



MIDLANDS STATE UNIVERSITY

**AN ANALYSIS OF THE ZIMBABWEAN ADMINISTRATIVE LAW IN DISPUTE
RESOLUTION FROM THE PERIOD 2008-2015. USING MIDLANDS PROVINCIAL
ADMINISTRATION OFFICE AS A CASE STUDY**

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**Submitted in Partial Fulfillment of the Requirements for the Award of the
Bachelor of Science (Honors) Degree in Politics and Public Management**

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DEDICATION

This research is dedicated to my beloved mother, Mrs C. Mawonera whom I love so much and my late dad E. Mawonera who motivated me to reach this far. And above all the Almighty God who have given me life, courage, wisdom and strength throughout.

Thank you all!!!!

ABSTRACT

The study to be undertaken aims at discovering the enforcement of the Zimbabwean Administrative law in resolving disputes that emerge within the public sector departments to ensure stable provisioning of public services using the Midlands Provincial office as the case study. The absence of development within the public sector departments is as a result of emerging and pending unresolved disputes. It is against this background that the study will focus on whether the Zimbabwean Administrative law related dispute resolution methods are of essentiality in promoting a dispute free environment within the public sector. Hence the objective of this research is to analyse the Zimbabwean Administrative law in dispute resolution. This study will dig into all the dispute resolution methods that have been enforced with aid from the staff within the department of Midlands Provincial Administrator's office. Literature review showcased relevant conceptual framework of disputes, types of disputes, types of labour disputes, Zimbabwean administrative law, dispute resolution strategies, differences between the Western and African dispute resolution methods, ways of preventing workplace disputes. An analysis of how dispute and development are related and challenges surrounding effective enforcement of administrative law in dispute resolution in a bid to explore the approaches effectiveness of the Zimbabwean Administrative law. Both qualitative and quantitative approaches were used during the study. Questionnaires and interviews were the core sources of data collection methods used from the workers within the Midlands Provincial Administrator's office. The study results showed that the Zimbabwean Administrative law have got loopholes that make it difficult for disputes to be resolved successfully. Results also showed that disputes are triggered by a number of things which need strict and proper recognition of ways to do away with these problems. It has also been noted that though the government have been trying to enforce laws to get rid of disputes but they are ineffective which have made employees lose faith in the government as far as dispute resolution is concerned. So there is need for the government to adopt other resolution methods that are being used by other countries so as to create a development oriented environment.

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Glory be to God for He has made it possible for me to reach this far by providing guidance, resources and wisdom.

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If it wasn't for my friends who also helped during the research this research would have ended in vain. I am forever grateful for the support, encouragement and prayers that I got from you.

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LIST OF ABBREVIATIONS

ADR	Alternative Dispute Resolution
AL	Administrative Law
HR	Human Resources
ICA	Industrial Conciliation Act
ILO	International Labor Organization
LRA	Labor Relations Act
PA	Provincial Administrator

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CHAPTER ONE

1.1 INTRODUCTION

The Zimbabwean Administrative Law was used in the Midlands Province particularly the Provincial Administrator's office so as to resolve disputes that were arising in the province which were disturbing the day to day running of the province the period 2008-2015. These conflicts resulted in tensions between officials of which some of them lost trust in the effectiveness of the legal frameworks of the country for its failure to resolve disputes. Amongst the dispute resolution methods enforced were arbitration, negotiation, mediation and conciliation. But in most cases these failed to resolve the disputes. Moreover the legal frameworks had loopholes that some of the public sector officials take advantage of which made dispute resolution unsuccessful. This saw an increase in cases of unresolved disputes haunting the Midlands Province public sector. Even those responsible for resolving the disputes sometimes charged huge sums of money which the parties involved in the dispute are unable to provide so most of the cases were left unattended resulting in the perpetuation of the dispute which has hindered any concrete developments to be seen in the Midlands Province. This prompted the researcher to embark on a study of investigating the ways and manners in which the dispute resolution mechanisms were enforced and how effective they were so as to fill in the gaps created. Hence the purpose of the study is to analyze the Zimbabwean Administrative Law enforcement so as to resolve disputes particular attention being in the Midlands province PA's office.

1.2 BACKGROUND OF THE STUDY

Conflictual relationships in the workplace that happen between employers and employees started since the colonial period. These conflicts were as a result of the division that was there between the rich and the poor whereby the poor provided labor which saw the emergence of industrial disputes because there was unfair distribution of resources and gains. Moreover the unfair and evil system of colonization also perpetuated the rise of the system of classes within departments which have seen power differences in public sector departments.

Zimbabwean attainment of independence ushered in industrial order which recognized also the fact that industrial disputes arise for ancient scholars view humans as social animals who are

greedy and selfish. Therefore the rise of disputes, dispute resolution methods like arbitration, mediation and negotiation came in as a necessary remedy that gave the parties which were at loggerheads room to resolve issues that had caused disputes in a way that is not too complicated and confusing to them.

Historically state officials or functionaries were responsible for resolving disputes that would have emerged in public sector departments and in most cases they were subjects of the responsible Ministry's political power. This in itself curtailed the whole system of dispute resolution to be inferior to those in power at the same time being far from workers. But the emergence of the unification of the labor and drastic changes in the world of politics within and at the international level, brought about a strong need for the bodies responsible for making laws that would fit on the globally.

Even though the move remained a stumbling block to participative dispute resolution, the Industrial Conciliation Act of 1945 can be credited for recognising the status of labour and relevantly promoted and safeguarded industrial harmony. The post-independence government realised the urge of politicising labour relations which recognised the existing class antagonism. The announcement and introduction of LRA 1985, saw arbitration becoming the convenient strategy that was used to solve conflicts in public sector departments so as to do away with strikes in industries. The act brought a new foundation of relationships within the workplace. Besides from outlying and interpreting the mostly acceptable workplace relationships, the act further gave rules that would monitor conditions of employment and other related matters which saw the relations different from that of the slavery era.

In most cases this has helped in resolving disputes but the emergence of too many opposition political parties, disputes rose again which affected development. Public sector departments was and is still inhabited by people from different political parties and most of the disputes that emerged were political party differences driven which saw it difficult for the officials responsible for resolving disputes within and without organizations. As a result of this most cases were difficult to be resolved and left uncleared which continue to haunt the organizations for years especially the Midlands Province. Moreover charges were raised by experts responsible for resolving disputes of which most of the involved parties will not be able to afford which will

prompt them to withdraw the dispute being cleared as well and this has divided public sector officials into groups which is unhealthy for development.

1.3 STATEMENT OF THE PROBLEM

The lack of development in the Midlands Province's public sector is as a result of pending and unsuccessfully resolved disputes which continue to haunt the province. Hence the study seeks to explore the enforcement of Zimbabwean Administrative Law in resolving disputes that emerged within the public sector to ensure stability in public service provision.

1.4 RESEARCH OBJECTIVES

1. To examine the major problems faced by Zimbabwe in the public sector departments which then led to disputes
2. To assess the effectiveness of the dispute resolution methods enforced by Midlands Province from 2008-2015
3. To examine the effects of the disputes occurring in Midlands to the whole country
4. To proffer recommendations on the dispute resolution methods enforced by the Zimbabwean public sector during the 2008-2015 crisis

1.5 RESEARCH QUESTIONS

1. What are the major problems faced by Zimbabwe in the public sector department which prompted disputes?
2. How were the enforced methods effective in solving these disputes leading to peace in the province
3. How can these disputes have affected the day to day functioning of the department
4. What other methods of dispute resolution can be adopted in the Zimbabwean public sector so as to improve the service delivery in the Midlands Province

1.6 SIGNIFICANCE AND JUSTIFICATION OF THE STUDY

Understanding the enforcement of Zimbabwean A L's dispute resolution methods and the future plans for the government towards the peaceful day to day running of public sector departments who might have mitigatory programs for the public. The study will therefore open up on an area that has often been interesting to academics and policy makers. Lessons derived from the study which are bound to assist in the designing of effective policy prescription that will assist in

improving the current economic problems not only to the Midlands Province Administrator department but also to the general citizenry of the country which will proffer development in public services delivery. The study unlike other researches done on dispute resolution by Professor Madhuku and Mahapa only looked at arbitration and conciliation will look at all dispute resolution will make the study more unique Also proffering recommendations on how best to resolve the prevailing unresolved disputes in the public sector will also lure in foreign investors which will boost the country's economic status which is on a verge of collapse. The study shall fill in the gaps of literature which will add on to a continuous dialogue.

1.4 ETHICAL CONSIDERATIONS

Ethics is the standards for direct that recognize satisfactory and inadmissible conduct as hypothesized by Brian and Bell (2007). The analyst should consider essential materials of affectability to the rights and trustworthiness of respondents. The specialist will look for:

- 1) Informed assent from research members. Educated assent is a rule that says that exploration members ought to enthusiastically partake in the study after a reasonable clarification by the scientist about what the exploration involves and guarantee them the privilege to pull back from the examination when fundamental.
- 2) The scientist will likewise guarantee that there is a harmony between society's interests and those of the specialist.
- 3) The research will likewise guarantee that respondents have their rights to security and privacy.
- 4) Respondents will be permitted to talk utilizing any dialect they lean toward better amongst English and Shona

1.5 DELIMITATIONS

The study shall be restricted to the public sector entity which is the Midlands Province Administrator's offices and shall be gathering information from 2008 to 2015.

1.6 ANTICIPATED LIMITATIONS

1. The fact that the research shall be being conducted by a student since some of the information which the study requires is considered by the respondent as confidential, all the necessary information shall not be obtained so the researcher is going to make use of the obtained information.
2. Considering the fact that the one undertaking the study will be school most of the time, time will be a constraint hence part of the study is carried out during the vacation prior to undertake 4.2 semester studies so the researcher will do most of the research whilst on 4:1 vacation.
3. The study shall also be affected by limited internet access for further research and electricity problems hence there is need for the researcher to make use of the nearest internet café for research purposes
4. Unavailability of some of the targeted population due to work commitments so the researcher will make use of the officials who will be available for data collection.

CHAPTER TWO

2.0 LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 INTRODUCTION

In a bid to analyze the Zimbabwean Administrative Law in dispute resolution this chapter reviews other scholars' views furthermore, commitment in the subject under research. Calculated structure on question determination related ideas is highlighted in this section which incorporates debate, question determination and strategies and Zimbabwean Administrative Law. Likewise to be highlighted are real components which are connection between dispute resolution and administrative law, administrative law, conflicts\disputes in associations and improvement out in the open area and difficulties encompassing powerful requirement of regulatory law in dispute resolution will likewise be sent to have an unmistakable comprehension of the appropriateness of authoritative law onto dispute resolution. Also to be captured in this chapter are applicable theoretical framework which will encompass theories that are applicable to the study. These theories will cement the subject under research and these are interventionist theory, realism and theory of change.

2.2 Literature Review Defined

Literature review as indicated by Cooper (1989) utilizes as its database reports of essential or unique grant and does not report new essential grant itself. These reports possibly verbal yet much of the time they are composed records. So essential is this significant section that its oversight speaks to the nonattendance of a noteworthy component in research studies (Afolabi 1992). Leedy (1980) is likewise of the view that the extra data one has about the exploration identified with one's own particular review, the more one can come extremely close to the issue in one's zone of examination. Relating the review with different researchers or insightful perspectives plot its commitment and enhancements on the current information. This is so on the grounds that aliterature review tries to evaluate, summarize, clarify, integrate or depict the substance of essential reports.

2.3 CONCEPTUAL FRAMEWORK

Disputes

Workplace disputes arise when two parties (employer and employee) or between the employees themselves are in disagreement or conflict over matters concerning employment which is governed by the Labor Relations Act of 2002.

Types of disputes

- 1) Dispute of right which refers to disputes about the application or interpretation of an existing law or collective agreement for example failure to pay the correct rate of wage or salary or the prevailing late payment of salaries seen in the country as a result of the country's state of financial crisis.
- 2) Dispute of interest which refers to disputes that arise from failure of collective bargaining for instance when parties' negotiations for the conclusion, renewal, revision or extension of a collective agreement end in a dead lock or political party influence especially opposition parties in public sector departments. Gur Law firm expressed that transaction is gone for gatherings to settle the debate between the same by arranging and thinking with each other with the participation of their lawyers if necessary, without mediation of any outsider.

Types of labor disputes

Saunders stated some of the types as:

1. Union recognition which is whereby an employer refuse to designate a union for the workers bargaining purposes
2. Contract negotiations disputes which came as a result of negotiation of contracts which in some cases can be breached or violated for instance the public sector regulates that employees work from Monday to Friday so when cases arise whereby there is an extension to Saturday this in itself is a breach because most Zimbabwean disputes arise from this because it will be not part of the contract yet employees will be forced to abide to the employer's demands
3. Contract interpretation disputes which encompass the application and interpretation of the collective agreement

Zimbabwean Administrative law

The administrative law of Zimbabwe is guided by the Administrative Justice Act 12/2004, Chapter 10:28 which states that:

- To provide for the right to administrative action and decisions that are lawfully, reasonable and procedurally fair,
- To provide for the entitlement to written reasons for administrative action or decisions,
- To provide for relief by a competent court against administrative action or decisions contrary to the provisions of this Act
- To provide for matters connected with or incidental to the foregoing

Feltoe, (2012), defined administrative law is the law relating to the administration of the state. Administration of the state is the detailed and practical implementation of the policies of the central government aimed at the running of the state. Administrative law regulates legal relations between public authorities and private individuals and bodies and between a public authority and other public authorities. Its major function is to exert reasonable legal control over the way in which in order to ensure that these authorities do not exceed or abuse their powers. Responsible bodies for administrative law are as stated by Feltoe, (2012:13);

- 1) Administrative Tribunals- these are bodies given the power to resolve disputes and to decide cases
- 2) Administrative Court established by section 3 of the Administrative Court Act Chp7:07
- 3) Labour Court established in terms of section 84 of the Labor Act Chp 28:01 and is a special court which deals with appeals in relation labour disputes that cannot be resolved by Labour officers

Dispute Resolution

According to Cornell University Law school dispute resolution is any method of settling disputes outside the court room.

Dispute Resolution Strategies

According to Chiunya et al, There exist so many strategies which amongst them are;

1. Conciliation is the practice of bringing together the parties in a dispute with an independent 3rd party so that the dispute can be settled through a series of negotiations. In Zimbabwe the Ministry of Labor appoints labor officers who undertakes conciliatory processes.
2. Arbitration this is a procedure whereby a third party which is unbiased not acting as a court of law is empowered to take a decision which disposes off the dispute. However this strategy is costly of which most of the involved disputants will be unable to meet and this must be revisited by policy makers.
3. Moore (2003:15) characterizes intercession as the mediation in an arrangement or a contention of an adequate outsider who has restricted or no legitimate basic leadership power, and who help the included gatherings to intentionally achieve a commonly worthy settlement of the issue in debate. Bingham and Pitts, (2002) solidified the above expressing working environment intervention is a type of early determination and can be directed more rapidly than customary procedures. Gur Law firm expressed that arrangement is gone for gatherings to settle the question between the same by arranging and thinking with each other with the participation of their lawyers if necessary, without mediation of any outsider.
4. The law office likewise characterized another strategy for dispute resolution which is Early Neutral Evaluation which is generally utilized as a part of the start of a question. In order to empower the concerned gatherings to render a choice with respect to the system vital for determination of the question by means of giving data by an accomplished and target outsider to the gatherings of the debate.
5. Another strategy characterized is the Fact Finding technique which is an examination technique that expects to decide and clear up the question. What's more, regardless of the possibility that the question can't be settled with this technique it has a reciprocal part for the other option debate determination strategies like assertion and intercession.

Differences between Western and African Alternative Dispute Resolution Methods

Western	African
Confidential	Open to anybody

Exclusive to disputants	Community-focused outcomes
No power to sanction agreement	Community sanction and mandate powers
Consensual (inter-disputants)	Consensual inter-community
Addresses emotions	Addressed social norms
Non-spiritual elements (oaths)	Non-spiritual integration
Gender free	Gender specific
Flexible	Culture specific
Mediation	Med-arbitration
Professional mediators	Elders in role play
Win-win outcome	Often right/wrong verdict
Anytime	Convenient time
Remunerates mediators	Free
Caucus (mediator with 1party)	Caucus(elders only)
Training	Experimental learning
Signed agreements	Community members act as witnesses to decisions reached

Disadvantages of African Methods

- Difficult in multi-cultural settings
- Solutions does not come from disputants
- Applicable in most types of cases
- Women are mostly excluded from processes

From NIACS ADR Workshop Manual, March 1997

Ways of preventing workplace disputes

1. Social dialogue as a starting point

As per ILO, "social discourse is an effective device for discovering solid methods for setting up and keeping up social attachment and enhancing administration which adds to the formation of value open administrations, both for workers and subjects'

The pillars of social exchange are sharing applicable data, interview and arrangement between or among delegates of governments, bosses and specialists concerning issues of normal interests which are in connection to financial and social approaches, Ratnam and Tomada 2005.

2. Allowing a well-crafted bargaining system to operate self-government and adequate intervention.

ILO 2008 stated that in some countries, labor administrators are to influence economic and social policies that can have a direct impact on collective bargaining frameworks.

3. Structuring the bargaining representatives. This must include structuring politically neutral representatives especially in countries like Zimbabwe.

4. Promoting model workplaces like the Advisory-Conciliation and Arbitration Service (ACAS) in the United Kingdom which deploy extensive advisory services to assist employers, workers and unions to build workplaces with strong and respectful relationships, which is a best way of preventing conflicts.

5. Elimination of discrimination in workplaces whether gender, disability or political affiliation.

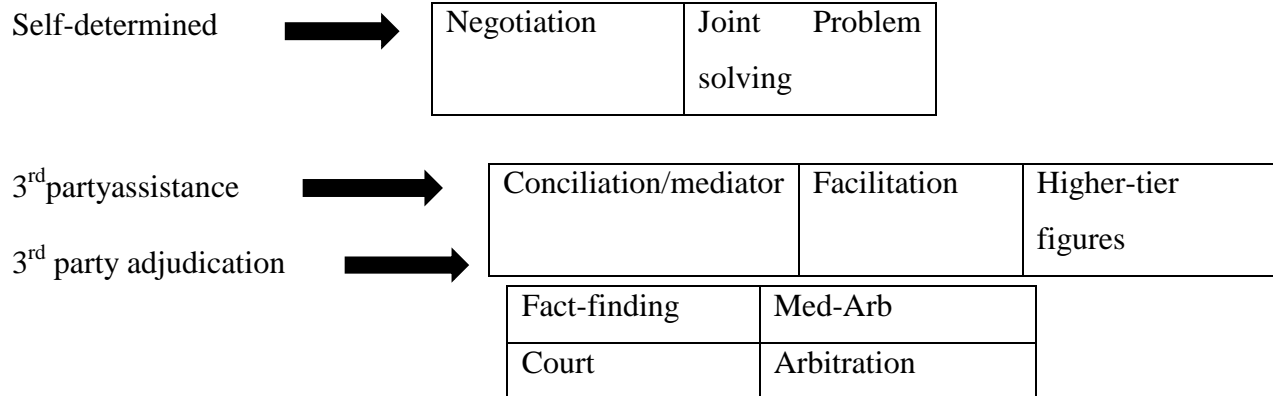
6. Offering fair training and capacity building services. However in Zimbabwe especially the area under study, workshops are attended by a chosen distinct group all the time whilst depriving other workers to access the trainings too.

7. Joint investigation, research when the management and labor are looking for solutions to issues.

8. Clarifying and structuring agreements for it is an important partial antidote to later disagreements

9. Emphasizing on disputants to maintain agreements.

Agreement Outcomes



DISPUTE AND DEVELOPMENT IN PUBLIC SECTOR

De Dreubet al (2001) is of the view that in organizations people often avoid conflict without knowing it and organization, work teams or work groups are likely to develop a conflict culture or climate over time. In support of the above view Teague et al, (2012:589), states that conflicts/disputes in the workplace involves different views and conflict between individual, employees and their employer among individuals and between groups of employees, whether unionized or not and their employer.

It is recognized that the resolution of workplace conflict can have beneficial effects for employers, employees and other stakeholders in the business, (Teague et al, 2012:589). Conflicts in an organization account to, Hignite et al (2002) in turn effects the bottom line or financial performance of organizations with destructive conflict accounting for more than 18 percent. These unresolved organization conflicts costs \$35.4 billion in the United States of America, (Di Martino, 2003), \$6 million per fortune 1000 company for absenteeism, loss productivity and turnover or 24 million pounds per year in the United Kingdom in 2008, (Saundry and Wibberley, 2012).

CHALLENGES SURROUNDING EFFECTIVE ENFORCEMENT OF ADMINISTRATIVE LAW IN DISPUTE RESOLUTION

- 1) Muzanhi, (2010), is of the view that “the Zimbabwean Labour Court has been profound of delays in attending to cases due to the long queues of cases waiting to be heard.” This in itself make the involved parties in the disputes to lose hope of their cases being

addresses and these unresolved disputes will continue to haunt the affected people even for years.

- 2) Duve (2011) stated that, “employers, who in this case is the government plead incapacity to pay the costs of dispute resolution methods like arbitration and opting arbitration by Labour Officers with the hidden agenda of subjecting the dispute resolution to delays which are inevitable with this route. And Mariwo 2008 observed that costs charged are usually excessive to the appellant who in most cases will be unable to pay them who will end up on the process or opting for the government arbitrator where cases takes more than 36 months to be settled. Henceforth supporting the businesses who will have a solid money related balance than the representatives.
- 3) According to Gwisai, (2008) the silence on the time lines within which the resolution process should be concluded have created a gap in law accounts for some of the delays in resolving labour disputes. Unlike legal systems used by countries like South Africa which has set that a resolution must be set or agreed upon within 21-30 days. This has made scholars like Matsikidze (2008) to argue that the much desired efficiency and expeditious resolution of disputes is rendered void, unrealistic and unachievable through administrative malaise.
- 4) Trudeau, (2002) alluded that there exist a gap in terms of the expertise and competencies of actors presiding over disputes thereby impacting negatively on the service delivery. A case to note is the Zimbabwe Labour legislation which regulate methods the conciliation and arbitration do not speculate minimum qualification for principal actors in dispute resolution process.
- 5) Also a hindered is the involvement of political party affiliation in dispute resolution processes in the public sector. This will make the agreement not to be reached for the involved parties will be wanting to influence the end result of the dispute resolution process and this will it difficult for the official responsible for the process to reach an agreement. A case to note is that stated in the Financial Gazette,
The Midlands disputes highlights the many complex undercurrents rocking the ruling party's boat and that province's latest friction is being viewed as a mere extension of animosities between contemporary archrivals Wadyajena and Kasukuwere. The ad hoc ZANU PF Midlands Provincial disciplinary committee handling the case of 3 senior

members accused of fanning factionalism has apparently failed to pin them down after they are allegations that they are with Vice President Mnangagwa reportedly declared war if they were to be found guilty.

Holtzhausen, (1994:19) argued that organizational conflicts can be resolved if the causes are identified and solutions are found which accommodate all the parties involved. Basing on this fact it shows that solutions can only be effective when the root causes of the conflict or dispute are identified and the question now is **what if the causes are unclear does this mean that solutions will not be found too.** In support of Holtzhausen, Havenga (2004:04), is of the view that indeed attempting to deal with and/or manage conflicts successfully without identifying the causes of such conflicts is a lost cause.

The management of the origin of conflicts appears to be key to effective resolution of disputes. This in turn, presupposes that top office holders in public sector departments have a clear understanding of the many sources of conflicts in organization setting, Nelson and Quick (2001:24). **However is this realistic in Zimbabwe considering the changes in the global arena?** Havenga, (2004:160) indicated that causes of conflicts at the level of the organization could also include resource availability, affirmative action programs, the scope and content of work load, the introduction of new management techniques and differences of a cultural and racial order. **So what of other emerging causes how will they be identified and taken care of?**

Cheater (1991) watched that the Industrial Conciliation Act (ICA) of 1945 built up a two-level mediation pecking order, one managing enrolment of exchange unions and business affiliations and the other managing determination of modern clash through bureaucratized systems as Industrial Tribunals, Industrial Councils and Conciliation Boards. The portrayal on these bodies grasped both work and capital. Be that as it may, since the ICA viewed work and debate determination as entirely private undertakings (Cheater 1991), the unbalanced weight of mechanical capital over work amid this period implied there was no significant investment of work in settling modern question. **Hence showing that there is no alternative dispute resolution in government services because the labor act does not apply to all workers whose conditions of employment are provided for in the constitution.** Accordingly, the results of placation and intervention of work question transcendently favoured managers. Part 3 of the ICA gave that the Act would not tie the state, along these lines leaving the Minister of Labor

weakened from effectively interceding in modern matters to the disservice of specialists whose status and power were substandard compared to mechanical capital. **Research has shown that major emphasis was done on conciliation and arbitration what then will be of other strategies.**

Dispute resolution was depended to state functionaries who, all around, were an expansion of the capable Minister's political power. **This demonstrates a scholarly crevice is distinguished whereby the issue that the authorities in the workplaces of dispute resolution are selected by the legislature on the premise of dedication to the top administration likewise prompted one-sided final product of question that emerge between a worker and the administration in light of the fact that the choices come to act as a rule are dependably for the administration and not the other party paying little heed to whether the administration is blameworthy or not so there is requirement for a re-examination on this viewpoint for successful pertinence of dispute resolution cases especially in the Midlands Provincial Administrator's office.** Mollification and discretion choices by Labor Officers and Industrial Relations Boards (IRBs) to a great extent mirrored the political and financial interests of the state. The independence of these adjudicatory structures was constrained under the Labor Relations Act of 1985(LRA) chiefly as a result of the general political specialist which the delegating Minister worked out. Area 117(1) of the LRA gave that, where mandatory assertion was requested by a Senior Labor Relations Officer, the Minister must be told without fall flat. The Minister had the sole obligation and energy to allude the matter to the Labor Relations Tribunal (LRT) or to name a free go between. This made the entire arrangement of assertion and debate determination subordinate to political control and far expelled from the shop floor. **Thus showing that to some extend people tend to ignore the fact that labor disputes can pose very serious problems in organizations and that any workplace dispute will result in loss of production, even market share, stakeholder confidence and in the worst scenario that is business closure which can supported by the rampant increases of businesses closing in Zimbabwe.**

Areas 93 and 98 of the Labor Act give that when a Labor Officer or Designated Agent of a National Employment Council (NEC) has neglected to pacify a question and issues an endorsement of no settlement, he chooses an Arbitrator in the wake of counselling the most

senior Labor Officer in his locale of purview. Not at all like in different purviews, for example, South Africa, in Zimbabwe, the mediator is not an establishment. The designated mediator is commanded to referee the question as far as the Zimbabwe Arbitration Act (17.05). Segment 90A of the Labor Act makes it express that the mediator might not be bound by the strict standards of proof identifying with its acceptability in procedures. **Another crevice made by this is the Zimbabwean work laws don't keep the disputants from settling their question outside the court framework yet representatives see it as costly and tedious so there is requirement for the administration to authorize laws that will manage those cases settled outside courts so that the choices came to will be veritable and taken after.**

Zones that vary from locale to departments identify with the instalment of arbitration expenses and the courses of events endorsed simultaneously. In Zimbabwe (Mariwo 2008; Gwisai 2007), as in North America (Trudeau 2002) and China (Shen 2006), the assertion framework gives that the expenses are borne similarly by the disputants. In other local departments like South Africa, Lesotho and Swaziland (Bhorat et al. 2009; Khabo 2008), the expenses of the authority are borne by the state. In the Zimbabwean case, there are no directions administering the assurance of expenses. **This has demonstrated that there is requirement for the legislature to set settled expenses on intervention costs which are being forced by government mediators and have prompted the expansion that have not been settled prompting backloads on open area divisions strife work areas.** While somewhere else, frameworks accommodate time allotments inside which disputes are settled by mediation, the Zimbabwean framework is noiseless in such manner. Thusly, there are numerous dispute resolution cases pending in the security business in Zimbabwe, as was seen by Mariwo (2008).

2.4 THEORETICAL FRAMEWORK

A theory is a set of interrelated constructs (concept), definition and propositions that presents a systematic view of phenomena, (Kerlinger and Lee, 2000:9). The researcher focuses on three of the theories amongst others which will be discussed below and their applicability to the study.

INTERVENTIONIST THEORY

This hypothesis as per Burton, (1996), is whereby parties in a dispute are allowed to consider discretionary methodologies and consequently discretionary headings of progress, give a chance

to get learning attracted as a matter of fact struggle connections to be disconnected. In this manner standards can be moved or repeated all together that in future comparative events may be drawn closer by exploiting the information produced and think about how possible it is of less ruinous approaches to manage clashes of question in future. By this it implies that disputes are not settled just starting with no outside help but rather the staff who are in charge of settling disputes in an organization can make utilization of other related cases on how they were settled if the strategies enforced was fruitful.

APPLICABILITY OF THE THEORY TO THE STUDY

When workplace disputes in public sector organizations or departments arise and are brought forward so that they will be resolved, the responsible personnel are free to consider optional strategies or methods which are derived or drawn from past experiences or cases. By this the dispute resolution process does not take time to reach a consensus between the two parties involved because there is a related case to take advantage of and solve the problem at hand. If also both parties are aware of the case and agree to make to make use of the used strategies then it means that the agreement reached will not end in a dead lock. For instance disputes between officials in the Midland Provincial Administrator's office can be resolved making use of such similar resolved case which had transpired in Manicaland Provincial Administrator's office. The study seeks to analyze if the unresolved Midlands Province cases cannot be resolved successfully using other related past cases so that conflicts are diluted in a bid to create a development oriented province. This is so because not everyone is able to resolve disputes alone without making reference to how others have tackled a similar case. This theory also give parties in a dispute room to find solutions they prefer without imposition of alternatives which will create long lasting enermnity between the parties.

REALIST THEORY

Realist see ways to deal with fulfillment and participation, which attempt to dissect the way things really have all the earmarks of being truly faculties. The theory is organized basically to appreciate political substances that convey impact to endure at nearby, national and global levels. Disputes and participation in this approach are firmly connected to the idea of self-enthusiasm, inclining toward the presumption that contention can be clarified basically as far as target

contemplations, that is, it is equipped for being investigated as far as understandable actualities, the premiums of the on-screen characters included.

APPLICABILITY OF THE THEORY

Analyzing the interests of the people involved in a dispute, weaknesses and strength so that the agreements reached will not provoke the involved people. For instance when the two parties are affiliated to different political parties so that the personnel responsible for resolving the dispute will not anger the disputants. Also this will bring in total concentration on the case at hand which will at the end result in a solid collective agreement. So the involved officials in the dispute resolution process must;

- 1) Analyzing the parties involved
- 2) Analyzing the issue at hand
- 3) Analyzing the environment
- 4) Analyzing the response that one can get after an agreement
- 5) Analyzing if there are any outside interested parties who might influence the end result of the resolution process
- 6) Analyzing the involved parties political positions

THEORY OF CHANGE

As indicated by Schirch, (2014), hypothesis of progress clarify how clashes are counteracted, alleviated, overseen, settled or changed. They have two sections;

- 1) A hypothesis about what variables are driving or alleviating clashes
- 2) A hypothesis about what should be possible about clashes which will be a noteworthy concentration of this review

A hypothesis of progress is about how some driving or moderating elements of the setting can be changed with peace-building activity to accomplish an effect that constructs peace. In the event that enough individuals change their conduct towards a man or gathering with which they are in struggle with then more individuals will embrace peaceful intends to determine their contentions.

APPLICABILITY OF THE THEORY

The workplace disputes emerge because employees will feel like they are intimidated when they keep quiet if they are offended and confront those who would have offended them which will disturb peace within the workplace. So there is need for employees or even employers to make an effort to swallow their pride when they see any signs of intimidation which might result in disputes. This is somehow hard but as have been noted earlier disputes in the public sector bring down development so there is need for peace to prevail within the organization so as to bring in a development induced environment. Also disputes in the public sector are a major contributor of scaring away investors and donors who will assist the country in boosting its financial crisis. Even if the disputes arise the involved parties must look for non-violent means to resolve their disputes which will yield peace and unity within the public sector because the continuation of the public sector being haunted by unresolved disputes will make the Midlands promise far from developing and the whole country as a whole

Conclusion

The literature review showed and highlighted other scholarly views that had been conducted by other scholars which are of significance to the ongoing study. Most of them are national and European scholars so as to get a balanced literature review from both black and white scholars who had written about administrative law and dispute resolution. The next chapter's major focus will be on the research methods and methodology that have been conducted by the researcher.

CHAPTER THREE

METHODOLOGY

3.1 INTRODUCTION

The concentrate of this part is on the exploration systems that has been implemented by the researcher, while directing review and the techniques for information gathering to dissect how the Zimbabwean Administrative law supported in dispute resolution within the Midlands Provincial Administrator's office from the period 2008-2015. As indicated by Bell, (2006), methodology is a measure in which certainties are evoked and organized in regard of conceivable sources and in a significant and clear way that will empower the researcher to accomplish the objective of literature review. In this part there will be an exhaustive clarification of the strategies for literature review utilized by the researcher in order to examine the information gathered from the meetings and questionnaires utilized by the researcher to the staff from the Midlands Provincial Administrator's office.

3.2 METHODOLOGY/DESIGN

Henning (2004) characterizes inquire about system as a mix of legitimate strategies that partner each other with capacity to convey information and results that mirror examine inquiries and suit explore reason. The researcher is utilizing qualitative and a bit of quantitative research to break down the Zimbabwean Administrative law in the Midlands Province Administrator's office dispute resolution from the period 2008-2015. Favor (2009), is of the view that qualitative research is utilized to pick up understanding into individuals' emotions, lead, esteem frameworks, concerns, inspiration, longings, traditions or way of life. Strauss and Corbin (1990), portray qualitative research as that exploration that produces methods or different methods for measurement for instance investigate about individuals' lives, stories, conduct, social developments or interactional developments.

Borg and Gall (1989), outlined a list of characteristics of qualitative research which are;

- 1) Research involves holistic inquiry and is usually carried out in a natural settings
- 2) Humans are the primary gathering instruments
- 3) Emphasis is a qualitative methods
- 4) Usually purposive rather than random sampling is used
- 5) Data is analyzed inductively
- 6) There is development of grounded theory
- 7) The research design emerges as the research progresses
- 8) The subjects in the study play a role in interpreting the research outcome

Thus the study will be exploratory in nature.

Population

The researcher concentrated on the Midlands Province Administrator's office on how the Zimbabwean Administrative law is supporting in dispute resolution inside them from 2008-2015. Researchers like Welman et al (1994), is of the view that populace is the review question and comprises of people, gatherings, associations, human items and occasions or conditions to which they are uncovered. Henceforth demonstrating that it includes the aggregate accumulation of all units to be broke down in which the researcher wishes to reach conclusions from. The researcher right off the bat appropriated questionnaires to every single present employee who work inside the Midlands Province Administrator's office and after that directed one on one top to bottom meetings with the Principal Administrator, Human Resource associate and Administration partner on how they see administrative law in dispute resolution had affected the settlement of the disputes inside their area of expertise and how effective the authorized strategies for dispute resolution were.

<u>Category</u>	<u>Population</u>
Male	38
Female	22
Targeted number of respondents	60
Available respondents	46
Total number of respondents	60

Tab 1

Case Study

Creswell, (2009) characterized contextual investigation as an approach of examination whereby the researcher investigates top to bottom a program, occasion, movement or process. The researcher utilized this sort of way to deal with the examination with the end goal of investigating the Zimbabwean Administrative Law in dispute resolution. Midlands Province Administrator's office is the contextual investigation being utilized as a part of the exploration to speak to general society division office especially Zimbabwe.

Advantages of a case study

- It help the researcher to do an exhaustive examination in order to challenge hypothetical presumptions for example for this situation it will empower the researcher to reach inferences that can be utilized to challenge related existing writing on Zimbabwean Administrative law in dispute resolution
- It likewise empower the researcher to gather detailed and more particular information which will bond the review dissimilar to that information which is gathered utilizing different outlines
- Case contemplates likewise make utilization of an extensive variety of research strategies, for example, questionnaires and meetings

Drawbacks of a case study

- It is hard to reach general inferences utilizing a solitary case study
- Generalizing utilizing Midlands Province is not extremely persuading in light of the fact that instances of disputes vary with contrast

Sampling

The specialist utilized purposive or judgmental examining which is including the researcher handpicking the cases to be incorporated into the example and afterward the subjects are chosen on the premise of the scientist's judgment of their averageness. As per Babbie, (1990:97), "It is

the decision of the work force in light of the researcher's judgment that vital data must be looked for from the chosen faculty." Since the major focus of the study is on the analysis on the Zimbabwean Administrative law in dispute resolution, and the researcher approached the Principal Administrator, Human Resource Assistant and the Administration assistant officer in a bid to gather information on how the Zimbabwean Administrative law related dispute resolution strategies were applied in solving disputes that had arisen between employees or between employees and the employer and how successful they were. The reason for the researcher to firstly approach the above stated personnel was because they are the main actors who encounter the issues of resolving conflicts that emerged at the department level and have a strong insight of Zimbabwean Administrative law and dispute resolution methods that are in line with the law. It was because the HR officer himself was away for a 2 weeks' vacation that was why the researcher approached his assistant. But considering the fact that when disputes are being resolved they will be both present so there was need for the researcher to gather information from her instead of not getting information at all. More so the researcher on the first day was not able to interview all the three officers because there was an emergency meeting called so they had to attend and they asked the researcher to come on the following day. The data collection was conducted on the 11th and 12th of January 2017 by the researcher herself.

The researcher first sought permission to conduct the research from the Acting Provincial Administrator because Ms. Chitiyo the former Provincial Administrator was transferred to Chinhoyi. The researcher did not want to gather biased information so she also approached a few employees to get information on how they view the dispute resolution methods that have been enforced and were they fair and successful. This was done to strengthen the data collected so as to give the researcher a big space of analysis on the data collected and draw conclusions from both sides.

Questionnaires were also distributed to the officials using the purposive sampling method. The reason was because there exist also interns who are currently working within the Provincial Administrator's office and some of them had started early January so they were still new and not familiar with the day to day running of the department so it would have had been a waste of time and resources for the researcher to approach them to gather information which they do not know about.

3.3 Methods of data collection

In-depth interviews

The researcher conducted meetings which were coordinated to work force's in charge of settling debate inside the division. This was to discover how debate have been gone up against inside the office. Not at all like surveys inside and out meetings give space for the researcher to approach any insignificant issues and request clearness wherever required. Taylor and Bogdan referred to in Kumar (2008), are of the view that, "top to bottom meeting is up close and personal experiences between the researcher and respondents coordinated towards understanding the sources' viewpoints." They are directed with no outside impedance since they are generally done inside, consequently the source's reaction is normally fair and mirror their actual assessments. Researchers like Chiromo fought that inside and out meetings are the most valuable strategy for information gathering on the grounds that through the respondent's remarks, facial and substantial expressions, manner of speaking, signals, responses, sentiments, dispositions, hesitance and non-collaboration, a questioner can gain data that would not be passed on in whatever other way. The meeting guide utilized by the researcher is toward the finish of this section.

Advantages

- They provide access to a person's opinion and make it possible to measure what the respondents know, likes or dislikes in a short space of time
- There is room for clarification through asking the respondent

Disadvantage

- It is costly and time consuming for the researcher had to travel from Harare to Gweru to meet the respondents

Questionnaires

Though questionnaires are viewed as the most commonly used and most abused data-gathering instruments they are very essential in data collection because not everyone can be asked through interviews, hence they serve as a necessity in data collection. Scholars like Borg and Gall (1990), stated that qualities of a good questionnaire are:

- 1) A good question
- 2) Evokes the truth ask for an answer in only one dimension
- 3) Should accommodate all possible answers
- 4) Has a mutually exclusive option
- 5) Produces variability of responses

Therefore the researcher prepared a questionnaire with questions that all levels of personnel with the Provincial Administrator's office are able to answer them without any difficulties whilst at the same time asking questions that are relevant to the study.

According to Borg and Gall, 1983:81-82 advantages of questionnaires are

- It reduces bias of personal interaction which may be brought about by facial expressions as may be the case during an interview
- The researcher do not spend with the respondents hence it is cost effective in terms of time
- It promotes confidentiality
- It accommodate more participants because the researcher does not necessarily need to meet the respondents
- It makes analysis easier for the researcher because it encompass the same questions for all the respondents

Disadvantages

- It does not provide a meeting opportunity between the researcher and the respondents thus denying the researcher an opportunity to probe for any further clarification or justification
- Not all questionnaires can be returned to the researcher

3.4 Data Analysis

According to Polit, (2006) analysis is the process of coming up with findings from one's data. The complete process of analysis requires that data be organized, scrutinized, selected, described, theorized, interpreted, discussed and presented to a readership, Silverman 2000. The researcher relied on thematic and content analysis in terms of data analysis.

Thematic analysis

It is a qualitative analytical method of identifying, analyzing and reporting patterns or themes within data. It minimally organizes and describes data in set in detail, Braun and Clarke 2006. The researcher used thematic analysis during problem facing for it helped the researcher to move from a broad reading of data towards discovering patterns and framing a specific research questions. Broad patterns were determined by the researcher that give room to conduct more granular research on the effectiveness of the Zimbabwean Administrative law in dispute resolution from 2008-2015 and analyzing it.

Content analysis

It has been defined as a systematic, replicable technique for compressing many words of text into fewer content categories based on explicit rules of coding, (Berelson 1952; GAO 1996; Krippendorff 1980 and Weber 1990). Holsti 1961 gave a broad definition which stated, "Any technique for making inferences of objectively and systematically identifying specifies characteristic of message". Under his definition, the technique of content analysis is not restricted to the domain of textual analysis, but may be applied to the other areas such as coding student drawings, (Wheelock, Honey and Bebell 2000), or coding on actions observed in videotaped studies, (Stigler, Gonzales, Kawanaka, Knoll and Serrano 1999). However the technique is only applicable to data that is durable in nature. It can be a useful technique for allowing us to discover and describe the focus of individual, group, institution, or social attention, (Weber 1990). It helped the researcher for it allowed the interference to be made which corroborated using trends and patterns

Summary

The section concentrated on giving a record of the examination approach which the specialist will use amid the review's exploration procedure. The population targeted and the sampling

method to be used was discussed in the chapter. Also discussed in the chapter above were the research data collection methods to be used by the researcher and the methods of data analysis.

CHAPTER FOUR

DATA ANALYSIS, PRESENTATION AND DISCUSSION

4.0 INTRODUCTION

The concentration of this part will be on research discoveries, examination and information introduction. World Bank (2002) expressed that information examination is a movement of changing gathered information so as to think of complete assumptions. The analysis will be done under the cover of the key elements contained in the questionnaires and interview guide with major thrust on the interview guide for much information was taken from the interview guide related data collected. Thus the chapter will present the analysis and interpretations of the findings. The findings will be presented in forms of tables, pie charts and diagrams. Both qualitative and quantitative approach will be used in the analysis and discussion of research findings.

4:1 Response rate on questionnaires and interview guide

The researcher administered questionnaires among the officials who work within the Midlands Provincial Administrator’s office. Interviews were also conducted though making use to a selected sample.

	Distributed		Responded to		Not Responded to		%	
	<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Females</i>	<i>M</i>	<i>F</i>
Questionnaire	38	22	24	22	14	0	63.2	100
Interview guide	4	1	2	1	2	0	50	100

Tab 2

In total the questionnaires distributed were 60 of which 38 were distributed to male employees and 22 questionnaires amongst female employees. A total number of 46 questionnaires were however responded to which 76.7% was the response rate attained. As a result of some delays and business commitments on the respondents side 14 questionnaires were not completed and within them were also in-completed questionnaires. Great cooperation was showcased by the female officials who completed all the 22 questionnaires which had been administered. The response rate of the respondents was favorable because the researcher was once part of the organization so there was successful liaison created before.

On the interviews 2male employees were available for them which makes it 50% for the researcher had beforehand asked 4 officials to which she wanted to interview. On the female side only 1 respondent was targeted and was present for the interview which made it a 100% on the females' side again.

4.2 Age groups of respondents

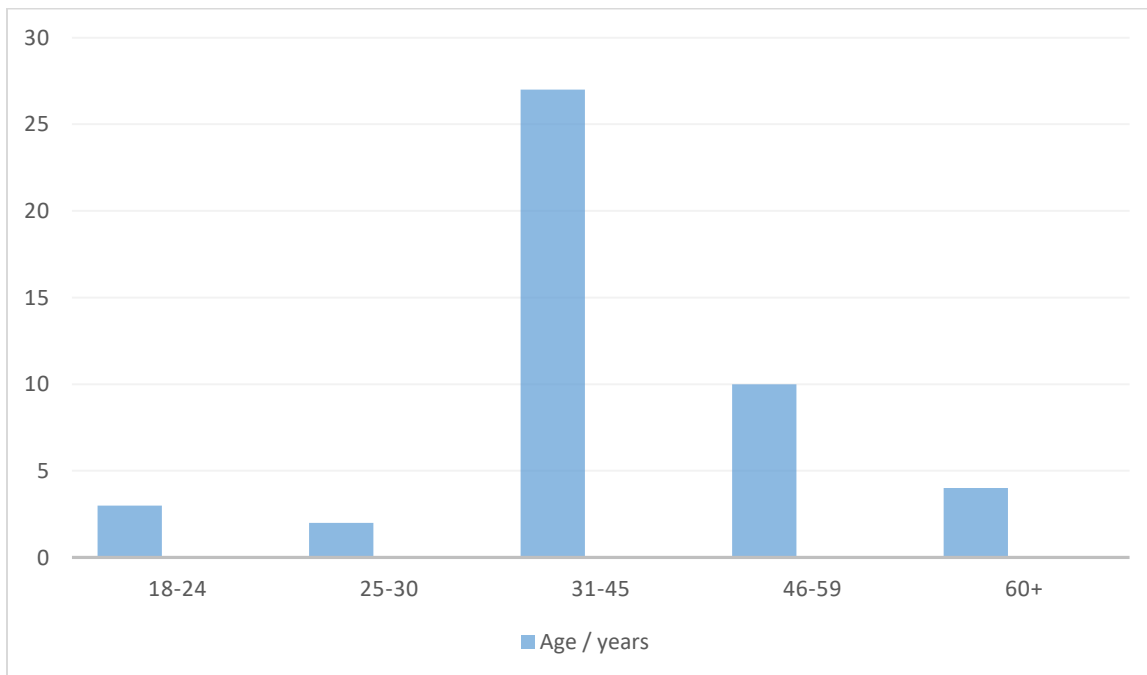


Fig2

The results of the research showed that most of the workers within the Midlands Provincial Administrator's office range from 31-45 showing that they are mature people, so to avoid and

decrease cases of disputes they must act like mature people for the benefit of the province. It showed that those who are between 18-24 are mostly interns who are currently attached there. The researcher assumed that the people who are mostly involved are those from 31-59 years for they constitute a large number within the department.

4.3.0 Demographic Data Results

4.3.1 Educational Level of Respondents

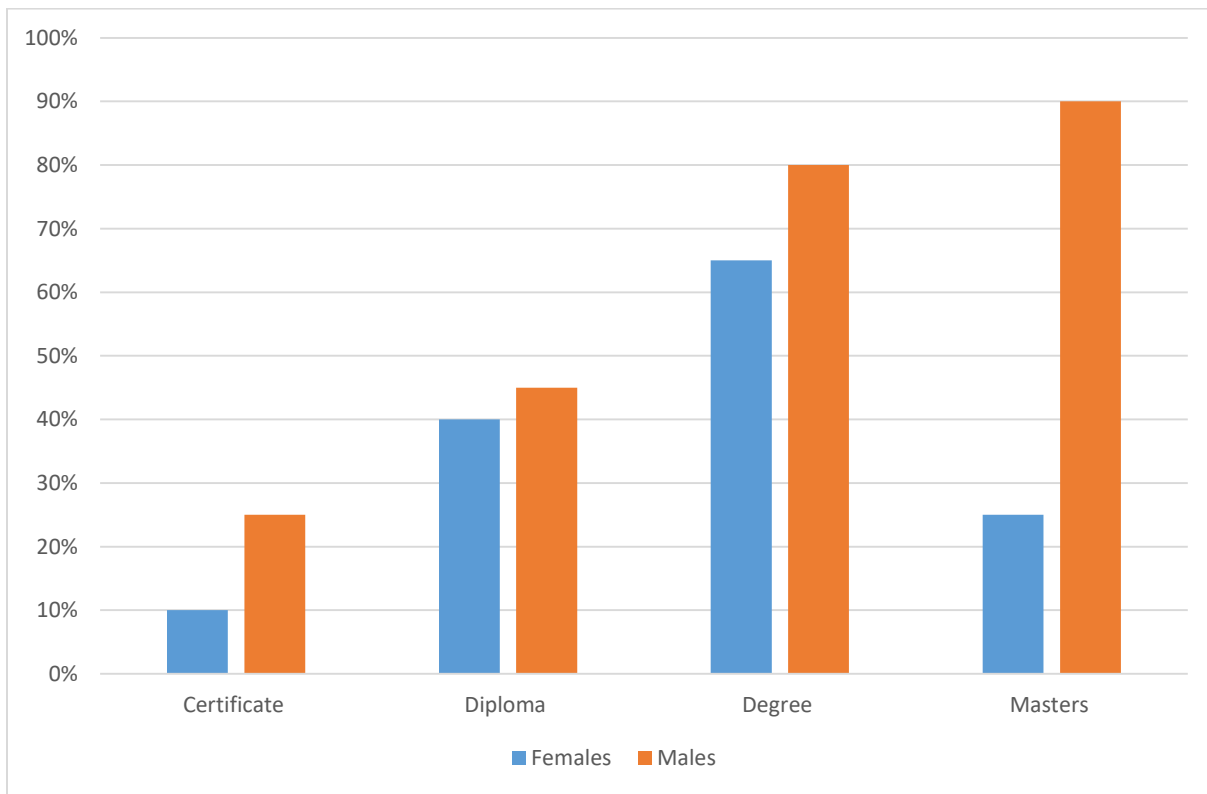


Fig3

Basing on the data collected out of the 46 people sampled, most of the male officials indicated that they have reached the masters level as shown by their 90% and 25% for the female officials. Results showed that 65% females and 80% males are holders of degrees. Hence showing that most of the officials are experienced in their designated positions within the organization. However considering the fact that the intellectual rate in Zimbabwe is rising each and every day there is need for the female officials to further their studies so as to suit within the ever-changing

educational society, or for the government to employ more qualified personnel for development to be prosperous in the country.

4.3.2 Response on the major problems faced by Zimbabwe within the public sector

departments which then results to disputes.

Anonymous 1 stated that the problems are;

1. Central rule being enforced by the ruling party ZANU PF which have made public sector departments not to be working independent
2. There is undermining of appointed leaders within public sector organizations
3. The rampant financial crisis which have led to late salary payments by the government
4. Political party affiliation influencing the day to day running of business in organizations
5. Gender bias for most of the workers are males so decisions which are made only favor the males isolating the female workers
6. Emergence of class systems within the departments

This shows that disputes within the public sector departments are caused by a number of things and of which most of them are triggered by self-interests for class systems, gender bias, undermining appointed leaders and political parties' affiliation among others. I a bid for the researcher to gather authenticity of the truth of the above problems, officials were asked to forward their views on whether these problems led to disputes or not. Views of the respondents are shown on Fig 4 below.

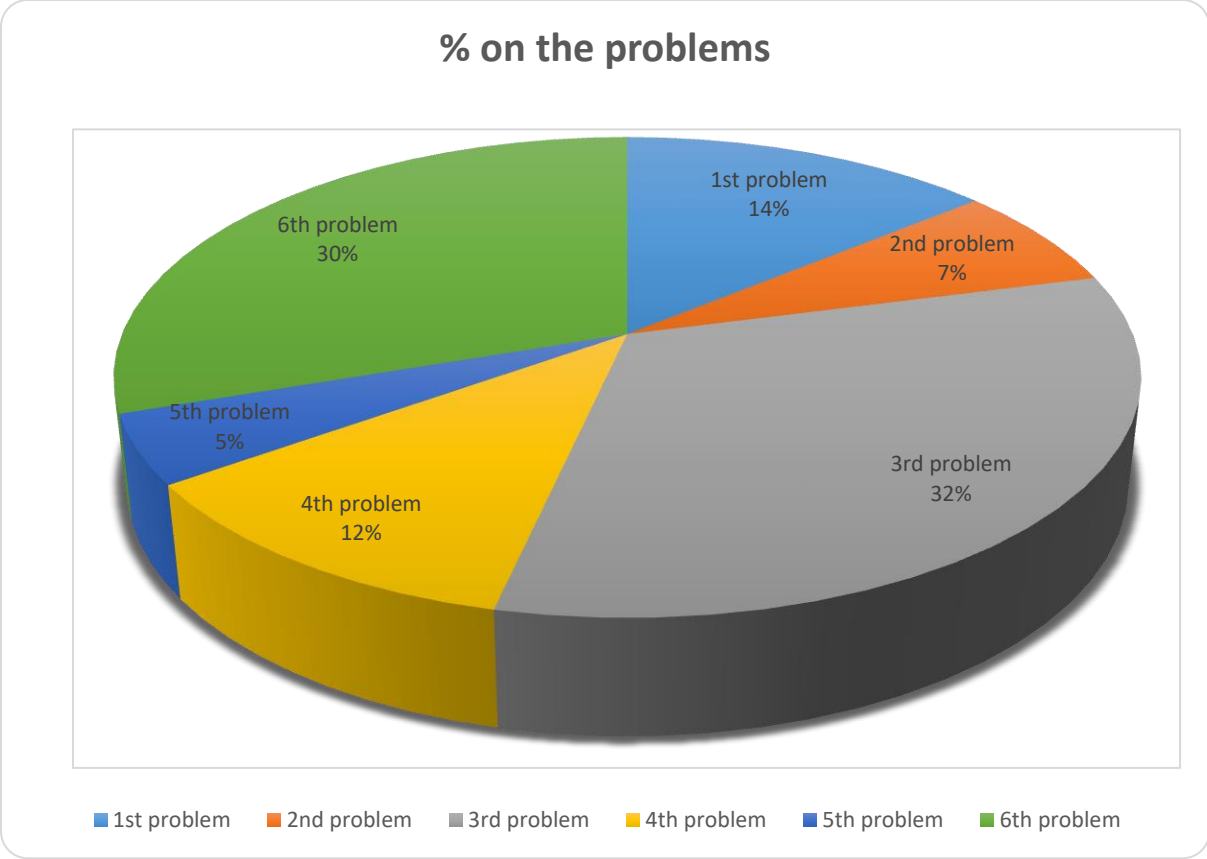


Fig 4

The data collected as shown above shows that 32% of respondents agreed with the notion that financial crisis that is prevailing in the country which has led to late payment of salaries has made workers to end up in loggerheads most of the time for they will be carrying their burdens to work which results in tensions. Moreover the respondents alluded that gender bias cannot be blamed for causing disputes because as can be evidenced by the Province itself the Provincial Administrator is a female one and business is going on without any problem.

4.3.3 Response on the effectiveness of the enforced dispute resolution methods in solving the above stated problems.

In the Zimbabwean public sector departments, the applicable methods are arbitration, negotiation, mediation and conciliation. The respondents' views are shown on Fig 3 below

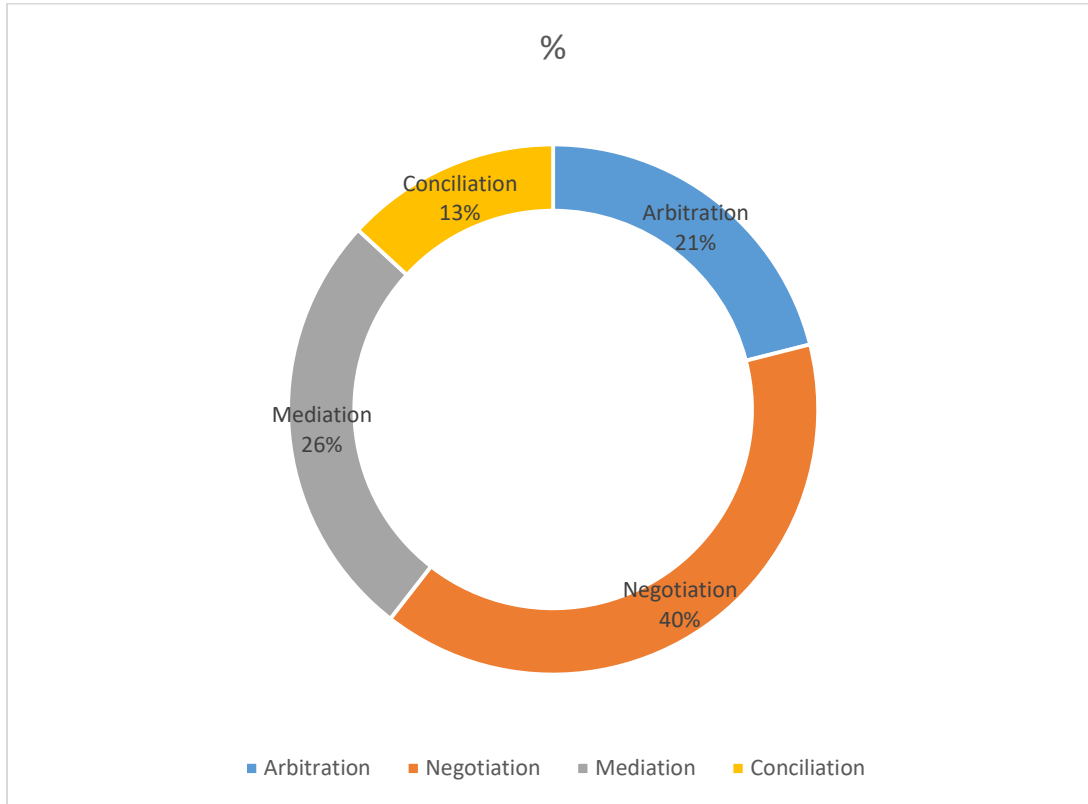


Fig 4

Results showed that the province's department found negotiation as the best solution to disputes that arisen within the organization with 40% whereas conciliation was the least effective dispute resolution mechanism with 13%. However negotiation is not the be best way of resolving disputes because the method is done between the 2 parties in dispute so there is no way they will reach a consensus without a 3rd involved for they have failed to avoid the dispute in the 1st place so for the agreement to be long-lasting mediation is the best strategy.

4.3.4 Response on the problems that were faced by the province in providing good and sound public services

The researcher interviewed a few respondents who gave the following views:

Anonymous 2 responded that the major problems faced were

- Poor management as a result of tension between officials
- Increase of disputes which brought down development
- Lack of finance to hold workshops or any other work related programs. This was as a result of the financial state of the country during the 2008-2015 era whereby the country was under a financial crisis o the government was not able to meet up with the required budgets.
- Withdrawal of donors within and outside the province. This was because most it's donors were interest groups in the country's politics so during the 2008-2015 political crisis era they withdrew their donations which made it difficult for the province to provide their expected day to day public services for they were now forced to wait for the money from the country's coffers which was close to empty at that time.

Another respondent Anonymous 3 added:

- Shortage of manpower at that period which was as a result of skills flight. Many of the skilled personnel flew to neighboring countries like South Africa and some overseas in search of greener pastures which left the province with a shortage of skilled staff
- There was also division within the workplace for some of the workers were ZANU PF supporters and others MDC supporters so there was lack of cohesion as far as work was concerned and this hindered the deliverance of good and sound public services

4.3.5 Response on the strategies adopted by the province to resolve disputes and overcome the problems stated above

A consensus of strategies was given by the respondents which were;

- Application of mediation in areas of disputes with the aid of neutral parties from within and outside the province

- The province embarked on projects and collaborations that assisted them financially. Amongst the collaborations done were with Delta, Midlands State University and other individuals. There was also the foundation of the Ling-field project
- The department also liaised and partnered with other government public and private sector departments
- There was also recruitment of officials so as to fill in the gap that was left
- Realization of local talents and market them for instance art work, music and poetry

4.3.6 Response on how the province was affected by the social and development disorder

Respondents identified the ways in which the province was affected which are;

- Skills flight
- Lack of development
- Division of workers into parties

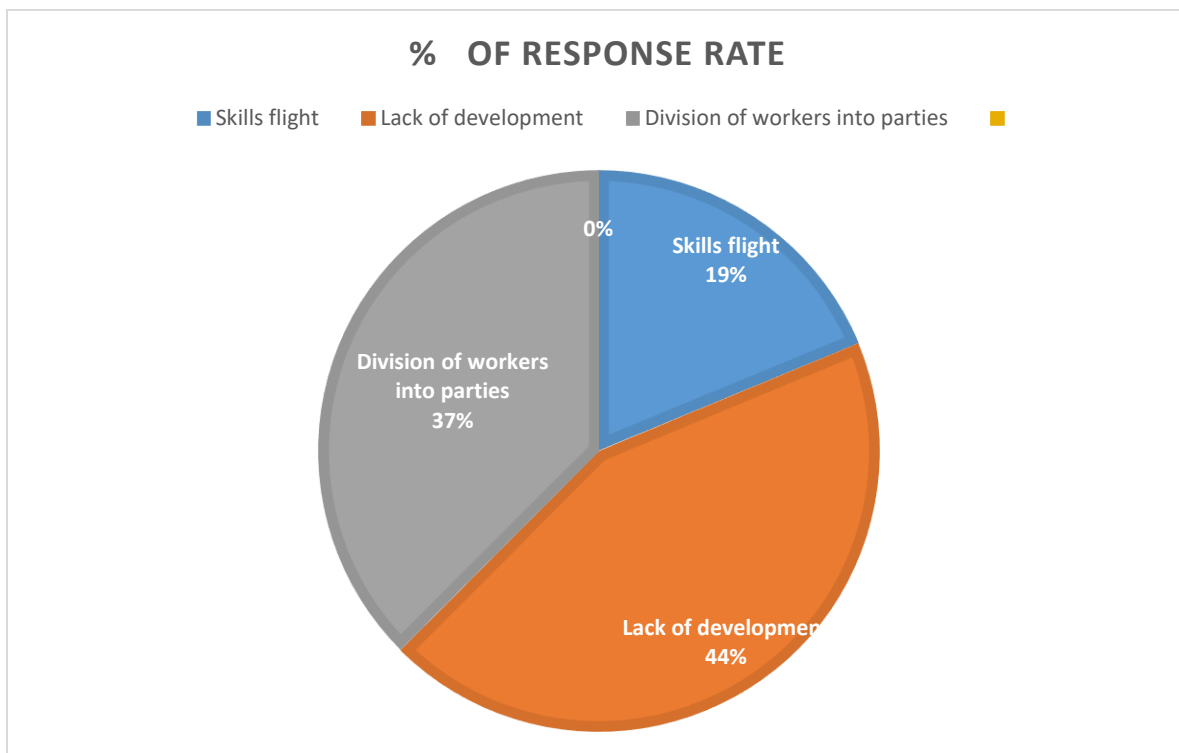


Fig 6

From the data collected it showed that 44% of the respondents both men and women were of the view that the way in which the province was affected mostly was the increase in lack of development which was rampant during the 2008- 2015 period. This is so because most of the development projects have been affected by the country's social and development dilemma which had led to investors' flight. 37% of the respondents on the other side also argued that the social and development disorder in the country has led to the division of workers into different parties as a result of the emergence of many political parties, of which the division is considered not healthy as far as the day to day running of the business is concerned. For instance when there is a preparations for a program like the Independence celebrations meetings are held so as to plan on how best the celebration can be held and this need unity amongst those responsible for planning it so if there is division amongst them it will be difficult to reach an agreement during the meetings. 19%also stated that skills flight as another way but the government solve this problem by employing other employees. Thus from this the province was mainly affected for there was lack of development.

4.3.7 Response on the major actors in implementing policies in the public sector

The stated actors by respondents are:

- Individuals
- Community
- Government
- Business people
- Interest groups

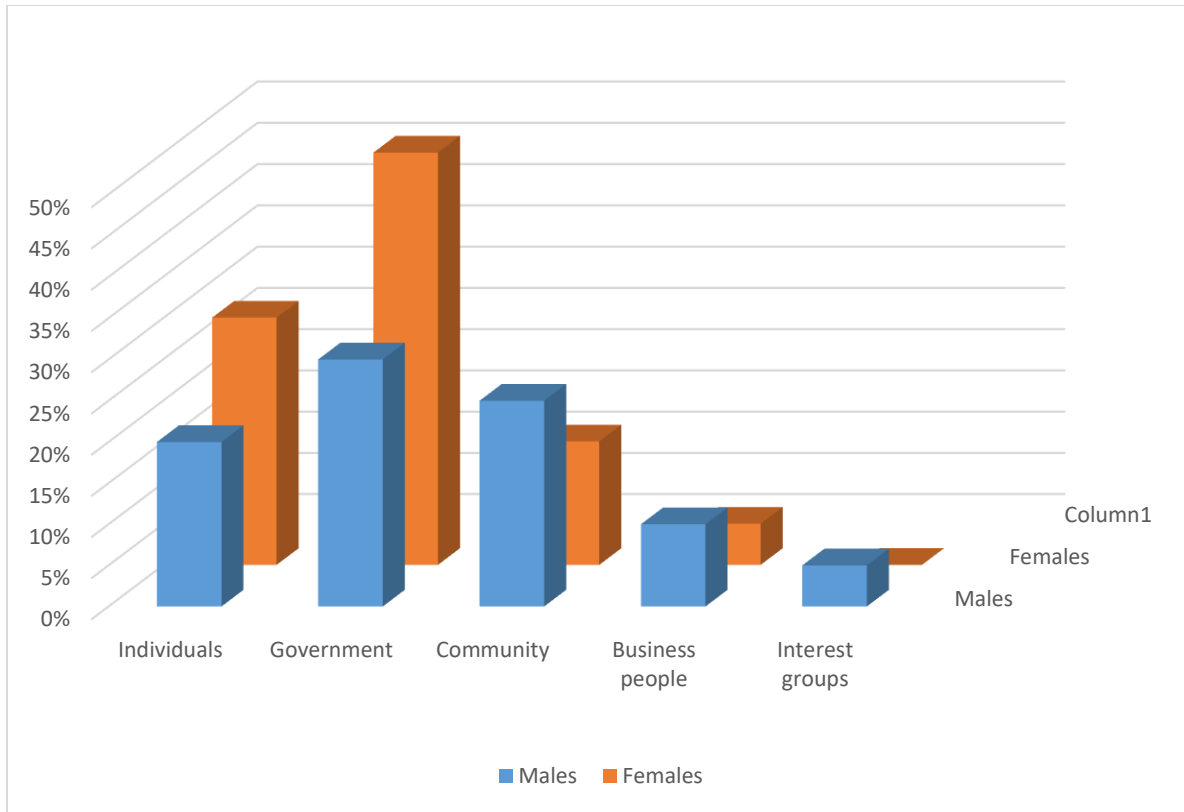


Fig 7

20% of the male respondents and 40% of the female respondents argued that the major actor in crafting and implementing public sector policies. They said it is because the government is the one with the power to enforce them whereas the other actors are there to abide to the laws enforced. The government implement policies they view as the best for the common good because if they don't do so one part of the country which is in most cases the elite will only benefit from the implemented policy. Considering the political environment of Zimbabwe the government especially the ruling party ZANU PF is responsible for implementing policies. But most of these policies will not be of benefit to the public for instance the currently enforced policy by the Public Service Commission on civil service workers to sign payrolls every month and failure to do so will result in employees not receiving their next month's salaries, but this is unfair taking for instance the Midlands Province Administrator's office has 8 district administrators who are based in different towns. So an employee from Gokwe-North Nembudziya town needs about \$40 for transportation just to go to Gweru so as to sign the

payroll monthly and considering the current financial crisis this is unjust. This is so because the government do make policies without considering those who will be affected by that policy.

NB The researcher also noted everyone affected by the policy should however take part in the policy-making one way or the other so that the decision reached will have a consensus agreement

4.3.8 Response on the view that disputes are inevitable in an organization and nothing can be done about it

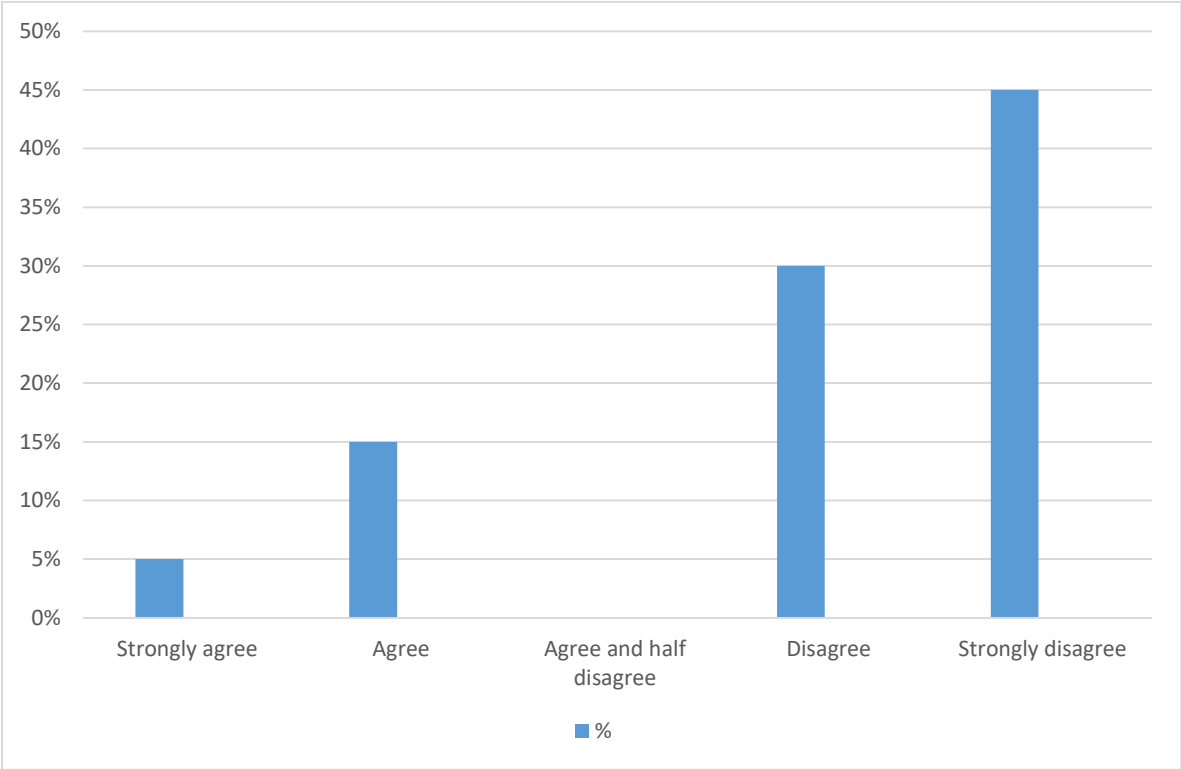
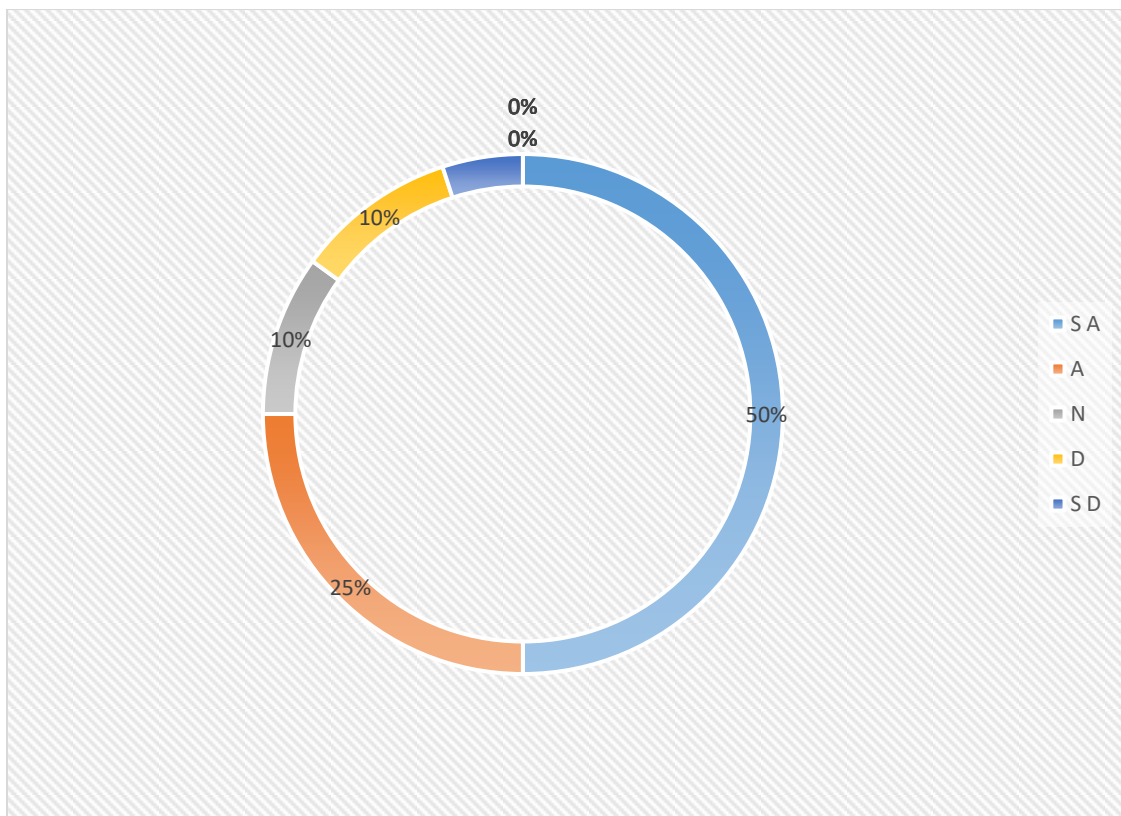


Fig 8

The view that disputes are inevitable in an organization and nothing can be done about it was strongly disagreed by 45% of the respondents. They were however of the view that it will be injustice to say that because this is what is causing disputes to be left unattended and unresolved within the province which then continue to haunt the province for years because, people are getting ignorant in a bid to avoid disputes. People tend to believe that disputes are normal for the success day to day running of businesses which is not a true allegation because disputes cause tensions which hinders progress. One respondent alluded that disputes are a stumbling block to

progress in the country so the province must not absorb that mentality that disputes are inevitable but should find ways to resolve any ways to resolve any emerging miscellaneous disputes for the betterment of the province's success. However within the midst of the respondents it is surprising that 5% of them strongly agreed with the notion stating that people venture into disputes not by wish but it just happen and some of them are difficult to resolve. But the best way of paving way for development the province must do away with disputes whether old or emerging ones.

4.3.9 Response on disputes are compared to a problem, we have to find the causes and then take steps to find the solutions



(SA- Strongly Agree, A-Agree, N- agree and half disagree, D- Disagree, SD- Strongly Disagree)

Fig 9

50% of the respondents agreed with the notion that disputes can be compared to a problem, one has to find the causes and then take steps to find the solutions. Even the researcher agreed with this point because disputes come as a result of disagreements between 2 or more people, so for

those disputes to be resolved there is need for an investigation on what caused the disagreement so that the dispute will be resolved in that line. And if the dispute is resolved by this there is hope that the dispute is resolved once and for all. So those in dispute must take part in assisting to identify the causes and also the possible ways to resolve them. 5% of the respondents strongly disagreed saying that this is not practical so the best way to resolve disputes is arbitration which does not give room for excuses. Some of the respondents were not sure of their position regarding the notion which saw 10% of them stating that they half agree and half disagree which is then difficult to assess which side they belong to. But over and above the majority showed that they are in line with disputes being successfully resolved by first finding their causes and then find solutions.

4.3.10 Response on a mediator or 3rd party should be asked to give a solution to a dispute

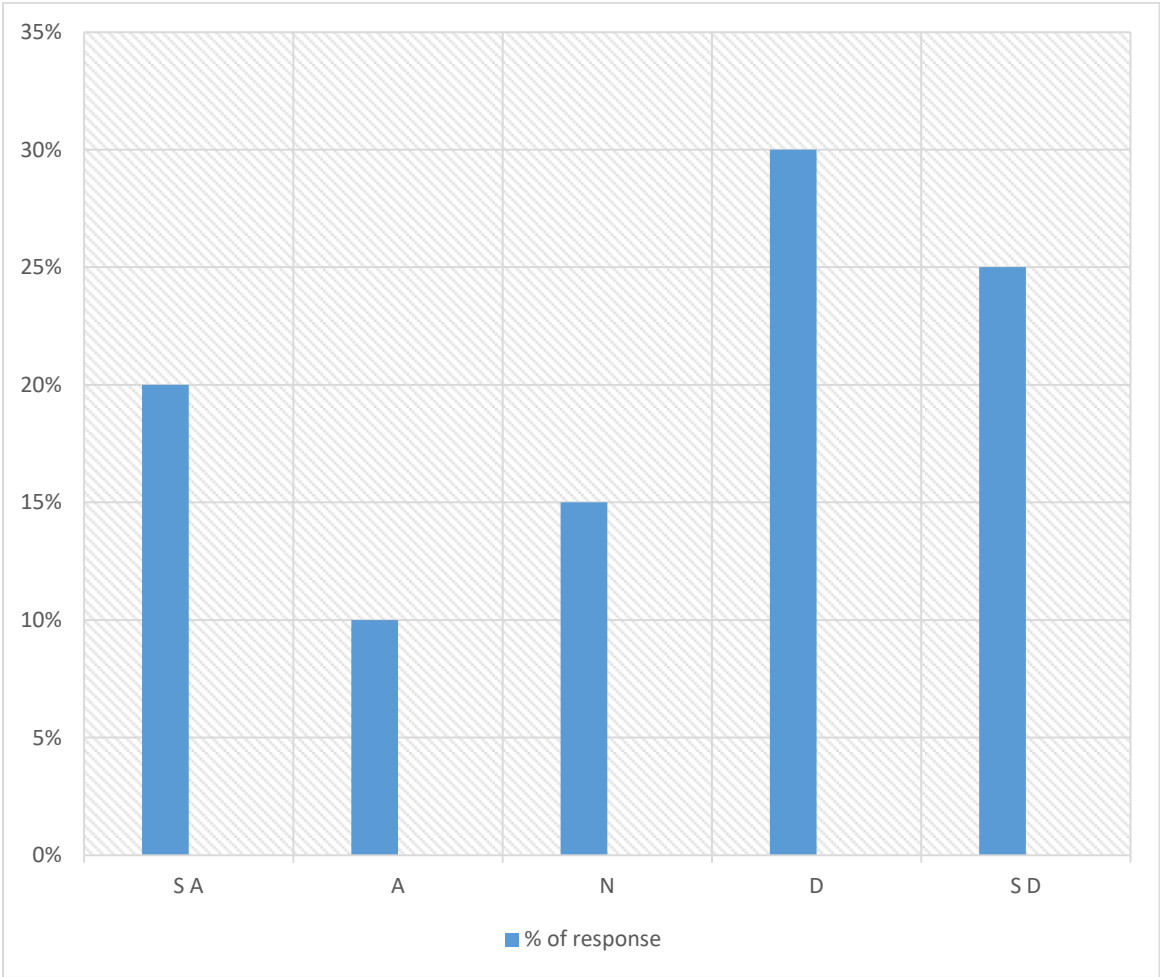


Fig 10

The data collected showed that 30% disagreed with the view that a mediator or 3rd party must be asked to give a solution to a dispute. A mediator is supposed to be a neutral person or persons who will be present during a dispute resolution process, and will be facilitating the process and not give a solution. The mediator must be there to assist the parties in dispute to reach an agreement and not in any way influence the outcome of the process for fairness sake. This is so because in most cases may have a side of interest between the 2 parties in dispute which will affect the outcome of the process. However 20% of the respondents strongly agreed with the view stating that most of the mediators will be experts in that field who will proffer a solution that is best for both parties. Regardless of this 20%'s views, the Provincial Administrator's office must only accommodate mediators as facilitators of resolution processes and not give solutions because the agreements reached on this basis are permanent and fair.

4.3.11 Response on the view that when two parties are deeply involved in a dispute arbitration by an accepted outside party may be very helpful

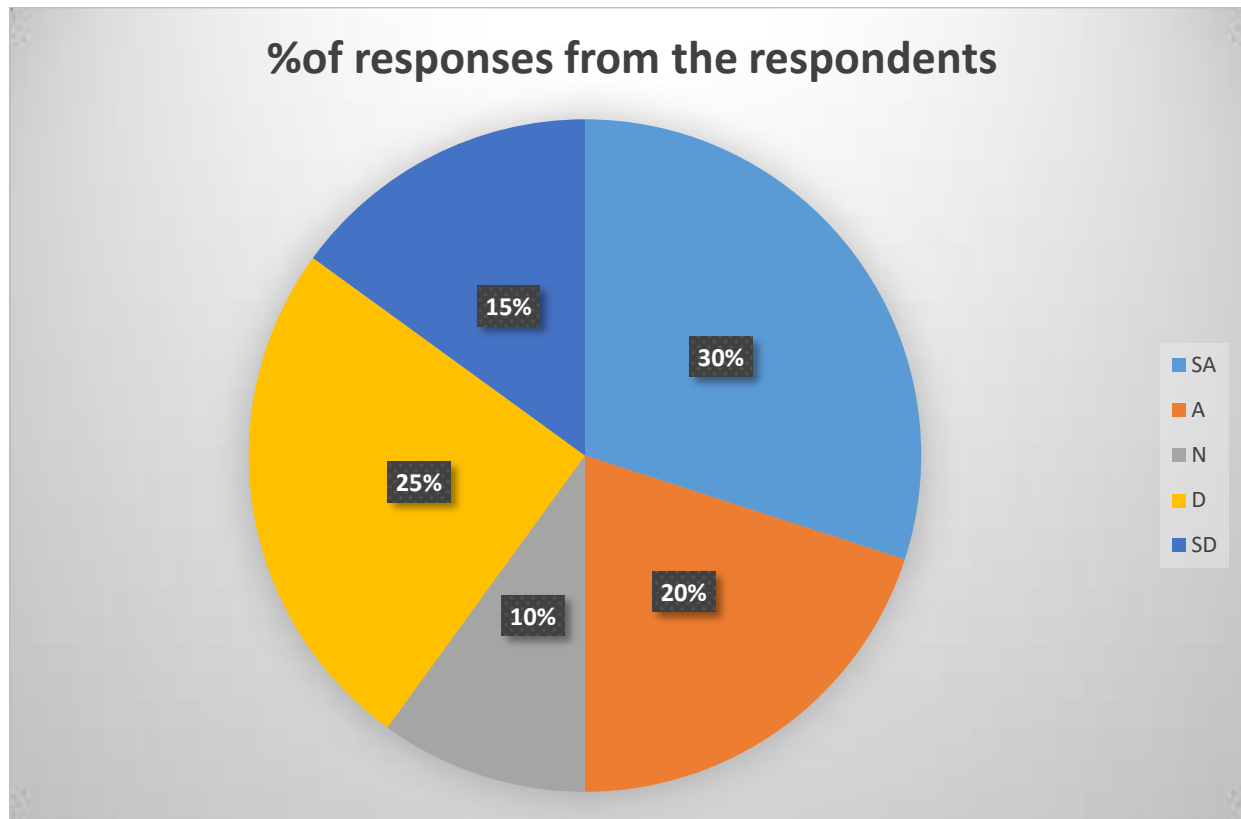


Fig 11

The majority of the respondents strongly agreed with 30% that when 2 parties are in a dispute, the most helpful method of dispute resolution to use is arbitration with an accepted outside party. But the problem with the Zimbabwean administrative law's arbitration is that it is done by a specified personnel who would have been selected by the government so the disputants will not be given room to choose an arbitrator of their choice. The reason why most of the dispute cases within the department are not resolved as stated by the 25% who disagreed is because they fear that if the case is sent to a government arbitrator;

- It will be costly
- It will take time for an agreement to be set
- The court ruling does not give room for negotiations or explanations
- Most of the sent to government arbitrators resulted in employees being suspended or fired

So they end up opting for negotiation with the aid of a 3rd party as the most helpful method as compared to arbitration. So it became clear that another reason why there is increase on unresolved disputes within the department using arbitration is because people fear the consequences that come with it hence developing a culture that it is better to live with disputes and not doing anything about them which is bad for the development of the province.

4.3.12 Response on feedback about disputes being always welcome

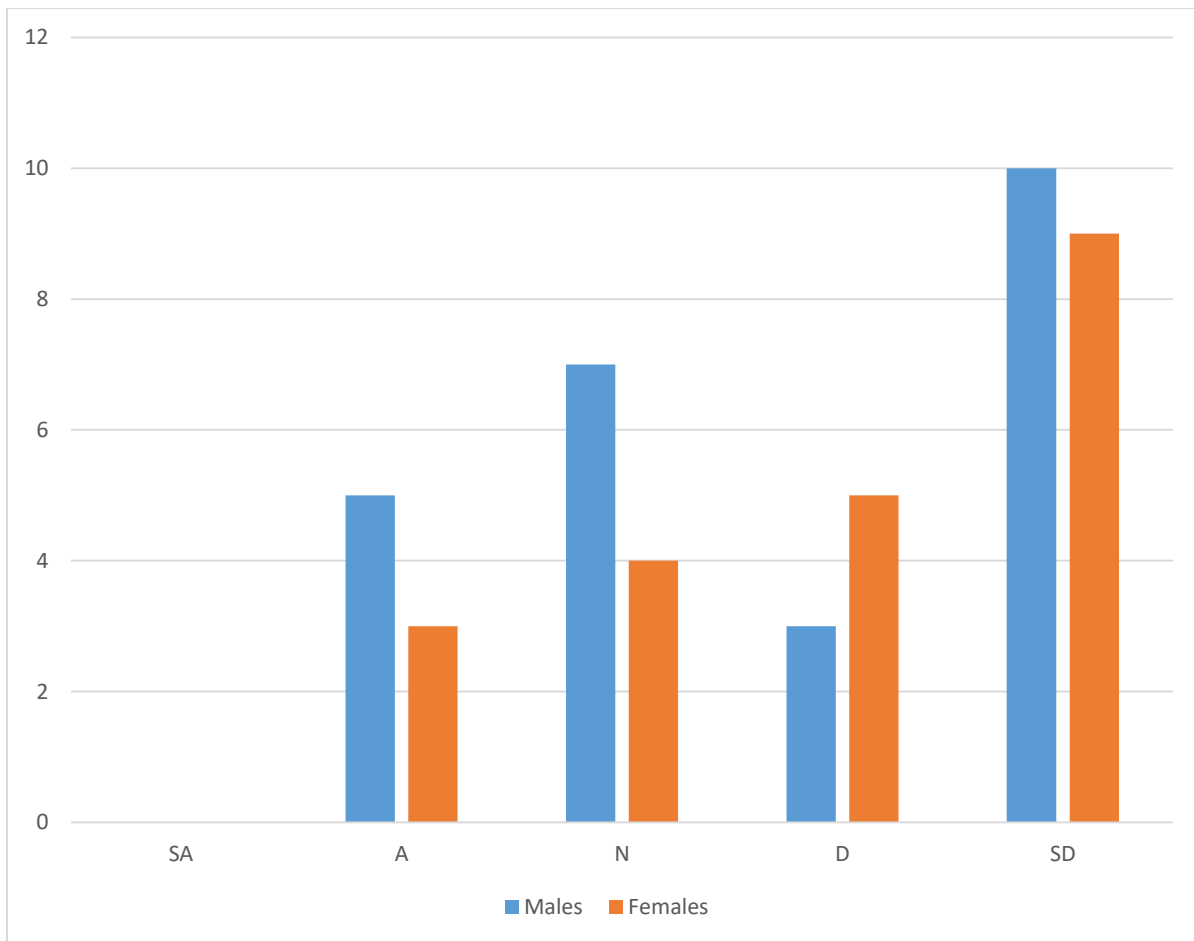


Fig 12

The responses collected on feedback about disputes being always welcome was strongly disagreed by 10 male officials and 9 female officials. They brought up the view that most disputants when agreements are agreed upon they always find it hard to accept especially those

who would not have been favored by the agreement. For instance disputes between an official and the government obviously in most cases the agreement or solution reached at by an arbitrator will be in favor of the government and not the employee. This is so because the arbitrator in some cases will be fearing to lose his/her job if the solution tend to favor employee thus the solution will be biased. 11 of the respondents were neutral arguing that it will be injustice to conclude on that note for some employees welcome the feedbacks not by wish but they will be doing so in a bid to secure their jobs if the opponent is the government. So this shows that employees sometimes agree on agreements not because they have reached a consensus but they will have no other option rather than doing so.

4.3.13 Response on the view that most people know how to use dispute resolving procedures

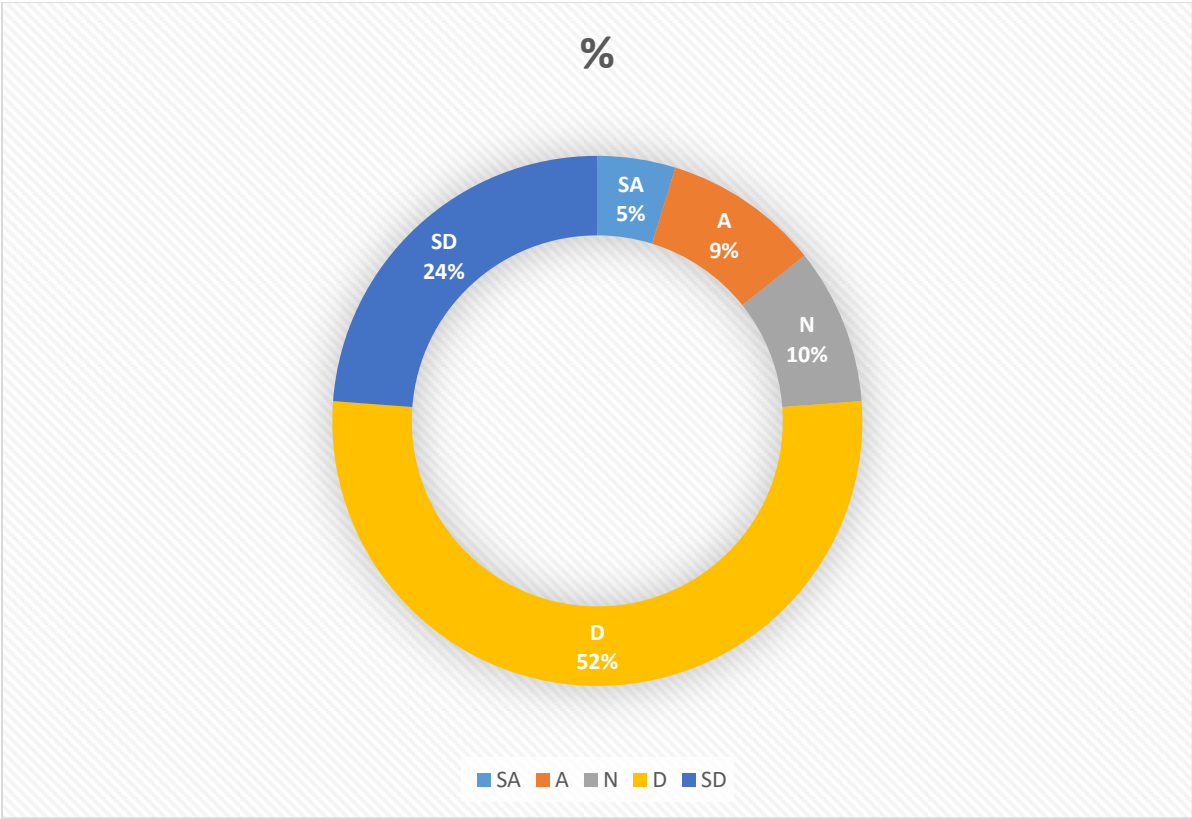


Fig 13

52% of the respondents disagreed with the view that most people know how to use dispute resolution procedures and 24% strongly disagreed. They argued that not everyone in public

sector departments like the Midlands Province Administrator’s office is literate to the extent of knowing the dispute resolution procedures and methods unless they have been taught about them. These methods include conciliation, arbitration, mediation and negotiation. Basing on the data collected one has to be taught about these procedures and methods so as to be aware of them and be able to use them. 5% of the respondents on the other hand argued that most people know how to use procedures saying that some of them are used in societies and at homes and one does not need to be taught them for these are things they come across every day in life outside the business arena, it’s just that people are ignorant to use them so that disputes can be avoided. But considering that some of them are complicated and new so some people might not know them hence there is need for the government to conduct training workshops that will assist employees to get to know the dispute resolution procedures and how to use them.

4.3.13 Response on disputes can only be solved if one shows power over the other party

Category	No of respondents
Strongly agree	0
Agree	4
Half agree and disagree	7
Disagree	25
Strongly disagree	10

Tab 3

As illustrated by the table above a number of 25 respondents disagreed with the notion that disputes can be solved if one party shows power over the other party. These respondents argued that allowing such behavior within the organization will create dominant –submissive relationships so it must not be allowed. The researcher in line with that notion said some powerful employees will take that as advantage to control the inferiors. 4 respondents who agreed with the notion that there is no law within the Zimbabwean Administrative law that restrict one to do that, because there are instances whereby a conflict can be solved as a result of the board’s failure to resolve the dispute. And also some people are ignorant so they will find ways to hinder or not take efforts to reach an agreement so in cases like these the other party must show and exercise power.

4.3.14 Response on in most disputes one should fight for solutions

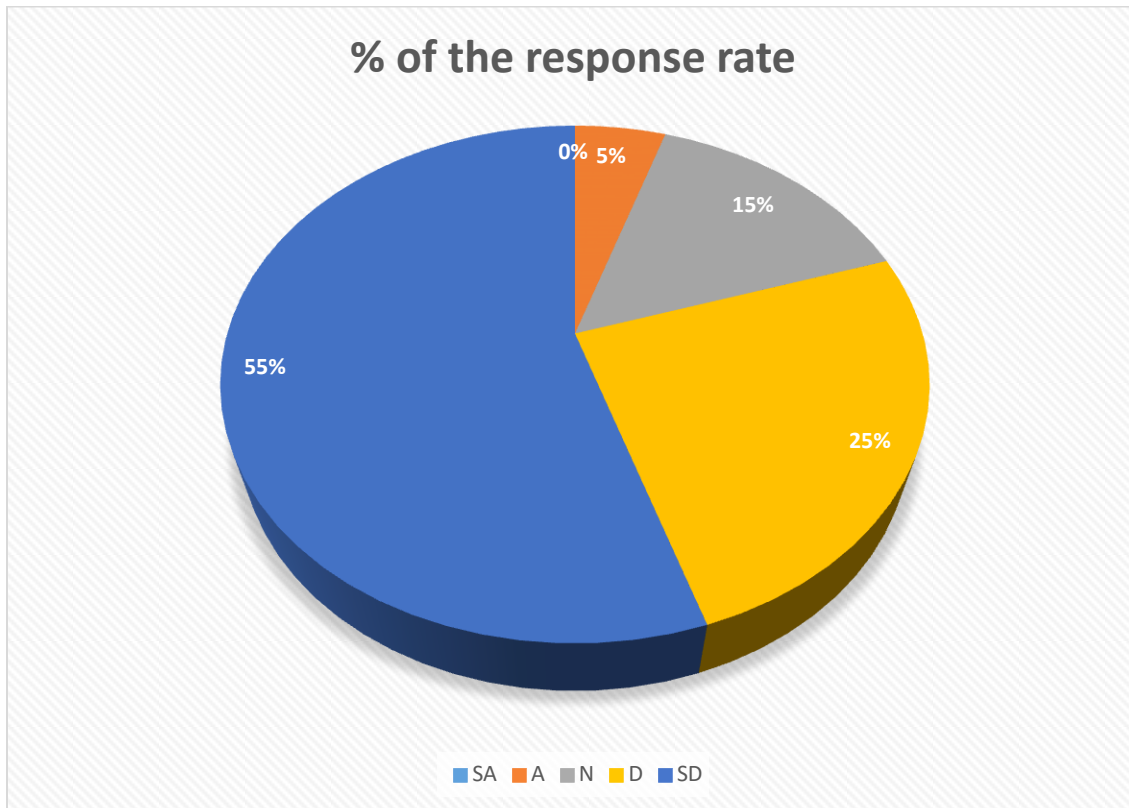


Fig15

The study reviewed that 55% of the respondents disagreed with the argument that in most disputes one should fight for solutions. They said that fighting for solutions will yield good results because some will take that as an advantage to make up for personal interests, also fighting for solutions will take a lifetime for the disputants to reach an agreement which is not also healthy for the development of the province and the country as a whole. The researcher noted that the reason why most cases are still pending as far as resolution is concerned is because the Zimbabwean people have a mentality of getting results through fighting instead of negotiating which is a drawback to development.

4.3.15 Response on compromise being the best strategy of resolving disputes

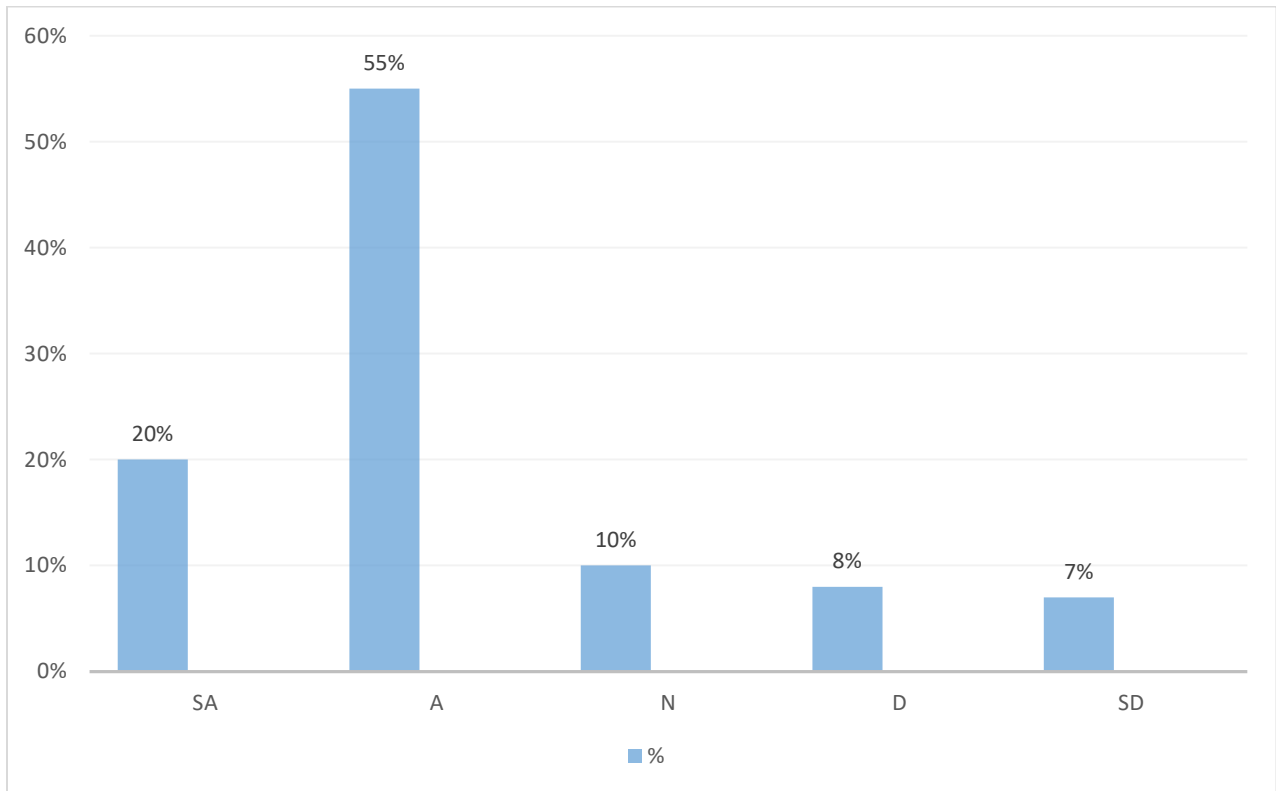


Fig 16

The research findings showed that the view that compromise is the best strategy of resolving disputes was agreed upon by 55% of the respondents. They said that people must learn to communicate in a way that will reduce tensions for trying to show one's level of arguing is not only exhausting but time wasting and also tarnish one's image and reputation. 7% of the respondents strongly disagreed that pride must be guided jealously so one must not try to compromise when there is need to take action.

Chapter summary

The study showed that employees who work within the department have different views and beliefs as have stated above so disputes cannot be completely get rid of but the government must however enforce laws and policies that are user friendly and also effective so emerging disputes will have to be dealt with once and for all without them continue to haunt the province. The next chapter will focus on drawing conclusions from the data collected and proffer recommendations

that will assist in the effective application of Zimbabwean Administrative law related dispute resolution methods.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This fragment of the review concentrate on the synopsis of the entire research and furthermore making inferences come to from the exploration. The outline of the review will give a short audit of the whole research part by section while the conclusion will recap comes about because of the examination in accordance with research questions and research objectives. Recommendations will also be highlighted in this chapter basing on the findings. Conclusions were drawn from the data gathered in the previous chapter as well as views from other scholars as have been revealed in chapter 2. The recommendations will be the probable solutions and views of the Zimbabwean Administrative law in dispute resolution within the public sector departments.

5.1 Summary

The background of the study makes it clear that the history of conflictual relationships in the public sector organizations dates back to ancient times. The government has been trying to enforce laws under the Zimbabwean Administrative law that would help the public sector departments to resolve disputes that would arise within them for the development of the country. However much thrust is placed on analyzing the dispute resolution methods that are in line with the Zimbabwean Administrative law for the province is being continuously haunted by unresolved cases. In plight of such a situation the problem gap was then identified that many scholars are focusing more on analyzing dispute resolution methods like arbitration and conciliation without encompassing other methods. However this seems to be awkward since public sector departments are also copying that idea of using arbitration and conciliation leaving out other methods. Analyzing the Zimbabwean Administrative law in dispute resolution focusing on the 'strategies' turns into the significant goal of the review utilizing the Midlands Provincial Administrator's office as the case study.

Alternate goals were as per the following; to examine the major problems faced by Zimbabwe in the public sector departments which then led to disputes, to examine the effects of the disputes occurring in the province to the whole country and finally to proffer recommendations on the

dispute resolution methods enforced by the Zimbabwean public sector during the 2008-2015 crisis.

Other scholars' views on Zimbabwean public sector dispute resolution methods was reviewed under this research. Their major thrust was only on arbitration and conciliation leaving out other methods and of the view that the Zimbabwean system needs to be upgraded to meet the demands of the 21st century type of organizations.

Data was collected from one stratum which is the employees who work under the department of the Midlands Provincial Administrator's office. Questionnaires and interviews were used to gather data and the response rate was generally good.

5.2 Research Findings

5.3 Conclusions

5.3.1 To examine the major problems faced by Zimbabwe in the public sector departments which led to disputes

From the findings it was established that they are a number of problems that led to disputes. As from the Provincial Administrator's office the case study the problems faced by the country which then led to disputes are; central rule of the ruling political party, employees are undermining the appointed department leaders, chaos as a result of late payment of salaries by the country which was caused by the current financial crisis prevalent in the country, interference of political party affiliation in workplaces, gender discrimination and the emergence of class systems. Therefore showing that disputes are triggered by a number of things which need strict and proper recognition of ways to do with these problems. Thus the major problems faced by the country are self-interests motivated.

5.3.2 To assess the effectiveness of the dispute resolution methods enforced by the Midlands Province from 2008-2015

The results of the study revealed that the government have been trying its best to enforce dispute resolution methods but their effectiveness is however questionable. It was discovered that in most cases the officials who were responsible for resolving disputes tend to have interests in the disputants so their conclusions were biased which made it difficult for the disputants to accept

the agreements resulting in increase of unresolved disputes. Moreover as it is known Zimbabwe is currently rated amongst the top 10 of the most corrupt countries in the world, most of the dispute resolvers are also corrupt of which some accept bribes from disputants so that they will make solutions that will favor one group and as a result they are tempted to make biased solutions. Therefore employees have lost faith in them as far as resolving disputes is concerned. More so they must not only limit themselves to arbitration and conciliation, they must encompass other methods like negotiation and med-arb that are being used by developed countries.

5.3.3 To examine the effects of the disputes occurring in the province

From the findings it was established that disputes which occurred in the province had a negative impact to the whole country. The disputes had caused a drawback to development, continuity of financial crisis, investors' flight, shortage of resources and also other departments have copied the spirit of disputes into their departments leading to the public sector being a haven of disorder and conflicts. This has resulted in poor service delivery which has made the community to lose hope with their government. Therefore the disputes occurring in the province has made it difficult for the government to be accounted for good service delivery.

5.4 Recommendations

Conclusively the researcher proposed some recommendations to the government and the Midlands Provincial Administrator's office. The recommendations are forwarded below

5.4.1 To the government

- The government must decentralize power such that the public sector departments will have to work independently without political interference
- The government must accommodate everyone who will be affected by policies to take part in policy making processes so that the policies will not favor one part of the populace
- The government must enforce effective bodies who will monitor day to day running of public sector departments so as to clear off any means of corruption
- In order to have effective dispute resolution methods the government must adopt other methods of dispute resolution into the system

- The personnel responsible for resolving disputes must be independent of the government so that if cases arise that are between an employee and the government the solutions will be fair
- In a bid to create a development oriented public sector the government must employ newly graduates who would have new ideas that suit the new era and do away with old age who are too conservative of old dispute resolution methods that are no longer applicable in the 21st Century
- Must conduct training workshops to employees

5.4.2 To the Midlands Provincial Administrator's office

- They must act in an apolitical manner, for they must understand that they are not working for the benefit of political parties but the country at large
- The leaders must not jeopardize their positions so that they will not accommodate conflicts
- The employees must swallow their pride where needs be so as to avoid unnecessary disputes
- The employees must also not take personal grudges to work
- Employees must find ways of resolving disputes peacefully

BIBLIOGRAPHY

Administrative Justice Act Chapter 10:28

Babbie, E. R., (1990), *Survey Research Methods*: Belmont, CA: Wadsworth Publishing

Bell, P., (2004), *On The Theoretical Breadth Design- based Research in Education*, Educational Psychologist: Lawrence Erlbaum

Bless, C., Higson-Smith, C. and Kagee, A. (2006) 4thed, *Fundamentals of Social Research Methods*, Cape Town: Oxford University Press

Bhorat, Haroon, Pauw, K and Mncube, L 2009. *Understanding the efficiency and effectiveness of the dispute resolution system in South Africa: An analysis of CCMA data*. Development Policy Research Unit Working Paper 09/137, University of Cape Town

Borg, W and Gall, D.G., (1990), *Education Research: An Introduction*, New York: David McKay Company

Burton, J. (1996). *Conflict resolution: It languages and Processes*, London, The Scarecrow Press

Cheater, A.P. 1991. *Industrial organization and the law in the first decade of Zimbabwe independence*. *Zambezia*, XVIII (i)

Cornell University Law School

Cresswell, J. (2002) 2nd ed, *Research Design; Quantitative, Qualitative and Mixed Methods Approaches*, Sage Publications. London

De Dreu, C.K.W., Evers, A., Beersma, B., Kluwer, E. S., and Nauta, A.,(2001), *A Theory-based measure of conflict management strategies in the workplace*, *Journal of Organizational Behavior*, 22(6):645-668

Di Martino, V.,H., Hoel, C.L. and Cooper (2003), *Preventing violence and harassment in the workplace*, *European Foundation for the improvement of living and working conditions*, eScholar ID:5b459

Duve, R. (2011), *Labour Arbitration Effectiveness in Zimbabwe: Fact of Fiction?* Labour article pp135-13

Feltoe, G. (2012), *A Guide to Administrative and Local Government Law in Zimbabwe*

Financial Gazette

Fox, (2000), *Understanding Administrative Law*, 4thed, Mathew Bender and Company Inc, USA

- Gwisai, M 2007. *Labour and employment law in Zimbabwe: Relations of work under neo-colonial capitalism*. Harare, Zimbabwe Labour Centre and Institute of Commercial Law, University of Zimbabwe
- Havenga, W. (2002) *Conflict Management within a local government environment*, MA dissertation, Potchefstroom University
- Holtzhauzen, U. M. (1994). *Interpersoonlike konflikthanteringmetodes van stedelinge binne diewerksituasie*, PHD Thesis, Potchefstroom University
- Khabo, Fumane 'Malebona 2008. *Collective bargaining and labour disputes resolution – Is SADC meeting the challenges?* Issue Paper No. 30. Harare, ILO (International Labour Organization) Publications
- Kanh, N. and R. Connell (1957). *Handbook of qualitative research*. Thousand Oaks, Sage
- Leedy, P.D., (1980), *Practical Research Planning and Design*, New York: Harcourt Publishers
- Madhuku, L. *The Alternative Labour Dispute Resolution System in Zimbabwe: Some Competitive Perspectives*, University of Botswana Law Journal, Vol 14, June 2012
- Mariwo, Tsitsi 2008. *Working conditions and labour relations in the private security industry in Zimbabwe: A research paper*. Issue Paper No. 27. Harare, ILO Publications
- Muzanhi, I., (2012), Arbitration as a means of resolving labour disputes: A review of the current state of Arbitration cases and its impact on the economy, paper presented at the IPC Workers' Committee and Works Council Members Conference
- Matsikidze, R., (2013), *Alternative Dispute Resolution in Zimbabwe: A Practical approach to Arbitration, Mediation and Negotiation*, 1sted, Zambezia, Harare, Zimbabwe
- Nelson, D., Quick, J. (2001) *Organizational behaviour: Foundations, Realities and Challenges*, Cincinnati, OH. South Western
- Saundry, R., and Wibberley, G., (2012), *Mediation and Informal Resolution. A case study in conflict management*, ACAS Research Paper, 12/12
- Schirch, L. (2014) *Conflict Assessment and Peacebuilding Planning*, CO: Lynne Reinner
- Shen, Jie 2007. *The labour dispute arbitration system in China*. *Employee Relations*, 29 (5), pp. 520–539
- Strauss, A. and Corbin, J. (1990) *Basics of qualitative research, Grounded theory procedures and techniques*. Newbury Park, CA Sage Publications
- Teague, P., Roche, W. and Hann, D., (2012), *Towards a strategic theory on workplace conflict management*, *Ohio State Journal in Dispute Resolution*, 24(1)143-190

Trudeau, Gilles 2002. *The internal grievance process and grievance arbitration in Quebec: An illustration of the North American methods of resolving disputes arising from the application of collective agreements*. *Managerial Law*, 44 (3), pp. 27–46

Laws referred to:

The Rhodesian Industrial Conciliation Act (1945) The Rhodesian Masters and Servants Act (1901)

The Zimbabwe Government Guide to the Labour Relations Act (1997)

The Zimbabwe Labour Act Chapter 28.01 (2006)

The Zimbabwe Labour Relations Act (1985)

Labour Relations Act (LRA) of 1985

Industrial Conciliation Act of 1945

APPENDICES

INTERVIEW GUIDE

My name is Penesia Natasha Mawonera, a Bachelor of Science in Politics and Public Management student at Midlands State University. I am carrying out my dissertation research focusing on the analysis of the Zimbabwe Administration Law in dispute resolution using Midlands Provincial Administrator's office. The interview is designed to collect data on the topic stated above. The information will help me in analyzing the Zimbabwe Administration Law in dispute resolution strategies which were applied by the public sector focusing on the Midlands Provincial Administrator's office and how best these strategies can be effective.

Be assured that the data collected from this interview shall be used in absolute confidence and for academic purposes only. Feel free to give your opinion

Questions

1. For how long have you been working under the Midlands Province Administrator's Office?
2. Zimbabwe has been in a social and development disorder during the 2008-2015 era. What have been the major problems faced by Zimbabwe which led to the collapse of the peace and unity in public sector departments?
3. The Midlands Provincial Administrator's office is a public sector entity. How was the Midlands Provincial Administrator's office affected by the social and development disorder
4. The social and development disorder of the state has caused chaos in the state. What were the problems faced by the Midlands Provincial Administrator's office in providing good service delivery
5. The public sector adopted some mechanisms and strategies to resolve disputes that arose between officials of the state. What were the strategies adopted by the Midlands Provincial Administrator's office during the 2008-2015 era?
6. Policies are being implemented as a strategy to survive the public sectors organizations. Who are the major actors in implementing policies in the public sector?

Thank you for your cooperation. Stay blessed

Questionnaire for the Midlands Provincial Administrator's Office Officials

My name is Penesia Natasha Mawonera a student at Midlands State University studying Honors Degree in Politics and Public Management. As a pre request before the completion of my studies I'm tasked by the University to conduct a research. Hence I'm conducting a research on the analysis of the Zimbabwe Administration Law in dispute resolution using Midlands Provincial Administrator's office as a case study. This questionnaire aims to yield your views which will be used for the success of the mentioned research. Your views and contributions will be kept secret and confidential, thus the information will only be used for academic reasons.

Your cooperation will be greatly appreciated

INSTRUCTIONS

- [1]. Do not write your name on the questionnaire
- [2]. Tick the respective answer box to show your answer

Section A: Personal Information.

NB: Tick suitable box

[1] SEX

Male	Female
<input type="checkbox"/>	<input type="checkbox"/>

[2] QUALIFICATION

Certificate	Diploma	Degree	Masters	Other(Specify
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[3] AGE

18-24 Years	25-30 Years	31-45 Years	46-59 Years	60Years and Above
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please read each statement given below and tick in the box to indicate your opinion.

SD for strongly disagree with the statement

D for disagree with the statement

N for agree and half disagree

A for agree

SA for strongly agree

SA A N D SD

- | | SA | A | N | D | SD |
|--|----|---|---|---|----|
| 1. Disputes are inevitable in an organization and nothing can be done about it | | | | | |
| 2. The best strategy is to avoid disputes | | | | | |
| 3. Disputes are compared to a problem, we have to find causes and take steps to find the solutions | | | | | |
| 4. Disputes can only be solved if one shows one's power over the other party | | | | | |
| 5. In disputes situations both parties have to give up something in order to reach an agreement | | | | | |
| 6. A mediator or third party should be asked to give a solution to the disputes | | | | | |
| 7. It is better to stay low and live with the disputes | | | | | |
| 8. In most disputes one should fight for solutions | | | | | |
| 9. Compromise is the best strategy of resolving disputes | | | | | |
| 10. When two parties are deeply involved in a dispute arbitration by an accepted outside party may be very helpful | | | | | |
| 11. The feedback about disputes is always welcomed | | | | | |
| 12. Most people know how to use disputes resolving procedures | | | | | |

Thank you all for your cooperation. May the Lord bless you!!!!!!!