanded through their part time union to cater for their demands and ensure payment made in the right time. From the reliable sources, it envisaged that the part time lecturer's union of Kenya had no moral authority to purport to represent the interest and demands of the part time lecturers. It is against this reason that the research is done to look for stringent measures to strengthen and ensure the part time union is established and assist part time lecturers to fulfill their goals.

The research found that the Part time lecturers union of Kenya (PTLUK) was operating illegally because it was not registered by the ministry of labour. Therefore, some of the part time lecturers who protested distanced themselves from the union leaders and claimed that they were misled and taught that the union was registered and was the best placed to push for their employers (universities) to clear salary arrears of two to three years (Weekly Citizen, February, 2016).

Further the research found some part time lecturers refused to join the illegal union after they realized that their contracts with respect universities were specific on issues to do with remuneration and there was no way the union would be of any help to purport to settle any real or perceived salary dispute between lecturers and their employers(Universities).

The research found that few public universities give contract letters to part time lecturers, therefore, the becomes difficult for to make claims and it becomes a laughable matter when they make a wild allegation that they were engaged in teaching with no formal back up documents or any identity to show he/she was working in the university system. The private universities are categorical in giving or issuing contract letters of appointments to part time lecturers showing the period the contract ends and terms of service. The private universities are fond of paying part time lecturers, after they have marked and entered the marks into the university examination system.

Part time lecturers are unable to take the university management to court, because a great number of them do not have letters of contract with their universities. And since part time lecturer's union of Kenya (PTLUK) was not registered and was operating illegally, the officials had no mandate on behalf of the lecturers (Weekly Citizen, February, 2016).

The research found that most of the public universities were not able to pay part time lecturers because they diverted money meant to pay lecturers to expansion of university facilities and university projects at the expense of the lack of part time lecturer's welfare.

The research found the part time lecturers union of Kenya leaders were not legally appointed, they did not have a list of officials, union constitution, aims and objectives and lacked physical location of their office for operation.

the employment of part time lecturers started the coming of parallel system of education in higher institutions of learning besides so many inadequacies, the teaching fraternity was not sufficient to handle the increasing number of enrolment. This compelled the universities management to go and look for what is called part time lecturers to fill the gap. Therefore, there is likelihood since there is non-payment of lecturers not to teach effectively and efficiently and compromise quality of education and training expected of higher learning institutions.

Discussion and conclusion

It is concluded, if the union will be registered, many part time lectures will join and it will be powerful, since part time are many than full time lecturers in universities. The university managements in universities take long duration, more than one year to pay the unemployed part time lecturers and as a consequence become unable to start and register a union.

It is concluded that there is no registered part time lecturers union of Kenya. Therefore, there is need for part time lecturers form and establish a part time lecturer's union of Kenya (PTLUK) to cater for their labour rights and social welfare in the university employment. It is concluded, if part time lecturer's union of Kenya (PTLUK) would be established and the members demanded their rights through protests and strike not teach in universities without proper terms of service, the university management would be compelled to change their styles of management, which are poor and inadequate. The unrest of lecturers and strike to work will paralyze the teaching system in Kenyan universities because part time lecturers form the backbone of teaching in universities.

It is concluded the part time lecturer's union of Kenya (PTLUK) was operating illegally as it had never been registered by ministry of labour. It is important for the formation of part time lecturer's union of Kenya (PTLUK) and registration for its members to have right to operate as a union and start assist its members to solve their problem of labour.

The research concludes the employment of part time lecturers started the coming of parallel system of education in higher institutions of learning besides so many inadequacies, the teaching fraternity was not sufficient to handle the increasing number of enrolment. This compelled the universities management to go and look for what is called part time lecturers to fill the gap. That is why the university management needs to respect the rights of part time lecturers and know that they are human beings like themselves. Why does the university management employ associate

lecturers (Part time lecturers) whom they do not appreciate their work? This is a crucial question supposed to be answered by the management of universities of 21st century (Okebiro, 2014).the university management need to shift through communication Technology (CT) and innovation in the associate faculty (Part time Lecturers) which has become the most needed faculty due to influx of students demanding for university education in relation to lecturer student ratio (Okebiro, 2014).

It is concluded the public universities do not give contract letters to part time lecturers to demand for their rights that is why, they distance themselves and unable to protest, and cannot sue the university management.

Recommendation

It is recommended unemployed part time lecturers to unite and register their union in the registrar of companies and association, in the ministry of labour, because “United they will stand and become powerful and exploit their academic achievements in universities”.

It is recommended that, since there is no registered part time lecturers union of Kenya, there is need for part time lecturers to form and establish a part time lecturer’s union of Kenya (PTLUK) to cater for their labour rights and social welfare in the university employment.

The establishment of part time lecturers union will solve the unsatisfactory working conditions in universities such as poor handling of part time lecturers, who lack of offices/staff rooms for preparation in some universities before going to teach in lecture theaters.

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