COMMISSION FOR MEDIATION AND ARBITRATION EFFICIENCY TOWARDS DISPUTES SOLVING IN TANZANIA:

A CASE STUDY OF DODOMA MUNICIPALITY

By

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CERTIFICATION

The undersigned certifies that has read and hereby recommended for acceptance by the University of Dodoma, a Research Thesis entitled***: Commission for Mediation and Arbitration Efficiency towards Disputes Solving in Tanzania: A Case Study of Dodoma Municipality,*** in fulfillment of the Requirements for the Degree of Master of Business Administration of the University of Dodoma.

……..……..

Dr Mark Paul Diyammi

(SUPERVISOR)

Date……

DECLARATION AND COPYRIGHT

I, Nashon Kalinga, affirm that this research Thesis is my own inventive work and that it has not been presented to any other University for a similar or any other degree award.

Signature: ……..

DEDICATION

This study is devoted to my lovely wife (Grace John Mlula) for her tireless support and cooperation in my entire career life (morally, financially and spiritually). Besides, I devote the work to my son unique (Godbless Nashon Kalinga) and my lovely daughter (Gracious Nashon Kalinga) for their great encouragement and sources of inspiration for me in life.

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ABSTRACT

This study explores the Commission for Mediation and Arbitration Efficiency towards Disputes Solving in Tanzania, Dodoma Municipality in particular. It attempts to examine the CMA which has encountered a number of challenges, such challenges as budgetary crisis /lack of funding to accomplish the CMA activities and documentation problem are some of the notable problems facing CMA. The study used a sample of 40 respondents and its methodology employed questionnaires, interviews observation and documentary review during data collection. Data were collected through questionnaires and documentary source such as journals, books and various organizations reports for enterprises information. Descriptive statistics summarized the information from the collected data and data collected were analyzed both qualitatively and quantitatively with a help of computer software programme called Statistical Package for Social Sciences (SPSS).

The finding of this study unveils that the CMA experiences a colossal failure to apply relevant procedures and applicable principles already in place before mull over of undertaking actions and decision that at the end come to mischief their goals. Accordingly, the CMA fails to achieve its goals and it is incapable to solve disputes between employees and employers. Due to this actual situation CMA becomes more and more unreliable and distrustful. Likewise, divulged is very poor training done by CMA to its stakeholders, pitiable working condition and skimpy management, unfriendly working environment, and poor remuneration. Besides, the study also reveals that some fundamentally important facilities such as Offices are not friendly to facilitate proper executions of CMA responsibilities. Additionally, revealed from the study are very poor allocations of fund which escalated CMA to fail to conduct training programs for stakeholders that hinders the efficiency of CMA at large.

In view of that; the study recommends that the government need to allocate enough fund to CMA in order to ensure that there is efficiency and sufficient training program conducted to CMA stakeholders to ensure CMA perform efficiently. Moreover, the study recommends that education on labour laws need to be provided by CMA to the working environment as one way of preventing labour disputes. Besides, the CMA Officials need to abide on regulations and be strictly to the time of handling disputes and avoid delay of the ruling.

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ABBREVIATIONS AND ACRONYMS

ACAS	Advisory Conciliation and Arbitration Service
ADR	Alternative Dispute Resolution
AIRC	Australia Industrial Relations Commission
ALRAESA	Association of Law Reform Agencies of Eastern and Southern Africa
BCEA	Basic Conditions of Employment Act
CCMA	Commission for Counseling, Mediation and Arbitration
CIETAC	Chinese International and Trade Arbitration Commission
CMA	Commission for Mediation and Arbitration
CMAC	Chinese Maritime Arbitration Commission
CMS	Case Management System
DV	Dependent Variable
EEA	Employment Equity Act
ELRA	Employment and Labor Relations Act
ELRA	Employment and Labor Relation Act
FWA	Fair Work Australian
HR	Human Resources
ID	Independent Variable
ILO	International Labor Organization
LESCO	Labor Economical and Social Council
LRA	Labor Relations Act
SADC	Southern African Development Community
TANESCO	Tanzania Electrical Supply Company
TMC	Tanzania Meat Company

UIA	Unemployment Insurance Act
UK	United Kingdom
ULP	Unfair Labour Practice
UNDAP	United Nations Development Assistance Plan
WRA	Workplace Relation Act

CHAPTER ONE

INTRODUCTION AND BACKGROUND TO THE STUDY

1.0 Introduction

The Commission for Mediation and Arbitration (CMA) was established in 2007 following several reforms made on the old labour laws. The roles of CMA as a tool for achieving socio-economic development, industrial democracy and justice, lies on the objectives of its establishment which entails inter alia promoting industrial harmony, peace and equality. These could be achieved through effective and efficient Mediation, Arbitration and enforcement of legislation, guidelines and regulations on labour related matters. In executing its functions, CMA need to be guided by the law provisions and the case laws provided for through the decisions made by the superior court, in this case, the High Court of Tanzania – Labor Division (CMA, 2007).

This chapter focuses on *"the Commission for Mediation and Arbitration Efficiency towards Disputes Solving in Tanzania: A Case Study of Dodoma Municipality". It examines* the statement of the problem, purpose of the study, objectives of the study, the specific objectives of the study, research questions, significance of the study, assumptions of the study, scope of the study, delimitation of the study and ends up with the organization of the thesis.

1.1 Background to the Study

The International Labor Organization (ILO) through the Labour Law Component of the United Nations Development Assistance Plan (UNDAP) seeks, among its objectives are to increase awareness of employers and workers of applicable labour laws and services provided by the relevant labour institutions, to increase capacity of labor institutions such as (CMA) in Tanzania to provide services and to enforce compliance with the labour laws and strengthen tripartite dialogue among government employers and workers through a forum for parties to engage on key policy matters and adherence to international standards.

The world equipment (ILO) from beginning to end the Labour Law Component of the United Nations Development Assistance Plan (UNDAP) inquire about, among its objectives are; first to increase awareness of employers and workers of appropriate labour laws and services afforded by the relevant labour institutions and the second is to increase capacity of labour institutions to provide services and to make obligatory compliance with the labour laws; Different nations in the world have policies that recognizes the presence of legal institutions for the purpose of dispute solving.

For example in Great Britain the earliest piece of labour legislation passed in what is now the UK was enacted in 1349 when the Ordinance of Labourers was put in place to hold down wages following the emergence of a labour shortage after the Black Death in the late 1340s. The Statute of Artificers 1562 provided for Justices of the Peace to regulate wages locally, to require able-bodied men to work in the fields, and minimum hiring periods for servants and apprentices. A further Act in 1747

provided for Justices to adjudicate into what would now be described as contractual disputes (Mizon, 2007).

The latter half of the 18th century saw growing industrialization in England, which in turn stimulated increasing efforts by workers to form trade unions and begin collective bargaining. This development was often met by prosecution under the Conspiracy Acts and other special Acts forbidding combination in particular industries. In 1786, when London bookbinders went on strike seeking a reduction in daily working hours from twelve to eleven, five of their leaders were convicted under the Conspiracy Acts and sentenced to two years imprisonment. And in 1799, under pressure of employers and following the French Revolution, an Act was passed outlawing all trade unions and, in theory, if not in practice, all employers' associations. This remained in place until 1824 when it was repealed; however, other legislation remained in place allowing workers to be prosecuted for conspiracy in a range of circumstances (Mizon, op.cit.).

While in China for instance, there are institutions such as Chinese International and Trade Arbitration Commission (CIETAC) and Chinese Maritime Arbitration Commission.(CMAC), in South Africa there in CCMA and Tanzania there CMA (Benjamin, 2003).

In worldwide there is no way one can escape from disputes and conflict at the working environment, in any working environment as longer as individuals differ in terms of thinking and interpretation of different matters then conflict as well as disputes become inevitable in the workplace relationship. Example in South Africa

CCMA is the institution that deals with dispute solving through Counseling, Mediation and Arbitration (ibid).

Establishing institutions and practices that are able to manage workplace conflict effectively is therefore an integral dimension of any workplace relations system. However, the nature of workplace relations and workplace conflict is changing; such changes can pose significant challenges to those charged with managing workplace disputes, and may demand a range of policy adjustments at an institutional or legislative level (ibid).

In the case of Tanzania, any disputes that may arise pertaining to the collective agreement in the working environment is directly referred to the mediation process and when the mediation fail the matter is forwarded for arbitration and await for court decision. All process of mediation and arbitration according to Tanzanian labour law do take place under CMA (ELRA, 2004).

- **About the CMA**

The Commission for Mediation and Arbitration (CMA) in Tanzania is an independent government department established in May 2007 under the provisions of section 12 of the Labor Institutions Act, 2004 (Act No. 7 of 2004).

- **The Main Functions of the CMA are Basically**

i. To mediate any dispute referred to it in terms of any labor law;

ii. To determine any dispute referred to it by arbitration if a labor law requires the dispute to be determined by Arbitration; the parties to the dispute agree to it being determined by arbitration; or the Labor Court refers the dispute to the Commission to be determined by arbitration in terms of section 94(3)(a)(ii) of the Employment and Labor Relations Act (ELRA), 2004 (Act No. 6 of 2004); and

iii. To facilitate the establishment of a forum for workers participation.

According to section 73 of the (ELRA) of 2004, a recognized trade union and an employer or an employers' association may conclude a collective agreement establishing a forum for workers Participation in a work place. In so doing, the Commission may be requested to give assistance to facilitate discussions between the union, employer or association. The (CMA) is, thus, obliged to facilitate any discussions concerning the establishment of the forum for workers participation in any workplace taking into account any code of good practice published by the Labor Economic and Social Council (LESCO) on workers participation. Motivating factor of this study is to see if the presence CMA in Tanzania has reduced disputes between employer and employees in the working environment.

The (ILO) all the way through the Labour Law Component of the (UNDAP) realized on the discrepancy of awareness to CMA officials and raised some of its objectives which are to increase awareness of employers and workers of applicable labour laws and services provided by the relevant labour institutions; and increase capacity of labour institutions such CMA to provide services and to enforce compliance with the labour laws (UNDAP activity report, 2012).

Despite of various studies being conducted in different areas, does not show the decrease in number of cases which are being opened at CMA; Referring from (Tanzania & Zanzibar Labour Market Profile 2013) ,entails that " Since inceptions in 2007 to 2010 the CMA had received around 19,000 cases" in fact does not justify the decrease in number of cases.

1.2 Statement of the Problem

Different studies have been conducted such as (UNDP, 2012) and ADR in settlement of labour dispute in Tanzania, South Africa and Australia a comparative survey by (Temba, 2013) together with disputes resolution mechanism in United kingdom (UK) done by (Mazon, 2007) in different ways to come up with the knowledge on how disputes among employesr and employees in UK, Australia, sub-Saharan Africa and Tanzania in particular. Nevertheless, those studies seemingly do not show clearly if the existing problem have been addressed then drives different scholars to seek or search the way out in a such way that the problem of disputes at the working environment should be addressed accordingly. This is why the inquisitiveness over this area of study is to assess the efficiency of CMA towards problem solving in Tanzania and Dodoma Municipality in a particular by looking into its functions.

1.3 Research Objectives

1.3.1 General Objective

The main objective of the study was to assess the efficiency of CMA in handling disputes of employees and employers at the work place.

1.3.2 Specific Objectives

i. To identify the efficiency of CMA.

ii. To examine the causes of disputes between employers and Employees at the workplace.

iii. To find out the efficiency of CMA functions in settling of, employees and employers disputes at the workplace.

1.4 Research Questions

In order to achieve the stated objectives, the study was attempted to answer the following questions:

i. What are the functions and efficiency of CMA?

ii. What are the causes of disputes at the work place?

iii. Does CMA efficiently resolve employees and employers disputes at the work place?

1.5 Significance of the Study

The significance of this study is towards knowledge contribution, policy contribution, and managerial contribution and for the researcher's benefits. Knowledge contribution is through helping other researchers read this work and be able to find out uncovered gap on this area of study. It is an interesting area of study

on understanding the extent of CMA efficiency in resolving disputes at the workplace. On doing so, policy makers as well as Managers may come up with suitable decisions towards proper management of human resources as people are regarded as the most important assets in any organization. However, the study will also attempt to reveal methodological contribution through using different research methods in designing, data collection and analysis of data as well as report writing. Personal benefit is that, this study is a partial study for the fulfillment of the master degree.

1.6 Summary

The chapter has scrutinized the Commission for Mediation and Arbitration Efficiency towards Disputes Solving in Tanzania specifically in Dodoma Municipality. It scrutinized the statement of the problem, purpose of the study, objectives of the study, the specific objectives of the study, research questions, significance of the study, assumptions of the study, scope of the study, delimitation of the study and ends up with the organization of the thesis whereas the ensuing Chapter (Chapter Two) focuses on Literature Review.

CHAPTER TWO

LITERATURE REVIEWS

2.0 Introduction

In the previous chapter , the researcher introduced the background of the problem, the function of CMA, the statement of the problem, research objective ,general objectives research questionnaire and significant of the study This chapter focuses on what other researchers have written and discussed, on the efficiency of the Commission for Mediation and Arbitration in managing and resolving disputes at the workplace Employee's disputes at the working environment are common occurrence which results from the differences in employee's personalities and values versus their employers. Dealing with employee's disputes in a timely manner is vital for the purpose of maintaining a healthy workplace. Thus, managers should understand the common causes of employee disputes, so that a solution is found before the issues become unmanageable (Bhangoo, 1995).

2.1 Definition of Key Terms

2.1.1 Concept of Mediation

Mediation is a non-adversarial way of resolving difficult situations. It is used as an alternative to formal or legal processes. At TCM, we describe mediation as a mind-set; a framework; and a competence the mediator is an impartial third party. They help the two or more disputing parties to have an open and honest dialogue so that they can secure a mutually acceptable outcome. A win /win outcome. Mediation is different because it is about collaborating rather than blaming. Any agreement in

mediation comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. Mediation is both voluntary and confidential" (David, 2013).

2.1.2 The Term Conciliation

Conciliation is similar to mediation but is normally used when there is a particular legal dispute rather than more general problems. A conciliator will normally be there to encourage the two sides to come to an agreement between themselves, whereas a mediator will often suggest their own solution. A trained conciliator will talk through the issues with each side to explain the legal issues involved and look at opportunities for settling the case help the employee (complainant) and employer to agree a legally binding agreement. Conciliation through the LRA is free of charge and is automatically offered if employee makes an Industrial Tribunal claim. If employer claims might go to a tribunal, employee can also ask for conciliation before anyone put the claim in. Both employee and employer have to agree to conciliation before it can happen. The decision of an Industrial Tribunal is not affected by the decision to try conciliation, so if anyone decides not to go through the conciliation process, or if employee try and it doesn't work, this does not make any difference.

The discussions are confidential and the conciliator is impartial and independent, so they are not on anyone's side and have nothing to gain. They will help to bring clarity to the thoughts and will look at ideas that anyone may have for sorting out the problem. Conciliation has a number of benefits that include: getting a better

understanding of the issues the possibility of sorting out the problem without a tribunal hearing a solution reached on the own terms a settlement that can include things that won't be covered in a tribunal judgment, like getting a good reference. Settlements reached through LRA conciliation are legally binding. Anyone'll sign an agreement called a COT 3, and once anyone have agreed it - even verbally - there's no going back on it. If anyone or the employer breaks the agreement, they could sue anyone, or anyone could sue them.

2.1.3 The Concept of Compromise Agreement

Another form of legally binding settlement is a 'compromise agreement'. These agreements are used where the LRA is not involved. There are strict requirements on a compromise agreement - putting it down in writing and signing it isn't enough. For this to be effective it must be in writing, relate to the claim and anyone must have taken specialist advice from someone who has appropriate insurance, usually a lawyer. With either form of legally binding agreement any one was no longer be able to pursue the Industrial Tribunal claim. It is always up to anyone whether anyone accepts a settlement. The employer may sometimes put a lot of pressure on anyone to accept, for example, they may say that anyone would get nothing if anyone doesn’t accept an offer there and then. But anyone should remember that anyone always have a choice. Settling is usually easier than going to a tribunal, but the amount anyone get may be less and the employer might attach conditions like a confidentiality agreement. If anyone 're not sure whether to accept an offer or not, consider getting specialist advice.

2.1.4 Concept of Arbitration

The term arbitration uses an impartial outsider known as an “arbitrator”, who decides between two points of view. The arbitrator acts like a judge and makes a firm decision on a case. The two sides of the dispute will normally agree in advance whether the arbitrator's decision will be legally binding. This means they have to go along with the decision. Alternatively they will agree that it won't be so they can still decide to go to a court or tribunal (http://www.elas.uk.com/employment-).

Arbitration is often used in collective disputes. For example, if a trade union is considering strike action because they can't agree with an employer, then they may agree to get an independent arbitrator, usually from the LRA to look at the situation and make a reasoned decision. Arbitration can also be used to settle individual disputes (http://www.elas.uk.com/employment).

If an employee (complainant) and employer agree to go to an arbitrator, then it may be a quicker way of resolving a problem without the stress and expense of an Industrial Tribunal or Fair Employment Tribunal. Both sides, however, have to agree to go to arbitration which is faster and less formal than a tribunal. The LRA and some commercial organizations offer the services of specialist arbitrators (http://www.elas.uk.com/employment).

2.1.5 Concept of LRA Arbitration Scheme

The LRA runs a free arbitration scheme that can decide nearly all of the matters that can be heard by an Industrial Tribunal or the Fair Employment Tribunal. This includes claims in respect of unfair or constructive dismissal, payments owed,

redundancy payments, unlawful discrimination, flexible working and less favorable treatment of fixed term employees or agency workers. Both sides must agree to arbitration. Employee shall have to sign an agreement, having taken advice from the LRA or an independent adviser like a lawyer. Once employees have signed, Employers claim can't go to an Industrial Tribunal or Fair Employment Tribunal. Employee can pull out of the process after employees signed the agreement, but employee can't then go to a tribunal. Employer can't pull out unless employees agree. Employees and employer can still reach an agreement before the arbitration hearing (http://www.elas.uk.com/employment).

2.2 The World Context of Privatization of Public Enterprises

2.2.1 World Wide Reviews

The United Kingdom: This literature explores the way both individual and collective employment differences and disputes presently resolved in the UK, with particular reference to the role played by the Advisory Conciliation and Arbitration Service (ACAS). The analysis begins with a short examination of various legal, cultural and historical trends in the conduct of industrial relations in the UK, so as to provide some useful information related to this study.

2.2.1.1 A History of the Development of the UK's Industrial Relations System

Possibly the earliest piece of labour legislation passed in what is now the UK was enacted in 1349 when the Ordinance of Laborers was put in place to hold down

wages following the emergence of a labour shortage after the Black Death in the late 1340s. The Statute of Artificers 1562 provided for Justices of the Peace to regulate wages locally, to require able-bodied men to work in the fields, and minimum hiring periods for servants and apprentices. A further Act in 1747 provided for Justices to adjudicate into what would now be described as contractual disputes (Mizon, 2007).

The latter half of the 18th century saw growing industrialization in England, which in turn stimulated increasing efforts by workers to form trade unions and begin collective bargaining. This development was often met by prosecution under the Conspiracy Acts and other special Acts forbidding combination in particular industries. In 1786, when London bookbinders went on strike seeking a reduction in daily working hours from twelve to eleven, five of their leaders were convicted under the Conspiracy Acts and sentenced to two years imprisonment. And in 1799, under pressure of employers and following the French Revolution, an Act was passed outlawing all trade unions and, in theory, if not in practice, all employers' associations. This remained in place until 1824 when it was repealed; however, other legislation remained in place allowing workers to be prosecuted for conspiracy in a range of circumstances (Mizon, 2007).

The economic conditions of the early 1830s saw rapid growth in the formation of trade unions and strikes, causing much consternation amongst employers and landowners and culminating in the prosecution of a number of farm laborers in Dorset for administering 'unlawful oaths' contrary to a Conspiracy Act of 1819. The "Tolpuddle Martyrs", as they became known, were sentenced to seven years' transportation to a faraway place called Australia (Mizon, ibid.).

Following the sentencing of the Topuddle Martyrs and the collapse of a number of unions, trade unionism became largely dormant but revived again in the late 1840s and early 1850s as economic prosperity increased and led to the formation of 'New Model' trade unions amongst skilled workers. It is from this time one can begin to track the development of systematic collective bargaining and the institution in some industries of voluntary arrangements for the resolution of disputes. And over the next 60-70 years, one sees Parliament passing various pieces of legislation to facilitate and indeed promote the development and extension of collective bargaining, (whether or not in all cases that was its intention!): the Trade Union Act 1871 trumped the common law doctrine, developed in Hornby v Close in 1867, that trade unions should be declared illegal because they acted in restraint of trade; the Conspiracy and Protection of Property Act 1875 effectively legalized peaceful picketing; the Trade Disputes Act 1906 provided immunity from civil action for trade unions for acts in contemplation or furtherance of a trade dispute (the so-called golden formula). Even the General Strike of 1926 led to little by way of restrictive legislation designed to limit the freedom of action of trade unions or free collective bargaining. By the late 1940s/early 1950s, as the two quotes below illustrate, a voluntarism, very unregulated system of industrial relations (and dispute resolution, of which more later) had emerged (Ministry of Labour's Industrial Relations Handbook, 1944).

"It is important to recognize that the main responsibility for the regulation of wages and conditions of employment rests with the joint voluntary machinery established by employers' organizations and trade unions. Collective bargaining has for many

years been recognized as the method best adapted to the needs of industry, and to the demands of the national character,

"British industrial relations have, in the main, developed by way of industrial autonomy. The notion of autonomy is fundamental and it is reflected in legislation and administrative practice. It means that employers and employees have formulated their own codes of conduct and devised their own machinery for enforcing them within the sphere of autonomy, obligations and agreements (Freund, 1954).

Although these two quotes are taken from publications now over half a century old, and although the system of "collective laissez-faire" which Kahn-Freund describes has largely been destroyed by developments in the UK over the past 20-30 years, in contrast to many other industrial relations systems around the world, the UK one may still thought to be characterized by a comparative lack of legal regulation – in many ways, voluntarism still prevails. Probably the most effective way of describing UK labour law in the 1950s was to set out what it did not cover. Moreover, what law there was could be seen as 'negative law' put in place to remove legal obstacles to the smooth functioning of self-regulation and to overcome some otherwise inconvenient doctrines of common law.

Perhaps paradoxically, given the UK state's reliance on collective bargaining to regulate industrial relations, and a clear public policy in favour of collective bargaining, there was little or no legislation in place in the 1950s, or indeed before, to oblige employers to recognize and bargain with trade unions. Similarly, the UK state took few steps to ensure that collective agreements were observed: collective

agreements were not regarded as legally enforceable (and still aren't), although, in theory but far from automatically, terms from a collective agreement could be incorporated into individual contracts of employment and enforced by the individual. Neither did they need to be registered (and still don't). And, in addition, neither was there much if any regulation of coercive action by employers or trade unions: until the 1980s, there were no restrictions on secondary action; no balloting requirements; and no controls on peaceful picketing. Neither did (or does) UK labour law provide for compulsory conciliation/mediation or arbitration in collective or individual disputes: whilst since the late 1890s the UK state has provided facilities for dispute resolution, except in very limited circumstances, the parties cannot be legally compelled to use them and suffer no penalty for refusing to do so.

In the 1950s, there was also, by comparison with many other industrial relations systems, a striking absence of legal regulation of the individual employment relationship in the UK. Whilst common law regarded the employment relationship as a contractual one, there was little or no statute law relating to formation of the contract, its terms, or its termination. In theory, the low level of protection afforded to individuals was redressed through the norms provided by collective bargaining. It was only from the early 1970s onwards that statute law relating to unfair (as opposed to unlawful) dismissal, equal pay and discrimination in employment began to be introduced. What then has led the British industrial relations system to move away from 'collective (and individual) laissez-faire' of the 1950s, and just how regulated is the system presently? Davies and Freedland (Labour Legislation and Public Policy, 1993) argue that adoption of the policy in Beveridge's 1944 Welfare State White Paper to maintain a high and stable level of employment sowed the

seeds of the destruction of 'collective laissez-faire'. Full employment both reduced the cost to employees of industrial action and raised their expectations of the benefits that ought to accrue to them from collective bargaining - and the inflationary consequences of that began to worry governments as much as if not more than any harm which might ensue from industrial conflict.

As a result, from the late 1960s onwards, one can observe attempts by both Labour and Conservative administrations to increase regulation of the UK industrial relations system and its institutions. However, it wasn't until the arrival of the Thatcher Government in 1979 that the momentum of this increased significantly and its direction changed somewhat. Whereas the Heath government of the early 1970s had sought to put in place a type of more regulated collective bargaining, and the Wilson and Callaghan Labour administrations of the mid/late 1970s had sought to rely on a "social contract" with the trade unions, the Thatcher approach was to seek to replace collective bargaining with individual bargaining, and through the 1980s legislation was enacted which more narrowly defined trade disputes, curtailed trade union immunities from civil action for damages arising out of coercive action in pursuit of trade disputes, significantly increased trade union regulation, introduced a requirement for ballots before lawful industrial action could be called, effectively outlawed secondary action and reversed public policy in favour of collective bargaining. Where collective bargaining continued, this period also saw significant moves away from industry bargaining to enterprise and plant level bargaining. The Thatcher Government also repealed legislation introduced by Labour in the mid-1970s providing for compulsory recognition of trade unions by employers in certain circumstances. However, interestingly and significantly, no provision was made

during the Thatcher years either to make collective agreements legally enforceable (as the Heath Government had tried and failed to do), or to introduce compulsory dispute resolution procedures.

In addition, partly reflecting the influence of the EU and, arguably, partly to obviate the need for individuals to join trade unions to protect their position, the Thatcher government both retained and in some instances built upon the floor of individual rights which had begun to be introduced by both earlier Conservative and Labour administrations from the late 1960s.

Despite pressure from some trade union circles, the Blair government when it assumed power in 1997 made only very limited reverses to the legislation enacted during the Thatcher and Major years, although it did re-introduce a (much changed) statutory recognition procedure for trade unions. This has not, however, changed the landscape much: where trade unions have gained recognition under this provision, it has in the main amounted to reclaiming old ground rather than advancing into new industries.

The provision of publicly funded employment dispute resolution services in the UK dates back to the passing of the Conciliation Act 1896. The 1896 Act provided that where 'a difference exists or is apprehended between an employer, or any class of employers, and workmen, or between different classes of workmen' (presumably disputes involving women weren't contemplated or covered!), the Minister could, after taking into account whether any industry provisions existed, and with the parties agreement, appoint someone to attempt to broker a resolution of their differences. The policy of successive governments from then on was clear: these

powers were there to be used to foster, promote and facilitate the growth and smooth operation of voluntary collective bargaining arrangements, not to provide an alternative to them or a substitute for them. Conciliation was usually only offered when domestic or industry procedures had been exhausted, or if there was no internal procedure, and was in essence a voluntary process.

The Ministry of Labour took over responsibility for the operation of 1896 Conciliation Act from the Board of Trade in 1917, but by the late 1960s and early 1970s the Department of Employment's (as the Ministry of Labour had been renamed) dispute resolution services were coming in for significant criticism. During this period, officials from the Department were responsible for policing, first, non-statutory and, later, statutory incomes policies, and although different officials provided dispute resolution services, their freedom to operate was, or was perceived to be, increasingly compromised.

Mainly as a consequence, ACAS was created in 1975 with a general duty to promote the improvement of industrial relations and to encourage the reform and development of collective bargaining. It was to provide a range of collective and individual dispute resolution services, including non-legally enforceable arbitration; advisory and information services aimed at dispute prevention and the promotion of good practice; and required to examine and make recommendations on applications for trade union recognition under the then existing statutory procedure. Constitutionally, ACAS was established as a 'non-departmental public body' and legislation provided (and still provides) that it cannot be "subject to directions of any kind from any Minister as to the manner in which it is to exercise its functions under any enactment." ACAS is directed by a Council consisting of a part-time Chair and

10-12 members drawn from the social partners and independent persons such as labour lawyers and academics.

These days, ACAS overarching general duty omits any reference to the promotion and development of collective bargaining, and it thankfully ceased to have responsibility for regulating statutory trade union recognition applications in the early 1980s. As much as anything else, in the UK context, it is the fact that ACAS regulates nothing and has no powers of enforcement or compulsion which makes it so acceptable to both the social partners as a provider of employment dispute resolution services (Mazon, op.cit.).

2.2.2 The Paradigm of Labour Dispute Settlement in Australia, South Africa and Tanzania

The notion of alternative dispute resolution (ADR) comprises all dispute ruling mechanisms other than the strict/formal process of adjudication in a quad of law. (Pretorius, 1992) ADR for that reason denotes a event other than a court strength of mind, in which an impartial third party assists disputants in resolving issues between them (Temba, op.cit. cited from Lewis and McCrimmon; 2005). It covers a expansive band of approaches, from party-to-party engagement in negotiations as the most direct way to reach a mutually accepted resolution, to arbitration at the other end, where an external party imposes a solution. Somewhere along the axis of ADR approaches between these two extremes lies ‘mediation’, a process by which a third party aids the disputants to reach a mutually agreed solution. Alternative Dispute Resolution lend a hand to reduce the backlog of cases at statutory dispute resolution institutions and is thus assisting government agencies to meet their

societal responsibilities more effectively.(Bendeman, H, 2007), It is significant to note that, ADR is inevitably used because it has been noted to present a variety of bendable mechanisms best to match the dispute, as opposed to a rigid adversarial trial process, informality and not bound by severe bureaucratic rules, time and cost usefulness, focus on wellbeing and streamlining of relationships. The application of ADR in resolving Labour disputes in Australia, South Africa and Tanzania is supported by the established institutions i.e. FWA, CCMA and CMA respectively.

As far as disputes are found in every corner on the world where human being exist, for thorough critical analysis on the efficiency of CMA in Tanzania, specifically in Dodoma Municipality this findings have gone far by looking three different countries on the way of resolving disputes which are South Africa ,Australia and Tanzania. The reasons for comparing labour dispute resolution in Tanzania, South Africa and Australia. It further explore labour dispute resolution in these countries; It later ponder on the similarities and contrasts, challenges and achievements, such as they may be, in the daily working realities of the employees in Tanzania and compared countries (Temba, op.cit.). These Grounds meant for comparing Tanzania, South Africa and Australia in resolving labour disputes.

Regardless of difference among human being and their environment may exist but in most cases working environment tends to share similar characteristics which also may not deny some slight variation from one country to another. Australia is one of the developed countries and has a very long experience in resolving labour disputes by tribunal based ADR from early 20th century. The use of conciliation and compulsory arbitration in Australia originated from 1904. This inspired other countries including South Africa in which it established Commission for

Conciliation, Mediation and Arbitration (CCMA) which drew its experience from the then Australia Industrial Relations Commission (AIRC). Later Tanzania came to be inspired by AIRC of Australia and CCMA of South Africa and according to CMA Case Management Guide (CMS,) Tanzania come to develop CMA which is currently operating in Tanzania. (CMA, 2007)

Therefore, the comparative analysis of CMA in Tanzania and other countries focuses on the question of does CMA role seeks to provide the same dispute resolution the same as what is provided by CCMA in South Africa and from the experience of AIRC in Australia now it has developed Fair Work Australian (FWA).

Another validation to why comparing these countries, South Africa and Tanzania both are member states. of SADC There have been important developments within the SADC countries to review their labour legislation and develop market policies that comply with the new social and economic environment. South Africa as the major economy in the region introduced ADR in 1995; therefore for the purpose of this study is to find out the efficiency of CMA in Tanzania basing on its achievements and setbacks of ADR as well as it may be compared to CCMA in South Africa and AIRC which transformed to FWA in Australia.

The study is further justified from the experience of AIRC, now Fair Work Australia (FWA) and the South Africa CCMA as these institutions have experienced many challenges in the resolution of labour disputes by way of ADR. It therefore follows that, the use of CMA in Tanzania, CCMA in South Africa and FWA in Australia offers a means of bringing workplace justice to more people, at lower cost and with greater speed than do the conventional government channels (Zack,1997).

2.2.3 ADR in Australia, South Africa and Tanzania

The Australian commonwealth is a confederation of six states bent as of the six unique, autonomous Australian colonies. Federation took place under the power of the Australian Constitutional Act 1900 and came into effect on 1 January 1901. It is from this confederation where Constitutional Act stated that when the simultaneous exercise of state and federal legislative power result in a clash of laws, federal laws prevail by virtual of a "supremacy clause". In as far as the enactment of labour laws is concerned, federal rule of Australia derives power from section 51 (XXXV) of the Constitution, known as the labour head of authority provision.

The establishment of the Conciliation and Arbitration Commission early in the 20th century followed a period of considerable political, economic and industrial turmoil which included a series of major strikes and a period of economic stagnation that extended for twenty years from the early 1890s.

The position of 1988 Act did not settle on some of the problems of the preceding Act. It was criticized of concentrating labour dispute ruling from the time of its beginning in 1988. This was disregard by the AIRC in 1993 report that, the primary push of the principles of recent years has been the continuing application of the structural efficiency principle, the encouragement of improved efficiency and productivity and the devolution of prime responsibility for dispute outcomes to the immediate parties involved. The move towards the delegation of Australian industrial relations was largely encouraged by the resolution of criticisms that the entrenched use of the formal tribunal system inhibited the development of a decision-making relationship between employers and employees (Temba, op.cit.)

cited (Van G B. 2001). This necessitated the need to enact the Workplace Relations Act (WRA) 1996. In this Act the core AIRC's authority were attacked directly by establishing objects which rested the primary responsibility for determining matters affecting the employment relationship with the employer and the employee at workplace.(Workplace Relations Act S 3 (h) of the 1996) Act also limited the role of the AIRC to prevent and settle disputes by way of conciliation and where appropriate and within specified limits, by arbitration. Also the act restricted the AIRC to implement employment standards at the working environment and that was one of the setbacks of the AIRC.

In as far as labour quarrel resolution by way of ADR, 2009 Act defined fresh position of the law which empowers office dispute decree. On the other hand, in the work out of workplace quarrel resolution, the established organs are supposed to get power from the FWA. In toting up to its powers in regulating industrial relations in Australia and overseeing the activities in the workplace, FWA have functions to mediating any proceedings, part of proceedings or matter arising out of any proceedings that, under section 53A of the Federal Court of Australia Act 1976 or section 34 of the Federal Magistrates Act 1999, have been referred by the Fair Work Division of the Federal Court or Federal Magistrates Court to FWA for mediation. In achieving the goals of ADR, FWA is supposed to be quick, informal and avoiding unnecessary technicalities (Temba, op.cit.).

The 2009 Act limited the powers of the Commission in as far as the use of ADR is concerned. on the other hand, almost any action affecting the right of parties to an employment contract is under the control of the FWA. For example, part 3-2 of Act No 28 of 2009 empowers the FWA to compact with unjust removal from office

cases and if established, the commission may order the re-instatement, re employment or compensation of the employee's affected. Section 381 (1) (b) provides for the adoption of the procedure which are quick, flexible and informal; address the needs of both employer and employee; and to provide remedies if a dismissal is found to be unfair, with an emphasis on reinstatement. In making decision and ordering of such remedies, FWA has to ensure that a "fair go all round" is accorded to both the employer and employee concerned. The expression "fair go all round" was used by Sheldon J in re Lotyand Holloway v Australian Workers' Union [1971] AR (NSW); also, FWA must approve all enterprise agreements entered between the employers and employees in the work place (Temba, op.cit.).

The situation as it exists in Australia at the present is that the decree of labour disputes has to be finished by the FWA which adopts quick, familiar and less technical procedure. The present system unlike the position in the AIRC has left most of the issues concerning the relationship between the employer and employee to be dealt with in the workplaces upon authorization by FWA. The new system therefore intends to provide workplace relations laws which are fair for the working Australians, flexible for businesses, promote productivity and economic growth for Australia's future and takes into account Australia's international labour obligations (Temba, ibid.).

South African labour relations have tended to give a setting for other struggles such as racial preeminence or domination as well as, political discharge of the African masses. (Cowling, 2008) In as far as labour rights disputes are concerned; there were no special adjudicative processes or forums to deal with labour rights disputes. In 1979 the apartheid government was pressured into recognizing black trade unions

and this was complemented by the introduction of a right not to be subjected to an unfair labour practice (ULP) There was a Special Industrial Court formed in 1979 established to resolve labour disputes arising from the introduced right of unfair labour practices (Temba, ibid, p.2.). The use of ADR in settling Labour disputes in South Africa is supported by the establishment of 'the Commission for Conciliation, Mediation and Arbitration as a juristic person (LRA, 1995).

The CCMA is self-governing of the State, any political party, trade union, employer, employers' organization, federation of trade unions or federation of employers' organizations It has jurisdiction in all the provinces of the Republic;55 and may also accredit private agencies or bargaining councils to perform any or all of its functions (Temba, op.cit.) cited in Grogan, 2005) . The primary function of the CCMA is to conciliate and arbitrate disputes referred to it in terms of sections 133(1) (a) and (b) and 134 of the LRA and other labour statutes such as the Basic Conditions of Employment Act 75 of 1997 (BCEA), Employment Equity Act 55 of 1998 (EEA), the Unemployment Insurance Act 63 of 2001 (UIA), and the Skills Development Act 97 of 1998.57 The CCMA also provides technical support to new dispute settlement institutions in a number of SADC countries.

2.2.4 Conciliation and Mediation by CCMA in South Africa

In South Africa despite of having clear legal procedure of handling labour disputes but they encourage on the use of the inform way through conciliations and mediation basing on the consent of the parties. The commissioner must determine a process to attempt to resolve the dispute, which may include mediating the dispute; conducting a fact-finding exercise; and making a recommendation to the parties,

which may be in the form of an advisory arbitration award where possible in South Africa they discourage arbitration means of resolving disputes. Reference of the case to arbitration is provided for under section 138 (1) of LRA. The rule of the CCMA wires ADR approach and in the case of Dimbaza Foundries v CCMA71 the court stressed the arbitrator's obligation to look after the interests of the parties. In Klaasen v CCMA & others 72 the court set aside an award where the commissioner had not warned an unrepresented party of the risk he would run if he did not challenge evidence. The law requires the arbitrator to use less formality in determining disputes before the CCMA (Temba, op.cit.).

Basing from different study who have conducted the research efficiency of the Institution dealing with dispute settling at the working environment, some have come to argue on the problem of CCMA in South Africa basing on the guidelines contained in Schedule 8 of the LRA that, have assumed the character of a codified set of rights and obligations and have made the labour relationship more adversarial than before, not less (Mischke 1997b:101). Though, the adversarialism that used to be found in the collective relationship has now manifested itself in the individual relationship. This can be deduced from the high rate of individual unfair dismissal cases which have been referred to the CCMA and which have caused the case overload.

The realities of the South African labour market are that a large percentage of employees have no, or little schooling and that the largest proportion of employers are in small to medium sized business with practically no skills or training in labour relations and labour law (Landman 2001:76, Theron & Godfrey 2001:8). It could thus be assumed that most of the parties affected by the abovementioned rules and

regulations are not equipped to deal with and make proper use of this very sophisticated system that has been created (Healy, 2002).

It has further become evident that the processes at the CCMA are not as expeditious as was hoped for and that many disputes are referred to arbitration and not settled at conciliation as was intended. Although a system was created where anybody can pursue a labour dispute without any costs involved in bringing the dispute to the CCMA and without the necessity of legal representation, the question should, however, be asked if it is really achieving the above-mentioned objectives (Healy 2002, Cited by Bendeman, op cit).

Labour disputes solving in Tanzania has a stretched olden times. The Employment Ordinance Cap.366 was enacted in 1955 and came into action in the year 1957. However, the Ordinance did not provide for the resolution of labour disputes by ADR; supplementary legislations were enacted after independence and these included the Security of Employment Act 1964 and the Industrial Court Act of Tanzania Act 1967ADR was established in the Industrial Court Tanzania Act, given that collective industrial disputes were set on by the way of compromise and negotiation and compulsory conciliation (ICA, 1967s.4 (3) cited by Temba, op.cit.).

The employment ordinance cap 366 came into operation in the 1957; on the other hand the ordinance did not make available the resolution of labour disputes by ADR. The security of employment Act 1964 and Industrial Court Act of Tanzania Act of 1967 collective industrial disputes were settled by the way of finding the middle ground and compulsory conciliation The Tanzanian government determined to evaluate labour laws since resolution procedure it was noted by the task force that

the procedure was length and complex noting that the Minister was responsible for deciding disputes involving termination of employment (Cornel, 2005 cited by Temba, op.cit.).

During the era of employment ordinance/security of employment that came into force in 1957/1064, it was admitted that it was not possible for a single personal to decide such cases in a growing economy without causing hardship to the parties It was not appealing in a market economy for labour disputes of this nature being resolved at political level, such weaknesses and challenges existed in the process of handling labour disputes escalated the government to enact of Employment and Labour Relation Act of 2004 and Labour Institution Act of 2004 that came into realistic practice of Mediation and Arbitration means of resolving labour disputes in Tanzania.

The LIA time-honored the Commission for Mediation and Arbitration (CMA) in Tanzania the CMA is a self-regulating subdivision of the government which is not subjected to the bearing or control of any person or influence. The CMA is also self-regulating of any political party, trade union, employers association, and federation of trade unions or employers' association. The functions of the commission are provided for under section 14 of the LIA and among others the CMA has the functions to mediate any dispute referred to in conditions of any labour law and settle on disputes referred to it by arbitration subject to section14 (1) (b) (i)-(iii) of the LIA.

Mediation under CMA endow with a better-quality example of the ADR way of dispute resolution (ELRA, 2004.s.86 (1)). Mediation is an obligatory procedure in

settling labour disputes. Parties be supposed to try to solve their dispute under supervision of the mediator sooner than going to arbitration or adjudication. In the cases of *Rita Akena v Tanzania Postal Bank and Bakari S Tifili v Security Group* (Case Revision No 282 of 2008) the labour Court insisted that all labour disputes have to be referred initially for mediation in spite of the pecuniary jurisdiction of the CMA. The court in the earlier case supplementary ruled out that if efforts to resolves through mediation fail, that is when parties can refer the issue to the CMA for arbitration or the labour court for adjudication depending on the worth of the subject matter (Temba, op.cut.).

Tanzanian CMA applies arbitration as one of the ADR machinery in settling labour disputes. dissimilar in mediation where there is part sovereign, arbitration under CMA practice involves examination where the parties present proof and argument and the verdict of the arbitrator is provided with rationales in a black and white award (Government Notice Number 67 of 23 March 2007, rule 18 (2) and (3).). Arbitration award is binding on the parties and is enforceable before the court. The Act provides that arbitration under CMA comes after the failure of settlement in the mediation process (ELRA, 2004)). The Commissioner can appoint an arbitrator before the dispute has been mediated.

There are five stages as provided for under the rules. The arbitration starts by introduction; followed by opening statement and narrowing of issues; evidence; argument and award. The process of arbitration under CMA is simple as it follows the tenets of ADR in resolving labour disputes by observing fairness and quick disposal of disputes. In addition to that, arbitrator is obliged to deal with the substantial merits of the dispute with minimum legal formalities (ELRA, 2004 (4)).

Nonetheless, the Labour Court in the case of China Railway Jiang Engineering Co. Ltd v Abdalah Ibadi and Salum Mtengevu,(Revision Case No. 61 of 2008), Stated that section 88(4) do not authorize an arbitrator to close the eyes to legal formalities which give these quasi-judicial dealings fundamental attributes of legal proceedings. The court described legal official procedure to comprise giving parties a precise to fair examination, calling witnesses and getting facts. Thus, the purpose here is that arbitration proceedings have to be structured to deal with a dispute fairly, quickly and without much adherence to officially permitted formalities.

CMA practice has been noted by various scholars to have been originated or share some similar characteristics with CCMA of South Africa; for example (Temba, op.cit.) has pointed out some sharing parameter between CCMA of South Africa and CMA of Tanzania on its practices. The right to use to both the CCMA and the CMA it is easy to access. For example the data by 2010 February indicate that there were 13,118 disputes referred to CCMA (www.ccma.org.za/services/dispute resolution/settlement rate. accessed 23/05/2012, Cited by (Temba, op.cit.). This indicates that it has been easy for the people to apply for the services of CCMA. There are no formal pleadings when applying for the dispute to be settled under the three commissions, that is, FWA, CCMA and CMA. This has guaranteed that literacy and lack of skills and resources is not an entry barrier to the system.

Time spent in executing cases, despite of the troubles faced by CMA in Tanzania, the commission has handled to resolve many disputes at a pace rate when compared to the speed at which disputes used to be settled under district courts and the Industrial Court of Tanzania. In the year 2009 it is reported that two thousands eighty hundred and seventy eight (2878) cases were referred to the CMA where one

thousands five hundred and thirty five (1535) were settled in the mediation phase whereas three hundred (300) were decided at the arbitration stage and the remaining were referred to the Labour Court. (Personal interview with the Commissioner of the CMA one Amani Mwalongo on 13/04/2010, (cited by Temba, 2013).

On the other hand CMA in Tanzania experiences some challenges/difficulties in executing its functions as follows; Delay of cases; Instead of mediation taking place within Thirty (30) days of referral as required by the LRA, this period is exceeded in challenging regions like Gauteng of South Africa and in Tanzania the circumstances is the same in cities of Dar es Salaam, Mwanza, Arusha and in regional like Dodoma as city of the Country. The dilemma is, however, that in practice the arbitration procedure has assumed a very legalistic and procedural quality, the process to conclude a dispute has become very time consuming and with the increasing role of labour lawyers, it has also become an expensive system (Bendeman, (n 8), p.140,cited by Temba, 2013.).

Other obstacle affecting the functioning of the CMA is financial constraints in Tanzania has hindered the initiation of the commission's website where one may access information about its operation. Fiscal constraints make it tough for the CMA to carry out its duties effectively in terms of research and speedy determination of disputes. In addition the commission does not have office in all the regions, and with such regards some of the Mediators and Arbitrators have the task of travelling for handling disputes in more than one region as result to make the job tough and not friendly to the practitioner.

Although legal representation is restricted in both Australia and South Africa, in Tanzania the same is not restricted hence a bar to achieve the goals for the establishment of CMA. The idea was to have only the disputing parties involved in the conciliation process, thereby keeping proceedings informal by virtue of their lack of legal training. It is argued that, the legal representation is vital for the purpose of feeding the gape of legal illiteracy of the parties, however legal representative on the second side of the coin they are trouble maker once it come to the issue of time consuming due to delay (Temba, op.cit.).

2.3 The Causes of Dispute at Working Environment

Poor communication, this is one of the main causes of dispute between employees in the workplace. This can result in a difference in communication styles or a failure to communicate. For example, a manager reassigned an employee's task to the employee's co-worker but failed to communicate the reassignment to the employee. It may result to misunderstanding between the management and the employees. Difference in Personalities, difference in personalities among employees is another cause of workplace dispute. Employees come from different backgrounds and experiences, which play a role in shaping their personalities, where there is different behaviors there is no way one can escape from disputes due to the fact that not all behavior will match from one another and as the differences arises is where also conflict arise.

Different Values, similar to personalities, the values of employees differ within the workplace. A difference in values is seen clearly when a generational gap is present. Young workers may possess different workplace values than older workers. The

difference in values is not necessarily the cause of employee conflict in the workplace, but the failure to accept the differences is. Competition, unhealthy workplace competition is a cause of employee disputes. Some industries foster competitive environments more than others. When salary is linked to employee production, a workplace may experience strong competition between employees. Competition that is not properly managed can result in employees sabotaging or insulting one another, which creates a hostile work environment (Bhangoo, op.cit.; Jacob, op.cit.; Mathur, op.cit.).

Other causes of industrial disputes may be *economical* (i.e. demand for increase in wages, gratuity and other retirement benefits, bonus, house rent allowance, medical allowance, night shift allowance, conveyance allowance, paid holidays, reduction of working hours, better working conditions etc) *political* (i.e. vested interests of political parties rather than interests of laborers), *personal* (i.e. retrenchment, layoff, transfer, promotion, indiscipline and violence etc) and miscellaneous i.e. modernization of plant etc (Bhangoo, op.cit.; Jacob, op.cit.; Mathur, op.cit.).

Mediation is defined as a voluntary process in which all parties to a dispute work with an impartial mediator that assists them in finding ways to resolve their conflict. Different than litigation /arbitration, mediation is not a win/lose determination. Refer ELRA, 2004, sect 74 (a). A skilled mediator facilitates a solution to the problem which best fits the needs of both parties; the mediator does not decide who is right and who is wrong. Because mediation is similar to negotiation (except that there is a neutral party guiding the process), it is often referred to as facilitated negotiations. The terms mediation and facilitated negotiations are used interchangeably as per Article of Kenneth P. Kelsey of 2005.

Arbitration is northing rather than a process that take place after a failure of mediation process, either part may forward the matter to the Court for arbitration, thus the decision is given by an arbitrator in the court, between two points of view refer ELRA 2004, sect 74 (b). The arbitrator acts like a judge, making a firm decision on a case. The two sides of the dispute will normally agree in advance whether the arbitrator's decision will be legally binding (so they have to go along with the decision) or not (so they can still decide to go to a court or tribunal). For example, arbitration may happen in situation like when a trade union is considering strike action because they simply can't agree with an employer, then they may agree to get an independent arbitrator in (usually from the Labor Relations Agency) to look at the situation and make a reasoned decision (Bhangoo, op.cit.; Jacob, op.cit.; Mathur, op.cit.).

Therefore when a terminated or current employees makes a claim against his or her employer, it is generally in the interest of both parties to attempt to resolve the matter early through a procedure called mediation whereby in Tanzania practiced by CMA. In mediation, an experienced mediator meets with the parties to help them resolve their dispute. The involvement of a mediator greatly increases the chance of a resolution by helping the parties open communications to focus on their real interests in attempting to find a resolution that meets the needs of both sides. Mediation is a non-binding process. Neither party is required to accept any recommendation that the mediator might make for settlement. Any settlement and its terms are entirely subject to the parties' agreement and the entire process is generally confidential. With such regards purpose of this study is to assess if the

presence of CMA reduces number of disputes or not (Bhangoo, op.cit. Jacob, op.cit., Mathur, op.cit.).

2.4 Theoretical Perspective

2.4.1 Theory of Motivation

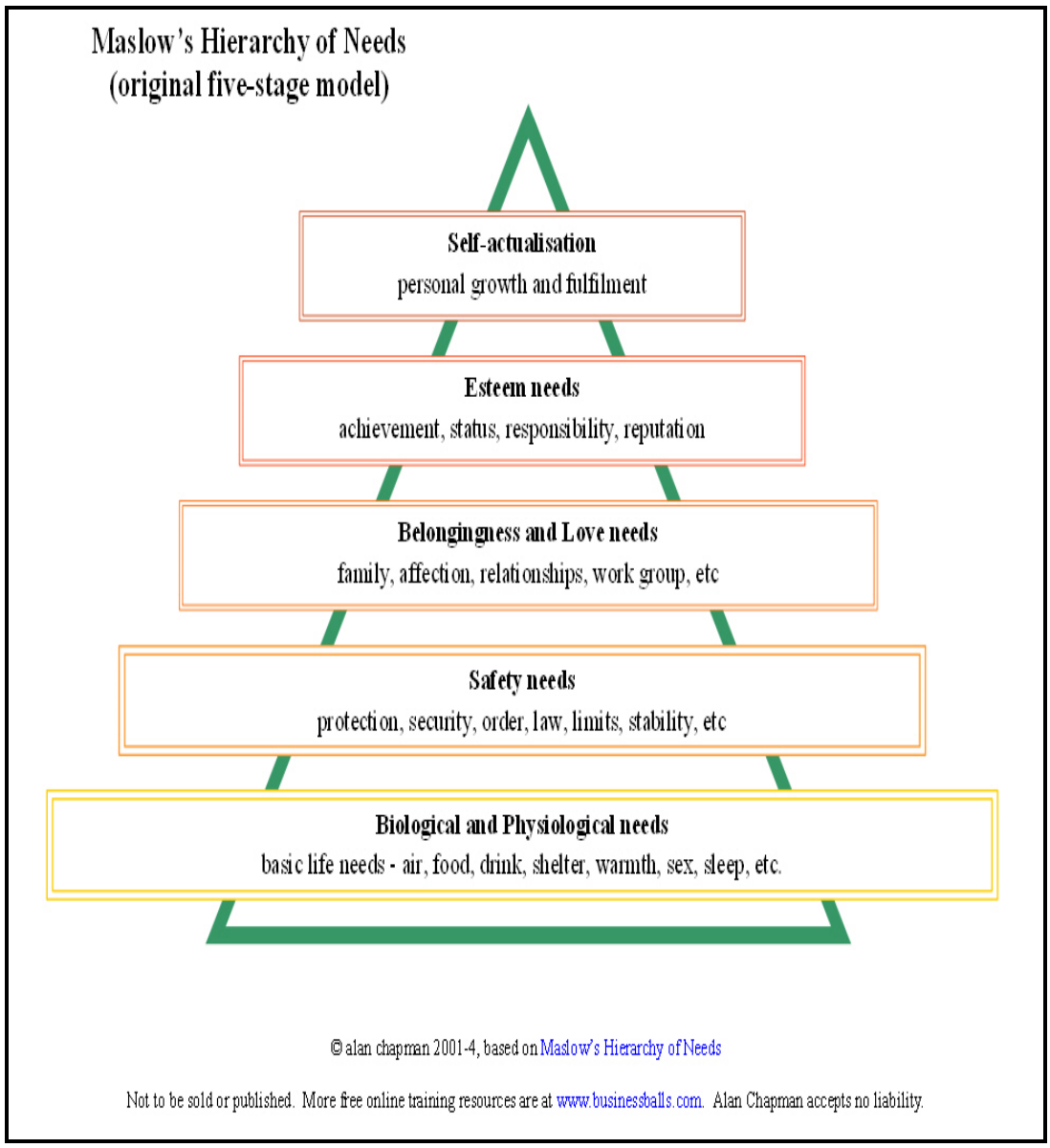
Before going to a detailed discussion concerning theory of motivation as preferred to be used in this proposition due to its directly connection with the study, is better to understand what does motivation means? Motivation is northing rather than intrinsic or extrinsic reward given to employees to make them committed to the organizational job.

Abraham Maslow developed the Hierarchy of Needs model in 1940-50s USA, and the Hierarchy of Needs theory remains valid today for understanding human motivation, management training, and personal development. Indeed, Maslow's ideas surrounding the Hierarchy of Needs concerning the responsibility of employers to provide a workplace environment that encourages and enables employees to fulfill their own unique potential (self-actualization) are today more relevant than ever. Abraham Maslow was born in New York in 1908 and died in 1970. Maslow's PhD in psychology in 1934 at the University of Wisconsin formed the basis of his motivational research (www.businessballs.com/maslow.htm

Theory of motivation have become one of the most interested theory in this study, due to its features that define the theory , such feature are personal and internal state of individuals, producing goals directed behavior and hierarchy of needs theory being a continuous process which give opportunity for people to continue working in their organizations. Another

reason of using this theory is that, employees disputes in many organization if not all tends to rise due to some reasons which are of the same or similar with five hierarchy of need stipulated by Abraham Maslow's. Disputes tends to arise in the working environment due to competition of motivation for basic life needs like foods and other requirement, safety needs like security and in most cases dispute between employer and employees occur due to self-actualization.

Figure 2.1: Conceptual Framework the Pyramid of Five Hierarchies of Needs



Source: Adopted from Maslow's Hierarchy of Needs

Maslow's theory entails its relevance of the theory through Abraham Maslow's thinking which is applicable on modern world of work as well as management of the organization. Maslow's explanations and interpretations of the human condition remain fundamentally helpful in understanding and addressing all sorts of social and behavioral questions - forty or fifty years after his death. Anyone will particularly see great significance of his ideas in relation to modern challenges for work such as in the Psychological Contract and leadership ethics, and even extending to globalization and society. Maslow is obviously most famous for his Hierarchy of Needs theory, rightly so, because it is a wonderfully simple and elegant model for understanding so many aspects of human motivation, especially in the workplace. The simplicity of the model however tends to limit appreciation of Maslow's vision and humanity, which still today are remarkably penetrating and sensitive.

2.4.1 Criticism of the Motivation Theory by Abraham Maslow's

i. It is not true that needs are the only determinants of people's behavior

ii. There is little evidence that human needs exist in hierarchy

2.5 Empirical Framework

The International Labour Organization (ILO) through the Labour Law Component of the United Nations Development Assistance Plan (UNDAP) seeks, among its objectives are; first to increase awareness of employers and workers of applicable labour laws and services provided by the relevant labour institutions and the second is to increase capacity of labour institutions to provide services and to enforce compliance with the labour laws; Different nations in the world have policies that

recognizes the presence of legal institutions for the purpose of dispute solving. For example, in China there are institutions such as Chinese International and Trade Arbitration Commission (CIETAC) and Chinese Maritime Arbitration Commission.(CMAC), in South Africa there in CCMA and Tanzania there CMA (Benjamin, 2003).

In worldwide there is no way one can escape from disputes and conflict at the working environment, in any working environment as longer as individuals differ in terms of thinking and interpretation of different matters then conflict as well as disputes become inevitable in the workplace relationship. Example in South Africa CCMA is the institution that deals with dispute solving through Counseling, Mediation and Arbitration; (Benjamin, op.cit.). Establishing institutions and practices that are able to manage workplace conflict effectively is therefore an integral dimension of any workplace relations system. However, the nature of workplace relations and workplace conflict is changing; such changes can pose significant challenges to those charged with managing workplace disputes, and may demand a range of policy adjustments at an institutional or legislative level (ibid.).

For the purpose of Tanzania, in case of any dispute that may arise pertaining to the collective agreement in the working environment is directly referred to the mediation process and when the mediation fail the matter is forwarded for arbitration and await for court decision. All process of mediation and arbitration according to Tanzanian labour law do take place under CMA (ELRA, op.cit.)

Therefore with such regards, it is globally accepted by various international organization such as (ILO) that recognizes the present of labour institution for the

purpose of solving labour disputes, whereby in Tanzania there is Commission for Mediation and Arbitration(CMA) that is directly deals with solving disputes at working environment; with such concern this study focus at assessing the relationship between the presence of CMA and the employees disputes, to see if does the presence of CMA reduce the number of employees dispute or not.

2.6 Conceptual Framework

It is undeniable fact that in Tanzania CMA as a legal institution that deal with labour dispute solving its capacity of handling disputes has strengthened the industrial relation at working places. Some of the outcome of the mediation agreements and arbitration awards issued were to reinstate employees, hence promoting peace and harmony at work places to a certain level (UNDAP Activity Report, 2012).

Despite of CMA contributions on dispute solving in Tanzanian workplace but it has been marked with a number of critical problems as well as challenges which are Lack of workers participation rules/regulations to guide the process of establishment of Workers Councils in the private sectors, no common understanding on how Workers' Council contract should be prepared/ made, budgetary crisis /inadequate fund to support and accomplish matters of workers councils at work places, inadequate knowledge of the concept of workers participation and its importance in the achievement of organizational goals and objectives, ignorance of the law by the Trade Unionists when intending to exercise organizational rights; that: the trade union must be registered; the trade union should have the majority members and Organizational rights for employees are denied in private sectors (UNDAP Activity Report, 2012).

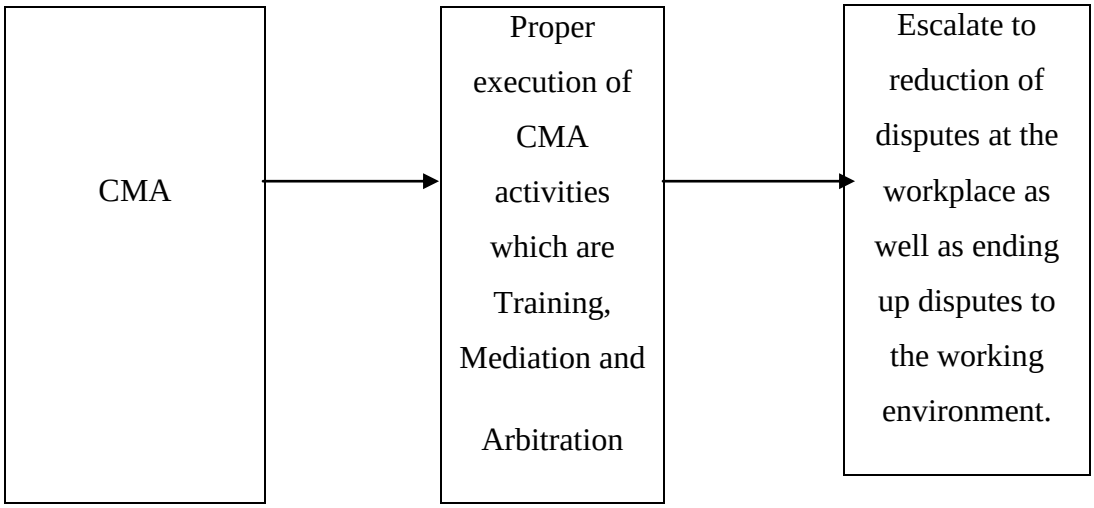
Basing on (UNDAP Activity Report, 2012) that entails that, ‘disputes registered at the CMA are increasing in numbers due to lack of employers-employees participation at work places’. It is recommended that, CMA presence is questionable (?) on whether it reduces employee’s disputes that is why the researcher has proposed this study to be conducted. Further details is the reality that, CMA has failed to establish employers -employees participation at workplace, whereby it is one of the main source of disputes at the workplace, with such regards one may justify that CMA is in dilemma to prove beyond reasonable doubt that its presence has reduced the number of employee’s disputes. And such dilemma is the one that has resulted to undertake this study.

Therefore, according to various literature stipulated above as related to the researcher's understanding, further studies is recommended on "How CMA can establish or facilitate Employers-Employees relationship at work place" as one of the key factor that will help to reduce the number of disputes at workplace.

2.6.1 Efficiency of CMA Result to Dispute Reduction at Workplace

Figure 2.1 depicts efficiency of CMA result to dispute reduction at workplace. CMA is acquainted with its responsibility and executes properly activities such as mediation, arbitration and training to the CMA stakeholder’s results to disputes reduction at the working environment as well as to end up the disputes at workplace when CMA emphasizes on training for awareness creation to Commission stakeholders.

Figure 2.2: Efficiency of CMA Result to Dispute Reduction Workplace



Source: Field Data Survey, 2014

2.7 Summary

The Chapter focused on the connected Literature, Introduction of it, Definition of Key Terms, Theoretical literature review, Conceptual Framework, Analytical review, Critical review, Empirical review, research gap as well as Conclusion of the chapter. The subsequent chapter, (Chapter III) Research Methodology focused on the Research Design; description of Study area, Sampling Method and Sample size, Method and techniques of data collection, sources of data as well as data analysis and interpretation.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

In the prior chapter (Chapter Two), the researcher has discussed various scholar ‘views and findings concerning this problem. This chapter describes the procedures that were followed in conducting the study. It gives details regarding research design, population of the study area, sample and sampling techniques, a description of data collection instruments that were used, as well as the techniques that were used to analyze data. The research process involves identifying a problem and translating it into a research problem. This chapter discusses the research methods that were used in conducting this study and the reasons for using the chosen method or an overall approach to work process.

3.1 Location of the Study and Rationale for its Choice

The location of the study was Dodoma municipality particularly and the target population was the Commission for Mediation and Arbitration (CMA) and stakeholders of CMA (employers, employees and trade union representatives). The study includes four categories, namely; CMA officials/Lawyers, Trade Union Representatives, Employers and Employees. The reason for the choice of the locality of the study as Dodoma Municipality bases on the reason that, unlike in other Municipalities and regions in Tanzania, Dodoma Municipality is populated by different institutions both private and public sectors of which different services are obtained such as Schools, Dispensaries, Hospitals, Universities and many others

whereas the issue of disputes resolution is highly expected, needed likewise humanly fundamental and healthy.

3.1.1 Description of the Area of Study

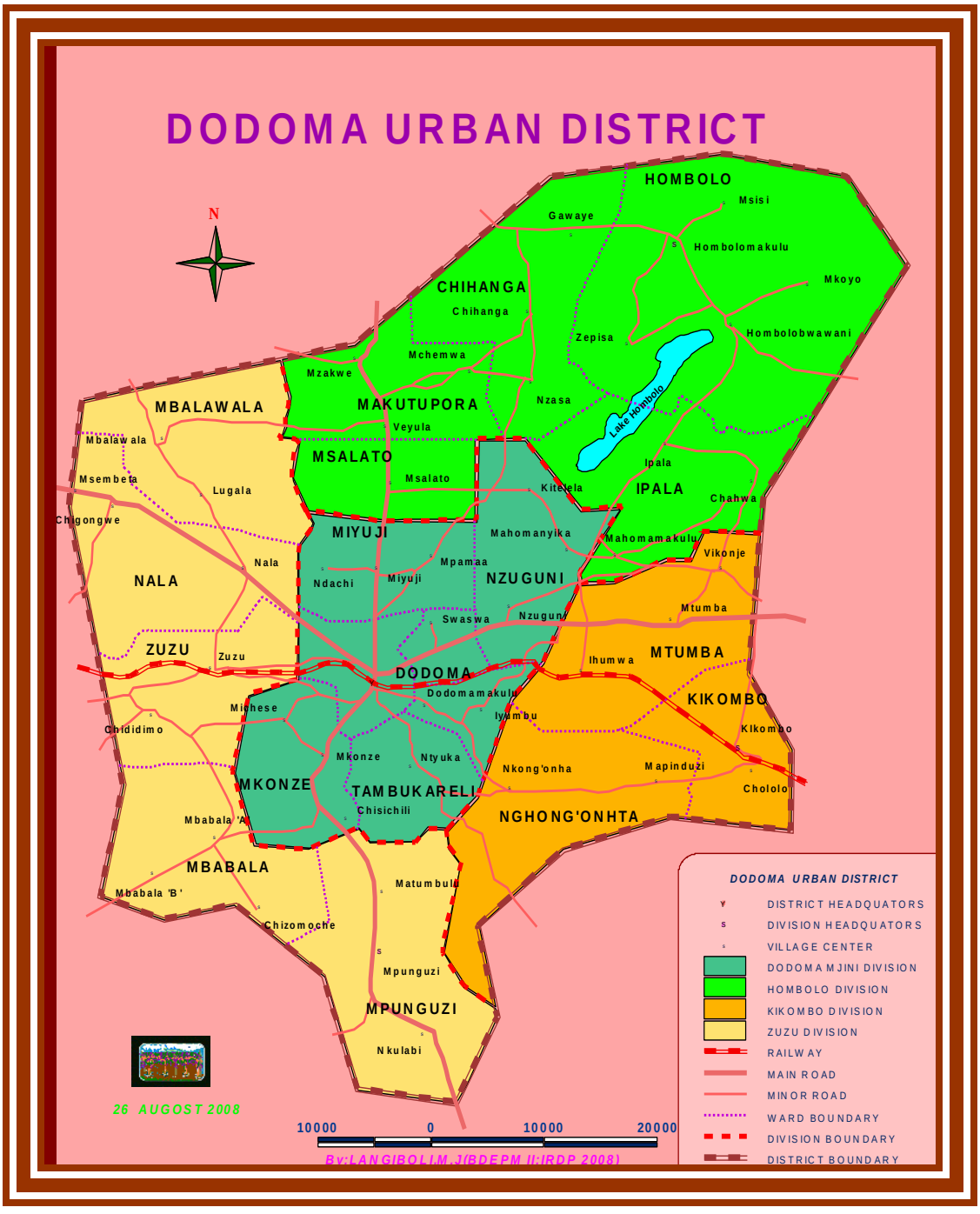
The study was conducted in Dodoma Municipality; it is administratively divided into one parliamentary constituency, 4 divisions, 37 wards, 39 villages, 100 streets and 222 hamlets. While the original inhabitants of Dodoma Municipality are believed to be the Gogo and Rangi there are now a quite good number of mixed tribes from neighboring regions; this is due to trade and cultural relationships in the area. According to the population and housing census of 2012, Dodoma Municipality had 410,956 people of which male are 196,487 and females 211,469 with the households' size growth of 4.4. The number of households is 93,339.Growth rate is 2.7% Economic activities carried at Dodoma Municipality are agriculture, fishing activities, trading and industries activities (Dodoma Urban Profile, 2014).

The region was established in 1963 consisting of three rural districts and one Township Authority. To date, Dodoma region has four rural districts and one urban District namely; Dodoma-Rural, Kondoa, Mpwapwa, Kongwa and Dodoma Urban. The region is the 12th largest in the country and covers an area of 41,310 sq. km equivalent to 5% of the total area of Tanzania Mainland. Based on the growth rate of 2.4 percent and taking 1988 as a base year, the current (2012) Regional population is estimated at 1,735,000 Dodoma Urban 280,781 whereby male 135,094 and female 145,688 (Dodoma Profile, 2014).

Dodoma region lies at 4 to 7 latitude south and 35 to 37 longitudes east. It is a region centrally positioned in Tanzania and bordered by four regions namely: Manyara in the North, Morogoro in the East, Iringa in the South and Singida in the West. Dodoma has a population of about two million mostly rural inhabitants (White-Kaba et al, 2011). Original inhabitants of Dodoma region are the Gogo who occupy the districts of Dodoma rural, Mpwapwa, Kongwa, and Bahi. Others are the Rangi who occupy Kondoa district. Dodoma municipality which is the focus area in this study is inhabited by both the Gogo and the Rangi. It is also important to note that Dodoma municipal has people from different tribes of Tanzania living in there. However, the inhabitants tend to conserve their traditional attitudes and practices, for example their society allowed for communal use of water and pasture, with self-reliance among clans operating in a framework of "mutual help between them" (White-Kaba et al., 2011).

The region has a semi- arid or modified savanna type of climate, which is characterized by a long dry season. This climatic condition has made the inhabitants live essentially from agriculture and livestock keeping. The region remains one of the poorest and driest in the country, suffering frequent famines (White-Kaba et al., 2011). Agriculture has not been able to offer a steady supply of food to the inhabitants due to drought. Livestock-keeping has also not sufficiently pulled the inhabitants out of abject poverty due to frequent droughts. Drought can alter terms of trade in local economies (R&AWG, 2004). The town of Dodoma is the official capital since the 1960's, attracts attention for few weeks in the year during sessions of Tanzania's national parliament, but the de facto capital remains the crowded port city of Dar es Salaam.

Figure 3.1: Map of Dodoma Urban



Source: Dodoma Urban Profile, 2014

3.2 Research Design

This study employed case study research design; the researcher adopted the use of case study as it was easier to obtain data on more than a few variables from within a single geographic unit. In this case Dodoma Municipality was the geographic unit where CMA was a case study Due to limited financial resources, the sampling casing and time consideration, the researcher did not have any other suitable design rather than a case study (Baradyana and Ame, 2009).

3.3 Research Strategy

Each strategy can be employed in any of the three types of research design, namely descriptive, exploratory and explanatory research, Yin, (2003). The important factor to consider is whether the chosen strategy will answer research questions, objectives, time and other resources available, Saunders et al., (2007). Under this study, the research strategy that was used was a case study sources from the field. The choice of the strategy depends on saving time and cost, accessibility of data which are to be obtained from the field, data were of tabular format which was collected once and used as for comparison analysis, such as observing of trends of disputes resolution.

3.4 Data Collection

The researcher used both primary and secondary sources in collecting data. Primary data were collected using instruments like questionnaires, interviews and observation. Secondary data were collected by using instruments like Internet, documents, books and reports.

Secondary data are information collected by others for purposes, which might be different from that of the researcher, Jankowicz, (2005). Data extracted from the secondary sources can be either, internal and external data. Internal secondary data are data obtained within the organization such as annual reports or company records while governments' publications, books, journals are external secondary data, gathered from outside the organization. This study used both sources in data collection process.

3.5 Methods of Data Collection

According to (Saunders, op cit) defined data collection method as the systematic collection and interpretation of information with a clear purpose of coming out with outcomes or results. On the other hand, techniques "are particular step procedures which researchers follow in the process of gathering data and analyze them to extract the information they contain". Different methods and data collection techniques are available for business and management research works. The use of any of these methods depends on the structure, nature, scope of topic under investigation, source of data used and purpose of data gathering as well as the assumptions taken into consideration, (Jankowicz, op.cit.). The main methods used in this study were interview, documentary survey based on publications and Observation. It is a series of questions prepared and distributed to different people who were selected as a sample. The methodology provides more information because anonymity attracts respondents to answer the questions (Babbie, 1983). English questionnaires were prepared differently according to the role and responsibilities of each key act at this study. The questionnaires were administered to, CMA stakeholders, who are responsible with disputes resolution at the working

environment. These questionnaires aimed to explore the efficiency of CMA in resolving disputes at working environment. The researcher used both primary and secondary sources in collecting data. Primary data were collected using instruments like questionnaires, interviews and observation. Secondary data were collected by using instruments like Internet, documents, books and reports.

3.5.1 Questionnaires

The concept of questionnaire is a list of questions given to respondent and fills them themselves. The main reasons for the use of questionnaires in this study aroused from the fact that they were relatively economical and can be used to cover a wide geographical area with minimal cost in terms of both time and money, they have standardized questions, can ensure anonymity; and questions they present was written for the specific purposes. Questionnaires also increased the chances of genuine response; they made it possible for the researcher to measure what a person knows knowledge or information, what a person likes and dislikes values and preferences and what a person thinks attitudes and beliefs (Olatunde, 1994), in this study questionnaire employed for CMA officials/Lawyers.

3.5.2 Interview

Kothari, (2002:120) states that interview is a purposeful discussion between two or more people and it refers to presentation of oral verbal stimuli and getting replies through oral verbal responses. Kothari, (2004:97) add that Interview involves presentation of oral stimuli and reply in terms of oral verbal responses. In this nature of this study semi-structured interviews guide employed to obtain rich and deep

information on issues assessing the CMA efficient toward dispute solving at work place environment. Interviewer used semi-structured interview guide by asking various questions and recording the interviewees' responses to these questions. The interview was used for trade Union representatives.

Structured interview was conducted rather than unstructured interview in a few cases as it gives in-depth information about particular cases of interest to researcher. It is also systematic, in the sense that researcher intensively investigates a particular issue before moving to the next (Kombo and Tromp, 2006:32). Moreover, the researcher gets a complete and detailed understanding of the issue from the respondents by asking or probing one respondent after the other on a particular issue before probing the other.

3.5.3 Observation

This is a technique/method of collecting data without letting the observed know that there is someone observing him/her (Babbie, 1983). The researcher observed how the disputes are being resolved and assess its efficiency (everything was done through observation).

3.5.4 Documentary Source

Documents related to the topic of the study were highly consulted for the purpose of soliciting more information. These documents include: 1) CMA-Case Management Guide. 2) ELRA, 2004. 3) ELRA, 2004 and Rules of 2007. 4) ILO-Activity Report.

3.5.4 Internet

The examiner obtained information originating from various websites. The information provides a wide knowledge about efficiency of CMA in work place disputes resolution.

3.6 Population of the Study

Population refers to the total number of items about which the information is desired (Kothari, 1990). In this study, population of study includes reproductive age women and maternal health care providers. The study could not cover the entire population due to some limitation of accessibility, time and resources. Therefore, a representative sample was drawn for the study. This study focuses on Dodoma Municipality as were there is CMA central zone office. It is in researcher's confidence that sufficient and reliable information was obtained.

3.7 Sampling, Population and Unity of Enquiry

The target population was the Commission for Mediation and Arbitration (CMA) and stakeholders of CMA (employers, employees and trade union representatives) For the purpose of the study; population was divided into Four (4) categories, namely; CMA officials/Lawyers, Trade union representatives, Employers and Employees.

A sample is "a subset, or some part, of a larger population", Zikmund, (2003). There are two major alternative ways of drawing samples, probability and non-probability sampling techniques. With probability sampling each element in the population has an equal chance (known non zero probability) of being selected. The simple random

selection is a sampling procedure where by each member has an equal chance of being selected and being included in a sample (ibid). In this study, the population includes a number of cases study, and efficiency of CMA in disputes settlement and resolutions at the work place.

3.8 Sample and Sampling Techniques

3.8.1 Sample Size

The study employed a sample size of 40 respondents from 4 CMA stakeholders 2CMA officials/Lawyers, 8Trade Union Representatives, 18Employers/HR Practitioners and 12Employees.The size of the sample was estimated based on Yamen's formula described by Rwegoshora (2006).

3.8.2 Sampling Techniques

Sampling is defined as the strategy used to select a sample of participants chosen from the whole population to gain information about the larger group. Sample Technique is the procedure used to select people, places or things to study in the target area (Cohen, et al, 2007). A sample is "a smaller (but hopefully representative) collection of units from a population used to determine truths about that population" (Gray, 2005).

In this investigation respondents were taken from all the four (4) categories selected which are CMA stakeholders responsible with disputes solving at the work place. These are: 1) CMA officials/Lawyers. 2) Trade Union representative. 3) Employers/HR practitioners. 4) Employees. The researcher used purposive sampling technique to select the appropriate respondents from CMA stakeholders within the

selected area of study in Dodoma Municipality. This sampling technique enabled the researcher to acquire the right and intended information for the purpose of this study.

Table 3.1: Sampling Techniques

Category of Respondents	**Sample Selected**	**Percent of Sample**
CMA Officials/Lawyers	8	20%
Trade Union Representative	2	5%
Employers/HR practitioners	12	30%
Employees	18	45%
Total	**40**	**100%**

Source: Field Data, 2014

Table: 3.2: Distributions of Respondents and Non Respondents

Category of respondents	**No. of Respondents**	**No. of Non Respondents**	**Total**
CMA officials /Lawyers	8	0	8
Trade Union Representative	2	0	2
Employers/HR practitioners	12	0	12
Employees	18	0	18
Total	**40**	**0**	**40**

Source: Field Data, 2014

Table 3:2 above reveals that out of total sample selected of 40 respondents, all of them answers the questionnaires and this was due to the fact that the researcher did her research at his working place and around his surrounding environment for that reasons it was easier for him to make a constantly follow up on the questionnaires distributed.

3.9 Respondents Backdrop Uniqueness

It is important to describe the characteristics of the respondents in terms of response. These characteristics influence their opinions/responses to different data collection instruments. For instance CMA officials/ Lawyers are the people characterized with high technical knowhow of labour laws and handling of disputes at work, Trade Union Representative, these are the staff from trade union that represent employees to CMA during resolving disputes between employers and employees, Employers/HR practitioners this entails about the group which is characterized by financial capacity and being oriented with profit making; with such regards this group tends to cause disputes by violating some of the labour regulations and use its financial capacity to hire Advocates for handling CMA cases and the group of employees this is the group which is considered as inferior group which is not financially powerful ,it has limited technical knowhow on labour laws and this group in case of arising any case between the employer and employees Trade Union Representative has legal right to represent this group.

3.10 Data Analysis Methods

Pallant, (2007) stated that, in a research process the data analysis method has its own part. The latter, assimilate evidence in order to obtain answers to the research questions, Kothari, (2002). The researcher analyzed item-to-item putting into account the importance of each item under the study. Data analysis constituted data from publications. In this study, the researcher used the following analysis method: For the purpose of this study data collected were edited for accuracy coded and analyzed in the form *of tables, percentages* and *inferential* analysis. Both qualitative and quantitative methods were used in processing the information collected. Quantitative technique was used to answer the study questions in numerical values.

3.11 Validity and Reliability

3.11.1 Validity

Validity is concerned with whether the findings are real about what they appear to be about (Saunders et al., 2007). This shows whether the means of measurements are accurate and whether they are actually measuring what they were intended to measure. In this study, the researcher ensured that the items within the measure were adequately captured by the domain of the construct being studied, that is content validity and use reasonable judgment so as to ensure that the measure was indeed related to the construct being studied, that is face validity.

3.7.2 Reliability

Reliability is the extent to which data collection methods yield consistent results (Kothari, 2005). All data that was collected by the researcher through different techniques was cross-checked in order to ensure that the instruments used was able to measure what was expected to be measured, and obtained from the reliable sources. Researcher guaranteed that all dimensions and observations made on this study were replicated by other researcher and yields the same results. Considering things like subject fault, topic unfairness, observer blunder and observer bias was highly minimized as the main source for this information are real and correct. However, the investigator takes caution of proper recording of data that, they were available in documentary form.

3.11 Research Ethics

Permission to conduct this study was from relevant authorities. These were included permission from Dodoma Urban District and written permission from the University of Dodoma. In addition to that the respondents were assured of the confidentiality of the information that was provided to the researcher.

3.12 Conclusion

This chapter has examined the methodological measures for this study. It has scrutinized the research design based on the ethno methodological and mixed methods approaches. While due to its embedment in the ethno methodological approach the study makes use of the case study, it collects quantitative and qualitative data, on the one hand, and analyses the data with the use of statistics and

content analysis, on the other hand. The chapter has winded up with the issues related to validity and reliability as well as research ethics. The successive chapter (Chapter Four) focuses on about the presentation and discussion of the results.

CHAPTER FOUR

PRESENTATION AND DISCUSSION OF THE FINDINGS

4.0 Introduction

In chapter three, the researcher has discussed diverse intellectual ‘views and findings regarding research methodology, detailing on research design, research strategy area of study, sampling population , unity of enquiry data collection, method of data collection, validity and reality of the data and data analysis. In this chapter the data which were composed from the research questionnaires, interviews and observations as fine as from the objectives of the research which were set forth in chapter one have been presented and analyzed. The researcher has presented the facts which were revealed throughout the study. The result which were set forth have depended on the data collected which are edited and coded for the purpose of completeness and accuracy and have been classified into meaningful relationships to indicate what it means in the context of the research report. The research basically carried out the research in the limits of the research investigation questions; therefore, within this chapter the analysis of data and the research findings are interpreted with respect to research questions/hypotheses developed to guide the study.

This is the most crucial part of this research since it is the Centre of the study and it provides answers to the research question. This party gives an overview of the general observation based on what was observed by the researcher in the field and on the responses. Beyond the scope of this chapter, the researcher has presented the statistical gathering and the quantitative tests of the data on the basis of the research

questions developed to guide the study. The results which are being presented in this chapter should be viewed in consideration of the scope and limitations of the study pointed out in the early chapters.

4.1 Specific Observation

This part goes deeply in the research result concentrating on the respondents and their spouses on matter of sex, age, education, marital status and occupation. This socio-economic uniqueness of the respondents is important to resolve the position of the respondents and answers they provide, in the study area.

Frequency distribution was used to classify data, to give sense to the response rates and make easy insight in applicable tables the frequency distribution of responses has been arranged by event from the highest to the lowest obtained from the responses. Furthermore, tables, graphs and charts were drawn using Statistical Package for Social Science (SPSS) and excel.

4.2 The Study and Response Rate

The sample studied were forty in total which contained three groups of people; Operational staff /employees, Trade Unions representative and Technical staff (CMA officers /Lawyers) and Employers/HR practitioners. Out of forty questionnaires dispersed, and all forty were composed, this represents rate of 100% as briefly clarified in the 4.1 table below:

Table 4.1: Distribution and Compilation of Questionnaires

Group of respondents	No. of Respondents	No. of Non Respondents	Total
Trade Unions representative	8	0	8
Technical staff (CMA/Lawyers)	2	0	2
Operations staff/Employees	12	0	12
Employer/HR Practitioners	18	0	18
Total	**40**	**0**	**40**

Source: Field Data, 2014

4.2.1 The Distinctiveness of Respondents

In this part, distinctiveness of the respondents was entirely analyzed. For this study, the sample size was the characteristics of CMA stakeholders as well as staff in the Middle level in the organization which are stakeholders on CMA at Dodoma Municipality which are Tanzania Meat Company LTD, TANESCO Regional Office at Dodoma, The Central Regional Lawyers Advocates and Dodoma Teachers SACCOS. The uniqueness of the respondent observed includes gender, age, working experience, academic qualifications and in department wise. The review of these characteristics gave some sights as to why the answers of the respondents varied. A sample size of forty CMA stakeholders was taken and the following were characteristics.

4.2.2 Allocation of the Respondents by Sexual Category

The quantity of gentleman respondents, 25(62.5%) surpassed the number of female respondents, 15(37.5%). The allocation of respondents basing on their sexual category is recapitulates in the subsequent4.2 Table below:

Table 4.2: Allocation of the Respondents by Sex Category

Responses	**Frequency**	**Percentage**
Male	25	62.5
Female	15	37.5
Total	**40**	**100.0**

Source: Field Data, 2014

4.2.3 Respondents Ages

As shown in table 4.3 below from the findings no one were interviewed or responded to the questionnaire below the age of 18 years, however, the majority of respondent's age diverged from 18 and 36 years. They were 15 in number and marking 37.5 % of entire number of respondent from selected sample this were the second group. The 3rd often occurring age group was ranging between 36 and 54years, they were thirteen respondents that build up 32.5 % of the sample. The 4th group of the respondents was ranging between 54 and above that make up 20% of the respondent and lastly the age ranging between 55 and 60 years in Tanzania that is the age for voluntary retirement for 55 years of age but 60 years old that is the age were retirement is mandatory The age structure shows that CMA stakeholders are mostly composed of a highly active employees that may designate its dream to become accustomed to the rapidly changing economy situation in the nation.

Furthermore, this age composition is appropriate for the study as the employees studied are more likely to stay in the work place for a long time; because they have very significant role for its future routine.

Table 4.3: Age Cluster of the Respondent Level

Age Interval	Frequency	Percentage
18-36	15	37.5
36-46	13	32.5
46-54	8	20.0
54 & above	4	10.0
Total	**40**	**100.0**

Source: Field Data, 2014

4.2.4 Learning Level of Respondents

As depicted in the table 4.4, a good number of the respondents that were sampled are of high learning that has a degree. Away of the forty respondents twenty five had a degree making up 62.5 % of total respondents. College level respondents were only one equivalent to 2.5% of the sample bulk and individuals with Secondary level of education are, generally were four making 10 %. And there were ten respondents who were at vocational training level corresponding to 25 %. This demonstrates that CMA stakeholders based on various qualifications staff which helped the study be covered by vast skills and experiences of different academics backgrounds.

Table 4.4 Respondents Education Level

Responses	Frequency	Percentages
College level	1	2.5
High learning	25	62.5
Vocational training	10	25.0
Secondary level	4	10.0
Total	**40**	**100.0**

Source: Field Data, 2014

4.2.5 Respondents Years of Experience at the Work

The investigator sought after to be acquainted with allocation of working experience in order to know the quality of responses justified with the inputs made to the study. The distribution table shows that the majority of the respondents lie between 6 to 10 years equivalent to 55% which have sufficient knowledge to provide appropriate responses to the study.

As shown in table 4.5, greater part of the respondents falls in category of working experience between six to ten years which is fifty five per cent of all respondents. Another category of the respondents falls within a working experience of one to five years which scored twenty five percent of the total respondents. The category of respondent fall from eleventh to fifteen years seems to be of much significant to the research because they have long working number of years in service.

Table 4.5: Respondents Work Experience

Responses	Frequency	Percentages
1-5	10	25.0
6-10	22	55.0
11-15	8	20.0
Total	**40**	**100.0**

Source: Field Data, 2014

4.2.6 Respondents in Category Wise

In Table 4.6, the researcher wanted to distinguish what CMA stakeholder's respondent belong in order to know, and determine the level of dependence to be placed on their responses.

A majority of the respondents to the research questionnaires were from Employers/HR-practitioner category Out of forty (40) respondents, 18 corresponding to 45.0 % of total respondents. This means that the excellence of responses is high and consistent since they are the one dealing with most part concerning the subject of the study.

Table 4.6: Respondents' Working Category

Responses	Frequency	Percentages
Operation staff/employees	12	30.0
Trade Union representative	8	20.0
Employers/HR- Practitioner	18	45.0
Technical staff/CMA Official/lawyers	2	5.0
Total	**40**	**100.0**

Source: Field Data, 2014

4.3 Descriptive Analysis and Findings

4.3.1 Awareness of CMA in Solving Work Place Disputes

Findings from the field indicates that a majority of the respondents equal to ninety per cent recognize that CMA is dealing with solving of employer versus employees disputes at the work place, And there were only one respondent who said no and the other one who was not sure if CMA deals with disputes solving at the working environment, and this result to make a total of 40 respondents as portrayed in the table 4.7.

Table 4.7: Awareness of CMA in Solving Work Place Disputes

Responses	**Frequency**	**Percentages**
Yes	38	95.0
No	1	2.5
Not sure	1	2.5
Total	**40**	**100.0**

Source: Field Data, 2014

This implies that the CMA stakeholders are aware of the functions of the Commission in a way that they can analyze the commission efficiency.

4.3.2 The Extent of CMA in Solving Workplace Dispute

In this section, the researcher wanted to be acquainted with what extend does CMA help to resolve disputes at workplace. In this regards there were 50% of the respondents who said to the large extend CMA help to solve work place disputes were equal 20 respondent coming from operational staff/ employees, and 10

respondents who made up the 25 % of all respondents said that CMA helps to solve the dispute at workplace at Average level from Trade Union representative ,and there were only 5 respondent who are equally to 12.5 per cent said to minimum extend CMA helps to resolve disputes at the work place coming from HR-Practitioner, 2 respondent said all of the above amounting to 5 per cent and 2 respondent said they know northing which is equal to 5 per cent. And the last category is 1 respondent who said not sure and results to 2.5 per cent. The following table 4.8 illustrates the extent of CMA in solving workplace dispute.

Table 4.8: The Extent of CMA in Solving Workplace Dispute

Responses	**Frequency**	**Percentages**
Large extend ;CMA Officials/ Operation staff	20	50.0
Average; Trade Union Representative	10	25.0
Minimum extend; Lawyers/ HR-practitioners	5	12.5
All of the above; Employees	2	5
Not sure; Acting/Assistant staff	2	5
Know northing	1	2.5
Total	**40**	**100.0**

Source: Field Data, 2014

4.3.3 Causes of Disputes at the Workplace

In this study as lustrated in table 4.9 below, the researcher intended to know if the respondents knows the causes of the disputes at the working environment of the CMA stakeholders, in which their response responses were as follows, 10 respondents who were equally to 25 percent said the main source of Ignorance of labour laws to the employer and employees and 5 respondents said poor working

environment is the source of the disputes this were equal to 12.5 per cent , 5 respondent said the causes of disputes at workplace in poor Management which were equal to 12.5 per cent and the rest 20 respondents said all of the above answer are true this result 50 per cent. The subsequent table 4.8 illustrates the causes of disputes at the workplace.

Table 4.9: Causes of Disputes at the Workplace

Responses	**Frequency**	**Percentage**
Ignorance of the labour law	10	25.0
Poor working Environment	5	12.5
Poor Management	5	12.5
All of the Above	20	50.0
Total	**40**	**100.0**

Source: Field Data, 2014.

This indicates the awareness of the respondent to the causes of the disputes at the work place that escalate to these results.

4.3.4 Measures Taken by CMA to Prevent Disputes at the Workplace

Displayed here below by table 4.10, in this part the researcher planned to know if the CMA has taken any measurement to prevent disputes at the work place and the results were as follows ; 3 respondent s said CMA do undertake skills enhancement to the employers and employees at work place and that make 7.5 per cent of the sample, 5 respondent said CMA do conduct conference to employers and employees which make 12.5 per cent,7respondents said CMA do conduct workshop and

seminars for labour laws to employees and employers ,that make 17.5 per cent and lastly 25 respondent said none of the above is correct and amount to 62.5 per cent of the sample population.

Table 4.10: Measure Taken by CMA to Prevent Disputes at the Work Place

Responses	**Frequency**	**Percentages**
Skills enhancement of employees and employers on labour law	3	7.5
Conference to employer and employees on labour laws	5	12.5
Seminars and workshop on labour laws	7	17.5
None of the above	25	62.5
Total	**40**	**100.0**

Source: Field Data Survey, 2014

This indicates the awareness of the respondent on measurement taken CMA in preventing disputes at the work place that escalate to this outcome.

4.3.5 Main Sources of the Finance for CMA to Execute Its Activities

In this part, as illustrated by table 4.11, the researcher sought to know if the main sources of revenue for CMA to execute its function is coming from which source, 25 respondents who were equally to 62.5 percent said the main source of revenue of the CMA coming from the government budget and 10 respondent said they are not sure if revenue comes from the government or not,4 respondents said they don't know where the revenue comes from and that is 10 per cent, and 1respondent said all of the above answers are not correct which amount to 2.5 per cent.

Table 4.11: Main Sources of the Finance for CMA to Execute its Activities

Responses	Frequency	Percentages
Government Budget	25	62.5
Not sure if comes from the government budget	10	25
Don't know	4	10
All of the Above are not correct	1	2.5
Total	**40**	**100.0**

Source: Field Data Survey, 2014

This indicates the awareness of the respondent on the financial sources that facilitate CMA executes its activities.

4.3.6 Result of Insufficient Fund on CMA Efficiency

In this questions, the researcher required to know if the respondents knows the outcome of poorly allocation of fund by the government to CMA and its effects to the efficiency of CMA the results were as follows, 30 respondents who were equally to 75 percent said results to difficulties in conducting trainings to CMA stakeholders 5 respondent said it limits the CMA offices which 4 respondents said they don't know where the revenue comes from and that is covered 12.5 %, 3 respondents said all of the above of are correct answer and result to 7.5 per cent, and 2respondent said they know northing which covered 5 per cent as illustrated by table 4.12.

Table 4.12 Result of Insufficient Fund on CMA Efficiency

Responses	**Frequency**	**Percentages**
Difficulty in conducting training	30	75.0
Limited CMA offices	5	12.5
All of the above answers are correct	3	7.5
Know northing	2	5.0
Total	**40**	**100.0**

Source: Field Data, 2014

This indicates the impact of allocating insufficient fund on efficiency of CMA activities:

4.3.7 Outcome of Poor Trainings to CMA Efficiency

In this area the researcher sought after knowing if the respondents acknowledge the problem of poor training to CMA stakeholder to see it position CMA to inefficient and the result were, 30 respondent said they agree that failure of CMA to conduct training to its stakeholders it make CMA inefficiency and the is 75 per cent and 10 respondent said they partially agrees that failure of CMA to conduct training to its stakeholders position CMA as inefficient that amount to 25 per cent. Table 4.13 below demonstrates an outcome of poor trainings to CMA Efficiency.

Table 4.13: Outcome of Poor Trainings to CMA Efficiency

Responses	Frequency	Percentages
Totally concur	30	75.0
Partially concur	10	25.0
Total	**40**	**100.0**

Source: Field Data, 2014

This indicates inefficiency of CMA due to poor trainings provided to CMA stakeholders.

4.3.8 Efficiency of CMA in Handling its Activities

The efficiency of the CMA functions is assessed in three areas, namely: - extremely effective, very effective and not effective. Excluding training of CMA stakeholders (Employees, Employers, Trade Union representatives) are not extremely effectively handled because the findings from the field shows that the government has failed to allocate enough funds to facilitate training and ensure that is handled properly. The findings from the field come up with the results that CMA functions are to conduct Mediations, arbitrations and trainings to CMA stakeholders. Respondents interviewed rated the efficiency of CMA activity as being extremely effective at handling mediation duties (60%),this because the majority of respondents said they are satisfied with the Mediation activities done by CMA especially at Dodoma Municipality, coming to the Arbitration activity as executed by the CMA at Dodoma Municipality the majority of respondents said that the activity has been handled for 45 per cent very effective and coming to training of CMA stakeholders (Employees, Employers, Trade Union representatives) the respondents rated 75 per cent being not

effective and some of the respondents they provided an observations that CMA officials do not take any preventive mechanism and they take is of light impact to prevent employer versus employees disputes at the work place

The findings justify that CMA is lagging behind in executing one of the activity which is Training of CMA stakeholders (Employees, Employers and Trade Union representatives because the findings from the field shows that (0 per cent) of respondents show that there is extremely effective, (25 per cent) of respondent said is very effective and (75per cent) of respondent said is not effective. Thus what is noted from the findings is that CMA needs to take strategic measure of improving the training activity to CMA since it is the one which seems to retardate the CMA operations.

Table 4.14: Efficiency of CMA in Handling its Activities

CMA Functions	**Level of effectiveness of CMA in handling of its functions in percentagewise of the respondents**		
	extremely effective	**very effective**	**not effective**
Mediations	60%	30%	10%
Arbitrations	40%	45%	15%
Training of CMA stakeholders (Employees, Employers, Trade Union representatives)	0%	25%	75%

Source: Field Data, 2014

This entails the level of efficiency of CMA in handling its function percentage wise.

4.4 Summary

The chapter has been paying attention to the analysis of data and presentation of the research results. It instigates with Social-Demographic Sketch of the study population ensuing to the investigation of objectives of the study. The next chapter describes the summary, conclusion and suggestions for this analysis. The scrutiny was done basing on variables from each objective of the study. The next chapter (Chapter V) describes the summary, conclusion and recommendations for this study.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

After having discussed in chapter four concerning the presentation and discussion of the findings, the following chapters (Chapter five) presents an overview of the research findings. Also it presents the conclusions and recommendations of the study and lastly brainstorms the areas for further research.

5.1 Synopsis of the Study

The study results show that, CMA efficiency in Tanzania is not achieved practically because there are some of the activity respondents have rejected if has been executed by CMA. Activity of CMA which are executed in the field are mediation, arbitration but although training of the CMA stakeholders such as employers, employees and trade unions representative is one of CMA duties, the respondents rated this activity as 0 per cent of extreme effective and 75per cent rated the training activity as not effective That means failure of the CMA to handle properly training responsibility according has harmed the efficiency of CMA.

This study therefore, aimed at examining the efficiency of CMA the way it handle its functions through identifying various barriers that blocks CMA in its operations, and looking the measures taken by CMA to combat or reduce the problems facing CMA in Dodoma Municipality as well as in Tanzania.

According to the respondents views, the CMA has tried to deal with the problem but to a large extent they have approved failure, reasons for their failure has been explained in the chapter four, the study ended up by providing serious measures that can help government to solve the problem of inadequate performance on its function in Dodoma Municipality as well as in Tanzania at large.

5.2 Conclusion

The study aims to (i) To identify the efficiency of CMA (ii) To examine the causes of disputes between employers and Employees at the workplace and (iii) To find out the competence of CMA functions in settling of, employees and employers disputes at the workplace It is found that, CMA has been facing serious financial problem, which identified from the field that poorly allocation of fund to enable CMA operate efficiently has become an issue. Poorly allocated fund by the government to CMA noted from the field has resulted to failure of CMA to implement one of their function of conducting training to the CMA stakeholder's (Employer, Employees and Trade Union Representatives) for prevention of disputes at the work place; Failure of CMA to take preventive mechanism of disputes at the work place has made CMA a ground of solving disputes while overlooking prevention of disputes at workplace through conducting thorough and successful training.

CMA has been marked from the field that, Mediations and Arbitration has been successfully implemented but training as one of the CMA function still pooling back the efficiency of CMA at large; also has been noted from the field that, the Commission is suffering from the dilemma of limited buildings for offices, limited

number of staffs as well as incompetency of CMA officials which is not yet addressed consequently.

5.3 Recommendations

The study recommends that;

a) Education on labour laws need to be provided by CMA to the working environment as one way of preventing labour disputes

b) CMA Officials need to abide on regulations and be strictly to the time of handling disputes and avoid delay of the ruling.

c) In Dodoma Municipal there is only one CMA office and CMA Officers are three who all share the same office in handling disputes with such regards contributes to the delay of ruling due the fact that one staff need to wait another officer to finish handling the dispute in order to allow another officer to start handling other disputes (CMA Offices are recommended to be expanded).

5.4 Areas for Further Study

a. Legal permission of Advocate /Attorney to attend the disputes at mediation stage of the disputes it needs further study because it contribute to the delay of the ruling (Why not to amend such legal permission?)

b. Further study is required to done on the efficiency of the Government authority that is responsible with public staff recruitment in order to answer the questions of why inefficiency CMA officials despite of having enough experience to work

c. Does corruption stands as a reasons for CMA inefficiency in handling of disputes at the workplace, it needs further study

d. What level of trainings needs to be undertaken by CMA to its stakeholder to ensure disputes at the workplace

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APPENDICES

Appendix I: Research Questionnaire

"Commission for Mediation and Arbitration Efficiency towards Disputes Solving in Tanzania: A Case Study of Dodoma Municipality,"

I, Nashon Kalinga a candidate of Master of Business Administration at University of Dodoma 2012-2014. I'm conducting a study about *"Commission for Mediation and Arbitration Efficiency towards Disputes Solving in Tanzania: A Case Study of Dodoma Municipality,"* The study will be important as it will provide detailed information on relationship among CMA functions in reduction of the employees and employer disputes. The findings will enable the government and policy makers to set clear policies, plan and strategies to reduce the number of disputes between employers and employees at working environment. The information will be treated confidentially. Anyone is requested to support this study by filling the attached questionnaire.

PERSONAL INFORMATION

Tick where appropriate

I. Sex: (a) Male ( ) (b) Female ( )

II. Marital status Married( ) Single ( ) widow/ divorced/

III. Educational status ( ) (a)Elementary level (b)Vocational training (a) Secondary level (b) College level ( ) (c) High Learning ( )

IV. What is the age category?

a. Bellow 18years ( ),
b. 18-----36years ( ),
c. 36------54years ( )
d. over 54years ( )

V. For how long have you been working with the organization?

a. 1-5years ( )

b. 6-10 years( )

c. 11-15 years( )

d. 16-20 years (….)

VI. (A) What is the knowledge on CMA functions, in employers and employees disputes solving (a) Yes ( ) (b) No ( )

(B)If yes, explain

.....….....

.....

.....

VII. To what extent does CMA helps in resolving the workplace disputes of the employer and employees?

a. To a large extent.( )

b. Average level ( )

c. Minimum level (…)

d. All of the above (…)

e. Not sure (…)

f. Know northing (…)

VIII. What are the causes of disputes at the working environment?

a. Ignorance of the labour law to the employer and employees ( )

b. Poor working environment ( )

c. Poor management (…)

d. All of the above are true.(…)

IX. Are the following measures taken by CMA to prevent workplace disputes?

a. Skills enhancement to employers and employees on labour (....)

b. Conference to employers and employees for learning (…..)

c. Seminars and workshop for labour laws (…)

d. None of the above is correct (…)

X. What are the sources of finance to facilitate CMA activities

a. Comes from the government budget

b. Not sure if comes the government budget or not

c. Don't know

d. All answers above are not correct.

XI. What are the impacts of poorly allocations of fund to CMA efficiency?

a. Difficulties in conducting training

b. Limited CMA offices

c. All of the above are correct answers

d. Know northing

XII. Do you concur with the argument that poor trainings to CMA stakeholder's position CMA as inefficiency?

a. Totally concur

b. Partial concur

XIII. (A) Do you know the functions of CMA?

a. YES (…)

b. No (…)

(B) If the answer of the question above is YES

1. ……

2. ……

3. ……

XIV. What are the efficiency of CMA in handling its activity (assess the efficiency of CMA in each function)?

A. Mediations function

a. Extremely effective (…)

b. Very effective (…)

c. Not effective (…)

B. Arbitration function

a. Extremely effective (….)

b. Very effective (…)

c. Not effective (….)

C. Training functions

a. Extremely effective (….)

b. Very effective (…)

c. Not effective (…)

XV. In the own opinion what measures can be applied by the CMA and other stakeholders to end up or reduce the problem of disputes at the work place?

a. .....

b. .....

.

c. .....

..

d. .....

..

e. .....

...

Thank you for the valuable contributions

Appendix II: In-Depth Interview Guiding Questions

- What is the knowledge about disputes at the working environment?
- What are the reasons for disputes at working Place?
- Where are those disputes at the work place being resolved?
- Have you ever heard about CMA?
- Which institutions are concerns in resolving disputes that arise at the work place?
- Is there any relationship between CMA and disputes at working environment?
- What is the level of disputes at working environment in Dodoma Municipality?
- What do you think are the reasons for the level of disputes mentioned above at working environment especially in Dodoma Municipality?
- To what extent do the disputes at working environment threaten performance efficiency?
- What are the negative effects of disputes at working environment?
- Is there any impact of labour dispute on Economy, Health's services, Education, Culture, and Employments? In Dodoma Municipality.
- In the own opinion what measures can be applied by CMA and other stakeholder to end up or reduce the problem of disputes at working environment?

Thank you for the valuable contributions

Appendix III: Focus Group Discussion Guiding Questions.

Topics

- The trends of labour disputes in Tanzania, focusing on Dodoma Municipality.
- An overview on the level of labour disputes in Dodoma Municipality of Tanzania.
- The Impacts of labour dispute on the Economy of Dodoma Municipality in Tanzania.
- The Impacts of labour dispute on the other Social Economic Areas in Dodoma Municipality
- Efforts to be done by the CMA and other stakeholders in combating or reducing the level of labour disputes in Dodoma Municipality as well as Tanzania at large.

Thank you for the valuable contributions

Appendix IV: Swahili Version Questionnaire

VDodoso kwa Ajili ya Wadau wa Tume ya Usuluhishi na Uamuzi mahali pa kazi, Manispaa ya Dodoma - Tanzania.

Mimi *NASHON KALINGA* mwanafunzi ninaye somea Shahada ya Uzamili ya Utawala wa Biashara katika Chuo Kikuu cha Dodoma Mwaka wa masomo 2012/2014. Ninayefanya utafiti kuhusu ubora uliopo kati ya Tume ya Usuluhishi na Uamuzi katika kutatua migogoro mahali pa kazi katika Manispaa ya Dodoma Tanzania. Utafiti huu utakuwa na manufaa kwa serikali, na Mkoa wa Dodoma kwa kuwa utapambanua kazi zinazofanywa na Tume na namna zinavyopelekea kutatua migogoro mahali pa kazi. Matokeo ya utafiti huu yataisaidia serikali, Wadau na taasisi mbalimbali zinazoshughulika na maswala ya Ajira pamoja na kutatua migogoro mahali pa kazi kwa lengo la kupunguza na kuzuia migogoro mbalimbali ambayo hutokea Mahali pa Kazi. Taarifa utakazonipatia hazitatumika tofauti na utafiti huu. Naomba unisaidie kujibu maswali yaliyo orodheshwa hapa chini.

A.T**AARIFA BINAFSI**

i. Ajira yako/Nafasi ya cheo…….....

ii. Jinsia ni ? (Tiki panapohusika:)

a. Mme ( ),

b. Mke ( )

iii. Hali ya ndoa ni ? (Tiki panapohusika:)

a. Hajaoa/olewa(…)

b. Mjane (….)

c. Taraka/Tarakiwa (…)

iv Kiwango cha elimu ni ?(Tiki panapohusika:)

a. Elimu ya awali/msingi ( )

b. Elimu ya ufundi stadi (…)

c. Elimu ya Sekondari (…)

d. Elimu ya Chuo ( )

e. Elimu ya Chuo kikuu (…)

iv. Umri wako ni upo katika kundi lipi la miaka? (Tiki panapohusika:)

a. Chini ya miaka 18 ( ),

b. Miaka 18-----36 ( ),

c. Miaka 36------54 ( )

d. Zaidi ya Miaka 54 ( )

v. Je uzoefu wako kazini upo katika kundi la miaka mingapi? (Tiki panapo husika)

a. Miaka 1-5 ( )

b. Miaka 6-10 ( )

c. Miaka 11-15 ( )

d. Miaka 16-20.(….)

vi. (A) Je unauelewa wowote wa kuhusu tume Tume ya Usuluhishi na Uamuzi na Migogo mahali pa kazi.?

a. Ndiyo ( )

b. (b) Hapana ( )

(B) Kama jibu la swali la vii(A) jibu lake ni Ndiyo toa maelezo kuhusiana na uelewa
wako.....
.....
.....

vii. (A)Ni kwa ubora wa kiasi gani Tume ya Usuluhishi na uamuzi imeweza kutatua migogoro mahali pa kazi ? Ni kwa ubora wa kiwango cha; (Tiki panapo husika)

a. Kiwango cha juu (…)

b. Kiwango cha wastani (…)

c. Kiwango cha chini (…)

d. Majibu yote ya hapo juu ni sahihi (…)

e. Hana uhakika ni kiwango gani (…)

f. Hajui kitu kuhusiana na ubora (…)

(B) Kama jibu la swali la viii (A) ni ubora wa Kiwango cha Chini/kibovu ni kwa namna gani, Tume ya Usuluhishi na Uamuzi imeweza kutatua migogoro kwa ubora wa kiwango hicho?

a. ……

b. ……

……

……

viii. Je ni tahadhari zipi kati ya zilizotwajwa hapo chini zimechukuliwa na Tume ya Usuluhishi na Uamuzi katika kuzuia migogoro mahali pa kazi?

a. Kuongeza uelewa kwa Waajiri na Waajiriwa wa Sheria za Kazi ( )

b. Kufanya makongamano ya uelimishaji maswala ya sheria za kazi ( )

c. Kuandaa semina na washa kuhusu sheria za kazi kwa wadau (…)

d. Hakuna jibu sahihi kati ya majibu yaliyotajwa hapo juu (…)

ix. Je ni nini vyanzo vya Mapato ya Tume ya Usuluhishi na Uamuzi yanayofanikisha shughuli za Tume katika utendaji wake? (Tiki panapo husika)

a. Yanatokana na bajeti ya Serikali (…)

b. Hana uhakika cha chanzo ni serikali au siyo (…)

c. Hajui chochote kuhusu chanzo cha mapato ya Tume (…)

d. Majibu yote tajwa hapo juu siyo sahihi (…)

x. Je ubora wa kazi za Tume unaathiriwa vipi na bajeti ndogo kwa ajili ya Tume ? (Tiki panapo husika)

a. Unapelekea kuwe na ugumu wa kutoa elimu ya sheria za kazi (…)

b. Inapelekea kuwepo kwa uhaba/ukosefu wa Ofisi (…)

c. Majibu yote ya hapo juu ni sahihi (…)

d. Sijui chochote (…)

xi. Unakubaliana na hoja kwamba utoaji wa elimu duni kwa Wadau wa Tume ya usuluhishi unapelekea kuwepo kwa ubora usioridisha wa utendaji kazi wa Tume?(Tiki panapo husika)

a. Ninakubaliana na hoja kama ilivyo (…)

b. .Nakubaliana na hoja kwa kiwango kidogo (…)

xii. (A)Je unazifahamu kazi za Tume ya usuluhishi na uamuzi mahali pa kazi?

a. Ndiyo (…)

b. Hapana (…)

(B) Kama jibu la swali la xiii (A) ni ndiyo zitaje kazi hizo?

a. ……

b. ……....

c. ……..…

xiii. Je ni ubora wa kiwango gani wa Tume ya usuluhishi na Uamuzi katika kuteleza majukumu yake? Chunguza ubora huo kwa kuangalia kazi za Tume hapo chini (Tiki panapo husika)

A Kazi ya Usuluhishi.

a. Utendaji mzuri sana (…)

b. Utendaji mzuri (…)

c. Utendaji usioridhisha (…)

B Kazi Uamuzi.

a. Utendaji mzuri sana (…)

b. Utendaji mzuri (…)

c. Utendaji usioridhisha (…)

C Kazi ya kutoa elimu kwa Wadau

a. Utendaji mzuri sana (…)

b. Utendaji mzuri (…)

c. Utendaji usioridhisha (…)

xiv. Je unafikili utendaji mzuri wa CMA pamoja na watendaji wake Tanzania unaweza kuwa ni sababu ya kutokuwepo migogoro mahali pa kazi (a) Ndiyo ( ) (b) Hapana ( ).

XVI. What are the efficiency of CMA in handling its activity (assess the efficiency of CMA in each function)?

D. Mediations function

d. Extremely effective(…)

e. Very effective (…)

f. Not effective (…)

E. Arbitration function

d. Extremely effective (….)

e. Very effective (…)

f. Not effective (….)

F. Training functions

d. Extremely effective (….)

e. Very effective (…)

f. Not effective (…)

XVII. In the own opinion what measures can be applied by the CMA and other stakeholders to end up or reduce the problem of disputes at the work place?

f. .....

g. .....

h. .....

i. .....

j. .....

xv. Kwa mawazo au Maoni yako na uelewa wako unashauri Tume ya Usuluhishi ifanye nini ili kutokomeza au kupunguza la migogoro ya kazi mahali pa kazi?

1.....

2.....

3.....

Asante kwa mchango wako wa mawazo na ushirikiano wako .

Appendix V: International, National and Local Disputes solving Instruments

Tanzania Employment and Labour Relation Act of 2004

Tanzania Employment and Labour Relation Act of 2004 and Rules of 2007

CMA, (2007), "Case Management Guide", Volume 1 2007 to 2009. Dar es salaam, Tanzania.

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Appendix VI: Research Schedule

Research Duration from Feb 2014 to Aug 2014										
SN	Activity	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
1	Developing Proposal									
2	Submitting proposal for corrections									
3	Defending Proposal									
4	Writing Introduction chapter									
5	Writing Literature review chapter									
6	Writing Methodology chapter									
7	Data collection and analysis									
8	Completing up the report									
9	Submitting the report for corrections									
10	Final submission and Defending									

Source: Field Data, 2014

Appendix VII: Research Budget

Activity	**Amount(Tshs.)**
Proposal preparations and printing	80,000/=
Data collection	50,000/=
Travelling expenses	400,000/=
Report writing and printing	100,000/=
Total	**630,000/=**