Collective Bargaining Agreements and Equity

Aren't the Hindrances to Teacher's Grade Promotion in Kenya Surmountable?

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Abstract

The approval of two implementation approaches by unions in their bid to implement a joint Collective Bargaining Agreement (CBA) of teachers in Kenya, for 2017-2021, was meant to boost equity in promotions. Whereas the scheme of service approach was for Kenya National Union of Teachers, the Career Progression Guideline approach was for the Kenya Union of Post Primary Education Teachers, both of which are domiciled in secondary schools. Since an emphasis was put on academic qualification, the annual decline in access to promotions from 12.9% in 2016 to 5.2% in 2020 with a job stagnation of 15.7 years per grade casts doubts on its effectiveness. In addressing this concern, this article is theoretically guided by Walton and McKersie's behavioral theory for labour negotiations. It utilizes a sample of 1,569 respondents who were drawn from a study population of 5,923. Systematic random sampling saw the selection of teachers in each union. It was based on the chronological order of their TSC numbers. Content validity and internal consistency reliability were enhanced with a co-efficient of 0.877. In data analysis, pairwise correlation established that union membership, academic qualifications and grade promotions had plausible interactions. Logistic regression analysis established a statistically significant difference in equity between the two unions, based on academic qualifications, with Career Progression Guideline reducing the odds of promotion to the next grade by up to 22.58% in KUPPET. The research article ascertained a marginally equitable promotion distribution in KUPPET than KNUT, with gini coefficient of 0.0567 and 0.0698 respectively. Consequently, it recommends a harmonization of the two approaches so as to convert it into one single entity.

Key words: Collective Bargaining Agreement, Career Progression Guidelines, Grade Promotion, KNUT, KUPPET, Scheme of Service,

Introduction

In the public teaching sector, Collective Bargaining Agreements (CBAs) are supposed to safeguard fairness in awarding grade promotions to teachers amongst other roles. The consideration of one's academic qualifications is a key determining factor in enhancement of fairness depending on the tool used in operationalizing CBA as its approach. However, it has not been easy to ascertain the exact levels of equity in career progression based on academic qualifications because of the diverse interests accrued from work–related preferences and prejudices especially on lucrative job cadres, salary attachments, grade promotions and higher appointments.

In Kenya, any extra higher academic qualification, obtained by a teacher, automatically led to an incremental credit offered by the teachers' employer, the Teachers Service Commission (TSC) based on the level of education attained. This continued during the Scheme of Service (SoS) era of grade promotions to teachers up to the year 2014 when it stopped. The

stoppage was pegged on the ballooning wage bill of TSC out of the many teachers that were pursuing school-based learning programmes for higher academic qualifications in anticipation of grade promotions.

The use of academic qualifications got re-introduced as a criteria for grade promotions alongside teacher performance in Teacher's Performance and Appraisal Development (TPAD) scoring and years of service through the signing of the 2017-2021 CBA. However, the use of academic qualification of post-primary teachers in implementation of the 2017-2021 CBA by two different approaches with each favouring a specific union complicated the ability to ascertain exact levels of equity in grade promotions of the teachers. Whereas Scheme of Service approach was used by the KNUT union while the Career Progression Guidelines approach was for the Kenya Union of Post-Primary Education Teachers' (KUPPET) union with both using academic qualifications as determinants for grade promotion.

Literature Review

According to various studies, unions have historically and significantly reduced inequality in the distribution of wages and grade CBAs based on academic qualifications. This has been ushered in, in preference for work-hours and job worthiness, a phenomenon that has been witnessed by narrowing the gap of salary attachments between the highly-educated versus the scantly-educated. This has gone hand-in-hand with a variance of promotions in the public teaching sectors by 30% - 40% (Han, 2012; Sach, 1996).

On the effect of Teachers' Unions on Educational Outcomes in USA, Zhu (2019) did not find any effect of teachers' unions on student outcomes. Rather, he found a significant effect on career progression of teachers, based on their professional and academic qualifications. The emergence of strict adherence to academic qualifications as the main factor of consideration for equity in promotions of teachers during CBA negotiations in Portugal, Ireland, Greece and Spain following European initiatives provides the justification for preferential promotions of the highly educated at the expense of their scarcely educated counterparts in these nations (Browne, Karamessini & Alemany, 1998).

However, many studies in public teaching sector in Africa reveal varying and increasing degrees of inequalities in access to grade promotions based on academic qualifications (Eshiwani, 1993). This is attributed to the fact that education, which is supposed to produce academic qualifications, is in itself inequitably allocated in favour of the rich at the expense of the poor, hence grade promotions consequently favour those from higher socio-economic status than those from lower status due to background dynamics (Republic of Kenya, 2020). For some, legal regulations have overtaken academic achievements in addressing equity issues in job markets and workers' promotions. In others, the criteria of academic qualifications has led to inertia in the bargaining process hence hindering equity in promotions on some allegations that it encourages segregations in social classes (Kravaritou, 1997; Rosenfeld, 2014).

Nevertheless, Smit (2014) established that teachers' trade unions in Africa have certain minimum academic qualifications as a condition for initial recruitment and permanency in employment anchored in their CBAs beyond which career progression is equitably guaranteed in the implementation approaches of the CBAs until one retires. In Kenya, given that the two independent approaches used between 2017-2021 had different ways of effecting grade promotions to teachers based on the Diploma and Degree academic qualifications at post-primary level controlling for years of service, this study endeavored to establish which of the two approaches was more equitable in award of grade promotion based on the CBA. This is owing to the fact that under SoS, a teacher who joined the profession with a diploma qualification had to undergo two automatic promotions in grade to be at the same level of a degree counterpart who only underwent one such automatic promotion. However, under CPG both diploma and degree holders were entitled to only one automatic promotion each, followed by competitive promotions through interviews. As noted in Gathogo (2018,p.1),

Education is both unilateral and bipolar, a process of continuous knowledge seeking and the development of various aspects of human personality. It stabilises social order through professionalism, conservation of culture, and eventually acts as the catalyst of positive social transformation and social reconstruction. And despite the dynamism of life, its noble aim is to bring desirable changes in the universe.

In view of this, addressing the Union's (KNUT & KUPPET) concerns is a major step in stabilising both the teaching profession and the general society. Indeed, viewing knowledge as a continuous process that develops human societies making the Union's concerns a matter of immeasurable attention for the greater good of the society.

Methods

Based on academic qualifications, this research article aims at determining the difference in equity on grade promotion of post-primary teachers between the use of scheme of service approach for KNUT and the use of career progression guideline approach for KUPPET. Academic qualification was the explanatory variable and was quantified in terms of years of schooling while equity in grade promotion was the outcome variable and was measured in aggregate values of gini coefficients. This is summarly shown in the conceptual framework represented in Figure 1.2 that presents the interaction of the variables.
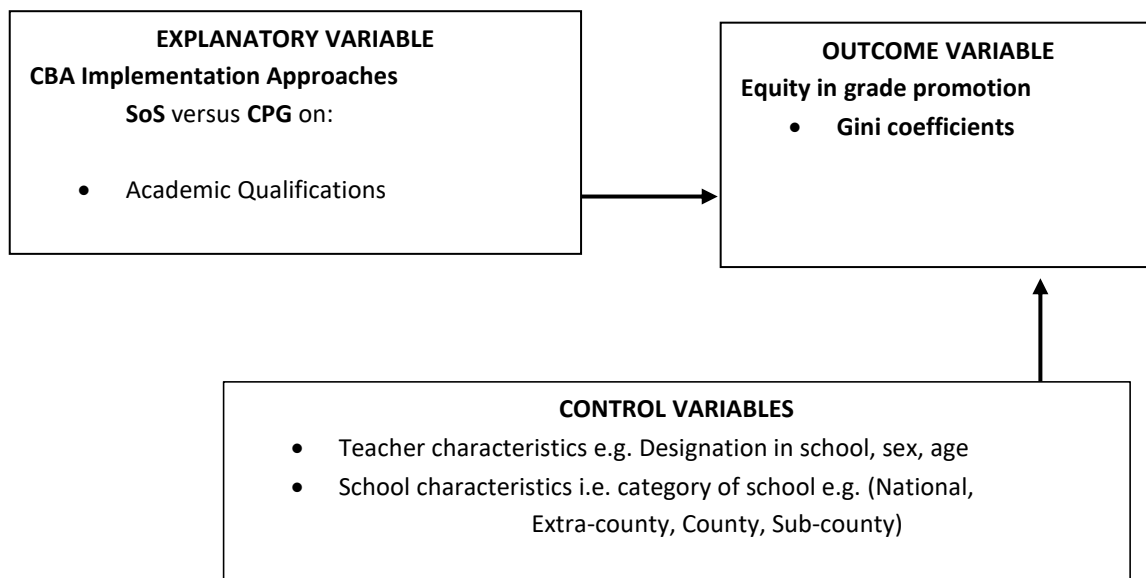
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┌─────────────────────────────────┐          ┌─────────────────────────────────┐
│      EXPLANATORY VARIABLE        │          │       OUTCOME VARIABLE          │
│  CBA Implementation Approaches   │   ──────▶│   Equity in grade promotion     │
│       SoS versus CPG on:         │          │     •   Gini coefficients       │
│                                  │          │                                 │
│   •   Academic Qualifications    │          │                                 │
└─────────────────────────────────┘          └─────────────────────────────────┘
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                                                              │
              ┌──────────────────────────────────────────────────┐
              │              CONTROL VARIABLES                    │
              │  •  Teacher characteristics e.g. Designation in   │
              │     school, sex, age                              │
              │  •  School characteristics i.e. category of       │
              │     school e.g. (National,                        │
              │        Extra-county, County, Sub-county)          │
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Figure 1. 2 : Conceptual Framework

Academic qualifications were coded from Diploma to the highest post graduate degree level with numerical values in ascending order since the lowest grade of recruitment at post primary is a Diploma. This was then reflected in the analysis through years of schooling to reach such a highest academic qualification. Whereas years of schooling (explanatory variable) were measured on the interval scale, grade promotion (outcome variable) was measured on the nominal scale as either 'promoted' or 'not promoted'.

We performed Pairwise correlation between the research-article variables to determine plausible interactions that could be pursued in the regression analysis. A logistic regression analysis was then performed, requiring three sequential regression models. The first model fitted years of schooling (for academic qualifications) as explanatory variable against grade promotion (as an outcome variable) per union, while the second model was controlling for teacher-level characteristics and the third model was controlling for both teacher-level and school-level characteristics. Whereas logistic regression models depict the odds (likelihood) of a teacher getting promoted by virtue of belonging to a certain union (either KUPPET or KNUT) based on his/her highest academic qualifications, we used gini coefficient on the other hand to measure and determine the aggregate values of equity accruable in grade promotion per union. We further deployed the Lorenz curve to show the graphical representation of the two promotion distributions for the two unions for purposes of comparison (Walton & McKersie, 1991).

Results

The objective of this research-article was to determine the difference in equity on grade promotion of post-primary teachers, between the application of the scheme of service and career progression guideline approaches of the 2017-2021 Collective Bargaining Agreement, and was based on academic qualifications.

Descriptive Statistics of Variables

The respondents' highest academic qualification and the period of time they took to attain are reflected in Table 1.

Table 1: Distribution of the Respondents in Years of Schooling

Years of schooling	Freq.	Percent	Cum. Percent
15	370	5.10	5.10
16	913	92.58	97.67
17	24	0.33	98.00
18	125	1.72	99.72
Not Indicated	20	0.28	100.00
Total	1,452	100.00	

Pairwise Correlation between Union Membership, Promotion and Years of Schooling

We undertook pairwise correlation between grade promotion, union membership and years of schooling (for academic qualifications) at alpha= .05 and results are as shown in Table 2.

Table 2: Correlation Matrix Between Union Membership, Grade Promotion and Years of Schooling

Variable	t24dy	t29x	t42ax
t24dy	1.000		
t29x	-0.045*	1.000	
	0.025		
t42ax	0.004	-0.020	1.000
	0.824	0.087	

Note. t24dy=grade promotion; t29x=union membership; t42ax=years of schooling

The results in Table 2 show that union membership was statistically significant to teacher promotion ($p \leq .05$) hence pursued further in the regression analysis. We therefore undertook logistic regression analysis for grade promotion and years of schooling (measuring for academic qualifications) and consequently came up with three sequential regression models. The first model fitted years of schooling (Explanatory variable) against grade promotion (Outcome variable) while the second model was controlling for teacher-level characteristics and the third model controlled for both teacher-level and school-level characteristics. The results of the three models are presented in the summarised Table 3.

Table 3: Logistic Regression Odds for the Association Between Years of Schooling, Union Membership and Grade Promotion

Variable	Variable label	Model 1 (t24dy) OR (Std.Err)	p	Model 2 (t24dy) OR (Std.Err)	P	Model 3 (t24dy) OR (Std.Err)	P
t29x	1=KP, 0=KN	.77 (.09)	0.030	1.10 (.14)	0.474	.85 (.10)	0.189
t42ax	Y.o.S	1.03 (.12)	0.780	1.22 (.14)	0.075	1.19 (.14)	0.123
t51a2017	Tpad score			.97 (.01)	0.004	.96 (.01)	0.000
t51c2019	Tpad score			.98 (.01)	0.040	.98 (.01)	0.037
t65	3=C3 grade			.02 (.03)	0.023	.14 (.14)	0.054
t610b	3=EC school					.63 (.13)	0.028
	4=N school					.65 (.13)	0.036
Constant		.11 (.20)	0.218	1.109 (2.54)	0.964	.56 (1.04)	0.752
N		2,493		2,419		2,403	
LR chi2(df);value		(2) 4.85	0.088	(14) 219.99	0.0000	(7) 79.45	0.000
PseudoR^2		0.0024		0.1126		0.0414	

Note.   KP=KUPPET; KN=KNUT; Y.o.S=Years of Service; t24dy=grade promotion; t29x=union membership; t42ax=years of schooling; t51a2017=2017 tpad score; t51c2019=2019 tpad score; t65=designation; t610b= school category

To determine the inequalities in promotion distributions between the two unions based on academic qualifications, we performed the Gini Permutation Test on academic qualification with the set seed 7240 since the study was dealing with panel data for all the five years of the respondents. The results are as shown in Table 4.

Table 4: **Gini Permutation Test Results**

	pGini Perm
Pval	.034
Stat	0

These results are represented graphically in Lorenz curve shown in Figure 2 illustrating the inequalities in the grade promotion of the two unions for purposes of comparison.
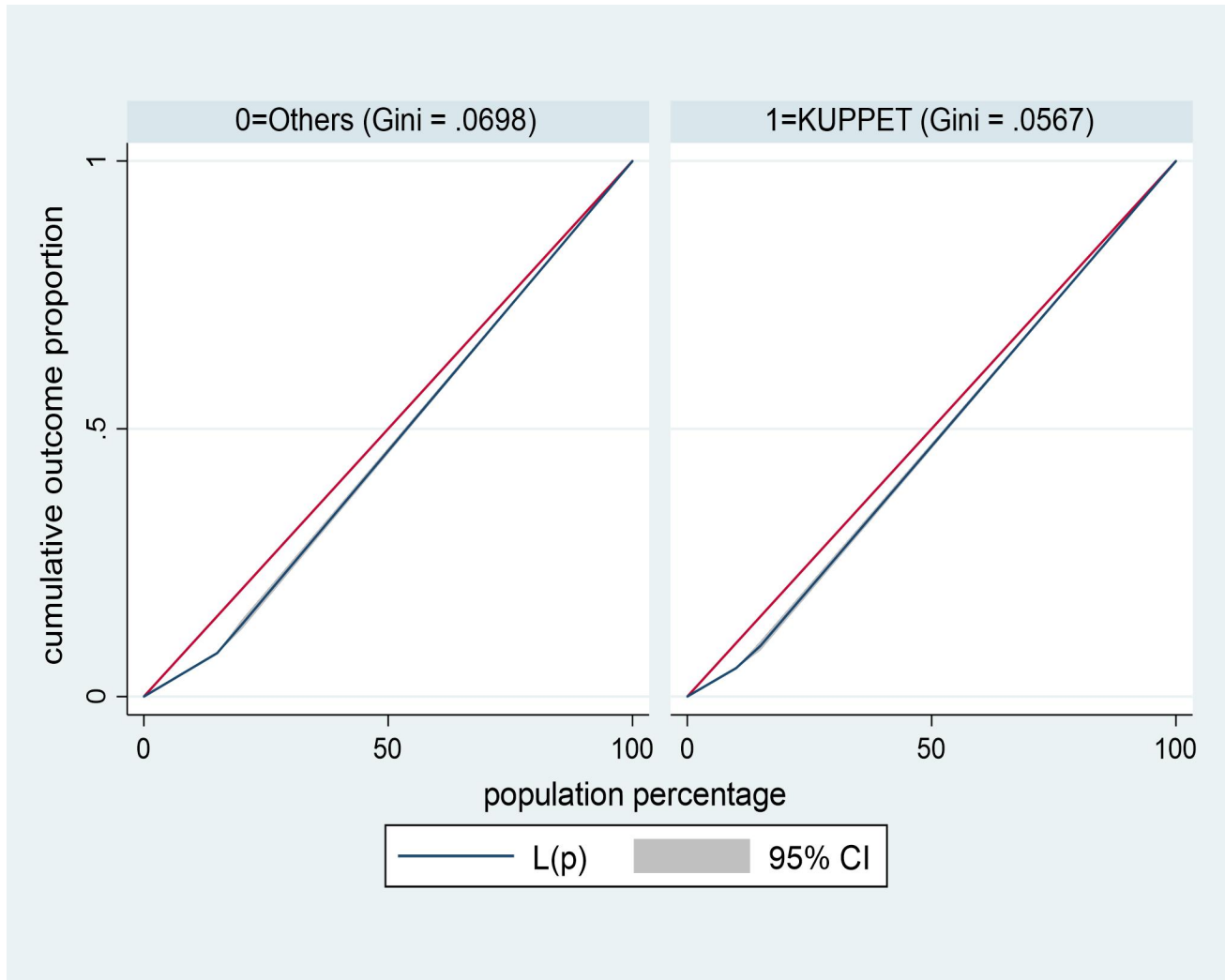

Figure 2: Lorenz Curves of Grade Promotion for Both Unions in Post-Primary

Discussion

The majority of post-primary teachers (92.58%) had 16 years of schooling as shown in Table 1, which translates to majority of them being holders of undergraduate degrees as the highest academic qualifications. Upon performing the pairwise correlation, we established union membership to be statistically significant to teacher promotion since the correlation coefficient obtained between union membership and grade promotion was -0.045 ($p \le .05$) as shown in Table 2 hence union

membership was further pursued in the regression analysis for grade promotion based on academic qualifications of the respondents for purposes of comparison between the two unions.

In regression analysis, since this was a comparative study between the use of SoS approach for KNUT union and the use of CPG approach for KUPPET union, model 1 in Table 3 reveals that KUPPET union was statistically significant (p=0.030) with membership in KUPPET reducing the odds of promotion by up to 22.58% ($p \leq .05$) . However, a Pseudo R^2=0.0024 implies that the model explained for only 0.24 % of variations in the KUPPET membership. In model 2 while controlling for teacher-level characteristics, membership in KUPPET was statistically insignificant (p=0.474) with a Pseudo R^2=0.1126 showing that the model was accountable for 11.26% variations in the KUPPET membership ($p > .05$).

In model 3 while controlling for both teacher-level and school-level characteristics, findings show that KUPPET membership was statistically insignificant (p=0.189) implying that the membership in KUPPET is insignificant on teacher promotions with the Pseudo R^2=0.0414 implying that the model explained for only 4.14% of the variations in KUPPET membership. However, the second and third models surprisingly show that an extra year of schooling reduced the odds of promotion to the next grade in the year 2017 and 2019 for those teachers in post primary who were teaching in extra county (p=0.004, p=0.000) and national schools (p=0.040, p=0.037) respectively.

Finally, for purposes of establishing inequalities in the two union promotion distributions, the results for Gini Permutation Test (p = .034, gini coefficient = 0.000) show that since $p \leq .05$, we reject the null hypothesis of equality of the two promotion distributions. This means that the difference in equity in grade promotion of post-primary teachers between those in KUPPET and those in KNUT was statistically significant based on academic qualifications. Hence, this implies that teachers affiliated to the two unions are considered for grade promotion differently depending on the highest academic qualifications attained in different years. Therefore, it is concluded that there exists differences in equity in grade promotions awarded to KUPPET and KNUT members which are significantly statistically different based on the academic qualifications as depicted graphically from the Lorenz curve of Figure 2 where grade promotion in KUPPET union is found to be relatively equitably distributed as compared to KNUT union with gini coefficients of 0.0567 and 0.0698 respectively. The use of two independent approaches in the implementation of the collective bargaining agreement therefore hindered the achievement of equity in grade promotion of post primary teachers between 2017-2021. This research article therefore recommends for the harmonization of the two approaches in CBA implementation into one approach for purposes of alleviating differences in equity in the promotions.

Appendix : National Access to Career Progression by Secondary School Teachers

Category	County rating order	Annual Teacher Promotion Rate in (%)					Average Grade Stagnation in years
		2016	2017	2018	2019	2020	2017-2021
Highest	1. Kiambu	34.4	31.8	25.5	24.3	25.2	**11.7**
	2. Nairobi	30.8	27.7	21.1	20.7	21.2	**12.4**
	3. Murang'a	33.8	25.8	19.8	19.3	20.6	**13.1**
	4. Nyeri	35.2	21.3	15.9	18.5	17.6	**13.2**
	5. Kisii	29.7	18.1	13.4	18.8	19.8	**13.3**
	6. Laikipia	31.8	20.2	12.7	10.1	8.8	**13.3**
	7. Nyamira	29.7	19.9	11.9	9.9	7.7	**13.5**
	8. Nyandarua	28.9	10.8	10.9	8.7	6.7	**13.7**
	9. Tharaka Nithi	26.1	12.3	9.8	7.2	6.2	**13.8**
Upper Quartile	10. Meru	23.9	11.4	8.8	7.3	6.3	**13.8**
	11. Embu	20.7	10.1	8.3	7.1	6.1	**13.9**
	12. Baringo	19.3	10.3	7.9	6.5	6.0	**13.9**
	13. Kirinyaga	17.3	10.2	7.8	6.3	5.9	**14.0**
	14. Machakos	16.6	9.1	7.7	6.2	5.7	**14.0**
	15. Nandi	14.0	8.9	7.6	6.1	5.4	**14.0**
	16. Nakuru	19.9	7.8	7.5	6.0	5.3	**14.0**
	17. Migori	18.9	6.9	6.7	5.7	4.8	**14.0**
	18. Bomet	17.8	5.9	5.9	5.5	3.9	**14.1**

Median	19. Homa Bay	17.4	5.8	5.5	5.2	3.7	**14.1**
	20. Trans Nzoia	16.9	5.2	4.9	5.1	2.9	**14.1**
	21. Uasin Gishu	11.4	5.6	4.1	4.9	3.6	**14.1**
	22. Kisumu	11.4	5.5	4.2	4.3	3.5	**14.1**
	23. Kajiado	11.5	5.5	4.3	4.2	3.3	**14.1**
	24. Kericho	9.9	5.4	4.5	3.1	3.1	**14.1**
	25. Bungoma	9.7	5.3	3.9	3.0	2.5	**14.2**
	26. Makueni	8.5	4.4	3.7	3.1	2.6	**14.2**
	27. Siaya	7.3	3.5	3.3	3.2	2.7	**14.2**
Lower Quartile	28. Samburu	6.1	2.3	2.2	3.5	3.8	**14.2**
	29. E. Marakwet	5.9	2.4	3.0	3.6	2.9	**14.2**
	30. Kitui	4.7	3.1	2.9	3.3	2.4	**14.3**
	31. Mombasa	4.3	2.9	2.3	3.1	2.5	**14.3**
	32. West Pokot	3.3	2.7	2.5	2.9	2.3	**14.3**
	33. Kilifi	2.1	2.5	2.2	3.1	1.7	**14.3**
	34. Busia	2.4	2.5	2.2	2.7	1.7	**14.3**
	35. Taita Taveta	2.8	2.4	2.3	2.3	1.7	**14.5**
	36. Kwale	2.9	2.3	2.3	2.1	1.7	**14.6**
	37. Turkana	2.2	2.2	2.3	1.6	1.7	**14.7**
Lowest	38. Vihiga	2.4	2.1	2.3	1.4	1.9	**14.8**
	39. Marsabit	1.9	2.2	1.7	1.2	1.8	**14.8**
	40. Mandera	1.9	2.0	1.5	1.2	1.7	**15.0**
	41. Tana River	1.7	1.8	2.3	1.1	1.7	**15.1**
	42. Narok	1.7	1.6	1.9	0.8	1.3	**15.1**
	43. Isiolo	1.6	1.9	1.5	0.9	1.0	**15.2**
	44. Garissa	1.6	1.9	1.3	0.9	1.0	**15.3**
	45. Kakamega	1.7	1.5	1.1	0.7	0.9	**15.7**
	46. Wajir	1.7	1.1	1.1	0.4	0.8	**16.8**
	47. Lamu	1.3	1.0	1.1	0.3	0.5	**17.9**
Average (National)		**12.9**	**7.6**	**6.1**	**5.7**	**5.2**	

Source : MOE Report on Basic Education Statistics, 2020

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The researcher concedes that he is the sole author of this article that creatively contributes to the world of academia, and is not published by any other Journal elsewhere.

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