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**Influence of Contract Administration Activity on Employee Performance,  
Moderated by Employee Engagement: Evidence from Doctors in Public  
Service Health Sector in Nairobi County, Kenya**

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**Abstract**

The study aimed to examine the influence of contract administration activity on employee performance among doctors in the public health sector in Nairobi County, Kenya moderated by employee engagement. Drawing on the theory of industrial jurisprudence, the research targeted a population of 789 public service medical doctors. Probability's stratified sampling technique was employed to categorize the population into specialization based strata and 327 doctors selected through simple random sampling. Non-probability's purposive sampling technique was used to pick 21 top managers. The study was based pragmatism research philosophy and convergent parallel mixed methods design. Quantitative data was gathered from doctors using a self-structured questionnaire while qualitative data was collected from top managers using an open-ended interview guide. Reliability of the questionnaire was assessed using Cronbach's alpha coefficient and validity was established through face, criterion, content and construct validities. Hypotheses were tested using regression analysis at a 0.05 level of significance. The study found that though contract administration activity had a positive and significant influence on employee performance, the performance of the doctors in public service health sector in Nairobi County was affected by the non-full implementation of their 2017 contract. Further, results showed that relationship between contract administration activity and employee performance was significantly moderated by employee engagement. The study also found that there was no employee engagement policy in the public service. Therefore, study recommended that labour relations stakeholders should formulate more innovative and practical mechanisms that guarantee timely contract administration. Also, formulation of employee engagement policy as a pillar of

enhanced employee performance, especially among the public service health sector, should be encouraged.

**Keywords:** Contract Administration Activity, Employee Performance, Employee Engagement, Trade Union

### **1. Introduction**

Contract Administration is the daily practice of implementing the outcome of a collective bargaining activity and resolving conflicts arising from its interpretation or violation before they become labour unrests. Once a collective bargaining is signed, it becomes a collective bargaining agreement and contract implementation begins where the union and management translate it from language to practice (Noe, *et al.*, 2018, and Shrestha (2012). According to ILO (2022), convention (No. 91) of 1951, disputes from contract interpretation should be settled through an established contract administrative procedure. Nonetheless in Kenya, Musili (2018) posits that conflicting laws, insufficient dispute handling mechanisms in essential services and vague work relations confuse implementation of bargaining agreements. Hence contract administration underscores implementation of agreements, which is vital to employee performance. Contract Administration is based on the theory of industrial jurisprudence and is key in pushing forward problem-solving standards, shaping contractual relations and marshalling legal voices whenever stalemates impede contract implementation and disputes arise, resulting in employee demotivation and underperformance. Contract administration is the process of servicing collective bargaining agreements (CBAs). Also known as grievance handling, contract administration begins with implementing CBAs and runs until a contract is fully implemented or arising conflicts are resolved (Noe *et al.*, 2018). Dessler (2016) & Austrian bureau of statistics (2018) inform that since contracts are difficult to implement, most CBAs contain grievance procedure clauses which outline steps in the procedure, time limits for each step and specific rules to be followed. Also, Sababu (2017) and Prasad (2019) contend that the contract of a CBA should have implementation clauses. If interpretation is deadlocked during administration, it becomes a grievance, which if not solved, develops into a trade dispute that may require conciliation, failure to which it is referred to industrial court for arbitration.

Well administered contracts are antecedents of employee performance. Khanka (2018) and Cole & Kelly (2015) contend that timely disposal of a grievance is the heart of an effective grievance handling procedure since an aggrieved worker expects prompt and time-bound redressal and near to the original source as much as possible. In China, Gallagher *et al* (2013) state that dispute resolution involves voluntary mediation, compulsory arbitration and appeals in civil courts. Similarly, in Kenya, Nyaencha (2022) expressed that at the shop floor, shop stewards play a significant role in contract administration by ensuring that agreement terms are enforced, grievances settled, and disciplinary cases promptly overseen by management. They function as consultants and counselors with members' personal and job-related tribulations. Contract dispute resolution and adjudication are enforced through the Trade Disputes Act, Cap 234 and the dispute settlement machinery as provided in Labour Relations Act (2012). Conversely, if not well administered, union contracts can result in complaints, grievances, and disputes, with poor employee performance as the outcome. Armstrong & Taylor (2023) and Salemi (2011) opine

that negotiation procedures should offer various stages of ‘failure to agree’ and often include a clause that affords some dispute resolution in case the contract administration procedure is exhausted. To give a fair hearing, trade unions should ensure every institution has a grievance redressal procedure. Furthermore, Cole & Kelly (2015) assert that most organizations have two or three stages of trade dispute procedure. In Kenya however, Nyaencha (2022) note that although ADR as an alternative mechanism is recognized in the employment and labour relations court Act, it is rarely utilized. In Nairobi County, KMPDU’s collective bargaining process has been muddled in sustained mistrusts and disagreements, expressed through strikes, demonstrations, and go-slows, which are exhausting, stressful, and anti-performance (Mwenda, Muturi & Olunga, 2018).

In Kenya, there is a growing trend of strikes among various employee groups, including teachers, lecturers, doctors, and nurses, all stemming from a common issue: the non-implementation of binding Collective Bargaining Agreements (CBAs). Ogalo-Omondi and Kavagi (2021) emphasize the importance of unions understanding the legal requirements for CBAs to ensure their validity and enforceability. However, Owidhi (2019) highlights persistent challenges in CBA implementation due to non-compliance by employers and the government with various clauses. Meanwhile, the public health sector in Kenya continues to struggle with subpar performance among medical doctors, attributed to factors such as inadequate human resources, poor patient care, absenteeism, low motivation, and unfavorable working conditions, despite significant political and socio-economic transformations. This situation aligns with concerns raised by the Republic of Kenya (ROK) in 2012 and 2014 regarding the affordability of negotiations in the public service and the challenges posed by unionization and recurring industrial actions, particularly in Nairobi County's public health sector. Trade unions are significant employee struggle and socio-economic empowerment instruments (Garvey and Ringim, 2017). However, Mwenda (2012) & Mwenda, Muturi & Olunga(2018) and Masika (2016) state that since birth, Kenya Medical Practitioners, Pharmacists, and Dentists’ Union (KMPDU) has experienced the highest number of strikes, demonstrations and go-slows. The union is facing many problems affecting the performance of its members, including inadequate equipment, staffing, training, remuneration, promotions, working conditions, 2013 devolution and funding, all indicators of performance problems, particularly in Nairobi County. While various studies have been undertaken on the effect on trade union activities such as Contract Administration on employee performance (Nkirote & Kiiru, 2018, Chanzi, 2017, and Chilala, 2015), no utilitarian study has been conducted in the context of the influence of Contract Administration on employee performance, moderated by employee engagement: A case of doctors in public service health sector in Nairobi County, Kenya, so indicating information gap. This therefore formed the motivation to undertake the current investigation and hypothesized that

**H<sub>01</sub>:** There is no significant statistical influence of contract administration activity on employee performance among doctors in public service health sector in Nairobi County, Kenya.

**H<sub>02</sub>:** There is no significant statistical moderating influence of employee engagement on the relationship between contract administration activity and employee performance among doctors in public service health sector in Nairobi County, Kenya.

## **2. Theoretical and Conceptual Framework**

The theory of Industrial Jurisprudence by S. H. Slitcher in 1950, posits that trade unions serve as a crucial mechanism for safeguarding workers' interests in the workplace, particularly in situations where as individuals, they lack bargaining power with employers (Khanka, 2018). Slitcher's theory emphasizes the establishment of work rules and traditions by workers through what he termed "a system of industrial jurisprudence," to address labor relations issues and ensure legal security for workers (Gyesie, 2017). This theory is lauded for its dynamic nature and for promoting socio-economic justice by ensuring protection of the workers' industrial actions, which were previously exposed, hence minimizing industrial disputes (Gyesie, 2017). Also, Shodganga (2019) contend that Industrial Jurisprudence serves as a shield for trade union activities, particularly in union-averse environments. Moreover, the theory of Industrial Jurisprudence supports contract administration activity by establishing frameworks for work guidelines and customs in institutions, and providing a structured legal environment that promotes fairness, equity, and adherence to labor regulations and effective implementation of collective bargaining agreements, thus contract administration (Khanka, 2018 & Singh, 2022). Industrial Jurisprudence contributes to the improvement of employee performance by fostering a work environment characterized by legal security, minimized disputes, and democratic industrial relations (Gyesie, 2017). Through its emphasis on justice and fairness, Industrial Jurisprudence mitigates conflicts between management and labor, thereby enhancing organizational productivity and employee morale (Shodganga, 2019).

Over the years, Industrial Jurisprudence has served as the cornerstone of industrial relations law, providing clarity and justice to workers through legislative and judicial interventions (Shodganga, 2019). In India, this theory has facilitated the establishment of harmonious labor relations, as legislative and judicial bodies have shaped the industrial jurisprudence system to uphold justice and fairness, thereby fostering industrial peace (Sandeep, 2022). In Kenya, the theory has informed legal frameworks, such as article 41 of the constitution (2010), the Labour Relations Act 2007, revised (2012) and employment and labour relations court Act, 2014, offering legal protection to both unions and employees (Naeku & Wanyonyi, 2021). In this study, the theory was found to be relevant to contract administration activity since the signed contract is a legal document that needs legal protection during implementation and solving disputes that arise therein, if any. As per the reviewed literature and theory, conceptual framework was propositioned for this study showing the independent, dependent, and moderating variables and how they interrelate.

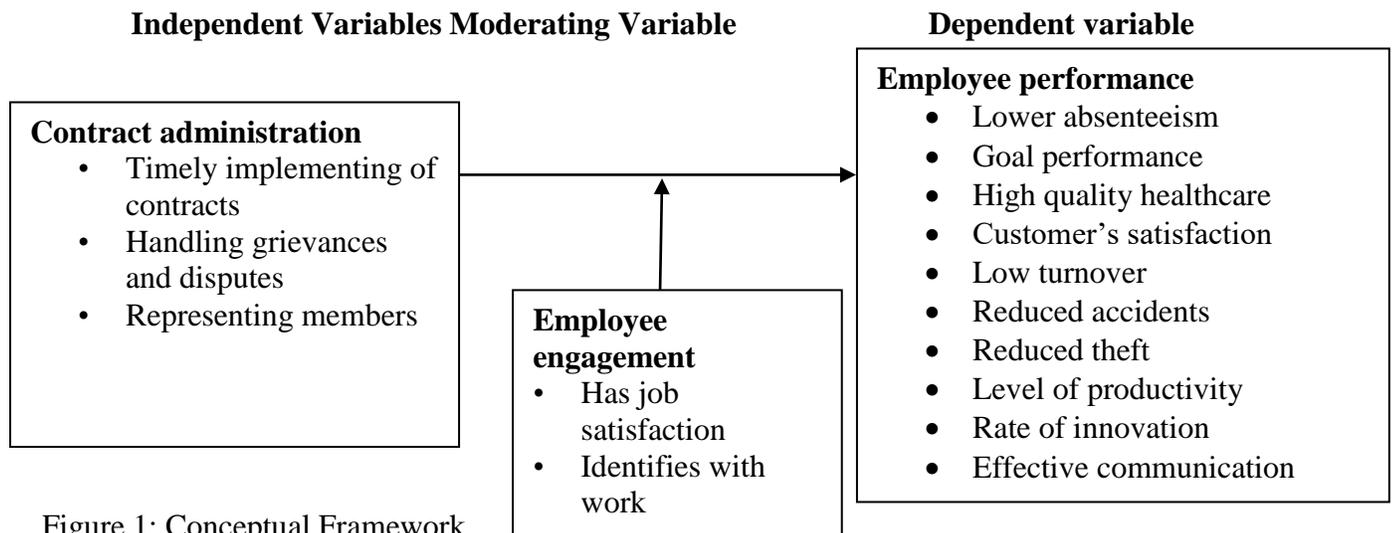


Figure 1: Conceptual Framework

### 3. Empirical Literature Review

#### Contract Administration Activity and Employee Performance

Luqman, Shahzad and Shaneen (2012) did a study on collective bargaining and its implementation: A case study of Pakistan HBFC. It was found that there was no effective union-management communication, management did not fully recognize the union, and political interference affected CB and implementation. Some recommendations were that management should passively act in implementing CB, union management should cooperate, and CB should be reviewed. Gamba (2018) in his study on the perceived influence of trade union officials' behavior on the implementation of collective bargaining agreement, Teachers Service Commission, TSC, Kenya found that union officials employ behavioral cues to positively influence contract implementation. One of the recommendations of the study was that, TSC, needs to create mechanisms that guarantee implementation of every CBA. Findings from Lugwe and Gichinga (2017)' s survey on factors influencing industrial unrest in the public sector, Kenya: A case study of Coast Provincial General Hospital showed that most strikes were over salary, working environment, leadership style and non-honored CBAs. Most employees were found to prefer industrial action. Further, Musili's (2018) study on the challenges in implementing and enforcing collective bargaining agreements, Kenya, indicated numerous inconsistencies in the wording, registration, and implementation of the resultant CBAs; a significant dilemma with CB in the public sector, unlike the private one; the legislative and regulatory framework changed with the introduction of Salaries and Remuneration Commission, SRC; lack of respect for the CBA obligations and timelines; and limited fiscal sustainability of the CBA wage awards. Agola (2016) found that teacher participation in unions enhanced performance since their welfare matters were assured and their voice made the employer take quick action. But, the adoption of strikes to force TSC to act on demands was de-motivating to parents who whined over due time wasted and recommended that the union and government should reach an agreement before things go out of hand. While the studies by Luqman, Shahzad and Shaneen (2012 and Gamba (2018 were only quantitative research and not mixed methods

research like the current study, those by Gallagher *et al* (2013) and Musili (2018) were based on secondary, unlike the current one that is based on collected data. Also, both studies were not anchored on any research philosophy or moderator variable. Consequently exposing them to potential errors and biases based on limited conceptualization and in-depth empirical investigation.

### **Moderating role of Employee Engagement**

In the current dynamic work situations, employee engagement stands out as the most common challenge to both individual and organizational performance. Hee *et al.* (2018) express that although employee engagement and employee performance are core dual fundamentals in an efficient organization, there has been very modest attention to it in the public sector. Badawy and Bassiouny (2014) too posit that, employee engagement has been the main issue in public service as management has tried to increase performance by adopting new technologies to no avail. In Kenya's public health sector, Mwenda, Muturi & Olunga(2018) inform that since start, KMPDU has empowered doctors on health promotion and their wellbeing, but employee engagement remains a challenge. Therefore, since the direct relationships between performances variables don't seem to work, stakeholders who care about employee performance in Nairobi County public health sector ought to be enthusiastic about the moderating function of employee engagement as it could just be the wonder drug to cure the performance challenges facing doctors in public service health sector. According to Patro (2013) an amalgamation of employee satisfaction, identification, commitment, and royalty form indicators of EE. Hence, dealing with this challenge should be a prevailing practice in enhancing one's capacity to perform.

Amir and Khan (2020) established employee engagement to have a slight moderating effect on the relationship between openness to experience and performance of teams. For further research, the inclusion of other variables was recommended. Still, this research was done in the private education segment while the current one was done in the public health one, thus different context and variables. Miawati, Sunaryo and Yusnita (2020) found that the company's efforts to implement employee engagement had not been done optimally and equally on all engagement indicators and the condition of EE had not reached optimal conditions. It was concluded that there was a gap between company engagement implementation program and the engagement conditions felt by employees. It was recommended that efforts should be made to improve the effectiveness of engagement implementation so to increase contribution to company growth. But the study, unlike the current one, was only exploratory and used qualitative research method. Hence the purpose of the current study using both quantitative and qualitative methods for a deeper understanding of the phenomena under study.

Mishra and Kodwani (2019) Employee engagement was determined to have a moderating effect on relationship conflict and perception of organization politics. Further research using a combination data collection source was recommended. Khusanova, Kang and Choi (2021) Findings confirmed a positive relationship between job meaningfulness and engagement and between work engagement and performance. Mediation analysis using bootstrapping indicated that work engagement explained the influence on performance. But, task interdependence

negatively moderated the relationship between meaningfulness and engagement. However, this study was done in a non-African context, Uzbekistan.

A study by Tsvangirai and Chinyamurindi (2019) found employee engagement and workplace surveillance to have a moderating effect on motivation. Sang, Guyo and Odhiambo (2014) too found a significant employee engagement moderation influence on the relationship between performance-based rewards and labour productivity. It was recommended that for organizations to perform better, they should highly encourage EE strategies and that further research should be done to ascertain the moderating effect of EE on the relationship between labour productivity and work-life balance. Oluoch's (2014) study determined employee engagement to positively influence the relationship between the strategic planning process and performance, though its moderation effect was insignificant. It was recommended that employee engagement be cascaded to every management level and moderation effect to the various stages of the planning process. It is noted most studies recommended further research and focused on variables other than contract administration, employee engagement and employee performance.

Furthermore, a survey by Gikonyo (2018) indicated that demographic characteristics moderated the influence of EE on performance while organizational commitment partially moderated the relationship. Tarus (2014) in his study concluded that though employee engagement level was above average, there was room for improvement. The study recommended that the company identify the engaged and disengaged employees and assist the disengaged ones. Additionally, employers should ensure employees are engaged through organizational commitment. However, the study evaluated employee engagement as an independent variable and not as moderator, hence the current study was to bridge this gap.

#### **4. Material and Methods/ design**

To fulfill the research problem and purpose, a pragmatic researcher adopts one reality view and uses quantitative approach to test a theory about reality, develop variables to be measured, and hypothesis to be tested and likewise examines the social actor's perceptions about reality by using qualitative approach so as to provide deeper understanding of the context, leading to a new theory or major changes in the current one. Convergent parallel mixed methods design was preferred for this study because it is a flexible design that offered a chance to concurrently consider exploratory and descriptive research purpose for in-depth understanding and generalization respectively (Creswell and Creswell, 2018).

#### **Target Population and Sampling**

The study's target population comprised 789 medical doctors and 21 top management officials, totaling 810 individuals. Among the doctors, there were 589 medical officers, 142 pharmacists, and 58 dental officers, while the top management officials included 5 human resource managers, 8 health administrators, and 8 finance managers (HRM records, 2019). Top management staff are typically the most senior officials in an organization. The inclusion of human resource management, finance, and health administration was intentional, as these departments are responsible for implementing labor relations and performance appraisal within their institutions.

The sample size was determined using The Krejcie and Morgan's formula, resulting in 294, with an additional 10% adjustment for non-response, bringing the final sample size to 327. The study employed stratified and simple random sampling from the probability technique, along with purposive sampling from the non-probability technique to pick the 21 top managers.

**Data Collection**

This study used a structured closed-ended questionnaire on the surveyed 327 medical doctors. The self-constructed and self-administered closed-ended questionnaire was on a five-Point Likert Scale: strongly disagree (SD) 1, disagree (D) 2, undecided (U) 3, agree (A) 4 and strongly agree (SA) 5, and used closed-ended questions to collect quantitative data from medical doctors. Face validity was applied in the early phases of designing the questionnaire. Face validity was attained when supervisors critiqued the questionnaire, experts examined the items, gave their opinions and necessary adjustments made to the items to fit their purpose. To test for criterion validity, this study borrowed items of Contract Administration Activity, employee engagement and employee performance from previous studies and theories. These items were selected to align with the specific constructs being measured in the current study. CVI for the items measured in the questionnaire was 0.923. The study generated Cronbach's Alpha tables and principal component analysis to enhance the reliability of the instruments. The study considered a Cronbach's Alpha coefficient of 0.7 and above as recommended by Hair et al. (2010) that composite reliability values larger than .70 are sufficient for data collection to proceed.

**Data Analysis and Model Specification**

This study used quantitative statistical analysis methods to analyze numeric data from doctors. Quantitative data was statistically analyzed using descriptive and inferential tools with the assistance of SPSS Version 26. Descriptive statistics was done by generating means and standard deviations and was statistically analyzed in line with the study objectives. Simple linear regression analysis was used to determine the influence of the independent variables (contract administration on the dependent variable (employee performance). Inferential statistics was done to draw conclusions and a generalization concerning the population, Pearson product-moment correlation coefficient was constructed to test the linear relationship between the variables. Using multiple linear regression, a moderated multiple regression (MMR) model was also applied to determine the estimated interaction effect or to evaluate the moderating effect of employee engagement in the relationship between the independent variable and the dependent variable. The moderation effect was represented by the interaction effect between the x and z variable.

The simple linear regression model is as shown below:

$$Y = \beta_0 + \beta_1 X_1 + \epsilon \dots \dots \dots \text{Model 1}$$

In the multiple regression equation, the moderator variable is represented as follows:

$$Y = \beta_0 + \beta_1 X_1 + \beta_2 X_1 Z + \epsilon \dots \dots \dots \text{Model 2}$$

Where: Y= dependent variable - Employee performance, X1=independent variable - Union Organizing,  $\beta_0$ = constant or intercept,  $\beta_i$  = are regression coefficients

for  $X_i (i = 1,2,3,4)$ ,  $Z =$  Moderating variable - Employee engagement  $\varepsilon =$  error term,  $X_i Z =$  Interaction term of employee engagement with each of the independent variables ( $X_1, X_2, X_3, X_4$ ).

**5. Results and Discussion**

Out of total 327 distributed questionnaires to doctors, 303 questionnaires were returned giving a response rate of 92.7%. However, after data screening and cleaning (checking for missing data and outliers) 7 questionnaires were found unusable (4 had missing values and 3 were outliers). Hence, the total response rate for usable questionnaires was 90.5%. Further, out of 21 targeted top management officials' interviewees, 16 interviews were conducted, giving a response rate of 76.2%. According to Mugenda and Mugenda (2013), a 50% response rate is considered adequate, 60% is good, and 70% and above very good. Cooper and Schindler (2014) affirm this by stating that the study can continue if the response rate is above 60%.

**Sample Characteristics**

The study sought to establish the respondents' gender and was found as presented in table 4.6 where gender biodata revealed that 51% of them were male while 49% were female. The purpose of this assessment was first for the researcher to establish if the study met the constitutional requirement of at least a 1/3 representation of either gender, to ensure that the empirical knowledge did not suffer the effects of gendered role attitudes and to establish if Nairobi public service health sector was an equal opportunity sector when it comes to employment. The results indicate that 34.5% of respondents worked in the public service between 0-5 years, 27.4% between 6-10 years, 18% between 11-15 years and 8.1% over 21 years. From table 1, 45.6% of the respondents belong to the range 31-40 years, 27% belong to the range of 41-50 years, and 22% belong to 30 years and below while only 5.4% belong to 51-60 years.

Table 1: Sample Characteristics

		Frequency	Percent
Gender	Male	151	51
	Female	145	49
	Total	296	100
Years Worked in Public Service	0-5 years	102	34.5
	6-10 years	81	27.4
	11-15 years	53	17.9
	16-20 years	36	12.2
	Over 21 years	24	8.1
	Total	296	100
Age of respondent	30 years and below	65	22
	31-40 years	135	45.6
	41-50 years	80	27
	51-60 years	16	5.4
	Total	296	100

Descriptive Statistics for Employee Performance

The findings from table 2 indicate that respondents expressed uncertainty regarding the organization's adequacy in employee productivity (mean = 2.70, Standard Deviation = 1.07) and perceived a moderate turnover rate (mean = 2.53, Standard Deviation = 0.97). Interviews further revealed various concerns regarding employee performance, including poor working conditions, low productivity, limited creativity, and innovation. Respondents were undecided about the level of absenteeism (mean = 2.59, Standard Deviation = 1.00) and indifferent regarding service delivery (mean = 2.53, Standard Deviation = 0.96). Disagreement was expressed regarding accidents due to negligence and theft by medical doctors, while uncertainty prevailed regarding customer satisfaction and satisfaction with the quality of work. Moreover, respondents disagreed on the presence of good teamwork and creativity among medical doctors, were indifferent about meeting set targets and the existence of corruption cases, and expressed uncertainty regarding effective workplace communication and internal business process efficient.

Table 2: Descriptive Statistics for Employee Performance

Constructs (n=296)	Mean	Std. Dev
My organization has adequate employee productivity	2.70	1.07
Turnover rate is low	2.53	0.97
There is minimal level of absenteeism	2.59	1.00
Service delivery is recommendable	2.53	0.96
Accidents resulting from negligence are minimal	2.21	0.75
There is no theft by medical doctors	2.40	0.99
Level of customer satisfaction is high	2.67	1.02
Quality of work is satisfactory	2.41	0.92
There exists good teamwork among doctors	2.30	0.92
Doctors are creative and innovative	2.13	0.82
Targets sets are met	2.62	0.97
There are no cases of corruption among doctors	2.83	2.09
Workplace communication is effective	2.70	1.20
Internal business processes are efficient and effective	2.86	1.22
<b>Average</b>	<b>2.53</b>	<b>0.69</b>

Source: Field Data (2020)

Management agreed with the above finding that medical doctors' productivity was low. Respondent 6 informed; *"it is low. It slumped after devolution of health services. Devolution is the biggest challenge, and it needs to be solved somehow"* as 14 opined; *"fair. It is about 70% to 80%. Because they did not take non-implementation of their agreement kindly. The government says it does not have funds while the doctors feel shortchanged."* Also, management concurs with results that doctors' turnover rate is low with respondent 4 stating, *"It is very low. Instead, they want to come here. It can be witnessed by the big number of applicants we receive when we advertise. We attract even from institutions of similar business and category"* as 8 said *"Zero. I*

*have not overseen any resignation.*” Interviewee 10 observed *“turnover is low, though not because of the union but because jobs are rare. They like government because of job security and freedom.”* Number 11 stated *“I don’t know”* and 14 *“Not high. Since 2014, only one consultant and three doctors in this hospital have resigned”*. Yet, number 7 opined, *“high. There are better things out there.”* The study findings indicate that respondents were undecided on embracing employee performance, with an overall mean of 2.53 standard deviation of 0.69. This was supported by interviewees who gave undecided comments on the level of absenteeism among the doctors with interviewee number 2 observing *“average. It is worse in the hospitals. Those in headquarters are better. They are more motivated”* as number 7 noted, *“high. To heal this, the government should illegalize private jobs and pay them non-practice allowance.”* This is contrary to the Republic of Kenya, ROK, (2019) Health Act, 2019 Article 12 (2) (a) (ROK, 2019) which affords that *“all healthcare providers, shall have the duty to provide healthcare to every person entrusted to their care or seeking their support”*.

### **Descriptive Statistics for Contract Administration Activity**

Table 2 outlines respondents' perceptions of trade union involvement in contract administration. Overall, respondents appeared uncertain or indifferent about various aspects related to the efficiency and effectiveness of trade unions in managing contracts. They expressed uncertainty regarding the daily activities of union officials, the prompt communication of bargained agreements to members, and the presence of grievance handling procedures. Additionally, respondents were uncertain about the contract administration skills of union officials and the employer's effectiveness in this regard. Moreover, they were uncertain about the employer's involvement during contract implementation and indifferent about members' awareness of grievance resolution procedures. The findings suggest a lack of clarity and engagement among trade unions in contract administration activities, highlighting potential areas for improvement in union-member communication and procedural transparency. There was also undecided response from interviewees to whether the medical doctors' union ensures rapid resolution and timely disposal of conflicts arising from interpretation or violation of contracts. Respondent number 4 said *“No. This is Kenya. The government even ignores court orders. The conflicts take a long time to solve, and work is slowed down. To me, the union went silent until now when we have corona virus* Number 5 contended that *“the government is sometimes pushed to sign contracts but cannot meet her part. It is a process of solving problems. The union officials are tired. So, it is not rapid or timely.”* Interviewees were also undecided on the presence of grievance and dispute resolution procedures and forms, respondent 1 stated, *“we do not have them. There are no forms or displayed procedures. The union or code of regulations (COR) are not clear on that”* Respondent 2 informed *“It is not implemented in full. Because of inadequate resources, the contract is not fiscally sustainable. First, the finance department and the union should have established from the National Treasury that funds are available or not before signing.”*

Table 3: Descriptive Statistics for Employee Engagement

Constructs (n=296)	Min	Max	Mean	Std. Dev
<b>Employee satisfaction</b>				
My supervisor is good	1	5	2.31	1.11
Our remuneration is competitive	1	5	2.36	1.13
Working conditions are good	1	5	2.54	1.25
There are training and career development opportunities	1	5	2.31	1.08
We have good co-worker relationships	1	5	2.16	0.85
Workload is reasonable	1	5	2.95	1.29
<b>Employee identification</b>				
We have common goals and strategies	1	5	2.21	0.90
There is strong organization culture	1	5	2.43	1.11
Individual mentorship is available	1	5	2.47	1.13
There is effective communication	1	5	2.43	1.14
There exists charismatic leadership	1	5	2.30	1.13
<b>Employee commitment</b>				
Doctors have flexible work schedules	1	5	2.72	1.24
There is job security	1	5	2.29	1.12
Friendly policies, structures and procedures exist	1	5	2.37	1.15
Employee participation and involvement is satisfactory	1	5	2.30	1.10
<b>Employee loyalty</b>				
There is employee recognition and well wishing	1	5	2.55	1.20
Working in teams is practiced	1	5	2.16	0.97
Trusting in team leaders is there	1	5	2.26	1.01
<b>Average</b>	<b>1</b>	<b>5</b>	<b>2.39</b>	<b>0.83</b>

Source: Field Data (2020)

The above results were supported by interviewees when asked to comment on various facets of employee engagement. Most informants felt that the medical doctors in Nairobi County public service did not have satisfaction; in terms of supervision, remuneration, working condition, training, and development, working relationship and workload, and that this has led to low employee engagement. Informant No. 5 stated, “No. We have been doing job satisfaction surveys and scoring 70%. Here, satisfaction is affected by the non-implementation of the SRC’s 2012 salary structure, the 2017 CBA and now COVID-19 PPEs and allowances”. However, a few respondents said the doctors are satisfied and engaged, not sure or no comment. Informant 8 said that “doctors here have job satisfaction. Though we don’t have a policy on engagement, our doctors are engaged, and they perform”. In agreement, interviewee 2 said, “Some identify but most of them want to be in Afya house and not in the facilities” whilst 3 said, “No. They are not happy with the employer leadership”. Respondent 9 said “It is hard to say” as 10 informed, “no. They feel their services are not recognized or appreciated by their employer”.

The results presented in Table 2 reveal statistically significant correlations between the dependent variable, employee performance, and, contract administration activity and employee engagement. the correlation coefficient for employee performance and contract administration activity was  $r = 0.656$ , signifying a significant strong positive relationship between employee performance and contract administration activity ( $p = 0.000$ ). additionally, the correlation coefficient for ep and ee was  $r = 0.409$ , showing a significant positive association between employee performance and employee engagement ( $p = 0.000$ ).

Table 4: Descriptive and Correlation Analysis

	<b>Employee Performance</b>	<b>Contract Administration Activity</b>	<b>Employee Engagement</b>
Employee Performance	1		
Contract Administration Activity	.656**	1	
Employee Engagement	.409**	.420**	1

\*\* Correlation is significant at the 0.01 level (2-tailed).

**Assumptions of Regression Model Testing**

This study used regression model to determine the statistical relationship between the independent and the dependent variables. Results of the Test of Normality using Kolmogorov-Smirnov and Shapiro-Wilk tests. The statistics for Unstandardized Residual, Standardized Residual, and Student zed Residual all have p-values (Significant value) greater than the standard significance level of 0.05 (Ghasemi & Zahediasl, 2012). This indicates that the data under consideration follows a normal distribution. The significance level of 0.05 is commonly used as a threshold to determine whether a dataset can be considered normally distributed. When the p-value is greater than 0.05, it suggests that there is no significant deviation from normality, and the data can be assumed to be normally distributed. As a result, based on the p-values from both the Shapiro-Wilk and Kolmogorov-Smirnov tests being higher than 0.05, it can be concluded that the data satisfies the assumption of normality. In other words, the data is normally distributed and the residuals derived from the statistical analysis are not significantly different from a normal distribution.

Linearity test for each variable was assessed with statistical package for social sciences, SPSS, following the accepted procedures. The rule of thumb wasif there is linearity  $p < 0.05$ , it was considered to be statistically significant, thus the null hypothesis should be rejected. However, the reverse could be true if the value  $> 0.05$ . The ANOVA test results showed all the reported p-values are less than the significance level of 0.05, indicating that there is a statistically significant linear relationship between each pair of variables. Also, the tolerance values for each variable were less than 0.1, which is another indication that there is no multicollinearity among the independent variables. According to the criteria defined by Cooper & Schindler (2014), multicollinearity would exist if the tolerance is less than 0.1 or if the VIF is greater than 10 for any variable. To test for homoscedasticity of variance, the levene test was

conducted as per Nordstokke&Zumbo (2010) who says that the probability values should be greater than 0.5.

**6. Test of Hypotheses**

Linear regression analysis (Model summary, ANOVA, and Coefficients of Estimates) was used to evaluate the influence of Contract Administration Activity on employee performance among doctors in public service health sector in Nairobi County, Kenya. The results are presented in Tables 5a, 5b and 5c.

Table 5a: Regression Model Summary for Contract Administration and Employee Performance

<b>Model</b>	<b>R</b>	<b>R Square</b>	<b>Adjusted R Square</b>	<b>Std. Error of the Estimate</b>
1	.656	0.430	0.428	0.52554

Table 5a presents the regression model summary for Contract Administration and its influence on Employee Performance among doctors in public service health sector. The R-squared value of 0.430 indicates that approximately 43% of the variation in Employee Performance can be attributed to Contract Administration Activity. In other words, the model, which includes Contract Administration as a predictor, accounts for 43% of the variability observed in Employee Performance. The results of the ANOVA test were summarized in Table 5b

Table 5b: ANOVA for Contract Administration and Employee Performance

	<b>Sum of Squares</b>	<b>df</b>	<b>Mean Square</b>	<b>F</b>	<b>Sig.</b>
Regression	61.237	1	61.237	221.72	.000
Residual	81.2	294	0.276		
<b>Total</b>	<b>142.437</b>	<b>295</b>			

a Dependent Variable: Employee Performance

b Predictors: (Constant), Contract Administration Activity

In table 5b, in this case, the obtained F-statistic of 221.72 and the associated p-value of .000 indicate a highly significant goodness of fit. The small p-value of 0.000 indicates that the regression model provides an excellent fit to the data and that the relationship between contract administration activity and employee performance is statistically significant.

Table 5c: Coefficients of Estimates Results for Contract Administration and Employee Performance

	Unstandardized Coefficients		Standardized Coefficients		
	B	Std. Error	Beta	t	Sig.
(Constant)	0.771	0.122		6.305	0.000
Contract Administration Activity	0.628	0.042	0.656	14.890	0.000

a Dependent Variable: Employee Performance

In table 5c, the coefficients of estimates for contract administration and its influence on employee performance among doctors in public service health sector are presented. The regression model aims to examine whether contract administration activity has a significant statistical influence on employee performance.

The results show two sets of coefficients. The constant term (intercept) has a value of 0.771, with a standard error of 0.122. The coefficient for contract administration activity is 0.628, with a standard error of 0.042. Additionally, the standardized coefficient (beta) for contract administration activity is 0.656 with p-values of 0.000, which are significantly less than the significance level of 0.05 hence the null hypothesis was rejected. This implies that contract administration activity indeed has a significant influence on employee performance. Based on these findings, it is concluded that Contract Administration Activity has a significant positive effect on Employee Performance among doctors in public service health sector. The regression equation derived from the model confirms this relationship and can be used to predict Employee Performance based on the significant coefficient. Hence, the following regression model was derived:

$$Y = 0.771 + 0.628x_1 + \epsilon \dots \dots \dots \text{model 1}$$

Where; Y = employee performance, X<sub>1</sub>=contract administration activity, ε = error term

Based on the above, the study infers that with one unit increase in contract administration activity, there is 0.628 increases in employee performance among doctors in public service health sector. In appreciating the Contract Administration function, Dessler (2016) noted that, since contracts are difficult to implement, most CBAs contain grievance procedure clauses which outline steps in the procedure, time limits for each step, and specific rules to be followed during administration. Shodhganga (2019) explains that Contract Administration is the process of servicing the collective bargaining agreement. Noe et al. (2018) contend that contract administration begins with the implementation of CBAs and runs until a contract is fully implemented or arising conflicts have been resolved. If a CBA interpretation is deadlocked during administration, it turns into a grievance, which, if not solved, it results in a trade dispute that may require conciliation, failure to which it is referred to industrial court for arbitration, subsequently affecting performance/ page 3. According to the Collective Bargaining Agreement,

CBA, (2017), the agreement between the Nairobi County government and KMPDU was to be administered for four years, effective 1st July 2017 to 1st July 2021. However, there have been strikes over the slow rate of its implementation. In a similar take, a study by Owidhi (2019) found that in Kenya, challenges of the level of implementation of the legal provisions of collective bargaining persists as employers and government fail to comply with some of the clauses provided for in the CBAs. A study by Gamba (2018) found that union officials adopt specific behavioural cues to influence contract implementation. But from the empirical findings, non-full implementation of the doctors’ contract had a higher effect on their negative performance.

**Moderating Effect of Employee Engagement on the Relationship between Contract Administration Activity and Employee Performance**

The study used hierarchical regression analysis to check for the moderating effect of employee engagement on the relationship between contract administration and employee performance. The findings were presented in tables 6a, 6b and 6c.

Table 6a: Model Summary for Moderating Effect of Employee Engagement on the Relationship between Contract Administration Activity and Employee Performance

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	R Square Change	F Change	df1	df2	Sig. F Change
1	.656a	0.430	0.428	0.52554	0.430	221.72	1	294	0.000
2	.757b	0.572	0.569	0.45598	0.142	97.541	1	293	0.000

a Predictors: (Constant), CAA

b Predictors: (Constant), CAA, CAA\*EE

Key: CAA=Contract Administration Activity, EP=Employee Performance, EE=employee engagement

In Model 1, the initial linear regression analysis was conducted, which included only the constant and contract administration activity (CAA) as predictors. The R-squared value for Model 1 was 0.430, indicating that 43.0% of the variance in employee performance was explained by the variation in contract administration activity (R squared = 0.430). The Adjusted R-squared value of 0.428 takes into account the number of predictors in the model and provides a slightly more conservative estimate of the explanatory power of the model. After introducing the moderating effect of employee engagement in Model 2 (CAA\*EE), the R-squared value increased to 0.572, indicating that the model now explains 57.2% of the variance in employee performance (R squared = 0.572). The Adjusted R-squared value for Model 2 was 0.569, reaffirming the model's improved explanatory power. The R-square change between Model 1 and Model 2 was calculated as 0.142, meaning that the relationship between contract administration activity and employee performance increased by 14.2% after accounting for the moderating effect of employee engagement. This significant increase in the explained variance highlights the

substantial impact of employee engagement as a moderator on the relationship between contract administration activity and employee performance.

**Table 6b: ANOVA for Moderating Effect of Employee Engagement on the Relationship between Contract Administration Activity and Employee Performance**

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	61.237	1	61.237	221.72	.000b
	Residual	81.2	294	0.276		
	Total	142.437	295			
2	Regression	81.517	2	40.759	196.034	.000c
	Residual	60.92	293	0.208		
	Total	142.437	295			

b Predictors: (Constant), CAA

c Predictors: (Constant), CAA, CAA\*EE

Key: CAA=Contract Administration Activity, EE=employee engagement

The ANOVA results showed that there were two models tested in this analysis. In Model 1, which included only the constant and contract administration activity (CAA) as predictors, the regression model had a significant goodness of fit ( $F=221.72, p<0.05$ ). This indicates that the model examining the direct relationship between contract administration and employee performance was statistically significant. In Model 2, the interaction term CAA\*EE was added to the model to assess the moderating effect of employee engagement. The ANOVA results for Model 2 showed that the regression model remained significant ( $F=196.034, p<0.05$ ), indicating that the inclusion of the interaction term did not diminish the model's goodness of fit. Therefore, the study presented coefficients of estimates for moderating the effect of employee engagement on the relationship between contract administration activity and employee performance in table 6c.

**Table 6c: Coefficients for Moderating Effect of Employee Engagement on the Relationship between Contract Administration Activity and Employee Performance**

Model		Unstandardized Coefficients		Standardized Coefficients		
		B	Std. Error	Beta	t	Sig.
1	(Constant)	0.771	0.122		6.305	0.000
	CAA	0.628	0.042	0.656	14.890	0.000
2	(Constant)	1.020	0.109		9.358	0.000
	CAA	0.323	0.048	0.338	6.759	0.000
	CAA*EE	0.076	0.008	0.493	9.876	0.000

a Dependent Variable: EP

Key: CAA=Contract Administration Activity, EP=Employee Performance, EE=employee engagement

Hypothesis (H02) postulated that there is no significant statistical moderating effect of employee engagement on the relationship between contract administration and employee performance among doctors in public service health sector in Nairobi County, Kenya. However, from table 6c, the coefficient of interaction (CAA\*EE) was statistically ( $\beta=.493$ ,  $p=.000<.05$ ). Thus, the hypothesis was rejected. Therefore, from the regression results, employee engagement has a significant positive effect on the relationship between contract administration and employee performance since the p-value was 0.000, which is less than the 0.05 level of significance. Consequently, it was concluded that employee engagement moderates the relationship between contract administration and employee performance. Based on the above results, the following regression model was derived:

$$Y = 1.020 + 0.323x_3 + .0076x_3 * Z + \epsilon \dots\dots\dots\text{Model 2}$$

Where;

Y = employee performance,  $X_3$  = Contract Administration Activity, Z = employee engagement,  $\epsilon$  = error term

According to Patro (2013) employee engagement has emerged as a significant organizational concept in recent years. Employee engagement involves positive emotions where workers are inspired to associate with their firms' bottom-line and are concerned over posting excellent results. An engaged employee knows the business context and collaborates with colleagues to improve performance, productivity, customer satisfaction and financial success. This is also supported by a study by Dajani (2015) which determined that employee engagement had a significant impact on job performance but less on organizational commitment. This, therefore, justifies the undisputed position of employee engagement in moderating relationship between contract administration activity and employee performance.

**7. Conclusions of the Study**

From the findings, it was determined that contract administration activity increases employee performance. Contract administration practices: union officials working daily, contract implemented within schedule, rapid dispute resolution and timely disposal of conflicts, grievance and dispute handling procedures and member representation were found to influence employee performance and should be encouraged. Nevertheless, there were delays in administering the last KMPDU contract for Nairobi County, resulting in many industrial strives and disharmony, which have affected overall service delivery. Since a lot of disputes arise out of non-implementation or misinterpretation of union contracts, trade unions, government and management have reason to ensure strategies are put in place for timely and full implementation of contracts. Hence, the study concluded that contract administration is important to doctors in public service health sector, particularly in Nairobi County, Kenya.

Finally, based on the inferential findings that employee engagement significantly moderates the relationship between contract administration and employee performance, the study thus delineated that elements employee job satisfaction, identification, commitment, and loyalty indicate the presence of employee engagement. This infers that reasonable workload,

availability of individual mentorship, effective communication, employee recognition and well-wishing as some of the employee engagement facets that enhance the effect the relationship between contract administration activity and employee performance. However, it was established that there is no policy on employee engagement in the public service in Kenya. of trade union activities on employee performance.

### **8. Theoretical Implications**

This study authenticated the theory of industrial jurisprudence as the value of contract administration activities. The theory appreciates the need to establish labour relations laws, especially to protect bargaining agreements during signing and implementation, hence ensure the worker is not exposed but is protected. Shodganga (2019) say that for over fifty years, the theory of industrial jurisprudence has been the foundation of industrial relations law by providing justice to the employee. Also as noted by Gyesie (2017), the theory of industrial jurisprudence is the basis of socio-economic justice and democratic industrial relations. In Kenya, this theory has posed a paradigm shift to the human resource management by buttressing labour relations laws as they relate to union activities, hence minimizes industrial disputes, which are very prevalent among public service medical doctors in Nairobi County, and increases employee performance.

### **9. Recommendations**

Contracts, however good will not bear any performance fruits if not fully implemented. From the study, very little has been done to strengthen the law governing contract administration in the Kenyan public service. The findings established most contracts waver at the implementation stage. It was found that none full implementation of the Nairobi County doctors in public service health sector's 2017-2021 contract within schedule has had adverse effects on performance. The feeble implementation, since it lapsed in July 2021 and so far, it is not apparent when the next negotiations will commence, accounted for most of the Nairobi public service doctors' strikes, demonstrations and go-slows. Grounded on these, it is recommended that, to avoid any disputes, stakeholders demonstrate commitment to this cause by ensuring formulation of a policy on contract governance, complete with implementation matrix and clauses to carter for non-implementation and how to handle those culpable if the implementation process falters. This will guarantee full administration of contracts and within the agreed timelines since shaky implementation affects employee performance, negating health plans and actualization of the health needs of the populace.

This study outlined the importance of employee engagement as a moderator in the relationship between contract administration and employee performance. Though the research determined EE to be a significant moderator on the relationship, the variable was found to be invisible in the public service rules and regulations. This debatable status is a matter of great concern to academicians, human resource professionals and union officials. To decrease the disquiet, it is endorsed that there should be deliberate effort to include EE model in the human resource management policy guidelines. To the study, while as important as development and revenue, employee engagement has not been fully appreciated by KMPDU or the government. Hence, it

is commended that the government and other stakeholders should formulate a policy or framework on this this very important concept, which should be valued, invested in and streamlined into the country's labour relations policy as a measure of improved performance and institutional success. This will especially offer a paradigm shift for the Kenya public health system's management of the human resource for health, Nairobi County included since its doctors were found to be disengaged. Thus, more efficient, effective, accessible and affordable public health services. Overall, this will lead to achievement of universal healthcare and sustainable development goals, improved quality of services on health, and a healthy nation.

Contract administration activity breathes life into collective bargaining activity as this is where agreements are put into practice. Nevertheless, it was established to be the trickiest phase of unionism since most contracts are rarely fully actualized due to poor interpretation, based on lack of knowledge on by the implementers. From the findings, union-management officials lack training on labour relations systems. It is hence recommended that labour relations training of union-management officials is entrenched into human resource management and development policies and procedures. The training will impact necessary attitude, skills and knowledge and ensure that implementation does not waver, hence minimize any emerging disputes and increase harmony, resulting in improved employee performance.

#### **10. Suggestions for Further Research**

From the reviewed literature, there is limited information on employee engagement. Gold and Smith (2022) argue that in the 21st century, employee engagement policies are under-researched. Hence further research is recommended on employee engagement. Further, there are other variables, other than employee engagement, that may moderate the relationship between contract administration and employee performance, which were unobserved by the current study. Therefore, focusing on these other variables, like employee participation and involvement, in future research may assist solve the employee performance uncertainty and motivate individual employees, organizations, and nations to progress. Also, it was established that in Africa, Kenya included, there is scarcity of research on contract administration or collective bargaining agreement. It is therefore recommended that, to add to the current database, further research be carried on contract administration.

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