

## Examining Labor Disputes, Resolutions, and Compliance among Corporate Firms: Case Study of Multi-Choice Zambia.

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**Abstract** - Conflict is an inherent part of both the workplace and organizational life. Although conflict may be beneficial, it is generally perceived as harmful and dysfunctional, especially when it involves employers and employees within an organization. This study aimed at examining Labour Disputes, Resolutions, and Compliance among Corporate Firms. The study was informed by the following objectives: to investigate the common causes of labour disputes in corporate firms; to examine the effectiveness of current dispute resolution mechanisms in resolving labour disputes in corporate firms; to examine the level of compliance with labour laws and regulations in corporate firms and; to investigate the impact of labour disputes and compliance on the productivity and reputation of corporate firms. The study was conducted in Lusaka district and adopted a descriptive case study research design. Data were collected from employees and staff from the HR department using random and purposive sampling respectively. A sample size of 60 respondents was chosen which comprises 50 employees and 5 staff from the Human resource department and 5 staff from management. SPSS was used to analyze results while excel was used to generate figures. The study revealed that there are a number of factors that contribute to labour disputes in organizations and according to the findings in this study labour conflicts are caused by

mismangement among top leadership, labor disputes are also caused by promotion and career development related issues, poor working conditions spark conflicts among. Other causes include having different goal among departments or employees, having different personal values, having different perceptions about things, unfair treatment, supervisor biasness; furthermore, having limited resources brings about labour disputes, unclear tasks promote disputes as well as communication breakdown, all these lead to labour disputes. With regards the nature of conflicts, the study revealed that the nature of conflicts common in companies are task related disputes, corporate related disputes, disputes related to role while others include intergroup and interpersonal disputes. The study further revealed that the company is complaint to labour laws despite few cases of violating labour laws related to contribution to Nhima. Finally, the findings revealed that compliance to labour laws as well as effective managing of labour dispute have a great impact on employee productivity and cooperate image. The study recommended that there is need for the ministry of labour to sensitize the people on how to report any violation of labour laws in order to enhance compliance to labour laws.

**Key words** – *Labour, Disputes, Resolutions, Compliance, Corporate, Firms*

## 1.0 INTRODUCTION

### 1.1 BACKGROUND

Conflict is an inherent part of both the workplace and organizational life. Although conflict may be beneficial, it is generally perceived as harmful and dysfunctional, especially when it involves employers and employees within an organization. Such labor relations conflict usually results in loss of production, low employee income and employment, management unwillingness to discuss disputes with its employees, and a high rate of discharged or dismissed workers (Zhou, et al., 2013).

Workplace conflict becomes inevitable when employees of various backgrounds and different work styles are brought together for a shared business purpose. Conflict can and should be managed and resolved. With tensions and anxieties at an all-time high due to the current political divide and racial inequity discussions at work, the chances for workplace conflict have increased. The first steps in handling workplace conflict belong, in most cases, to the employees who are at odds with one another. The employer's role exercised by managers and HR professionals is significant, however, and is grounded in the development of a workplace culture designed to prevent conflict among employees to the extent possible. The basis for such a culture is strong employee relations, namely, fairness, trust and mutual respect at all levels (SHRM, 2022).

Corporate firms use various dispute resolution mechanisms to resolve labour disputes, including mediation, arbitration, and conciliation. Mediation involves the use of a neutral third party to facilitate communication and reach a mutually acceptable resolution. Arbitration involves a neutral third party making a binding decision on the dispute,

while conciliation involves a third-party facilitating communication between the parties to reach a resolution (Pon Staff, 2023). Corporate firms are required to comply with various labour laws and regulations to ensure fair and safe working conditions for employees. Compliance with these laws and regulations can help to prevent labour disputes and improve labour-management relations. However, research has shown that compliance with labour laws and regulations is not always enforced (Gwasupika, 2021; Zhou, et al., 2013), and some corporate firms may engage in practices that violate these laws. Labour disputes and non-compliance with labour laws and regulations can have serious negative impacts on a business. They can lead to reduced productivity, damage to the reputation of the business, and legal sanctions. On the other hand, effective dispute resolution mechanisms and compliance with labour laws and regulations can help to improve labour-management relations, enhance the reputation of the business, and ensure sustainable business practices (Raj-Reichert & Plank, 2019).

### 1.2 Statement of the Problem

Labour disputes are a common occurrence in the corporate world and can have serious negative impacts on the productivity, reputation, and employee morale of a business. Despite the existence of labor laws and regulations, labor disputes continue to be a prevalent issue in corporate firms in Zambia (Mukupo, 2019). The lack of effective labor dispute resolution mechanisms and noncompliance with labor laws and regulations have negative consequences for workers, businesses, and the economy. To address this problem, there is a need for a comprehensive examination of the factors contributing to labor disputes, the effectiveness of current dispute resolution mechanisms, and the level of compliance with labor laws and

regulations among corporate firms in Zambia. Therefore, it is essential to examine the causes of labour disputes, the effectiveness of dispute resolution mechanisms, and compliance with labour laws and regulations in corporate firms to ensure sustainable labour-management relations and business practices (Zhou, et al., 2013). It is against this background that the study will be conducted to examine Labour Disputes, Resolutions, and Compliance among Corporate Firms in Lusaka.

### 1.3 Objectives

- i. To investigate the common causes of labour disputes in corporate firms.
- ii. To examine the effectiveness of current dispute resolution mechanisms in resolving labour disputes in corporate firms.
- iii. To examine the level of compliance with labour laws and regulations in corporate firms.
- iv. To investigate the impact of labour disputes and compliance on the productivity and reputation of corporate firms.

### 1.4 Research questions

- i. What are the common causes of labour disputes in corporate firms?
- ii. How effective are the current dispute resolution mechanisms in resolving labour disputes in corporate firms?
- iii. What is the level of compliance with labour laws and regulations in corporate firms?
- iv. What is the impact of labour disputes and compliance on the productivity and reputation of corporate firms?

### 1.5 Theoretical Framework

The theoretical framework is guided by Pluralist theory. The pluralistic theory originated in the writings of Otto V. Gierke. “The germ of Pluralism is to be found”, says Professor R.N. Gilchrist, “in the work of the German Jurist, Von Gierke (1844 -1921) whose monumental work on the legal theory of corporation, part of which was translated, with a sympathetic introduction, by the English Jurist, F.W. Maitland, in his “Political Theories of Middle Ages” (1900), gave an impetus to the idea of corporations as legal entities, with a life of their own independent of government” No doubt it is true that the theory of pluralism originated in the last quarters of the nineteenth century and developed in the beginning of the twentieth century, yet its background can be traced in the Medieval Age. Yamatle (2015) stresses that Pluralism is an interpretation of social diversity. It can be rendered as a cultural, political, or philosophical stance. In any of these versions, pluralism offers an account of social interaction understood as an interplay of conflicting and competing positions that cannot be seamlessly reduced to one another, ranked in one single order permanently, or reduced to a single institutional arrangement. Any kind of pluralism (cultural, political, or philosophical) presupposes at the very least an empirical thesis about irreducible diversity. Social diversity, from the pluralist perspective, does not go away. Yet each of these kinds of pluralism pivots around different types of conflict – including ethical values, social or cultural practices, epistemological worldviews and/or political interests – and each accounts for these clashes from a different angle and with different implications. Whereas cultural and political pluralisms articulate the social difference that stems from habits, beliefs, or interests, philosophical pluralism goes further and adds an interpretation of the origin, character, and experience of value heterogeneity. It offers a full

account of the anatomy of normative difference, of its awareness, and of its impact on social agency. These three kinds of pluralism are not necessarily mutually exclusive. Philosophical pluralism always entails the acknowledgment of empirical diversity at the heart of cultural and political pluralism.

This perspective attempts to apply the analogy of pluralism in society where there are diverse socio-cultural group, which compete for scarce resource, for instance power. This diversity could be in terms of ethnicity, religious affiliation, social class, political orientation among others. If in the society these diverse aspects are allowed to interfere in our everyday life, they are going to bring about: sectionalism, squabbling and conflict which could even tear society apart. In the same way workplace is made of individual and groups who are also divers. To harmonize these diversities and pluralism, there must be some mechanism at work which will bring the competing groups together and hold them back from tearing the workplace into pieces. This mechanism should be a continuous process of concession and compromise. Collective bargaining is seen as the mechanism for achieving this while the employer and trade unionism represent these interests for those in the workplace that engage in collective bargaining (Budd, Gomez & Meltz, 2004; Commons, 1957; Dunlop, 1958; Flanders, 1965).

This perspective also argues that the legitimacy and justification of trade union in the relationship rest upon their success, real or supposed. To be recognized, to engage in collective bargaining, to achieve the objectives of their workplace is a reflection of diverse interest group in the work place, as well as power relations between these interested groups. The theory is relevant in the sense that organizations have different ideology; goals that they want to achieve as a result, labour

union becomes the legitimate representatives of employees in the workplace. In short, pluralism holds that social diversity and the disagreement that grows from it are unending. The attempt to permanently quench difference misrepresents and distorts human experience (Yumatle, 2015). Thus, the system of industrial relation gets grounded on the product of discontentment and compromises between management and labour union. Pluralist theory to industrial conflict is contend that just as the society seen as a coalition of various interest groups held together in balance by the state agency, so is industrial and work organisation are seen as being held balance, by the management agency. Labour unions are seen as legitimate representatives of workers' interest at workplace with the right to challenge management prerogative. The perspective considers as the central features of industrial relation; the potential conflict which exist between management and the managed within the work enterprise.

## 2.0. Literature Review

Conflict can occur in any organization when employees with different backgrounds and priorities work together. Conflict can be expressed in numerous ways such as insults, noncooperation, bullying and anger. Its causes can range from personality clashes and misunderstood communication to organizational mismanagement. The negative effects of workplace conflict can include work disruptions, decreased productivity, project failure, absenteeism, turnover and termination. Emotional stress can be both a cause and an effect of workplace conflict. Conflicts have been categorized as either being 'over consensus' or 'within consensus' and as being over the 'ultimate' or 'immediate goals' (Powelson, 2012).

Maina (2010) studied the causes of disputes in organizations and he stressed that the disputes between the management and the workers may arise on account of the following factors: Economic Cause: -These causes may be classified as; Demand for increase in wages on account of increase in all-India Consumer Price Index for Industrial Workers. Demand for higher gratuity and other retirement benefits. Demand for higher bonus. Demand for certain allowances such as: House rent allowance. Political Causes: - Various political parties control Trade unions. In many cases, their leadership vests in the hands of persons who are more interested in achieving their political interests rather than the interests of the workers. Personnel Causes: Sometimes, industrial disputes arise because of personnel problems like dismissal, retrenchment, layoff, transfer, promotion, etc. Indiscipline: Industrial disputes also take place because of indiscipline and violence on the part of the workforce. The managements to curb indiscipline and violence resort to lockouts.

Nwiyii and Amanawa (2023) carried out a study on compliance to labor laws and employee resignation. Based on the study's findings, it was concluded that labor laws compliance among companies has not been high but low, they further revealed that labor laws are tools organizations can utilize to reduce employee resignation, especially in terms of forced resignation, inclusive resignation, and frustrated resignation. The findings of the study by Maina (2010) revealed that a co-relationship exists between a firm's performance and industrial disputes. In this case it means that industrial disputes have an effect on the organizations performance. It is very clear from the findings that disputes are inevitable where many people are working together to achieve a common goal. Failure to manage these disputes in the manner

KPLC has failed, has resulted into boycotting of duties, strikes, distinction of properties by angry employees, poor performance among many other adverse effects. Koorapetse (2011) did a study that aimed to compare the dispute resolution systems of Botswana and South Africa. As far as the South Africa dispute resolution system is concerned extensive literature on the system was carried out to describe its functioning. As for the Botswana dispute resolution system there was not much written about it in the literature, so in order to find out more about this system semi structured interviews with labour relations experts which include mediators, arbitrators, lecturers, labour lawyers, trade unionists, employers and government officials held. The framework of comparison was developed to compare the elements of dispute resolution systems against each other and secondly to compare each system against the criteria of performance to the system. The two labour relations systems were compared in terms of elements of the system and the performance of the two systems.

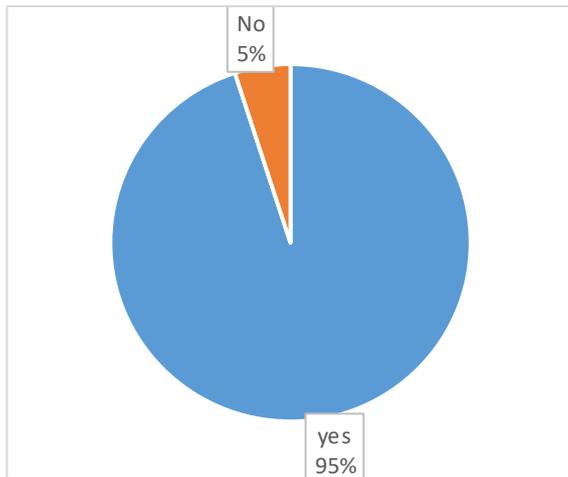
### 3.0 RESEARCH METHODOLOGY

The research design used in this research was a descriptive case study and a sample size of 60 respondents were chosen randomly which comprised employees at Multichoice head office and East Park branch. The instruments used in this study were questionnaires. The questionnaires were distributed randomly and purposively; ransom sampling was used to select employees while purposive sampling was used on employees from the human resource department. The data were analyzed using Statistical Package for Social Scientists (SPSS) version 20.

### 4.0 RESULTS/FINDINGS

## 4.1 Presentation of Findings

a) Figure 1. presence of labor disputes



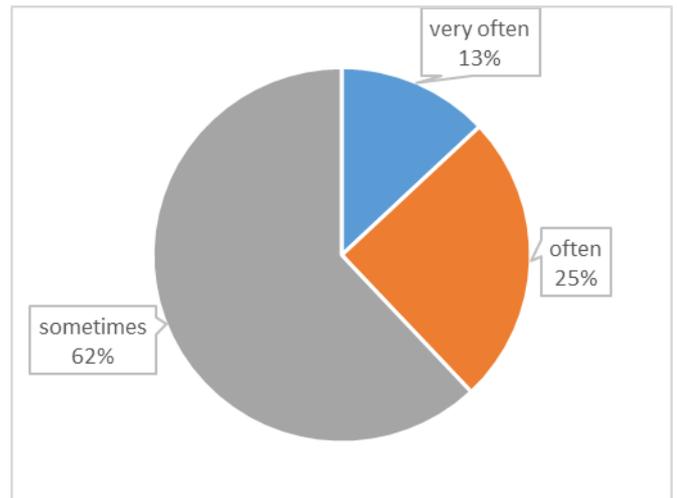
Concerning the presence of labour disputes in the company, 95% of total participants indicated that labour disputes are there while 5% said there are no labour disputes in the company.

b) Figure 2. Nature of conflicts



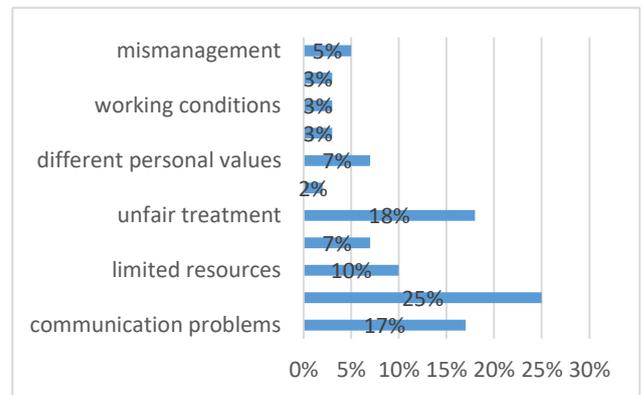
With regards the nature of conflicts, 33% stated that the nature of conflicts being experienced is task conflicts, 17% said the nature of conflicts are corporate conflicts, 32% said they are role conflicts while 3% indicated that the nature of conflicts are intergroup conflicts and the rest representing 15% indicated that it is interpersonal conflicts.

c) Figure 3: How often do you experience labour conflicts?



Concerning the how often labour disputes are experienced, 25% said they do occur often while 13% responded that disputes occur very often and the rest representing 85% said labour conflicts occur sometimes.

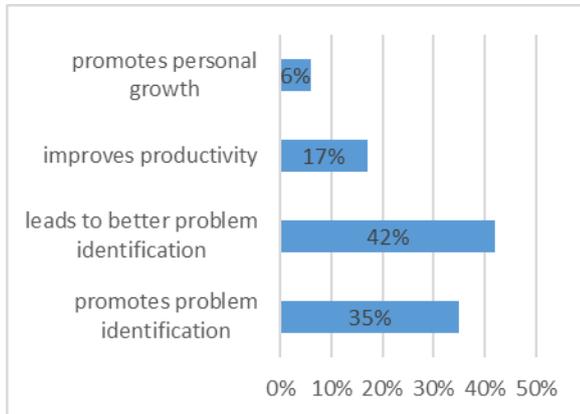
d) Figure 4: Causes of labour disputes



There are a number of factors that contribute to labour disputes in organizations and according to the participants 5% indicated that mismanagement leads to labour dispute, 3% said promotion related issues contribute to labour disputes, the other 3% stated that working conditions, 3% indicated that having different goal among departments or employees leads to labour disputes, 7% said having different personal values contribute to labour disputes, 2% stated that having different perceptions about things contribute. 18% said unfair treatment promotes labour dispute while 10% indicated that supervisor biasness, 10% said having limited

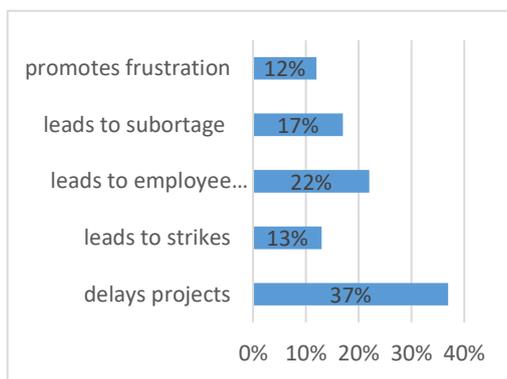
resources, 25% indicated unclear tasks promotes labour dispute and the rest 17% stressed that communication problems lead to labour disputes.

Figure 5: Benefits of labour disputes



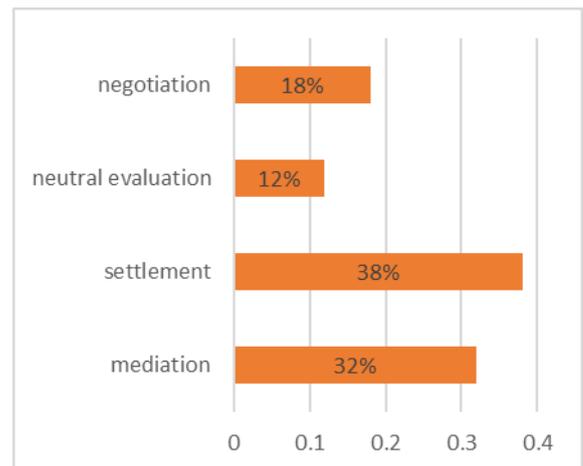
Labor disputes have positive effects or benefits that come with them and according to the findings, 6% said labor dispute promotes personal growth, 17% said it improves productivity while 42% indicated that it leads to better problem identification and 35% said it promotes early problem identification.

Figure 6: negative effects of labour disputes



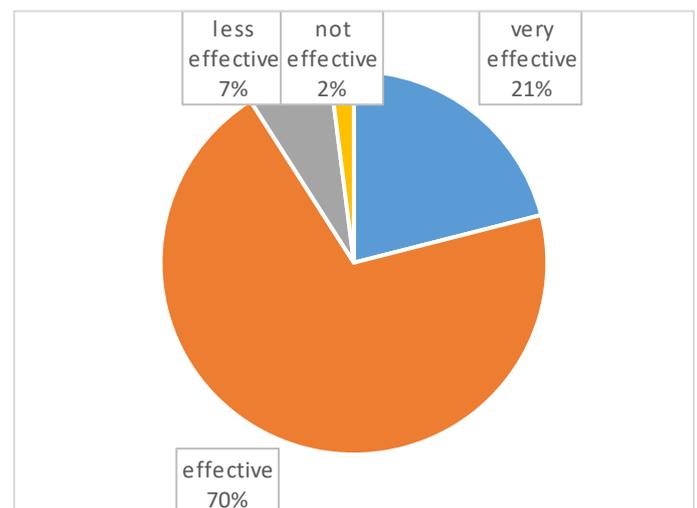
Despite having positive effects, labour disputes has quite a number of negative effects and among them are frustration as stated by 12% of participants, 17% stated that they lead to sabotage, 22% indicated that disputes leads to employee turnover while 13% said they promote strikes and the rest 37% indicated that they delay projects.

Figure 7: systems used to resolve disputes.



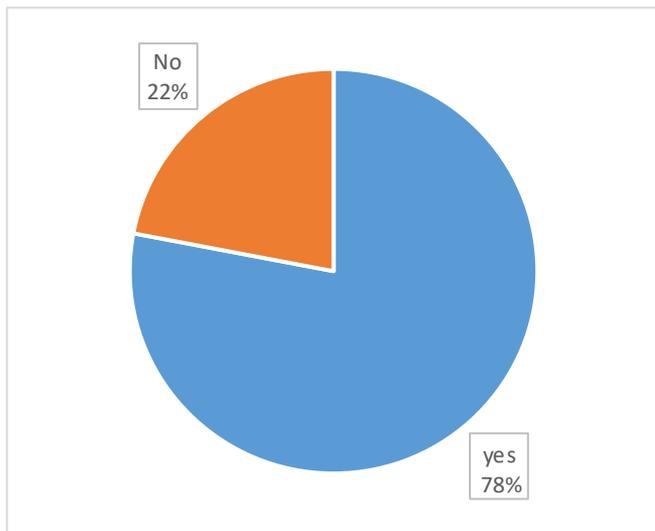
A number of systems are used to resolve disputes and among the most commonly used according to this study are negotiation as indicated by 18%, neutral evaluation as indicated by 12%, settlement as stated by 38% and mediation as indicated by 32%.

Figure 8: Effectiveness of system used to resolve conflicts



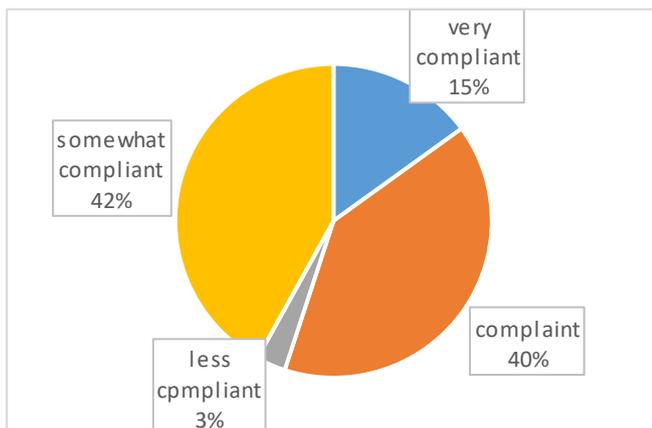
Respondents were asked to rate the effectiveness of the systems used to resolve conflicts and 21% said the systems are very effective, 70% indicated that the systems are effective while 7% indicated that they less effective and the rest representing 2% indicated that they are not effective.

Figure 9: Company complying with labour laws



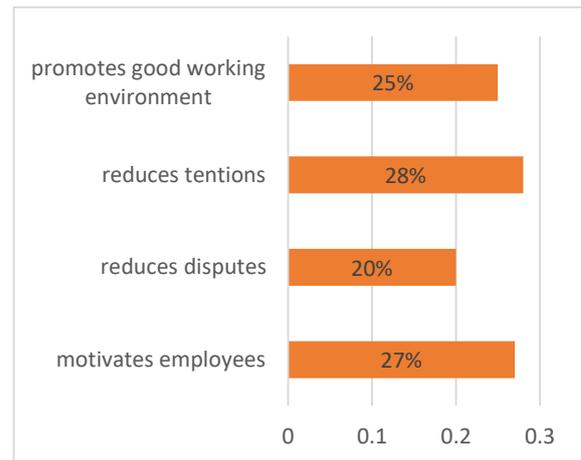
It is cardinal for organizations to comply with labour laws and in this line participants were asked to state if the company adheres to labor laws and 78% agreed that their company sticks to labour laws while 22% disagreed.

Figure 10: Level of compliance to labour laws



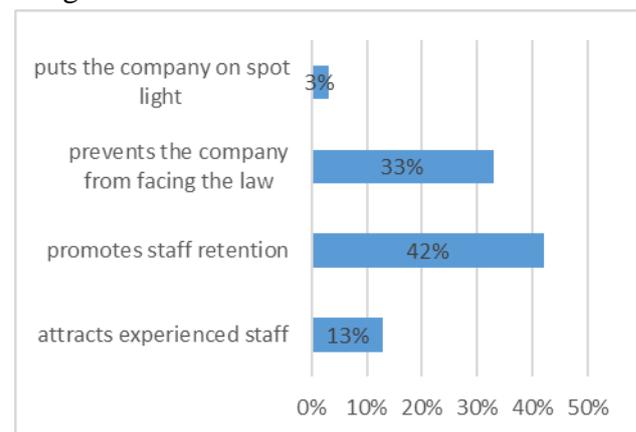
Concerning the Level of compliance to labour laws, 15% of participants said the company is very compliant, 40% said it is compliant while 42% indicated that it is somewhat compliant and the rest representing 3% said it is less compliant.

Figure 11: Ways in which compliance affect productivity



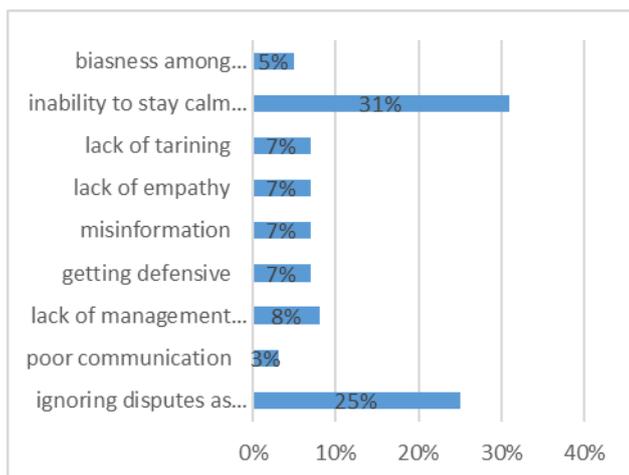
Compliance affects employee productivity in various ways, and 25% indicated that compliance to labour laws promotes good working environment, 28% it reduces tensions among employees, 20% said compliance to labour laws reduces labour disputes among employees while 27% said compliance to labour laws motivates employee.

Figure 12: Effects of compliance on company image



Concerning the effects of compliance on company image, 3% indicated that compliance to labour laws puts the company on spot light, 33% said it prevents the company from being in conflict with the law while 42% stressed that it promotes staff retention and 13% said compliance to labour laws attracts experienced staff.

Figure 13: challenges faced during labour dispute resolution



A number of challenges are faced when resolving labour dispute, 25% indicated that some disputes are ignored as not being important, 3% said poor communication is a challenge, 8% said lack of management commitment, 7% said some officers become defensive, the other 7% indicated that misinformation causes problems, the other 7% indicated that lack of empathy while lack of training brings issues during labour dispute resolution. 31% said inability to stay calm during the process and the rest representing 5% said biasness from management staff poses a lot of challenges during labour dispute resolution.

## 4.2 Discussion

There are a number of factors that contribute to labour disputes in organizations and according to the findings in this study labour conflicts are caused by mismanagement among top leadership, labor disputes are caused by promotion and career development related issues, poor working conditions spark conflicts among. Other causes include having different goal among departments or employees, having different personal values, having different perceptions about things, unfair treatment, supervisor biasness; furthermore, having limited resources brings about labour disputes, unclear tasks promote as well as communication problems all these lead to labour disputes. With regards the nature of conflicts, participants stated

that the nature of conflicts being experienced are task conflicts, corporate conflicts, role conflicts, intergroup conflicts and interpersonal conflicts.

Previous studies have revealed different causes of labour disputes, the study by Mayowa (2015) stressed that conflict remains inevitable situation in everyday life whether it would be with yourself, others, organization, or societies. Within organizational setting, conflict may arise from conflict between employers and employees over how revenue should be divided, how work should be done, how long and hard people should work. Labour disputes can also occur as a result of incompatibility of needs, ideas, beliefs, values, or goals among people working as a team; however, the end results of conflict are not predetermined and it could either be good or bad.

Maina (2010) studied the causes of disputes in organizations and he stressed that the disputes between the management and the workers may arise on account of the following factors: Economic Cause which may be as a result of demand for increase in wages. Demand for higher gratuity and other retirement benefits. Demand for higher bonus, demand for certain allowances such as house rent allowance. The study further revealed that labour disputes sometimes arise because of personnel problems like dismissal, retrenchment, layoff, transfer, promotion, etc. Indiscipline: Industrial disputes also take place because of indiscipline and violence on the part of the workforce. The managements to curb indiscipline and violence resort to lockouts.

A number of systems are used to resolve disputes and among the most commonly used according to this study are negotiation, neutral evaluation, settlement and mediation. These methods are specific in their nature as they are applicable to various types of labour disputes. A certain system may only be applicable to one type of labour dispute and another to the other.

According to Maina (2010) in his study revealed that almost all employees acknowledge and are aware of the relationship between handling of industrial disputes and a firm's performance and that ways in which disputes are handled within the organization have a direct impact on the performance of the organization. The findings also indicate that there are existing methods in which industrial disputes are handled in the organization however on the same note a big number claim not to be contented with the way these methods handle disputes. This therefore means that the existing methods of handling disputes are not that effective and are thus of no benefit to the organization, after all they do not meet what they were intended for. With reference to findings, it is also clear that a big percentage was for the fact that handling of disputes has a direct effect on the organization's performance thus a good and positive way of handling disputes will have a positive mark on the performance of individuals hence increase in overall performance of the organization on the other hand, poor handling will mean a negative effect on the performance of an individual and hence affecting the organization's performance negatively. Thus there is a direct impact of disputes on performance of a firm. Most of the employees also revealed that poor handling of industrial disputes affects the relationship between management and other stakeholders negatively.

Concerning the Level of compliance to labour laws, 15% of participants said the company is very complaint, 40% said it is compliant while 42% indicated that it is somewhat compliant and the rest representing 3% said it is less compliant. The level of compliance to labor laws was rated by participants and regarding the company following the normal procedure of hiring staff, 5% stated that the level of compliance is high, 70% said the level is moderate while 25% indicated that the level of

compliance is low. Regarding compensating the affected employees, 10% said the level is high while 64% indicated that it has been moderate and the rest 26% stated that it has been low. Concerning awarding the minimum wage, 80% stated that the level has been high and 20% said it has been moderate; with regards contributing towards employee NAPSA, 90% said that the level is high and 10% indicated that it is moderate. Level of compliance towards NHIMA, 75% stated that the level of compliance is high, 18% said it is moderate while 5% stated that the level of is low and the rest representing 2% said it has been very low. Concerning the company following the laid down procedure when disciplining staff members, 20% said the level is high, 60% indicated that it has been moderate, 15% said the level is low while the rest 5% said it has been very low. Regarding the company providing a conducive working environment, 65% indicated that the level is high, 10% said it has been moderate while 22% stated that it is low while 3% said the level providing a conducive environment for employees has been very low.

The findings have revealed that the company is complaint to labour laws despite few cases of violating labour laws related to contribution to NAPSA. Generally, the level of compliance is high to moderate while the status of compliance is good.

In the study by Li and van (2022), compliance level among forms was found to be on average and was compliance transmission was interrupted at every one of these frontlines and during every one of the processes. In this case, only a very small part of the law was translated into enforced law, and that such law hardly entered the organization. We also found that organizational norms failed to enter the lower parts of the organization, and that neither the law nor the organizational norms featured prominently in the individual behavior.

responses. All of this adds to their existing understanding about how legal norms compete with the norms of a social field while here showing how this plays out over multiple social fields, within the enforcement organization, regulated companies, and sub-units in the companies. Moreover, the analysis reveals that rather than just a competition between legal and social Field norms, there is also a competition with individual personal norms. Li and van (2022) further stated that the present research shows that in the cases studied compliance was not a linear process where law gets to shape business conduct in a straight process from legal rules to enforced norms, to organizational norms to behavior.

Compliance affects employee productivity in various ways, participants in this study revealed that compliance to labour laws promotes good working environment, it reduces tensions among employees, compliance reduces labour disputes among employees and, it motivates employee among others. Concerning the effects of compliance on company image, the study has revealed that compliance to labour laws puts the company on spot light, it prevents the company from being in conflict with the law and promotes staff retention as well as attracting experienced staff.

The findings from the study by Haroon, Elne and Carlene (2013) on whether dispute resolution affects employment, revealed that the number of cases brought to the dispute resolution body on aggregate has a detrimental impact on employment, although this result holds only for arbitrations and con-arb cases. Pure conciliation cases do not appear to have any impact on employment levels. This finding suggests that employers reacted negatively to more advanced dispute resolution processes as well as more complex processes, while simple conciliation cases brought no adjustment at the extensive margin. Likewise, the estimates suggest that the labor market is characterized by sticky contracts causing lagged adjustments within the domestic labor market. It needs to be stressed that an efficient labor market dispute resolution organization does have significant impacts on employment and must therefore be monitored in order to minimize employment losses.

### 4.3 Conclusion

This study aimed at examining Labour Disputes, Resolutions, and Compliance among Corporate Firms. The study was conducted in Lusaka district and revealed that there are a number of factors that contribute to labour disputes in organizations and according to the findings in this study labour conflicts are caused by mismanagement among top leadership, labor disputes are also caused by promotion and career development related issues, poor working conditions spark conflicts among. Other causes include having different goal among departments or employees, having different personal values, having different perceptions about things, unfair treatment, supervisor biasness; furthermore, having limited resources brings about labour disputes, unclear tasks promote as well as communication problems all these lead to labour disputes. With regards the nature of conflicts, the study revealed that the nature of conflicts common in companies are task related disputes, corporate related disputes, disputes related to role others include intergroup and interpersonal disputes. The study further revealed that the company is complaint to labour laws despite few cases of violating labour laws related to contribution to NAPSA. Generally, the level of compliance is high to moderate while the status of compliance was found to be good. Finally, the findings revealed that compliance to labour laws and labour dispute resolution have a great impact on employee productivity and cooperate image.

## **5.0 Acknowledgment**

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