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**EMPLOYEE RELATIONS IN THE
PUBLIC SERVICE OF THREE
SOUTHERN AFRICAN COUNTRIES:
SOUTH AFRICA, NAMIBIA AND
BOTSWANA**

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ABSTRACT

The aim of this dissertation was to ascertain what type of employee relations system is identifiable in the public services of South Africa, Namibia and Botswana, and to determine what type of voice regulation is in place in the determination of terms and conditions of employment.

The research was collected using both primary and secondary data designs. In terms of primary data designs, interviews we conducted with key informants within the employee relations system. This included unions officials and employer representatives in South Africa and Namibia, as well as representatives from the bargaining councils in South Africa. Due to several difficulties, no interviews were scheduled in Botswana. In terms of secondary data designs, documentary data relevant to the topic, such as legislation, annual reports and topical literature was examined.

The research revealed that the type of employee relations system for public service employees chosen by the government as the employer is influenced by the history of the country, current political climate as well as the economic development plan of the country. The colonial history shared by these countries has left an indelible impression on the employee relations terrain in all three countries, as the legacy passed on at independence has constrained the choices available to the independent government. South Africa and Namibia allow public servants to engage in collective bargaining regarding terms and conditions of employment, as well as permitting employees to participate in the broader policy arena. Public servants in Botswana are only permitted to consult with the employer, and have very little influence on the determination of their terms and conditions of employment.

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Glossary of Abbreviations

| | |
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| WCBC | Western Cape Bargaining Council |
| ANC | African National Congress |
| BCSA | Botswana Civil Servants Association |
| BULGASA | Botswana Unified Local Government Service Association |
| COSATU | Congress of South African Trade Unions |
| CPIX | Consumer Price Index |
| DENOSA | Democratic Nursing Organisation of South Africa |
| DPSA | Department of Public Service and Administration |
| ELRA | Education Labour Relations Act |
| ELRC | Education Labour Relations Council |
| GPSSBC | General Public Service Sectoral Bargaining Council |
| HOSPERSA | Health and Other Services Trade Union of South Africa |
| LAC | Labour Advisory Council |
| LaRRI | Labour and Research Institute |
| LRA | Labour Relations Act |
| MTEF | Medium Term Expenditure Framework |
| NANTU | Namibian National Teachers Union |
| NAPWU | Namibian Public Workers Union |
| NEDLAC | National Economic Development Labour Council |
| NEHAWU | National Education, Health and Allied Workers Union |
| NEMIC | National Employment, Manpower and Incomes Council |
| NTF | National Teachers Federation |
| NUNW | National Union of Namibian Workers |
| NUPSAW | National Union of Public Service and Allied Workers |
| PAWUSA | Public and Allied Workers Union of South Africa |
| PHWSBC | Public Health and Welfare Sectoral Bargaining Council |
| POPCRU | Police and Prison Civil Rights Unions |
| PSA | Public Service Association |
| PSC | Public Service Commission |
| PSCBC | Public Service Coordinating Bargaining Council |
| PSLRA | Public Service Labour Relations Act |

| | |
|---------------|--|
| PSUN | Public Servants Union of Namibia |
| SACP | South African Communist Party |
| SADTU | South African Democratic Teachers Union |
| SAOU | Suid-Afrikaanse Onderwysers Unie |
| SSSBC | Safety and Security Sectoral Bargaining Council |
| SWAPO | South West African Peoples Organisation |
| TUN | Teachers Union of Namibia |
| WASCOM | Wages and Salaries Commission |

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GRADUATE SCHOOL IN HUMANITIES
DECLARATION

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SECTION 1: INTRODUCTION

1.1 INTRODUCTION

The area that this dissertation covers is the structure of employee relations in the public service of three Southern African countries (South Africa, Namibia and Botswana). This project is an attempt to establish what type of voice regulation employees in the public service in these countries enjoy in the establishment of terms and conditions of employment. Studying employee relations in the public service reveals very interesting and informative data, as the public service is very important in any country in terms of service delivery and the impact employee relations in the public service has on the private sector (Patel, 2000: 127).

Structurally, the public service is very different from the private sector. Although there is only one employer (i.e. the state), the public service covers a multitude of distinctly different sectors and occupations. The public service also differs from the private sector in that it is not primarily concerned with the maximization of profit through the production and distribution of goods and services, but rather it is geared towards the implementation of government policy and to deliver social and economic services. Workers in the public service have as much interest as management in ensuring that the institution delivers effectively, as they are also consumers of these services (Patel, 2000: 166). Similarly, negotiations regarding, for example, wages do not only impact on employees within the public service, but on society as a whole as well. The reason for this is that salaries in the public service accounts for a substantial amount of state

expenditure and this has a direct impact on the amount of money left in the budget for the provision of services to the community.

Another important point of departure is that the public service in all these countries have undergone major changes in the recent past that have had serious consequences for employee relations in the public service. All three countries come from a long history of colonization that has influenced the independent state's choice of employee relations system in both the private and public sectors. Examining the different choices made by the three governments in question in this study is revealing in that it illustrates different ways of managing employee relations in the public service, as well as highlighting problems and difficulties in public service employee relations.

This section of the study will provide a contextualization of the study by providing a clarification of the concepts to be used, as well as placing the study within a broader theoretical framework of public service employee relations and comparative industrial relations. A thorough examination of the theory involved will be done in Section 6, during the comparative analysis of the three countries.

1.2 OBJECTIVES OF THE STUDY

- To determine the structure of employee relations in the public service of South Africa, Namibia and Botswana
- To determine the type of voice regulation public servants have in the determination of terms and conditions of employment

1.3 CONTEXTUALIZATION OF THE STUDY

1.3.1 CONCEPTUALIZATION

1.3.1.1 The Public Sector

Madhuku and Kalula (1997:1) state that the public sector is not expressly defined in Southern Africa. They suggest that the public sector generally encompasses

“public administration (central and local government), publicly administered functions (such as education and health) and public enterprises (parastatals)”
(Madhuku & Kalula, 1997:1).

Adler (2000:3) states that the public sector is all institutions under public control where direct or indirect political control is exercised through appropriate legislation. The public sector is divided into different components which differ in terms of political control, its relationship to the national budget, the method of wage determination, employment conditions and numbers, and the form of regulation and ownership (Patel: 1997: 184).

The components of the public sector are:

- the public service (see below)
- state-owned enterprises, where the state has a majority interest
- local authorities, which covers city councils, municipalities, town councils and authorities such as regional water service corporations, management committees for small holdings and management boards of rural areas
- other, which includes universities and technikons, agricultural marketing boards and parastatal institutions

(Patel, 1997:185-186)

1.3.1.2 The Public Service

The public service is a component of the public sector, and this is the primary focus of this study. Madhuku and Kalula (1997:2) state that there is a clear trend in Southern African countries to place this component of the public sector under a different labour law regime, or to have special provisions in the legislation pertaining just to the public service. A broad definition of the public service is that it covers those employees who are directly employed by the state to provide a service to the community (e.g. health, welfare, education, safety and security), but also includes administrative staff in the various national, regional and local departments which are specifically established to ensure the effective administration of governmental functions (Adler, 2000:5-6 and Patel, 1997:185). However, the exact definition of what constitutes a public servant differs in each country (Madhuku & Kalula, 1997:2).

1.3.1.3 Voice Regulation

To define voice regulation I will use Albert Hirschman's (1970) concepts of exit, voice and loyalty. In a nutshell, voice regulation means to what extent employees can use their voice to influence their terms and conditions of employment. Generally, the voice employees have may lie on a continuum, ranging from no voice (i.e. complete management control), to collective bargaining, to complete worker control.

Hirschman (1970) developed an analysis of ways consumers of economic products react to a drop in performance/quality of products. Parallels may be drawn between this analysis and the way employees within a certain employee relations system react to lapses in their working conditions.

Hirschman (1970:1) states that within each society or organisation lapses in efficiency, rationality, etc. are inevitable. Each society/organisation is able to continue to exist with a certain amount of this, but in order for the society/organisation not to perish, ways need to be found to rectify this deviant or dysfunctional behaviour. He states that there are generally two ways in which management may be alerted to its failings (Hirschman, 1970:4). The first is called the exit option, where the consumers of a product or members of an organisation leave the organisation or stop buying the product when there is deterioration in the product or service (Hirschman, 1970:21). The second way in which management may be alerted of its failings is through the voice option, where, instead of leaving, members/consumers express their dissatisfaction with the deteriorated state of affairs directly to management, or to another authority to which management is subordinate (Hirschman, 1970:30). Although both these options may be seen as effective means of getting the organisation back on track, Hirschman (1970:24+32) warns that they need to occur within certain bounds. If too many consumers/members exit or members/consumers are too vociferous in their complaints, management may not be able to bring the organisation back to its original functional level, as there will not be enough consumers left to buy the product, or members to sustain the organisation, or the bad publicity received through the voice option has damaged the organisation too much.

Similarly, if too few consumers/members leave or the voice option is exercised too quietly, management may not find out that it is failing in one way or the other and therefore nothing will be done to fix the problem.

The exit and voice options can act separately or as compliments to one another. In terms of resources needed (e.g. time, money, energy), the exit option is a lot cheaper than the voice option, and, therefore, it may be the favoured option in certain circumstances. However, in other circumstances the exit option may not be available, and in these circumstances the voice option takes precedence. The exit option is largely unavailable in such situations as the family and government. Hirschman (1970:30) states that the voice option is a basic function of any political system. Exit and voice can also work as compliments to one another. For example, the choice to exit may be dependent on the likelihood of exercising the voice option being a success (Hirschman, 1970:37). Alternatively, the use of the voice option may be dependent on the relative costs involved to the individual, as opposed to the exit option.

Hirschman (1970:77) also developed what he called the loyalty option, where exit and voice co-exist. The loyalty option means resorting to voice where exit is possible, *“loyalty holds exit at bay and activates voice”* (Hirschman, 1970:78). In this sense, loyalty acts as a barrier to exit, and serves the function of stimulating the creative use of voice to prevent deterioration from becoming cumulative and destroying the organisation (Hirschman, 1970:79-80). Loyalty plays an important role because of the possibility of disloyalty, i.e. exit. This gives the consumers/members an ideal bargaining power, as

their voice is bolstered by the threat of exit (Hirschman, 1970:82). It is possible to redesign organisations to make the voice option the preferred choice of consumers/members by developing new channels of communication (Hirschman, 1970:42). One sees this often in modern industrial society, with many new participative styles of management having arisen.

When one is examining a particular employee relations system, it is useful to think in terms of what the interplay between the exit and voice options are. This may assist one in understanding the dynamics of the system, as it is this interplay that impacts on the functioning of the employee relations system.

Collective bargaining is one type of voice regulation, and it is the prevalent form of voice regulation in the public service of South Africa and Namibia, although in the case of Namibia this is still mostly only theoretical. To define collective bargaining, I will use Patel's (2000: 128) definition, which says it is

"continuing institutional relationship between an employer and labour organizations exclusively representing a defined group of employees".

He goes further to say that it is

"concerned with negotiation, administration, interpretation and enforcement of written agreements covering wages and salaries, rates of pay, hours of work and other conditions of employment".

It is also useful to define collective bargaining in terms of its purposes which include

- A rule making function whereby what is agreed in collective bargaining becomes part of individual contracts of employment
- A normative function whereby collective agreements are extended beyond the scope of the bargaining unit to individual workers who may not be union members
- A conflict resolution device
- A regulatory device in which the relationships between the employer and the trade unions are defined
- In respect of the public service, a limitation on the sovereignty of the state

(Adair and Albertyn, 2000: 813-814)

1.3.1.4 Employee Relations

Industrial Relations / Labour Relations / Employee Relations, as it may be interchangeably called (I will use the term employee relations), refers to the relationship that exists between an employee and an employer. This relationship exists whenever

“one person (the employee) works for and receives remuneration from another person (the employer)” (Bendix, 2000:1).

Swanepoel (1999:2-5) states that there are many different definitions of employee relations, some narrow in their scope and others more comprehensive. Reviewing these definitions, one can see that the one commonality that is shared by them all is the focus on the interaction between employers and employees. For example, Swanepoel (1999:4) cites Anstey's definition of

“Essentially, industrial relations is a process through which employers and employees interact, and through which they regulate conflict in the workplace”.

Another definition given by Tustin (in Swanepoel, 1999:5) states that

“industrial relations is an interdisciplinary field of study which concerns itself with the continuous process of control over the dynamic individual and collective relationship between workers and their management in organisations, functioning within the wider environment with a view to determining the conditions under which work is done so that the needs of both parties are addressed”.

Finnemore (1999:4) states that employee relations is a dynamic process where there is an

“interplay between cooperation and conflict, between the need to work together and the drive to limit each others’ power”.

When one is examining a particular employee relations system, one is examining how the different actors in the system interact with one another. There are various different approaches and perspectives from which one can view employee relations. Following is a discussion of some of these perspectives, which may be relevant in the study of the public services of the aforementioned countries.

In the Unitarist perspective, it is premised that there is only one source of authority and one focus of loyalty (Fox, 1969:391). The ruling regime is given legitimacy by the

premise that the interests of the ruler and ruled are identical (Fox, 1969:395). Conflict is seen as anathema to the system, and it is believed to be due to

“stupidity, wrong-headedness, out-dated class rancor” (Fox, 1969:391),

a breakdown in communication or agitators (Finnemore, 1999:8). From the Unitarist perspective, trade unions are seen as unjustifiably and unnecessarily encroaching on management's rule (Finnemore, 1999:8). It follows that management therefore does not engage in any form of real consultation / negotiation with unions. Finnemore (1999:176) refers to a specific kind of unitarism as *“sophisticated paternalistic unitarism and union avoidance”*. She states that from this perspective it is believed that a union free environment is more conducive to efficiency and productivity, and many strategies are employed to avoid the presence of unions, without actively suppressing them. These strategies include:

- Offering higher wages than the market and more fringe benefits
- Investing in training and career development
- Attempt to stabilize employment and avoid retrenchments
- Implement advanced communication and information sharing systems
- Implement informal mechanisms for participation in decision making
- Have effective grievance procedures
- Provide social services
- Bolster employee identification and commitment through, for example, uniforms
- Engage in employee stock sharing
- Develop an elite core of permanent workers who enjoy considerable benefits, and a peripheral group of part-time and casual employees

Functionalist theory postulates that an employee relations system consists of different parts that must interact and be coordinated to ensure the effective functioning of the whole (Dunlop, 1958:2-3). Dunlop (1958:7-17) states that these parts are the actors, the context, the rules and the ideology. The actors in an employee relations system exist in a hierarchy, with management at the top and workers at the bottom (Dunlop, 1958:7). The context of the employee relations system is made up of its technological characteristics, market/budget constraints and the locus and distribution of power (Dunlop, 1958:9). The way in which rules and procedures are established, and the administration of these rules and procedures is an important part of the employee relations system, as these rules and procedures deal with issues such as compensation and rights and duties and responsibilities of the parties involved (Dunlop, 1958:13-14). The ideology of the system is the ideas/beliefs held by the actors in that system that binds them to one another. In an employee relations system the actors may all have different ideologies. It is important that the ideologies are compatible enough to allow for some degree of common ideology to develop, which will be recognized and accepted by all the actors in the system.

The idea that an Industrial Relations system consists of different parts interacting with one another, each with their own ideology parallels with the Pluralist perspective. From the Pluralist perspective it is postulated that the separate interests and objectives of the different parts must be maintained in equilibrium, whilst also accepting that these differences do exist (Fox, 1969:398). In this sense there are several loci of authority and loyalty, which makes industrial governance difficult as each actor only holds partial

minor issues (Fox, 1977:144-145). Collective bargaining, from this perceptive, is also seen as an employer strategy to co-opt trade unions into the capitalist frame of reference (Swanepoel, 1999:9).

Finnemore (1999:15) and Swanepoel (1999:9-10) highlight another approach to employee relations: Corporatism. Swanepoel (1999:9) cites Maree's definition of corporatism as

"an attempt by government to cope with environmental demands by bringing the major actors and, most crucially, organised labour into processes of policy formation and implementation on national level".

There are two kinds of corporatism: state corporatism and societal corporatism. Finnemore (1999:15) states that state corporatism is the most common form of employee relations in developing countries, especially in many African countries where the labour movement played a pivotal role in the liberation struggle, but are expected to merge their interests with the ruling party after independence. From a state corporatist perspective conflict is seen as undesirable, and employee relations are strictly regulated by the state, through, for example, regulating the scope and content of collective agreements and controlling trade unions. Trade unions in these instances are generally small and weak, especially as their leadership had been offered jobs in government in order to ensure their loyalty to government policies (Finnemore, 1999:15-16).

In societal corporatism great efforts are expended to ensure consensus and agreement to ensure stability in employee relations and in society at large. All major role players are

involved at all levels of decision making, as socio-economic policy issues are placed in the open (Swanepoel, 1999:10). Societal corporatism is based on the premise of democracy, and the relationship between the actors is institutionalized through tripartite structures (Finnemore, 1999:12). From this perspective, conflict is seen as natural and is dealt with through centralized negotiations (Finnemore, 1999:12).

1.3.2 THEORETICAL FRAMEWORK

1.3.2.1 Public Sector Employee Relations

Historically, all over the world, public sector employee relations have developed separately from the private sector. Public servants were subject to separate legislation, which was more restrictive than the private sector. This was traditionally justified by the idea of the sovereignty of the state and was accompanied by the unilateral determination of terms and conditions of employment by the state as employer (Morris & Fredman, 1993:115 and True, 1987:1). Some commentators believe that employee relations in the public service cannot mimic employee relations in the private sector, as the primary responsibility of the government is towards the public and not to only a particular grouping of people representing their particular interests. However, others state that collective bargaining is the best way for unions to represent the interests of their members and that all workers should have the ability to influence their terms and conditions of employment. They state that it is possible to do this whilst keeping the interests of the wider community at heart and placing bargaining within the parameters set by the state as the primary source of social services (Kochan & Katz, 1988:423). The trend

internationally has been to include public sector workers under the ambit of labour relations legislation and to extend collective bargaining to them.

Two aspects of public sector employee relations means that it is, and will always be, substantially different from employee relations in the private sector. The first aspect is the dual role of the state as the employer and the state as government. This means that the state is accountable to a wide constituency. The second aspect is the state's source of revenue, which is mostly from taxation. Therefore the state is subject to political and macroeconomic constraints. This is markedly different from the private sector where employers create revenue from the sale of goods and services (Morris & Fredman, 1993:123 and Kochan & Katz, 1988). This has wider implications for collective bargaining in the public service. For example, questions on the size of the workforce, pay levels and conditions of employment are political, not commercial judgments. This also means that due to the state's subordination to parliament, a certain measure of unilateral control and decision-making is always retained (Morris & Fredman, 1993:124-125)

Structurally the public service is very different from the private sector. Although there is only one employer, the public service covers a multitude of distinctly different industries and occupations. Thus, creating a coherent employee relations system, catering to the needs of all the different actors, without compromising the sector as a whole, is a very difficult task. The public service also differs from the private sector in that it is not primarily concerned with the maximization of profit through the production and distribution of goods and services, but rather it is geared towards the implementation of

government policy and to deliver social and economic services. Workers in the public service have as much interest as management in ensuring that the institution delivers efficiently, as they are also consumers of these services (Patel, 2000b:166). Wages and salaries, and other terms and conditions of employment with monetary implications impact on the broader society, as salaries in the public service account for a large portion of state expenditure, which impacts directly on the amount of money left over in the budget for the provision of services to the community. Thus, there appears to be a trade off between wages and service delivery (Hassen, 2000a:12).

When collective bargaining rights were extended to public service employees in developed countries, it tended to be highly centralized due to the bureaucratic nature of public sector control (Adair and Albertyn, 2000:814). However, there has been a trend internationally to devolve more and more power and authority in decision making to managers at local level, in the wake of many neo-liberal debates about what services the government should provide and alternate means of organizing the public service in order to reduce government expenditure.

1.3.2.2 Comparative Industrial Relations

Comparative industrial relations is a systematic study of the similarities and differences that can be identified in the industrial relations systems of two or more countries, and it is an analysis of the reasons behind these similarities and differences. The benefits of comparative industrial relations studies include that one can place a particular industrial relations system into context by examining it in relation to other industrial relations

systems, and it enables one to analyze specific practices and/or institutions of certain industrial relations systems that appear to be successful. One can then explore ways of adapting and/or modifying the practice or institution in one's own system (Bean, 1994:4-7). Comparative industrial relations, however, emphasizes the difficulty of exporting an institution or practice from one system to another system without having regard to the specific cultural, historical, social, political and economic context of that system (Bean, 1994:5-6). A potential problem with comparative industrial relations is that it is a multidisciplinary exercise; so finding the appropriate standards of comparison amongst such a wide variety of possibilities is difficult. Also, countries differ vastly in their terminologies of certain processes and institutions, which may hinder the comparative analysis (Bean, 1994:15-16).

Bean (1994:8) states that the aim of comparative industrial relations is to

“promote wider understanding of, and foster new insights into, industrial relations either by showing what is unique about any one set of national arrangements or, equally well, reducing what might appear to be acutely specific and distinctive national characteristics by demonstrating their recurrence elsewhere”.

An important element of comparative industrial relations is looking at the current industrial relations system from a historical perspective. This will bring to light various environmental, political and economic factors that have led to the actors making the

choices they did, and highlight reasons why a current industrial relations system is structured the way it is.

Bean's (1994) approach to comparative industrial relations focuses on the actors (labour, business and the state) within the industrial relations system, as described by Dunlop's systems theory. This is different from the approach taken by van Ruysseveldt, Huiskamp and van Hoof (1995), which looks at industrial relations institutions and interest organizations and their impact on terms and conditions of employment. Wever and Turner (1995) and van Ruysseveldt et al (1995) look at comparative industrial relations in terms of the impact globalization and increasing international competitiveness has on the employment relationship and the industrial relations system.

In comparative industrial relations there is always the question of whether or not countries are or will become more similar or more different in terms of the industrial relations systems. From reading the works of Bean (1994), Wever and Turner (1995) and van Ruysseveldt et al (1995), one can see that there is no straight forward answer to this, as, on the one hand, certain industrial relations practices seem to develop across national boundaries as countries become more industrialized and developed, but, on the other hand, and even within national borders, one sees a disparate array of industrial relations practices across different industries, sectors and even companies.

This dissertation has looked at comparative industrial relations from a similar angle to that of van Ruysseveldt et al (1995), in that it has concentrated mostly on the institutions within the industrial relations system as well as the interest organizations within these industrial relations systems and their impact on the setting of terms and conditions of employment within the public service in these three countries.

1.4 STRUCTURE OF THE DISSERTATION

The dissertation is divided into seven sections. Section 2 discusses the way in which the research was gathered. Issues of validity and reliability are also considered.

Sections 3, 4 and 5 are detailed country reports of South Africa, Namibia and Botswana. In these sections, the empirical findings of the research are presented, as well as a critical analysis of employee relations and the concept of voice within these countries.

Section 6 is a synthesis and comparative analysis of the data presented in section 3, 4 and 5. The data is also placed within a broader theoretical framework of public service employee relations.

The dissertation ends in section 7 with a conclusion and summary and consolidation of the main findings of the research.

SECTION 2: METHOD

2.1 INTRODUCTION

This dissertation has been exploratory in nature, in that I wanted to become familiar with the basic facts regarding the setting of terms and conditions of employment in the public service and to ascertain how voice regulation functions in the public service, as well as formulating questions and ideas for future research. Neuman (2000:21) states that exploratory research seldomly provides definitive answers as it is primarily concerned with answering the question of “what is this social activity really about”. It is also very difficult research to do, as there are few guidelines to follow, as everything about a particular topic is potentially important.

There are several reason why it was decided to include South Africa, Namibia and Botswana in this study. Due to their close geographic proximity and their common membership of the SADC group of countries, it was thought that it would be informative to discover what similarities and/or differences may be found within the employee relations systems in the public services of these countries, and then to explore possible reasons for the differences that may be identified. Another reason why these three countries were chosen is that I had been involved in a study of bargaining councils in South Africa since 2002, in which I specifically focused on the public service. This study sparked interest in public service employee relations, especially as there is a dearth of studies in this area, not only in South Africa, but across Southern Africa too.

This section of the dissertation will highlight the way in which I conducted the research to gather the data for this project, as well as examining the issue of the reliability and validity of the data gathered.

2.2 METHOD OF COLLECTING THE DATA

Both primary and secondary data design were used during the data collection processes of this project. Primary data refers to data collected by the researcher him/herself, whilst secondary data refers to data that was in existence before the commencement of that particular research project (Babbi & Mouton, 2001:76).

2.2.1 SECONDARY DATA DESIGNS

The documentary method of data gathering was used in order to develop the framework of data in which to locate this study. In comparative industrial relations one must adopt a historical perspective, as the past shapes and informs the present. By looking at documentary data regarding the history of the countries under consideration, one is more able to understand the current context as one can see the “path of development” of certain practices and institutions.

To collect the secondary data, I searched various documentary sources prior to and throughout the duration of this project. The documentary data I accessed pertained to employee relations in general and public service employee relations internationally as well as with specific reference to the countries under consideration, as well as

information on the history and contemporary context of the countries involved. Some of examples of the sources I consulted include official government websites, annual reports, constitutions, relevant legislation, as well as other literature with relevance to this study.

The data presented in this study on Botswana is only drawn from this type of data design. Despite numerous efforts to attempt to gain access to people in Botswana, this has proved to be unsuccessful. This has an impact on the qualitative side of the information on Botswana, and it has meant that I have had to make many inferences from the documentary data without being able to verify these through interviews.

Some of the advantages of documentary research includes that the data is readily accessible in the form of electronic media, legislation, books, journals, etc., as well as the fact that one is able to cross reference various written texts with one another in attempt to verify the facts. Also, documentary data enables one to access a wide array of views and opinions on various phenomena, which one may not be able to access through interviews.

With this type of research there are always the problems of validity and reliability in that the writer of these sources could be biased in some way, or that statistics have been embellished, as well as relevant data having been omitted. In part, the interviews were intended control for this as the information gathered in the interviews could alert me to certain discrepancies in the documentary data, as well as, in certain cases, provide clarification of ambiguities that may exist in the documentary data. Conducting as wide a search as possible of relevant data in order to be able to create some general consensus of

what the true facts may actually be, also aids in reducing the impact of individual biases on the project as a whole. Another way of curbing the potential negative effects that this can have on the project as a whole is by knowing who the authors are and for what purposes that particular piece of information was recorded. This will inform one of the particular biases that the writer may have.

2.2.2 PRIMARY DATA DESIGNS

The primary data for this project was conducted through face-to-face interviews with various key informants within the public service of South Africa and Namibia (see appendix A for a profile of the interviewees). All the interviews were conducted in the offices of the interviewees. The interviewees were selected due to their direct involvement in the institutions of establishing terms and conditions of employment in the public service. Regarding interviews from the South African public service, data has been collected from 2002 as it is already from that time that I have been studying the South African public service. The people interviewed include representatives from the Department of Public Service and Administration, the Public Sector Coordinating Bargaining Council and sectoral councils, and various unions operating in the public service.

In Namibia, I was able interview representatives from the Public Service Commission, of which one is a member of the employer's negotiating team, and a representative of the Public Service Union of Namibia (PSUN). Despite repeated attempts via fax, email, telephone and personal visits to the National Public Workers Union (NAPWU) (the

politically aligned union that has a recognition agreement with the government to negotiate collectively), I was unable to secure an interview. The message I received from them was initially that I would have to talk to the general secretary, but when I did have contact with her, she would always have an excuse why we cannot schedule an appointment or talk at that time. I also tried approaching NAPWU through the politically affiliation federation of unions (National Union of Namibian Workers (NUNW)), where I was told to speak to the general secretary of NAPWU. Even with the reference from the general secretary of the NUNW, the general secretary of NAPWU still did not want to commit to an interview. I am not sure why the unions are so reluctant to participate in research, aside from speculating that they view outsiders with severe mistrust. The politically affiliated unions in Namibian have established their own “research wing” known as the Labour Resource and Research Institute (LaRRI). Perhaps the unions think that they do not stand to gain anything from participating in my project, as they already participate in research through LaRRI.

As mentioned previously, I was unable to conduct any interviews with respondents from Botswana. Through a fellow student (who is from Botswana), I discovered that I had to fill out an application form in order to get permission from the government to conduct research in the country. I completed the form and submitted it to the Botswana High Commission in Windhoek, Namibia. When I at first contacted the High Commission, I was told they had no feedback at that stage, and when I contacted the High Commission again, I was told they have no record of my application, which I then re-submitted, but still to no avail. I then went onto the official website of the Botswana government and

retrieved some telephone and fax numbers of the Directorate of Public Service Management. Both the fax number and the telephone number given on the website did not work, and a letter written to the postal address Gaborone was never answered. Furthermore, through my supervisors I received contact details of several people working in Botswana who could possibly have acted as gatekeepers to the correct people to interview. However, this also proved to be a dead end, as, though I managed to contact two people off this list and they both said they would help me, when I faxed through the information I needed, they never responded. When I called back to confirm that they had received the information, I was told they will call me when they have some information.

Some of the advantages of collecting data through interviews are that one is able to access qualitative data regarding a particular phenomenon. In other words, one is able to access how the actors within a system experience it and one can then also see how the practice differs from the rhetoric. During interviews, one is also able to probe the respondents answers, to get more information or to clarify ones understanding of what s/he has said. This method of data collection also has some disadvantages, which include that one may not always be able to gain access to the correct people to talk to, and that the respondent may attempt to “hoodwink” the researcher by cloaking the truth because of a personal agenda.

2.3 RELIABILITY AND VALIDITY OF THE DATA

There are various techniques one can use in order to enhance the validity and reliability of one's data. I have used certain of these in my project. I kept records as my research was progressing, with interviewee data and general ideas and concepts that have come up. This was done to see how the project was progressing, and to be able to make adjustments as certain new factors revealed themselves. In the case of South Africa and Namibia I have also used the technique of triangulation, where the researcher combines different research techniques to gather information from different perspectives (Babbi & Mouton, 2001:275-277). This I have done by using both documentary data and interviews.

Babbi and Mouton (2001:276) note that no matter how careful one is in ensuring the reliability, validity and objectivity in one's research project, this will never be completely possible. But as far as possible I have attempted to ensure that the information collected and reported in this dissertation is accurate, valid and reliable.

SECTION 3: COUNTRY REPORT – SOUTH AFRICA

3.1 HISTORY OF EMPLOYEE RELATIONS IN SOUTH AFRICA AND THE SOUTH AFRICAN PUBLIC SERVICE

Prior to the first democratic elections in South Africa in 1994, employee relations were characterized by severe racism and discrimination entrenched in the apartheid system. Prior to 1979, African employees were excluded from the definition of employee, and were therefore not covered by the protection afforded to white employees under labour legislation, i.e. the Industrial Conciliation Act of 1924. In the wake of widespread industrial and social protest in the 1970's, the Wiehahn Commission was appointed to investigate employee relations and make recommendations. The commission's recommendations included that African workers should be included in the definition of employee, and that Africans be allowed to join and form trade unions. As a result, the Industrial Conciliation Act was amended in 1979 to include all Africans (except foreigners). The Industrial Conciliation Act was further amended in 1981, and renamed the Labour Relations Act. This Act extended administrative controls to unregistered unions and abolished the dual system of employee relations by removing all references to race from the Act (Maree & Budlender, 1987:117-121).

In the 1980's unions spearheaded their fight for democracy with the African National Congress (ANC) and the South African Communist Party (SACP) and the liberation struggle was pushed forward. This culminated in the unbanning of the ANC and the SACP, and the signing of the Laboria Minute in 1990 between the Congress of South African Trade Unions (COSATU), other trade unions, the National Manpower

Commission and the Department of Manpower. The Laboria Minute contained a clause stating that no future legislation on the Labour Relations Act would be put into parliament until all major actors had been consulted. This opened the doors for tripartite consultations, which culminated in the 1991 Labour Relations Amendment Act, which was the first Act in parliament that was a product of trilateral negotiations between the state, labour and capital (Maree, 1993: 30). The emergence of engagement between the state, labour and business came part and parcel with the broader transition to democracy in South Africa.

Despite the above gains for private sector employees, public sector workers were continuously excluded from the ambit of labour legislation; despite the fact that the 1979 Wiehahn Commission recommended that government include the public service in the labour legislation (Patel, 2000:130). Employee relations in the public service prior to 1994 were characterized by centrally determined conditions of employment, racial biases and fragmentation. The Public Service Commission (PSC) was established in 1912 and it was the sole determinant of wages and conditions of employment in the public sector. Public servants were not permitted to join registered trade unions and nor was collective bargaining allowed. The National Party politicized the PSC in its efforts to make the public service the instrument to realize its apartheid policy. The public service was remodeled in the image of apartheid. Provisions and practices implemented at this time to entrench the positions of whites continue to plague the public service (Adler, 2000:8).

The Public Servants Association (PSA) was the first employees association to be established in the public service in 1922. It represented white, permanent civil servants. The PSA was permitted to engage in consultation through the Public Service Joint Advisory Body, which was established by the PSC. It was purely an advisory body with no real influence on decision-making (Patel, 2000: 129, Macun and Psoulis, 2000:95+96 and Adler, 2000:7). The apartheid state had fragmented the public service by dividing the country into 15 distinct administrations serving 11 “governments”, which included the 10 apartheid-era “independents states” and “self-governing territories”, which had their own laws and statutes regulating matters within their scope, including labour relations (Patel, 2000: 129, Macun & Psoulis, 2000: 95 and Adler, 2000:5). Until 1980, the PSA was the only employee’s organization recognized by the state, although there were others such as the Medical Association of South Africa. It was only in the late 1980s, when black unions within the public service combined their material interests with the widespread opposition to apartheid in mass protest, that the Commission of Administration (as the PSC was briefly known) granted recognition to the Public Service League, the Public Service Union and the Institute of Public Servants. These were all racially based staff associations. They were allowed access to the advisory body. However, they had no power to negotiate (Patel, 2000: 130, Macun and Psoulis, 2000:96 and Adler, 2000: 10).

In terms of employee relations theory, the pre-1994 employee relations system in the South African public service can be characterized as “paternalistic unitarism” (Adler, 2000:9). The Unitarist perspective is premised on the fact that there is one legitimate source of authority and one focus for loyalty, and that the interests of the ruled are

identical to the interest of the ruler. It then follows that any body seen to be challenging the authority of the leader, is seen as anathema to the system, and will not be tolerated. From this perspective there is no need for trade unions, as not only are they seen as an illegitimate interference into the authority of the leader, but it is felt that the interests of the employees are sufficiently catered for by the employer (Fox, 1969:391+395). And in fact this was the case for the white, professionally skilled public servants as the apartheid state catered for their needs in terms of higher salaries, better benefits and allowances and job security. As such, these employees and their staff associations “bought into” the Unitarist perspective, and did not challenge the authority of the state. This is what Finnemore (1999:176) refers to as “sophisticated paternalistic unitarism and union avoidance”, where many strategies are employed to avoid unions, and these include such things as higher salaries, better benefits, job security, etc.. However, the majority of public servants were disenfranchised Africans, whom the apartheid system actively discriminated against. In this sense, the Unitarist perspective as applicable to African employees took on a more despotic character, as in no way were they permitted to participate in the determination of their terms and conditions of employment, and there was no recognition of them as employees with interests and needs. This is different from the situation as described above for white public servants, whose needs and interests were actively protected by the apartheid government.

Together with the transformation to democracy in South Africa, the public service was also transformed. (Adler, 2000: 7). The newly elected democratic government had many problems it had to face in the transformation of the public service. These included a

fragmented legislative framework, an ineffective system for settling disputes, fragmented and ineffective bargaining systems, high levels of labour unrest, and a lack of workplace democracy (Patel, 1997:182). In 1993 the Public Service Labour Relations Act (PSLRA) and the Education Labour Relations Act (ELRA) came into being and provided for collective bargaining within the public service. Also, the Interim Constitution introduced a single public service for the country as a whole with a central administration and administration of the 9 newly created provincial governments. Another change that came about at this time was that labour relations within the public service were transferred from the PSC to the newly established office of the Minister for the Public Service and Administration (i.e. the Department of Public Service and Administration). In 1995, the Labour Relations Act (LRA) repealed the PSLRA and for the first time public servants were governed by the same labour legislation as the rest of the work force (Patel, 2000: 129+131, Macun and Psoulis, 2000:100 and Adler, 2000: 1).

The LRA of 1995 made provision for the establishment of the Public Service Coordinating Bargaining Council (PSCBC), sectoral councils and councils for provinces and departments (Patel, 2000:129). The PSCBC is the key bargaining structure for the public service. It is the largest bargaining Council in South Africa, covering about 15% of the entire workforce of South Africa and approximately 65% of public sector employment. It provides a forum for negotiating conditions of employment (e.g. salary scales) and other substantive issues that pertain to the public sector as a whole. However, it must include special provisions to take sectoral peculiarities into account. Currently there are four sectoral councils in the public service. Adler (2000: 33) states that the

existence of separate bargaining councils in the public service can be attributed to the conflict that accompanied democratization and that it is reinforced by the fact that historically the ministers in these areas have the legal authority to set wages and conditions of service.

3.2 THE UNIQUE NATURE OF EMPLOYEE RELATIONS IN THE PUBLIC SERVICE

3.2.1 The dual role of the state as employer and the government

The problematic nature of the dual role of the state is especially evident with regards to the negotiation of wages in the public service, as this deals with the budget of the entire country and it is therefore susceptible to the scrutiny of parliament. The states source of revenue is mostly through taxation, which means that government spending is subject to political and macroeconomic constraints. This is different from the private sector, where employers create revenue from the sale of goods and services by maintaining a competitive position in the market (Morris & Fredman, 1993:123). In South Africa, wage negotiations are constrained by the financial regulation prescribed by the Constitution Act 108 of 1996. The Act established a National Revenue Fund into which all monies received by government must be paid, and from which withdrawals may only be made by an appropriation by Act of Parliament. Therefore, collective bargaining over terms and conditions of employment are constrained by the constitutional executive authority of the President, through the Minister of Finance, to prepare the national budget for tabling and approval in parliament (Christie & Modise, 2000, 1990 and Adler, 2000:28). Parliament

can overturn an increase agreed to at negotiations by not voting the amount needed to effect the increase (Baskin, 2000:176)

The budget of the country is determined before negotiations in the public service start. There is no legal requirement that collective bargaining must be synchronized with the budgetary process. Rather, collective bargaining entails that the parties be amenable to listen to the other side and make concessions where needed (Christie & Modise, 2000). Many of the interviewees were of the opinion that the fact that the budget is determined before negotiations start, constrains the effective use of voice during collective bargaining. Mr. McKenzie from SADTU said that true participation entails that the government should listen to the needs of labour, and try to accommodate these needs. He went further to say that the current situation is *“they give the cake and say let’s cut it, but what should happen is that we should see how big we can make the cake”* (Interview, 2003).

3.2.2 Political influences

Many of the unions organizing in the public service are affiliated to the Congress of South African Trade Unions (COSATU) at the national level. Many commentators and interviewees are of the opinion that the ANC/SACP/COSATU alliance has a negative impact on collective bargaining within the public service, as the state sometimes bypasses the official channels to get an agreement with labour through the alliance. Many of the larger unions in the public service are COSATU affiliates, which mean that for the

government to get a majority agreement through the alliance is not a difficult task. Mr. Maitaitsane of NUPSAW stated that the problem with the alliance is that COSATU has no true workerist identity, as many of its leaders have political aspirations. He said that just as the government lobbies workers through the alliance to support certain government initiatives, so too COSATU could use the alliance to the benefit of workers. But this does not happen, as COSATU leaders have a different political agenda, which does not always consider the needs of workers (Interview, 2003). This political alliance also influences the shape of bargaining as the election of a democratic government has led to expectations of improved wages, and the presence of union leaders in Cabinet, Parliament and the PSC increased the expectations of labour further (Patel, 2000b:132). However, under the ANC led government, the politicized unions have come under increasing pressure to back the policies of their political ally (Adler, 2000:11). Indeed, many of the interviewees (COSATU affiliates) mentioned that they are also ANC members, and even though they do not always agree with the various policies it proposes, they remain loyal to the party. As Mr. McKenzie from SADTU said they have been involved in "*opposition politics*" for too long (Interview, 2003)

It is not only the political alliance of many of the trade unions in the public service that impedes on the ability of labour to negotiate with the government as a united front, but it is also the different political and ideological histories of the different unions that impact on the ability for unity and solidarity. Unions in the public service in South Africa can be divided in to two blocs. The first is comprised of the historically led staff associations, such as the PSA, and the second is comprised of the progressive unions, led by

NEHAWU (Patel, 2000a:131). The unions in the first bloc benefited from the apartheid system, as the government of the day catered solely for their members' needs. These are the mostly white staff associations formed in the apartheid era, whose members were mostly skilled professionals (e.g. PSA, HOSPERSA, and SAOU). These unions, therefore, view transformation of the public service through a different perspective from the unions who organize mostly black, non-professional public servants. The latter were sidelined and actively discriminated against in the apartheid era, and they stand the most to gain through democratic transformation of the public service. The unions in the latter bloc were at the forefront of the struggle to end apartheid, and they are the more militant and political unions (e.g. NEHAWU, SADTU). Patel (2000a:175) says that this multi-unionism is a barrier to the effective participation of labour as it renders workplace cooperation extremely difficult.

3.3 CONTEMPORARY EMPLOYEE RELATIONS AND THE EXERCISE OF VOICE

3.3.1 The structure of employee relations in the public service

The contemporary South African public service employs just over a million employees, making the government the single largest employer in the country. The total numbers of public servants have declined since 1995, with 1.27 million employees in 1995 (Patel, 1997:188), and only 1.1 million public servants in 1998 (Baskin, 2000:153). The South African public service is regarded as one of the best educated in the developing world. However, the government is also the largest employer of elementary workers (Makgetla, 2000:2). This shows the great extent of public sector employment, which is one of the

reasons why managing employee relations in this sector is so difficult. The large class divides because of the disparate professions within the public service (Makgetla, 2000:3), make negotiations and the creation of a uniform employee relations system in the public service a difficult task.

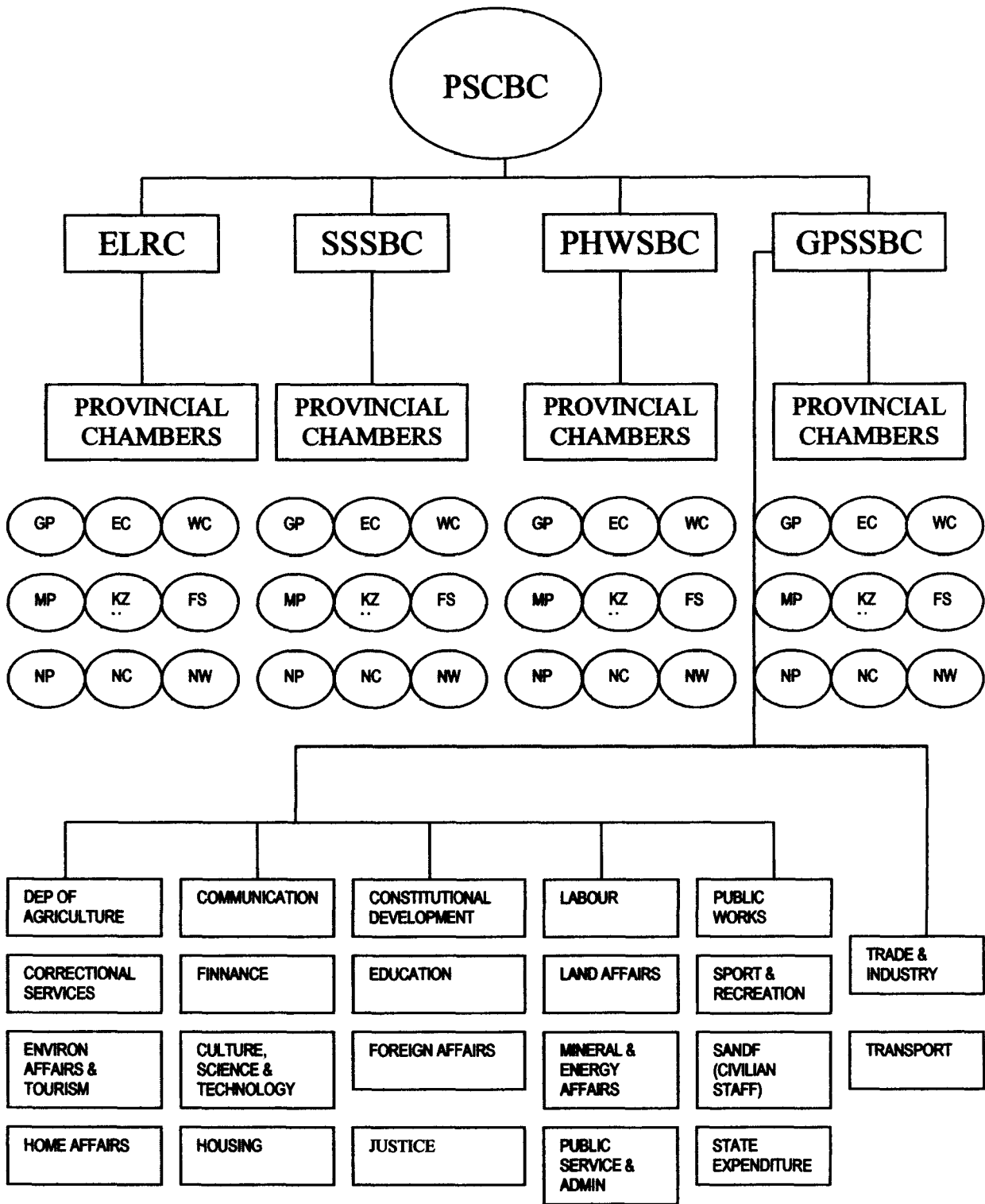
With the passing of the 1995 LRA, public servants were brought under the same labour legislation as the private sector. Section 36 of the LRA of 1995 makes provision for the establishment of a central coordinating bargaining council, known as the Public Service Coordinating Bargaining Council (see Figure 1 for the structure of collective bargaining in the South African public service). Section 37 provides for the establishment of sectoral councils, either designated by the PSCBC or the President, in consultation with the PSCBC. The sectoral councils currently established are the Education Labour Relations Council, the Public Health and Welfare Sectoral Bargaining Council, the Safety and Security Sectoral Bargaining Council and the General Public Service Sectoral Bargaining Council. The term “sectoral councils” is very misleading. This is due to the fact that only the PHWSBC is truly sectoral, as it covers national and provincial departments of Health and Social services, and other health and welfare professionals working in other departments. The ELRC and the SSSBC are delineated along departmental lines, covering the teachers employed in terms of the Educators Employment Act, and South African police service and Department of Safety and Security, respectively. The GPSSBC covers all other public service employees who are not covered by another sectoral council (PSCBC Annual Report, 2002 and PSCBC Draft Annual Report, 2003). Mr. Gilbert of the PSA and Ms. Huluman of the PSCBC (Interviews, 2003) are of the

opinion that this creates confusion in the public service, as it is not always clear under which sectoral council an employee falls, and it creates disparate working conditions within the same workplace.

Provincially, chambers have been established in the various sectors. However, not all the sectoral councils have established provincial chambers in all the provinces. The problem with establishing provincial chambers for the GPSSBC lies in the fact that the provincial chambers deal with issues that only affect a specific province and a specific employer. But as the GPSSBC covers a multitude of different departments, certain issues are not pertinent to certain departments, making it impossible to discuss many issues provincially. The second reason why provincial chambers have been established for all the sectoral councils in all the provinces is due to the existence of the Western Cape Bargaining Council. This council came into being with the introduction of the LRA, which had a transitional arrangement that all provincial chambers established in terms of the PSLRA will become fully-fledged bargaining councils. The PSCBC attempted to deregister all the departmental and provincial councils established under the PSLRA, but the WCBC and several unions disputed this move and took the PSCBC to court. The WCBC won the case. This has resulted in two resolutions awaiting approval at the PSCBC. The first aims to give the PSCBC the legal authority to deregister any council within the scope of the PSCBC, and the second revolves around the establishment of a provincial coordinating bargaining council, which is intended to cover all public servants within a specific province, and deal with issues that are transverse within that province.

The PSCBC deals with issues that are transverse in the public service, whilst the sectoral councils deal with issues pertaining just to that specific sector, and provincial chambers deal with issues affecting only that specific province and that specific employer. As each sector has its own specific needs and interests, resolutions reached at the PSCBC need to accommodate these interests and needs. This is done by concluding framework agreements, the details of which have to be worked out at the sectoral level. Decisions reached at the PSCBC are binding on the sectors, but the sectoral councils cannot bind the PSCBC, although they may make recommendations to the PSCBC. The parties represented at sectoral level are also represented at the PSCBC.

Figure 1: Intended structure of bargaining councils in the public service



The conventional model of public sector control is the bureaucracy, where managerial power derives from a distinct hierarchy of authority that is set in legislation. Organizational hierarchies, standardized work processes and the unilateral central determination of terms and conditions of employment characterize employment practices. The extension of labour legislation to South African public servants therefore had to be done in a way to accommodate this high degree of centralization and to adhere to the concept that the employer is one body (Adair & Albertyn, 2000:814+816). Therefore, the PSCBC was designated as the main bargaining forum for the public service, with the other councils subordinate to it. This appears to go counter to international trends of decentralizing bargaining in the wake of neo-liberal debates regarding what services the government should provide and alternate means of organizing the public service. However, public service transformation in South Africa has attempted to decentralize bargaining and to devolve power downward through the creation of the sectoral councils and the provincial chambers (Adair & Albertyn, 2000:819-820). Changes in the power of provincial chambers have occurred, as initially they had no authority to make binding decisions, yet now they do. However, the attempt at decentralizing bargaining has not rationalized the bargaining process; rather it has led to greater fragmentation in the bargaining process. The first reason for this is that due to the fact that sectoral councils are delineated along departmental and not sectoral lines, the same workplace may be covered by more than one council, which leads to disparate terms and conditions of employment in the same workplace, and uncertainty regarding which bargaining council covers which employee. The second reason for this that decentralization has not been done with a concomitant decentralization of managerial power. Local managers have

only been empowered to decide on human resources management issues (Adair & Albertyn, 2000:822). This state of affairs does not foster accountability or responsibility of management, and it also means that employees and trade unions can only participate meaningfully at the highest and most central level (Adler, 2000:35).

The employee relations system post-1994 in the South African public service can best be described as “Pluralistic”, where it is accepted that the different stakeholders have different interests from one another, and that these interests and objectives must be maintained in equilibrium. Employee relations become more complex from this perspective, as there are several loci of authority and loyalty, and each actor only holds partial allegiance to the ruling actor (Fox, 1969:398). From this perspective, unions play an important social role as they ensure that individual rights of freedom of association and the right to combine and exercise their voice is maintained, and combining collectively is seen as reducing the imbalance of power between the parties (Fox, 1969:393+397+140). Public servants have been given legal freedom of association, and the positive right to engage with the state in setting their terms and conditions of employment. This is an indication of the formal recognition of the differing interests between the employer and employees, and an apparent acknowledgement that collective bargaining is the best way of dealing with this conflict, and maintaining equilibrium in the system.

The LRA of 1995 also has elements of corporatism in it, most notably societal corporatism. In societal corporatism great efforts are expended to ensure consensus and

agreement to ensure stability in employee relations and in society at large, as all role players are involved in decision making (Swanepoel, 1999:10). Societal corporatism is based on the concept of democracy, and the relationship between the actors is institutionalized through tripartite structures. Conflict is seen as natural, and it is dealt with through centralized negotiations (Finnemore, 1999:12). Tripartite structures have been developed in South Africa, with the intention that the relevant stakeholders should be able to have a say in the development of policy and laws in the country. These will be discussed further in the section dealing with the exercise of voice by public service trade unions.

It is important to note that the employee relations perspective identifiable from the perspective of the employer (in this case the government), does not always parallel the perspective of the employees. In fact, many trade unions within the public service in South Africa appear to operate from a "Radical/Conflict perspective". This perspective is concerned with the distribution of power within the employee relations system, and is premised on the fact that there is a large disparity in power between the employer and the employees. Trade unions are seen as pivotal in attempting to balance this power, but this balance is never completely restored as the employer is always more powerful. Trade unions only mitigate the situation by enabling employees to challenge the employer on certain issues, but management is never challenged on the basic principles of the social and industrial life, such as private property, division of labour, etc. (Fox, 1977:141, 142-144). Collective bargaining is seen as an attempt by the employer to co-opt trade unions into the capitalist frame of reference, and it is seen as a façade, where management still

dictates the terms of engagement (Fox, 1977:144-145 and Swanepoel, 1999:9). Several of the interviewees noted that the government as employer is always put at a greater advantage in negotiations due to its dual role as the state. They state that collective bargaining is a farce, as the government decides the budget for increases before negotiations start, and they do not move above that position. It was also noted that the government as employer does not hold the interests of employees at heart, but rather that is guided by its macro-economic principles and its own transformative agenda. And because the government is also the state, it has the power to unilaterally implement its policies without having to negotiate with the unions.

3.3.2 The exercise of voice in the public service

Until 1993, public servants were not entitled to any form of collective bargaining, or any form of effective participation in the setting of terms and conditions of employment. The PSLRA of 1993 legislated collective bargaining for public servants, and this was the first time a formal channel for the exercise of voice by public servants was created. However, legislating a matter and implementing it are two separate issues, as the implementation is a much more complex task. As the terms and conditions of employment of public servants had been centrally determined up until that time, the employers negotiating team had no previous experience in bargaining, and they had no training in the matter either (Makgetla, 2000:3). Also, the negotiating parties did not have a history of engagement with one another, so norms of engagement had to be established. Another problem with negotiations between the state and labour in the public service is the existence of various

unions in the bargaining council, all with very different historical and ideological backgrounds.

As mentioned earlier, until the passing of the PSLRA of 1993, public servants were not permitted to form or join trade unions, nor were they legally permitted to go on strike. Despite this, between 1989 and 1993 the three biggest public sector unions (NEHAWU, SADTU and POPCRU) went on a wave of strikes, which eventually culminated in a new labour dispensation for public servants and the passing of the 1993 PSLRA, which saw core rights being extended to public servants for the first time (Adler, 2000:11 and Macun and Psoulis, 2000:99).

Even after the implementation of bargaining councils in the public service, the unions have continued to use strike action as a means of exercising their voice when they are in dispute with the government over wages and other terms and conditions of employment. For example, public service workers went on strike in 1998 due to a wage dispute. An agreement was never reached in this instance, as the government just unilaterally implemented its offer in September of that year (Adler, 2000:27).

Public service workers once again went on strike in September 2004, due to a wage dispute. At the time the strike began, the government offer was 6%, but the unions demanded 7% (Macmillan, 2004). 800 000 public servants went on strike on Thursday 16 September 2004 (Burger & Mapaza, 2004), including nurses, teachers, municipal

workers, police, immigration officials and police warders (Carstens, 2004). When the Minister of Public Service and Administration, Geraldine Fraser Moleketi, attempted to address the strikers in Pretoria, she was booed off the platform, amidst bottles, cans and fruit being flung at her (Burger & Mapaza, 2004). A crisis meeting was called by the PSCBC for Friday 17 September 2004, at which the parties were to attempt to reach an agreement, especially considering that several unions had threatened that they would continue the strike on the following Monday and Tuesday if the government did not revise their offer (Burger & Mapaza, 2004). At the crisis talk, the government offered a new deal of a further 1% increase over the next two years of the agreement (i.e. 0.5% in 2005 and 0.5% in 2006) (Seep, 2004). The agreement was eventually signed on 29 September 2004, which granted a 6.2% across the board increase and an increase of the CPIX plus 0.4% for the following two years. The government also committed R500 million to addressing the backlog of salary scales in education (Burger, 2004).

Hirschman (1970) uses the concepts of exit, voice and loyalty to describe the options that consumers of a service or employees have in responding to a drop in service delivery or conditions of employment. According to Hirschman (1970:24+32), exit and voice are both effective means of alerting management to the deteriorated state of affairs, provided that they occur within certain bounds, to allow management the time and opportunity to get things back on track. The option chosen depends on the relative costs involved, and a consideration of which option may result in a success. In the South African public service, employees have legally been given two avenues for the exercise of voice. The first is through legislated collective bargaining, and the second is through being given the

legal right to strike, albeit with certain reservations (e.g. essential service not being allowed to strike). Trade unions in the South African public service are in a good position to exercise the voice option. The first reason for this is that through the ANC/SACP/COSATU alliance, labour potentially has a direct link to government, which it can lobby in times when it is felt that the employer is acting in a way which disadvantages the employees. The second reason for this is that the unions in the South African public service have a relatively long history of engagement with the state as employer (about 10 years), and they have an even longer history of organizing and mobilizing employees. One could speculate that a major contributing factor to the exercise of voice, rather than exit, at a time of dispute, is that in a country with such large unemployment, exit is not a viable option. Exercising the voice option is by no means a “cheap” option, as strikers are not paid for the day they are on strike, and before the 2004 strike, it was estimated that the strike would cost the unions close to R2 million to hire busses, have posters and advertisements made, etc. (Macmillan, 2004). The use of the voice option in terms of strike action is not a straight forward issue in the public service, as the interviewees indicated that it is not always easy to get the support of the public for public service strikes, as they are the ones most adversely impacted on by the strike. The union representatives all said that their demands are always played up against the demands of the public for increased service delivery.

As mentioned in the previous section, the LRA of 1995 contains corporatist elements in that it espouses broad participation in policy formulation. One of the forums on which trade unions may have a say in policy formulation is Nedlac, at which all policy

proposals are discussed before being passed through parliament. Mr. Z, a DPSA representative, stated that when it comes to policy formulation, the employer party always takes the lead, especially with regards to technical matters as the unions do not have the capacity to engage on these matters (Interview, 2004). Mr. X, also a DPSA representative, added that it is due to capacity constraints that the unions prefer to engage on a central level, as they do not have enough resources to participate at the local level (Interview, 2004). Mr. Maitatsane from NUPSAW also said that the unions prefer centralized negotiations due to capacity constraints (Interview, 2003). Several interviewees commented on the fact that the avenues for consultation are in place, but that the government does not always follow the correct channels when implementing a proposal. The interviewees state that the government is not always forthcoming with information, and the first time the unions hear about a matter is when it is already at parliament. They say that this means that participation is not always meaningful, as the impact they as labour can have at such a late stage is merely to attempt to limit the damage to their members, without being able to really influence the outcome.

The Medium Term Expenditure Framework (MTEF) is an attempt to make the budgetary process more responsive to the interests of labour. It is a three year projection of the government's budget, and it includes mechanisms for the participation of the public in the formulation of the budget. Participation is only of a very limited nature, as the state maintains executive authority (Adler, 2000:31). Adler (2000:31) states that labour's participation on the MTEF is problematic for the unions, as effective participation requires that the unions formulate an initial negotiating position a year in advance, and

that the unions must develop their economic research capacity and their capacity to engage with the government in an effective and sophisticated manner. At the 2001 Public Service Job Summit a framework agreement was reached which was intended to improve participation in the budgetary process. The government, as employer, agreed to the following: use of existing structures and processes to engage on the budget, including Nedlac; full and open discussion of proposals that effect employees; a budgeting process that is more sensitive to employment; and scheduling that PSCBC bargaining takes place at a time in the MTEF cycle where it can impact on the drafting of the budget (PSCBC Annual Report, 2001).

SECTION 4: COUNTRY REPORT – NAMIBIA

4.1 HISTORY OF EMPLOYEE RELATIONS IN NAMIBIA AND THE NAMIBIAN PUBLIC SERVICE

What is known as Namibia today was declared a German Protectorate in 1884, and was called German South West Africa. In the late 1890's and early 1900's there were tribal rebellions against the Germans, but due to the superior military power of the Germans, these rebellions were soon quashed, and virtually all tribal lands were confiscated, pass laws enforced, tribal chieftainships prohibited, ownership of large amounts of livestock forbidden and Africans forced into labour (van Rooyen, 1996:4). German colonizers had put in a system of migrant labour and exploitation in Namibia by as early as the 1900's. The Germans needed a highly controlled and docile labour force in order to work on mines, settler farms and to build the transport infrastructure. At that time, the Germans declared two thirds of the country as a "Police Zone", which meant that black people from the "Native Reserve" could only enter it with a special permit, similar to the South African pass laws (Bauer, 1997:55).

After the First World War, South West Africa was put under the tutelage of the Union of South Africa, which meant that South Africa had full legal authority over the territory (van Rooyen, 1996:5). Up to independence in 1990, Namibia was treated as a subsidiary of South Africa, with the same repressive and racist system of rules present as in South Africa. From the 1950's racism became institutionalized through the consolidation of apartheid capitalism in Namibia. Black people were exploited economically and socially through the system of apartheid political control (Klerck, Murray & Sycholt, 1997:8,

5:6). Black employees, in general, were not permitted to form or join trade unions. Under South African rule, black employee relations were regulated mainly by the Masters and Servants Proclamation of 1916, which was repealed by the Masters and Servants Act of 1918, which was repealed by the Masters and Servants Proclamation of 1920. To a large degree the Proclamation mimicked labour relations under German rule, but it removed acts of physical punishment as legally permissible in cases of transgressions. Without making specific mention of trade unions the 1920 Proclamation made employees guilty of an offence for various matters relating to trade unionism. The 1920 Proclamation was also the first attempt at regulating collective employee relations by, for example, allowing consultations with the view of concluding a collective agreement (van Rooyen, 1996:133-137). Other than the Masters and Servants Proclamation, several other proclamations and ordinances were passed which were aimed at regulating the economic and social life of black people in Namibia (van Rooyen, 1996:137-141).

From 1952 until 1992 all employees in Namibia (except farm workers, domestic workers and public servants), were covered by the Wages and Industrial Conciliation Ordinance of 1952. The 1952 Ordinance made provision for the establishment of trade unions. However, black workers were excluded from the sections pertaining to trade unions, dispute resolution and strikes (Bauer, 1997:68 and van Rooyen, 1996:154). It was only from 1978 that black workers were able to legally organize themselves, even though it was only in the mid-1980's that actual unions emerged to represent black workers (Bauer, 1997:73 and van Rooyen, 1996:154). As such, labour relations in Namibia had a dualistic character, with better terms and conditions of employment for white employees.

Despite early efforts to organize workers in Namibia in the early to mid-1900's, it was only in the mid-1980's, with the establishment of the National Union of Namibian Workers by SWAPO activists and combatants imprisoned on Robben Island, that real organisation of Namibian workers started (Bauer, 1998:72, Bauer, 1997:61). In 1959 the Ovamboland People's Organisation was established, which was meant to address the concerns of African workers. However, it was transformed into the South West Africa People's Organisation (SWAPO) in 1960, which was no longer a worker movement, but a nationalist movement aimed at political liberation (Bauer, 1997:61, van Rooyen, 1996:6).

Up until the passing of the Labour Act of 1992, public servants were excluded from all labour legislation. This meant that public servants were not permitted to be organised, participate in the setting of terms and conditions of employment, or legally participate in industrial action. The literature is very quiet on public sector employee relations in Namibia prior to independence. One can make the assumption, however, that the practice of employee relations in the Namibian public service mimicked to a large extent the practice of employee relations in the South African public service. This would mean that terms and conditions of employment were centrally determined, without any form of employee participation being allowed. As in South Africa in the time before independence, the dominant employee relations perspective identifiable is the Unitarist perspective.

4.2 THE UNIQUE NATURE OF EMPLOYEE RELATIONS IN THE PUBLIC SERVICE

4.2.1 The dual role of the state as employer and the government

The democratically elected SWAPO government had made commitments to ex-combatants who had fought during the liberation struggle. After independence, these ex-combatants have flooded in to the country, seeking employment. The Cabinet of Namibia decided to offer these people jobs in government. Many Ministries have refused to create additional positions for ex-combatants, but others have employed many ex-combatants (J Brandt, Interview, 2004). This is an example how the state uses this dual role to further its own political goals.

Another way in which the state uses its dual role of employer and government in dealing with public service employees is through the political alliance. The government is reluctant to consult with the non-politically aligned unions, as it does not have the same sort of political control and influence over them as it does over the politically affiliated unions. In terms of the Labour Act of 1992, an employer does not have to engage in any form of consultation with a union that has not applied for recognition as an exclusive bargaining agent, which a union can only do if it has majority membership. In the mid-1990s there was a dispute between NAPWU and the PSUN regarding who had majority representation. A ballot was held, where it was decided that NAPWU had the majority. Several commentators, as well as Mr. Jatamunua from the PSUN, said that the result of this ballot was not accurate, as several employees are members of both the PSUN and NAPWU. Mr. Jatamunua added that the ballot was very politicized, and the SWAPO

party drew on the sympathies of loyal SWAPO followers to become members of NAPWU. This was done so that the government could ensure that it would negotiate with its political ally (Interview, 2005).

4.2.2 Political influences

The labour movement in Namibia remains weak. The main reason for this is that the labour movement was established as part of an externally based nationalist movement, without any indigenous, grassroots worker identity. In most other African countries, the union movement spawned the broader political movement. But in Namibia, SWAPO was the main driving force behind the establishment of the union movement within the NUNW group of unions. The labour movement in Namibia fell within the broader liberation struggle led by SWAPO, and in many instances the struggle of labour was subordinate to the broader political struggle (Bauer, 1997:61&71). The grievances of workers were used by the trade unionists and the nationalist movement to mobilize the population to further the interests of the liberation movement (Bauer, 1998:81). Indeed, the difference between the political party and the trade union has been blurred since the inception of the NUNW. For example, many workers channeled their grievances through the SWAPO office (Bauer, 1998:76), and SWAPO has also tasked the unions with mobilizing workers during SWAPO electoral campaigns (Bauer, 1998:9). In the 1992 local and regional elections, the NUNW general secretary pledged that all NUNW affiliated union members would vote SWAPO (Bauer, 1998:113). This has made these unions reluctant to work independently of SWAPO, and has made SWAPO reluctant to encourage a strong and independent labour movement (Bauer, 1998:94). In the 1980's

there were efforts to link the liberation struggle to the struggle against capitalist exploitation, but the predominant ideology of SWAPO remained that of national liberation. There was only a very limited class consciousness amongst union members and leaders alike, which allowed SWAPO to introduce a capitalist order without much resistance from labour (Jauch, 2002:31).

Prior to independence, the SWAPO party's electoral campaign put the interests of workers at the top of SWAPO's agenda, stating that a new labour dispensation was their first priority (Bauer, 1998:74). However, these socialist ideals were left behind soon after the new government came into power. Although the conditions for organized workers have improved considerably with the passing of the Labour Act of 1992, the government has been hard pressed to balance the interests of workers and the (mostly white) wealth generating capitalist class. The government has attempted to promote peace and stability in order to attract foreign investment. To some extent this has been done by keeping a close rein on the NUNW affiliated unions through, for example, taking union leaders into government positions and actively discouraging disaffiliation (Bauer, 1998:9&117 and Murray & Wood, 1997:191). Despite the fact that many of the policies of the new government are not "labour friendly", and the fact that there still exists a high degree of socio-economic inequality in Namibia, most of the NUNW affiliated unions still have a high level of emotional attachment to SWAPO, who they see as the "*mother of independence*" (Jauch, 2002:31), and they continue to argue that it is only through continued affiliation with SWAPO that they stand any chance of achieving the reforms they are striving for (Jauch, 2002:32).

This close link between the NUNW and SWAPO has not only created conflict between NUNW unions and the non-politically aligned unions, but it has also caused conflict within the NUNW, and between the NUNW and SWAPO. Several people within the NUNW have opposed the continued affiliation with SWAPO, stating that affiliation hampers the unions from developing their own identity and this prevents them from effectively serving the needs of their members (Murray & Wood, 1997:189). In addition, the political link discourages non-SWAPO supporters from joining NUNW affiliated unions (Bauer, 1998:110 and Murray & Wood, 1997:190). Those favouring affiliation state that it is of strategic importance to the NUNW as it ensures that the federation is able to have an impact on decision-making. But in reality, NUNW delegates on the SWAPO Central Committee are in the minority and do not really have much impact. The pro-affiliation bloc also argues that disaffiliation would lead to greater fragmentation in the labour movement (Murray & Wood, 1997:191). Mr. Simataa, from the PSC, is of the opinion that the affiliation has contributed to sound labour relations in Namibia. He does, however, concede that this may be due to the fact that unions are stifled by the affiliation (Interview, 2004).

4.3 CONTEMPORARY EMPLOYEE RELATIONS AND THE EXERCISE OF VOICE

4.3.1 The structure of employee relations in the public service

The Public Service Act 13 of 1995 does not expressly define what the public service is, other than stating in Section 3(1) that for the purposes of administration, the public

service is divided into Offices, Ministries and Agencies, and then listing these in schedules 1 to 3 of the Act. Section 4 of the Act states *“the Public Service shall consist of all such persons as may be employed permanently or temporarily on a full-time or part-time basis or under a special contract or under any contract of employment contemplated in S34(1)(a)”*. Section 34 (1)(a) deals with the Prime Minister regulating employment conditions, including contracts of employment.

At independence, the Namibian public service had 46 651 posts, of which 42 562 were filled in March 1990. As in South Africa, the public service was fragmented along racial and ethnic lines, which necessitated immediate restructuring. This meant the immediate creation of 15 000 posts and thousands more over the following years. A major reason why the public service swelled so much immediately after independence is because prior to independence, Namibia did not have its own police force or military. This was dealt with by South Africa (Interview, Mr. Brandt, 2004) In 1991, the public service had 67 000 posts, and in 1995 there were 73 000 posts (Ministry of Labour, June 1997:48). In 2004, the public service employed 76 373 people, of which 28 921 were employed in the police service (11 839), the military (15 276), political office bearers and other office bearers (261), and the electoral commission (19). This means that in 2004, there were 47 452 public servants (Public Service Commission of Namibia Annual Report, 2003:47). This has lead to the perception that the Namibian public service is bloated and oversized (Sycholt & Klerck, 1997:109). Despite the growth in the public service, standards of service delivery have fallen. Mr. Brandt from the Public Service Commission attributes this to the fact that management in the public service does not look at productivity. He

said that their solution to a service delivery problem up until this point has just been to appoint additional people (Interview, 2004).

The National Development Plan 1 suggested that the government should re-look its role and function as a basic service provider, and allow the private sector to play a larger role in service delivery. These suggestions were reiterated in the Wages and Salaries Commission (WASCOM) report of 1995, which further recommended the commercialization of certain services (e.g. Namwater, Airports Company, Namibia Wildlife Resorts), and the report recommended the privatization of certain parastatals. The report went further to recommend the contracting out of cleaning, security and gardening. The report did not receive immediate attention, but the Efficiency and Charter Unit was established, with the mandate to develop an outsourcing policy and to implement WASCOM's recommendations. As such, the Efficiency and Charter Unit embarked on an exercise to scrutinize all Offices/Ministries/Agencies, by tasking them to divide themselves into core and non-core functions (Labour and Research Institute, 2000:32-34). Although there was a freeze on all new appointments in the public service since 1992, this was not effective in streamlining the public service. Generally, the Public Service Commission must approve all new appointments, but this does not apply to entry-level positions. This has led to an increase in employment of the general and admin positions, with a continual lack of skilled professionals (Ministry of Labour, June 1997:49).

The Labour Act of 1992 has legislated collective bargaining for all sectors in Namibia, including the public service. A union may apply for recognition as an “exclusive bargaining agent” if it has the majority membership in that sector. What recognition means is that the union is entitled to engage in collective bargaining with the employer (Corbet, 1995: (A)N3). In principle, the same applies to the public service. However, the actual practice of collective bargaining in the public service is more difficult than in the private sector. The problem with collective bargaining and employee relations in general, in the public service in Namibia is that the Prime Minister, through the Public Service Act of 1995, maintains a lot of power to unilaterally decide on various terms and conditions of employment for public servants. Another problem is that bargaining units in the public service are poorly defined, and it is not clear who should fall within the bargaining unit. The details of the ability of unions to exercise voice will be discussed in the next section.

The rhetoric behind employee relations in the public service of Namibia, in terms of the Labour Act of 1992, can be construed to fall within the “Pluralist” perspective of employee relations, as there is the institutionalized recognition that there is a conflict of interest between employers and employees and collective bargaining has been legislated in an attempt to regulate this conflict. However, the actual practice of employee relations in the public service follows more Unitarist lines, as the underlying assumption of the Public Service Act of 1995 is that the Prime Minister, as the employer of the public service, has the right to, and is able to decide on various matters affecting the

employment of public servants. As such, employee relations in the Namibian public service has maintained a very centralized character.

Discussing employee relations in Namibia is in many respects inseparable from discussing the issue of the political affiliation between the NUNW and SWAPO. The details of this affiliation has already been discussed in the previous section. For current purposes, it is sufficient to state that SWAPO uses this political alliance to subdue the labour movement, and often comes out in direct criticism of unions. For example, newly elected President Pohamba came out strongly against unions in his May Day speeches in 2005, criticizing unions for their stance towards business, and calling for greater productivity. As such, Namibia shows characteristics of state corporatism in its approach to employee relations. Finnemore (1999:15) states that state corporatism is common in developing countries where the labour movements played a pivotal role in the liberation struggle, but are expected to merge their interests with the ruling party after independence. This is indeed the case in Namibia, where the government has attempted to keep a tight rein on labour through the continued political affiliation between the NUNW and SWAPO. SWAPO has actively discouraged disaffiliation, and has called on workers and unions to support the development policies of the government. However, up until this point the more extreme elements of state corporatism (e.g. harassment and incarceration of trade union leaders) have not been present in Namibia (Sycholdt & Klerck, 1997:100).

4.3.2 The exercise of voice in the public service

The Labour Act of 1992 brought public servants under the same legislation as private sector employees, excluding the police and defense forces (Corbet, 1995: (A)N1 and Sycholt & Klerck, 1997:109). It was only then that public sector workers could join trade unions (Murray and Wood, 1997:169). Four unions organize public sector employees: Public Service Union of Namibia (PSUN), Namibia Public Workers Union (NAPWU), Namibian National Teachers Union (NANTU) and Teachers Union of Namibia (TUN). NAPWU was established in 1987, and is affiliated to the NUNW. The PSUN grew out of the Government Service Staff Association, which was established in 1981. NAPWU has the majority in the public service, which means that it is eligible for collective bargaining rights (Murray & Wood, 1997:173). NANTU and TUN represent teachers. NANTU was established as an alternative to the National Teachers Federation, at a time when many teachers felt that the NTF was collaborating with the apartheid state. The NTF consisted of various ethnically defined associations to which all teachers were obliged to belong. NANTU was established in 1989 from several associations breaking away from the NTF. The TUN was established in 1990 from the associations that did not dissolve before independence. NANTU holds the majority in the teaching profession and has concluded a recognition agreement with the Office of the Prime Minister (Murray & Wood, 1997:173-174).

The Labour Act of 1992 and the Public Service Act of 1995 regulate collective bargaining in the public service. In terms of the Labour Act of 1992, a registered union is

eligible for recognition as an “exclusive bargaining agent” and hence be entitled to enter into collective bargaining agreements (Corbet, 1995: (A)N3). Despite this, few unions in the public service have applied for recognition as an “exclusive bargaining agent”, and the government has retained unilateral control over a number of key issues. The agenda for collective bargaining in the public service in Namibia is severely restricted by Section 5 of the Public Service Act. This section gives the Prime Minister the power to unilaterally decide on a wide range of issues (Murray, Sycholt & Kampungu, 1997:146&162). Collective bargaining is further hampered by the fact that there is no clear distinction between employers and employees in the public service. This has repercussions for how bargaining units are defined and who should be negotiated for (Sycholt & Klerck, 1997:112-113). Mr. Simataa, a member of the employer’s negotiating team said that the bargaining unit is not well defined, and this has led to the fact that ministers, politicians and management are also being negotiated for. He said that government officials on the government’s negotiating team cannot negotiate for themselves, and that is why management should be removed from the bargaining unit (Interview, 2004)

The recognition agreement between the government as the employer and NAPWU regulates the bargaining relationship. The bargaining unit is defined as “*the Public Service staff members excluding those in the bargaining unit of NANTU, members of the National Security Intelligence Agency as well as members of the services as defined in the Labour Act of 1992*”. The scope of what may be negotiated on is quite extensive, as per the recognition agreement, including such matters as rates of pay, procedures for

promotions, transfers and discharges, housing, leave and leave pay, hours of work, etc. (Recognition Agreement between the Government of the Republic of Namibia (GRN) and the Namibia Public Workers Union (NAPWU), signed in July 1997). Negotiations between NAPWU and the government occur annually, but the previous agreement reached covered a 3 year period, and the next negotiations are to only occur in 2006 (Simataa, Interview 2004). Mr. Simataa said that the fact that the array of topics that may be negotiated about is so extensive, it means that the employer cannot “*do anything*” without the involvement of the union. He continued to say that the union is unreasonable at times, and makes an issue out of everything, even when the proposal would actually benefit the employees (Interview, 2004).

As mentioned earlier, it is only NAPWU that negotiates with the employer regarding terms and conditions of employment, as it is the only union (aside from NANTU) that has applied for recognition as an exclusive bargaining agent. Mr. Jatamunua from the PSUN stated that due to the “*competitive atmosphere*” between the unions prevents them from acting as a united front during negotiations with the employer. He said that ideally NAPWU and the PSUN would consult with one another prior to negotiations to ensure that interest of all public servants are catered for. He added that the PSUN has suggested that a negotiating chamber be developed, where labours representation is based on its membership weight. He said that this proposal was turned down. The reason for this, according to Mr. Jatamunua, is that the government does not want to negotiate with a non-politically aligned union. He said that the alliance between NAPWU and the

SWAPO party means that both parties are reluctant to bring in outsiders (Interview, 2005).

Mr. Jatamunua said that outside of the annual negotiations between the government and NAPWU, the PSUN can approach the government or a specific department to discuss certain conditions of employment of its members. He cited the example of a recent issue of overtime for prison workers. He added, however, that the government seldomly concedes to these matters during consultation, as he thinks the government does not want to be seen to have “*given in to*” the “*opposition*”. As such, these sorts of matters always end up in the Labour Court, which is a very expensive and time-consuming way of dealing with disputes (Interview, 2005).

The first time trade unions in Namibia were able to participate with the government on policy formulation was in 1987 in the Commission of Enquiry into Labour Matters, headed by Professor Wiehahn (Murray & Wood, 1997:193). This enquiry led to the eventual drafting of the Labour Act of 1992. The new SWAPO led government has committed itself to social partnership by establishing various tripartite structures through the Labour Act of 1992 (Murray & Wood, 1997:194 and Bauer, 1998:107). One of these structures is the Labour Advisory Council, which advises the Minister on various matters pertaining to labour. The NUNW, however, has criticized the fact that only two of the four labour seats have been given to the NUNW, reserving the other two for “minority unions” (Murray & Wood, 1997:194 and Murray, Sycholt & Kampungu, 1997:173), as well as criticizing the fact that the LAC is merely an advisory body, with the Minister or

Cabinet still being able to make the final decision (Murray & Wood, 1997:194). Mr. Jatamunua from the PSUN stated important legislative matters are discussed at the LAC, and he is of the opinion that labour actually does have an influence of policies that are discussed at the LAC. He added that the government also consults unions individually on various policy issues that may have an impact on the members of the union (Interview, 2004).

The establishment of a wages commission is another tripartite structure developed by the Labour Act of 1992, where a representative from a registered trade union and a registered employer's organisation in the affected sector may make submissions to the commission regarding wages in a particular sector. However, with the establishment of WASCOM in the public sector, no union representatives were involved (Murray & Wood, 1997:196-195).

Tripartite structures in Namibia have been formed at the initiative of the government, which makes the government able to determine the form of participation on these structures (Sycholdt & Klerck, 1997:98 and Jauch, 2002:32). Despite the rhetoric espoused by the government regarding participation, labour is often times marginalized, especially with regards to issues pertaining to macro-economic planning and socio-economic restructuring (Murray & Wood, 1997:195 and Murray, Sycholdt and Kampungu, 1997:175).

It is not only the fact that the government often marginalizes unions that impedes the ability of unions to participate effectively at the various tripartite structures, but it is also internal union capacity problems that hinder participation. The unions only have a very rudimentary research capacity (Bauer, 1998:117). In order to be able to participate effectively, the unions will have to develop their capacity to research socio-economic policy issues, as well as to educate union leaders on social, economic, and political issues (Jauch, 2002:35). The unions are also faced with serious problems in their leadership, as many of the most experienced leaders have taken up positions in government or the private sector. The Namibian unions are also not financially self reliant, as they continue to rely on foreign donors (Bauer, 1998:117-118).

SECTION 5: COUNTRY REPORT – BOTSWANA

5.1 HISTORY OF EMPLOYEE RELATIONS IN BOTSWANA AND THE BOTSWANA PUBLIC SERVICE

Botswana, or the Bechuanaland Protectorate, became a British protectorate in September 1885 (Picard, 1987:27 and Samatar, 1999:43). At the time of Britain declaring a formal protectorate over the area, there were no plans of the territory ever becoming an independent state. Rather, the plan was to incorporate Bechuanaland into South Africa (Picard, 1987:47 and Samatar, 1999:44). This was especially so as the country was seen as not holding much mineral wealth to exploit (Dale, 1995:127). As such, very few imperial resources were allocated to the Protectorate (Dale, 1995:133), which led to a dearth of social welfare problems in the country. For example, until 1964 the school curriculum followed the South African separatist system. For black scholars, schooling was limited to primary school. A curriculum for South African university matric was only introduced in 1954, and the first government secondary school was only built in 1965. Prior to 1965, there were 2 protectorate schools where black students could obtain a post-junior certificate, but aside from that, students had to attend high school in South Africa, but few could afford it. Tertiary education was limited to UNISA until the establishment of the University of Botswana in 1981 (Dale, 1995:66). In 1960, only 8 Batswana were university students, and in that year there were no Batswana matriculants. By 1970, there was only about 165 Batswana matriculating per year. This lack of an educational infrastructure meant that Botswana was heavily reliant on outsiders for skilled workers, such as lawyers, doctors, nurses, etc. (Dale, 1995:66+70-74 and Picard, 1987:85). This problem persisted after independence, which led the government to send many students

outside the region for specialized training, as well as offering very attractive packages to foreign experts (Dale, 1995:74-78). Specifically within the public service, the majority of jobs were held by expatriates at independence, a situation which remained unchanged for many years. Many countries affiliated with the UN assisted in training Batswana public servants (Dale, 1995:95).

Prior to independence, Botswana received aid from South Africa, probably due to the fact that Botswana was to be transferred to South Africa (Dale, 1995:134). When talks of Botswana becoming independent started, South Africa withdrew aid, and Britain finally started developing the Botswana infrastructure and economic planning was institutionalized (Dale, 1995:134 and Picard, 1987:98). After independence, Botswana became reliant on foreign aid donors, such as Sweden, Germany and the United States, who, in turn, were attracted to Botswana due to its fine planning and fiscal probity and its democratic, multi-party, non-racial government (Dale, 1995:135).

From as early as 1844 Botswana was exporting unskilled labour to South African mines, farms and industry (Picard, 1987:27 and Dale, 1995:139), whilst having to import skilled labour from South Africa. In 1886, 28244 Batswana were working in South Africa. The reason for this is that Botswana mining was too small to create enough jobs, and Botswana's manufacturing sector had also been very small (Dale, 1995:139-140). It became virtually essential for Batswana men to migrate to find employment in 1899 with the imposition of the Hut Tax (Dale, 1995:143 and Picard, 1987:111). As mentioned earlier, Britain did not want to invest money in Botswana due to the plans to transfer it to

South Africa. However, the chiefs in Botswana did not want the transfer to occur, so they petitioned Britain to not transfer Botswana, which led to Britain putting the issue of transfer on hold. In return for this, the chief's had to impose a Hut Tax, of which 10% went to the chief (Samatar, 1999:44-45 and Mogalakwe, 1997:27). Aside from the Hut Tax, about 46% of migrant workers' earnings were returned directly or indirectly to Botswana (Dale, 1995:144). Although it was financially lucrative to work in South Africa, migrant labour decreased the agricultural manpower in Botswana, and weakened traditional practices and customs (Dale, 1995:145). Migrant labour led to a growth in private property and commercialization of what had previously been collective property (i.e. cattle, labour and land). This gradually dissolved traditional bonds in Botswana (Samatar, 1999:52). Migration to South Africa declined since 1976 due to a move to more capital intensive industry in South Africa and pressure on South African company's to employ local black workers, which made transporting workers from Botswana a less attractive option (Dale, 1995:148).

During the colonial era, there was no real attempt at regulating employment relations in Botswana by the colonial government, as Botswana was to merely act as a labour reserve for South Africa, and there were few employment opportunities available in Botswana (Takirambudde & Molokomme, 1995: (A)B1).

After independence, Botswana received a lot of attention due to its free and open elections, its policy of non-racialism and its rapid economic success. The state and political institutions took a leading role in infrastructural and economic development. In

1965 Botswana's economic difficulties were labeled as chronic. Cattle in the country was of a poor grade, and agricultural land only yielded a crop every 3 years due to drought. But in 1980, the World Bank called Botswana the best economic performer in Africa since 1970. Since independence, roads, education, health and water provision had improved dramatically, which led to an increase in the standard of living of Botswana (Picard, 1987:2 and Samatar, 1999:3). Formal employment in Botswana grew from 25 000 in 1973, to 224 000 in 1992 (Samatar, 1999:3).

During the time of colonial rule, there was no real political party in Botswana, with only after the 1960's a political party being established (Picard, 1987:123 and Samatar, 1999:54). Traditional rulers maintained control of their tribes as the colonial authorities encouraged a non-political social order and relied heavily on chiefs to administer colonial policies (Samatar, 1999:40). This legacy continued to influence policy making and political control after independence, especially considering that one can draw parallels between the current political elites and pre-colonial traditional leaders (Picard, 1987:11+13+147).

The post colonial government was constrained in its choice of economic development policy due to the total neglect of the colonial rulers and the fact that, at independence, there was no strong, indigenous capitalist class. As such, the state assumed total control of economic and social development (Picard, 1987:13-14 and Takirambudde & Molokomme, 1995: (A)B2), which is evidenced by the fact that there was a 50% increase in posts in the public service between 1967 and 1969. The fact that the government took

complete control over development of the country is illustrated by the fact that from 1972 to 1990, the government had a regulation in place that private sector wages and salaries were not permitted to exceed that of the public sector. To this end, the government established the Wages' Policy Committee, which received proposals for increases in wages in the public, private and parastatal sectors (Mogalakwe, Molatlhegi & Otlhogile, 1997:81, Takirambudde & Molokomme, 1995: (A)B2. This incomes policy of government was geared towards job creation and development through wage restraint, and it greatly circumscribed employee relations in terms of collective bargaining, as it had to fit in with the framework of the incomes policy (Takirambudde & Molokomme, 1995: (A)B3). The development path chosen by the post-colonial government stressed capital accumulation by the private sector, and this required that the government develop mechanisms in order to ensure that this is possible, and this was done by controlling the working class (Mogalakwe, 1997:29).

Before World War II, Africans only held menial clerical positions within the public service, and the lowest levels of the police force. After the war, Africans started demanding more advancement opportunities within the public service. The first African district officer was appointed in 1951, and the next appointment was only made on 1959. Throughout the 1950's it was assumed that expatriates were needed to ensure efficiency in the public service. As such, a more attractive pay structure was offered to expatriates than to local Batswana. Despite demands from Batswana to receive equal pay for equal work and for opportunities for advancement, colonial administrators argued that giving Batswana equal pay would just widen the gap between rural peasants and African

bureaucrats, and opening up posts to Africans would lower efficiency (Picard, 1987:82-84).

In 1961, the Ramage report created a basic structure for the public service, which was in operation until 1978, and it abolished racially based staff divisions by creating four main classes of public servants: administrators and professionals, technical and executive, clerical and the subordinate industrial class. The policy adopted at that time, and which was maintained by the post-colonial government, was one of gradualism, i.e. gradually incorporating more Africans into the higher echelons of the public service. In 1962, the public service was overloaded with expatriates. Only four of 155 administrative and professional staff were Batswana, only 15 of 260 were Batswana in the technical category, only 22 out of 182 in the mid-level executive category were Batswana (Picard, 1987:84-85).

The 1962 White Paper stated that for at least 10 years Batswana would have to work alongside expatriates. The White Paper made estimates on training needs to meet demands. But in 1972, it was seen that these estimates were too conservative to meet the needs of the rapidly expanding public service (Picard, 1987:86). From independence the government repeatedly stressed its policy of gradualism. The government's choice of strategy for economic change stressed mining and urban and infrastructure development, which needed experts. This policy has always held priority over localization of the public service (Picard, 1987:206+211). Since the inception of the new government, opposition parties and the Botswana Civil Service Association criticized the colonial government for

blatant discrimination (Picard, 1987:88), and criticized the new government for the slow pace of localization.

5.2 THE UNIQUE CHARACTER OF EMPLOYEE RELATIONS IN THE PUBLIC SERVICE

5.2.1 The dual role of the state as employer and the government

The main way in which the dual role of the state impacts on employee relations in the public service of Botswana is the fact that the state uses its role as government to deny public servants many rights granted to private sector employees.

The development strategy adopted by the post-independent government necessitated control over the work force to ensure development. As such, the state as employer used its role as the government to effectively put a cap on minimum wages not only in the public sector but also the private sector, so as to ensure that escalating demands for higher wages from labour would not impact negatively on economic growth. By unilaterally controlling and determining wages and salaries in public sector, and then by legislating that the private sector could not exceed public sector salaries, the government exercised complete control over all wages and salaries in Botswana.

5.2.2 Political influences

Politics, per se, is a relatively new concept in Botswana, with the first political party only being established after the 1960's (Picard, 1987:123 and Samatar, 1999:54). Similarly, there was no true struggle for independence as evidenced in South Africa and Namibia,

with mass mobilization of civil society to overthrow a government perceived to be illegitimate. As such, there is no strong political identity identifiable amongst Batswana employees. In this way, politics does not impact on employee relations.

However, the fact that the government has taken on a very paternalistic and Unitarist stance towards public service labour relations, is a political influence in itself. Public service employee relations are markedly different from private sector employee relations due to the fact that all considerations of public service employment are political considerations. For example, public service salaries impact on the budget of the entire country and appointments also tend to be political moves. The latter is especially so in Botswana, where the government, from independence, encouraged the appointment and retention of expatriates in order to ensure that efficiency is maintained in the public service.

Another way in which political influences impact on employee relations in Botswana is the fact that the government discourages civil interest groups (e.g. trade unions) from lobbying the government directly to influence government decision making (Mogalakwe, 1997:30)

5.3 CONTEMPORARY EMPLOYEE RELATIONS AND THE EXERCISE OF VOICE

5.3.1 The structure of employee relations in the public service

Private sector employee relations are regulated by the Employment Act of 1982 (which came in to force in 1984), the Trade Unions and Employer's Organisations Act of 1983 and the Trade Disputes Act of 1982, all of which were amended in 1992 (Takirambudde & Molokomme, 1995: (A)B1 and Mogalakwe, 1997:80). There is no express provision in any of these statutes conferring on employees the positive right to engage in collective bargaining. However, Mogalakwe et al (1997:78) state that collective bargaining is encouraged by the fact that it is relatively easy to form trade unions, and there is a statutory obligation on employers to recognize and bargain with a registered union. This applies to the private sector only, as the Employment Act excludes any officer or servant of the government from the definition of an employee, unless the Minister has declared such an officer or servant to be an employee. It is only the group of employees classified as the industrial class in the public service that have been declared to be employees in terms of the Employment Act (Takirambudde & Molokomme, 1995: (A)B6 and Mogalakwe, 1997:83).

Employee relations in the public sector of Botswana are covered by an array of different pieces of legislation. The public service is regulated by the Public Service Act, whilst teachers are covered by the Unified Teaching Service Act, employees of local government are covered by the Unified Local Government Service Act, and the daily

rated industrial class employees are covered by the Employment Act (Mogalakwe et al, 1997:68). It is only government employees employed in the parastatals and those employed in the industrial class that are permitted to form and join trade unions, and they are also permitted to engage in collective bargaining (Mogalakwe et al, 1997:78). The fact that the public service is regulated by such a variety of statutes has meant the creation of disparate terms and conditions of employment for employees in the same sector (Mogalakwe et al, 1997:85).

Similar to the private sector, and probably even to a greater extent, prior to independence, there was no real public service employee relations in Botswana. The public service was made up mostly of expatriates, with local Batswana only holding menial clerical positions. It was only after independence that any attempts at managing employee relations came into being in the Botswana public service. The perspective from which the post-independent Botswana government seems to operate in the management of employee relations in the contemporary public service of Botswana is a Unitarist perspective, as the government maintains unilateral control over all decisions regarding public service employment. One can also identify certain characteristics of “sophisticated paternalistic unitarism and union avoidance” in the employee relations system in the Botswana public service, such as training and career development, stable employment, other mechanisms for participation, provision of social services, etc. (Finnemore, 1999:176). From the inception of independence, the government has taken a very paternalistic stance to employee relations in the public service. It has assumed complete control over employee relations, by maintaining control over the setting of terms and

conditions of employment and by structuring the public service in a way to meet the needs of the development strategy of the government.

5.3.2 The exercise of voice in the public service

Employees in the public service of Botswana have not been given any legal avenue for the positive use of voice in the setting of their terms and conditions of employment. The Public Service Act prohibits public service employees from forming or joining trade unions, and they are not permitted to engage in any form of collective bargaining with the employer. However, the Constitution empowers the President to enable the setting up of consultative bodies, where the state may consult with employees through the Botswana Civil Servants Association. Public officers in Botswana may belong to staff associations, for the purposes of engaging in consultation with the state (Mogalakwe et al, 1997:74+78 and Mogalakwe, 1997:92).

Public servants in Botswana are mostly organized by the Botswana Civil Servants Association (BCSA), which is the main body that consults with the government. Local authorities' officers are represented by the Botswana Unified Local Government Service Association (BULGASA). Other associations in the public service include the Botswana Teachers' Union, the Botswana Federation of Secondary School Teachers and the Botswana Primary School Teachers' Association (Mogalakwe et al, 1997:75). These are the associations that consult with the government on the consultative forums established by the President.

Permanent and pensionable public service employees are permitted to engage in two levels of consultation. The first is at the Ministerial Consultative Committee. The second is at the Central Joint Staff Consultative Council, which considers terms and conditions of employment, and it advises on means of improving productivity, working conditions and staff relations. However, this is only an advisory body, with absolutely no decision making power (Mogalakwe et al, 1997:80 and Mogalakwe, 1997:92-93). As there is no form of collective bargaining for public servants, nor any other form of joint decision making, the state maintains the prerogative to determine all conditions of service, including salaries (Mogalakwe et al, 1997:75). Furthermore, the BSCA is allowed representation at the National Employment, Manpower and Incomes Council (NEMIC). NEMIC advises the government on economic trends and, from this, makes recommendations on what adjustments to salaries and wages would be appropriate for public servants. However, labour is outweighed at NEMIC, as it is made up of seven permanent secretaries, four members from the private sector, and three members from the Botswana Federation of Trade Unions, and only one BCSA representative (Mogalakwe et al 1997:75+81).

There is evidence in the Botswana media that public servants, through their associations, do exercise the limited amount of voice they do have. For example, from the Daily News Online (www.gov.bw/cgi-bin/news.cgi) archives one can draw articles regarding plans for teacher's demonstrations, and the BCSA criticizing the government for various matters, including the lack of consultation. A major example of this is the 2001 appointment of a consultancy to review salaries and conditions of employment of

Batswana public servants. However, this was done without any consultation with or participation of the associations of representing public service workers. This drew a lot of criticism from these associations, as they feel aggrieved that their view point was not considered in such an important matter (Anon, 2001(a)).

As it is only the industrial class workers within the public service who are permitted to form and join trade unions, engage in collective bargaining and participate in strikes, the workers' struggle in the public service have been spearheaded by these employees, through the Manual Workers Union, which is the biggest union in Botswana. In 1968 these workers went on a ten day strike due to a wage dispute. They went on another strike in 1991, which was termed the biggest strike in the history of Botswana, with 40 000 strikers. The result of the 1991 strike was that the government declared that it had made a policy offering all industrial class employees appointment as permanent and pensionable employees, and that all new industrial class workers would be appointed as permanent and pensionable staff. This was an attempt by government to avoid future conflict by this class of workers, as by becoming permanent and pensionable, they would now also no longer be permitted to belong to a trade union, negotiate with the government, or go on strike (Mogalakwe, 1997:119+126). The National Joint Industrial Coordinating Committee is the mechanism available to industrial class workers for the purposes of collective bargaining, and it is established in terms of the Industrial Class Regulations of 1975, as amended. Negotiations regarding terms and conditions of employment on this forum occur at a centralized level (Mogalakwe, 1997:79).

Hirschman (1970:77), in his analysis of the concepts of exit, voice and loyalty in describing the ways in which consumers of a product or employees react to drops in standards, states that the loyalty option comes into play where exit and voice co-exist. The loyalty option stimulates the creative use of voice, whilst at the same time holding exit at bay. Within the Botswana public service, the voice option is not a very viable option to use as employees are only permitted to consult, but yet there is no widespread “exit” of public servants. What this indicates is that there must be another factor that bolsters the loyalty option. In the case of Botswana, I will argue that it is due to the fact that public servants are offered much better terms of employment than private sector employees. In the Botswana public service there is job security, incremental salaries and job mobility. In addition, the government has spent a lot of resources on training public servants (Mogalakwe et al, 1997:85). These factors mean that employment with the government is a “good job”, which means that despite not being able to engage meaningfully with the employer, public service employees may be of the opinion that they are better off than they would be in the private sector.

It is important to note, however, that since the government enabled the private sector to determine its own wages and salaries in 1990, private sector salaries and wages have increased much more than those in the public sector. This has led the associations in the public sector to call for the government to align salaries of public servants with their counterparts in the private sector. The fact that the government has claimed it is unable to do so, has led to the exit of certain professionals in the public service, such as nurses,

who claim to get better offers abroad, and teachers, who have been the most vociferous in their exercise of voice regarding their poor salaries.

SECTION 6: SYNTHESIS AND COMPARATIVE ANALYSIS

6.1 EMPLOYEE RELATIONS IN THE PUBLIC SERVICE – FROM COLONIALISM TO INDEPENDENCE

South Africa, Namibia and Botswana all come from a long colonial history. However, these histories differ remarkably from one another, due to the differing types of colonization, and the difference in the form and extent of colonial intervention in the country. The era of colonial rule in these countries has left an indelible impression on post-colonial employee relations in the public service of these three countries. The extent and type of colonial intervention shaped the development path of these countries, and this influenced the choices available to the post-colonial government regarding how it is going to manage employee relations in the public service.

The common history of employee relations shared between these three countries is the fact that, historically, public servants have not been permitted to participate in any way in the setting of terms and conditions of employment, nor were they permitted to form or join trade unions, or participate in industrial action. Traditionally, all over the world, public sector employee relations have developed separately than private sector employee relations, with separate and more restrictive legislation governing public sector employee relations. This was justified by the idea of the sovereignty of the state, and it was accompanied by unilateral determination of terms and conditions of employment by the state as the employer (Morris & Fredman, 1993:115, Heineken, 1993:2 and True, 1987:1). The traditional view of public administration was that public servants were

providing an honourable service to the community, and public servants were anonymous and politically neutral (Heinecken, 1993:2 and Hughes, 1994:23). Public administration was placed under direct political control, based on a hierarchical bureaucracy, with politicians deciding on policies, and public servants only implementing these policies (Hughes, 1994:23).

This traditional view of public administration came under severe criticism during the late 1980's and early 1990's, which resulted in a shift in many developed countries from rigid, hierarchical and bureaucratic public administration, to flexible, market-based management practices. The traditional public sector came under criticism due to claims that the public sector was oversized and consuming too many scarce government resources, and involved in too many functions that the private sector could also perform. These criticisms came in the wake of an international move to neo-classic economic practices, and due to globalization, which put governments under far greater pressure to be internationally competitive. The new type of public management has been characterized by a greater emphasis on achievement of objectives and greater flexibility in terms of organisations, personnel and terms and conditions of employment, with stress placed on setting personal objectives and measuring these through performance indicators (Hughes, 1994:1,9-11,15+59).

With this paradigm change regarding the management of the public sector, also came the change to include public servants under the same legislation governing private sector employee relations. This meant that public servants were, in many countries, entitled to

collective bargaining, as well as being entitled to form and join trade unions and participate in industrial action, albeit with certain restrictions.

South Africa and Namibia have, to a large extent, followed this international trend of extending employment rights to the public service. This has been done by including public servants in the same legislation governing private sector employees, and, as such, extending collective bargaining rights and freedom of association rights to public servants. Botswana has not followed the international trend of governing private and public servants under the same legislation, and employee relations in the Botswana public service remain highly controlled by the state as the employer.

South Africa is much more developed than any of the other two countries under consideration here. Prior to the 1994 democratic elections, great efforts were expended to develop the country due to its strategic importance for travel and trade routes, as well as the country's rich mineral wealth. South Africa also has a longer history of employee relations in both the private and the public sector than Namibia or Botswana. As such, after 1994, the state was able to introduce into the public service a more advanced method of employee relations. Another important reason why one could argue the South African government chose to extend employment rights to public servants is due to the fact that labour played a pivotal role in the liberation struggle, and it was important for the newly elected democratic government to keep labour "on its side" in order to ensure stability in the new democratic state.

In comparison to Botswana, Namibia was developed to a far greater extent by the colonial state. As in South Africa, the reason for this was also due to its strategic importance for trade routes and its rich mineral wealth. Employee relations in Namibia mimicked to a large extent employee relations in South Africa, with legislation implemented by the Transitional Government of National Unity in the late 1980's almost directly replicating similar legislation in South Africa at that time. In Namibia, labour also played a pivotal role in the liberation struggle, so it was also important for the newly elected government to not alienate labour by not including public servants in the labour legislation.

The colonial history of Botswana is very different from the colonial history of South Africa and Namibia. The colonial administration wanted to expend as few resources as possible on Botswana due to the fact that it was believed that Botswana did not have much mineral wealth to exploit, and due to the initial plans for the eventual transfer of Botswana to South Africa. This led to many years of neglect. The newly elected democratic government inherited a country with very poor social and economic infrastructure. The development strategy adopted by the new government was severely circumscribed by these years of colonial neglect, and the strategy necessitated a large and highly controlled public service, as development was to be state led. This is a possible reason why the Botswana government followed a more Unitarist route in public service employee relations.

Budd (2004:95) states that there are four fundamental questions regarding employee relations that need to be asked in order to determine the dominant perspective within an employee relations systems. These questions are: is labour a commodity?; are employers and employees equals in a self-regulating competitive labour market?; is there an inherent conflict of interest between employers and employees?; and is employee voice important? As stated earlier, the answer to these questions will give one an indication of the employee relations perspective within that specific employee relations system. Figure 2 diagrammatically depicts to which type of employee relations system the answers to the above questions lead. Examining this diagram within the context of this study reveals the type of employee relations system identifiable within the public services of South Africa, Namibia and Botswana. Starting with the first question: is labour a commodity? This question deals with the nature of labour. Labour can be viewed as a commodity in the production process, or it can be viewed as composed of human beings. In the first conception, people only work to earn a living. As such, the “invisible hand of the free market” is the form of employee relations system which sets terms and conditions of employment. In the second conception, work has certain psychological and social functions that stretch beyond mere financial reward (Budd, 2004:95-97). In none of the public services under consideration here is labour viewed as a mere commodity. The human aspect of employment seems to be taken into account. This may be due to the nature of the public sector employment, where there is no direct production or market involved. It may also be due to the historical view that public servants are providing an honourable service to the community.

Looking at the second question: are employers and employees equals in self-regulating, competitive labour markets. In the neo-classical paradigm of employee relations where the free-market sets terms and conditions of employment, it is believed that employers and employees are equals. Employees are seen as having their labour to sell in the market, and they are “free” to move from less favourable conditions to more favourable conditions by selling their labour to the “optimum” buyer. The other perspective, where employers and employees are not equals, holds that the unequal power between employers and employees may lead to competition between employees, which could lead to an erosion of democracy and substandard working conditions (Budd, 2004:96-97). In South Africa, Namibia and Botswana there appears to be an underlying assumption that the employer and employees are not equals. This may also be due to the nature of public sector employment, where the state, in its role as government, holds certain executive authority which employees cannot challenge.

A negative response to the first two questions means that an employee relations system that is not governed by the market must be sought. This brings one to the third question: is there an inherent conflict of interest between employers and employees? In one view, there is no inherent, insurmountable conflict of interest between employers and employees and it is believed that effective policies and practices can align the interests of employers and employees. This is a Unitarist perspective of employee relations. The other view is that there is an inherent conflict of interest between employers and employees, where the goals of employees for higher wages, better benefits and favourable working conditions clash with employers goals of reducing labour costs and

increasing output. In the first view, external sources (e.g. trade unions and government regulation) are deemed not to be required as a check on managerial prerogative. Whereas in the second view, external sources are required. The second view is a pluralistic conception of employee relations (Budd, 2004:97).

In pre-1994 and pre-1991 South Africa and Namibia (respectively), from the side of the employer, there appears to have been a negative response to this question. Public service employment was managed at the sole discretion of the employer. A dual system of employee relations was implemented, with a very comprehensive and beneficial system in place for white employees. However, one cannot think that the matter is so straight forward, with a simple yes or no answer. An employee relations system is complex, with many facets and variables. This is especially so in the public service due to the political nature of public service employment. As such, on the face of it the pre-independent situation may appear to have a negative response to this question, but if one examines the matter further, one may see that there may actually be an affirmative response. The fact that employees were prohibited from forming or joining trade unions and the fact that there was a dual system of employee relations in place in itself is an admission that there is a conflict of interest between employers and employees. It is only in post-democratic South Africa and Namibia that there has been an overt admission on the side of the employer that there is an inherent conflict of interest between employers and employees.

The situation in post-independent Botswana is just as complex. It has a wide array of policies covering public service employment, and various practices such as training,

better remuneration packages, etc., it appears as if the employer does not perceive there to be a conflict of interest between employers and employees. Furthermore, the assumption appears to be that the various policies within the public service is enough to align the interests of the employees with that of the employer.

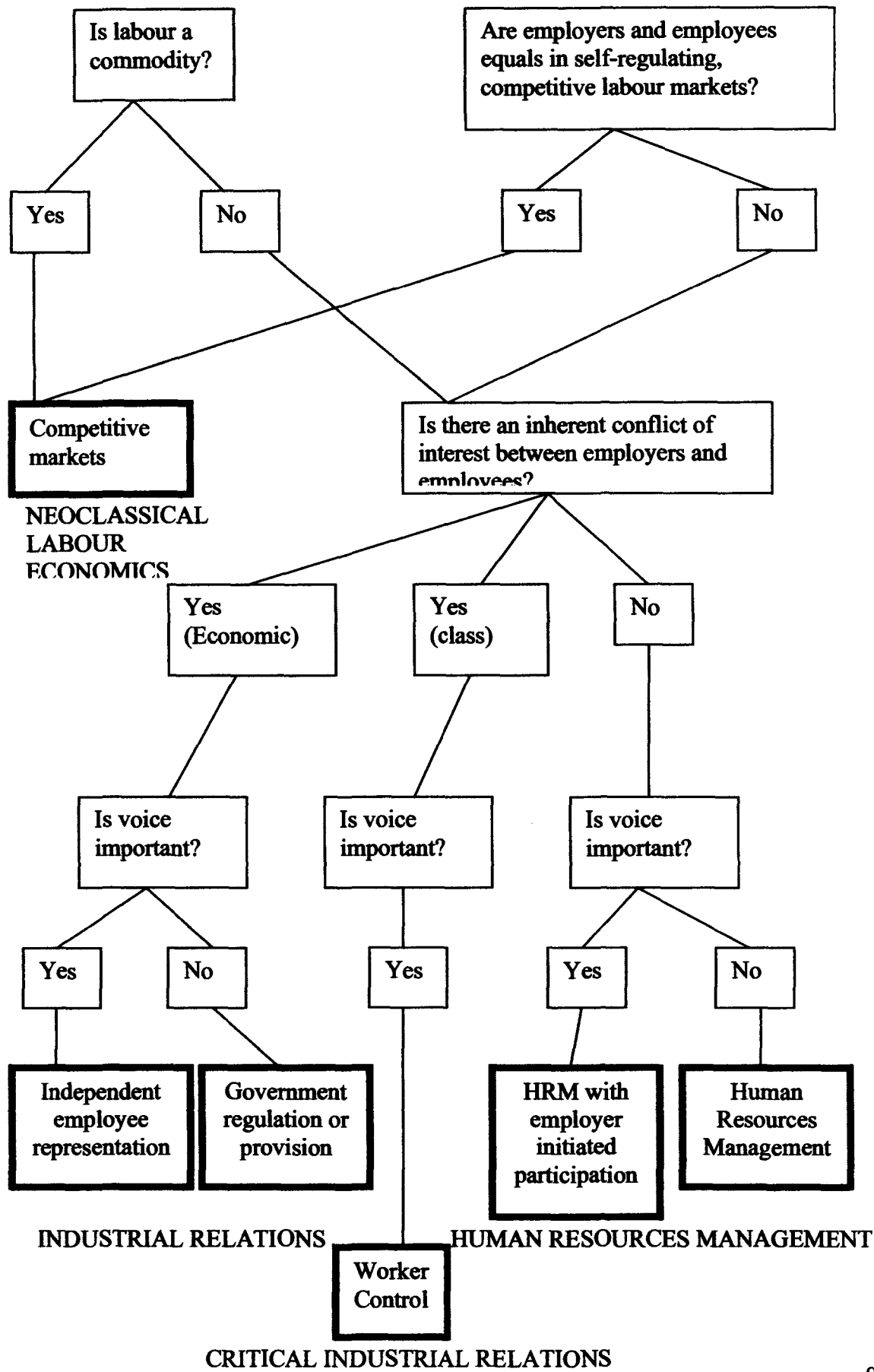
The fourth question asks: is voice important? The answer to this question is very informative in identifying the type of employee relations system. In pre-independent South Africa and Namibia, employee voice was clearly not important. If one then takes an affirmative answer to question three, and a negative answer to question four, one can see that the type of employee relations system involves government regulation or provision. It is postulated that for black employees this may have been the case, as there was very strict government regulations regarding the employment of black people in the public service. However, for white employees, the situation was different. It is postulated that for both questions three and four there would be a negative response, leading to the Human Resources Management system of employee relations. As mentioned before, a very sophisticated system of policies and practices were put into place for the benefit of white employees. This included job security, training, good benefits and high salaries. This was to align the interests of the employees with those of the employer, and to ensure that public servants would implement the political ideology of the ruling government of the day.

In post-independent South Africa and Namibia, there appears to be an affirmative answer to the fourth question. This leads to the independent employee representation employee

relations system, which is seen in both these countries by the recognition of trade unions and the ability of these trade unions to negotiate and consult with the employer. Within the context of the public service of South Africa and Namibia, the independence of these employee organisations is questionable due to the political affiliation they have with the ruling party, which is also the employer. In South Africa, non-politically aligned unions do have an influence at the negotiating table, which, to some extent, ameliorates this political influence. But this is only marginally, as the politically aligned unions hold the majority at the PSCBC and at some sectoral councils. In Namibia, it is only the politically aligned union that sits with the employer at the negotiating table. This negates the independence of the union within the bargaining situation, as political interests often prevail over workerist interests.

In the Botswana public service, it seems that the employer does not perceive employee voice as important. With a negative response to questions three and four, one is led to the Human Resources Management system of employee relations. However, public servants in Botswana have been given a limited amount of voice, which rather suggests that the answer to question four is affirmative, which leads to the Human Resources Management with employer initiated participation. In this sort of system, there is no independent representation of employees and the form and the content of participation is dictated and controlled by the employer. As such, employees consult with the employer, whilst not having a direct impact on decision making, or the ability to negotiate.

Figure 2: Intellectual foundations of workplace governance



A central feature of employee relations in South Africa, Namibia and Botswana is the centralized character of the determination of terms and conditions of employment. In South Africa and Namibia, the main bargaining forum for negotiating wages and salaries is at the central level, and in Botswana terms and conditions of employment are centrally determined by the employer. In South Africa, however, bargaining has also been decentralized with the establishment of sectoral councils and provincial chambers. However, decentralization has only occurred in terms of human resources matters, as all substantive matters are still negotiated at the central forum, i.e. the PSCBC. In terms of collective bargaining, there are certain advantages to having centralized negotiations. For the employer, this is the institutionalization of conflict and removing conflict from the workplace (Klerck, 1998:90 and Finnemore, 1999:245). For labour, the advantages include rationalizing their bargaining activities and expanding their membership and influence (Klerck, 1998:97 and Finnemore, 1999:244). This latter is an important consideration within the South African and Namibian public service, as many unions have severe capacity constraints, and having to expend scarce resources only at one central forum ameliorates these constraints to some extent. Another key advantage of centralized bargaining is that it tends to formalize personnel practices, making them less vulnerable to managerial discretion in matters of discipline, work assignments, dismissals and promotions (Kochan & Katz, 1988:449).

Internationally there has been a trend to decentralize bargaining in the public sector by devolving more power to managers at local level. It is only in South Africa that there is evidence of following this trend, albeit, as said earlier, this is only regarding human

resources issues. Adiar and Albertyn (2000:830) are of the opinion that complete decentralization is not a feasible option in the South African context due to the vast geographical inequality in the country. Decentralizing would create an even bigger gap between the richer and poorer provinces, and the richer provinces would be enabled to pouch the best the employees. This is also the case in Namibia, where there is a great disparity between the various regions of the country, with the majority of wealth situated in the central region. Decentralizing bargaining would, in Namibia, also increase this divide between the different regions. Another reason why decentralization of bargaining in South Africa and Namibia is not a viable option is the fact that in both countries the state's budget is determined centrally. In developed countries such as the USA, where there has been extreme decentralization of bargaining, this is possible because financial authority has also been decentralized (Kochan & Katz, 1988:435). As such, for decentralization to have any significant meaning or impact, there also needs to be concomitant devolution of managerial power downwards.

6.2 THE UNIQUE NATURE OF EMPLOYEE RELATIONS IN THE PUBLIC SERVICE

The fact that the state is both the employer of the public service and the government has a profound impact on employee relations in the public service. The two main reasons for this is that the state is responsible and accountable to the wider public, and the fact that the state's source of revenue is through taxation. The fact that the state is responsible for the general public means that all considerations of public service employment are political considerations and they impact on the wider public (Morris & Fredman,

1993:123). As mentioned earlier, the fact that the state is responsible to the wider public has led some commentators to say that granting exclusive rights of representation and negotiation to public service trade unions gives them undue political power and access to government decision-making, which closes off these avenues for other interest groups, and they have used this argument to justify their claim that it is inappropriate for employment rights to be extended to public servants. Kochan and Katz (1988:423) state that this position overestimates the actual power of trade unions in the public service. This is indeed true, as negotiated increases in the public services of South Africa and Namibia have not been higher than those in the private sector. Also, trade unions in the public service have not had an “unfair advantage” in gaining access to scarce government resources. In fact, in both South Africa and Namibia, the government has been seen to lobby labour through the political alliance to garner support on various contentious issues, such as restructuring and privatization.

The states main source of revenue is through taxation. This is different from the private sector, where revenue is created through the sale of goods or service, and revenue may be increased by maintaining a competitive position in the market (Morris & Fredman, 1993:123). The main way in which the state could increase its revenue is through increasing taxation. This is a political move that would receive wide spread opposition from the public. Wages and salaries of public servants make up a large portion of government spending, and it is a prime target for cost-cutting when the government has to decrease its expenditure (Kochan & Katz, 1988:426 and True, 1987:2). The

government is under pressure to provide greater and better services, whilst at the same time being under pressure to reduce costs (True, 1987:2).

The state is bound by certain macro-economic and political factors in its dealings with public service employees. Prior to independence, the election manifesto of both the ANC (in South Africa) and SWAPO (in Namibia), contained certain socialist elements, putting labour at the forefront of their campaign, and claiming that labour is an integral role player in ensuring the success of the democratization process. As such, at the inception of independence in both these countries, labour was very much involved in the drafting of new labour legislation, and various other policies affecting labour, such as the Constitution. However, in both instances, soon after independence, the ruling party all but abandoned these socialist ideals as it came under increased pressure to limit public debt, decrease government expenditure and reduce tax levels. This has led to many claims from labour in both South Africa and Namibia, that the ruling party has deserted its members, and that it is putting the needs of capital ahead of the needs of labour (Donnelly,1999:196).

The fact that the state is constrained in its choices and activities by its macro-economic policy has an impact on negotiations between public service employees and the state. This is because all agreements with financial implications have to be approved by a higher authority than the bargaining forum, i.e. Parliament. This impacts on the actual ability of public service unions actually having an impact on decision-making, as

Parliament can override agreements reached at the bargaining forum (Morris & Fredman, 1993:125 and Baskin 2000:175).

The economic development strategy of the Botswana government has had the clearest impact on employee relations in that country. The strategy of the country was developed in order to overcome the years of colonial neglect and development was to be completely state led. This led to a massive increase in public sector employment, whilst at the same time contributing to the fact that the state assumed complete control over the terms and conditions of employment for public servants. This was due to the fact that the development strategy of the government hinged on a stable labour market, without pressures from the public or private sectors to increase wages and salaries too much. As such, until 1990, the government also controlled private sector wages and salaries by decreeing that private sector wages and salaries could not exceed that of the public sector.

6.3 THE EXERCISE OF VOICE IN THE PUBLIC SERVICE

As mentioned in the previous section, traditionally employees in the public sector were not permitted to engage in any form of collective bargaining. It is only with the change in the conception of public service management that employees in the public sector have been given this right, as well as the right to form and join trade unions and participate in industrial action. Kochan and Katz (1988:423) state that the normative premises of employee relations are that there is inherent conflict of interest between employers and employees, that workers should have the right to pursue their interests through a union and that collective bargaining is one way in which unions may represent the interests of

their members. They go further to state that these premises apply to all employee/employer relations, although in the public sector there is the difference that the interests of society at large need to be borne in mind as well. It is due to this reason that some commentators have said that the primary responsibility of the government is towards the public in general, and it is inappropriate to allow a sectional interest group (i.e. public service unions and employees) to wield undue political power by gaining access to government decision-making, as this closes off this avenue for other interest groups (Wellington & Winter, cited in Kochan & Katz, 1988:423 and Kochan, 1980:445). Kochan (1980:44) states that this perspective does not take into consideration the fact that public servants and their unions are primarily concerned with their terms and conditions of employment, and not the broader political goals of the general public.

Budd (2004:24) states that the issue of employee voice is linked to the concept of democracy. He says that in a democracy, citizens are given the right to influence the politics in their country, and, as such, they should also be given the right of industrial democracy. All three countries under consideration here claim to be democracies. In fact, in all their Constitutions the right of freedom of association is protected. However, it is only in South Africa and Namibia where this right is positively linked to the right to bargain collectively with the employer. The ability for public servants to bargain collectively for public servants in South Africa and Namibia has been legislated. However, the actual articulation of this into practice differs between South Africa and Namibia, for various reasons. These reasons include the differing capacities of the unions, the greater sophistication of employee relations in South Africa in defining

bargaining units and the political commitment of the South African government to participation.

Botswana public servants have only been given the right to consult with the employer, through structures developed by the employer. As such, they have no true voice in having a meaningful impact on decision-making affecting their terms and conditions of employment.

Morris and Fredman (1993:125-126) caution that one should not be fooled by the semantics of collective bargaining and consultation in the public service, and one should not use it as a criteria for measuring the degree of influence public servants have on the determination of their employment conditions. The reason they give for this is that not only is the range of issues allowed to be bargained over circumscribed in the public service, but the fact that Parliament has the ability to overrule any collective agreement through its executive authority, means that the state may unilaterally implement any provision it sees fit. This is indeed so, both in South Africa and Namibia, where there have been incidents of the government unilaterally implementing matters, despite the provision for collective bargaining that exist. In effect, one could make an argument for the fact that in several instances, public servants in Namibia and South Africa, actually also only consult with the employer, as the form of collective bargaining in these two public sectors does not necessarily mean they have an impact on decision making.

When one is looking at the issue of voice, it is better to think of voice existing along a continuum. This continuum ranges from complete managerial control, to consultation, to collective bargaining, to complete worker control. Thinking of voice in this manner is especially informative in the public service, as even in instances where collective bargaining is legislated, there are still elements of both managerial control and consultation involved within that system. Within the limits of voice given to the public servants in the countries under consideration, these public servants do attempt to influence their terms and conditions of employment. The actual success of this voice in gaining the increases and changes asked for varies between the countries, as well as varying with different issues under consideration.

A common issue between these countries appears to be the fact that professionals, such as teachers and nurses, are the most vociferous in their use of voice regarding complaints about their salaries. In all three countries, teachers and nurses demand higher salaries and have gone on demonstrations and strikes to support their claims. This shows them using the voice option. However, there is also evidence of the exit option having been used in all three countries by nurses and teachers. In both Namibia and Botswana, newspaper reports cite figures of teachers and nurses who have left the country for better packages abroad (Anon, 2001(b) and Anon, 2002 and Amapadhi, 2002). Hirschman (1970) states that exit and voice are both potentially good means to notify management of the decline in the conditions of service. He also warns, however, that they need to occur within certain bounds in order to allow management the time and the opportunity to rectify the deteriorated state of affairs. The exodus of skilled professionals, such as teachers and

nurses from the public service in these countries does not bode well for service delivery in two of the sectors providing the most important services to the community, i.e. education and health.

The history of organisations representing the interests of public service employees has an impact on the ability of these organisations to effectively participate with the employer. True (1987:9) states that the origin and composition of public sector unions differ from those in the private sector, as public sector unions were mostly born out of staff associations, which were structured mostly around occupational lines. In the case of South Africa, this is indeed true as several staff associations of the pre-1994 era have changed into unions for the purposes of collective bargaining. The unions in the public service in South Africa are also greatly structured around occupational lines, with separate unions for teachers, nurses and the police. This fragmentation of labour inhibits the ability of labour to speak with a united voice when engaging with the employer at the bargaining forum. The different historical and ideological backgrounds of unions in the South African public service also serves as an impediment to the ability of labour to engage as a collective, united front with the employer. Several unions in the South African public service played a key role in the liberation struggle, and they are the more militant and politicized unions. Other unions, however, were traditionally white unions, organizing mostly white collar workers. These unions benefited from the apartheid state's policies, and therefore did not form part of the liberation struggle. As such, these unions serve very diverse members, with very diverse interests, and their agenda is often in

conflict with one another. According to Patel (2000a:130 and 2000b:175), this “multi-unionism” in the South African public service renders cooperation extremely difficult.

In Namibia, there is no history of organisation of public servants in the pre-independent era, with only teachers having been obliged to belong to an association. It was only in the late 1980's that unionization of public servants began. There are only two unions in the Namibian public service that have been granted recognition by the government to engage in collective bargaining. NAPWU covers all public servants that are not covered by NANTU (i.e. all non-teachers). This highlights a difference between South Africa and Namibia regarding the participation of labour with the employer. As there is only one union engaging with the employer in Namibia during negotiations, there are no factional interests rendering the process more complicated. However, this has not led to greater success of Namibian public servants to participate effectively with the employer. In fact, the South African unions are far better equipped to participate with the employer, and have in fact been more successful in making gains for their members through the process of negotiation than is the case in Namibia. The fact that the government only negotiates with the politically aligned union shows the influence of politics on employee relations. The SWAPO party has a lot of influence over NAPWU. This renders the efficacy of collective bargaining a moot point, as rather than it being a means of public service employees to have a positive influence on their terms and conditions of employment, it is used by the government to control labour within the public service.

Similar to Namibia, the differentiation in representation of public servants in Botswana is also only between teachers and the rest of the public service (aside from Local Government).

SECTION 7: CONCLUSION

7.1 SUMMARY OF MAIN FINDINGS

The main objectives of this dissertation has been to give an account of employee relations within the public services of South Africa, Namibia and Botswana, and to determine what type of voice regulation exists in the determination of terms and conditions of employment within this employee relations system. Employee relations in the public service is a complex and multi-faceted matter, as it is impacted upon by politics, macro-economics and the wider social, economic and historical background of the country. Employee relations in the public service also impacts on the country as a whole in terms of service delivery as well as the financial resources of the state to deliver social and economic services to the wider electorate. The type of employee relations system identifiable within a specific public service, and the choices made by the state as employer in its employee relations system for public servants is constrained by several factors, including the political climate of the country, historical development of the country as well as its economic development strategy.

This section of the dissertation will highlight the main differences and similarities in the public service employee relations systems in South Africa, Namibia and Botswana. In short, one can see from the evidence gathered that there are far more similarities between South Africa and Namibia than between these two countries and Botswana. A possible reason for this could be the close historical link between South Africa and Namibia, as Namibia was “administered” by South Africa during the time of colonial rule. This meant that laws, regulations and practices from South Africa were passed on to Namibia. Since

this time labour legislation (amongst other legislation) has continued, to a large extent, to mimic that of South Africa.

Botswana, on the other hand, had a different political and economic history than that of South Africa and Namibia. It obtained independence through a democratically elected government much earlier than South Africa and Namibia, and was faced with a very particular set of social, political and economic circumstances upon independence, which has necessitated a particular path of industrial relations development, which has continued to set it aside from South Africa and Namibia.

The similarities between the public service employee relations systems of South Africa, Namibia and Botswana may be summarized as follows:

- South Africa, Namibia and Botswana share a long history of colonialism. The specific type of colonialism differs between these countries, as the colonizing state intervened and developed these countries in different ways, and to different extents. The social, economic and political infrastructure inherited by the new, democratically elected government in all these countries constrained and shaped the choices available to these governments in their choice of public service employee relations.

The similarities between the public service employee relations systems of South Africa and Namibia may be summarized as follows:

- In South Africa and Namibia the labour movement played a pivotal role in the struggle for independence, and the democratically elected government adopted a Pluralist perspective of employee relations after independence, evidenced in the fact that labour had played a key role in drafting new labour legislation, and other policy matters. This also means that freedom of association and collective bargaining has been legislated for all employees, and public servants have, as such, been given the opportunity to influence the setting of their terms and conditions of employment. However, the actual articulation of this into practice differs between South Africa and Namibia, due to several reasons, which include the political will of the government as employer and the capacity of the unions organizing public servants.
- Politics play a large role in employee relations in South Africa and Namibia due to the political affiliation and historical link between the ruling party and the major unions operating in the public service. This political affiliation has led to several problems in the employee relations system, which includes the fact that several commentators in both countries say that the state as employer bypasses the bargaining structures in order to co-opt the union through the political alliance. The different historical and ideological backgrounds of the unions in the public service also inhibit labour from engaging with the employer as a united body.

The main difference between the public service employee relations systems in South Africa and Namibia may be summarized as follows:

- In South Africa many unions are active within the public service, and the negotiating forums are characterized by multi-unionism. This is different in Namibia, where the general public service is only organized by two unions, of which only one negotiates with the employer. This may be due to the fact that South Africa has a longer and stronger history of unionization than Namibia.
- In South Africa, public service negotiations occur at different forums (i.e. per sector), as well as at different levels (i.e. national, sectoral and provincial). In Namibia there is only one negotiating forum for the entire public service, which is located at the national level, although teachers do have their own negotiating forum.

The differences between the public service employee relations systems of South Africa and Namibia, on the one hand, and Botswana on the other hand may be summarized as follows:

- Whereas in South Africa and Namibia the labour movement played a pivotal role in the struggle for independence, in Botswana the situation is very different, as the independent government inherited a severely under developed country, and had to expend all its energies and resources to develop the social and economic infrastructure of the country. As such, the government adopted a Unitarist stance towards employee relations in the public service, where public service employment was used as an instrument to spearhead the state led development strategy of the country. As such, public servants have not been given the rights of freedom of association and collective bargaining, as the state has used its incomes

policy in the public service to determine wages and salaries in the private sector, so as to avoid high demands from labour inhibiting economic development. Public servants are permitted to participate with the state as employer on a consultative basis, through structures determined by the employer.

- Politics play a large role in employee relations in South Africa and Namibia due to the political affiliation and historical link between the ruling party and the major unions operating in the public service. In Botswana there is no political affiliation between organizations representing employees and the ruling party, in fact the government actively discourages sectional interest groups from lobbying it directly.

As mentioned earlier in the dissertation, this study has looked at the institutions within the employee relations system, as well as the impact of interest organizations on the setting of terms and conditions of employment. This strategy has highlighted the official channels which employees (through their representative bodies) have to influence the setting of terms and conditions of employment. However, it must be remembered that within any employee relations system there is always the formal channels of communication, negotiation, consultation, etc., but alongside it there is an informal system. This is how the actors (individually and collectively) use aspects of the institutions within the employee relations system to, for example, influence the setting of terms and conditions of employment.

APPENDIX A: PROFILE OF INTERVIEWEES

South African Interviewees

| NAME | DATE OF INTERVIEW | PLACE OF INTERVIEW | ORGANISATION |
|----------------|--------------------------|---------------------------|--|
| MR. COETZEE | May 2002 | Cape Town | SAOU (WESTERN CAPE) |
| MR. DE BRUYN | June 2003 | Pretoria | GPSSBC |
| MR. GILBERT | June 2003 | Pretoria | PSA |
| MR. HUGO | June 2003 | Johannesburg | SADTU |
| MS. HULUMAN | June 2003 | Pretoria | PSCBC |
| MR. KRUGER | April & October 2003 | Cape Town | PSA (WESTERN CAPE) |
| MS. LE ROUX | June 2003 | Pretoria | DISPUTE RESOLUTION OFFICER – PSCBC |
| MR. LOSI | October 2002 | Cape Town | DENOSA (WESTERN CAPE) |
| MR. MAGADLELA | October 2002 | Cape Town | NEHAWU (WESTERN CAPE) |
| MR. MAGAGULA | June 2003 | Pretoria | DENOSA |
| MR. MANYAKA | June 2003 | Pretoria | HOSPERSA |
| MR. MATAITSANE | June 2003 | Pretoria | NUPSAW |
| MR. MCKENZIE | May 2002 | Cape Town | SADTU (WESTERN CAPE) |
| MR. ROOS | May 2002 | Cape Town | WESTERN CAPE PROVINCIAL BARGAINING COUNCIL (EMPLOYER REPRESENTATIVE) |
| MR. SIKO | June 2003 | Johannesburg | NEHAWU |
| MR. VAN WYK | October 2002 | Cape Town | PAWUSA (WESTERN |

| | | | |
|------------------------------------|----------------|-----------|--|
| | | | CAPE) |
| MR. X (wishes to remain anonymous) | June 2003 | Pretoria | DPSA |
| MS. X (wishes to remain anonymous) | September 2002 | Cape Town | INVOLVED IN DISPUTE RESOLUTION IN THE PUBLIC SERVICE |
| MR. Y (wishes to remain anonymous) | May 2004 | Pretoria | DPSA |
| MR. Z (wishes to remain anonymous) | May 2004 | Pretoria | DPSA |

Namibian interviewees

| NAME | DATE OF INTERVIEW | PLACE OF INTERVIEW | ORGANISATION |
|----------------|------------------------------|-------------------------------|---|
| MR. MUHEUA | July 2004 | Windhoek | PUBLIC SERVICE COMMISSION (Industrial Relations) |
| MR. SIMATAA | November 2004 | Windhoek | PUBLIC SERVICE COMMISSION (Public Sector Management, Undersecretary) (Employers negotiating team) |
| MR. VAN ROOYEN | July 2004 | Windhoek | PUBLIC SERVICE COMMISSION |
| MR. VAN ZYL | July 2004 | Windhoek | PUBLIC SERVICE COMMISSION (Job evaluation and grading) |
| MR. JATAMUNUA | August 2005 | Windhoek | PUBLIC SERVICE UNION OF NAMIBIA |
| MR. BRANDT | May 2004 | Windhoek | PUBLIC SERVICE COMMISSION |

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