

**A SOCIOLOGICAL ANALYSIS OF INDUSTRIAL  
ACTION AMONG BLUE-COLLAR WORKERS AT  
SOUTH AFRICAN UNIVERSITIES WITH  
REFERENCE TO TWO CAMPUSES IN THE FREE  
STATE**

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### *List of abbreviations and acronyms*

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ANC	African National Congress
AZACTU	Azanian Congress of Trade Unions
AZASM	Azanian Students Movement
BTF	Broad Transformation Forum
BWO	Black Workers Organisation
CCBTU	Consultative Committee of Black Trade Unions
CCMA	Commission for Conciliation, Mediation and Arbitration
CODESA	Convention for a Democratic South Africa
COMSA	Combined Staff Association
COSATU	Congress of South African Trade Unions
CUSA	Council of Unions of South Africa
ELRA	Education Labour Relations Council
FOSATU	Federation of South African Trade Unions
GATT	General Agreement on Trade and Tariffs
GEAR	Growth, employment and redistribution (plan)
GFWBF	General Factory Workers Benefit Fund
ICA	Industrial Conciliation Act of 1924
IFP	Inkatha Freedom Party
ILO	International Labour Organisation
IMSSA	Independent Mediation Service of South Africa
LRA	Labour Relations Act
MEDUNSA	Medical University of Southern Africa
NACTU	National Council of Trade Unions
NASA	Non-Academic Staff Association
NCP	National Council of Provinces
NECC	National Education Co-ordinating Committee
NEDLAC	National Economic Development and Labour Council
NEF	National Economic Forum
NMC	National Manpower Commission
NTESU	National Tertiary Staff Union

### *List of abbreviations and acronyms*

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NUM	National Union of Mine Workers
NUSAS	National Union of South African Students
NUTW	National Union of Textile Workers
PSCBC	Public Service Co-ordinating Bargaining Council
RAU	<i>Randse Afrikaanse Universiteit</i>
RDP	Reconstruction and Development Programme
SAAWU	South African Allied Workers Union
SACCAWU	South African Commercial, Catering and Allied Workers Union
SACCOLA	South African Consultative Committee on Labour
SACTU	South African Council of Trade Unions
SAP	Society for Academic Staff
SAS	Society for Administrative Personnel
SASCO	South African Students Congress
TGWU	Transport and General Workers Union
TUACC	Trade Union Advisory and Co-ordinating Council
TIU	Textile Workers Industrial Union
UCT	University of Cape Town
UDUSA	Union of Democratic University Staff Association
UDW	University of Durban-Westville
UND	University of Natal (Durban)
UNIBO	University of Bophuthatswana (now University of the North-West)
UNISA	University of South Africa
UOFS	University of the Orange Free State
UP	University of Pretoria
US	University of Stellenbosch
UTP	Urban Training Project
<i>UVPERSU</i>	<i>Universiteit van die Vrystaat Personeel Unie</i>
UWC	University of the Western Cape
UWUSA	United Workers Union of South Africa
VNWU	Vista National Workers Union

*List of abbreviations and acronyms*

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WITS	University of the Witwatersrand
WPWBF	Western Province Workers Benefit Fund
WTF	Wits Transformation Forum
VUSU	Vista University staff union



## CHAPTER ONE

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Methodology and approach

---

**1.1 Introduction**

The purpose of this chapter is to set forth an exposition of the research problem and the factors that motivated the choice of this study. An account of the factors and rationale that crystallised the research problem is given. The research problem, the research questions as well as both broad and specific research objectives are then delineated. The research design, on which the research procedures and methodology are grounded, is spelled out followed by an explication of the limitations of the study.

**1.2 Labour relations developments at South African Universities**

Political transformation, which began in all earnest in South Africa on 2 February 1990, also necessitated fundamental reforms in the labour relations arena. The transition to democracy inevitably posed a serious challenge to transform all societal institutions including the labour relations system. More specifically, as far as the context of labour relations is concerned, the nineties are marked by a prelude to a new era. This is the era in which employer organisations and trade union federations engage in concerted negotiations, which have resulted in a series of important breakthroughs in a search for new *modus operandi*. Of late major changes were effected to the Labour Relations Act (LRA) in 1991. The workers' rights were enshrined in the Interim Constitution and the Bill of Rights was ratified in 1993. The 27th of April 1994 goes down as a watershed in the South African calendar of reforms. It is a historic day in which the majority of the disenfranchised attained full political liberation. In 1995 the LRA was extended to include farm and domestic employees as well as large parts of the public service. On the 11<sup>th</sup> of November 1996 a new LRA came into effect covering almost all employees in a single act.

Many labour relations scholars agree that the trend in labour relations in South Africa is towards societal corporatism<sup>1</sup>. Societal corporatism characterises a shift away from a largely adversarial to a more co-operative relationship between employer associations and trade union federations, with the state playing a facilitatory role towards the promotion of labour peace. This trend is characteristic of a new dispensation ushering a culture of democracy ensuring that South Africa assumes its rightful place in a global economy. The objectives of the Reconstruction and Development Programme (RDP) include helping to create the conditions conducive for economic recuperation and sustainable growth. With socio-economic frameworks such as RDP in place, the need to rejuvenate the economy becomes even more pertinent. The implementation of the RDP has, however, not been entirely successful in terms of meeting its set objectives. The effects of regressive economic policies of the apartheid economic system during the eighties are currently surfacing in the form of insufficient economic growth, accelerating crime rate, plummeting value of the rand, sluggish direct foreign investment as a result of tight competition of the global markets, *etc.* In the context of the above, the ANC-led government attempted to consolidate the RDP with a new macro-economic framework – the Growth, Employment and Redistribution (Gear) plan in which the objectives of the RDP are reiterated.

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<sup>1</sup> **Societal corporatism** may be defined as a highly centralised process of negotiations between the state and powerful organs of civil society such as business and labour organisations to improve the economy (Finnemore & Van der Merwe, 1996:12).

"The Gear strategy is an economic reform programme directed towards:

- A competitive, fast growing economy that creates sufficient jobs for all the jobless;
- A society capable of ensuring that sound health, education and other services are available to all;
- An environment in which homes are safe and places of work are productive" (*Business Day*, in Popenoe, 1998:382).

With the new economic strategy as outlined above, the country is in the throes of optimistic developmental strategies that are engineered to generate sustainable economic growth. In 1994 the National Economic Development and Labour Council (NEDLAC), the national forum that brings together labour, business, government and development organisations together in influencing matters of macro-economic policy, was established. The purpose of this council is to dispose the key stakeholders of a platform to influence national policy formulation and to provide them with the opportunity to peruse all proposed labour legislation (Mgidlana, 1995:1).

The developments in the broader labour relations terrain, particularly in the previous decade (the eighties), are also invariably mirrored and echoed in labour relations practice at the South African universities. The eighties were characterised by massive unionisation across the country, following labour reforms proposed by the Wiehahn Commission (cf chapter two). From then onwards labour relations practice at the universities began to be affected by industrial action taking the form of work stoppages, sit-ins, go-slows, pickets and various other forms of protest action. These labour unrests were in fact the manifestations of deep-seated resentment of the traditional management prerogative to manage unilaterally, which has been characteristic of labour relations practice since the formalisation of industrial relations by the promulgation of the Industrial Conciliation Act (ICA) of 1924. From the onset, formal worker representation on industrial conciliation machinery was not

extended to Black workers until the beginning of the last decade following major labour reforms in 1979. This situation also led to inimical labour relations in which management and unions tended to indulge in a protracted trial of strength.

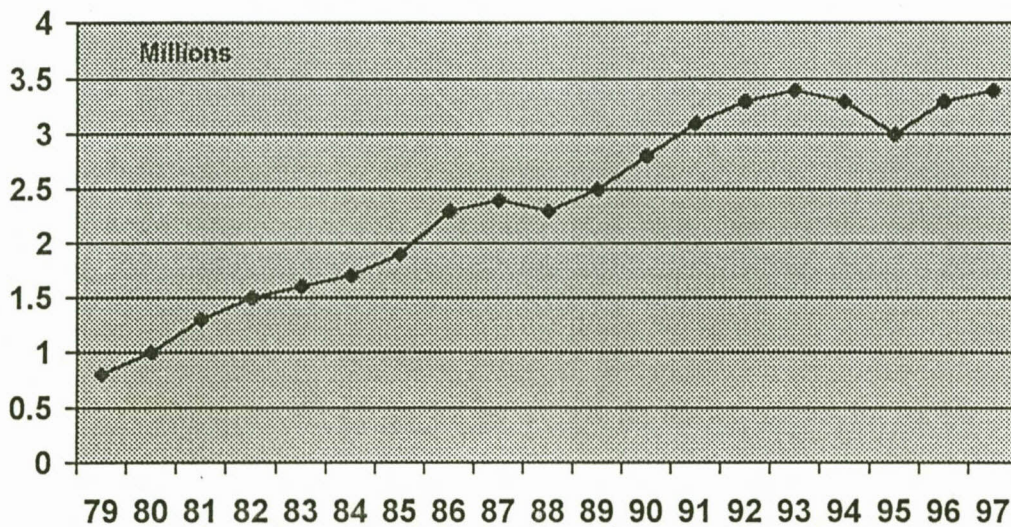
Until the eighties trade union organisation at South African universities was virtually non-existent. However, the turn of the eighties and early nineties became characterised by the mushrooming of the union movement and industrial action across the country. Efforts to organise the Black employees at the universities saw early signs of fruition. These efforts at unionisation can be understood in part within the context of the victory of the Black working class following the Wiehahn Commission of Inquiry and in part in the wave of industrial unrests and political upheavals that pervaded the country during this period. More specifically, before 1984 workers in the university sector were generally relatively passive and inclined to accept the *status quo* with regard to their employment situation. However, the working class militancy, which swept throughout the country during the early eighties did not pass unnoticed by the workers in the universities. The blue-collar workers became more conscious about perceived wage discrepancies and working conditions and began to regard it necessary to organise themselves into trade unions<sup>2</sup>.

During this period the culture of student backlash also became firmly entrenched at the tertiary institutions. The student movements emerged strongly in challenging not only the discriminatory education system, but also the entire oppressive social establishment in South Africa.

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<sup>2</sup> The overview on industrial action in this sector, which is the subject of chapter two, covers the period from 1984 to 1999. As already pointed out above, this is the period in which incidences of industrial action in the university sector generally took place.

Formal mergers between the Black students and the workers also began to surface in this period<sup>3</sup>. The manifestation of the mergers between the student movements and the workers is witnessed in the first Congress of the Azanian Student Movement (AZASM) in 1984 (*Star*, 1984:7). The worker impasse was gradually translated into worker mobilisation, which was to be followed by a wave of industrial action and protracted labour disputes at the universities. The events which were beginning to unfold at the universities were fast becoming symptomatic of what already took place in major industrial centres. This is confirmed in figure 1.1 below by the Department of Labour (adapted from Andrew Levy & Associates 1999:15) which shows a proliferation in trade union membership between 1979 and 1997.



**Figure 1.1: Total union membership between 1979 and 1997. Source: Department of Labour in Andrew Levy & Associates (1999:15).**

<sup>3</sup> There was collaboration between the students and the workers in the university sector in South Africa even before the eighties. In fact the genesis of the Black working class militancy in the university sector is deeply rooted in the students activism and contribution by the intellectuals at the universities (CF. chapter two). Cartoon 2.1 and 2.2 on page 61 and 65 depict mayhem resulting in protest actions by the students and workers in expression of solidarity with each other and against the plight of the workers at UCT.

The year 1997 was characterised by a downturn on mandays lost due to industrial action. This was due to the fact that 1997 was the first year that the new labour statute the LRA became operational. It was the period on which workers and the trade union vanguard in general were perusing the implications of the new Act. In 1998, when the effects of the Act were beginning to be felt, escalation of industrial action was beginning to become the order of the day as the Act was put to test. The year 1999 culminated in further action predominantly by the public sector unions during rounds of salary negotiations with the government<sup>4</sup>. Figure 1.2 below shows mandays lost due to industrial action between 1979 and 1998.

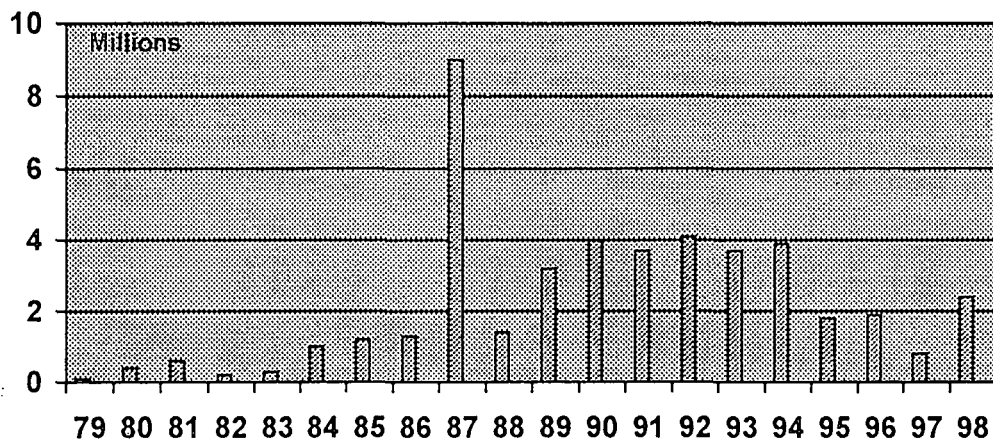


Figure 1.2: Mandays lost between 1979 and 1998 due to industrial action.  
 Source: Department of Labour in Andrew Levy & Associates (1999:23).

<sup>4</sup> The general wave of strike action after the implementation of the new LRA together with its related dispute resolution function (i.e. the Commission for Conciliation, Mediation and Arbitration [CCMA]) highlighted some problems with the new Act. These problems could be viewed as serious and could undermine the fundamental objectives of the promotion of voluntarism and labour peace. (Also cf. chapter four). Technical amendments to offset numerous obstacles were effected following institutionalised procedures.

### 1.3 Rationale for the study

Traditional criteria for the university institution's acceptability and effectiveness have centered on its task as educator, researcher and community benefactor. However, an unprecedented escalation of industrial action at South African universities during the last decade, or so, has focused the attention on an important secondary function of the university institution, namely that of employer. It is the assumption of this research that the organisational effectiveness and social acceptability of universities in future will increasingly be judged by taking into account various in-house dynamics. Amongst these the manner in which labour relations are conducted and labour disputes and industrial action resolved, certainly will be of major importance.

Traditionally, sociological investigations into the labour history in South Africa have focused on sectors of the economy where labour relations have been especially volatile, such as the mining and manufacturing industries. Labour relations practice in the service industries and specifically tertiary education sector has been neglected. Specifically no attempt has been made to systematically reconstruct the socio-historic patterns of labour relations and industrial action among the blue-collar university workers. From a sociological perspective an explication of labour dynamics should prove of particular interest because of the unique social relationships that prevail on university campuses (i.e. among the so-called intelligentsia, bureaucrats, students and blue-collar workers). For one thing, there is a need to understand how a new generation of students interact with the working class in bringing about reform at South African universities, which in many cases have been dominated by white Afrikaner interests for so many decades.

A hypothesis implied in this regard is that the industrial action dynamics at universities is a function also of the struggle in the country at large. Additionally, an intellectual fervour and curiosity has also aggravated the need to develop

sociological explanation as to why the intelligentsia at universities typically have not engaged in industrial action, whilst their remuneration has decreased compared to that of their counterparts in the private sector. Part of the answer lies in the fact that the intelligentsia has not been unionised while the blue-collar workers have. Nevertheless, change in these historical patterns is currently being witnessed since most of the unions operating at the universities in South Africa are now beginning to organise the workers across all occupational categories<sup>5</sup>. In this instance the National Education, Health and Allied Workers Union (NEHAWU) has resolved at its 1996 National Congress to organise academic staff as well. Other developments also seem to be pointing towards this trend. For example, the Union of Democratic University Staff Association (UDUSA) called a summit in 1996 to consider the possibility of organising all employees in the university sector (both white collar/academic and blue-collar/manual) at the national level (Amra, 1996:42-43). Moreover, the National Tertiary Staff Union (NTESU) was formed to organise employees across different categories at various tertiary institutions (*Blitznuus*, 1996:5). These trends favour collective bargaining at the central level<sup>6</sup>. The key argument of this research is that the establishment of centralised bargaining in the universities may be beneficial to the university sector in general. Although centralised bargaining brings its own set of problems such as possible alienation of workers from top union structures (oligarchic tendencies within top union structures), its benefits outweigh those under the *status quo*.

The two campuses in the Free State, the University of the Orange Free State (UOFS) and Vista satellite campus in Bloemfontein form case studies for this research. The other two campuses in the Free State are Vista satellite campus in Welkom and the University of the North in Qwa Qwa. A comparison between the UOFS and Vista satellite campus in Bloemfontein would be ideal in a number of important respects. The two institutions provide convenient access for conducting

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<sup>5</sup> (CF. page 82-83)

<sup>6</sup> (CF. pages 72, 75,82,85,109,111-116, 119 and footnote 62 on page 161).



fieldwork because of their proximity to each other. However, the most salient and overriding reason for having these two institutions as case studies is that respectively these two institutions in Bloemfontein fall in one of two historical backgrounds, notably the traditionally White and traditionally Black categories. Therefore the two selected institutions to a large extent provide the necessary barometer to put the national dynamics of industrial action at universities in the country into perspective. Although the results of the empirical study would not simply be generalised to other campuses throughout the country, the study, as far as could be ascertained, represents the first concerted scientific effort of magnifying the picture of labour relations practice at South African universities. A comparison between the historically Black and historically White universities also helps to put into perspective the militancy fostered by the past political arrangements.

#### **1.4 Research problem and research questions**

The research problem for the envisaged study firstly culminates in a perceived need to investigate, clarify and delineate the full range of factors (i.e. social, economic, political, organisational, institutional, etc) causing labour disputes and industrial action at South African universities. A socio-historical analysis is therefore performed in order to draw detailed data to highlight factors contributing to industrial action and labour disputes. Central to the analysis is an attempt to discover: How and when did particular incidences of industrial action start and spread? What were the common aspects triggering these disputes? And, what were the general outcomes/consequences of respective disputes and industrial action?

One of the latest incidents of industrial action in the university sector is the national solidarity strike called by NEHAWU early in 1999. On the 9<sup>th</sup> of April 1999, the blue-collar workers in various institutions including the two case studies for this research namely, the UOFS and Vista satellite campus in Bloemfontein were **picketing**<sup>7</sup> under the banner of NEHAWU.

The pamphlets that were distributed throughout the UOFS contained the following number of demands for all the blue-collar workers in the tertiary education sector:

- "A moratorium on retrenchments, outsourcing and privatisation;
- Centralised bargaining;
- Bosses to respond to NEDLAC's memo on sectoral job summit;
- Bosses to commit themselves to job security of workers;
- A tertiary education ministry to be put in place to address the plight of tertiary education institutions;
- Workers to form part of compilation of new statutes (Acts) at individual institutions;
- Corruptive elements within management to be sacked"

Source: NEHAWU office at the UOFS.

In essence, these demands epitomise poignant labour relations questions that typifies the institution in transformation.

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<sup>7</sup> **Picketing** refers to an "...action by employees or other persons to publicise the existence of a labour dispute by patrolling or standing outside or near the location where the dispute is taking place, usually with placards indicating the nature of the dispute. The aim of the picketing might simply be to communicate the grievance to the public, or it might be to persuade other employees in that **workplace** not to work and to take their side in a dispute, to deter **scab** labour, to persuade or pressurise customers not to enter the workplace, to disrupt deliveries or to drum up public support" (Barker & Holtzhauzen, 1996:113).

### 1.5 Research objectives

The study is undertaken with the broad objective of constructing by means of literature and empirical perusal, an approach in which the nature, problems and dynamics of labour relations in the university sector can be understood. The study sets out to accomplish the following research objectives:

- To gather information through literature study in order to reconstruct the history of industrial action at South African universities.
- To outline changes in labour law and expand on the implications of these changes for labour relations practice in the university sector.
- To gather empirical data on labour relations practice at the two campuses in a specific area, that is the UOFS and Vista satellite campus in Bloemfontein. This objective is underscored by the fact that together with related research already conducted, the study can be used as scientific reference to the aggrandisement of the conduct of labour relations not only at the two above-mentioned institutions, but also at other South African universities.

More specifically the objectives of the study may be delineated as follows:

- To utilise labour relations approaches in order to understand labour relations practice at South African universities. Labour relations approaches such as unitarism, pluralism, radicalism and corporatism are therefore employed to understand and explain patterns, developments and progress of the concerned industrial action.
- To put the developments in labour relations practice at the two case studies, namely the UOFS and Vista satellite campus in Bloemfontein, in historical perspective.
- To give an account of the implications of the new LRA as it impinges on labour relations practice at South African universities;

- To investigate and clarify the full range of causal factors (i.e. social, economic, political, organisational, institutional, *etc*) causing labour disputes and industrial action at South African universities<sup>8</sup>.
- To investigate probable ways of limiting and curbing destructive industrial action at South African universities.

### 1.6 Research design

The concept "research design" refers to the organisation, management and systematisation of the scientific research process from the first to the last step (Bless & Higson-Smith, 1995:63). This section attempts to explain the research procedures and methodology. The study is **descriptive** in as far as it seeks to describe the dynamics of labour relations in the university sector in South Africa. Two methodologically relevant case studies that underscore the general features of South African universities were used. The study can also be defined as **exploratory** as it attempts to peruse the nature and extent of industrial action in the same sector. Data was gathered by means of both literature and empirical study. **Triangulation**<sup>9</sup> was used by employing both quantitative and qualitative methods to gather information.

While the former method is designed to describe variables measurable in numerical terms such as income, age, educational level, *etc*, the latter attempts to describe a social phenomenon in precise verbal terms (Popenoe, 1995:37). "Qualitative method consists of three kinds of data collection: (1) in-depth, open-ended interviews; (2) direct observation; and (3) written documents, including such sources as open-ended written items on questionnaires, personal diaries, and program records. The data from open-ended interviews also consists of

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<sup>8</sup> This objective is realised in two ways in the study. Firstly, chapter two provides an overview of industrial action in which these factors are addressed at the macro and general level. Secondly, these factors are addressed again in chapters five and six by case study method in two specific campuses in the Free State.

<sup>9</sup> According to Neuman (1997:151) "...**triangulation** means using different types of measures, or data collection techniques, in order to examine the same variable".

direct quotations from people about their experiences, opinions, feelings and knowledge. The data from open-ended interviews consists of detailed descriptions of program activities, participant observation, staff opinions, and the full range of human interactions that can be part of program experiences. Document analysis yields excerpts, quotations, or entire passage from records, correspondence, official reports, and open-ended surveys" (Patton, 1987:7). The study has a strong leaning towards qualitative method, as this method is more suited to descriptive and exploratory studies. In-depth interviews were utilized to capture responses from the blue-collar workers and shop stewards, while self-administered questionnaires were designed for line managers. The latter may be seen more as "quantitative" data gathering.

Printed media-reports were the primary source of information for the literature study in chapter two and constituted content analysis as a method of data collection. The broader analysis took the form of extensive literature and media-report (especially newspapers) overview and encompassed, amongst others, a reconstruction of the history of labour relations and industrial action at the universities in South Africa. The study incorporates the literature study consisting of chapter one to four and empirical study consisting of chapter five and six. Chapter one to four relied on academic literature, which includes books, journals, newsletters, annual reports, articles, official documents and records (i.e. personnel files, minutes of trade union and management meetings, etc). Chapter two puts industrial action in historical perspective by attempting to draw the link between the broader industrial relations pattern across the country to industrial action pattern at the universities. Chapter two relates a brief history of labour relations in South Africa from the early seventies to date. This is followed by a critical discussion on industrial action at the universities. Chapter three relates the historical development of the two campuses and comprises a brief explication of labour relations background at the two case studies for the research.

Chapter four presents current developments on labour legislation and implications of these developments for labour relations practice in the university sector. Chapter five deals with presentation and discussion of the results, while chapter six provides a summary and recommendations of the study.

The literature review, however, has had high reliance on media reports (newspapers in particular) as a source of information. This is because newspaper articles were the most prominent source of documented information on industrial action at the universities. However, it must also be acknowledged that newspaper articles do not provide exhaustive information. They do not always give the full picture and their susceptibility to bias can certainly not be discounted. Newspapers are also probably often more concerned with "sensationalism" than with "objective truth". They tend to exploit emotions and perceptions displayed in the heat of the struggle. Industrial settlements and agreements (or successes) make for less interesting newspaper reading than strife, conflict and the notorious "strike". The intention, however, is not to reconstruct the exact industrial action history of any particular institution, but rather to utilise available media reports in facilitating the emergence of a "total" and general picture through systematic overview.

### 1.6.1 Unit of analysis and sampling

Bless & Higson-Smith (1995:64) define a "unit of analysis" as "... the person or object from whom the social researcher collects data". The units of analysis for the purposes of this study comprise three categories of respondents, namely, **blue-collar workers, shop stewards and line managers**<sup>10</sup> at the UOFS and Vista satellite campus in Bloemfontein. **Stratified random sampling** was used as a sampling method. Bailey (1987:90) points out that "...a *stratified sample* is obtained by separating the population elements into non-overlapping groups,

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<sup>10</sup> The line manager refers to the "... manager who has the direct responsibility of carrying out the basic functions of the organisation. He or she also has a supervisory responsibility" (Barker & Holtzhauzen, 1996:86).

called *strata*, and then selecting a simple random sample from within each stratum". Three *strata*/categories of respondents, viz. the blue-collar workers, shop stewards and line managers constitute response categories in this research.

The UOFS employs six hundred and thirteen (613) blue-collar workers. Sixty (60) respondents<sup>11</sup> out of the entire population of the blue-collar workers under the study were chosen through a simple random sample from personnel list that was made available from the personnel department at the UOFS. Ten (10) line managers who constitute the majority of managers dealing with labour relations issues in the departments where the blue-collar workers are deployed, took part in the study. A simple random sample was used to select line managers who were issued with appropriate questionnaire schedules to complete in their own time. The method of data collection was self-administered for line managers. The researcher in person collected the questionnaires once they were completed.

A simple random sample comprising eleven shop stewards out of twenty-two was selected at the UOFS. Initially, the process of data collection on shop stewards at the UOFS was designed as self-administered questionnaires. The result, however, elicited very low response rate. Only three completed interview schedules were collected. The reason for the low response rate apparently was the fact that questionnaire schedules were written in English while many shop stewards were not quite fluent in English. In an effort to increase the response rate, the researcher rearranged with the shop stewards for recollection of data through the interview method. The interview process was conducted in Sesotho by the researcher and the problem of language was solved. The three questionnaires, which were filled in, were not discarded because of ingenious quality of the responses from more experienced shop stewards and those who

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<sup>11</sup> For the purposes of this study, this sampling frame represents ten percent of the number of blue-collar workers at the UOFS. This sample is thus probably sufficiently representative. Also cf. page 140.

did not have a language problem. Subsequently, eleven responses were obtained. With respect to Vista satellite campus the same procedure was used.

Ten blue-collar workers out of a total of sixteen at Vista satellite campus were interviewed<sup>12</sup>. An attempt was made to try to interview all of them, but the remaining ones were either absent or on leave. Five line managers participated in the study by completing self-administered questionnaires.

### **1.7 Data collection**

The fieldwork phase of the research comprised the survey method as a mode of observation entailing structured in-depth interviews with strategically placed role-players in labour relations at the UOFS and Vista satellite campus. Standardised questionnaires were constructed and employed for data collection. With respect to line managers, however, self-administered questionnaires were used. The face-to-face interview as a research instrument has the advantage of the interviewer coming into direct contact with the respondent thus permitting a more natural flow and spontaneous communication. Utilisation of self-administered questionnaire schedules was clearly inappropriate in the case of the blue-collar workers since it would involve them having to read cover letters and filling in intricate questionnaires while being relatively illiterate. This also proved problematic in the case of the shop stewards as mentioned before.

Face-to-face interviews have the capacity of capturing a detailed answer from respondents. They are also capable of eliciting a higher response rate than questionnaires (Babbie, 1992:269). The interview schedule also comprised structured component of questions. The advantage of the structured questions is that the problem of recording and coding data is minimised. This in effect results

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<sup>12</sup> Vista satellite campus in Bloemfontein is a relatively small campus in comparison to the UOFS. There are only sixteen blue-collar workers employed on a permanent basis. According to the Human Resources Officer at Vista University a small additional proportion of the blue-collar workers render service as contract workers. Cf. footnote on page 142.



in the magnification of greater precision. Letters were written to management at the two campuses to request permission to conduct research. Arrangements were made accordingly with relevant line managers in various departments for interviews with selected workers. The same procedure was followed with the trade union officials when the shop stewards were interviewed at both campuses.

The researcher made use of office facilities and departmental seminar rooms to interview the respondents. The interview schedules for the blue-collar and the shop stewards were translated to Sesotho and the researcher personally using Sesotho conducted the interviews. The original interview schedule as well as the translated version was sent to the Department of Sesotho at the UOFS for language editing prior to the commencement of the interview process. The interviews with the blue-collar workers and shop stewards took place during working hours and at the place of work. The duration of each face-to-face interview was between twenty to thirty minutes per respondent. Arrangements were made with the trade union organising the blue-collar workers at respective campuses. Permission was sought by means of written requests to unions to interview the shop stewards. (Copies of the letters are attached in appendix D).

The development of the interview schedules was informed by the earlier phases of the research, such as a series of pre-interview discussions<sup>13</sup> with line managers and trade unionists. Three sets of questionnaires with each focusing on a particular category of respondents have been included in the appendices. Appendices **A**, **B** and **C** pertain to workers, unions and management respectively.

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<sup>13</sup> These discussions provided an important source of data that helped shape the direction of the study and data was gathered both through the word of mouth from the relevant strategic informants and through communication via mail and e-mail. Telephone interviews were also conducted with some of the informants to get the information that could serve a useful purpose in this study.

### 1.7.1 Interview schedule for the blue-collar workers

Section A in this questionnaire schedule relates to the biographical, personal and occupational backgrounds of the workers. Section B relates to the perceptions of the workers on job satisfaction. Structured questions designed in terms of the Likert-scale (ranging from **strongly agree** to **strongly disagree**) were used to determine the perceptions of the workers on job satisfaction and their attitudes on their institutions. Section C attempts to investigate workers' views on their unions, while section D deals with working conditions.

In general, the questions that reflect problems enmeshed in labour relations practice that seem to be recurring in the university sector, were systematically asked to elicit information through which labour relations practice at the two campuses can be put into perspective. The area of working conditions is one in which the workers were most dissatisfied with and many disputes in the past have been principally around this issue in the university sector (cf. chapter two). In fact many of workers' grievances are predominantly related to working conditions<sup>14</sup>.

### 1.7.2 Trade union questionnaire schedule

The second questionnaire schedule adapted to interview schedule pertains to the shop stewards. It seeks to capture the perspective of the shop stewards as worker representatives on labour relations matters at the two campuses. The issues addressed focus on the organisational arrangements of labour relations practice, while other questions relate to employee-union relations. Some of the questions asked were designed according to the Likert-scale ranging from **strongly agree** to **strongly disagree**. These questions were formulated to determine the perceptions of the shop stewards on labour relations practice.

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<sup>14</sup> Cf. chapter five on data analysis, and six on the summary of the study.

### **1.7.3 Management questionnaire schedule**

The last questionnaire schedule relates to the line managers. The questions in this schedule attempt to highlight the perceptions of the management regarding labour relations practice at their respective institutions. The questions compiled further attempt to put into perspective the perceptions of management regarding their relationship with the unions and the workers. Some structured questions with open-ended response categories were formulated to determine the perceptions of line managers on labour relations practice.

### **1.8 Pilot study**

One of the methods of improving reliability of the research project is to use a pilot study. This process involves the researcher developing an experimental draft instrument and testing it to determine the feasibility of the study (Neuman, 1997:141). Preliminary draft questionnaire schedules were developed out of the component of the literature study as well as on the basis of the preliminary interviews with strategic informants to check the general feasibility of the study and clarity and comprehensibility of the questionnaire schedules.

### **1.9 Data analysis: a qualitative evaluation**

Patton (1987:144) remarked that the qualitative investigator relies on two core sources in order to harness data analysis correctly, namely "... (1) the questions formulated in the preliminary phases of the investigation, i.e. the conceptual and design phases of the research, and (2) a strong background information (or analytical insights and interpretations) that surfaces during the process of data collection". Qualitative research methodology is based on certain core theoretical tenets identified by Crowson (in Fourie, 1996:248):

- "the objective of the research is to *understand*, rather than prove, or predict or control;
- understanding develops most easily if the researcher him/herself is the main instrument of data collection;
- in analysing data, there is an emphasis on analytic induction, i.e. building an understanding from the ground up; and
- it is recognised that the search for understanding is heavily value-laden".

The research method followed in this study is embedded in the above tenets. Firstly, the analysis throughout the study focuses on a need to develop "sociological understanding" of industrial action in the South African university sector with empirical insights drawn from the UOFS and Vista satellite campus in case study tradition. Secondly, understanding is further consolidated by the fact that the researcher personally conducted the collection of data. Thirdly, the development of detailed questionnaire schedules elicited possible analytical induction since conceptualisation and development of questionnaires were insinuated in the literature study. Literature study represents the ground or the firm foundation on which questions were based. Fourthly, since qualitative investigations are conveyed primarily through a medium of verbal terms, it is almost unavoidable to entirely escape subjectivity. In this regard Neuman (1997:421) noted that in qualitative research, "...ideas and evidence are mutually interdependent. This applies particularly to case study analysis".

### **1.10 Value of the study**

The value of the study lies in the contribution it seeks to make in terms of attempting to magnify a deeper understanding of the nature, problems and dynamics of labour relations at South African universities. The study also attempts to reveal subtle transformatory factors that have come to riddle labour relations practice in the university sector in South Africa today. The researcher intends to provide feedback in the form of a summary of this research both to the

Labour Relations/Human Resources Departments and participating trade unions at the UOFS and Vista satellite campus. For this reason, it will also be of benefit, value and in the interest of sound labour relations both to Labour Relations/Human Resources Departments and the working class movement, particularly for the UOFS and Vista satellite campus in Bloemfontein.

### **1.11 Limitations of the study**

The fieldwork with respect to Vista satellite campus in Bloemfontein took place in the context of a wave of labour disputes on campus. Serious internal conflict among the various unions and Vista University management impacted on data collection process on the study. The researcher encountered almost insurmountable and very clandestine resistance from Vista University management towards granting permission to conduct interviews at Vista satellite campus in Bloemfontein. The researcher struggled for more than a year trying to secure permission to interview the respondents from Vista satellite campus in Bloemfontein. The permission to interview the shop stewards from the three unions operating at Vista satellite campus in Bloemfontein was obtained with relative ease, but with respect to data collection on line managers and blue-collar workers, the situation was totally different. At one stage the researcher was physically threatened and chased out of campus in the library department by an individual apparently from the management side who was unhappy to see the researcher communicating with an official from one union operating there. This antagonistic reaction was probably incited by emotions that were still running high following a recent strike<sup>15</sup> on campus that resulted in management dismissing three employees, two of whom were academic staff members and influential union members. The permission was ultimately granted following a number of letters that the researcher wrote asking for permission to interview the workers on the campus premises as well as to secure the participation of the line managers at Vista satellite campus.

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<sup>15</sup> Cf. chapter two.

### 1.12 Summary

This chapter provided evidence and justification for the need to conduct research into labour relations practice in the South African university sector. The *modus operandi* on the what, how and why of the research has been the focal point of this chapter. The three interview schedules developed were meant both to capture responses which were transcribed and to code concepts, experiences and opinions of the respondents' conceptions of labour disputes settlement and timely avoidance and appropriate resolution of industrial action. The chapter that follows deals with an overview of industrial action at South African university sector.

CHAPTER TWO

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**Overview of industrial action at South African Universities**

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**2.1 Introduction**

Cunningham & Slabbert (1990:1) state: "The significance of history lies in its ability to provide a framework for an interpretation of contemporary ideology, since current events acquire meaning when placed in their historical context". Against this backdrop, the accelerated phenomenon of industrial action and labour disputes at the institutions of higher learning in South African universities need to be placed within the broad historical context of South African labour relations system. The justification for this being that industrial action at universities is set in the broader, general industrial action pattern in South Africa.

This chapter attempts to contextualise industrial action at the universities within the broader historical context of industrial relations patterns in South Africa. However, the chapter does not attempt to review the entire history of industrial relations but commences the historical overview from the early seventies to date. The first part of the chapter reflects briefly on the historical development of labour relations from the seventies to the current situation in South Africa. The second part is an attempt to link industrial action patterns within the broader industrial relations system to industrial action at the universities.

The latter part covers industrial action at ten of the national universities, namely, Medical University of Southern Africa (MEDUNSA), University of Bophuthatswana (UNIBO) (now University of the North-West), University of the Western Cape (UWC), University of Durban-Westville (UDW), Rhodes University, University of Cape Town (UCT), University of Stellenbosch (US), University of Pretoria (UP), University of Natal (Durban) (UND) and University of the Witwatersrand (WITS)<sup>16</sup>. Distinction is drawn between "traditionally Black" universities and "traditionally White" universities. In reconstructing the history of labour relations, analytical frameworks and approaches such as unitarism, pluralism, radicalism and corporatism are utilised to contribute to understanding and explaining of patterns, developments and progress of the concerned industrial action.

## **2.2 Labour relations in broad historical and theoretical perspective**

By the turn of the seventies the South African industrial relations system was already formalised and cemented into a dual system. The labour statutes already instituted by then had dichotomised work relations giving effect to the two-stream system of labour relations on racial lines. Writing about the dual system, Nel & Van Rooyen (1993:64) remarked that: "The rationale for this dualism was the traditional labour pattern of South Africa, as well as the fact that cultural heterogeneity was an inherent aspect of South Africa's history. The government also had the policy of ethnic identification which necessitated the establishment of separate institutions for the different races".

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<sup>16</sup> Since information available from media-reports on industrial action at the South African universities was fragmented, a purposive or judgmental sample (of these ten universities which are clearly most of the universities in South Africa) was sought in selecting certain institutions while excluding others. According to Babbie (1992:233) "Purposive sampling is a type of nonprobability sampling method in which the researcher uses his or her own judgement in the selection of sample members". Institutions from whom most literature on industrial action was accessible were sought for the purposes of this study. The methodological considerations on the history of labour relations in the university sector are also explained on page 13.



The dual system accorded on the one hand freedom of association to Whites, Coloured and Asian workers (Jubber, 1979:128), enabling them to exercise collective bargaining rights via the established Industrial Councils and Conciliation Boards. On the other hand, Blacks were not allowed to form or belong to trade unions. "Black worker representation within the enterprise was theoretically possible through the Black Labour Regulations Act No. 15 of 1911...." (Nel & Van Rooyen, 1993:61). The Black Labour Regulation Act No. 48 of 1953 was amended to make provision for worker representation through plant-based works or "labour committees" (Nel & Van Rooyen 1993:64). These bodies served as communication channels between Black workers and their employers (Bonner, 1987:56). The proclamation of racially based security laws and socio-political legislations such as job reservation, pass laws, influx control, etc culminated in **white worker-protectionism** and **white labour aristocracy** which were to pervade and permeate the labour relations system for a long time.

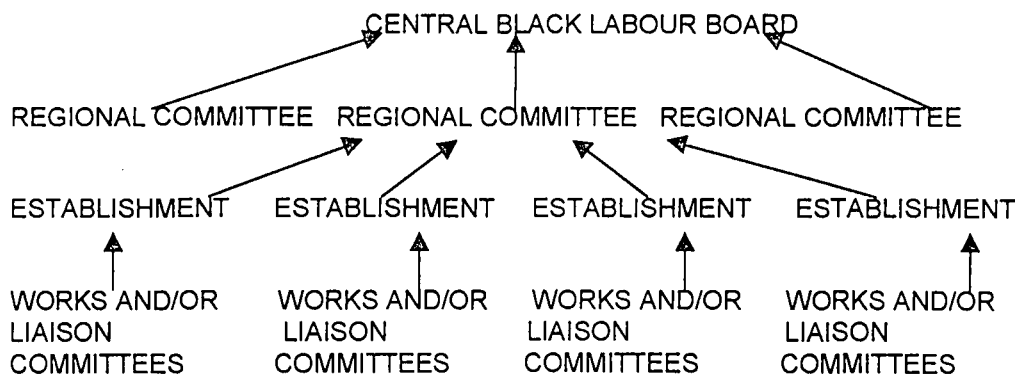
Prior to 1979 labour relations practice in South Africa was characterised as being conducted along a **unitarist perspective**. This perspective is based on the presumption that industrial relations is seated in a uniform, single-minded and team-oriented organisation (Bendix, 1989:14). Management and employees are thought to have similar sets of values and aims, with the basic goal of making the enterprise efficient so that all will share in the rewards which accrue from the attainment of this goal (Jackson, 1991:21). Cunningham & Slabbert (1990:1-12) add that "...the organisation is an integrated group of people with a single authority and loyalty structure and a common set of values, interests and objectives shared by all members of the organisation.... The owners of capital and labour are but complementary partners to the common aims of production, profits and pay in which everyone in the organisation has a stake".

In terms of the unitarist approach commitment to the organisation and loyalty to its leadership is therefore expected from employees. Conflict is seen as unnatural and not part of the system (Bendix, 1989:14). The occurrence of conflict is attributed, amongst other things, to poor social (human) relations such as a breakdown in communications, poor quality leadership (Jackson, 1991:21) or employees resisting or not comprehending the approach or even the intrusion by aberrants (Bendix, 1989:14). Trade unions (in theory) have no place in the organisation because the organisational system is inherently benign and virtuous. Trade unions are therefore regarded as posing a serious threat to management as a monolithic source of authority. "The use of coercion is regarded as a legitimate use of managerial power. Management does not perceive any need, given the legitimacy of its prerogative to obtain the consent of its employees to any decisions or changes through the process of negotiation. This attitude is often also reflected in its view of the role of law in industrial relations" (Salamon, 1987:27). In this regard, Sloane & Witney (1985:29) pointed out that management philosophies towards unions should read as follows: "We seek to weaken organised labor by any and all means at our command, to frustrate it in its demands, to grant it nothing that is not absolutely necessary, and under no circumstances to make any attempt at accepting the union as a permanent part of our employee relations. If we adhere to this approach consistently and with sufficient patience, our workers will see that the union offers them nothing. And they will ultimately arise and vote the union out at least as enthusiastically as they have voted it in".

The unitarist approach is criticised as having paternalistic and absolutist overtones. Underlying this criticism is its "...adamant refusal to acknowledge conflict as a healthy part of organisational life" (Green, 1987:6). Management is viewed as being best able to advance the interests of its employees and the custodians of entrepreneurial wisdom. Bendix (1989:15), however, made the observation about the probability of the resurrection of a refined unitarist approach under different economic conditions of the post-modern world. Under

this situation the workers, because they have a vested interest in the enterprise either as co-owners or shareholders would naturally want to see the enterprise being resilient. In Bendix's view (1989:15), the unitarist ideology appears to be appropriate to this development. It is indeed a logical paradox to notice that this scenario can benefit the economies of many countries including South Africa. The unitarist approach is also germane under a command economy in which the infrastructure blueprint has preponderance towards common ownership of the means of production, or where the employer identifies very closely with centralist economic policies.

Prior to the implementation of major labour reforms in 1979, management (in concert with the state) had strongly discouraged any challenge by Black worker to its prerogative to unilaterally manage the enterprise. The law also forbade Blacks unionisation and Black workers were alternatively encouraged to make use of "toothless" plant-based works and liaison committees<sup>17</sup> as mechanisms through which any possible conflict could be channeled. Figure 2.1 below provides the statutory industrial relations structure put in place for Black employees.



**Figure 2.1: Statutory industrial relations structure provided for Black workers. Source: (Jubber, 1979:93).**

<sup>17</sup> These committees were later renamed "works councils" and accorded some statutory powers. The new LRA now makes provision for the establishment of "workplace forums" (CF. pages 117 to 122 chapter four).

However, the demand for recognition agreements by Black workers, which especially gained momentum in the late seventies naturally, dealt a devastating blow to the unitarist system. Employers could no longer decide unilaterally on areas such as wages, conditions of work and problem solving. This development does not however, contradict a popular observation among some labour relations observers who maintain that "...the core of industrial relations is the recognition that both common and conflicting views are prevalent at the workplace (between management and employees)" Pons (1989:1-1). The superfluity of this approach has made a caricature of industrial relations for its rejection of conflict at least in this terrain.

In 1973 many workplaces in the country saw the most unprecedented wave of industrial action ever by Black workers which began in Durban and in response to which the state revised the Black Labour Relations Regulation Act of 1953 (Maree & Budlender, 1987:117). Central to the amendments was the introduction of liaison committees to circumvent looming industrial crises. By the middle of the seventies the heightened labour crises had already sent clear signals that liaison committees were dysfunctional. In 1977 the government once again responded to pressure from Black unions by amending the Black Labour Relations Regulations Act. Though the consequences of these amendments were by far cosmetic and added some material volume to the cabinet of the regime's piecemeal reforms, they nonetheless improved powers of the liaison committees to bargain on more equal terms with employers on wages and working conditions (Maree & Budlender, 1987:118).

Towards the end of 1979 mounting pressure on the system made fundamental changes imperative. Piron (1990:13) points out that during this period the majority of recognition agreements between employers and Black trade unions had been concluded. The rate of operation outside the statutory mechanism by Black trade unions already consistently eluded the state initiated committee system. It is this vacuum that led to the appointment of the Wiehahn

Commission. The Commission was established to counter the growing failure of the system in containing the power of Black unions. The major reforms, which followed suit, were to radically alter the labour relations scene. For the first time, Black workers were recognised by the system as full employees. In 1981, the ICA of 1956<sup>18</sup> was amended resulting in the change in the name of the Act to the Labour Relations Act of 1956. The LRA was amended without any major changes every year until 1984 (Maree & Budlender, 1987:121).

Meanwhile, between 1970 and 1972 there were strikes which were underpinned by wage demands in the Transvaal by Putco bus drivers and Cape and Durban dockworkers (Baskin, 1991:17). These strikes marked African working class rapture from a cocoon of silence and dormancy to become a permanent feature in the industrial relations terrain. Reflecting on the period prior to the seventies, Bendix (1989:299) lamented that "...the year 1950 to 1970 saw a shift on the South African labour scene from a time of heightened action by unions across the colour and political spectrum in the 1930's and 1940's to a phase of relative perhaps imposed peace. It also marked...the virtual disappearance of the black labour movement". Bonner (1987:55) further puts the situation into perspective when writing, "...the 1960s were clearly the doldrums so far as worker organisation and strike activity were concerned.

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<sup>18</sup>There were a number of legislative developments after the ICA in 1924. Nel & Van Rooyen (1993:53-97) expand on these changes and developments.

The harsh repression of the Congress movement and SACTU<sup>19</sup> initiated a long period of quiescence. Nevertheless beneath this calm surface a number of contradictory trends were in motion paving a way for worker organisation and successive waves of strikes".

Throughout the seventies, the government policy of continued crackdown on Black trade unions as well as many employers denied the Black workers fundamental worker rights to improve their situation at work. However, instead of dampening and rendering workers' militancy despondent, the state action has paradoxically consolidated it. The Black workforce became more determined than ever to fight for their labour rights. Bonner (1987:55) in this regard observed that given "...the repressive situation which has prevailed, the undeniable gains of the workers' movement over the last decade necessitated frequent resorts to the strike weapon".

The workers' militancy is captured in the following comparative statistics: Between 1955 and 1960 an average of 76 strikes a year took place while in 1962 and 1963 there were 16 and 17 strikes respectively (Lacom & Sached, 1989:160). In converse there were 274, 189 and 148 strikes by Black workers in 1970, 1973 and 1975 respectively (Slabbert in Cunningham & Slabbert, 1990:2-16). The unprecedented economic growth of the early seventies was preceded by the favourably less strike prone decade of the sixties. Whites' standard of living concomitantly increased while Black workers (particularly due to repressive laws and government action on organisational initiatives by Black workers in the sixties) experienced declining standards of living. Blacks also became aware of their economic power (Cunningham & Slabbert, 1990:2-16) and this resulted *willy nilly* in a ground-swell of dissatisfaction and a desire to have their aspirations accommodated in the mainstream society. Multinational and transnational companies flocked in numbers into the country while factory expansion increased

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<sup>19</sup>The South African Council of Trade Unions (SACTU) is a trade union federation, which preceded the Federation of South African Trade Unions (FOSATU) now the Congress of South African Trade Unions (COSATU).

in length and breadth (Lacom & Sached, 1989:161). The economic activity centered on capital intensive methods which affected the complexion of the labour force by drawing Black workers into semi-skilled, production and supervisory positions (Bonner 1987:55 & Lacom & Sached, 1989:161). The volume of industrial workforce also increased thereby consolidating the *de facto* organisational power base of African workers.

By 1970 the emergent labour intelligentsia<sup>20</sup> (white academics and students predominantly from liberal university institutions) as well as trade union activists who survived the trepidation of the 1960s had started organising workers. Being aware that they were operating in a highly precarious and uncandid environment of state surveillance, they had to be extremely cautious. Maree (1987:1) captured the situation vividly when writing that this "...era was a struggle for survival as unions battled to obtain recognition in a hostile environment, with state and capital opposed to their very existence". Their organising efforts saw the launching of three "trade unions", the General Factory Workers Benefit Fund (GFWBF) in Natal in 1972, later to become known as the Trade Union Advisory and Co-ordinating Council (TUACC) (Lacom & Sached, 1989:171). The Western Province Workers Advice Bureau (WPWAB) was also founded in the Cape Province in 1972 and on the Witwatersrand the Urban Training Project (UTP) (Baskin, 1991:19). TUACC unions were later to profess worker representation through the utilisation of works or liaison committee system as an organisational tactic to accumulate shopfloor gains (Bendix, 1989:300).

On the 9th of January 1973 the dissatisfaction in the workforce reached a climax when about 2000 Coronation Brick workers in Durban declared a work stoppage for a pay rise (*Institute for Industrial Education*, 1974:9). Soon after that the strike contagion spread to other sectors. The Textile industry in Pinetown and Hammersdale as well as the municipality and many other sectors followed suit

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<sup>20</sup>For further details on this body of academics and students cf. Baskin (1991:20).

(Baskin, 1991:17). Police were called in to quell the unrest. Wage increases, mostly of about R2 per week, were implemented and the strike wave started to subside (Baskin, 1991:17). According to Friedman (1987:47) "...the fact that Coronation workers quickly won an increase may have encouraged others ..." to embark on strike to get wage increases as well. The strikes also erupted beyond the regional boundaries in the Eastern Cape and the Transvaal (Bendix, 1989:300). The work stoppage, which began in the Coronation Brick industry, had soon erupted into a general strike<sup>21</sup>.

The workers' actions were spontaneous and workers made no specific demands for their strikes, but the general dissatisfaction for being excluded from the system was apparent (Bendix, 1989:300). The union leaders operated clandestinely to elude victimisation and the state could not identify agitators to arrest (Baskin, 1991:18). In 1974 the first plant-level recognition agreement was concluded between the National Union of Textile Workers' (NUTW) and Textile Workers' Industrial Union (TWIU) and a British-owned company, Smith and Nephew thereby precipitating shop-floor bargaining (Bendix, 1989:301 & Wood, 1998:36).

The Soweto uprisings in 1976 gave further impetus to a renewed mood of resistance. Students and the community organised stayaways protesting against police action and demanding political rights. As an organisational strategy and tactic to cushion the impact of state repression on union movement, the emerging unions in this period avoided explicit political orientation<sup>22</sup>. The working class activities in this decade therefore revolved around the struggle for basic rights such as: the right to organise, the right to be recognised and to bargain with management over wages and working conditions (Hindson, 1987:209).

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<sup>21</sup>A **general strike** is defined as a protest by large numbers of workers from various industries against conditions prevailing in their workplaces or in the larger society. This may result in practically all economic activity in a country or area being brought to a standstill ( Finnemore & Van der Merwe, 1996:228).

<sup>22</sup>Friedman (1987:27-33) provides a brief account of SACTU's early political programme of action. This organisational strategy later served to weaken the organisation as a worker federation.



However, despite this strategic approach of non-political interference, the union movement did not avoid the state's policy of repression in eliminating resistance. Many union officials were arrested and banned (Baskin, 1991:23). However, although the union movement was robbed of much of its strength, it was not completely eliminated (Lacom & Sached, 1989:180).

The late seventies turned out differently. In this period a number of recognition agreements were concluded between employers and unions (Maree & Budlender, 1987:120). As a result the Black trade unions were steadily entering into the formal system in spite of the legislative *proviso* which specifically forbade that development. These vicissitudes sent clear signals that the state and employers could now no longer continue hiding behind the transparent wall. Cunningham & Slabbert (1990:2-16) wrote that during this period, "...there was a shift in the political economy of South Africa. Blacks became aware of their economic power and the labour movement afforded them a political training ground. There was a restructuring of the power balance within the employment relationship. Management's previously unchallenged right to manage unilaterally was transformed". The amendment (to the Black Labour Relations Regulations Act of 1973) was subsequently made in 1977 in which liaison committees were given "...the right to negotiate in-plant agreements on wages and working conditions" (Maree & Budlender, 1987:118). The state and employers became increasingly receptive of the fact that radical reforms were inevitable if they were to pre-empt an imminent revolutionary path that was gradually taking shape in the industries and society. "Some employers had begun to believe that co-option of the unions would be less costly than repression. The township uprisings gave added impetus to their argument that if unions' basic economic demands were not accommodated they would be driven in a revolutionary direction" (Baskin, 1991:27).

The state responded *pari passu* with the appointment of the Wiehahn Commission. The rationale behind this Commission was camouflaged under the guise of the need "...to seek possible means of adapting the industrial relations system to 'changing needs' and to '...eliminate bottle necks and other problems experienced in the labour sphere'" (Bendix, 1989:303). However, labour relations commentators such as Friedman (1987), and Baskin (1991) cherish analogous sentiments with Bendix (1989:303) when writing that: "...it appears highly probable that the Commission was specifically instructed to consider a method by which black trade unions could be controlled and could be incorporated into the industrial relations system". The Commission's report was released and Finnemore & Van der Merwe (1996:31), Bendix (1989:303-304) & Slabbert (1987:21) highlighted some of its major recommendations as follows:

- "granting of freedom of association to all workers irrespective of race and status as migrants or commuters;
- autonomy of unions in deciding membership criteria (as a consequence mixed unions would be allowed);
- stricter criteria be applied for trade union registration;
- prohibitions on political activity by unions be extended;
- liaison committees be renamed as works councils;
- statutory job reservation be phased out;
- the Industrial Tribunal be replaced by the Industrial Court;
- apprenticeships to be opened to all races, and;
- National Manpower Commission (NMC)<sup>23</sup> be appointed to serve as an ongoing monitor and study group of the changing labour process".

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<sup>23</sup> Cf. page 46.

The ICA was subsequently amended in 1979 and Finnemore & Van der Merwe, (1996:31-32) summed up some of these amendments as follows:

- "All migrants and commuters were excluded from the new definition of employee, thus denying large numbers of workers access to the industrial conciliation machinery<sup>24</sup>.
- Provisional registration of unions was at the discretion of the registrar who also had the power to withdraw registration without giving any reason.
- Registration of mixed unions was still forbidden except in specific cases allowed by the minister. During 1980 some Black and mixed unions were registered".

Although these legislative reforms were systematically implemented, the state was by means of other control measures intent on maintaining stern control over the working class organisation and on keeping the political demands of workers within checks (Maree & Budlender, 1987:122). Hence many independent unions viewed the new registration path with scepticism and treachery. The hallmark of these reforms, however, was that for the first time in the history of industrial relations in South Africa, the African worker was included in the definition of employee. The reform process radically changed the labour relations terrain and did much to bring the system more in line with the modern conventions of the International Labour Organisation (ILO). The positive reaction of the State to the Commission's recommendations (albeit under pressure) also opened a floodgate for trade union growth in the eighties and early nineties. During this period trade union membership increased from 701, 758 in 1979 to approximately 2,1 million in 1989 (Slabbert, 1991:30). Webster (1995:1) also concurs with this fact when

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<sup>24</sup> However, this would have meant that unions would have lost the bulk of their membership and a vehement campaign in opposition to this clause by workers culminated in an amendment accommodating all Africans in the definition of an employee (Baskin, 1991:27 & Maree & Budlender, 1987:119).

he wrote, "...South Africa is one of the few countries in which unions have grown over the last decade"<sup>25</sup>.

Towards the end of the seventies talks about trade union unity surfaced and in 1979 Federation of South African Trade Union (FOSATU), a major trade union federation in South Africa, came into being<sup>26</sup>. Its key policies include: non-racialism, worker control, establishment of industrial unions with emphasis on centralised decision-making, shopfloor organisation through the development of strong shop stewards, worker independence from political organisations, international worker solidarity and trade union unity (Lacom & Sached, 1989:186). FOSATU favoured the principle of *workerism*, which give priority to shopfloor struggles as opposed to *populism*, which emphasised greater union participation in petty politics. However, during the eighties, both union federations and independent unions adopted a meaningful engagement in politics (Maree, 1987:10). FOSATU began to take a stronger position on political issues. The emergence of smaller community-based unions from the populist camp especially in the Eastern Cape is a case in point (Bendix, 1989:327-328). This is also evident in FOSATU's open declaration for support of protesting students in the Transvaal townships of KwaThema (Springs) Soweto and Vaal Triangle (*Rand Daily Mail*, 1984:4 & Pereira, 1992:5).

Meanwhile, in the early eighties, FOSATU and other independent unions had been involved in rounds of trade union unity summits with the objective of establishing a single union federation. After protracted debates and deliberations, a breakthrough was made in November 1985 when COSATU was launched in Durban (Baskin, 1991:53). In his opening address, the then general secretary of National Union of Mineworkers (NUM) made it clear when he said that when the union engages in political activity, it must have ascertained that it has a strong shopfloor base. This approach was suggested so that when the union tackles the

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<sup>25</sup> Cf. figure 1.1 on page 5.

<sup>26</sup> Cf. footnote 19 on page 24.

state for political rights its strength at the shopfloor level is not curtailed (Baskin, 1991:54). As the biggest union federation in South Africa, COSATU has become a major force both in political developments and formulation of macro-economic policy in South Africa. Its principles are:

- "One country - One federation
- Worker control
- Non-racism" (Grossett & Venter, 1998:91).

Meanwhile, the non-statutory system of collective bargaining in the form of recognition agreements characterised labour relations practice since the early seventies. However, it is in the eighties that this type of a system has especially proliferated. Many Black unions deliberately avoided registration that would have forced them to participate in the industrial councils. Piron quoted in Nel & Van Rooyen (1993:107-108) highlighted the reasons the unions advanced for their non-participation in industrial councils as follows:

- the council system has for years been white-run;
- the council system did not effectively accommodate plant-level bargaining;
- the industrial council system was perceived to be slow and cumbersome; and
- the registration of unions was seen as a licence for the state to intervene in the domestic affairs of unions.

Black unions that opted for non-registration at the time therefore did so largely because they saw the registration path as a ploy to **co-opt** their activities into the state machinery. In 1977 the Consultative Committee of Black Trade Unions (CCOBTU) was set up within the Urban Training Project (UTP) (Baskin, 1991:19). In 1980, the Council of Unions of South Africa (CUSA) was also established through the amalgamation of nine independent unions which had operated under the auspices of the CCOBTU (Bendix, 1989:326 & Lacom & Sached, 1989:193). In the final stages leading to the formation of COSATU, CUSA withdrew from a unity summit preferring to collaborate with the

Africanist/Black consciousness-orientated Azanian Congress of Trade Unions (AZACTU) (Bendix, 1989:326-327). In 1986 National Council of Trade Unions (NACTU) came into being from the amalgamation of these two unions (Bendix, 1989:326-327).

Meanwhile, the labour reforms in 1979 resulted in the dual system being eliminated (Maree & Budlender, 1987:121). However, the industrial relations continuum was still stifled by a vacuum in the socio-political system. The Black majority were still denied the right to vote and this affected labour relations practice. Finnemore & Van der Merwe (1996:33) state a similar point of view by arguing that "...the reforms introduced in labour relations legislation were not consistent with political, economic and social divisions in the wider society and thus conflict continued to escalate". In the same breadth Bendix (1989:258) wrote, "...whereas, prior to 1979 the South African industrial relations system was a true reflection of the political dispensation, an anomaly now exists in that all South African employees have, at least by law, an equal say in the industrial relations system, but a large number still have no say in the political sphere. This has resulted in extraordinary pressures being placed on the industrial relations system and on the increasing politicisation of the trade union movement".

The elimination of the dual system gave way to **pluralist** labour relations practice. Pluralism views the civil society as composed of a variety of interest groups, voluntary associations, pressure groups and other similar groupings. It "...is a standpoint in which the existence and value of a plurality of elements are emphasised" (Degenaar, 1983:84). Various groups are in a process of give-and-take, thus no one group gets its own way most or all the time. The state is involved in interest intermediation with a view to "...achieve public consensus, and pass laws that reflect that consensus, thereby maintaining social order"

(Popenoe, 1995:385). Social order is thus achieved by accommodating conflicting interests and by making agreements, which involve consensus between the conflicting views of the groups. Fox (1971:34) pointed out that "...this variety in organisations results in tension and competing claims which have to be managed in the interest of maintaining a viable collaborative structure". The following basic tenets of pluralism in labour relations have been singled out from Finnemore & Van der Merwe (1996:7):

- "Conflict is accepted as natural to and inherent in the relationship between employer and employee, but a common interest in the survival of the organisation makes compromise both necessary and possible.
- Trade unions and employer organisations are seen as legitimate and functional organisations through which workers and employers protect and further their interests, within a framework of rules provided by the state.
- Collective bargaining is regarded as a generally decentralised, dynamic and democratic process for expressing and controlling conflict. Parties negotiate not only on issues of difference that may arise, but also on the institutions and procedures through which conflict will be channeled.
- The existence of countervailing powers supported by the employees' right to strike and employers' rights to lock out, is seen as ultimately conducive to maintaining some balance of power between the parties.
- Pluralism does not imply that equal power balance must exist or that every conflict can be settled by compromise. Compromises may not always be possible and there will be tests of strength resulting in the emergence of winners and losers.
- However, pluralism does not survive where one of the parties constantly makes a gain at the expense of the other. Parties may sometimes have to exercise their potential power with restraint given the reality that they have a vested interest in the overall stability of the relationship".

In Poole's (1986:100) view, pluralistic features are likely to be operationalised in societies with certain characteristics, namely:

- a dedication to give expression to a vibrant cultural pluralism which can take place by means of entrenchment of 'freedom of association';
- ideological consensus/coherence reflective of wide-ranging political interests;
- an economic structure with a track record of free enterprise;
- political order which guarantees multi-party democracy;
- firmly established and independent organisations of labour;
- an enduring collective bargaining system where industrial relations partners negotiate in 'good faith';

The essence of the above-mentioned pluralist tenets is the implication that employment relationships as subsystems of society are in fact platforms on which separate and conflicting interests of employers and employees should be harnessed towards compromise and consensus. The mutual benefit derived from such relationships makes consensus the lifeblood of such a subsystem.

Pluralism has, however, been criticised for having some pitfalls. One criticism is that while it recognises the inevitability of conflict, it also implies a degree of equality between the conflicting parties. The following quotation epitomises the essence of this criticism: "What is wrong with pluralist-democratic theory is not its insistence on the fact of competition but its claim (very often its implicit assumption) that the major organised 'interests' in these societies, and notably capital and labour, compete on more or less equal terms, and that none of them is therefore able to achieve a decisive and permanent advantage in the process of competition. This is where ideology enters, and turns observation into myth" (Miliband, 1969:146).

The fact that the Black constituency was politically disenfranchised led to a very slanted pluralist dispensation thus inhibiting the blossoming of the kind of pluralism characteristic of some Western European states. Finnemore & Van der Merwe (1996:8-9) pointed out that enactments under apartheid system that



effectively disenfranchised Blacks for decades naturally led to the formidable challenge to collective bargaining based on radical perspective in the eighties. In this regard Wood (1998:36) states that "...African trade unions ...were often perceived by the authorities of the day as potentially subversive.... a large number of industrial disputes were terminated as a result of police intervention and the arrest of strikers, irrespective of whether management sought such assistance or not". Douwes Dekker & Lingen, (1991:2-3): in this regard lament the state of affair in this excerpt: *"In the absence of political rights, [Blacks] must look for alternative means to achieve their goals. Mass demonstrations, boycotts, violence and unrests are obvious choices. It is indeed a tragedy that a belief, based on experience, is current among Blacks that "Whites" only take notice of their plight when forced to do so through violence – events such as the 1976 Soweto uprisings and similar demonstrations of Black anger. This may be unfair to those Whites, including business people, who have, often at the cost of personal sacrifice, attempted to keep the flag of justice and common humanity flying, but it is certainly true as a general observation, particularly in regard to the White Government of this country.... There is no point in beating about the bush on this issue of violence: employers are horrified by it and made fearful of having, or use it as an excuse for not having, anything to do with unions. But the situation is a most complex one. How often has violence been seen by the Unions as their only weapon against employers' refusal to recognise them or enter the collective bargaining process? How do unions view the violence used against them by employers – e.g. mass dismissals – and the State – e.g. police action, detentions? On the other hand, how often have unions been guilty of using violence and intimidation to force workers and employers to support their aims? It must not be forgotten too that violence is part of the far broader struggle on the part of Blacks. They want retribution for past wrongs and violence will not go away until a climate of willingness to make good the past and as far as possible eradicate its evils for ever is established"*. In the light of the above excerpt there were notable obstacles that interfaced to undermine the development of a true pluralist dispensation, namely:

- As the above excerpt pointed out, there was still lack of political will among the conservatives both within the state machine as well as within most sections of the white business community to change the political *status quo*. Not surprisingly, the extension of political enfranchisement to Blacks, by implication would be suicidal to most members of the white minority rightwing group who almost always desperately wanted to maintain their domination. This concern is also rooted in a fear of a threat to their vested interests to remain a dominant group. Moreover, reliance on "powerful" state apparatus prolonged some spurious confidence in perpetuating the *status quo*.
- Although the state and employers alike generally accepted the inherent nature of conflict in industrial relations system, employees and their organisations were still largely coerced into compromise to achieve economic goals always at the dictates of state and most employers. In this respect, the role of employee organisations (as an interest group) has largely been that of a junior partner and was thus relegated to the background when it comes to key economic issues that really mattered in bringing a new socio-economic course in place. The result of this was growing assertiveness and militancy within the ranks of the working-class movement to acquire their perceived justifiable role in macro socio-economic issues. In this regard Andrew Levy Associates (1990:34) observed that " ...the de Klerk government has recognised that the reform strategy of the PW Botha era cannot achieve stability, international recognition or economic growth because it aimed to adapt white rule, not end it".
- The democratic element within the pluralist approach was also denigrated by uncompromising stand by the state and business against any role that labour organisations could possibly play in the economic reorganisation of the society. This development was clearly contrary to a proper pluralist dispensation.
- Another obstacle from the side of employee organisations that perhaps exacerbated a hardened position that the state and business organisations

took against further labour reforms in the eighties relates to the socialist economic policy envisaged by Black working class. A concern among the white business community at large, however, was also aggravated by political victories for independence among a number of African countries that resorted to socialism after independence. Socialism was construed as an answer to the total eradication of the effects of neo-colonialism that were perceived to be lingering after political independence in many African countries.

The working-class activities among the Black workers during this time centred around revolutionary ideas based on the radical perspective. The **radical** perspective of labour relations focuses primarily on economic and occupational relationships. According to Marx, the capitalist system is characterised by the dichotomy between those who own the means of production and those who have to sell their labour in order to survive. Under the capitalist mode of production "...the bulk of the population owns no substantial property, and in order to earn a living must sell their own capacity to work. The wage or salary they receive is far less than the value of the wealth they collectively produce. The surplus is taken by the small minority who owns the means of production....The control of this minority over the productive system necessarily carries with it the control over those whom they employ" (Hyman, 1975:22). Through this division, a class relationship of domination and subordination emerges.

According to the radical perspective the superior power that employers are able to wield is reflected in the employment contract since "...in exchange for his [or her] wage the worker places his labour at the disposal of the employer" (Crouch, 1977:4). Employers treat the labour of the worker as an ordinary commodity subjected to laws of supply and demand, thereby ensuring the continuous exploitation of employees. The social and political institutions are wholly supportive of the capitalist system. This is crystallised through the establishment of an infrastructure, which consolidates the power of those who own the means of production. The "...social and political conflict in whatever form is merely an

expression of the underlying economic conflict within the society" (Cunningham & Slabbert, 1990:1-15). Bendix (1989:16) points out that although trade unions are important vehicles with which workers may hope to limit the overwhelming and exploitative power of employers, the latter's strength largely remain coercive. Although the dual system came to its demise following labour reforms in 1979, the pluralist dispensation as mentioned before did not unfold freely. It therefore led to spurious pluralism without most of the basic prerequisites highlighted above.

The radical perspective regards the collective bargaining process with indignation and resentment and as a ploy by employers to co-opt the working class into upholding management ideology. The perspective also extols trade unions' role only if they have a political programme for total change in their agenda (Bendix, 1989:16). As a result many Black trade unions in the eighties became highly politicised and adopted a socialist vision for change in their programme of action. The heightened industrial action in this period can also be understood in terms of relative deprivation as far as political rights for Black workers were concerned. The workplaces during the eighties and early nineties were highly politicised since the political aspirations of Blacks could not be sufficiently met under the existing political arrangement. It therefore became imperative after labour reforms in 1979 that pure political demands were brought to bear on the workplaces – the only area where legal recognition was extended to Blacks through labour laws. Blacks, as mentioned before, were also influenced by breakthroughs in Marxist led revolutionary wars for political independence in some countries in Africa and elsewhere. In 1984 the government introduced the tricameral parliament as part of the reform package providing for proportional representation for Coloured and Asian groups, but still excluded Blacks in parliament (Anstey, 1995a:4).

The trade union movement was seen as a viable and legally recognised vehicle that could be exploited to achieve political emancipation. Many political stayaways and incidences of industrial action were strategic political engagements launched by the trade union movement in the late eighties. Webster (1988) in Anstey (1995a:5) observed that workers built a form of social movement unionism willing to challenge both the state and employers. The labour movement continued playing a key role in labour reforms in 1988 and during the pre-election political negotiations.

Consequently, employers began to earnestly recognise the instrumental role of labour movement in the economy. In 1988 the Labour Relations Amendment Act 3 of 1988 met with resistance both from trade union federations and employer organisations alike. The problem with the Act related to its practical implementation by unions and employers (Nel & Van Rooyen 1993:82). Subsequently, COSATU, NACTU and South African Consultative Committee on Labour (SACCOLA) entered into discussions and finally achieved an accord on further amendments to the Act that would be favourable to them as mutual actors. The Accord was extended to the Act by Parliament. This accord is the pinnacle of the social contract in the South African labour relations history.

Andrew Levy & Associates (1990:3) in this regard remarked that "... the landmark accord in September between government, the employer body SACCOLA and COSATU and NACTU over the Labour Relations Act (LRA) saw the first ever agreement on actual legislation between the State and the union movement.... The accord was culmination of two and a half years of opposition by the union movement to the changes brought about by the Labour Relations Act, and resulted in the setting of a working committee comprising the National Manpower Commission (NMC), the Manpower Department, as well as COSATU, NACTU and SACCOLA"<sup>27</sup>. One of the major issues during this time was the intention among many employers to withdraw their membership from the industrial councils. This has led COSATU into campaigning very vigorously on centralised collective bargaining as they saw this as erosion of the rights of workers and of their protection (Andrew Levy & Associates, 1990:4). The political transition to democracy in February 1990 had had fundamental consequences for the civil society.

One of the consequences for the labour movement was the challenging opportunity to help shape the country's economic reorganisation. To this end Joffe, Maller & Webster point out that "... the prospect of a new democratic order has led to a shift in trade union thinking and practice, away from resistance and opposition and towards assuming a central role in the process of reconstruction (Von Holdt, 1994:302). These political developments complemented the genesis of tripartism within the labour relations system, which already germinated with the COSATU/NACTU/SACCOLA Accord. Tripartism is synonymous to societal corporatism as it underlies centralised level of participation by key stakeholders in government policy formulation (cf. chapter one). Indeed, it was seen as an

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<sup>27</sup>During the late eighties this body was later replaced by the National Economic Forum (NEF) and in 1995 was renamed NEDLAC (cf. page 49). In a bid to have the latter established, COSATU went through a torrid struggle culminating in the announcement of its intention to withdraw from the NMC because of the government's failure to implement terms of agreement of the *Laboria Minute*. The specific violation of the agreement was the perceived adamancy by government to restructure the NMC from its present form as an advisory body, to a negotiating forum representing the state, employers and union formation to debate broader economic issues.

opportunity by the labour movement to reposition itself and take an active role in national, economic and political policy formulation.

In view of this development, Andrew Levy & Associates (1991:4) noted that "Widespread dissatisfaction over the introduction of VAT led to a two day stayaway on the 4 and 5 November called by COSATU, NACTU and 12 independent trade unions. Although the major issue was a demand for no tax on basic foods, water, electricity, medicines and medical services, it was also seen as a pressure ploy on COSATU's part for more active participation in economic policy".

Anstey (1995b:1) highlighted assumptions underlying tripartism as propounded by Trebilcock, namely:

- "acceptance of a social pluralism within a sovereign State, in which although the State lays down legal framework within which parties conduct their relations, there is a formal effort on the part of all the parties to recognise each other's legitimacy and seek to accommodate their divergent interests;
- an implicit rejection of both the doctrines of class struggle and unrestrained capitalism;
- a system of representative democracy which complements parliamentary democracy, giving specific and direct focus to capital/labour interests in the formulation of social and economic policy;
- a recognition on the part of all actors to forgo the use of some of their power, and sacrifice short-term interests and narrow demands in the interests of a larger accommodation of interests and social stability;
- that social accords achieved will be respected by the parties and their constituencies;
- that there are supportive links between labour and political parties, which hold tripartite arrangements in place".

Finnemore & Van der Merwe (1996:10-11) pointed out the following premises in which societal corporatism is based:

- "Conflict is regarded as a natural phenomenon in employment relationships and it is best managed through centralised negotiations between strong union and employer organisations in tandem with the state.
- Relationships between the state, capital and labour are institutionalised in tripartite structures and a strong interdependence among all the parties is acknowledged,
- Consensus building as opposed to adversarial relations is emphasised.
- Centralised negotiations on basic issues, such as wages and working conditions, remove the potential for numerous destructive conflicts in workplaces".

According to Finnemore & Van der Merwe (1996:11), societal corporatism is likely to thrive under the following conditions:

- "a relatively homogeneous population with a long tradition of support for social democracy;
- a unified, independent and strong trade union movement that is capable of exercising discipline over its members;
- centralised and powerful employer organisations;
- a multi-party democracy and stable government; and
- an economic base that can support the extensive welfare system which is used to buy union support".

On May the 18<sup>th</sup> of 1992 organised labour and major business organisations and the state agreed to enter into negotiations with a view to establish a National Economic Forum (NEF). However, the collapse of political negotiations within the Convention for Democratic South Africa (CODESA) in June 1992 was also reflected within negotiations that preceded NEF thereby threatening the



negotiation process. In response to this COSATU reacted by embarking on a mass action campaign for peace, democracy and reconstruction in August 1992. COSATU applied pressure on business to support the campaign. The reluctance of business to accede to this call resulted on COSATU calling for a boycott on income tax. However, the resumption of political negotiations reduced tension among tripartite institutions and on the 29<sup>th</sup> of October 1992 NEF was formally launched. This was a further step in a move towards tripartism where major partners have an institutionalised voice in terms of legal reforms to influence the process of economic reorganisation.

In 1995 the NEF was overhauled and renamed the National Economic Development and Labour Council (NEDLAC). The work of the NEF and the National Manpower Commission (NMC) were integrated into NEDLAC. The importance of the role of NEDLAC is emphasised by the then Minister of Labour, Tito Mboweni at its launching, when he "...acknowledged the reality of the global economy and the fact that South Africa as a signatory of the GATT<sup>28</sup> had taken on new challenges and become absorbed in world restructuring" (Anstey, 1995b:16). The whole range of these changes can be viewed as a stepping stone in the direction of democratic corporatism in the labour relations scene. Von Holdt (1994:302) describes this new tripartism as "strategic unionism" to emphasise the strategic vision in which the unions were beginning to adopt in spearheading social transformation. Strategic unionism in many ways complements societal corporatism. The new Labour Relations Act, which started to be operational in 1996, is the culmination of this tripartism. Currently NEDLAC has also served as a framework within which social legislations such as the revised the Basic Conditions of Employment Act; the Employment Equity Act (EEA) and the Skills Development Act (SDA) were formulated as part of the Ministerial five year plan.

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<sup>28</sup>This refers to "the General Agreement on Trade and Tariffs".

Although the trend in South Africa seems to be towards tripartism, social accords have both positive and negative sides. Anstey (1995b:20) mentions some of the *pros* and *cons* of social contracts. As far as the *pros* are concerned, the state benefits as far as there is a reduced need for repression. It also benefits, as there is also a potential for achievement of economic equilibrium and a reduction of threat to fiscal and economic policies. The benefit likely to be reaped by trade unions is availability of opportunities for representation at policy levels. "Full employment" is theoretically possible under such arrangement. An alternative to capitalist economic policies is implicit within this arrangement, while corporatism has a salutary effect on the entrenchment of democratic culture in the entire society. For capital a more stable bargaining process and a co-operative labour force are implied. Employers and unions are relieved of costs of training as the state assumes that responsibility, and worker productivity tends to be linked to productivity.

Some of the *cons* are that it may be anti-democratic, as it would represent a process that occurs between elitist organised groups at the exclusion of many other interests in society. According to Vally in Anstey, (1995b:5-6) national pacts are vulnerable to the internationalism of capital and as a result the margins for a welfarist national bargaining are substantially reduced. Furthermore, the process induces bureaucratisation and a rift between leadership and the rank and file. This in turn produces tensions in membership discipline, especially where there are frustrated expectations in wage restraint pacts. Such a state of affairs can produce very dangerous tensions within trade unions. However, it can be contended that social contract carries a better hope for labour peace in the university sector than the existing arrangement (cf page 8).

As the South African society is becoming increasingly exposed to the international arena, it is expected that a challenge to its economic growth path would to a large extent be influenced by a newly emergent tripartism. This tripartism consists of the primary parties of the state, organised business and

labour having the upperhand in influencing the final outcome of the macro-economic policy.

### **2.3 Parallels between industrial action in general and industrial action at the South African universities**

Looking at South African universities, two broad classifications are pertinent. On the one hand there are the traditionally Black universities, on the other the traditionally White universities. This dichotomy is part and parcel of the apartheid ideology, which in the main sought to maintain policies, which entrench separatism and social fragmentation. The manifestation of this polarisation in the university sector is delineated by one commentator when pointing out that the traditionally Black universities "... were not only discriminated against in terms of the state subsidies, but their focus were traditionally meant to be on teaching and not on research and community service" (*Natal Mercury*, 1993:8).

Some traditionally Black universities were strategically located in the former self-governing territories of Transkei, Bophuthatswana, Venda and Ciskei ("TBVC states"). These "states or Bantustans" were granted "*pseudo-independence*"<sup>29</sup> by the previous apartheid government. Labour relations systems in those areas followed a state corporatist arrangement since workers' right to strike and their right to collective bargaining were ruthlessly forbidden by heads of the Bantustans. Maree & Budlender (1987:122) summarised this point clearly when they wrote that "...a disturbing development in all but one of the 'homelands' has been the adoption of labour and security legislation as well as the state action even more repressive than that of the central South African state.

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<sup>29</sup> As part of the strategy of divide and rule of the apartheid system, Blacks were forced by law to exercise cultural, social political and economic 'freedom' within ethnically demarcated homeland structures. The land reserved for this purpose was economically not viable and unproductive. Consequently, the Bantustans contributed to the poor quality of life among the Black communities.

With the exception of Kwa Zulu, unions are either forbidden or very circumscribed....The 'homeland' labour laws are generally akin to the repealed Black Labour Relations Regulation Act allowing only for the type of plant based liaison committees." However, the free political activity which followed the unbanning of political organisations saw a concomitant action by public and private sector workers in most of the homelands (Roux, 1990:4).

## **2.4 Traditionally Black Universities**

Almost all traditionally Black universities (TBUs)<sup>30</sup> were affected by industrial action. The following universities may be singled out within the category of the "Traditionally Black universities": The Medical University of Southern Africa, the University of Bophuthatswana (now the University of the North-west), the University of the Western Cape and the University of Durban-Westville.

### **2.4.1 The Medical University of Southern Africa (Medunsa)**

In 1984 the kitchen workers at the Medical University of Southern Africa went on strike in protest against the "unfair dismissal" of a colleague. Workers reacted by declaring a strike, which resulted in their employer (a private company)<sup>31</sup> imposing further dismissals for what it considered an unprocedural strike. The company replaced these workers with staff from other branches. Students participated in the strike in sympathy with the workers. They boycotted lectures as a measure to force the administration to succumb to the workers' demands.

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<sup>30</sup>The accounts on the institutions mentioned under paragraphs 2.4 ("Traditionally Black Universities" and 2.5 "Traditionally White Universities") are meant to be illustrative rather than exhaustive since more widely documented labour unrest occurred here. (Also look at the footnote 16 on page 24 on how the above institutions were chosen for this study).

<sup>31</sup> A feature, which has become commonplace in the employment relationships, has been the process of outsourcing service by management to independent contractors or private companies. Although employees falling under the independent contractors were excluded in the sample of respondents, industrial action staged by such workers is significant in terms of understanding the nature of industrial action in the university sector in South Africa in general. In this regard cf. pages 55 and 142.

Some of the demands put forward by students and workers included:

- wage increases;
- additional staff deployment in the kitchen;
- a three month maternity leave to be effected;
- provision of uniforms; and
- a day off per week for all workers (*Sowetan*, 1984:3).

In 1987 a similar incident took place. This time the workers and students allegedly demanded that workers who were employed by a private company be registered as employees of Medunsa. A solution was reached following co-operation by management in facilitating the process of transferring the concerned workers to Medunsa (*Sowetan*, 1987:2). In 1992 members of NEHAWU at Medunsa went on a strike. The Transvaal Provincial Administration (TPA) responded with the dismissal of more than 1000 Garankuwa<sup>32</sup> Hospital workers (*Citizen*, 1992:13). In 1995 relations again soured between management and the university community following rumours that the institution would close down because of lack of funds. This stimulated confusion throughout the entire campus and workers marched to the Health and Education Department demanding that their jobs be guaranteed while students also displayed concern about their future (*Citizen*, 1995:11).

#### 2.4.2 University of Bophuthatswana

Lucas Mangope the President of (the former) Bophuthatswana ruled the university community of Bothuthatswana with an iron fist. *Labour Bulletin* correspondent (1990:28-29) summed up the situation when writing that: "Students and staff at the University of Bothuthatswana have for a long time been subject to repression - police invasion of the campus, deportations of the lecturers, mass student expulsions, and for support staff low wages and authoritarian management". The university management also acted in cahoots

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<sup>32</sup>Garankuwa Hospital is an academic hospital of Medunsa.

with the Bophuthatswana government in this oppression. In 1990 dissatisfied blue-collar workers voted for a strike against the disparity in salary increases between academic staff and manual workers. The university community, including workers, students and academics, embarked on protest demonstrations to oppose differential salary increases. They appealed to the management to apply an across-the-board salary increase to all university employees.

In 1994 a memorandum reiterating a call for an end to disparity in salaries with white universities was handed to the administration by the staff. Later in that year, office and general workers went on strike to support demands including higher pay (*Citizen*, 1994:16). Employees at the University of Bophuthatswana were working under trying conditions. They had virtually no freedom of speech or association. Political opposition was not tolerated. Workers' organisations had virtually no recourse to statutory provisions to protect their members' interests. The ultimate demise of the Bophuthatswana regime and other homeland structures was brought in place partly by popular demand for workers to belong to working class formations and political organisations in the Republic of South Africa.

### **2.4.3 University of the Western Cape**

In 1988 members of UWC Workers' Union went on strike at the University of the Western Cape. The major cause of the strike was a dispute over wage increases. Workers wanted an across-the-board increase of R300 per month while management offered R150 plus an annual perk increase. The dispute affected workers in residences, gardens and vehicle maintenance sections. The strike lasted for a week and the student catering service was handicapped. In the height of the workers' strike, students broke into the kitchen and made off with food. It was alleged that this was in fact a strategy to hasten the administration to break the deadlock. A *Cape Times* (1988:3) correspondent wrote: "According to one student, breaking into the kitchen was just a way to put pressure on the

department to give in to workers and it also showed their support and concern for the workers".

In 1994 security officers held a 48-hour "wild cat"<sup>33</sup> strike in protest against the appointment of a security department head they alleged was "racist" and "worked for the military" (*Cape Times*, 1994:2). Later on that year workers went on strike again demanding a minimum wage of R1 500. They also demanded the termination of their employment contract with the Cape Contract Cleaners and insisted on being employed by the university. The inclusion of these workers as university staff was, however, not possible because of a limited budget according to university official (*Argus*, 1994:4).

During the round of collective bargaining between NEHAWU and management in October 1998, NEHAWU proposed a wage demand of 12 percent. According to the shop steward at UWC, management rejected the issue of salary increases as non-negotiable. NEHAWU then sought mediation with the Commission for Conciliation, Mediation, Arbitration (CCMA)<sup>34</sup>, in which a certificate was issued declaring that a dispute remained unresolved. The strike was therefore legal. On the 5th of October 1998, about 575 workers comprising blue-collar workers, administrative, technical and academic personnel went on strike. Management on the other hand applied no-work no-pay principle to workers on strike. The strike was finally resolved after 14 days when an agreement was reached between management and NEHAWU. A wage increase of 6.5 percent was agreed upon and was to be effective from 01 October 1998. Workers further received R1 000 once off payment to all workers. According to the Employment Relations Officer at UWC, 14 workdays, 4 600 man-hours and a total of R9 914 934,00 (equivalent to 7 days deduction and 7 days from accumulative leave) were lost.

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<sup>33</sup>A wild cat strike may be defined as an unofficial strike taking place in the spur of the moment (Green, 1987:319).

<sup>34</sup>The CCMA is a new institution of dispute resolution that was introduced in the new Labour Relations Act 66 of 1995 (cf. footnote 4 on page 6).

#### 2.4.4 University of Durban-Westville

In 1988 COSATU and NACTU called for a three-day national stayaway against the Labour Relations Amendment Bill<sup>35</sup>. The stayaway had popular response from many sectors including trade unions and student movements. Students at the University of Durban-Westville heeded to the call and examinations had to be rescheduled. In the following year (1989) students, workers and the Combined Staff Association (COMSA), resolved to put pressure on the two vice-rectors to resign. The Convocation and parents also supported this move. The decision on a vote of no confidence against these two university officials followed the blame that was put on the administration for lack of involvement in the students/police conflict that took place earlier on campus. It was alleged that the administration stayed aloof when police detained students in a crackdown against protest marches. Due to authoritarian administration relations between the administration and university community had been antagonistic until the two vice-rectors finally stepped down.

In 1991 the members of Transport and General Workers Union (TGWU) staged a march on campus. Their demands were wage increases - workers were receiving R429 and asked for R800 per month. Employees also demanded to be employed on a full-time basis by the university. This would have meant that workers would enjoy added fringe benefits like sick leave and join a provident fund like some other university employees. The students expressed their support for the striking workers, claiming that their demands were noble and legitimate (*Daily News*, 1991:1).

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<sup>35</sup> (Cf. pages 71)



In 1993 non-academic staff protested by staging a **sit-in**<sup>36</sup> against the grading system. The matter was, however, resolved following an agreement between the two parties to repeat the grading exercise to the affected individuals (*Daily News*, 1993:8).

## 2.5 Traditionally White Universities

Despite their perceived preferential treatment by the previous government such as greater subsidies and financial resources from external sources, labour "polemics" have also pervaded traditionally white universities. The greater financial viability of these institutions made little difference to the socio-economic status of manual workers. The institutions that are considered in this regard are: Rhodes University, the University of Cape Town, the University of Pretoria, the University of Stellenbosch, the University of Natal (Durban) and the University of the Witwatersrand

### 2.5.1 Rhodes University

In 1988 members of TGWU at Rhodes University went on strike over wage increases. Workers demanded that their salaries should be brought in line with that of UCT workers. In the height of the strike, the administration was allegedly accused of hiring replacement or scab labour (students) and paid them R3 an hour more than they paid workers. This resulted in an increased tension between the parties and the deadlock continued unabated. According to a *Daily Dispatch* correspondent (1988:3) it was alleged that the administration rejected the wage demand at UCT rate as "non-negotiable".

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<sup>36</sup>A **sit-in** can be defined as an occupation of the employer's premises by the workforce with the aim of frustrating the employer's ability to continue business. Employers may opt for legal action, however, there are practical and technical difficulties of serving notices to quit (Green, 1987:118).

In 1993 workers went on strike again. The cause of their protest action was annual salary negotiations. After protracted negotiations, workers embarked on a go-slow<sup>37</sup> as a tactic to pressurise management to accede to the workers' wage demand. The decision to go on strike was allegedly precipitated by administration department locking out workers when reporting for duty. Later in 1993, workers went on strike again. Their actions interrupted lecture sessions. It was alleged that workers went on strike in spite of an agreement between the administration and union not to disturb the activities on campus. The university allegedly reacted by obtaining an interdict and threatened to serve it against the union if the workers continued with the rampage (*Eastern Province Herald*, 1993:2-3).

### 2.5.2 University of Cape Town

In 1984 the University of Cape Town (UCT) allegedly had to effect cutbacks in temporary staff to save about R500 000. This decision followed a 2,4 percent cut in the government subsidy (*Argus*, 1984:2). Two years later (1986) the subsidy was cut by a further R1.5 million and according to the management UCT had exhausted its financial reserves to meet other costs including wage increases for workers (*Star*, 1986:10). Workers were apparently unhappy with the fact that savings should be in the area of personnel (i.e. money allocated for salary increases). The action of the university was viewed by workers as nothing more than condemning them as mere sacrificial lambs slaughtered to rescue the university from sinking down into financial quicksand. Later that year (1986) workers allegedly threatened the administration with strike action following the proposal by the administration that residence workers were to be retrenched. This move was said to affect 28 residence workers.

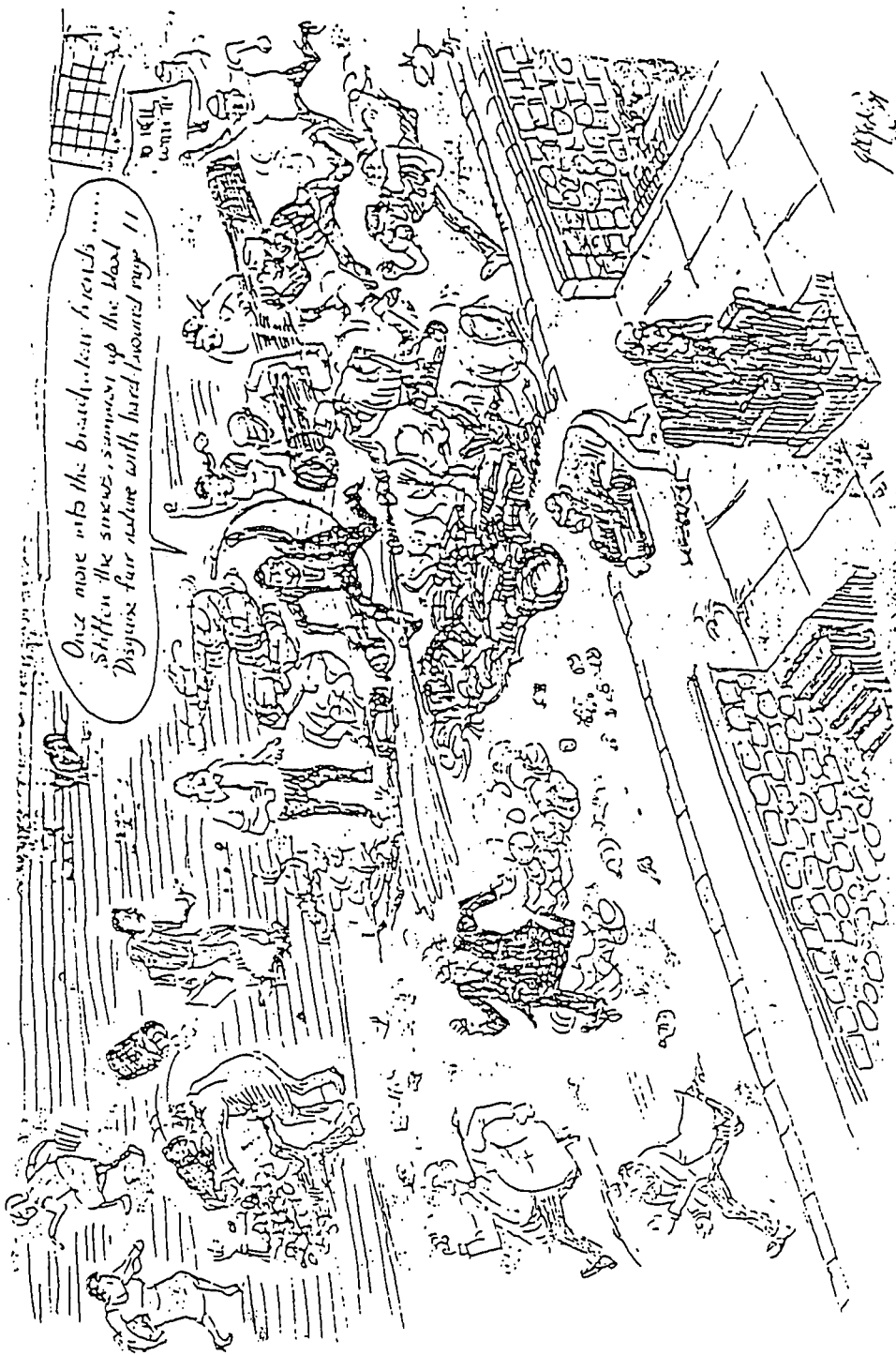
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<sup>37</sup>A method of withholding labour and affecting production, without actually bringing the operation to a standstill. For employees it holds the advantage that it is more difficult for management to take action against them. Also since employees are still manning their positions, they cannot be replaced by temporary labour (*Bendix*, 1989:223).

In 1987 the University agreed to recognise May Day as a paid holiday. This decision was a major victory to UCT workers since 1 300 university staff, a number far beyond the affiliated members of the union, were affected by this decision (*Argus*, 1987:2). In 1988, wage increases were once again a source of dispute between non-academic staff and the administration at UCT. The problem was apparently exacerbated by management's announcement that workers who live on campus had to vacate residences to make space available for students. Although the university offered financial help in relocation arrangements, workers pointed out several concerns in that regard. Some of their concerns were the housing shortage in Cape Town. They were also concerned about the financial implications of having to come to work everyday. Other workers already had homes away from Cape Town and saw no point in buying a second home there (*Argus*, 1988:4). Students embarked in sympathy action by boycotting lecture sessions. This was a gesture that was seen to contribute to a "worker/student struggle" implying that they support each other (*Cape Times*, 1991:8).

In September 1991 general workers went on rampage. The strike was triggered by disputes over wages between TGWU workers and the University of Cape Town in 1991 (Finnemore & Van der Merwe, 1996:69). The striking workers included kitchen staff, cleaners, gardeners, messengers and printers. Catering service in the hostels were abandoned and students were left stranded. The university had to provide students with R15 a day in food money as a contingency plan. Examinations were held "at ransom" and burning barricades erected and some students attending lectures sprayed with fire hoses by other students and workers. The actions of workers and students left deep-seated animosity among various stakeholders within the university community. It also led to a division among students themselves. Some students unreservedly supported the workers' strike. The support wielded by the students and workers in some cases was expressed through tactics of intimidation and physical aggression. Other constituencies on campus saw the workers' actions as violation of their freedom of association and right to learn. The strike also resulted in the souring

of relations between management and workers. Cartoon 2.1 on page 60 and 2.2 on page 64 below depict calamitous consequences of industrial action at UCT in 1991 in which the students participated in sympathy with the workers demands.



"Pity! He's one of my better English students."

Cartoon 2.2: Havoc at UCT. Source: Cape Times (1991:8)

An *Argus* (1991:4) reporter wrote that one of the members of the workers' media committee commented that support from students had strengthened their commitment to fight for the improvement of the workers' wages and that students who had supported them realised that education will not be possible without the workers. A union shop steward was also said to have pointed out that unlike other workplaces where when tools are laid down production is stopped, workers cannot do the same at UCT. That is probably why workers put up barricades, thinking it was the most effective way of showing what would happen if they withdrew labour. It was also alleged that the behaviour of workers was also an attempt to show UCT authorities how serious and determined workers were. Workers were alleged to be the only constituency on campus who does not have a voice and for this reason wanted to be involved in decision-making. Other demands were that:

- UCT scrap *ad hominum* promotion and merit awards because of favouratism;
- Five days per annum special leave be introduced to allow parents to enroll children at school or take them to a doctor when necessary<sup>38</sup>;
- kitchen staff working in the university's residences be given one weekend off a month.
- The dismissal of the industrial relations manager on the grounds of being unpopular and causing workers to lose confidence in the administration (*Argus*, 1991:4).

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<sup>38</sup> The new LRA now provide for compassionate or family responsibility leave. In this regard, see chapter four. The BCEA also provides that "...employees are entitled to 3 days' paid leave per leave cycle; □ when a child is born, when a child is sick or when a spouse, life partner, parent, grand parent, child, grandchild or sibling dies; □ only employees who work for 4 days or more per week are entitled to this leave and only when the first four months of employment have been completed; □ the employer may require proof of the event for which leave is sought; □ unused days do not accrue" (du Plessis, Fouchè & Van Wyk, 1998:50).

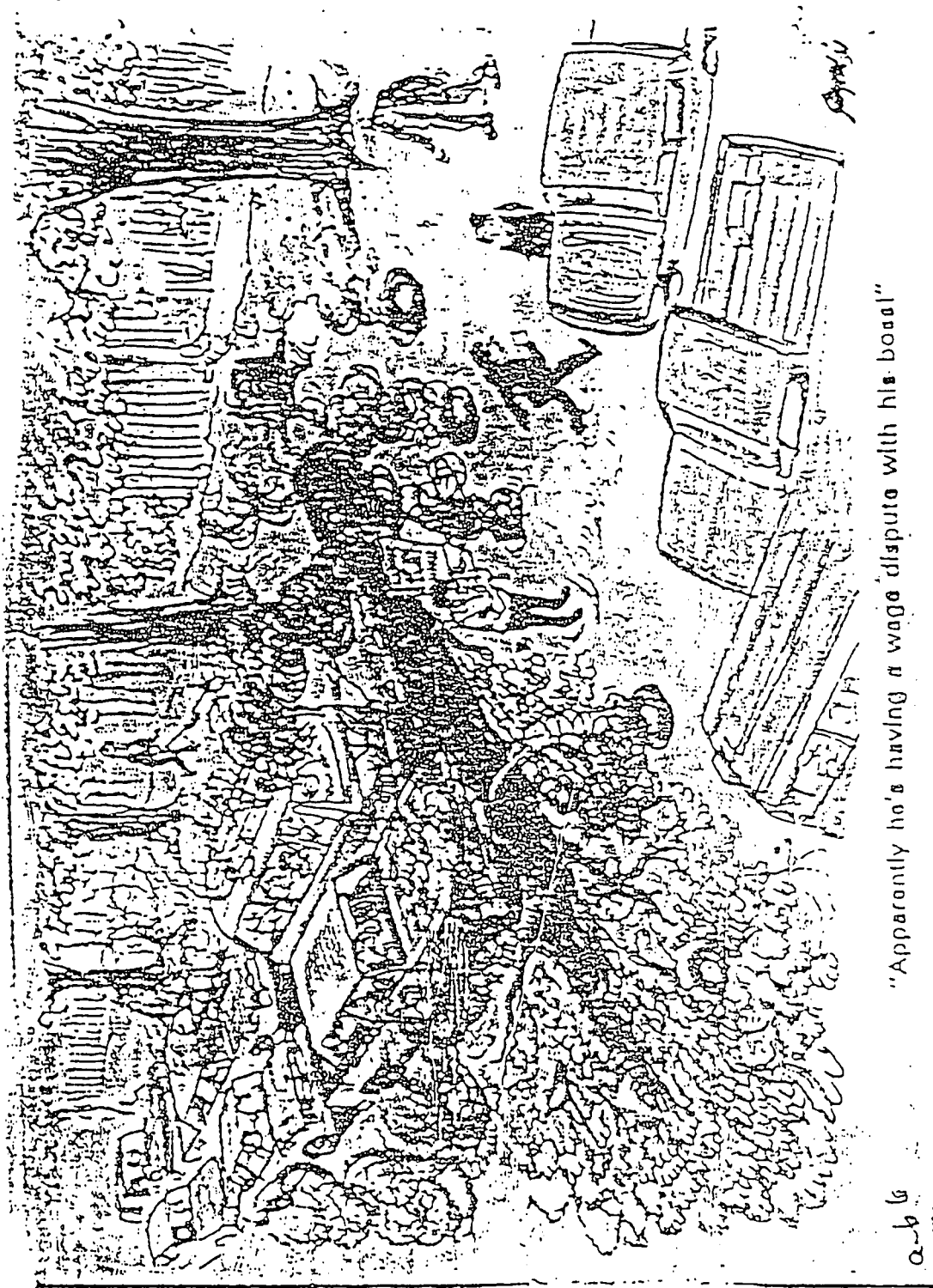
In the process of power testing with management, workers barricaded the streets with the aim of making the campus ungovernable. The management responded swiftly by obtaining court interdicts to prevent further damage to property and physical assaults on non-protesters (*Cape Times*, 1992:5). Throughout the process of labour disputations at UCT management has been maintaining that workers at UCT earned far more than workers both in the university sector and in almost every other sector in South Africa. It was in fact said to be double that of many universities. For this reason some commentators believed that UCT's workers are truly part of the "labour aristocracy" (*Daily Dispatch*, 1991:14). After a weeklong arduous dispute had ensued, a 17 percent wage settlement was finally reached between TGWU and management (*Citizen*, 1991:8).

Meanwhile, management proceeded with disciplinary action on workers and students who were party to the protest strike. A number of workers received various sanctions ranging from suspensions to immediate dismissals. Workers responded by appealing against these verdicts and lodged application for arbitration. Students who took part in the rampage were subpoenaed by university courts (*Cape Times*, 1992:5). In response to disciplinary hearings, the TGWU branch secretary allegedly expressed vehement abhorrence of the disciplinary hearings and called on the university to revoke all the disciplinary action and abide by its commitment to negotiation. The union allegedly rebuked the university for prejudicial disciplinary action. According to the union the workers who were disciplined by the university acted on the union mandate and should have as such been issued with informal sanctions like verbal warnings for the deeds the university regards as contrary to its rule. Union organisers also allegedly charged that the disciplinary hearings were unfair and there had been "gross violations of procedure".

The union maintained that workers were given no prior access to evidence and could not adequately prepare their defence. Workers had been found guilty of charges not put on them.

In the workers' view the disciplinary proceedings were tantamount to the "Nuremberg" type of a trial. In one instance a worker was charged for assault and was found not guilty. In what the union considers to be a "witch-hunt" the very same worker was then found guilty of another offence thus constituting serious irregularities of procedures. The union was considering applying to the Supreme Court to have the hearings declared null and void.





"Apparently he's having a wage dispute with his boss!"

Cartoon 2.2: Havoc characterising UCT as a result of destructive labour disputes. Source: Cape Times (1991:27)

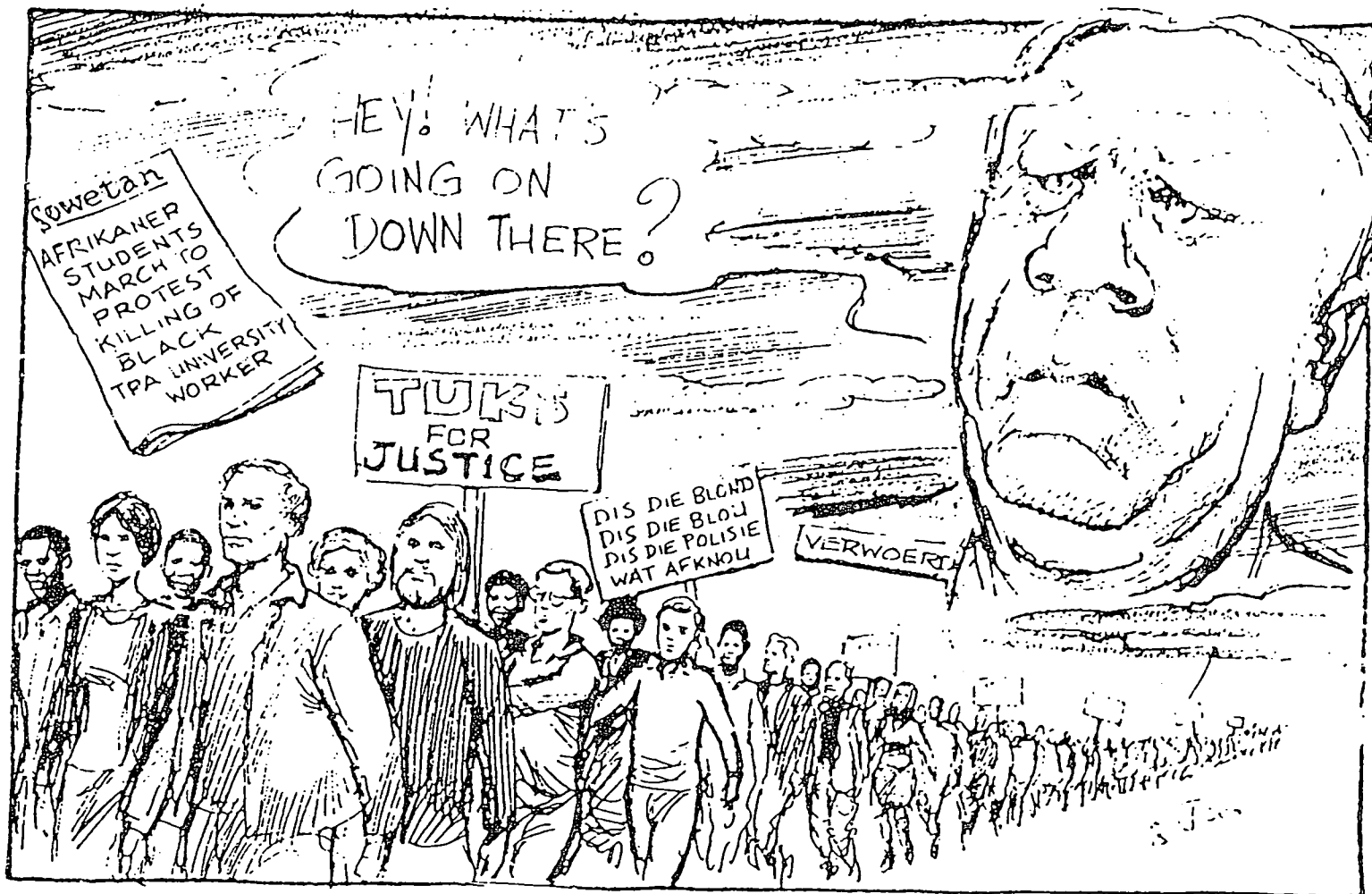
In 1994 about 300 non-academic workers staged a protest march against proposed salary increases. The staff objected to the 5,4 percent salary increase offer and demanded an increase of 8,5 percent. Management reckoned that their offer was fair and went on to say that the government subsidy to Universities and Technikons for salary increases in 1994/95 was based on a projected 5,6 percent increase. Any expenditure above the subsidy was said to have to be met from student fees (*Cape Times*, 1994:3). The strikers' response was calamitous. They smashed windows, overturned dustbins, broke signs, set off fire alarms, opened fire hydrants, littered the inside of buildings and broke signboards (*Sowetan*, 1994:25).

Later that year, members of NEHAWU repeated a strike action for more pay. According to a union shop steward workers were earning menial wages and the majority could not afford housing. Wage negotiations dragged on for a long time until management offered to pay them their monthly pension benefit of R275 each in cash, instead of into their pension fund. The management spokesperson said the minimum cash wage paid to unskilled UCT workers in the lowest pay class was now R1 610 plus other fringe benefits. According to the university this package was higher than the wages earned by 90 percent of blue-collar/service workers in other sectors of the economy (*Cape Times*, 1994:5).

### **2.5.3 University of Pretoria**

In 1987 workers at the University of Pretoria raised low wages as one of a number of grievances. A major source of their dissatisfaction was discrepancy existing between themselves and other workers who are employed in the civil service performing analogous duties. In 1988 non-academic personnel were once again demanding salary increase equal to the increase for academic personnel (*Beeld*, 1988:4). In 1992, blue-collar/service workers staged a march on campus. Their demands were, *inter alia*, that the university takes a specific stand on the political situation in South Africa. Pressure to dislodge

institutionalised discrimination was gaining momentum as some of the White Afrikaner community began to join hands with minority Black constituency including the working class struggles in the runner up to first democratic elections (Sowetan, 1993:7). Cartoon 2.3 below put the situation onto perspective.



Cartoon 2.3: Demonstration for social change at the University of Pretoria in 1993. Source: Sowetan (1993:8)

### 2.5.4 University of Stellenbosch

In 1986 workers who were hired by a cleaning contractor<sup>39</sup> were debarred from utilising basketball courts at the Tygerberg campus of the University of Stellenbosch. Although workers did not embark on industrial action, tension was indicative of covert antagonism between the management and workers. The university spokesperson reportedly stated that the courts were private property and should be used only by students and campus staff since the responsibility of providing the concerned workers with recreational facilities rested with the private company which employs them (*Argus*, 1986:2). In 1989, workers on campus went on strike to protest against the expulsion of a student leader and against the banning on the student organisation - the National Union of South African Students (NUSAS). General workers including those working in the residences, gardens and maintenance called for the right to peaceful protest on campus. This protest also took place amid allegations that a residence worker was suspended without a hearing (*Citizen*, 1989:8).

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<sup>39</sup> Cf. page 55.

### 2.5.5 University of Natal

According to Kathree, Lalu, Boldogh & Mdlalose (1990:33-34), workers at the University of Natal (Durban) went on strike demanding a 30 percent wage increase in 1990. Although the management refused to accede to this demand, workers nonetheless won the following demands:

- The then offer of 18 percent was to be backdated to 1 January instead of 1 April.
- Workers were to receive full pay for the two days they were on strike. This was effected despite the principle of "no work no pay" that the administration was entitled to apply.
- The union succeeded in getting the administration into agreeing to meet the union to discuss what constituted a living wage. The union saw this as an opportunity during which they could substantiate their case on wages.
- The union also finally managed to reach an agreement with management on a need to open a discussion around the issue of unequal wage increase among university employees.

The strike also attracted other sectors of the university such as the academics and brought together various unions organising workers on campus. TGWU succeeded in drawing workers away from Non-Academic Staff Association (NASA) and Black Workers' Organisation (BWO) which were closely co-operating with the United Workers' Union of South Africa (UWUSA)<sup>40</sup>. The academics expressed detestation to uneven wage increases. The strike demonstrated to the workers the power they can wield if they are united and determined to win their demands. It also bridged the gap between the workers on campus and the struggle of the working class in general.

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<sup>40</sup> UWUSA is a union movement having political ties with Inkatha Freedom Party (IFP). Thus it was also seen as the labour wing of Inkatha from the early eighties.

In 1993 once again the institution was faced with industrial action involving the catering staff represented by the South African Commercial Catering and Allied Workers' Union (SACCAWU) and Hospitality Management (a catering company). Negotiations ended in a deadlock and the company offered to refer the dispute to mediation. SACCAWU allegedly rejected this on the grounds that mediation would prejudice its members (*Daily News*, 1993:2).

### **2.5.6 University of the Witwatersrand**

The predominantly Black constituencies including workers and students at the University of the Witwatersrand heeded to a call for a three day stayaway in protest against the LRA in 1988<sup>41</sup>. The president of the Student Representative Council (SRC) had thrown the gauntlet against the composition of the university council for excluding representatives of workers and oppressed communities. The council was allegedly reproached on the grounds that it consisted only of influential business leaders who are likely to endorse the passing of the Act which would erode some of the key worker rights while workers on campus were expressing resentment to it by staying away from work (*Star*, 1988:11).

In 1991 workers staged a demonstration on campus. This move was allegedly motivated by the perceived failure by the university to improve learning facilities for adult schooling and the failure to appoint a full-time education facilitator. Messages spread throughout the campus calling on students to support the workers' course for the right to learn, engage in mass action; and demand a democratic South Africa. In 1993 workers were involved in industrial action again. Meanwhile, the South African Student Congress (SASCO) made efforts for the establishment of a representative negotiating forum that would include delegates from the SRC, SASCO, NEHAWU and UDUSA. In 1994 the campus was once again rocked by action of militant general workers who were protesting for wage increases. The crisis was alleged to have emanated from a government subsidy

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<sup>41</sup> Cf. page 56.

cut. The subsidy cut was apparently effected in order to contribute in financing RDP projects. The union was adamant, however, that management had utilised a state subsidy as an excuse to cut workers' wages. The management was also accused of failing to consult workers on a matter that directly affected them (*Citizen*, 1994:9). The role and financial contribution of the tertiary sector in the RDP projects are significant and sensitive areas upon which the institutions have to be engaged. Since the tertiary institutions largely depend on the state subsidies, the widest possible consultation needs to be sought on any decision that management takes. The workers saw themselves as having an important role to play in the social re-engineering of the society at large. In this regard, swift response to societal corporatism or centralisation of collective bargaining which is the central argument of this research<sup>42</sup> has an important role to play in the transformation of the labour relations practice in this sector.

Later that year (1994), a group of workers and students went on rampage smashing windows and doors. This antagonistic reaction was fueled by the way in which the administration handled disciplinary hearings against two canteen workers who allegedly allowed people to pass without paying for food (*Star*, 1994:1). About 80 workers and students held two leaders of the administration hostage in exchange for the release of the original documents, which dealt with the expulsion, and dismissal of the concerned workers. "The hostage drama" resulted in further suspensions of 52 workers and 5 students by the administration. The union refused to participate in disciplinary hearings on the grounds that the administration would not be impartial. Students were also instructed to appear before disciplinary hearings regarding their involvement in the hostage incident. SASCO pointed out that they needed time to prepare their defence and as such they were unable to appear at the hearing. Management on the other hand viewed the hostage incident in a serious light and maintained that such action is a criminal offence punishable by law and not an industrial relations matter (*Sowetan*, 1994:16).

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<sup>42</sup> Cf. page 8.



Tension subsequently ran high and workers and students were determined to bring the institution to a standstill. They marched to the Gauteng government offices to demand the intervention of the Education MEC in the crisis, but were stopped by the police. The administration eventually agreed to a compromise with representatives of NEHAWU and SASCO. This development came after separate meetings with facilitating groups from the ANC, COSATU and the National Education Co-ordinating Committee (NECC) (*Financial Mail*, 1994:48). Part of the agreement was to seek Independent Mediation Service of South Africa (IMSSA) intervention by undertaking "formal mediation". The administration was said to have dismissed a union proposal that it should, during the process of mediation have the right to appeal to a higher mechanism against the administration's decision on the outcome of mediation (*Business Day*, 1995:1).

After mediation the administration allegedly dismissed 9 workers, 5 of whom were shop stewards council members. A further 33 had their dismissals suspended for two years and were suspended without pay for periods varying from two to three months. Two other workers were dismissed, while another two were acquitted and the rest were expelled for between one and two years (*Business Day*, 1995:2). A group of NEHAWU members reacted by further protests resulting in the arrest of 30 union members by the police.

The students and workers allegedly held the disciplinary committee and its code of conduct in extreme reprobation. One of the demands they set forth was the appointment of a commission of inquiry to ensure that democratic and fair disciplinary procedures were implemented (*Business Day*, 1995:2). According to Innes & Brooks (1995:36), on the 26<sup>th</sup> of April the same year a settlement was reached stipulating that 9 dismissed workers be reinstated with a break in their service, that is they would not return to their previous jobs.

In 1995 students and workers staged a peaceful march on campus. Leaders from different constituencies including the SRC, faculty councils, residence structures and political and religious organisations spearheaded the march. The objective of the march was to call for the establishment of a representative transformation forum with the objective would deal with transformation challenges on campus. Other demands by workers and students clearly connected to transformation were that the university and government peruse and devise solutions to students' financial problems, scrutinise university finances, expel police from the campus and implement and transform the industrial relations department and bring it in line with the new LRA. The working group formed earlier on in 1994 formalised the task of establishing the name, objectives, powers and composition of the negotiating forum involving all the stakeholders. In 1995 the Wits Transformation Front (WTF) was subsequently established.

## **2.6 Summary**

The root of the crises in trade union and student backlash that have come to characterise institutions of higher learning in recent years, lies in the transformation process. The acceptability and effectiveness of tertiary education institutions rest fundamentally on visible institutional change that parallels the change the country is currently undergoing. However, the arbitrary and often paternalistic authority that management displayed in the past (in disciplinary action in particular), is typical of the unitarist system. Most of the independent unions that emerged in the eighties in the university sector aligned themselves with either of the two emergent union federations, namely, COSATU and NACTU (cf. chapter two). The pluralist dispensation to emerge in this period remained slanted in favour of the White workers because Black workers at large were forbidden to exercise the right to enfranchisement.

Though there are visible instances of tendencies towards centralisation in collective bargaining in the South African labour relations in general, collective bargaining in the university sector in contrast, is very fragmented with neither unions nor management showing enthusiasm in presenting unified fronts. Hence industrial action seems to have been contained to one institution at a time. This conduct of labour relations in the university sector continues to create inconsistencies, uncertainties and breeding grounds for mistrust because workers at certain universities may view their objective situation in terms of relative deprivation in relation to others who earn higher wages albeit in similar job categories. This is true not only among the blue-collar workers, but also among other categories of employees. Part of the solution to such problems may apparently be sought in centralised collective bargaining since collective agreements can be pursued at sectoral level and be effective in dealing with inconsistencies, which have often resulted in industrial action. With COSATU and NACTU being in a favourable strategic point in NEDLAC, the objective of achieving centralised bargaining in this sector is not a pipe dream.

A number of factors contributed to industrial action at the universities. Workers have consistently raised reasons of explicitly socio-economic nature such as wages, fringe benefits, etc. Wage negotiations have often resulted in deadlocks with workers vehemently demanding higher wages and management offering minimal wage increases. On the other hand, one is struck by the reasonability of wage demands such as the case of TGWU in 1990 at the University of Durban-Westville. Workers were earning what could be called starvation wages. On the other hand, exorbitant demands were also forwarded. This is clearly the case at the University of Cape Town where the lowest pay class worker was said to be earning well above similar employees in other sectors of society. Disparity in salary increases between academic and blue-collar personnel was another source of dissatisfaction among the workers. In the workers' view, management should apply across-the-board salary increases for all university employees. This

is based on the premise that manual workers are also important components of the education institution. Thus their service to the institution is equally important.

Other causes of strife and strikes relate to the conditions of employment. Employees who are contracted to private companies have temporary employment statuses and are often excluded from a range of benefits such as provident funds and housing subsidies. This has been the situation at a number of institutions including Medunsa, University of Durban-Westville and others. In other cases, such as the University of Stellenbosch, workers did not even enjoy the right to recreational facilities at their workplaces as the university maintained that such facilities were reserved for their employees and students. Private companies often contracted to the institutions usually do not provide such facilities and seemingly are often remote to the workers. In fact they have a tendency to neglect some key issues pertaining to the employment relationship, e.g. exclusion from a range of benefits such as recreational facilities, housing subsidies, less attention to conditions of employment, etc. These are some of the reasons why workers resist privatisation. Under privatisation employers usually have more latitude to dictate employment terms than workers do.

The problem of subsidies and lack of funds have also featured prominently as some factors that contributed to strike action. The response has often resulted in management cutting back on workers' annual wage increases. The workers view this not only as an act of encroaching into their right as wage earners, but also as unfair labour practice and an on-going pauperisation of workers. Notable instances where subsidy cuts led to ground-swell dissatisfaction among workers *inter alia* took place at the University of Cape Town and the University of the Witwatersrand in 1984 and 1994 respectively. In the same token, Medunsa is one of the traditionally Black universities that were faced with a threat of closure because of lack of funds in 1995.

Further sets of factors that impinge on industrial action are of political nature. Although these demands were wide-ranging, central to them were the right to peaceful protest on campuses and the demand that institutions support political changes unfolding countrywide. These demands are fundamental since the success of the university sector as a benefactor of the larger society depends in part on its support and contribution to the entrenchment of democratic ideals. The "student/worker" struggles for change therefore epitomise the important role these social movements are playing and can play in facilitating transformation at these institutions. Although workers and students generally reserve the right to strike and embark on demonstrations, their actions in the process have often been catastrophic. Damage to property and physical aggression to others who expressed a different opinion could be witnessed. Acts such as taking hostages served to convince management that unions' violent tactics could only be met with police intervention and court interdicts. This confrontational approach, however, only served to exacerbate the problems and strained relations among stakeholders.

The importance of this chapter lies in the contribution it attempted to make in investigating and exploring factors that often contribute to industrial action in the university sector. A brief history of the South African industrial relations in general and how it influenced labour relations in the university sector was made in this chapter. The chapter served to develop an important body of knowledge significant in developing the general picture of labour relations practice in this sector. It also to a large extent served to inform the questionnaire schedules used to gather empirical data in two case studies in this research. The chapter that follows attempts to provide a brief historical background of the two campuses that form case studies and also attempts to provide a brief background of labour relations practice at the two case studies of this research.

**CHAPTER THREE**

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**Historical development of the two campuses forming case studies for the research**

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**3.1 Introduction**

Since the two university campuses in the Free State, the University of the Orange Free State (UOFS) and Vista satellite campus in Bloemfontein constitute the case studies for the empirical part of the research, a brief historical background of labour relations practice at these institutions is imperative. The particular histories of these campuses also contribute to the rationale for their selection as case studies for the research.

**3.2 University of the Orange Free State**

The UOFS came into being between the years 1904-1906 as the Grey University College and in terms of the Higher Education Act was proclaimed the UOFS in 1910 (Van Rensburg, Groenewald, Fourie, Nothnagel and Jacobs, 1990:4-6). The UOFS catered from the onset for the predominantly Afrikaans-speaking White population in the Free State most of whom were from the Free State rural community. In 1950 a number of the national University Colleges including the UOFS had broken away from the federation of universities to become independent. "Since 1950 the UOFS has developed along the lines of Christian National Education. Its focus, over and above the normal functions of a university, has been on fostering this Christian National Ethic in its students and staff" (Pavlich & Orkin, 1993:2-5). The institution started not as a fully-fledged institution of higher learning, but as a training centre for preparing students for matriculation. Having qualified at the college, local populace would then become eligible for higher education either at the Cape University or overseas, especially in Europe. According to Dreijmanis (1988:18) the colleges which were already established by then, offered secondary school work and prepared students for

matriculation and more advanced examinations at the University of London. In its early years of operation, the Grey University College had expanded and tutorial activities surpassed its scope. Efforts were made from different cycles for the transformation of the institution into a more vigorous academic centre.

All the institutions of higher learning initially operated as the so-called federal universities with the University of the Cape of Good Hope as the central examining body. Other universities were subsidiary to it with no statutory powers to order examination or to confer any academic degrees. Reflecting on the relationship in the federal connection at the time Van Rensburg *et al* (1990:4) referred to Boucher and Uys as having said the following: "*Dit was immers die era van die Britse kolonies, die Boere-republieke en die Anglo-Boere-oorlog met weinig wedersydse simpatie in 'n Engels-Hollandse verdeling en met uiteenlopende rigpunte op die Britse en Nederlandse tradisies sover dit hoër onderwys betref*".

The UOFS at present operates on a parallel Afrikaans-English medium teaching basis. This was imperative hence the need to facilitate the changing nature of the university community towards multiculturalism. The first Black post-graduate students were admitted in 1977 and the first undergraduate students from 1983 (Fourie, 1996:258). The academic staff is overwhelmingly White and still predominantly male. According to the Director of the personnel Department, the UOFS employed 560 (31.6%) academic staff, 600 (33.8%) administrative staff, and 613 (34.5%) service workers<sup>43</sup> in 1998. Figure 3.1 below provides a breakdown of these statistics.

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<sup>43</sup> The presentation of statistical records of staff at UOFS has "service workers" title for workers other than administrative, professional and academic staff. Service workers as reflected in figure 3.1 below, for the purposes of this study include the blue-collar workers. The same applies to Vista satellite campus.

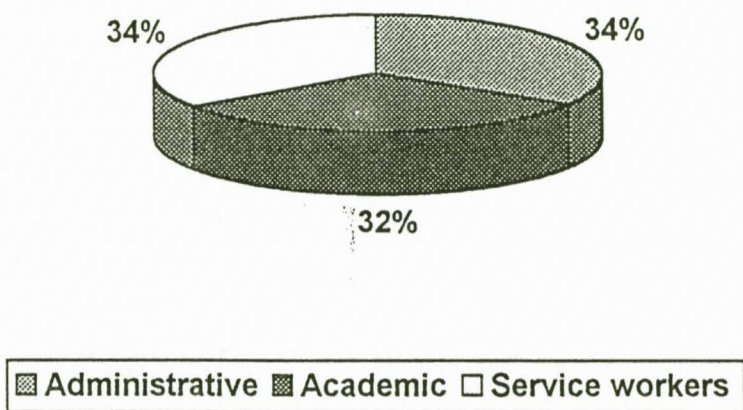


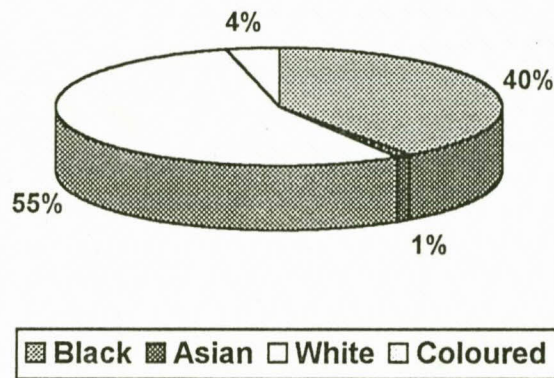
Figure 3.1: Personnel according to category at the UOFS in 1998. Source: University of the Orange Free State.

At present the student demographics are changing at a fairly rapid rate. There is a marked decline, for example in the proportion of White students, and an increase in both Black and Coloured student population. There has been an increase of 2 to 40 percent, and 2 to 4 percent in Black and Coloured student numbers between 1990 and 1998 respectively. Table 3.1 and figure 3.2 below provide student numbers according to population groups.



**Table 3.1: Student numbers according to population groups at the UOFS.**  
*Source: (University of the Orange Free State).*

Year	Whites	%	Coloureds	%	Asians	%	Blacks	%	Total
1970	4222	100							4222
1975	7073	100							7073
1980	8317	100	3	0			12	0	8332
1985	8400	99	21	0			37	0	8458
1990	8978	96	219	2	0	0	175	2	9372
1995	7449	78	219	2	22	0	1920	20	9610
1996	6811	68	463	5	45	0	2768	27	10087
1997	6272	60	453	4	50	0	3684	35	10459
1998	5715	55	417	4	67	1	4187	40	10386



**Figure 3.2: Distribution of students according to population groups at the UOFS in 1998.** *Source: University of the Orange Free State.*

### 3.3 A brief background on labour relations practice at the UOFS

Although the early history of labour relations practice at the UOFS is not well documented, it, however appears quite logical to assume that the blue-collar workers<sup>44</sup> at the institution have always been recruited on racial lines. Labour relations policies of the institution inevitably coincided and complemented the separatist policies of the state. It was a dualist labour relations practice within the framework of a unitarist perspective (cf. chapter three). In line with the apartheid policies it was not unnatural for management to exercise discipline exclusively as its prerogative. The management approach has therefore been paternalistic in orientation and as in the broader industrial relations system, has been characterised by a top-down process when it comes to the implementation of rules and regulations governing employment relations at the campus level. This situation continued unabated until the climacteric eighties when the Black labour movement became a force to be reckoned with in the South African industrial relations system. During this time the workers in general and workers at the universities including workers at the UOFS began to organise themselves into trade unions.

It was only in 1986 when management at the UOFS concluded a recognition agreement with the South African Allied Workers Union (SAAWU) now known as the National Education, Health and Allied Workers Union (NEHAWU), thereby implementing a system of plant level bargaining on campus. According to the full-time shop steward at the UOFS, one of NEHAWU's programmes is to reach an objective of establishing collective bargaining at the centralised level for all employees at tertiary institutions<sup>45</sup>. Currently NEHAWU has twenty-two shop stewards on campus of which one is full-time. In 1996 the *Universiteit van die*

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<sup>44</sup> Barker & Holtzhausen (1996:17) define the **blue-collar workers** as "workers doing manual work or workers involved in maintenance or production, as distinct from administrative or office work. Such workers are primarily involved in physical labour and are often wage rather than salary earners. They are unskilled, semi-skilled or skilled (e.g. artisan)". For more information on the explanation of various skills levels of blue-collar workers, see Caplow (1964:36).

<sup>45</sup> Cf. footnote 5 on page 8.

*Vrystaat Personeel Unie*<sup>46</sup> (UVPERSU) which organises all occupational categories, but predominantly academic and administrative staff gained recognition and bargained with management. The former chairperson of UVPERSU indicated that this union was born out of the amalgamation of two professional associations, namely the Society for Academic Staff (SAS) and the Society for Administrative Personnel (SAP). At present there are two unions operating on campus, namely NEHAWU and UVPERSU.

As with any other organisation, the university institutions depend largely on financial resources. Access to adequate finance and the extent to which the university institutions are able to generate the necessary financial resources would complement the desired stability among their constituent parts including healthy employment relationships. In South Africa, the universities are semi-state parastatals and quasi-public institutions retaining substantial degrees of autonomy to run their affairs. Students fees, government grants, private gifts, research contracts, *etc*, provide an important sources of revenue for universities. However, a paradoxical development has been that the contribution of the state to the revenue of national universities has been on a steady decline. Table 3.2 below demonstrates this state of affairs.

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<sup>46</sup> The English translation would read "The University of the Free State Personnel Union". It is however strange that this union is given only an Afrikaans name in spite of many non-Afrikaans in particular English speaking staff on campus.

**Table 3.2: Source of funds of Universities in South Africa (Rands millions).**  
*Source: (Bunting, 1994:126).*

FUNDS	ASSEMBLY RESIDENTIAL UNIVERSITIES		ASSEMBLY DISTANCE UNIVERSITIES		OTHER UNIVERSITIES		ALL UNIVERSITIES	
	1986	1990	1986	1990	1986	1990	1986	1990
Tuition fees	156 (13 %)	342 (15 %)	32 (22 %)	64 (19 %)	31 (11 %)	101 (18 %)	219 (13%)	507 (16%)
Government Appropriations	652 (54%)	1 093 (48%)	80 (54%)	184 (56%)	209 (73 %)	322 (57 %)	941 (57 %)	1 599 (50 %)
Government Grants & contracts	56 (5%)	81 (4%)	2 (1%)	2 (1%)	5 (2%)	13 (2 %)	63 (4 %)	96 (3%)
Private gifts & contracts	127 (11%)	270 (12%)	9 (6%)	18 (5%)	8 (3%)	32 (6%)	144 (9%)	320 (10%)
Investment income (7%) (11%)	77 (6%)	252 (11%)	19 (13%)	46 (14%)	13 (5%)	49 (9%)	109	347
Auxiliary enterprises	73 (6%)	130 (6%)	2 (1%)	3 (1%)	11 (4%)	35 (6%)	86 (5%)	168 (5%)
Other	69 (6%)	114 (5%)	3 (2%)	14 (4%)	9 (3%)	12 (2%)	81 (5%)	140 (4%)
<b>Total</b>	<b>1 210</b> <b>(100%)</b>	<b>2 282</b> <b>(100%)</b>	<b>147</b> <b>(100%)</b>	<b>331</b> <b>(100%)</b>	<b>286</b> <b>(100%)</b>	<b>564</b> <b>(100%)</b>	<b>1 643</b> <b>(100%)</b>	<b>3 177</b> <b>(100%)</b>

According to the head of the labour relations office at UOFS, there are noticeable economic differences between university workers and other public servants. The head of the labour relations office at UOFS points out that the university receives a regular state subsidy, which forms the basis for wage and salary negotiations. The university has to add to the subsidy from its reserves and other funds. The head of the labour relations office at UOFS maintains that proper labour relations practice is increasingly being affected by declining government subsidies to universities. Subsidy cuts are likely to lead to deadlocks in wage negotiations and

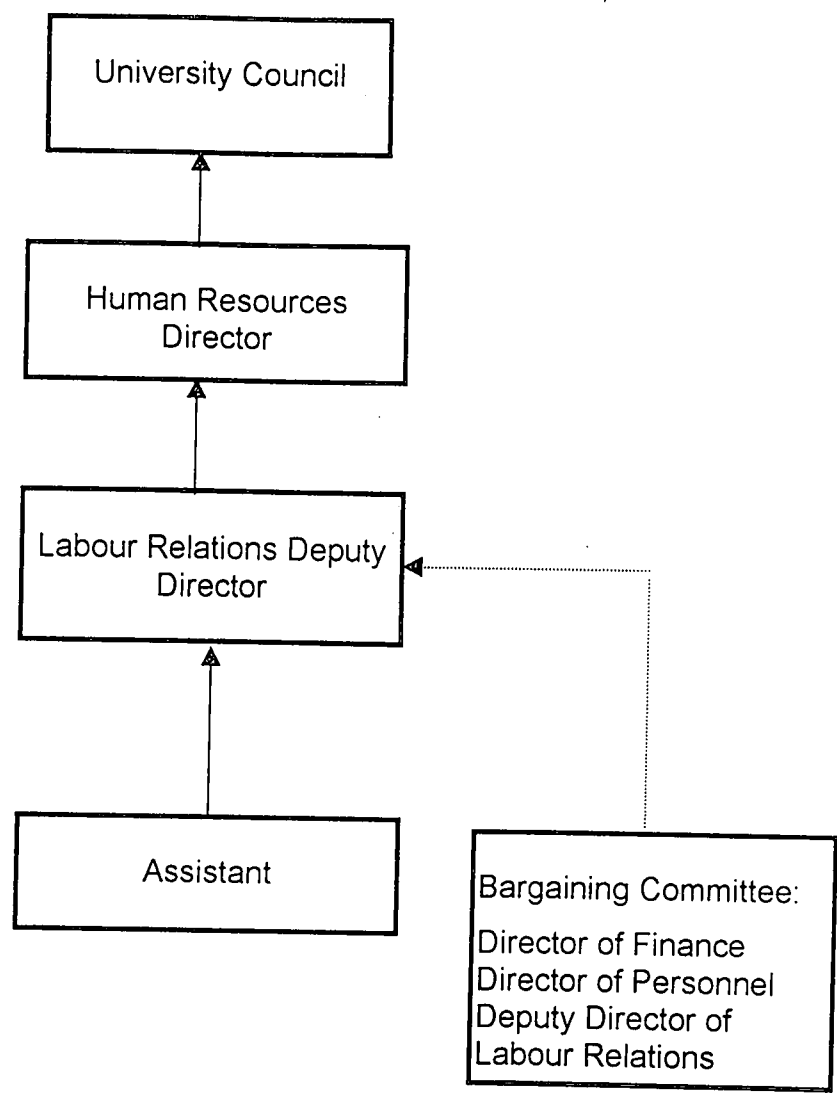
subsequent industrial action<sup>47</sup>. However, notwithstanding these financial constraints, management and unions agree that they maintain substantially sound relations and a substantial degree of mutual trust. The full-time shop steward in this regard also extolled the degree of professionalism and the maturing process in annual negotiations on wages. In the recent wage negotiations, for example, management made full disclosure of information on the budget, subsidy grant, inflation rate, *etc*, according to the provisions of the new LRA. After separate and mutual negotiations between the unions, NEHAWU and UVPERSU, and the University Council, finalisation has been reached on salary increases for 1999. Agreement has also been reached that the two unions will meet to discuss the issue of forming a mutual negotiation forum for future salary negotiations. This development can be seen as a significant basis on which centralised bargaining could be initiated.

The office of labour relations at the UOFS consists of the head of the labour relations department at the level of deputy director and one personnel officer who is an assistant to the deputy-director. The head reports to the Human Resource Manager who in turn reports to the top management of the university (the University Council). Two directors, one from finance and another from the personnel department, as well as the deputy director of labour relations, form a bargaining committee, which represents management in the annual bargaining process. Table 3.4 below shows the labour relations management structure at the UOFS.

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<sup>47</sup> Cf. pages 58-59 with regard to the disputes stemming from subsidy cuts at Medunsa and UCT respectively.

Table 3.3: Labour relations management structure at the UOFS.



The institution also offers and finances various training and development programmes for its staff including the blue-collar workers. One full-time and two part-time educationists (teachers) are employed by the institution in an adult education programme. In addition, development programmes are also offered in the form of on-the-job-training and other forms of inhouse and in-service training. The following courses, which do not exceed a duration of eight hours, are some of the courses offered by the institution. Only those falling within the scope of the blue-collar workers are briefly mentioned.

### **Course on grievance and disciplinary procedures**

The contents of this course are:

- effective disciplinary procedures,
- termination of service, and
- grievance procedures.

### **A course on conflict management**

This course emphasises:

- the value of conflict,
- assumptions about conflict,
- strategies for conflict management,
- further strategies in resolving conflict, and
- handling criticism and ways to handle an aggressive person.

### **A course on creativity**

This course deals with:

- left and right brain preferences and characteristics,
- The process of creativity,

- identification and overcoming of obstacles,
- hints/tips for creativity, and
- practical exercise for improved ability to generate ideas.

### **Orientation course**

The orientation course familiarises new support with:

- the structure and activities of the university,
- mission and vision,
- conditions of service,
- occupational safety, and
- important information pertaining to each section/department.

### **A course on self-directed motivation**

This course deals with:

- positive thought control,
- identifying rational and irrational thoughts,
- the consequences of irrational (negative) thoughts, and
- methods of rational (positive) thought control.

### **A course on stress**

This course

- defines and clarifies misconceptions regarding stress,
- deals with errors in thinking and stress,
- acquiring skills and strategies for dealing with stress, and
- relaxation techniques.



### **A course on telephone ethics**

This course:

- deals with the most common problems regarding the use of telephones,
- suggests appropriate communication procedures,
- suggests ways to deal with clients, and
- deals with office and telephone etiquette.

### **A course on communication**

This course deals with:

- the process of communication,
- obstacles that prevent communication – perceptions,
- differences in culture and background,
- non-verbal communication skills, and
- hints/tips to improve communication.

### **A course on change management**

This course:

- defines diversity,
- stereotyping,
- deals with bias and assumptions,
- differences in values, and
- organisational and individual action plans.

### **A course on structured in-service training**

This course deals with the following:

- application of in-service training (on-the-job-training [OJT]),
- OJT training,
- usage of a simple model,
- the application of aspects related to adult learning, and
- methods of applying OJT.

### **A course on self-maintenance**

The course deals with:

- prior and post assessment of self-maintenance,
- self-maintenance, aggressive and passive behaviour,
- myths that undermine self-maintenance,
- strategies for promoting self-maintenance behaviour,
- influencing others, and
- self-maintenance philosophy.

### **A course on time management**

This course deals with:

- steps to beat watch,
- time-wasting, and
- hints/tips for saving time.

Training of personnel is vital in the post-industrial society with the technology-oriented work environment. A course on telephone ethics for example, is crucial for the blue-collar workers since lack of proper communication can result in serious communication breakdown. The importance of the development of

comprehensive training and development programmes cannot be overemphasised. Through these training programmes the institution places a high premium in improving its human resource development in general and specifically its blue-collar workers. However, the situation on training in the university sector in general is not different to other sectors of the economy where it is generally held that training is either characterised by mediocrity or is non-existent.

One of the key concerns of NEHAWU according to a full-time shop steward, however, is lack of representation of Black workers in the University Council or in any existing committee having executive powers, i.e. with decision-making jurisdiction. In contrast, the White workers have always been part of associations such as SAS and SAP having institutional voice. The shop stewards pointed out in this regard that the standpoint of the Council was that there were four available portfolios within the Council and the proposal was that NEHAWU should nominate one delegate to the Council. The union according to the shop steward saw this as an attempt by management to **co-opt** representatives from under-represented stakeholders and felt that the whole Council should disband and the whole process of electing the new Council be started anew. The union felt that the retention of former members of the Council would impact negatively on the transformation process and labour issues since members who served in the old Council would still be retained. The union is also calling for transformation of legislation currently governing the University. A new University Law was drawn up in which the composition of the University Councils was to be changed. The Broad Transformation Forum (BTF) was established in 1997 in terms of section 7(b) of the University of the Orange Free State Act (21/1949) as amended, and section 31 of the Statute of the University of the Orange Free State. The forum has the Dean of Students and Transformation officer as joint chairpersons (*Transforum*, 1998:1).

The brief aims and objectives of the forum are as follows:

- "to serve as an advisory body whose decisions will have to be ratified by the Council;
- to conclude a social compact on the future of the university, and to bring about change to the UOFS in order to meet the challenges of a transforming country and society whilst expanding its position as an academic institution of excellence" (*Informa*, 1997:1).

In August 1998, the BTF released a discussion document on the University of the Free State Act. The proposed amendments were deliberated upon by the University Council. The discussion document proposed that:

- the name of the University shall be "the University of the Free State.
- the nature of the University be changed from "the University is an Afrikaans University which has a national cultural basis" to "the University is a multicultural University persuing excellence, equity and no-discrimination based on gender or race".
- that parallel-medium instruction (which is currently just an arrangement) be adopted into the Act, and use of Sesotho be promoted so that in future Sesotho can be used as an academic language.
- that proposed changes to the Council structures include among others representation the blue-collar workers, academic employees, SRC members, appointments by the Free State Premier, people from the religious community and an administrative employee. Representatives from the proposed constituencies would have voting rights within the Council (*Irawa*, 1998:1-2).

On the 8<sup>th</sup> of April 1999, the BTF held a meeting where further deliberations on the number of transformation issues including the following was held: revision of the University colours and emblems; rearranging working groups; comments from the National Council of Provinces (NCP) on the proposed changes of the

UOFS Private Act; - Amendments by the Department of Education on the UOFS Private Bill. The establishment of the Broad Transformation Forum presents a unique opportunity to all stakeholders of not only having a platform to enhance their collective bargaining position, but also of contributing in shaping the transformation process. Most of the proposals on transformation from various stakeholders were implemented and towards the end of 1999, the BTF had almost completed its tasks.

### **3.4 Vista satellite campus in Bloemfontein**

In 1978 the government mandated the then Rector of the Rand Afrikaans University (RAU) to lead a commission of inquiry to investigate the "university needs and requirements of urban Blacks in the Republic of South Africa" (*Vista University Calender*, 1995:8). In 1980 Retief who took over the chairmanship of the commission and who was then the Rector of the Medical University of Southern Africa (Medunsa), released its report to the government. Under the guidelines of the commission's recommendations, Vista University was established in terms of Act 106 of 1981 by the State. Crouse was inaugurated as its first vice-chancellor and Rector. Its establishment was viewed with suspicion as an institution destined to prepare the Black population for inferior positions in a society. These suspicions can perhaps be detected from the very reasons which were advanced for its existence such as the "university for black urban matriculants wishing to study on a full-time basis" (*Daily Dispatch*, 1982:5). In 1983, Vista University started to operate.

By 1995 Vista campuses throughout the country had experienced a phenomenal growth. According to Maher (1996:2) Vista University has already reached a 32 182 mark in students population by 1995. The University has thus surpassed many older universities in South Africa to become the second largest university in South Africa next to the University of South Africa (UNISA). The majority of students are overwhelmingly Black, with a small proportion of Coloured students

followed by Asians and negligible number of Whites (Maher, 1995:3). Vista University is a multi-campus institution consisting of seven contact campuses located in major urban centres i.e. Bloemfontein, the East Rand, Mamelodi, Port Elizabeth, Sebokeng, Soweto, and Welkom. These campuses have been located strategically in the urban centres for the purposes of affordability and convenient access to tuition services for their constituencies. In addition to the above-mentioned campuses, the institution has an eighth campus for further training in Pretoria. This campus offers in-service training to teachers already in the field through distance education. Importantly, the institution in general does not cater for residential and sport facilities on campuses. Absence of residential facilities has in fact created difficulties for students when trying to cope with their studies. Problems relating to lack of residential facilities became the focal point at the Soweto campus where students voiced their anger by using the campus' infrastructure for accommodation purposes (*Weekly Mail & Guardian*, 1995:13). This problem was reiterated by the vice-chancellor who said, "... the issue of sports facilities and residences needs to be addressed .... It seems a serious omission that no adequate sports facilities were provided for our student body (*Vista Voice*, 1998:11).

Ever since the institution was established, the blue-collar workers at Vista University campuses were relatively passive with regard to worker organisation and strike action. However, this changed in 1995 when manual workers at the Mamelodi campus and later other campuses decided to embark on industrial action to demand the resignation of the University Council. Students collaborated in joint action with workers. The Council was alleged to be an unrepresentative structure and therefore an impediment to genuine transformation (*Business Day*, 1995:2). The crisis was, however, contained following an agreement by the stakeholders on the dissolution of the Council. According to the education reporter of the *Cape Times* (1995:7) an interim structure was also to replace the old council. According to NEHAWU shop steward, the interim structure called the University Management Council (UMC) was then established. The National

Transformation Forum was also established as a mechanism to grapple with the challenges of bringing about institutional changes to all Vista campuses. In 1997 the first democratically appointed Vista University Council was inaugurated with the appointment of a new chancellor and vice-chancellor.

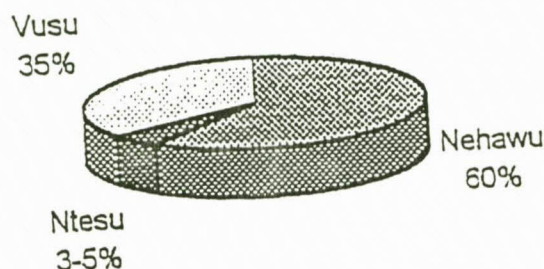
Pressure to transform was also brought to bear on the Vista satellite campus in Bloemfontein. Here, academic activities first commenced in 1983 in the Batho location in Mangaung township. The community hall was initially used as an infrastructure for tutorial purposes. Almost ten years later, in 1992, a new campus infrastructure was completed and academic activities were transferred to this campus.

### **3.5 A brief background of labour relations practice at Vista satellite campus**

According to the Registrar Academic at Vista satellite campus in Bloemfontein, the first recognition agreement was signed in 1995 at this campus (eleven years after the UOFS). As part of the organisational efficacy, NEHAWU introduced the Vista University NEHAWU Shop Steward Forum with NEHAWU delegates from all Vista campuses meeting once prior to every annual bargaining to discuss matters of mutual interest. Currently there are three unions operating on campus namely, NEHAWU, Vista National Workers Union (VNWU) (which is a breakaway from NEHAWU) and now known as NTESU (National Tertiary Education Staff Union) and Vista University Staff Union (VUSU) which is predominantly white. As illustrated in figure 3.3 the membership statistics currently stand at 60 percent, 3-5 percent and 35 percent in respect of the three above-mentioned unions<sup>48</sup>.

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<sup>48</sup> These unions at Vista satellite campus, NEHAWU has most members in the manual service/blue-collar category. (Cf. figure 5.10 on page 187).



**Figure 3.3: Trade unions operating at Vista satellite campus in Bloemfontein.**

According to the Department of Management Information of Vista University in Pretoria, the Bloemfontein satellite campus employs 138 blue-collar/service workers (Maher, 1996:8)<sup>49</sup>. Figure 3.6 below represents personnel according to category in 1996. In terms of the figure 3.6 below, the blue-collar workers employed by Vista University in Bloemfontein in 1996 constitutes 8,17 percent, while administrative, professional and academic personnel constitute 8.17, 19.89 and 42.81 percent respectively.

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<sup>49</sup>However, this number does not correlate with the actual number of the blue-collar workers at Vista satellite campus. According to the Human Resource Officer at Vista satellite campus in Bloemfontein, there are 17 blue-collar/service workers employed in the Bloemfontein campus. This is the figure on which a sample of the blue-collar workers from this campus was drawn.



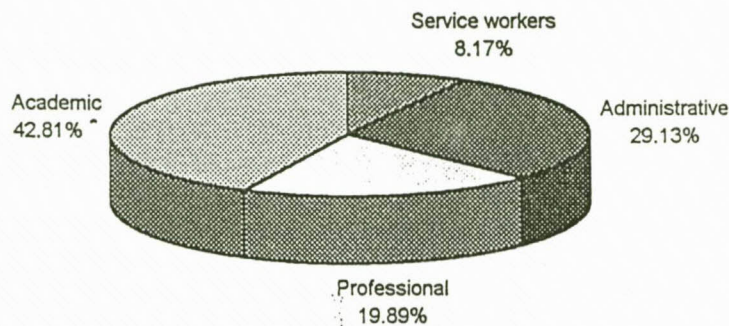
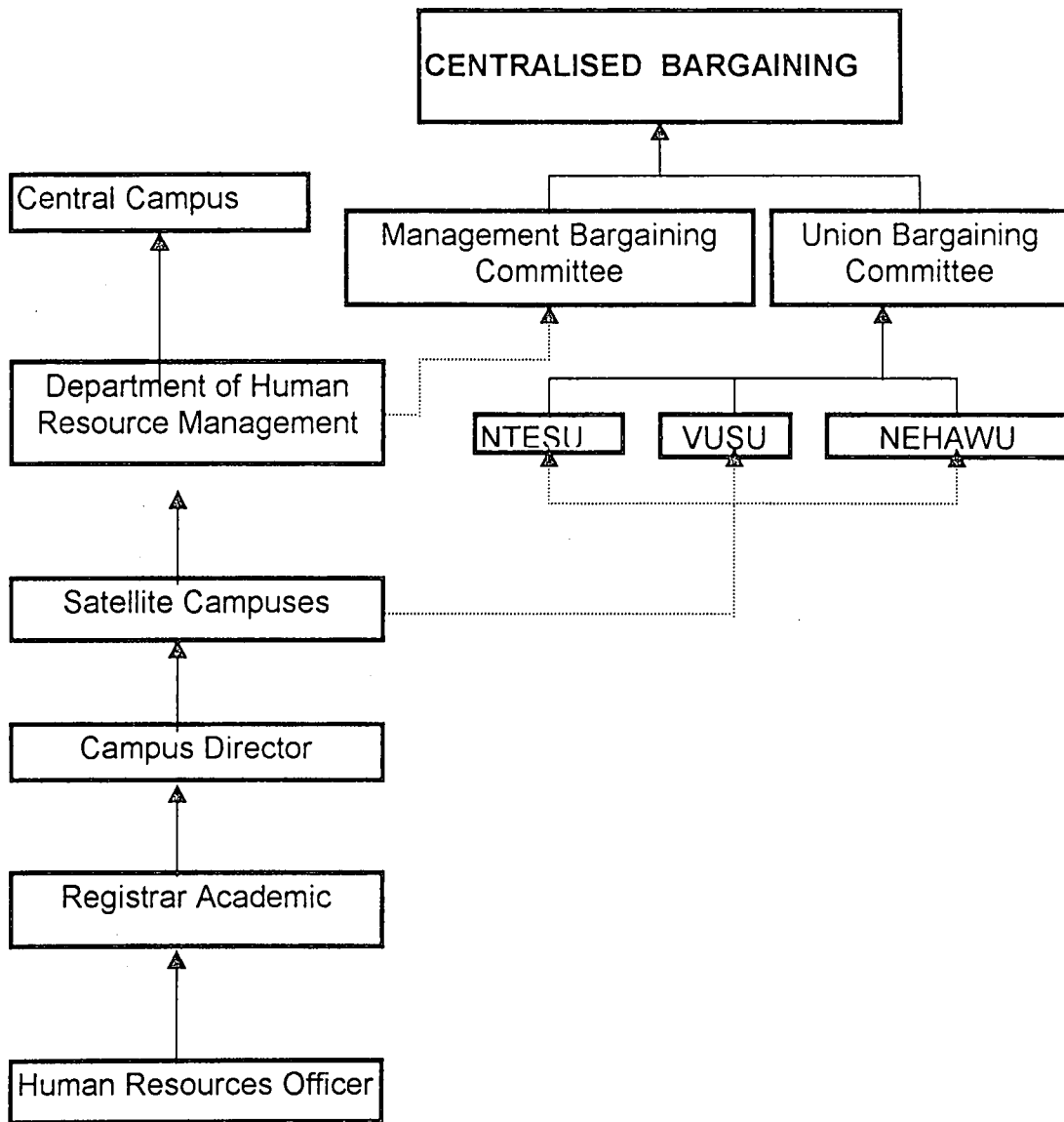


Figure 3.4: Personnel according to category at Vista satellite campus in Bloemfontein. Source: (Maher, 1996:8)

The Campus Director/Principal has the powers to execute an appropriate discipline on campus. Representatives of management from the Central Campus (i.e. disciplinary committee from the Human Resources Department) in Pretoria become involved only when there is a serious matter that requires intervention from the central campus. According to one shop steward there is no campus-based disciplinary committee in all Vista satellite campuses.

In line with the new LRA the management is currently considering establishing one with union representation. According to one of the shop stewards at Vista University, the management has for the past two years been antagonistic towards them. Table 3.5 below shows the labour relations management structure at Vista University.

Table 3.4: Labour relations management structure at Vista University



Collective bargaining at all Vista satellite campuses takes place at the centralised level. Centralised bargaining refers to the process of bargaining between the university management and worker representative bodies at the national level. One of the advantages of this system is uniformity in wages throughout all Vista campuses. At Vista University in Bloemfontein, most blue-collar workers including the security, cleaning service, *etc*, except technical service staff<sup>50</sup> are outsourced to private companies<sup>51</sup>. This makes it difficult for workers to make a concerted effort towards improving working conditions with their employer because the latter is in many respects an "external" entity on campus. This according to the shop steward is tantamount to "union bashing" which has always been the strategy of management to weaken the union movement throughout all Vista campuses.

Many universities are faced with the challenge of streamlining their work force in the context of declining financial resources. This trend was probably set in motion by systematic subsidy cuts by the state in recent years. In the context of these subsidy cuts and declining income, the universities have to respond to this dilemma by a rationalisation and downsizing process in order to restructure the institutions to adapt to the challenges of the new millennium. The UOFS for instance, is in the process of overhauling its structures to create a financially sustainable environment. The first part of restructuring at the UOFS commenced in 1997 and involved the process of streamlining five Faculties into one. The second part involved the envisaged restructuring of support services and management functions. In 1998 there were two investigations going on to establish the extent of restructuring. The outcome of the investigations are envisaged to reach a savings mark of 14% of the expenditure of 1998 Support Services staff. This aim, however, has to be based on careful consideration of the cost factor and the production function of each service. This example represents just the tip of an iceberg about the situation in the South African

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<sup>50</sup> Technical services include general workers such as garden workers, drivers, messengers, plumbers, technicians, *etc*.

<sup>51</sup> Cf. footnote 39 on page 69.

universities, particularly traditionally "White Universities" who used to be well resourced in the past. The blue-collar/service workers, being part of the support service staff as the lowest occupational category and therefore having "less human capital assets" to offer to the institutions, are likely to be compromised through retrenchment. The increasing presence of contract workers in the university sector, particularly in the category of blue-collar work requires further research.

### **3.6 Summary**

As one of the "traditionally White" Afrikaner universities, the better part of the history of the university community at the UOFS has been exclusively on white interests. Acceptance of Black and Coloured students is a relatively recent development. In line with the political polarisation in the broader society was racial polarisation within the institution where Blacks could only be at the institution as manual labourers. When the Black workers in South Africa first gained recognition as "employees" in 1979 after the Wiehahn Commission<sup>52</sup>, trade union organisation at the UOFS, as it was the case in many other campuses, did not start immediately. But as trade union activities took their toll in the rest of the country then, workers started organising themselves into trade unions in the university sector (cf. chapter one, page 4).

However, at the UOFS unlike other campuses, industrial action did not have a firm grip because of a highly conservative workplace environment. The institution could be seen as symbolic of Afrikaner intellectual heritage and implicitly Black workers' concerns and aspirations here did not form part of the prevailing atmosphere and were out of question. Furthermore, the blue-collar workers could not make any significant stride in militant actions and workplace sabotage. Vista University on the other hand, is one of the "traditionally Black" universities which has been subject to a wave of industrial action and labour disputes like in many

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<sup>52</sup> Cf. chapter two.

other similar campuses in the country. "Traditionally Black Universities" offered the scope and environment within which militant trade union activities was inevitable.

This chapter attempted to provide a historical background of the two campuses, which form case studies for the research. It also attempted to put into perspective the development and nature of labour relations practice at these institutions. The next chapter deals legislative framework within which labour relations practice in general and labour relations practice in the university sector in particular, takes place. A detailed discussion on the new Labour Relations Act would form the parameters of chapter four.

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**CHAPTER FOUR**

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**Labour Relations Act 66 of 1995**

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**4.1 Introduction**

Like other societies in transition, the South African society has to respond to challenges invoked by social change. The vicissitudes in the political terrain invariably set a precedent to the labour statutes and to the labour relations regime. The Labour Relations Act (No 66 of 1995) therefore arose out of a need to transform the laws pertaining to the labour relations system. The new Labour Relations Act strives to be consistent with basic labour rights such as freedom of association and rights to strike and lock-out guaranteed in the new Constitution.

It is hoped that the Act would in the long term have far reaching impact in the labour relations arena. It has certainly started overhauling the system into a new direction consistent with norms and conventions of International Labour Organisation (ILO). The Act is an outcome of a process of negotiations geared towards formulation of amenable industrial policy. Hailed as the first most democratic statute involving a legitimate government, business, labour and development and community based organisations, it is hoped that the new Act would advance economic development, social justice, labour-peace and democracy in the work place. The new Act is thus a comprehensive labour statute that will govern employment relationships for many years to come. "It shifted away from an adversarial, pluralist form of labour relations to a system closer to that of societal corporatism<sup>53</sup>. Key factors are the promotion of collective bargaining in bargaining councils, the promotion of worker participation at the work-place and significant emphasis on conflict resolution" (Finnemore & Van der Merwe, 1996:138). The political reforms in the late nineties and early nineties presented the working-class movement with a further opportunity of influencing the development of macro-economic policy. The reforms were viewed by workers

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<sup>53</sup>Cf. pages 2, and 46-48.

as a springboard to be exploited to ensure labour-friendly policies and defence against unfair labour practice by employers.

Vehement challenges were launched by the workers particularly against unfair dismissal. Dismissal disputes currently overload the cases facing the CCMA. "In December 1998 [for example], 79% of the CCMA's national caseload concerned dismissal disputes (a growth of approximately 6% on the past statistics). In contrast, 11% of the CCMA's caseload in December [1988] related to alleged unfair labour practice, 4% to collective bargaining disputes, 3% to severance pay disputes and 3% to matters of mutual interest", *Star* (1999:4). In the universities, the blue-collar workers in collaboration with other constituencies strongly took on issues of transformation with university management. According to Andrew Levy & Associates (1999:2) from the 11 November 1996 to 31 October 1998 the CCMA handled 131 099 cases averaging 71% settlement rate. This indicates that the new dispute resolution and settlement function of the new Act is functioning successfully.

The purpose of this chapter is to provide a critical and systematic account of the recent and relevant legislative developments within labour relations circles. A specific focus is on the following: objectives and principal features of the Act; rights and obligations in employment relationships; collective bargaining under the new Act; labour disputes and their settlement, then conclusion and summary.

## 4.2 Objectives of the LRA

According to Innes (1995a:13) the new LRA represents the third comprehensive labour statute after its forebearers namely, the ICA of 1924 and the LRA of 1981. 'Flexible regulation' is how Baskin & Satgar (1995:46) describe it because while it prescribes simple dispute resolution procedures, organisational rights and obligations and work-place forums, it affords leverage to the labour relations actors to voluntaristically develop sound and efficient labour relations. The representative parties can for example contract out of the minimum framework set by the Act by mutual consent. Through this arrangement the proliferation of co-operation underpinned by social contract (accord) between major social partners is thus encouraged. The primacy of the objectives of the Act according to Finnemore & Van der Merwe (1996:146) lies in a need to:

- "give effect to the rights and obligations of employees and their unions as well as employers and their organisations in accordance with the fundamental rights of the Constitution and ILO conventions;
- promote collective bargaining at sectoral level and employee participation at the workplace; and
- promote dispute resolution and labour peace".



### 4.3 The principal features of the LRA

The key aspects of the new LRA are *inter alia* the following:

- It precludes unfair discrimination and victimisation and posits bias in favour of labour rights.
- It enhances self-governance and voluntarism in labour relations. Internal and privately initiated bilateral agreement on dispute procedures, which do not contravene the provisions of the Act, imply that dispute procedures in the Act may to a large extent be ignored.
- It endeavours to eliminate unnecessary technicalities in solving disputes by providing a streamlined and simple procedure for the prevention and resolution of labour disputes.
- Workplace democracy is consolidated through the establishment of workplace forums that extend representation to unorganised workers.

Innes (1995b:15) adds the following aspects:

- "It amalgamates all sectors (including previously excluded sectors such as health, police services, agriculture and education) into one legal framework.
- It promotes labour peace through provision of compulsory mediation of disputes prior to either a strike or a lock-out. Strikers are protected from dismissal in the case of lawful strikes.
- It regulates unfair dismissals by laying down the permissible and impermissible grounds for dismissal, providing a speedy, cheap and non-legalistic procedure for the adjudication of unfair dismissals (i.e. compulsory arbitration), and by prohibiting strike in support of dismissal disputes".

#### 4.4 Rights and obligations in employment relationship

The new Act defines the range of rights and obligations within the broad vision of effecting a paradigm shift from adversarialism to co-operation between employers and employees. The rich amalgam of the new statutes that go with the Act therefore certainly provide a reinforced legal platform within which these rights and obligations can be exercised by employers and employees.

##### 4.4.1 Protection of employees and job applicants

The Act stipulates that no person may discriminate against an employee for exercising any right conferred by it. The Act also recognises the job seeker as an employee and extends protection to him or her against any possible discrimination while applying for work. Dobie (1996:19) states that employers will not be allowed to force anyone seeking employment to agree not to join a trade union although there may be exceptions such as in the case of the closed shop and agency shop agreements<sup>54</sup>. This brings the definition of an employee under the spotlight. In some recent cases that were brought to the CCMA regarding the definition of employee, the Commissioner's rulings were biased in favour of the protection of employees. For example, in the case of Gordon versus St John's Ambulance CCMA (case no. GA 6036) the employee was employed as a Fund-Raiser/Public Relations Officer. Towards the end of her first month, she asked if she could be paid a fee rather than a salary in order to gain a tax advantage. She was subsequently dismissed and referred the dispute to the CCMA. The employer argued that she was an independent contractor and not an employee. The Commissioner found, however, that the intention of both parties, at the commencement of the relationship, was to enter an employment contract. This conclusion was fortified by the fact that her hours of work were prescribed by the company, that she was given an allowance to cover her medical aid and pension,

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<sup>54</sup> Cf. Finmore & Van der Merwe (1996: 85-87) & du Plessis *et al*, (1998:237-238).

she was given business cards and use of a company car and petrol card, and she was required not to do any other private work.

#### 4.4.2 Trade union rights and sufficient representivity

The Act makes specific provision for the union to have certain rights to organise workers. In terms of the Act a distinction between two groups of rights can be discerned. One category consists of rights granted on the basis of a union being sufficiently representative. Others are additional rights given to unions with majority membership. The rights previously conferred in terms of the recognition agreements are also extended to representative unions (having 30 percent membership). Unions meeting this threshold therefore continue to enjoy the right to:

- hold meetings;
- conduct ballots;
- stop order facilities (or deduction of union subscriptions);
- elect union representatives (shop stewards) to:
  - assist employees in grievance and disciplinary hearings if requested (Non-union employees are also covered);
  - monitor the employer's compliance with laws, collective agreements and provisions of the Act;
  - be released without losing pay during working hours to perform functions of a trade union representative (the right to leave for union activities) and be trained; and
  - have access to relevant information from employer for collective bargaining purposes (Benjamin, 1995:17; Benjamin, 1995:56; Mtayi, 1996:36-37; Orr, 1996:26 and Finnemore & Van der Merwe, 1996:177).

The Act requires that both employer and union must agree beforehand on what is disclosable and what is not. Rules regarding this must be formulated upfront. The

Act tends to favour majoritarianism. Any union with majority membership (that is 50 percent or more) is entitled to exercise additional rights. The Commissioner in the CCMA is in some cases empowered to use his/her discretion to determine sufficient representivity.

The new Act does not impose a duty to bargain on employers. However, if the union meets the representivity threshold, the union can induce bargaining and even force the employer to establish a bargaining council against the employers' wish (Mtayi 1996:36). The union can therefore force the employer to bargain by declaring a strike subject to the fulfillment of the required procedures such as obtaining an award from the CCMA before declaring a strike against the employer for refusing to bargain. The CCMA will determine disputes of sufficient representivity and perform advisory (non-binding) and compulsory (binding) arbitration services. De Villiers (1996:57), however, indicates that if the deadlock is definitely unresolved, after arbitration it can under **special circumstances** go to the Labour Court. In other words, when the issue involves difficult and complex legal questions, the Commissioner may refer the issue to the Labour Court. The Act reduces any hasty decision by one of the parties for opting for industrial action over organisational rights. It does this by prescribing that such party will forfeit the right to refer the dispute to arbitration for a period of 12 months (Cooper, 1996:82).

The Act attempts to preclude unfair labour practice by stipulating a range of issues constituting unfair labour practice. It does this by *inter alia* defining what a fair and an unfair dismissal is. It guarantees the right to strike and lock-out and prescribes in clear terms preconditions thereto as well as limitations of these rights with respect to essential and maintenance services.

#### 4.5 Collective bargaining under the new LRA

The machinery of regional or industry-wide bargaining has been entrenched and expanded under the new Act. The functions of the old industrial councils and conciliation boards have been subsumed into bargaining councils. The new councils now have some widened functions and powers in terms of their scope. A less powerful version of bargaining councils, the statutory councils has also been introduced into the new bargaining arrangements. Statutory councils have the potential of being converted into bargaining councils subject to the fulfillment of certain procedures. Statutory bargaining at company level is consolidated with the replacement of works councils by workplace forums. However, many workplaces including universities such as the two case studies are still operating under the guidelines of recognition agreements. With respect to Vista University, however, elements of centralised bargaining feature very prominently. This is because the institution is a multi-campus with eight centres/satellites throughout the country. Centralisation of bargaining in this regard makes sense since the university is a single employer throughout all the satellite campuses<sup>55</sup>.

In terms of the new Act collective bargaining agents, namely management and unions, need to become more creative in their approach. In this regard Jordaan *et al* (1997:9-10) suggest that:

- "Pre-negotiation meetings be scheduled to plan for the negotiation and to agree on a protocol;
- Joint fact-finding be used to gather specific relevant information and to create a climate of greater trust and openness;
- Shop stewards be trained to understand and deal with financial information;
- Outside facilitation be used in the pre-negotiation phase;
- Relevant information be made available to shop stewards throughout the year;

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<sup>55</sup> Cf. footnote on page 8.

- Regular interaction should take place between management and shop stewards to ensure greater continuous involvement also in non-wage issues;
- Wage bargaining should be linked to gain sharing, multi-skilling, team performance, *etc*;
- Joint workshops should be held between management and shop stewards on training, social involvement, affirmative action, flexible management styles, *etc*".

#### 4.5.1 Collective agreements

Section 213 of the LRA defines collective agreement as "...a written agreement concerning terms and conditions of employment or any other matter of mutual interest concluded by one or more registered trade unions, on the one hand, and on the other hand:

- (a) one or more employers;
- (b) one or more registered employers' organisations".

In the case of bargaining councils, employer organisations and trade unions enter into agreements concerning the above issues. The Director-General in the Department of Labour has to publish collective agreements in the *Government Gazette* validating the contents of the agreement. As pointed out in chapter two, recognition agreements at plant-level constitute non-statutory mechanisms of collective bargaining in South Africa<sup>56</sup>. Collective agreements concluded as part of recognition agreements are treated as ordinary common law agreements which are binding under the law. The new Act encourages self-governance and voluntarism with its accentuation of collective agreements. Employers and unions may conclude a mutually binding collective agreement entailing among others dispute resolution procedures. A collective agreement enables employers and trade unions to regulate almost all aspects of their employment relationship on the basis of an agreed-upon internal labour relations system. Parties in the

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<sup>56</sup> Cf. page 109.

labour relationship retain discretion to decide whether they are going to apply to the CCMA for accreditation to perform dispute resolution functions, or to appoint an accredited agency to perform these functions on their behalf (*Department of Labour*, 1996:4). A collective agreement may also be extended to non-parties if a request to do so is made and procedural requirements are fulfilled.

With respect to recognition agreements substantive terms such as wages and financial conditions are usually not included. However, on the basis of consensus, parties to the agreement are entitled to make provision for negotiation procedures on these substantive terms. According to Nel & Van Rooyen (1993:108) recognition agreements usually cover *inter alia* the following topics which are part of the conflict resolving mechanisms at the shop-floor level:

- "terms of recognition;
- powers, functions and elections of shop stewards;
- grievance and disciplinary procedures;
- negotiation procedures;
- mediation, arbitration and peace obligation; industrial relations training;
- health and safety; and
- administration of agreements".

#### **4.5.2 Centralisation of collective bargaining**

The new system of collective bargaining condones bargaining system at national, sectoral and shop floor levels. In the discussions that led to the adoption of the LRA in 1995, business and labour deadlocked within NEDLAC on the issue of centralised bargaining. The government made its position known by indicating that while it would promote, it would not oblige centralised bargaining. The then Minister of Labour proposed establishing statutory industry forums on a sectoral basis (i.e. statutory councils) as an alternative to centralised bargaining. While this bargaining arrangement represents a partial victory for COSATU who has

since 1994 been campaigning for compulsory bargaining<sup>57</sup>, the Act does not, however, impose compulsory bargaining on employers. Rather it leaves the nature of bargaining to be determined by the economic power of unions (Brand & Brassey, 1995:58). However, a duty to bargain at industry level is explicit in the Act in the public sector.

Innes (1995b:10) outlines COSATU's reasons for compulsory sectoral bargaining as follows:

- "It allows for the establishment of fair employment conditions for all workers in an industry.
- It sets legally binding minimum wages for an industry.
- It allows for effective collective bargaining in industries, which have thousands of small employers who would not normally be reached by trade unions.
- It promotes rational utilisation of human resources by both management and unions by replacing a multiplicity of negotiations within an industry with one set of negotiations.
- It allows for matters such as medical aid, provident fund and training to benefit from the economics of scale if established at industry level.
- It empowers business and labour to develop ongoing industrial and trade policies and to focus on issues arising out of industrial restructuring"<sup>58</sup>.

Collective bargaining in South Africa at present shows preponderance towards centralisation with sectors such as clothing, textile, engineering, public *etc*, already bargaining at this level. This trend can be attributed to a growing support by employers realising a need to forge a common approach with federations such as COSATU to encourage an economic growth path. "Large employers favour extension of agreements because uniform wages prevent undercutting of wages by competitors, especially in small companies that would normally pay

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<sup>57</sup> Cf. chapter two.

<sup>58</sup> Finnemore & Van der Merwe (1996:162-163) elaborate in more details on the perceived advantages of centralised bargaining council system.



lower rates and offer fewer benefits. Employers consequently compete on management skill and not by means of low wages" (Finnemore & Van der Merwe, 1996:162).

Brand and Brassey (1995:58) further contended that the rejection of the government to ratify compulsory collective bargaining would lead to "Recalcitrant employers - those who wish to frustrate collective bargaining ... [being] ... able to meet union challenges without great difficulty and, as a result, comprehensive collective bargaining will take years to emerge". In the process, workers' influence will be curtailed and the feeling of being impotent may be translated into violence and wild-cat strikes<sup>59</sup>.

However, many employers for a number of reasons do not prefer centralised collective bargaining. Among other things it inflicts inflexibility and bureaucratisation on bargaining arrangements (Innes, 1995b:10). However, in order to harness this potential bureaucratisation, union and employer have the responsibility of making sure that agreements taking place at the central level are properly implemented at plant level. Other employers see "...centralised bargaining as enhancing union power and influence, therefore forcing wages up at a time when the products of South Africa's industries are already overpriced on world markets" (Innes 1995b:10).

The government tried to arrive at a compromise situation accommodating the above two counter-arguments through the establishment of statutory councils. The statutory council system confers industry-wide bargaining powers in which a limited range of bargaining issues such as pension and provident funds, medical schemes, training and education may be entertained. Wages and or conditions of work, however, fall outside the jurisdiction of the council unless a collective agreement commit business and labour to negotiate on these issues, in which case the statutory council would be identical in scope and functions to a

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<sup>59</sup> A wild-cat strike is defined on page 54.

bargaining council. The statutory council therefore has a great potential of evolving into a bargaining council through consensus. Statutory councils also give employers some protection from being "bull-dozed" into centralised bargaining particularly on wage issues thereby diluting the potential restriction on the operation of market forces.

#### 4.5.3 Bargaining Councils

A bargaining council is a forum created by one or more trade unions and employers (or employers' organisations) to endeavour to prevent the occurrence of labour disputes and to settle disputes that have arisen in labour relationship. The council system has been in existence since the formalisation of industrial relations in 1924. Black employees were, however, not party to the councils in line with "*white protectionism*" and "*civilised labour policies*". When the Black union movement attained statutory recognition in the eighties, however, they were not enthusiastic about registering with industrial councils (cf. chapter two). Since the council system traditionally formed part of the oppressive system, many Black unions were reluctant to register with such councils following the Wiehahn labour reforms in the early eighties<sup>60</sup>. The council comprises an equal number of representatives of either side in a sectoral bargaining arrangement (i.e. collective bargaining in a particular undertaking, industry, trade or occupation). The Act makes provision for compulsory centralised bargaining by the establishment of the Public Service Co-ordinating Bargaining Council (PSCBC) and Education Labour Relations Council (ELRC) for public service and education sectors<sup>61</sup> respectively (du Preez 1996:21).

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<sup>60</sup> Cf. page 34.

<sup>61</sup> Education Labour Relations Council (ELRC) is a bargaining council that applies both to primary and higher school levels and is not applicable to tertiary education. One of the recommendations made in this study is that better labour relations practice in the university sector can be realised by the establishment of similar council in the university sector.

One of the reasons why bargaining arrangements in the public sector were made mandatory by the new Act was because of the fact that the sector has been riddled with labour unrest in the nineties (Finnemore & Van der Merwe, 1996:86).

#### **4.5.4 The structure and functions of a bargaining council**

Once the conditions permit a need for a council, i.e. if the requirements for representivity are complied with either by a union, employer organisation or the state, any one of these parties may follow suit in favour of the establishment of a council. The parties to the council must adopt a constitution. The key functions of the council are collective bargaining on conditions of service, wages, dispute resolution and establishment and promotion of education and training schemes and matters of industrial policy (Mtayi, 1996:37).

These functions should by all means be reflective of the collective agreement, which must be enshrined in the constitution of the council. The Minister of Labour also makes the bargaining council agreement. Accommodation of small and medium-sized enterprises in the council should also be made. Meticulous mechanisms, which serve as checks and balances for this representation, are outlined in the new Act. The prescription that the interests of small business be taken into cognizance by the bargaining council serves to pre-empt the potential danger of inhibiting the survival of small business. The Minister either out of his own volition, or in response to a request by a council, may extend the council's collective agreement to workers and employers not in the council. However, this can be done only if the non-parties meet the prerequisite of "sufficient representivity" and also if the collective agreement does not militate against the interests of non-parties. The collective agreement must also make provision for the establishment of an independent board to grant exemptions to non-parties from the agreement. According to Benjamin (1995:18) the Minister was previously empowered to refuse any initiative in this regard. The council is at liberty to incorporate a host of issues in the scope of a collective agreement

including working hours, basic wage rates, overtime payments, vacations, pensions, medical aid, education and training, etc. In essence the council therefore has the discretion to introduce its own labour relations system. This includes collective bargaining over conditions of employment and dispute resolution. In the event of a dispute, the parties are obliged to conduct themselves strictly in terms of a collective agreement to which they are party. NEDLAC is charged with a duty of ascertaining that modalities pertaining to the establishment of bargaining councils are adhered to.

#### **4.5.5 Statutory Councils**

Statutory councils are bargaining forums with lesser powers than bargaining councils. The parties in the bargaining council may exercise industry-wide bargaining covering all bargaining issues except wages and working conditions. Statutory councils can therefore only deal with limited range of issues such as:

- resolution of disputes;
- promotion and establishment of training and education schemes;
- establishment and administration of pension, provident, medical aid, sick pay, holiday pay and unemployment schemes; and
- conclusion of collective agreement to give effect to above matters.

The Act specifically excludes wage negotiations and other issues in the statutory councils unless the parties voluntarily agree to their inclusion. If either a registered union or a registered employers' organisation meet at least the 30 percent representivity threshold, either party may forge application to the Department of Labour to induce bargaining with the other party.

A statutory council can therefore be established without an agreement between a union and an employer organisation. The CCMA is charged with the duty of monitoring the establishment of a statutory council. Statutory councils, however,

do not apply to the public sector employees at both the central and provincial governments. Relevant bargaining councils entertain bargaining arrangements in these sectors. With the provision for the establishment of the statutory council, the Act attempts to provide a necessary flexibility that will contribute to the augmentation of the country's economic system.

#### **4.5.6 Work-place Forums**

The provision of information to employees in contemporary labour relations systems is seen by actors in the labour relationship not only as a labour right for employees, but also as an observation that trust relations between employees and management are enhanced through information sharing (Van Coller, 1979:104). All decisions made within the organisation in one way or the other affect employees. Employees should therefore be provided with relevant information.

The new LRA in this regard seeks to introduce the basis for improved communication and the principle of transparency. The new LRA introduces workplace forums, which are bodies that are aimed at promoting efficiency at plant level. The forum is an initiative aimed at bolstering the system of co-determination at plant level in which workers can have an opportunity to influence managerial decision-making and joint problem solving. According to Finnemore & Van der Merwe (1996:154) the reasons for the establishment of these forums were set forth in the explanatory memorandum as being to:

- "provide a forum for the representation of all employees at the workplace, with the exception of senior management already in positions of policy-making and decision-making over employee selection and dismissals;
- facilitate a shift from adversarial bargaining at the workplace to joint problem solving by employees and employers;
- promote employee participation at the workplace;

- provide employees with an institutionalised voice in managerial decision making;
- benefit employers by raising productivity and profitability; and
- supplement collective bargaining and not undermine it, by relieving collective bargaining of functions to which the process is not well suited".

In terms of the procedural requirements for the establishment of a workplace forum, only a registered union in any workplace having a minimum of 100 workers is entitled to apply to the CCMA to have a workplace forum established. This in effect means that a number of issues previously falling under the management prerogative to unilaterally manage the workplace have been extended to workers. The right of representative unions to have a workplace forum would serve as an insulator against some "recalcitrant" employers who would deliberately work either to use such forums to undermine unions or transform the forum into its "sweet heart" structures. This was previously the case when employers who sought to convert worker representative forums such as labour committees and liaison committees into powerless structures (Klang, 1988:5).

The CCMA is charged with the process of monitoring negotiations of a collective agreement, which must outline the governance, and terms of references of a workplace forum. In the absence of consensus regarding the above, provision of the Act becomes pertinent. The electioneering process in terms of the first forum must be supervised by the CCMA. All employees of a workplace including non-union workers can take part in electing members of a workplace forum. The forum should consist of between 5 and 20 members. Members of the forum should serve a two-year period after which they must reapply to qualify for election of the next office term. The management should have regular meetings with a workplace forum. The functions of the forum revolve mainly around three areas, namely information sharing, consultation and joint decision-making. These three areas are briefly discussed below:

#### 4.5.7 Information sharing

In the forum's meetings the employer must impart information relating to monthly financial performance as well as projected performance of the enterprise to the forum. The employer must also reveal all information that will enable the forum to participate fully and without any impediment in consultation and joint decision-making. However, the employer is entitled to withhold "...information that is legally privileged, a contravention of any law or court order, confidential, or private, personal information relating to an employee" (Finnemore & Van der Merwe, 1996:156).

#### 4.5.8 Consultation

Workers have the right to be consulted and make inputs on any issues that may affect them. Issues of consultation include the following according to (Innes 1995b: 17-18; Mtayi 1996:38; and Finnemore & Van der Merwe:156):

- "Proposals to restructure the workplace, including the introduction of new technology and new work methods;
- Proposed changes in the organisation of work;
- Partial or total plant closure;
- Education and training;
- Job grading;
- Dismissal of employees for reasons based on economic, technological, structural or similar requirements;
- Exemptions from any collective agreement or any law;
- Criteria for merit increases or the payment of discretionary bonuses;
- Export promotion;
- Product development plans;
- Mergers and transfers of ownership insofar as they impact on labour".

If the parties fail to reach agreement on any of the above-mentioned issues, agreed deadlock breaking mechanisms should be used. If the agreement disallows this, parties may resort to industrial action.

#### 4.5.9 Joint decision-making

Through the following participation rights, workers' position in joint decision-making is consolidated by the new LRA:

- Disciplinary codes and procedures;
- Alteration of rules for workplace regulation which apply to the non-performance related conduct of employees;
- Alteration of the rules of social benefit schemes;
- Measures designed to achieve adequate protection and advancement (affirmative action) of persons previously disadvantaged by unfair discrimination.

Most of the above participation rights may have already been extended to employees as part of the recognition agreement packages in many workplaces. The introduction of workplace forums represents a statutory recognition through which cooperation between workers and employers is promoted. This move is absolutely vital towards the realisation of a dual role of improving both productivity and standards of living. The LRA confers to the workers an exclusive right to trigger the establishment of a workplace forum thereby making it compulsory for employers to participate. This in effect puts workers in a better position to make inroads into the traditional management prerogative to manage unilaterally at plant level. Workers will have more say in terms of influencing a number of issues including affirmative action programmes for example. However, separation of collective bargaining from consultation over issues such as levels of employment or restructuring has been a matter of concern to some labour



relations observers. The contention against this is that it is superficial to separate the two unless bargaining takes place at industry wide level<sup>62</sup>. Critics also charged that unions might not have the capacity to maintain appearance in bargaining negotiations and in the forum concurrently. Mtayi (1996:37) also raised concern as to the 100 worker threshold as a qualification criterion for a workplace forum and legitimately raises the question what will happen to a functional forum if workers at a plant fall below 100? In the same breath Finnemore & Van der Merwe (1996:157) point out that since the object of the forum was to promote participation of all employees in the enterprise, the exclusive right of representative unions to trigger the establishment of the forum means that a non-unionised workforce is in effect being secluded from these participation rights.

This trend (according to Finnemore & Van der Merwe, 1996) is different from Germany's statutory works council system where all workers are guaranteed representation even at the supervisory echelons and do not depend on union initiative for the forum. Finnemore & Van der Merwe (1996:157) further made the observation that unions may naturally perceive the forum as a mechanism which serves to curb their power. For example, unions are precluded from striking over unresolved issues relating to joint decision-making according to the new LRA. Unresolved issues must be settled by the CCMA by means of arbitration. In the light of the above criticisms of the workplace forums, many unions have so far shown little interest in these forums (Innes, 1997:8). Cartoon 4.1 below, portrays the disappointment by the Labour Minister.

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<sup>62</sup>The study makes the recommendation that labour relations practice can best unfold if there is centralised collective bargaining especially on wages. A fine balance can also be achieved by decentralising other issues that are more suited to individual campuses such as employee facilities such as equipment, working materials, uniforms, etc.



Cartoon 4.1: Former Minister of Labour, Tito Mboweni: disappointed that so far unions have shown little interest in workplace forums. Source: (Innes, 1997:8)

#### 4.6 Labour disputes settlement

"[The] objective of the Act has been to de-legalise the process of dispute resolution, shifting many of its functions to a new statutory mechanism for dispute resolution, namely the Commission for Conciliation, Mediation and Arbitration (CCMA)" (Wood, 1998:28). The Act therefore aims at transforming the pre-1996 labour relations system by promoting expedited, integrated, uniform, high quality, low cost and simple dispute resolution for the parties and by promoting effective strategies of dispute prevention. Unfair labour practice ruling has been delegated to the CCMA and only under exceptional cases to the Labour Court. The CCMA

is administered by funds from the state and parties can be serviced free of charge. Trained conciliators and arbitrators (i.e. commissioners) are available to help resolve disputes between employers and employees. The executive committee of the CCMA is composed of the chairperson and the director of the CCMA, and representatives from organised business, organised labour and the state. Nominations of people for positions in the CCMA (with the exception of the chairperson) takes place in NEDLAC and appointments of these people is undertaken by the Minister of Labour.

The main functions of the CCMA are to:

- attempt to resolve workplace disputes by conciliation and arbitration;
- assist in the establishment of workplace forums and statutory councils;
- publish information and statistics about its activities.
- give advice and assistance to parties in dispute;
- conduct elections and ballots; and
- provide advice and training on the LRA (du Plessis *et al*, 1998:179).

#### **4.6.1 Strikes and lock-outs**

A strike can be defined as "A temporary withholding of labour by employees, acting in concert with each other, with the objective of compelling the employer to comply with the demands of the employees, or expressing grievances or supporting other employees in their demands or grievances" (Barker and Holtzhauzen, 1996:141).

The LRA is also clear in its attempt to define a strike. In terms of section 213 of the Act, strike is defined as:

*"the partial or complete concerted refusal to work, or the retardation or obstruction of work by persons who are or have been employed by the same employer or different employers, for the purpose of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between employer and employee, and every reference to 'work' in this definition includes overtime work, whether it is voluntary or compulsory".*

The following are prerequisites for industrial action to be regarded as a strike:

- Workers should partially or completely refuse to work or retard or obstruct work (including tactics such as go-slows, work-to-rule and overtime bans);
- the strike must be carried out by workers of the same company or workers of different companies acting together in support of the same demands. In other words, a sympathy or solidarity action or the so-called secondary strike is permissible. Sympathy strikers must give a seven days' notice to their employer (Levy & Associates, 1995:40). The Act disallows secondary strikes where the primary and secondary strikers work in completely unrelated occupations;
- The strike must have a specific purpose. The purpose should be to remedy a grievance or settle a dispute about a matter that concerns employers and workers.

Barker and Holtzhausen (1996:86-87) further define a lock-out as "...an employer excluding employees from the employer's workplace or in some other way temporarily withholding employment from them for the purposes of compelling the employees to accept his or her terms in an industrial dispute (an 'offensive lock-out') or to counter industrial action (e.g. strike) by employees (a 'defensive' or 'retaliatory' lock-out)".

Section 213 of the Act also defines a "lock-out" as:

*"the exclusion by an employer of employees from the employer's workplace, for the purpose of compelling the employees to accept a demand in respect of any matter of mutual interest between employer and employee, whether or not the employer breaches those employees contracts of employment in the course of or for the purpose of that exclusion".*

For industrial action to constitute a lock-out:

- Employers should physically exclude workers from the workplace.
- The specific purpose of the lock-out should be to exert force on workers to accept a demand of the employer about a matter that concerns employers and workers.

The LRA also protects workers who embark on a procedurally correct strike and prohibits any dismissal resulting from participation on a legal strike

In terms of the workers' rights:

- The employer may not dismiss the workers participating in the protected strike (although the worker can be dismissed for misconduct like intimidation or violence, or for operational reasons).
- The employer may not stop the protected strike by going to court. The employer could nonetheless go to court to stop unlawful action, such as damage to property; i.e. machinery).
- The employer may not claim damages (for example, lost production) as a result of the lawful strike.
- The Act prescribes rules for a lawful picketing. The union members either alone or in collaboration with supporters or sympathisers may embark on a peaceful picket in any place to which the public can access, but outside the

premises of the employer, unless the employer consent to it being carried out from within the employer premises. The CCMA may be requested by the union to oversee picketing-rules agreement between parties in dispute.

- The Act stipulates that only a registered union or federation of trade unions may call for socio-economic protest action. The union must furnish NEDLAC with reasons for the action. A 14-day's notice of the intention to strike must also be submitted (*SALB & NEDLAC*, 1996:43).

Employers who follow procedurally correct steps in order to institute a lock-out are protected in that lock-out.

In terms of the employers' rights:

- Unions or workers are precluded from going to court in respect of a protected lock-out. However, while the employer is entitled to physically exclude workers from the workplace during a lock-out, the employer may not dismiss these workers;
- If employers undertake a lock-out in response to a strike, the employer reserves the right to replacement labour.

#### **4.6.2 Preconditions to strikes and lock-outs**

Collective agreements outlining internal dispute resolution take precedence over dispute resolution provision in the Act. In the event of a labour dispute, the bereaved party may refer the dispute in writing (depending on where it is appropriate) to either a bargaining council or a statutory council or the CCMA if a collective agreement is non-existent. Attempts at conciliation can take place for a maximum of 30 days. If a dispute cannot be resolved within that timeframe, the CCMA or council must issue a certificate declaring that the dispute was unresolved. Then either the union or the employer must issue a written notice within 48 hours that they intend embarking on industrial action. If the employer is

the state, however, a 7 days notice must be given prior to industrial action. In the case of *Ceramic Industries Ltd t/a Betta Sanitaryware versus National Construction building & Allied Workers' Union and others* (1997) 18 IJL 550 (LC) the union sent a letter to the employer informing it that a strike would start 'at any time after 48 hours' from the date of this notice'. It was held that there was substantial compliance with the Act. The court was influenced by the fact that the parties had actually met to discuss the strike the following day (*Jordaan et al*, 1997:15).

The Act also stipulates the conditions under which a strike or lock-out would not be protected. However, the Act is somewhat biased in favour of employees in its recognition of the fact that it will not always be fair for employers to dismiss a worker for participating in an unprotected strike (*Cooper*, 1996:83). The following are conditions under which protection is not guaranteed:

- A contravention of a collective agreement stipulating prohibition of a strike or lock-out in respect of the issues in dispute;
- A contravention of an agreement requiring the referral of the issue in dispute to arbitration;
- The referral of the issue in dispute to either arbitration or Labour Court by the Act;
- If the dispute emanates in the so-called essential service or maintenance service.

The Labour Court has an exclusive judicial prerogative to deal with unprotected strikes or lock-outs. It may issue an interdict or order prohibiting a person or party from participating in a strike or lock-out, or it may order the payment of just and equitable compensation for any loss attributable to the strike or lock-out (*Cooper*, 1996:83).

Balloting procedures and requirements have been eliminated in the case of a strike and no longer is an issue concerning employers. In other words, an employer may not complain that the union did not conduct balloting in terms of its constitution. However, the Act still stipulates that the constitutions of unions must provide for the holding of ballots prior to industrial action when these organizations register (Mishke, 1996:6-7). The benefit of balloting for unions lies in the consolidation of internal union democracy. Another advantage of balloting is that it also legitimises punitive measures that unions are entitled to apply on members who deliberately distance themselves from participating in a strike that was popularly voted for. The Act, however, requires that the constitutions must provide that union members may not be disciplined for failing or refusing to take part in a strike where no ballot was held, or where a ballot was held and the majority of members did not vote in favour of strike action (Cooper, 1996:83).

If a strike is in response to a lock-out, compliance to procedural requirements does not become a hard and fast rule. The same applies when a lock-out is in response to a strike. Although the right to strike or lock-out is enshrined in the Constitution as basic labour right, it is not without limitation. In this regard the Act is unequivocal that if procedure for a strike or lock-out is not followed protection falls off or is at least not guaranteed (Mishke 1996:6).

With respect to certain categories of employees such as farm workers and others who depend on the employer for accommodation or food, the Act orders employers to continue the payment in kind recoverable consumerately in monetary compensation after the strike. The employer may institute civil proceedings in the Labour Court for this compensation. But in practice most employers would find it difficult to recover the pecuniary value of this payment in kind.



### 4.6.3 Fair Dismissal

The two concepts, procedural fairness and substantive fairness are important concepts in the new LRA. It is therefore of paramount importance to get conceptual clarity on these terms. In this regard Barker & Holtzhausen (1996:117) define procedural fairness as "... the obligation to follow a fair procedure during some labour-related action, e.g. dismissal.... the employer should normally conduct an investigation to determine whether there are grounds for dismissal. The employee must *inter alia* be given sufficient notification of the allegations; he or she should be permitted some representation and should be given opportunity to state his or her case" (also cf. grievance and disciplinary procedure in paragraph 4.6.6). Having followed a fair procedure, the employer, therefore, may dismiss a worker<sup>63</sup>. Dismissal must be for a fair reason and in accordance with a fair procedure. Admissible grounds on which a dismissal may take place include:

- misconduct (a worker conducted him/herself in an unacceptable manner);
- incapacity (where a worker because of an injury or illness cannot perform his/her work or if he/she does his/her work poorly); or
- operational requirements (the company considers reducing the number of workers for economic reasons or it no longer needs the type of work performed by certain workers [retrenchment or redundancy]).
- an employer may retrench a worker on a protected strike, but only if the employer follows the substantively fair procedures set out for retrenchment.
- an employer is entitled to apply "no work no pay" subject to a protected strike or lock-out.

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<sup>63</sup> In terms of the Act, however, procedural fairness does not become *quid pro quo* in cases of overriding extremity such as for example, where there is a danger to life or property. In a case of *Mjali versus Creative Signs* (1997) 3 BLLR 321 (CCMA) an employee indecently assaulted the employer's wife. It was held that there was substantial compliance with a fair procedure where the employer informed the employee of the allegation and invited him to respond after which he dismissed him. The Commission took into account the fact that the employer was a one man business and that the employee's guilt in respect of a serious disciplinary offence was not in doubt.

Benjamin (1995:20) pointed out that the Act provides for reinstatement or re-employment as primary remedies for dismissal of workers in the context of above grounds. However, in the case of NUMSA and others versus Precious Metal Chains (Pty) Ltd (1997) 1 LC 7.19.1 the employer did not follow proper procedures before dismissing employees for operational requirements. The dismissal of individual applicants was thus unfair (Jordaan *et al*, 1997:7).

Substantive fairness can be defined as "...the fairness of some action, e.g. dismissal, with reference to whether the reason of such action were justified in law and equity. The substantive fairness will be determined by reference to the facts of the case and a determination of the appropriateness of dismissal as a penalty. The special circumstances of both the employee and the employer are taken into account and the dismissal should not constitute **victimisation** of the employee" (Barker & Holtzhausen, 1996:145).

The Act lays down legislative procedures, which are simple, more expeditious, cheap and free from sophisticated legal jargon. The gingerly formulated rights and obligations relating to dismissal in the new Act go a long in narrowing the ease with which employers have in their dismissal records. By stipulating quite unequivocally admissible and inadmissible grounds for dismissal, the Act attempts to establish a credible, evenhanded and impartial approach to the parties. It puts pressure particularly on employers to be more circumspect when dismissing a worker. Hence the onus rests on the employer to prove the fairness of dismissal. The impact of the Act in dismissal disputes is anticipated to be astronomical given the fact that dismissals rank high as triggers of strikes in South Africa (Innes 1995a:27).

#### 4.6.4 Unfair Labour Practice<sup>64</sup>

Consistent with the democratic ideal of the creation of society free from discrimination, the Act endeavours to codify a body of rules serving as watchdogs against anti-discriminatory practices in labour relations. Rights and obligations regarding unfair labour practice are thus provided. The new Act stipulates that it is an unfair labour practice for employers to discriminate against an employee on prejudicial grounds such as race, age, religion, sex, sexual orientation, family responsibilities, language, political predilection, ethnic or social origin, disability, conscience, belief, culture, marital status, *etc*<sup>65</sup>. All these are considered unfair labour practice "... provided that any distinction, exclusion or preference based on the inherent requirements of the particular position shall not constitute unfair discrimination" (Wolmarans, 1996:34). Schedule 7(2)(1)(c) of the LRA stipulates that "...an unfair labour practice means any unfair act or omission that arises between an employer and an employee, involving the unfair suspension of an employee or any other disciplinary action short of dismissal in respect of an employee".

The Act places an obligation on the employer to investigate the fairness of a dismissal suspension or withdrawal of benefits. The employer must also inform the worker of the allegations. The worker is entitled to reasonable time in which to prepare his/her defence. The worker has the right to be assisted by another worker or a shop steward; and be reminded of his/her rights to refer the dismissal for dispute resolution. Employers should keep records of disciplinary action for each worker stating the nature of misconduct, the disciplinary action taken and the reasons for each action.

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<sup>64</sup> Barker and Holtzhausen (1996:153) define **unfair labour practice** as "...conduct by an employer, a union or employee that in the context of the relationship between employer and employee is not fair or equitable, or is unjust or unjustified. Whether a practice is unfair does not depend on its lawfulness.

<sup>65</sup> Employment Equity Act gives provision for equal opportunities and affirmative action.

In the case of Phahlane versus University of the North (1997) 4 BLLR 457 (CCMA) the employer withdrew a travel allowance when it introduced a new motor vehicle scheme. It was held that the unilateral withdrawal of the benefit had financially prejudiced the employee and constituted unfair labour practice. The Commission ordered the employer to reinstate the benefit.

In another case, NUTESA versus Technikon Northern Transvaal (1997) 4 BLLR 467 (CCMA), the employer appointed a person who did not meet the published minimum requirements. It was held that this was an unfair labour practice because it may have prejudiced other potential applicants who may not have applied because of the published requirements. The employer also promoted an employee without advertising the position as required by the employer's own policy guidelines. The Commission also ruled that this was also unfair labour practice. The Act in this regard is unequivocal that it is unfair labour practice to handle unilaterally issues relating to withdrawal of benefits such as promotion, demotion and training.

The unfair labour practice provision in the Act invariably calls for vigilance and proactive action on the part of enterprises to circumvent any potential disputes regarding the dismissal cases. The Act thus obligates employers to overhaul their labour relations policies in a direction of mutual trust.

#### **4.6.5 Unfair Dismissals**

Heyns (1995:19) defines dismissal as the "...termination of an employment contract, the refusal to allow an employee to return to work after absence due to pregnancy, selective re-employment and constructive dismissal". Constructive dismissal includes a situation where an employer tries to make the working environment impossible to tolerate, leading the worker to resign. Constructive denotes the "spurious nature" of the dismissal as conducted by an employer. The employer does not expressly instruct the worker to resign, but creates an

environment that could be based on latent threats that could amount to frustration of the worker. The worker could ultimately succumb to deliberate pressure by his/her employer and subsequently resign. The actions of such an employer constitutes unjustified repudiation of the employment contract<sup>66</sup>. In this regard, section 186 (e) of the Labour Relations Act defines constructive dismissal as when "...an employee terminated a contract of employment with or without notice because the employer made continued employment intolerable for the employee". Some employers do or may deliberately force an employee for example to either resign or be dismissed. In such cases, many employees have often chosen to resign in order to either avoid disciplinary action or a threat of dismissal. Hence dismissal on an employees employment record might be "*anathema*" and might have similar effects to being "black listed" as a potential employee elsewhere. Being conscious about this dilemma employers make the option to resign more attractive by juxtaposing the option to resign without blemish with the prerogative of the employer himself/herself to fire or dismiss after disciplinary action. While this practice at face value appears to be having a balancing effect, (i.e. both parties are equally satisfied with the outcome), it amounts to constructive dismissal. The "bereaved" employee may then seek remedy against constructive dismissal.

The new Act stipulates more clearly rules relating to unfair dismissal. In terms of the Act certain reasons for dismissal are considered "invalid" and therefore "automatically unfair". No employee shall be dismissed for taking part in union activities, taking part in a protected strike or other protected industrial action, refusing to perform the work of someone who was on strike, for the worker's pregnancy or any reason related to pregnancy. If in dispute a dismissal must be referred to the CCMA, bargaining council or statutory council (depending on where it is appropriate) within 30 days of the dismissal.

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<sup>66</sup> A number of cases relating to constructive dismissal is provided by Le Roux, (1996:29-30).

In the case of constructive dismissal, a worker must pursue reasonable alternative avenues (e.g. lodging a grievance) before resigning and claiming constructive dismissal (cf. *Smith versus Magnum Security* (1997) 3 BLLR 336 (CCMA) (*Jordaan et al*, 1997:6). In the case of *Pretorius versus Brits* (1997) 5 BLLR 649 (CCMA) a manager had questioned an employee about her virginity, made unwanted suggestions, given her (G-string) panties and physically molested her. She resigned and claimed constructive dismissal. The Commission awarded nine months compensation (*Jordaan et al*, 1997:6).

#### 4.6.6 Grievance and disciplinary procedures

Grievance and disciplinary procedures in the university sector proved to be some of the areas in which labour disputes have emerged<sup>67</sup>. A conceptual clarity is essential for a better understanding of grievance and disciplinary procedures. Nel is quoted by Grossett & Venter (1998:292) as defining a grievance as "... a complaint, other than "demands" formulated by a collective body, that is related to the employee's treatment or position within the daily working routine and which, because it may result in a dispute, warrants the attention of management".

According to Barker & Holtzhauzen (1996:39-40) a "disciplinary code [procedure(s)] comprises both substantive rules relating to the required standards of conduct and performance, on the one hand, and the sanction if the rules are not adhered to, on the other. A disciplinary procedure may outline the formal process adopted, as well as the possible sanction, whenever an employee breaks the rules of the undertaking or commits any other act which might be in breach of his or her contract of employment, excluding actions to which he or she is entitled by law". Grievance and disciplinary procedures therefore are essentially negotiated terms or frames of references within which both employer

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<sup>67</sup> In chapter two notable instances in disputes over grievance and disciplinary procedures are highlighted.

and employee parties should conduct themselves. They can also be seen as sets of rules of the game regulating appropriate course of action.

The history of labour relations in South Africa as presented in chapter two is characterised by an implicit presence of ethnocentric sentiments promoted by the apartheid system. These sentiments saw expression in instability across the social fabric, which also inevitably affected relationships in the workplaces. The university sector in particular was inevitably affected by these sentiments between (not surprisingly) White managers and a substantial number of Black workers in general. Lack of effective grievance and disciplinary procedures in many universities are in fact bubbles of such sentiments surfacing above the ground in the form of among others, labour disputes. On the one hand, the expression of managerial sentiments denotes an element of conservatism, in which labour relations practice is still viewed from a **unitarist** perspective. The formulation of grievance and disciplinary procedures is still viewed by many managers as their exclusive prerogative. They are therefore still reluctant to accept the role of employees in formulating these workplace rules and regulations. On the other hand, the working class movement has also been equally determined for the attainment of basic sets of labour rights and advancement towards social justice. Their sentiments have therefore been defined by perceptions of relative deprivation. The South African labour relations regime was seen as being manipulated by authoritarian and despotic White minority who only recognise Black as nothing more than industrial reserve army disposable for exploitation.

The importance of grievance procedure cannot be overemphasised and lie in the following points:

- "They facilitate two way communication between employee and employers, i.e. they are feedback mechanism.
- They deal with matters that do not constitute material for collective bargaining.
- They ensure management's involvement in the day to day running of the organisation, and more important, they emphasise management's commitment to the employee's welfare.
- They prevent potential disputes from arising" (Grossett & Venter, 1998:293).
- Furthermore, Heunis & Pelser (1995:64) observed that "workers' grievances have to be channeled and addressed by some procedure before these grievances accumulate to such an extent that they are expressed in some or other forms of industrial action, such as absenteeism rate, high labour turnover or strikes".

Prinsloo in Heunis & Pelser (1994:64) continues to point out that a grievance procedure, which enjoys legitimacy of employees, should have the following essential aspects:

- "be formulated in consultation with employees;
- be submitted to employees in draft form to comment and recommend amendments;
- be formally accepted and agreed-upon by employees;
- be incorporated in the conditions of employment;
- the responsibility for dealing with grievances should be defined;
- the role of each participant should be defined;
- time limits should exist with regard to each 'step';
- 'built-in' safeguards against victimisation should exist;



- the procedure should be available to all participants in an understandable, written form;
- records in writing should be kept of all grievances and steps taken to address them”.
- Successful grievance and disciplinary procedures also need to be underpinned by good will on the part of management and employee representatives to shift the power balance at the shopfloor level.
- Management and employees (unions) need to seek to resolve problems before they reach the stages provided for by the legislation, hence an emphasis on voluntarism.

In addition to a strategically developed grievance procedure, disciplinary procedure has to be developed. A formal disciplinary inquiry must always afford the accused with *audi alteram partem*, which encompasses the obligation on the employer to:

- “inform the accused of the charge;
- execute the action in good time;
- give the accused adequate notice of the inquiry;
- afford the accused with representation;
- access the accused with the interpreter;
- tell the accused of the findings and the reasons for it;
- have the accused’s previous record considered;
- tell the accused of the penalty; and
- afford the accused with the right to appeal” (Levy, 1992:73).

Some of the most important objectives of the disciplinary code and procedure are to:

- “prevent conflict through consistent, even-handed treatment of all employees
- protect the interests of both the enterprise and the employee in matters of discipline
- ensure fair and just treatment of an employee in matters that may affect his or her employment record
- make all employees aware of offences which may result in disciplinary action or dismissal” (Grossett & Venter, 1998:298).

However, it is a widely accepted truism that speedy resolution of shopfloor problems can take place through informal means. Formal grievance and disciplinary procedures can only be treated as the last resort to overcome a given problem.

#### 4.7 Summary

The new LRA gives provision to important changes that will certainly have far reaching impact in the *modus operandi* of labour relations. The Act prescribes among others simpler dispute resolution procedures free from complex legal technicalities and sets out labour relations rules in lay man's terms. The Act thus attempts to provide a labour relations climate conducive to industrial peace and economic growth. Four years after the Act has been operational, there has been significant decline in destructive labour disputes. The role of the CCMA as a conciliation and arbitration institution has to a certain extent been successful in settling disputes before the final option of industrial action could be sought. However, the CCMA is faced with a setback of having to deal with overload of case referrals. Its ability to cope with this workload may be in question.

Many of the provisions of the new Act are already practiced by many institutions as part of the recognition agreement. In a sense, the new Act reinforces the practice that is already set in motion as far as joint decision-making, consultation, information sharing are concerned. However, the intentions and attitudes of the actors to promote the idea of information sharing must be viewed over and above the contents of the recognition agreement to complement sound labour relations practice.

Workers and management in general have traditionally held a pessimistic attitude about each other. Employees do not experience job satisfaction primarily because the bipartite relations are essentially antagonistic even though this may not necessarily manifest itself in strikes. Hence Black workers have for a long time been "coerced" into imbibing a dictatorial socialisation process at work during the office terms of the past regime. Worker participation can be regarded as the cornerstone of labour peace. Employees not only want to know the direction in which management decides to steer the enterprise/institution, but they also want to be part of this moving organism. Provision of information by management to workers is a fulfilling gesture and contributes to their job satisfaction hence they cultivate the sense that their existence and presence in the institution counts.

This chapter attempted to provide an overview of the implications of the mechanisms of the new LRA in the university sector. The new Act also provides an exposition of the collective bargaining framework in which some new structures and procedures are introduced whilst previous ones are revitalised. The new Act pose preponderance towards centralisation of collective bargaining marking a significant move from "iron curtain" towards a more fluid standpoint within which flexible bargaining is encouraged. The next section of the study, chapter five and six consists of the empirical phase. Chapter five deals with data analysis and presentation of the results, while chapter six deals with the report writing at the two case studies.

CHAPTER FIVE

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Presentation and discussion of the results

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5.1 Introduction

This chapter provides a presentation and discussion of the results of the survey part of this study. The research design and survey methodology were discussed in chapter one. This chapter presents the results in the following order: the biographical details of the respondents at both campuses; the job satisfaction among the blue-collar workers; the perceptions of the blue-collar workers on their working conditions; and the perspectives of the shop stewards and the line managers of labour relations practice at the two campuses. A more detailed arrangement and ordering of data presentation is provided on page 144 - 145<sup>68</sup>. The results are presented in the form of series of tables, figures and cross-tabulations on issues that apply to the categories of the respondents.

The sample consisted of three categories of respondents, namely, the blue-collar workers, the shop stewards and the line managers at the UOFS and Vista satellite campus. A sample which consists of sixty blue-collar workers, ten line managers (who are deployed in departments where the blue-collar workers work), and eleven shop stewards at the UOFS was sought for the purpose of this study. This sample represents at least sixty percent of the respondents from each category of respondents. Since the blue-collar workers at Vista University are far less than at the UOFS, the maximum number was targeted. However, those who could be reached for this study were ten out of seventeen. This number is however more than sixty percent of all the blue-collar workers at Vista University<sup>69</sup> All the blue-collar workers who took part in this study were employed on a full-time basis at both institutions. Five line managers out of six formed part

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<sup>68</sup> The results are not in all cases presented and discussed according to a strict chronology of questions as they appear in the questionnaires, but questions are clustered together to clarify an argument, common issue, theme or topic.

<sup>69</sup> Cf. chapter one.

of the sample at Vista satellite campus, while six shop stewards, with two from each of the three unions operating at Vista University made up a sample category of the shop stewards. Table 5.1 below shows a breakdown of categories of respondents who constituted the sample<sup>70</sup>.

**Table 5.1: Categories of respondents constituting the sample**

	<b>Blue-collar workers</b>	<b>Shop stewards</b>	<b>Line managers</b>
	<b>N</b>	<b>N</b>	<b>N</b>
<b>U*</b>	60	11	10
<b>V**</b>	10	6	5

U\*= UOFS; V\*\*= Vista University

Data was computerised by means of the Statistical Package for Social Sciences (SPSS.) Since the study is descriptive and exploratory, both univariate and bivariate presentation in the analysis of data were utilised. Univariate analysis can be utilised to describe and explore the nature of the phenomenon rather than (or before) studying its causes (Bailey, 1987:371). The significance of bivariate presentation in the form of cross-tabulations lies in useful information revealed by comparing and contrasting the experiences of the three categories of the respondents on labour relations practice at the two campuses. The responses were coded by developing an indexing and retrieval system. The responses from open-ended questions were, however, far from simple as data was recorded verbatim on questionnaire schedules. Mason (1994:91) highlighted a weakness of this method "People in everyday discourse very rarely use the precise words with which researchers have chosen to label their analytical categories".

Nevertheless, one of the strong points and sound methodological considerations and safeguards was the development of the **conceptual categories** that were informed by labour relations approaches (theories) as well as on information revealed in earlier phases of the research (i.e. in the literature study). The

<sup>70</sup> Cf. pages 14-15.

presentation and discussion of the results focus on the **blue-collar workers**, the **shop stewards** and the **line managers**<sup>71</sup> (in that order). More specifically, the presentation and discussion will take the following ordering of sections: the biographical profile of the respondents; the job satisfaction of the blue-collar workers; working conditions; and the workers' **perceptions** on:

- (i) personal work environment and work equipment;
- (ii) management consultation;
- (iii) shop stewards;
- (iv) union;
- (v) worker representation in the University Council; and
- (vi) student/worker collaboration;

and the **attitudes** of workers regarding:

- (i) their institution;
- (ii) employee representation during a disciplinary inquiry; and
- (iii) the idea of barricading the streets when taking part in industrial action.

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<sup>71</sup> The samples with respect to Vista University as already indicated in chapter one (see footnote 8 on page 14) are relatively small. The workers excluded from the sample at this campus render service as **contract workers**. Although the researcher made an attempt to involve all sixteen (16) permanently employed blue-collar workers in the study, only ten (10) workers could be reached. The reasons for not having access to the other six- (6) workers are given on page 14. Another factor rendering this study as limited is that the nineteen (19) workers doing the blue-collar work from the two companies contracted to Vista University, did not form part of the survey for this study. Although the inclusion of these workers as outsourced workers to private companies could have added another perspective, the study could have consequently been cumbersome in a number of important respects. Firstly, their inclusion would imply the inclusion of the management of their employers in the study. Secondly, in spite of the challenge the researcher would have faced in convincing the concerned private companies to take part in the study (which seemed unlikely given the sensitivity of the aims of the study and the attitudes of employers on the issue), the focus of the study would have been dampened by all the meticulous details that the study would have attempted to cover. Thirdly, it would not have made methodological sense to include this component of the workers since their employers come from completely different managerial persuasions and traditions. Moreover, such inclusion would have been highly incompatible since the university management is more of a permanent entity likely to exist and endure in the foreseeable future. The university management is also receiving regular financial backing from the state as a public institution. On the other hand, the private contractors, whose existence is largely dependent on contracts secured with the institutions, are not comparable to the university management.

The presentation and discussion of the results on the **shop stewards** focus on the general nature of the trade union's role. With respect to the presentation and discussion of the results on the **line managers**, their perceptions on labour relations practice at the two campuses are analysed.

## **5.2. Biographical profile of the blue-collar workers**

The biographical information is focused mainly on the blue-collar workers since it is imperative to understand their personal background as the primary respondents in this study. The importance of the biographical profile of the respondents cannot be overemphasised. Through the biographical details, important background information about the respondents is explicated. The profile of the biographical details of the respondents serves to inform the reader about the respondents with regard to the following variables and attributes: sex, age, level of training, place of residence, service record, occupational status, income, trade union membership, *etc.*

5.2.1. Gender distribution of the blue-collar workers

According to figure 5.1 below, there are slightly more females than males at the UOFS, thirty-two (53.3%) females and twenty-eight (46.7%) males. Gender distribution at Vista University reveals an interesting contrast in which nine (90.0%) are males, while one (10.0%) is female.

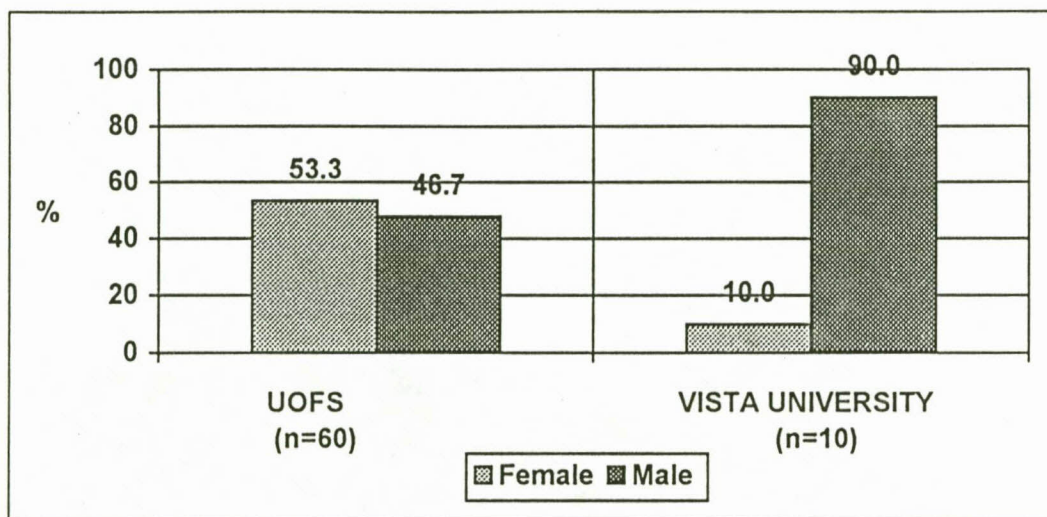


Figure 5.1: Gender distribution of the blue-collar workers

The provision of cleaning service has traditionally been a “female domain” hence women are in the majority in these areas at this campus. The preponderance for women to occupy low occupational positions corresponds with the fact that both in developed and developing societies, a large number of women in the *secondary labour market*<sup>72</sup> is commonplace.

<sup>72</sup> Secondary labour market refers to the segment of the labour market characterised by low paying occupations, poor working conditions, few fringe benefits and little job security (Montagna [1977:82] & Webster [1994:317]).



The illiteracy rate which is already high among the blue-collar workers has even more adverse effects among women in this occupational stratum (also compare figure 5.3 on page 150 which illustrates the educational levels of the blue-collar workers).

The greater proportion of males in the blue-collar category at Vista University is due to the fact that most blue-collar workers are employed in the department of technical services. This department incorporates service categories such as electricians, plumbers, messengers, garden workers, *etc.* These are positions that are traditionally male dominated. Student hostels are places where women have been traditionally employed in large numbers in the university sector in general. The services available in these departments include cooking in the dining halls, general cleaning and laundry service for students in the hostels. Since these services have been traditionally women's job categories, most women in the university sector are employed in the hostels. In contrast, Vista University does not provide for residential facilities for students.

### **5.2.2 Age distribution of the blue-collar workers**

Most of the blue-collar workers at both campuses are between forty and sixty years or older. Thirty-eight (63.3%) are of this age at the UOFS. Younger workers (between the ages nineteen and thirty-nine years) numbered twenty (33.3%), whilst those who are sixty-one years or older numbered two (3.3%). Vista University also shows a more or less similar pattern of age structure among the blue-collar workers. Half of the blue-collar workers, (N=5/50.0%) are between forty and sixty years, while (N4=/40.0%) workers are young (between nineteen and thirty-nine), (N=1/10.0%) falls into the sixty-one years or older category. Older workers as opposed to younger ones, tend to dominate the manual service and have longer service records in this occupational category at both campuses. The fact that most blue-collar workers at both campuses are older does not come as a surprise since at both campuses, the Black employees have never had

opportunities to elevate their socio-economic status under the past political system. The long service records make very little, if any impact on career mobility of the blue-collar workers. The workers with the longest service records still find themselves without any significant upward mobility. Figure 5.2 below shows the age distribution among the blue-collar workers at the two campuses.

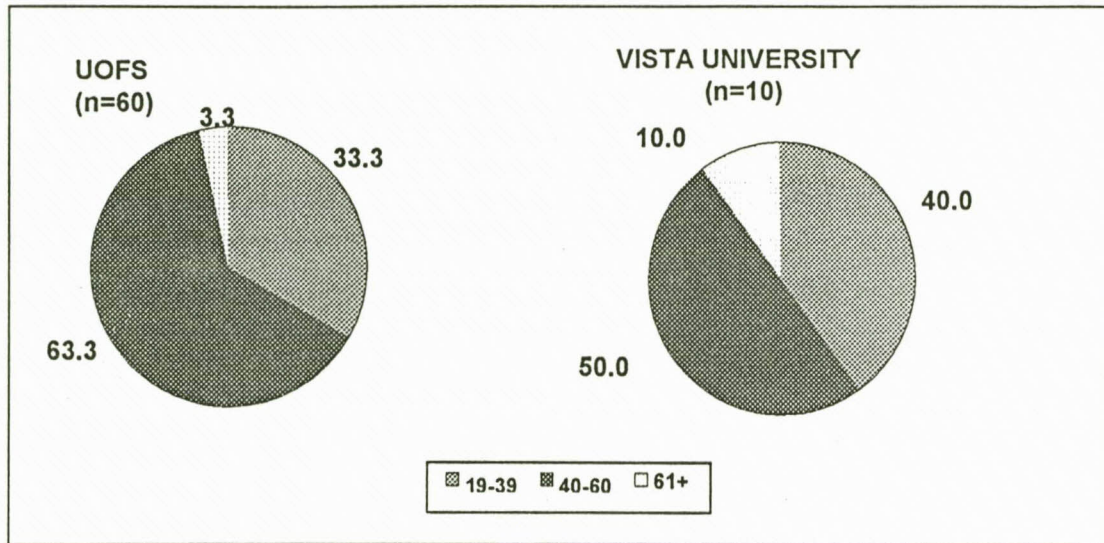


Figure 5.2: Age distribution of the blue-collar workers

### 5.2.3 Educational levels of the blue-collar workers

In terms of the educational levels, thirty-one (51.7%) workers at the UOFS have less than standard six or lower as their highest educational qualification. Three (5.0%) have standard seven. Nineteen (31.7%) have standard eight, while seven (11.7%) have standard nine. At Vista University, eight (80.0%) workers have standard six or lower, one (10.0%) has standard eight, while another one (10.0%) has standard ten. According to figure 5.3 on page 148, the highest educational qualification of most blue-collar workers is standard six or less at both campuses. The high number of workers in the standard six or lower bracket not only suggests that most blue-collar workers have little prospects of occupational mobility, but also has some undesirable implications for the proper functioning of labour relations at the two institutions. For one thing, there is little opposition to the widely held view that sustainable and healthy relations between the work-

force and management is underpinned among others by sufficiently trained workers. Moreover, most of the blue-collar workers at both campuses, are already between forty and sixty years and find it rather difficult to commit themselves to studying further (cf. figure 5.2 on age distribution of the blue-collar workers above).

Lack of sufficient education and training has implications for a more productive workforce in this sector. The age in which the average blue-collar worker falls is between forty and sixty years. The workers falling within this age structure generally perceive themselves to be already "old" and see no point in studying any further. Consequently, some short training courses offered at the UOFS are not well attended by the blue-collar workers. Furthermore, these courses are presented in Afrikaans, a language they do not prefer and might not fully comprehend. This arrangement serves as an institutional handicap since it limits workers' access to these courses. According to figure 5.3 on page 148, there are virtually no blue-collar workers with matric certificates. This is the case since matric serves as a cut-off criterion to place workers in the higher occupational scale at these institutions<sup>73</sup>. Such workers are generally appointed or promoted to "support service level" as clerical and administrative personnel. The workers, however, generally feel that the appointment or promotion of employees into support service level is not conducted fairly by management. In fact employees at both campuses raised serious concerns about the recruitment policies of their respective institutions (see page 174 -175). Figure 5.3 below shows educational levels of the blue-collar workers at the two campuses.

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<sup>73</sup> However, there is an exception of one worker having standard ten and working as an electrician. This is an occupation classified under blue-collar status at Vista University.

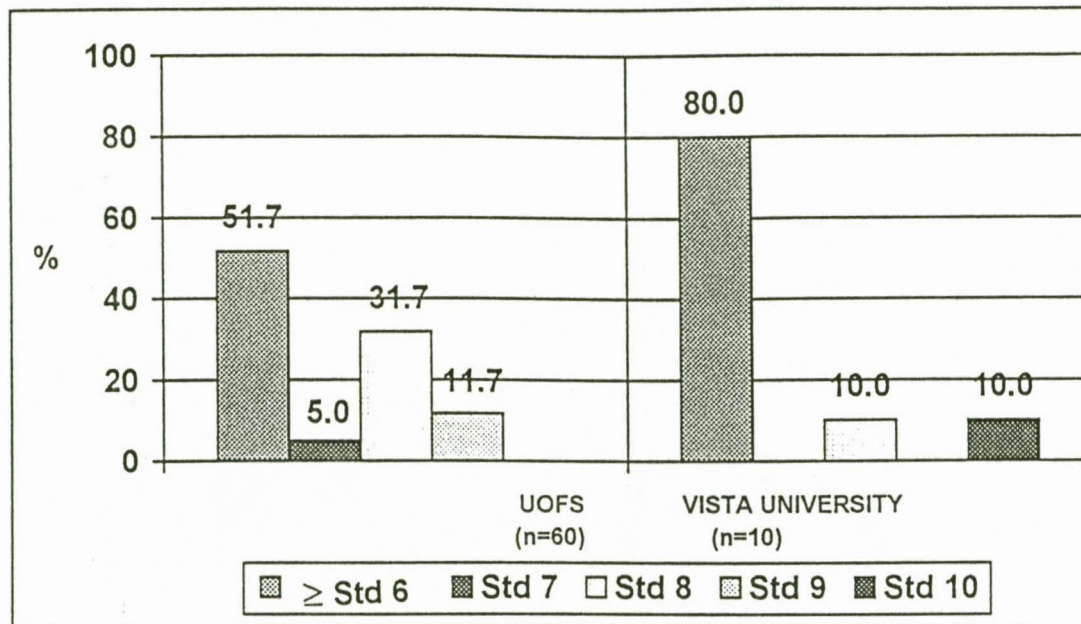


Figure 5.3: Levels of education among the blue-collar workers

#### 5.2.4 Training profile of the respondents

Training is pivotal for sound labour relations practice. In this section, the training profile of the three categories of the respondents at both campuses is described. The blue-collar workers, shop stewards and line managers will be considered separately. For the purposes of this study, training can be conceptualised in terms of **formal** or **on-the-job-training** as it pertains to the blue-collar workers and the line managers, as well as the **shop stewards training** usually provided by the trade unions.

According to figure 5.4 on page 154, only fourteen (23.3%) blue-collar workers received **on-the-job-training**, while a majority of forty-six (76.7%) did not receive any training at all at the UOFS. At Vista University all ten (100%) workers, indicated that they did not receive any **on-the-job-training**. Four (36.4%) out of eleven shop stewards received training on shop steward related functions at the

UOFS. In contrast at Vista University, five (83.3%) out of six shop stewards did receive **shop stewards training**.

In addition to the professional credentials amongst most of the line managers, there is also **on-the-job-training** they received at both campuses. At the UOFS, eight (80.0%) line managers received **on-the-job-training**. A few of the line managers (N=2/20.0%) did not receive this training. At Vista University two (40.0%) line managers received this training, while three (60.0%) did not receive it.

Training needs<sup>74</sup> of employees and shop stewards do not seem to be given adequate attention by employer authorities at both campuses. In the case of the UOFS those who received training perform semi-skilled jobs that are relatively technical and require training to be performed such as fork lift operation, handling of explosive chemicals<sup>75</sup>, budget control and security training. The majority of the blue-collar workers (N=46/76.7%) at the UOFS have no **on-the-job-training**. Only a handful, (N=14/23.3%) did undergo **on-the-job-training**, while at Vista University **on-the-job-training** for the blue-collar workers seemingly is completely non-existent.

Lack of training of shop stewards is also experienced at the UOFS. In fact, some shop stewards at the UOFS submitted that the last time a shop steward training took place was in 1996. Lack of training for shop stewards clearly has convoluted consequences in that shop stewards are not trained to be able to deal effectively with the complexities of labour relations.

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<sup>74</sup> Although **on-the-job-training** may not be necessary to some occupational categories of blue-collar workers like cleaners, training courses relevant to these workers such as a course on grievance and disciplinary procedures, a course on conflict management, a course on creativity, a course on leadership, a course on self-motivation, etc are all significant to contribute to the enhancement of employee relations.

<sup>75</sup> The workers pointed out that training on explosive chemicals was only introduced after the workers experienced seriously bad working conditions in the department of physical planning at the UOFS. According to one worker, some workers were paralysed in the past while others lost their lives as a result of lack of proper training on how to handle dangerous chemicals.

More so because 1996 heralded the beginning of a promulgation of a series of revised labour laws including a new Labour Relations Act and Basic Conditions of Employment Act, Employment Equity Act, and Skills Development Act. Moreover, many of the shop stewards at the UOFS are new appointees. Being mostly new recruits in their tasks as union representatives, many shop stewards are not quite familiar with their roles. However, there is a different perspective with regard to **shop steward training** at Vista University in which all shop stewards but one did receive **shop steward training** (cf. figure 5.4 on page 152).

**On-the-job-training** for line managers at both campuses comprised various forms including training provided by predecessors, a course on operational skills and management skills, conflict management and public relations oriented training, strategic management, training on purchasing, stores and fleet pool, financial management, budget control, and personnel management. The job description of the respondents includes training, strategic management, financial management, supervision, liaison, internal communication, morale building functions, promotions, training and public relations related functions. Significantly, however, labour relations training seems to be lacking. In terms of figure 5.4 on page 152, it is clear that line managers enjoy the benefit of training in their managerial and supervisory positions. Formal training, in which credentials are prerequisites for appointment in case of most line managers, is further bolstered by various forms of **on-the-job-training** that the managerial staff has to undergo.

On the whole, one gets the distinct impression that both universities unfairly prioritise management training to the detriment of the blue-collar workers. With regard to the blue-collar workers, **on-the-job training** seems to be confined only to occupations that pose a serious safety hazard if their performance is not backed by training. The rest of the workers in the manual service category did not receive any training with respect to the work they perform. This state of affairs at both campuses may be based on the fallacy that the work the blue-

collar workers perform does not require them to learn any important skill. Moreover, three factors combine to foster assertiveness, militancy and subsequent protracted disputes by the workers at Vista University: Firstly, the existence of the predominantly White management structure at Vista University (a traditionally Black institution); secondly, the perception of relative deprivation among the Blacks from disadvantaged background in general; and thirdly, a more acute shop steward training strategy among some of the unions operating on campus.

The perception among some line managers at both campuses as far as training is concerned is that the workers are disinterested in their future career planning. According to Broadwell (1986:7- 8) one reason for training is that without it the workers may be unable to perform the work according to expected standards. They lack some skills or knowledge necessary to accomplish the work satisfactorily. They therefore need some support system to perform the work adequately and need motivational backing to become acknowledged functionaries in the institution. Figure 5.4 below provides a profile of trained and untrained workers, shop stewards and line managers at both institutions.

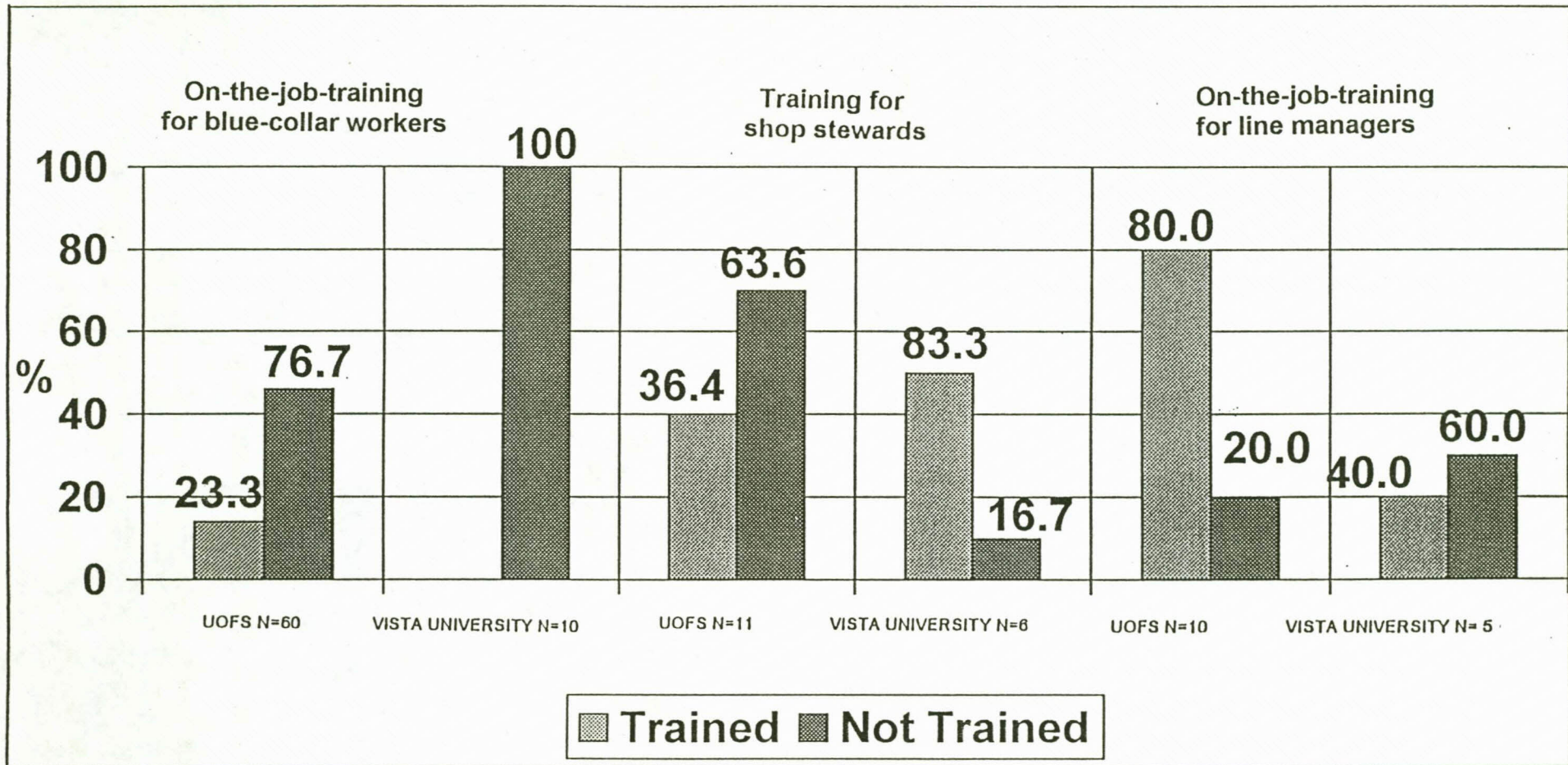


Figure 5.4: Training profile of the respondents

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**5.2.5 Distribution of occupational types of the blue-collar workers**

Half of the blue-collar workers at the UOFS (N=30/50,1%) are doing cleaning work in various departments. A proportion of ten (16.6%) workers are messengers, while the remaining twenty (33.3%) are dispersed in other departments as garden workers, general assistants, security officers, drivers, shelf packers, storemen, office assistants, etc. At Vista University, nine (90.0%) workers perform the general cleaning service albeit not in the hostels as is the case with the UOFS. Only one (10.0%) worker is a general assistant providing general service in different departments. According to the figures below, the typical service that the blue-collar workers render at the two campuses is that of performing the general cleaning work. Figure 5.5 highlights the distribution of occupational types of the blue-collar workers.

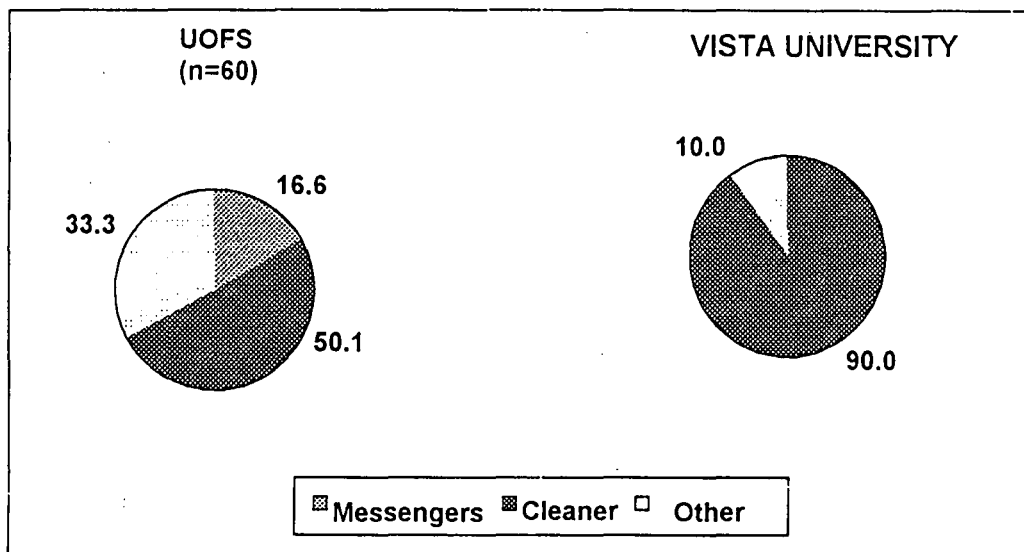


Figure 5.5: Distribution of occupational types of the blue-collar workers

### 5.2.6 Place of residence of the blue-collar workers

In the case of the UOFS, most of the blue-collar workers (N=52/86.7%) live in the Mangaung township and greater Bloemfontein area. Five (8.3%) workers live in Thaba Nchu, while three (5.0%) live in Botshabelo. At Vista University, most workers (N=7/70.0%) also reside in Mangaung, while three (30.0%) live in Botshabelo. Figure 5.6 below represents the percentage distribution of place of residence among the blue-collar workers at the two campuses.

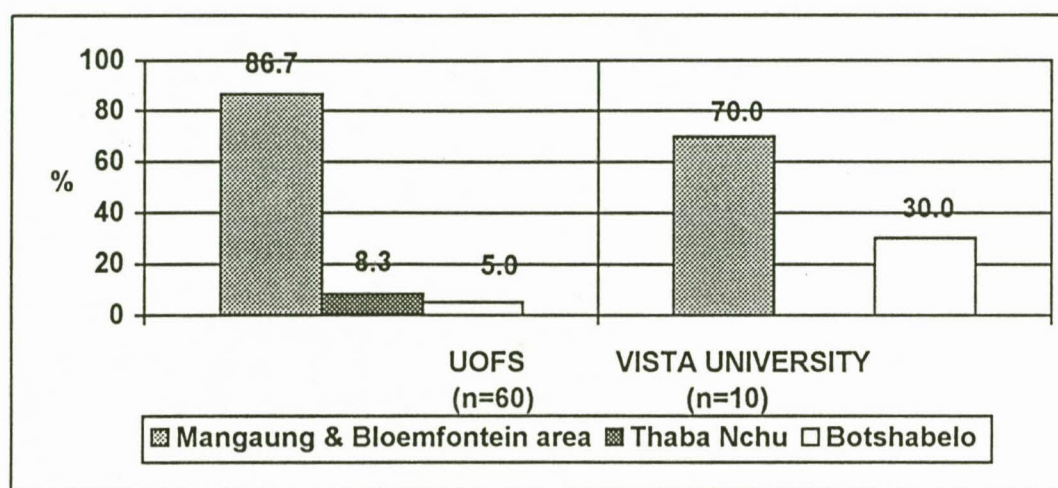


Figure 5.6: Distribution of place of residence among the blue-collar workers

Although most of the blue-collar workers reside in the local area, i.e. Mangaung and the greater Bloemfontein, there are a significant number of workers residing as far as Botshabelo and Thaba Nchu approximately 60 to 70 kilometers from central Bloemfontein. According to figure 5.6 above, eight (13.3%) such workers reside in either of these two places at the UOFS. Three (30.0%) workers at Vista University reside in Botshabelo, while the majority of the workers, (N=7/70.0%) live in Mangaung and the greater Bloemfontein area. The more distant geographic dispersal of the blue-collar workers implies that a proportion of the blue-collar workers residing in Thaba Nchu and Botshabelo have to wake up

much earlier than other workers in order to be on time for work. A further implication is that they have to spend more money on transport to and from work. The long distance between their place of residence and work can easily affect their attitudes and morale at work since they are more likely to be late, tired or even absent from work. Alienation and dissatisfaction at work can therefore easily affect this category of workers. However, an attempt to counter this problem by management is deployment of such workers in the departments where their service is not a *sine qua non* especially in the very early hours of the morning. These workers are mainly deployed in the departments other than hostels since hostel workers have to commence work much earlier in the morning (i.e. 06h00). Workers residing in Bloemfontein - Mangaung, perform the work that requires to be commenced early.

#### **5.2.7 Length of service of the respondents**

In terms of the duration of the service of the **blue-collar workers** at the UOFS, forty-one (68.3%) are employed for sixteen years or longer. Thirteen other workers (21.6%), are employed for between eleven and fifteen years, while those employed for less than five years constitute three (5.0%). The other three (5.0%) workers have been employed for between six and ten years. In contrast, at Vista University, however, five (50.0%) are employed for between six and ten years. Two workers (20.0%) have been employed for less than five years. Another two (20.0%) have been employed for sixteen years and more while one (10.0%) has been employed for between eleven and fifteen years. Figure 5.7 below, shows the length of service among the blue-collar workers at both campuses.

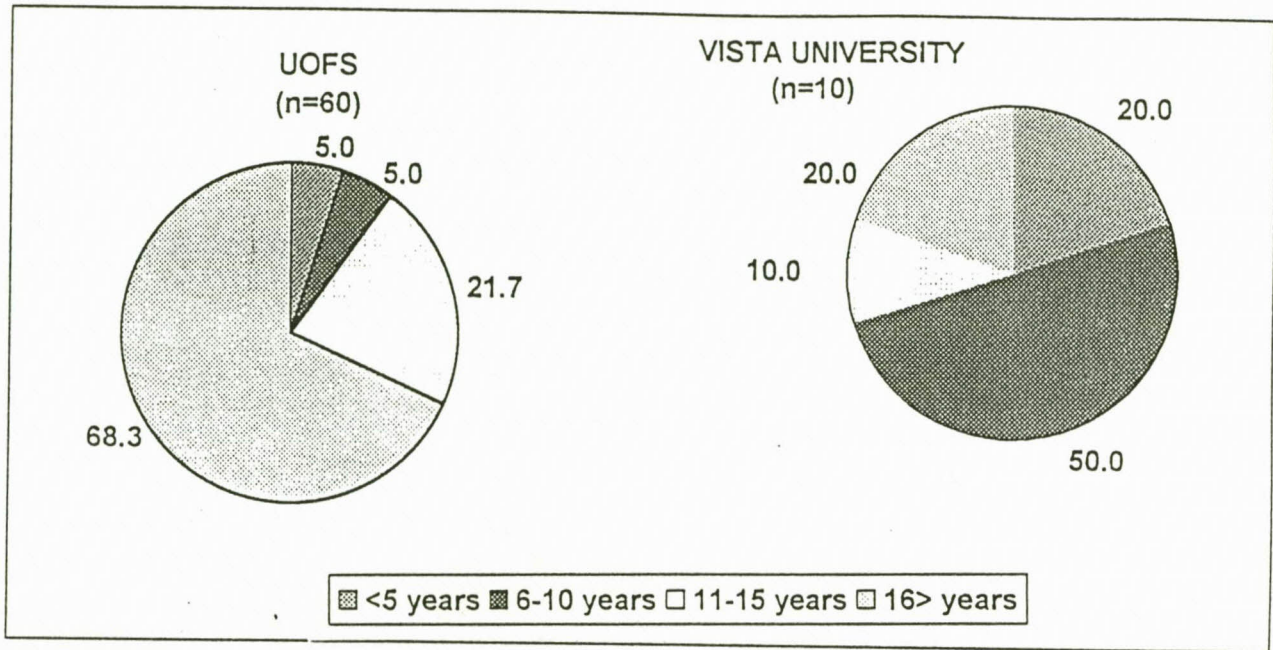


Figure 5.7: Length of service among the blue-collar workers

The length of service of the **line managers** also shows a more or less similar trend to that of the blue-collar workers at both campuses. Most line managers at the UOFS, (N=6/60.0%) are employed for between eleven and fifteen years, three (30.0%) are employed for between six and ten years, while one (10.0%) is employed for less than five years. The length of service among the line managers at Vista University, on the other hand, shows a sharp contrast. This is, however, not surprising noting the fact that Vista University started operating in 1983. It is therefore a relatively new campus in comparison to the UOFS<sup>76</sup>.

<sup>76</sup> Cf page 93 in chapter three

At this campus, four (90.0%) line managers have less than five years job experience as managers and only one (10.0%) has been employed for between six and ten years in the managerial capacity. Figure 5.8 below, provides details about the length of service amongst the line managers at both campuses.

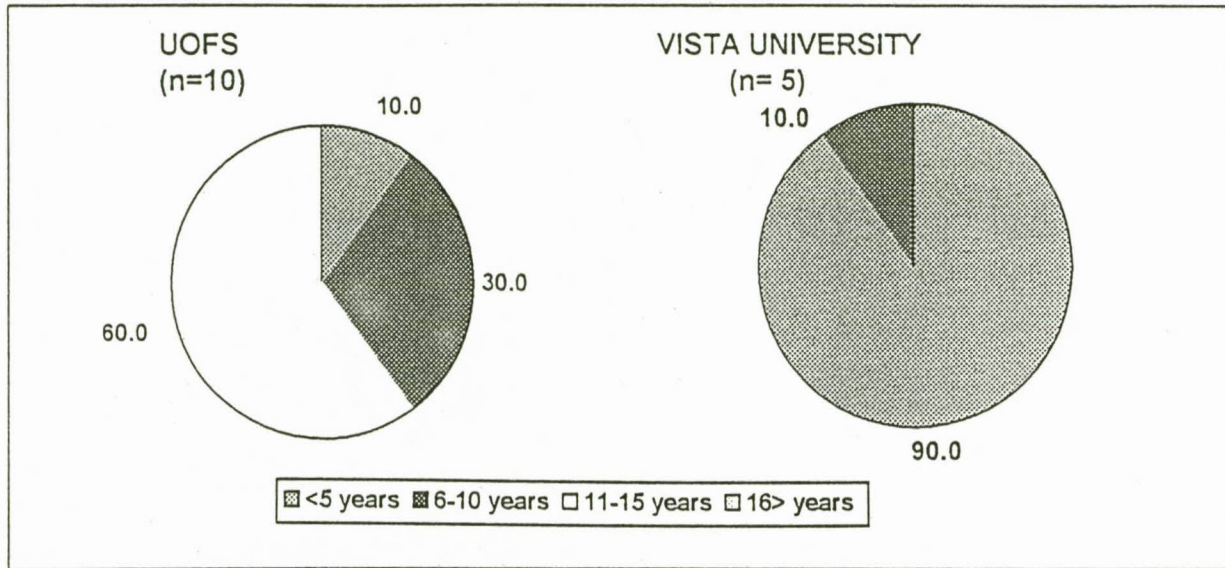


Figure 5.8: Length of service among the line managers

The relatively stable service record of the blue-collar workers at the UOFS can perhaps be seen as indicative of a long-standing trust relationship that developed between the blue-collar workers and the line managers. The line managers also have extensive experience in supervisory positions at the UOFS. However, at Vista University the opposite is true. According to figure 5.8 above, most line managers (N=4/90.0%) are employed for less than five years. The lesser service record among the line managers at Vista University has significant implications for labour relations practice. Relatively inexperienced managerial staff at Vista satellite campus in Bloemfontein, coupled with a highly militant and mostly trained shop steward vanguard at this campus, create challenging complicity and conditions for unstable labour relations practice.

Perhaps this situation may also serve as an epitome of the character of the rest of the historically Black universities in South Africa. The challenge of the inexperienced staff requires may be met among other things by active and cost-

effective training programmes that have to underpin the new direction in labour relations management.

### 5.2.8 Income distribution among the blue-collar workers

The largest proportion of the blue-collar workers (N=27/45.2%), earn between R801 and R900 per month after deductions at the UOFS. Those earning between R901 and R1000 constituted nine (14.9%), while those earning between R701 and R800 constituted eight (13.7%). Ten workers (16.7%) on the other hand earned R700 and less, while those with the highest earning of between R1001 and R1500 constituted six (9.5%).

At Vista University half of the blue-collar workers, (N=5/50.0%) earn between R1001 and R1500 after deductions. Those who earn between R801 and R900 constitute two (20.0%). Another two (20.0%) workers earn between R901 and R1000, while (N=1/10.0%) earns less than R700. Figure 5.9 below shows income distribution among the blue-collar workers.

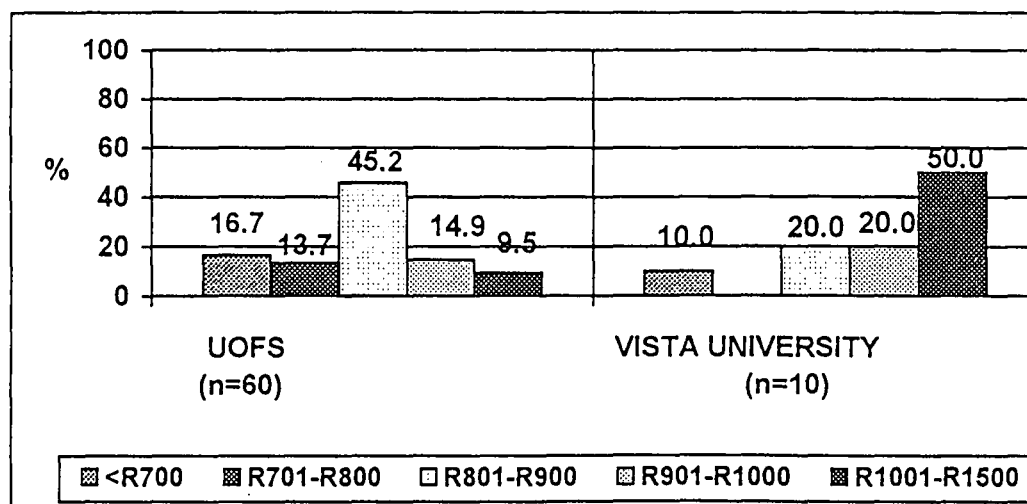


Figure 5.9: Income distribution among the blue-collar workers

The interesting revelation is that the largest proportion of the blue-collar workers at the UOFS (N=27/45.2%) falls in the R801 and R900 wage bracket, while at Vista University five (50.0%) falls in the R1001 to R1500 wage bracket. The workers' monthly deductions have in some cases included monthly deductions incurred by personal loans from the university. These personal loans range from R1000 to R10 000. The maximum monthly deduction on these loans is R500. The workers cited various reasons for applying for personal loans including covering burial costs in an event of death of a family member or relative since they cannot afford monthly premiums of insurance policies; payment of children's education and in some cases tertiary education; costs of either building or extending a house; payment of debts, *etc.* Although the workers at Vista University are seemingly earning slightly higher remuneration than the workers at the UOFS, the major discrepancy is in the benefit of personal loans the UOFS is making to its employees. The UOFS employees, however, have to pay standard interest rate on these loans.

Most of the blue-collar workers are breadwinners having a key financial role to play at home. At the UOFS, twenty-eight (46.7%) workers support six or more people in the house. Nine (14.7%) workers support five people. Fifteen (24.7%) workers support four people. Six workers (10.5%) support three people, while two (3.3%) support two. At Vista University five (50.0%) support six or more people at home. Four (40.0%) respondents support five people, while one (10.0%) supports three. Table 5.2 below, presents the proportion of the blue-collar workers corresponding with particular numbers of dependants.

5.2 Number of dependants

Number of dependants	Workers at UOFS		Workers at Vista University	
	N	%	N	%
6 and more	28	46.7	5	50.0
5	9	14.7	4	40.0
4	15	24.7	-	-
3	6	10.5	1	10.0
2	2	3.3	-	-
<b>Total</b>	<b>60</b>	<b>100</b>	<b>10</b>	<b>100</b>

These findings need to be placed in the historical context of the socio-economic landscape in South Africa. The plight of blue-collar workers, and of the working class in general, cannot be emphasised enough. Blue-collar workers, being the victims of racial discrimination, have been ruled with an iron law of racial despotism with the resultant culture of poverty and powerlessness. The plight of the working class, and blue-collar workers, in particular, is perpetuated by the legacy of decades of racial exploitation. It thus depends on the worker movement galvanising support and unity within the ranks of the blue-collar workers in the university sector in order to make inroads in minimising exploitation of the workers in this sector.



5.3 Job satisfaction among the blue-collar workers

In this section the job satisfaction<sup>77</sup> of the workers is discussed. The blue-collar workers at the two campuses responded differently to different statements relating to job satisfaction. The overall indication, is the difference in the experience of job satisfaction among the blue-collar workers at the two campuses. The findings suggest that most blue-collar workers at the UOFS are relatively more satisfied with their jobs than the blue-collar workers at Vista University. However, this is so despite the majority of workers at the UOFS (N=52/86.7%) who disagree with the statement that they are happy in the department where they work. Table 5.1 below highlights job satisfaction among the blue-collar workers at both campuses.

Table 5.3: Job satisfaction among the blue-collar workers at both campuses

	+2	+1	0	-1	-2	
I am happy in the Department where I work	2 (3.3) 2 (20.0)	1 (1.7) 1 (10.0)	5 (8.3) -	48 (80.0) 6 (60.0)	4 (6.7) 1 (10.0)	U* V**
My fellow workers are generally happy to work here	11 (18.3) 2 (20.0)	2 (3.3) -	7 (11.7) 2 (20.0)	3 (5.0) -	37 (61.7) 6 (60.0)	U V
My supervisor praises me when I do my work well	39(65.0) 4 (40.0)	1 (1.7) 1 (10.0)	2 (3.3) -	1 (1.7) 2 (20.0)	17(28.3) 3 (30.0)	U V
Management is doing enough to improve working conditions	35 (58.3) 1 (10.0)	9 (15.0) 1 (10.0)	6 (10.0) 2 (20.0)	1 (1.7) 3 (30.0)	9 (15.0) 3 (30.0)	U V
My workload is too much	18 (30.0) 8 (80.0)	4 (6.7) -	2 (3.3) -	14 (23.3) 1 (10.0)	22 (36.7) 1 (10.0)	U V

U\* = UOFS; V\*\* = Vista University; +2 = strongly agree; +1 = agree; 0 = uncertain; -1 = disagree; -2 = strongly disagree

<sup>77</sup> For purposes of the data discussion the methodology that was followed in presenting the results on table 5.3 was that the categories of "agree" and "strongly agree" were merged into one single category. In other words, data from these two mutually inclusive categories were grouped together. "The purpose of grouping data is to reduce the number of figures or scores presented in a distribution so as to enable the reader to grasp the main features of the data and to present the information more effectively. [This categorisation] is called a **class-interval**" (Bless & Kathuria, 1993:4). The same procedure was followed with the category of the opposite extreme.

Table 5.3 above shows both negative and positive experience of job satisfaction among the blue-collar workers at both campuses. According to table 5.3 above, fifty-two (86.7%) workers at the UOFS disagree with the statement that they are happy in the department where they work. Five workers (8.3%), are uncertain, while three (5.0%) agree with the statement. At Vista University, seven (70.0%) workers disagree, while three (30.0%) agree with the statement.

The degree of job satisfaction of the workers is affected by whether or not work organisation permits an "esteem need"<sup>78</sup> for personal development and fulfillment among the workers. The transformation of the university sector can therefore never be complete without an enabling environment in which the workers not only exercise their right (through the union) to negotiate conditions of employment, but are given a platform to make a positive contribution towards democratisation of the institutions which are part of the broader societal transformation. Forty workers (66.7%) disagree with the statement that fellow workers are generally happy to work at the UOFS. Thirteen (21.6%) workers agree with the statement, while seven (11.7%) are not sure. Most of the workers at Vista University six (60.0%), disagree with the statement. Two (20.0%) agree while another two (20.0%) are uncertain. The inference that can be made on these figures is that most of the workers have the perception that it is frustrating to work on campus if one is a blue-collar worker. The workers are aware of this experience of dissatisfaction among other workers since they often share their frustrations in their conversations. The workers indicated that disgruntled workers who are unhappy about their interaction with management often dominate most of their primary work group conversations.

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<sup>78</sup>According to Watson (1995:47) **esteem needs** encompass "...prestige, status and appreciation from external sources as well as internal feelings of confidence, achievement, strength, adequacy and independence".

At the UOFS, forty (66.7%) workers agree with the statement that their supervisor praises them when they do their work well. Eighteen (30.0%) workers disagree with the statement, while two (3.3%) are uncertain. At Vista University, five (50.0%) agree with the statement. The other five (50.0%) disagree. Although the figures seem to imply that there are less problems with supervision of employees, the enhancement of management employee relations are crucial in that it serves to elevate the extent to which employees feel loyal and would have every intention of continuing to work in the institution, rather than beginning to think of working for a different institution or organisation.

At the UOFS again, forty (66.7%) workers agree with the statement that management is doing enough to improve the working conditions. Eleven (20.0%) workers disagree with the statement, while eight (13.3%) are uncertain. Most workers at Vista University, (N=6/60.0%) disagree with the statement. Two (20.0%) agree with the statement, while another two (20.0%) are not sure about the statement. The majority of the workers at the UOFS, (N=44/73.3%) believe that management is doing enough to improve the working conditions. Only ten (16.7%) do not believe so. The latter workers are mainly deployed in the departments in which management in one way or the other seems to have failed to address some aspects relating to the working conditions, especially in the hostels, other academic departments, the department of physical planning, etc. Despite these quandaries, the workers at the UOFS do not have particular problems with management's commitment to improving the working conditions. At Vista University, the situation is different. Most workers seem to be seeing little commitment by management to improve the working conditions. The basis of dissatisfaction translates into the next statement on workers being made to perform too much work because of lack of adequate personnel. Eight workers (80.0%) at Vista University indicated that their workload is too much, while two (20.0%) disagree with the statement. At the UOFS thirty-six (60.0%) workers in contrast, disagree with the statement that their workload is too much. Twenty-two (36.7%) workers agree with the statement, while two (3.3%) are uncertain.

At the UOFS forty-one (68.3%) workers are satisfied that they have reasonable job security. Fifteen (25.0%) workers are not satisfied about job security, while four (6.7%) are not sure. In contrast at Vista University, five (50.0%) workers are dissatisfied about their job security, while another five (50.0%) are satisfied. The more or less balanced distribution on the satisfaction/dissatisfaction with job security of workers at Vista University to some extent is influenced by some fears fostered by the workplace environment that these workers are faced with. The fact that the blue-collar workers at Vista University constitute a small portion of the workforce, (i.e. there is already seemingly insufficient staff employed at Vista University) the workers have every reason to be satisfied. These workers justify their continued employment on the idea that a further reduction in personnel can land the institution in serious inefficiencies. The threat of lay-offs thus has spurious effect on workers' satisfaction. The other five dissatisfied workers (50.0%) perceive the threat of contract work as real to their jobs. Given these realities, the workers are forced into submission and may not be free to air their dissatisfaction openly. This idea also holds true to a small portion of the workers who are dissatisfied at the UOFS.

At the UOFS, thirty-three (55.0%) workers are relatively satisfied with their remuneration. Twenty-four (40.0%) workers are dissatisfied, while three (5.0%) are not sure. Most of the workers at Vista University, (N=9/90.0%), are very dissatisfied about remuneration despite the fact that they earn more than those at the UOFS. Only one (10.0%) is satisfied. According to these findings, most workers at Vista University are not satisfied with their remuneration. Fifty-two (86.6%) are satisfied about performance assessment of their work at the UOFS. On the other hand, three (5.0%) workers are satisfied, while five (8.3%) are not sure. At Vista University, six (60.0%) workers are satisfied about performance assessment of their work, while four (40.0%) are dissatisfied. Although the workers at Vista University work under unsatisfactory conditions, they consider management to be applying favourable assessment of their work. Table 5.9 below shows the degree of satisfaction/dissatisfaction of the blue-collar workers

on the three key aspects of the work environment, namely, security, remuneration and performance assessment at the two campuses.

**Table 5.4: Degree of satisfaction/dissatisfaction on some aspects of the work environment at both campuses**

	Very Satisfied		Satisfied		Uncertain		Dissatisfied		Very Dissatisfied		
	N	%	N	%	N	%	N	%	N	%	
Job	9	15.0	32	53.3	4	6.7	6	10.0	9	15.0	U*
Security	3	10.0	2	20.0	-	-	-	-	5	50.0	V**
Remuneration	3	5.0	30	50.0	3	5.0	8	13.3	16	26.7	U
	-	-	1	10.0	-	-	-	-	9	90.0	V
Performance	23	38.3	29	48.3	5	8.3	2	3.3	1	1.7	U
Assessment	5	50.0	1	10.0	-	-	-	-	4	40.0	V

U\* = UOFS; V\*\* = Vista University

#### **5.4 Working conditions of the blue-collar workers**

In this section, the results and analysis on the general working conditions at the two campuses are presented. The results revealed that most of the problems the blue-collar workers at the two campuses encounter relate to working conditions. The majority of the blue-collar workers at the UOFS, (N=51/68.3%) start work between 07h00 and 08h00. The workers who start work at 07h00 are those employed in the postal services section, while the rest (with the exception of the hostel workers) commence work at 08h00. Two (3.3%) blue-collar workers are security personnel and work irregular hours (i.e. shifts). Seven workers (28.3%) are cleaning and kitchen personnel in the hostels and begin work at 06h00. In contrast at Vista University, all ten (100%) of the blue-collar workers start work at 08h00.

Nineteen (31.6%) blue-collar workers at the UOFS leave their homes before 05h00 to be on time for work. These are workers deployed in the hostels. They have to start work earlier in the hostels since they provide services such as cleaning and cooking for students. The rest of the respondents, (N=51/68.3%) leave their homes between 06h00 and 07h00. This time slot also accommodates workers as far as Thaba Nchu and Botshabelo to arrive on time for work (cf figure 5.6 on the distribution of place of residence among the workers on page 156). The hostel workers are all living in the vicinity of Bloemfontein since they are required to commence work earlier than other workers do. All of the blue-collar workers at Vista University except those residing in Botshabelo leave their home at 07h00 in order to be on time for work. In any case, the Vista University campus is situated directly adjacent to the Mangaung township where most of the blue-collar workers reside. (All of the blue-collar workers at Vista University stop work at 16h00 and most arrive home at about 17h00 except the workers residing in Botshabelo who arrive much later because of the longer distance they have to travel home).

Although the majority of the blue-collar workers (N=41/68.3%) at the UOFS find the time at which they depart from home to be on time for work convenient, a substantial number of workers (N=19/31.6%) who work in the hostels find this time inconvenient. They struggle with transport since it is too early in the morning and transport is barely available at that time of the morning. The workers at Vista University are not experiencing these problems since most of them start to work at 08h00 as already mentioned. Nineteen (31.6%) workers who are mainly cleaning staff in the hostels at the UOFS stop work at 15h00. Forty-one (68.3%) workers stop work between 16h00 and 16h30. Some twenty-one (34.9%) hostel workers arrive home at about 16h00, while thirty-nine (65.1%) other workers arrive home after 17h00. A few have established commuting clubs with other colleagues having cars to make transportation to work much more convenient.

All workers at both campuses except the security service personnel<sup>79</sup> and hostel workers at the UOFS work five days in a week. The workers in the hostels at the UOFS, work seven days a week since they have to cater and clean for students on a daily basis. However, the hostel workers do receive a minimum of two weekends off per month as well as the benefit of leave every time when the university closes for vacations. The rest of the workers, including the workers at Vista University, do not receive any days off, but an average of twenty-two days paid annual leave.

All of the blue-collar workers are entitled to sick leave without losing any benefits or pay subject to fulfillment of certain requirements at both campuses. The workers who opt to work on public holidays are entitled to double pay at both campuses. However, some workers at the UOFS have raised the concern that although double pay for work on public holiday has been a matter of agreement between union representatives and management, the workers find it difficult to

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<sup>79</sup> At Vista University security personnel did not form part of the study since they are subcontracted to private companies. Reasons for excluding subcontracted employees are provided in footnote 71 on page 142.

see this happening because this payment is no longer reflected in their pay sheets.

Twenty-one (35.0%) blue-collar workers at the UOFS indicated that they did not have any particular problem as workers, while thirty-nine (65.0%) cited various problems. The workers at both campuses are not particularly happy about their leave arrangements. The main problem is that they do not understand the procedure followed when days in which they were absent at work are deducted from leave days. The workers at the UOFS also raised the concern that leave days are no longer reflected on the pay sheet as was the case in the past. Given this, the workers feel that it is difficult to calculate leave days properly. Some of the workers at both campuses even claimed that if you do not take a leave or do not exhaust all your leave days, you forfeit outstanding days that are still due to you.

Moreover, the workers raised problems of a logistical nature. For example, in the department of physical planning at the UOFS, one worker's frustrations is best captured in this words: "As a storeman sometimes I get frustrated where to drop the goods I have to deliver. There is bad planning in this department". The workers at both campuses tend to feel that transformation and affirmative action processes are very slow and do not cater significantly for Black employees. At the UOFS, twenty-nine (48.3%) workers are happy about the process of transformation, while twenty-one (61.7%) workers are not. At Vista University, only two (20.0%) are happy about the transformation process, while the majority (N=8/80.0%) are not happy. All workers at Vista University (N=10/100%) felt that affirmative action does not exist. At the UOFS, (N=50/83.3%) workers felt that affirmative action does not exist, while (N=10/16.7%) believe that it carries on fairly well. There is the perception among the workers at the UOFS that only Whites and Coloureds are employed in better positions especially at the support service level, while there are also Black people with appropriate qualifications such as computer and typing certificates. The following quote captures the anger



and frustration of some workers in this regard: "My child and a relative have matric and are unemployed. We just see new faces mostly Whites and Coloureds with even less qualifications whose parents and relatives work here on campus".

At Vista University, the workers seems to be convinced that the conservative White management is committed to sideline Black employees, by appointing predominantly Coloureds and foreign staff mostly from African countries in the academic and support service levels. This is seen by the workers as a systematic ploy by management at Vista University to frustrate the blue-collar workers since the organisation of service workers into unions at this campus has always been led by Black academics.

Another problematic area the workers face at Vista University is a prescription the university makes to workers as to which doctor they must consult with when ill. The problem the workers face is said to be that these doctors can hardly issue a certificate acknowledging the workers' ill health. One worker pointed out that "one can almost suspect that these doctors conspire with the university authorities to compel the workers to come to work even when they are ill". Also this practice infringes on what seems to be a very basic human right, namely to consult a health practitioner of your own choice.

The workers who maintain sports fields and gardens at both campuses raised particular concerns relating to their respective working conditions. At the UOFS, for example, management is no longer fitting out workers with rubberboots and raincoats when they are expected to sweep water in the tennis courts when it is raining. The workers either have to pay for their own uniform or work with their private clothes in pools of water. In the academic departments, women who are cleaning in the lecture halls work strenuously. They are made to carry heavy baskets up and down long stairways because there are no water taps closer to the lecture halls upstairs. The female workers who are directly involved in this task claim to have made several attempts to the amelioration of this problem with

the supervisors and shop stewards, but to no avail. Some of these workers claim to be feeble as a result of chronic illnesses they suffer such as arthritis.

In the same token, the workers in the hostels at the UOFS experience several serious problems about their work as well as the circumstances in their home communities. These workers are expected to wake up very early in the morning. The bus stops are also too far from home. In winter, the workers in the hostels walk in the dark to the bus stops and women can easily become victims of rape. This problem is exacerbated even more when they have to come to work on weekends since there are few people moving around the streets at that time of the morning. The question of security in the hostel where these women are expected to start to work so early is also of serious concern to them. These women assume duties often overwhelmed by fear that they might be attacked any moment by assailants when on duty. In fact some respondents made claims of nearly being raped in the morning in the hostel by assailants coming from outside the campus. The workers apparently raised these problems with the union and suggested what they believed to be a sound alternative to offset this dilemma but no positive response has been forthcoming.

At the UOFS, most of the respondents, (N=44/73.3%), indicated that the recruitment policy of the institution deteriorated. Three (5.0%) said it remained the same. Seven (11.7%) indicated that it improved, while six (10.0%) were uncertain. A similar pattern is more or less true at Vista University. Most of the respondents, (N=7/70.0%) indicated that the recruitment policy deteriorated, while one (10.0%) said it improved. One (10.0%) indicated that it remained the same, while another one (10.0%) was uncertain. Table 5.12 below depicts the breakdown of responses in this regard.

**Table 5.5: Perceptions of the workers on recruitment policy at both campuses**

	UOFS		VISTA	
	N	%	N	%
Improved	7	11.7	1	10.0
Remained the same	3	5.0	1	10.0
Deteriorated	44	73.3	7	70.0
Not sure	6	10.0	1	10.0
<b>Total</b>	<b>60</b>	<b>100</b>	<b>10</b>	<b>100</b>

The workers hold the recruitment policies of both institutions with disdain in general. The reasons given for viewing the recruitment policy as deteriorating were that management tends to apply favouritism in employing mainly Whites and Coloured workers and continued to discriminate against Blacks. The workers raised a concern that they have children and relatives having matric qualifications. Some even have clerical and typing related qualifications, but are being overlooked by the management when recruitment is made. The workers raised the concern that the management often says there are no vacancies and sometimes the management is even said to be compelled to lay off some workers. A few days after workers were laid-off, completely new workers fill in their positions. What apparently infuriates the workers is that when there are few vacancies available, the management does not consider re-employing the workers who were previously retrenched. However, change is expected to be experienced in the near future since the new LRA prescribes that laid-off workers should receive priority once the organisation deems it fit to recruit more staff (cf. chapter four). The effect of this provision will depend on how best the workers and their unions can make use of this right under the new LRA. Other related frustrations the workers experience at the UOFS is that the workers with longer service records are retrenched in favour of new ones to avoid management having to provide increased benefits to the workers with longer service records. The length of the worker's service does not apparently count for promotion as long as the worker does not study further at both campuses. In this instance,

promotion is associated strictly with qualification and is not based on the recognition of prior learning through experience.

The majority of the blue-collar workers (UOFS - N=39/65.0% and Vista - N=8/80.0% prefer English as an official language to be used at work. Seven (11.7%) and fourteen (23.3%) at the UOFS respectively prefer Afrikaans and African languages as official languages at work. Only one (10.0%) at Vista University prefers Afrikaans, while another one (10.0%) prefers an African language. The workers who prefer English are younger (under 39 years) and more militant and politically conscious than older ones.

Almost half of the workers (N=28/45.6%) at the UOFS and one (10.0%) at Vista University are attending either the Kovsie Adult Centre with respect to the UOFS or an adult school programme outside Vista University campus in case of employees at Vista University. These workers are fairly optimistic as far as advancing their career paths by improving their educational qualifications is concerned, and see English as an enabling tool to actualise their aspirations for upward occupational mobility. Seven workers (11.7%) at the UOFS and one (10.0%) at Vista University prefer Afrikaans as an official language at work including Coloured and some Black employees. One of the reasons for this preference is that these workers are used to communicating in Afrikaans at work, as this has been customary for years. These workers are mostly older than 39 years and have worked here for more than 15 years (cf. figure 5.7 on page 159). A proportion of fourteen (23.3%) workers at the UOFS and one (10.0%) at Vista University prefer their vernacular either Sesotho or Tswana. These respondents at the UOFS work in some of the hostels in which black matrons or wardens and students inmates. They are therefore happy to communicate in a language they are all comfortable with. Some of the workers who were previously registered for adult education at both campuses discontinued the studies for various reasons. Some indicated that some classes are held late in the day and thus clashed with their parental responsibilities. Some discontinued the studies because of some

personal problems in the family such as divorce proceedings, death of a family member, *etc.* Others raised the concern that teachers sometimes do not avail themselves to classes. Besides adult school, some workers have problems with training courses because they are offered only in Afrikaans at the UOFS.

### **5.5 The blue-collar workers' perceptions**

In this section, the results in relation to the perceptions of the workers on the following aspects are presented and analysed: their personal work environment and work equipment; management consultation; the shop stewards; the union; worker representation in the University Council; and student/worker collaboration.

#### **(i) Personal work environment and work equipment**

Table 5.4 on page 165 outlines the perceptions of the blue-collar workers on the personal work environment and the quality of their personal work equipment. Most of the blue-collar workers at the UOFS, (N=31/51.7%) indicated that their personal work environment has improved in the past few years. Twenty-four (40.0%) of the workers at the UOFS felt that their work environment remained the same. Four (6.7%) indicated that it actually deteriorated, while one (1.7%) was not sure. Half of the respondents at Vista University, (N=5/50.0%), in contrast indicated that the personal work environment has deteriorated, while three (30.0) felt that it remained the same. One (10.0%) worker felt that their personal work environment improved, while another one (10.0%) was not sure. Similar patterns at both campuses are true with respect to the quality of personal work equipment. At the UOFS, forty-one (68.3%) workers pointed out that their personal work environment improved in the past few years. Eleven (18.3%) said it remained the same, while eight (13.3%) said it deteriorated. At Vista University most workers, (N=6/60.0%) said their work environment deteriorated. Three (30.0%) said it remained the same, while one (10.0%) said it improved. Table 5.4

below outlines the perceptions of the workers on personal work environment and equipment.

**Table 5.6: Perceptions of the blue-collar workers on personal work environment and equipment**

	Improved		Remained the same		Deteriorated		Not sure		
Personal work environment	31	51.7	24	40.0	4	6.7	1	1.7	U*
	1	10.0	3	30.0	5	50.0	1	10.0	V**
Personal work equipment	41	68.3	11	18.3	8	13.3	-	-	U
	1	10.0	3	30.0	6	60.0	-	-	V

U\* = UOFS V\*\* = Vista University

With the above findings, the indications of job satisfaction can also be discerned. While at the UOFS, over half of the workers (N=31/51.7%) see their personal work environment as having improved over the past five years, half of the workers (N=5/50.0%) at Vista University, in contrast, see it as having deteriorated. The discrepancy between the workers at both campuses is also vast in terms of their perceptions on personal work equipment. At the UOFS, (N=41/68.3%) believe that their personal work equipment has improved over the last five years, while (N=6/60.0%) at Vista University believe it has deteriorated. This state of affairs can also be understood in terms of economic parity that was fostered by the long history of differential resource allocation to the institutions. The "historically White" institutions have always been positively discriminated by sources of funding to tertiary institutions<sup>80</sup>. (On the other hand, state subsidies have "shifted" to historically Black universities in the recent years). This state of affairs also contributes to less job satisfaction among the workers especially at Vista University as one of the "historically Black" institutions.

<sup>80</sup> For more information on the sources of funding, see page 84.

(ii) Management consultation

The results on the attitudes of the workers on the institution they work at interface with the results on the workers' perceptions on the degree of management consultation when decisions are made. At the UOFS, twenty-one workers (35.0%) indicated that the line managers always consulted them whenever decisions that affect the workers were to be made. The majority of the blue-collar workers (N=24/40.0%) say line managers consult them in most cases, while seven (11.7%) felt that the line managers seldom consult them. On the other hand eight (13.3%) workers said the line managers never consulted them. At Vista University, nine (90.0%) indicated that the line managers never consult them when decisions that affect the workers are to be made. Only one (10.0%) felt that the line managers seldom do that. Table 5.8 below presents an indication of the workers' perceptions on the degree of management consultation when decisions are made.

**Table 5.7: The blue-collar workers' perceptions on the degree of management consultation when decisions are made**

Always		Mostly		Seldom		Never		
N	%	N	%	N	%	N	%	
21	35.0	24	40.0	7	11.7	8	13.3	U*
-	-	-	-	1	10.0	9	90.0	V**

U\*= UOFS, V\*\*= Vista University

The majority of the workers at the UOFS, (N=45/75.0%) perceive a high degree of management consultation. These workers believe that management always consults them or do that in most cases when decisions that affect workers are made. In contrast at Vista University, nine (90.0%) workers believe that management never consults them when decisions that affect the workers are made. Only one (10.0%) worker believes that management seldom consult them when decisions that affect them are made. According to these findings, the

labour relations system at campus level at Vista University permits only an insignificant influence by the workers in decision-making processes. According to Grossett & Venter (1998:458-459) (i) through participation in decision making, individual development and fulfillment of ethical or moral objective of participating is condoned. Participation also allows the need to celebrate the gratification that is naturally linked to the product of the workers' labour; (ii) decisions made by the social and political institutions affect people who should in retrospect be afforded some leeway to influence the outcome of such decisions; (iii) if workers are allowed to impart their ideas on how productivity can be improved, areas of conflict between management and labour are reduced and the chances that industrial relations would improved are boosted. In this regard the new LRA introduces a new approach in which co-determination at plant-level can take place and in which workers can have the opportunity to influence managerial decision-making and joint-problem solving. The new LRA lists a number of issues in which a workplace forum is entitled to be consulted in relation to joint-decision making (cf. chapter four).

**(iii) The shop stewards**

Tables 5.10 and 5.11 on page 181, which are concerned with the perceptions of the blue-collar workers on the shop stewards' activities, portray a positive picture about the shop stewards. Most of the blue-collar workers, (N=44/73.3%) in the case of the UOFS and (N=8/80.0%) in the case of Vista University indicated that the shop stewards do attend to workers' problems within reasonable time. Table 5.10 below portrays the perceptions of the blue-collar workers on the attendance of the shop stewards to the workers' problems.



**Table 5.8: Perceptions of the blue-collar workers on attendance of shop stewards to workers' problems**

Shop stewards attend to workers' problems within reasonable time		Shop stewards do not attend to workers' problems within reasonable time		
N	%	N	%	
44	73.3	16	26.7	U*
8	80.0	2	20.0	V**

U\*= UOFS; V\*\*=Vista University

Most workers (N=42/70.0%) at the UOFS, indicated that the shop stewards are doing enough to represent the workers' interests, while eighteen (30.0%) believed in the opposite. At Vista University, nine workers (90.0%) believe that the shop stewards are doing enough to represent the workers' interests, while one (10.0%) believed in the opposite. Table 5.11 below provides an indication of the perceptions of the workers on the shop stewards' commitment to represent workers' interests.

**Table 5.9: Perceptions of the blue-collar workers on the shop stewards' commitment to represent worker's interests**

Shop stewards are doing enough to represent workers' interests		Shop stewards are not doing enough to represent workers' interests		
N	%	N	%	
42	70.0	18	30.0	U*
9	90.0	1	10.0	V**

U\*= UOFS; V\*\*=Vista University

Although most workers believe that the shop stewards attend to the workers' problems within reasonable time, and are doing enough to represent the workers' interests, there are a number of aspects the workers dislike about the way the trade union activities are conducted by the union officials. The workers pointed out that there are divisions among some workers and some shop stewards. One of the problems often highlighted is favouritism and biases against certain workers that some shop stewards show when dealing with the workers' problems. One disgruntled worker commented: "Some shop stewards go all out to help their friends and are not committed to help the other workers". The other problems the workers raised relate to delays in feedback to workers. In this regard some workers even raised the suspicion that the union officials "connive" with management to suppress the workers. The workers also raised general reasons for their discontent against the shop stewards. The essence of their dissatisfaction can be summed up as follows: The union officials do not always stick to time, as a result there is some degree of disorderliness in the meetings. For example, the agenda is often too long and certain important issues are not thoroughly exhausted. The union officials usually set up meetings on Friday afternoons. This is the day when most of the workers have other commitments to attend to and do not have time to attend the meetings on this particular day.

**(iv) The union**

The workers in both cases cited a host of reasons for belonging to a trade union. They are conscious about the importance of belonging to a trade union. In this regard Douwes Dekker, (1991:12) highlighted the objectives of the union as "... protecting the rights and promoting the interests of members in order to improve the quality of their lives in the work situation and secondly... in the broader community. Workers take on union membership because they believe the union will:

- (i) improve their standards of living, job opportunity and conditions of employment, as well as protect human dignity of the individual worker through getting management to agree to procedures that would prevent them treating workers as they please;
- (ii) offer the opportunity to express solidarity with other workers in union meetings as well as to celebrate events and take part in cultural activities ("solidarity");
- (iii) identify them with union goals through emblems and other visible displays of the union; and
- (iv) offer them the power to get a better deal outside the work place. The more sophisticated members will see these societal goals being formulated by a cohesive federation, debated at general meetings and at delegate conferences on socio-economic issues".

The union is playing an important role in attempting to improve wages, working conditions, social security protection and prevention of unfair labour practice. In fact there is a general perception among the workers that the right to freedom of association is one of the vital worker rights enshrined in the new Constitution. For this reason, the workers see the benefit in the trade unions in general, since through the union the workers can fight for workers' rights and therefore for social justice. Responding on the benefits from the union one worker commented: "Employers now cannot dismiss the workers easily anymore. Previously you would just be dismissed without any valid reason. However, with the union things have changed. The union is the mouthpiece of the workers when it comes to the legal aspects of the work. We are no longer oppressed like before. Our wages are better because of the union."

(v) Worker representation in the University Council

All of the blue-collar workers both at the UOFS, (N=60/100%) and Vista University (N=10/100%), indicated that they should have representation in the University Council. At the UOFS, five (50.0%) line managers believe that the blue-collar workers like other occupational groupings on campus should have representation in the University Council. The other half (N=5/50.0%) are opposed to the idea. With respect to Vista University, three (60.0%) line managers are in favour of worker representation in the Council, while two (40.0%) are opposed to it. Table 5.5 below presents the figures on the perceptions of the workers and the line managers on worker representation in the University Council.

Table 5.10: Perceptions of blue-collar workers and line managers on worker representation in the University Council

Workers				
Representation necessary		Representation unnecessary		
N	%	N	%	
60	100	-	-	U*
10	100	-	-	V**
Line managers				
5	50.0	5	50.0	U
3	60.0	2	40.0	V

U\*= UOFS, V\*\*= Vista University

All the workers at both campuses concur with the idea of worker representation in the Council. The Council is seen as the bearer of information on key policy issues of the institutions. The general perception among the blue-collar workers in general is that worker representation in the Council is important for the purposes of consultation. One worker commented: "We need representation to avoid victimisation of the workers, and we must know what is going on with

budgets and the like". Participation in the Council will go a long way in ensuring that the workers influence decisions taken by the top management.

Half of the line managers (N=5/50.0%) at the UOFS and two (40.0%) at Vista University) (those opposed to worker representation in the University Council) pointed out that the workers are already represented by the unions that are recognised by the institution. Representation beyond this level is unnecessary. The line managers who are opposed to worker representation in the University Council at both campuses believe that the blue-collar workers' interests can best be addressed through the trade union representing the workers in the collective bargaining process rather than at the Council level. These line managers see the broader struggle for societal transformation, of which the university institutions are an integral part, as an unnecessary concern of the trade union movement. This further highlights the paternalistic approach, which some members of management at both campuses have. On the other hand, however, there is acknowledgement by the line managers that representation in the Council is an extension of worker participation in decision-making. Participation in the Council is an essential modern day practice in which inputs from different levels of staff are enabled to permeate and strengthen democratic university governance. Worker representation forms part of the democratic structure that allows different occupational categories to have a say at the highest level and join in discussions and assume co-responsibility for decisions taken.

**(vi) Student/worker collaboration**

The majority of the workers (N=34/56.7%) at the UOFS believe that the workers/student struggles are inextricably linked, while twenty-six (43.3%) are opposed to the idea. All of the blue-collar workers at Vista University believe that collaboration between the workers and the students is necessary. Table 5.6 below presents an indication of the workers' perceptions on the student/worker collaboration.

Table 5.11: The blue-collar workers' perceptions on student/worker collaboration

Workers and students have common interests		Workers and students have divergent interests		
34	56.7	26	43.3	U*
10	100	-	-	V**

U\*= UOFS, V\*\*= Vista University

The workers in general at both campuses believe that the workers and the students should help each other both in the students' and the workers' struggles. This belief among the workers is apparently based on the inference that both these parties are encountering similar problems in facing a hostile white management and administration. As members of the minority group<sup>81</sup>, they both perceive a sense of relative deprivation and on their campuses are singled out as objects of prejudice and discrimination. The sentiments that reinforces collaboration between the workers and the students are also rooted in the belief that if everything stops including the lecture sessions, both the workers' and students' problems would be given an expedited attention. The remaining portion of the workers at the UOFS does not support collaboration between the workers and the students. Their standpoint is based on the premise that the workers' interests and those of the students are not necessarily compatible. In fact they believe that collaboration in the pursuit of different interests amounts to wasting of the students' time to study thereby putting them in a predicament. Another possible conflict of interest is that if students fail to pay tuition fees, the institution struggles to meet financial commitments, including employee remuneration.

<sup>81</sup> According to Giddens (1993:253-254) minority groups generally have the following traits: "Its members are disadvantaged, as a result of discrimination against them by others. Discrimination exists when rights and opportunities open to one set of people are denied to another group....Members of the minority have some sense of group solidarity, of 'belonging together'. Experience of being the subject of prejudice and discrimination usually heightens feelings of common loyalty and interests. Members of minority group often tend to see themselves as 'a people apart' from the majority. Minorities are usually to some degree physically and socially isolated from the larger community".

**5.6 Attitudes of the workers:**

In this section the results in relation to the attitudes of the workers on the following aspects are presented and analysed: on their institution; on employee representation during a disciplinary inquiry; and on the idea of barricading the streets when taking part in industrial action.

**(i) on their institution**

At the UOFS, twenty-six (43.3%) of the blue-collar workers indicated that their attitudes about the institution improved since being employed, while twenty-three (38.3%) pointed out that it remained the same. Eight (13.3%) workers felt it deteriorated, while three (5.0%) were unsure. At Vista University, five (50.0%) had positive attitudes about the institution and pointed out that their attitudes about the institution improved since being employed, while the other five (50.0%) pointed out that their attitudes about the institution deteriorated. Table 5.7 below shows the presentation of the attitudes of the workers on the institution they work at.

**Table 5.12: Attitudes of the blue-collar workers about their institution**

Improved		Remained the same		Deteriorated		Not sure		
N	%	N	%	N	%	N	%	
26	43.3	23	38.3	8	13.3	3	5.0	U*
5	50.0	-	-	5	50.0	-	-	V**

U\*= UOFS, V\*\*= Vista University

At the UOFS, (N=26/43.3%) of the blue-collar workers, have positive attitudes about the institution. Those who maintain that things remained the same constituted twenty-three (38.3%). The historical divisions that have far reaching consequences on the attitudes of the workers also influence the attitudes of the workers towards their institutions. The consequences of these divisions meant that the workers from "historically White" institutions would enjoy comparatively better working conditions and subsequently higher job satisfaction in comparison

to workers in "historically Black" institutions. Better personal work environment and work equipment as a result of better financial means of the institution would naturally contribute to the enhancement of the positive image of the institution. The workers would also perceive the institution positively leading to the enhancement of their job satisfaction. The workers from the "historically Black" institutions therefore are surrounded by the conditions that are likely to reduce the positive attitudes and encourage less job satisfaction hence there are high incidents of industrial action at these institutions.

Although most workers at the UOFS generally believe that the institution/management is doing its best to improve the working conditions, some workers raised what seem to be valid concerns, where for example in the physical planning section one respondent expressed his dissatisfaction about performance assessment of his job. The worker has been employed for more than ten years and currently performs the work of an artisan in the welding division but is still ranked and paid as an assistant.

**(ii)    on employee representation during a disciplinary inquiry**

Almost all workers, fifty-eight (96.7%) at the UOFS agree with the statement that it is a good idea to represent an employee when a disciplinary inquiry is conducted against an employee. Only two (3.3%) workers disagree with the statement. At Vista University, nine (90.0%) workers agree with the statement, while one (10.0%) disagrees. Worker representation during a disciplinary inquiry is not only a significant variable in enabling the worker to exercise the right of *audi alteram partem* in labour relations at campus level, but is also a means to provide a mechanism of checks and balance against unfair labour practice and worker victimisation by management. Most of the workers at both campuses, therefore, have positive attitudes on the idea of worker representation when a disciplinary inquiry is conducted against a worker. The formal labour relations structure that permits representation of the worker in an event where a worker is



subject to a disciplinary inquiry, is well received by the workers in general and has therefore a salutary effect on their job satisfaction.

All workers also know what to do if they have a grievance. All of the blue-collar workers at both campuses either go to the immediate supervisor or to the shop steward whenever they have a grievance. Consultation of the immediate supervisor in an event of a grievance indicates some degree of trust that the worker has with his/her supervisor. It also indicates that the workers know what to do when they are faced with a problem at work.

**(iii) on the idea of barricading the streets when taking part in industrial action**

Half of the workers at the UOFS (N=30/50.0%), agree with the statement that when workers embark on industrial action it is justifiable to barricade the streets to make management feel the effects of the strike. Twenty workers (38.8%), disagree with the statement, while seven (11.7%) are undecided on this statement. At Vista University, seven (70.0%) workers disagree with the statement, while three (30.0%) agree with the statement. Thus, while half of the workers at the UOFS (N=30/50.0%), agree with the statement, at Vista University most of the workers (N=7/70.0%) responded negatively to the statement. At Vista University, the more frequent occurrence of labour disputes might have contributed to the workers changing their minds about the strike as a strategic option. They do not see the strike weapon as an effective strategy in a bargaining process anymore since labour disputes at Vista University in many respects have become the order of the day. Industrial action might have been abused and over-relied upon. The frequency of industrial action at Vista University together with resultant souring of relations between the management and the workers seems to have influenced the workers to develop negative attitude about the strike. Naturally the fact that workers have forfeited much income during previous

strikes may have contributed to this<sup>82</sup>. On the other hand, the fact that half the workers at the UOFS affirm the statement implies that the workers have not as yet experienced the situation where the strike action has brought catastrophic consequences at the campus level.

### **5.7 Trade union perspectives**

In this section, the results pertaining to the shop steward's perspectives on labour relations practice at both campuses are presented and discussed. In general, the shop stewards at the UOFS have positive perceptions about labour relations practice. The perceptions of the shop stewards at Vista University, on the contrary, are dichotomised. On the one hand half of the shop stewards perceive labour relations practice negatively, while on the other, half perceive it positively.

The NEHAWU shop stewards at both campuses generally report that the trade union membership in their unions has experienced a steady increase over the past few years. One of the reasons for this is active recruitment by the concerned trade unions. The challenge that is now open to these unions which have traditionally been organising the blue-collar workers, is to extend their scope and organise all occupational categories, or to establish another bargaining unit that will cater for the administrative and academic personnel. At Vista University, however, it has always been customary not to distinguish between the academic staff interests and the blue-collar workers' interests. The dividing line between the academic interests and the blue-collar workers' interests in terms of the *status quo* has always been not as clear-cut at Vista University.

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<sup>82</sup> Another possible explanation to this is the fact that the unionised workforce at Vista satellite campus in Bloemfontein is small in the extreme – most of the blue-collar work is contracted out. Therefore strike action by the blue-collar workers at this campus should not cause the institution much hardship.

Although the general perception is that the trade union affiliation has been increasing at both campuses, the shop stewards generally are of the opinion that a minimum loss in membership has been experienced though. This loss is manifested in death of fellow members, retrenchments, retirements, resignations and competition by newly formed unions such as UVPERSU (mostly white-collar staff) in the case of the UOFS and other unions such as VUSU and NTESU in the case of Vista University.

The results presented below provide an indication of the trade union membership at the two campuses. At both campuses, the National Education, Health and Allied Workers Union (NEHAWU) has a stronghold as far as the trade union membership amongst the blue-collar workers is concerned. The other two unions which organise the blue-collar workers are the National Tertiary Education Staff Union (NTESU) and Vista University Staff Union (VUSU)<sup>83</sup>.

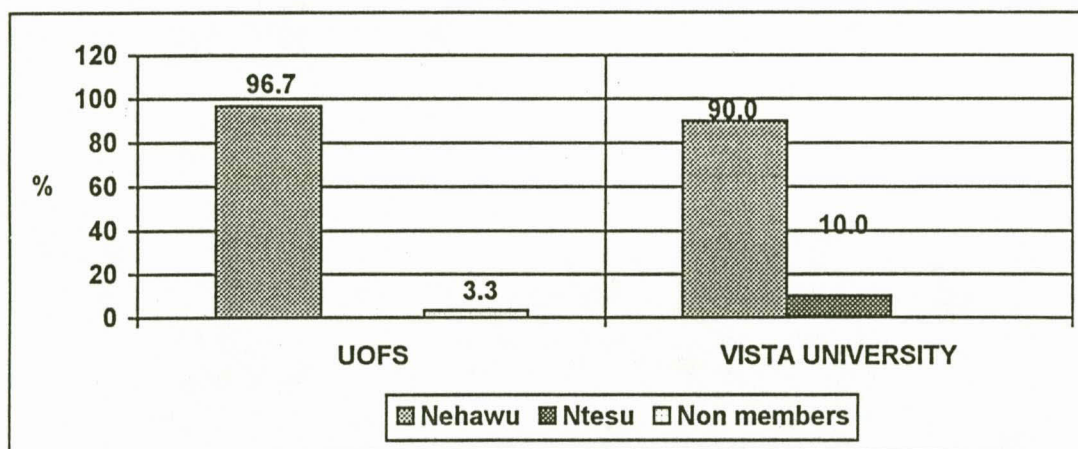


Figure 5.10: Trade union membership

At the UOFS the majority of the blue-collar workers, fifty-eight (96.7%), are registered members of NEHAWU. Only two workers (3.3%) are not members of any union. At Vista University, nine workers (90.0%) are members of NEHAWU,

<sup>83</sup> VUSU and (UVPERSU) are predominantly white-collar unions. Although they claim to organise the blue-collar workers, their blue-collar membership according to figure 5.10 above did not feature in the sample.

while one (10.0%) belongs to National Tertiary Education Staff Union (NTESU). The *Universiteit van die Vrystaat Personeel Unie* (UVPERSU) at the UOFS and Vista University Staff Union (VUSU) at Vista University, do not seem to have any membership among the blue-collar workers. According to figure 5.10 above, which represents the trade union membership among the blue-collar workers at the UOFS and Vista satellite campus, the membership profile of these unions did not make any impression in the sample.

Various meetings with labour relations thrust are held on a more or less regular basis at the two campuses. The overall purpose of these meetings is *inter alia* to foster proper communication amongst all stakeholders in labour relations practice. The following meetings take place: general meetings, shop steward council meetings, consultative meetings and union/management meetings.

#### **5.7.1 General meeting**

The general meeting takes place between the committee members of the union and affiliated workers whenever the need arises at both campuses. In this meeting the union representatives report back and brief the constituencies about the issues on which the workers do not have direct participation such as shop steward committee meetings, consultative meetings, union/management meetings, council meetings *etc.* The general meeting therefore also serves to transmit information from the shop stewards to the workers and *vice versa*. It also involves the workers participating more directly on the issues that affect them. This meeting is a feedback mechanism whereby the union officials and the shop stewards account to their respective constituencies.

### **5.7.2 Shop steward council meeting**

This meeting takes place once a month at the UOFS. The meeting mainly deals with discussions around the day to day problems the shop stewards might be having in their attempt to deal with labour relations matters. At Vista University, the shop steward council meeting usually has delegated shop stewards from the branches meeting at the national level to discuss and deliberate on various issues including membership dynamics, organisational strategies, constitutional matters, training needs *etc.* The shop stewards council meeting of NEHAWU are held at the regional and national level where delegates are mandated at the Regional and National Conferences to discuss policy matters.

### **5.7.3 Consultative meeting**

This meeting takes place at the campus level (plant level) and involves all the unions congregating to discuss matters of concern and mutual interest. The meeting takes place whenever the need arise. Consultative meetings do not exist at the UOFS between NEHAWU and UVPERSU apparently for two main reasons. Firstly, NEHAWU has been the sole union operating on campus and has concentrated on organising non-professional and non-academic staff. Secondly, UVPERSU is a relatively new union on campus and although it also organises nonprofessional staff, its primary focus is on white-collar staff. On this basis a point of convergence between these unions in this meeting is immaterial under the present circumstances.

### **5.7.4 Union/management meeting**

This meeting takes place on a regular basis and whenever the need arises at both campuses. At this meeting, trade union representatives meet with management representatives usually to discuss issues relating to the working conditions and other similar issues. This meeting is generally characterised by

efforts to improve communication between the management and the workers whereby the following aspects are often discussed: workers' grievances; productivity improvement programmes; wages; disciplinary action, restructuring, disclosure of information, *etc.* The executive committee members including the full-time shop stewards attend this meeting at both campuses. Vista University is one of the historically Black Universities in which industrial action has been quite pervasive. At the core of this industrial action is lack of involvement of workers in drafting disciplinary procedures. According to the shop stewards, the management generally still exercises unilateral decisions when it comes to disciplinary cases. In this regard, one shop steward at Vista University commented that disciplinary procedure is bound to be unfair: "Because Vista University in general does not even have a clearly articulated and codified disciplinary procedure. The whole thing depends on the personal whims of the authorities of the University".

### **5.8 Perceptions of the shop stewards and management on collective bargaining**

Regarding collective bargaining in the university sector, both the shop stewards and the line managers had to choose between centralised<sup>84</sup>, shopfloor or both levels and motivate their answers. At the UOFS, five (45.5%) shop stewards prefer centralised bargaining. Three (27.3%) chose shopfloor bargaining, while another three (27.3%) chose both levels. At Vista University, three (50.0%) prefer centralised bargaining. Two (33.3%) chose shopfloor bargaining, while one (17.7%) prefers both levels.

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<sup>84</sup> The motivation on the choices of bargaining levels by the line managers indicated that some of the line managers were not entirely clear about the meaning of "centralised" and "shopfloor" bargaining. The responses on the choice of a particular bargaining level by the line managers might have been distorted by lack of knowledge about the meaning of these bargaining levels for the purposes of this study. Centralised bargaining implies a process of bargaining between the university management and worker representative bodies at the national level (Cf. page 8). Shopfloor bargaining implies the process of this bargaining at the shopfloor (campus) level. For line managers dealing on a daily basis with labour relations issues, it would not be unnatural to any researcher to assume that such line managers would be conversant with the meanings of such concepts.

At the UOFS, seven (70.0%) line managers prefer centralised bargaining. Two (20.0%) prefer both levels, while one (10.0%) prefers shopfloor bargaining. At Vista University, three (60.0%) line managers prefer centralised bargaining, while two (40.0%) prefer shopfloor bargaining.

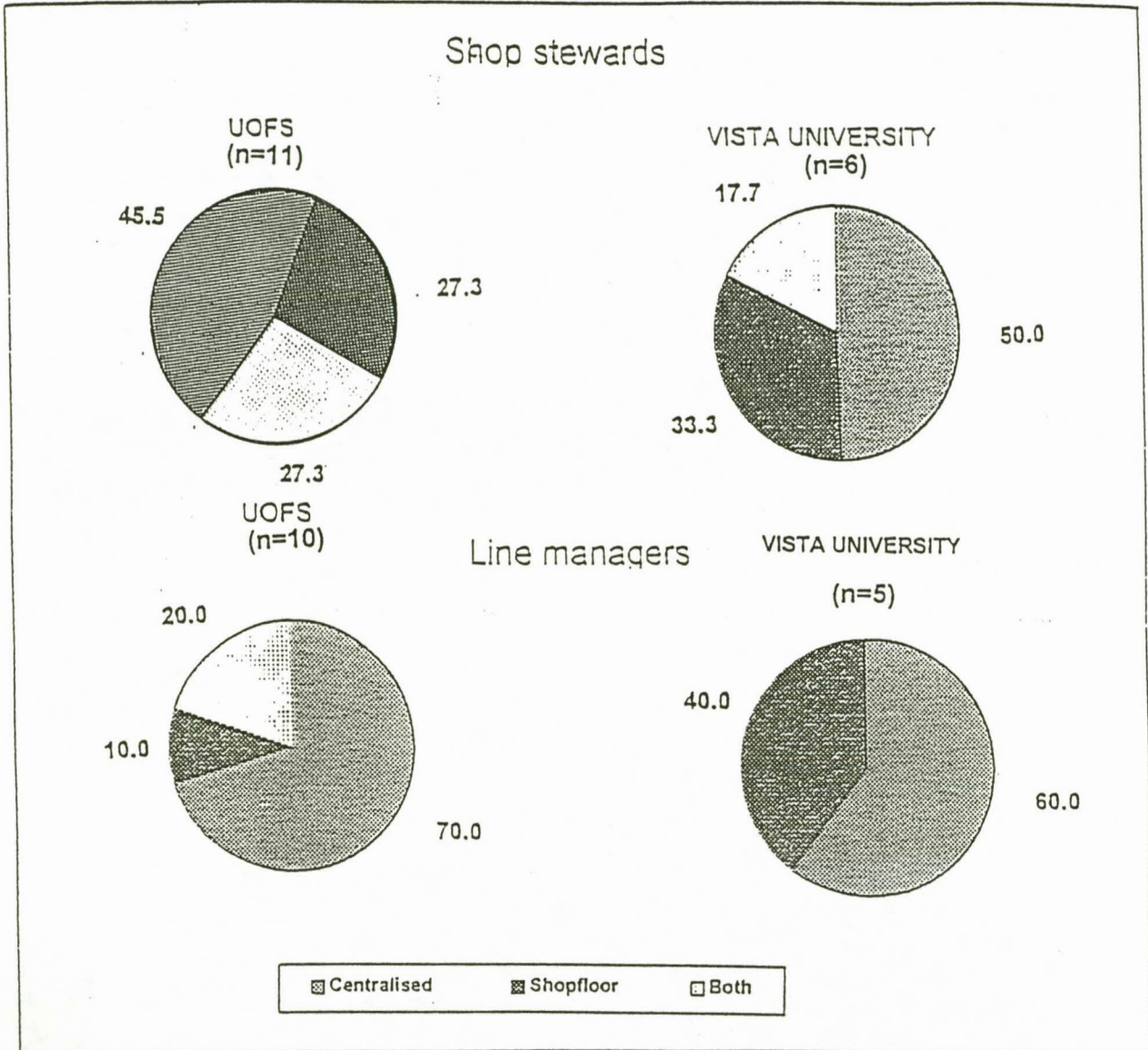


Figure 5.11: Percentage breakdown of the preferred bargaining levels among the shop stewards and the line managers at the two campuses

A larger proportion of the shop stewards and the line managers at both campuses (45.5% shop stewards at the UOFS), (50.0% shop stewards at Vista University) and (70.0% line managers at the UOFS) and (60.0% line managers at Vista University) according to the figure above prefer centralised bargaining. The shop stewards preferring centralised bargaining in particular, were apparently not only influenced by the COSATU federation which has been campaigning for this type of bargaining since the late eighties. The preference of central bargaining also comes out of a need to restore the imbalances in employment relations that has resulted from the past discriminatory higher education policies imposed by the past regime in this sector. Centralised bargaining can therefore be seen as an indispensable aspect in the transformation process currently underway. The reasons that the shop stewards and the line managers advanced for centralised bargaining are that centralised bargaining guarantees uniformity. It deals more effectively with the problem of discrepancy in wages and working conditions since the workers in the university sector have more or less similar circumstances. Shopfloor bargaining causes differences in conditions of employment and delays in bringing about change, organisational development and transformation in the university sector in general.

The reasons advanced for preferring shopfloor bargaining are basically the opposite of those above. The key argument is that labour relations issues such as grievance and disciplinary procedures are better handled at campus level since circumstances at various campuses are vastly different. Those who felt that both levels are necessary maintained that there are problems needing intervention at both levels. Policy matters such as collective agreements, working conditions, wages, *etc*, can be dealt with more effectively at the central level. The issues more appropriate to the shopfloor level such as grievance and disciplinary procedures can be dealt with at the campus level by a credible and legitimate disciplinary committee appointed according to the provisions of the new Act (see chapter four).



### 5.9 Perceptions of the shop stewards on their relationship with management

The shop stewards at the UOFS generally agree that there is healthy communication between the management and the workers. Seven (63.6%) shop stewards at the UOFS are of this opinion and believe that the relationship between management and union is co-operative. On the other hand, four (36.4%) shop stewards pointed out that the relationship between management and unions is adversarial and poor. At Vista University five (83.3%) shop stewards indicated that the relationship is characterised by antagonism, mistrust and hostilities. Only one (16.7%) shop steward at Vista University maintained that they have co-operative relations with management. The shop stewards at the UOFS, however, maintain sound relations with management. The relationship between the union and management at both campuses has been described by some shop stewards as interactive, understanding, cordial, good and open hearted. One respondent summarised his/her perception on the relationship as "an open-door policy where the workers are free to come and discuss their grievances with their supervisors". One respondent having a positive attitude about management at the UOFS commented: "Sometimes some members of management move from one department to another listening to workers' views on their conditions of employment. The workers are made to feel important on this campus". On the contrary, those having negative attitudes about management have a completely different point to motivate their position. The reasons they advance are that there are no support systems for training and development. Management is still racist and conservative. The security workers do not have shelter and when it is raining or when it is very hot these workers experience serious problems. At Vista University security workers have to work in the dark at night due to lack of electrification around the boom gate area.

**Table 5.13: Perceptions of the shop stewards on their relationship with management**

Co-operative		Adversarial		
N	%	N	%	
7	63.6	4	36.4	U*
1	16.7	5	83.3	V**

U\*=UOFS, V\*\*=Vista University

**5.10. Perceptions of the shop stewards on labour relations practice**

Table 5.14 below delineates the figures on the perceptions of the shop stewards on labour relations practice. In general, the shop stewards at the UOFS have positive perceptions about labour relations practice. At Vista University, in contrast, half of the shop stewards have negative perceptions, while the other half have positive perceptions about labour relations practice.

**Table 5.14: Perceptions of the shop stewards on labour relations practice**

	+2	+1	0	-1	-2	
We have a fair disciplinary procedure at our work	7 (63.6) 2 (33.3)	3 (27.3) 1 (16.7)	- -	- 2 (33.3)	1 (9.1) 1 (16.7)	U* V**
It is necessary to represent the worker when a disciplinary case is handled	7 (63.6) 4 (66.7)	2 (18.2) -	2 (18.2) -	- 2 (33.3)	- -	U V
Management is doing enough to improve working conditions	1 (9.1) 1 (16.7)	- 2 (33.3)	3 (27.3) 1 (16.7)	3 (27.3) 1 (16.7)	4 (36.4) 1 (16.7)	U V
Workers are generally happy to work here	- 2 (33.3)	7 (63.6) -	2 (18.2) 1 (16.7)	1 (9.1) 3 (50.0)	1 (9.1) -	U V
The promotional system here is fair	- 2 (33.3)	3 (27.3) -	5 (45.5) 1 (16.7)	1 (9.1) 1 (16.7)	2 (18.2) 2 (33.3)	U V
The transformation process carries on fairly well	2 (18.2) 1 (16.7)	1 (9.1) -	2 (18.2) 2 (33.3)	1 (16.1) 2 (33.3)	5 (45.5) 1 (16.7)	U V
When workers embark on industrial action it is justifiable to barricade the streets to make management feel the effects of the strike	4 (36.4) -	1 (9.1) -	3 (27.3) 2 (33.3)	- 2 (33.3)	3 (27.3) 2 (33.3)	U V
Participation of workers in trade union meetings is poor	3 (45.5) -	2 (18.2) 1 (16.7)	4 (36.4) 2 (33.3)	1 (9.1) 2 (33.3)	1 (9.1) 1 (16.7)	U V

U\*=UOFS, V\*\*=Vista University; +2 = strongly agree; +1 = agree; 0 = uncertain; -1 = disagree; -2 = strongly disagree

The majority of the shop stewards at the UOFS, (N=10/90.9%) perceive the disciplinary procedure to be fair. Only one (9.1%) shop steward regards the disciplinary procedure as unfair. In contrast at Vista University, three (50.0%) workers regard it as fair, while another three (50.0%) regard it as unfair. The unions at the UOFS have been part of the process of formulating disciplinary procedures. For this reason, the perception of the shop stewards on this issue would naturally be that it is a fair one. However, the scenario is quite different at Vista University. The discrepancy in the responses of the shop stewards at Vista University can be attributed to the heterogeneous nature of the interests of the shop stewards representing different trade union formations (cf. 3.5 on page 95). Five (50.0%) responses, which maintain that the disciplinary procedures at Vista University are unfair, could be attributed to the union formation, which is not only sympathetic to the real needs of the blue-collar workers, but also sensitive to such needs. On the other hand, the other five (50.0%) of the responses which supported the current disciplinary procedures come from the union formations which are more inclined to the professional workers and academics such as NTESU and VUSU, the predominantly white-collar unions with a largely middle-class identity. This dichotomy in the perceptions among the shop stewards at Vista University characterises ideological standpoints in domestic politics of labour relations at this institution.

Most shop stewards at the UOFS, (N=9/81.8%), believe that it is necessary to represent the worker when the disciplinary case is handled, while one (16.7%) is uncertain about the statement. Similarly, at Vista University, four (66.7%) shop stewards agree with the statement, while two (33.3%) disagree. The perceptions of the shop stewards at both campuses are reflective of a uniform and homogeneous union ideology as the majority of both the shop stewards and the blue-collar workers are members of NEHAWU. As the statement reflects a fundamental worker right based on the principle of *audi alteram partem*, the shop stewards acknowledge the necessity of having the workers represented during a

disciplinary inquiry, and are conscious about the principal role of the union in this regard.

The majority of the shop stewards at the UOFS, (N=7/63.7%) do not believe that management is doing enough to improve the working conditions. Three (27.3%) shop stewards are uncertain, while one (9.1%) agrees with the statement that management is doing enough to improve the working conditions. Half of the shop stewards, (N=3/50.0%) at Vista University believe that management is doing enough to improve the working conditions. Two (33.3%) do not agree, while one (16.7%) is not sure. The shop stewards at the UOFS have more negative perceptions of management than the workers have. While the workers believe that the management is doing enough to improve the working conditions, the shop stewards do not believe so. At Vista University more shop stewards have positive perceptions about the management and believe that the management is doing enough to improve the working conditions. This is, however, not surprising as two of the unions, which are predominantly white-collar unions, have sympathy with their bedfellows in the management echelons. For this reason, the shop stewards do not see their respective management as progressive.

While most shop stewards, (N=7/63.6%) believe that the workers are generally happy to work at the UOFS, two (35.5%) do not believe as such, while another two (18.2%) are unsure. At Vista University, three (50.0%) shop stewards disagreed with the statement. Two (20.0%) pointed out that they were happy, while one (16.7%) was not sure.

These figures reiterate the fact that an all White or at least White dominated management remains a problem at the two institutions and most probably throughout the entire university sector in South Africa including the institutions of former TBVC states. Most shop stewards at the UOFS, (N=5/45.5%) pointed out that they were unsure whether the promotional system is fair or unfair. Three shop stewards (27.3%) regard the promotional system as fair, while the other

three (27.3%) shop stewards do not agree with the statement that the promotional system is fair. Three (50.0%) shop stewards at Vista University, disagreed with the statement that the promotional system is fair. Two (33.3%) however, felt that the promotional system is fair, while one (16.7%) was unsure. While most of the shop stewards were not sure whether the promotional system is fair or unfair at the UOFS, most shop stewards at Vista University perceived the promotional system at Vista University to be unfair.

At the UOFS, six (61.6%) shop stewards disagree with the statement that the transformation process carries on fairly well. Two (18.2%) shop stewards were not sure about this, while three (27.3%) agree with the statement. Similarly, most shop stewards (N=3/50.0%) at Vista University disagree with the statement, while one (16.7%) agrees with the statement. A proportion of two (33.3%) shop stewards is not sure. The shop stewards at both campuses have negative perceptions about the transformation process. The shop stewards believe that the white management is simply not yet ready for change.

Five (45.5%) shop stewards at the UOFS believe that barricading streets when the workers embark on industrial action is one of the effective strategies to consider in collective bargaining with management. Three (27.2%) shop stewards are not sure about this, while another three (27.3%) disagree with the statement that barricading streets when the workers embark on industrial action is one of the effective strategies to consider in collective bargaining with management. At Vista University, (N=4/66.6%) shop stewards are opposed to this idea, while (N=2/33.3%) are uncertain. These figures highlight similar perceptions of the shop stewards with those of the workers where at the UOFS this form of industrial action is viewed positively, while at Vista University it is viewed negatively.

Most shop stewards at the UOFS, (N=5/63.7%) agree with the statement that participation of the workers in the trade union meetings is poor. Four (36.4%)

shop stewards are not sure about this, while two (18.2%) disagree with the statement. At Vista University, however, most shop stewards, (N=3/50.0%) disagree with the statement. Two (33.3%) are not sure about the statement, while one (16.7%) agrees with the statement. The shop stewards pointed out that many workers lost enthusiasm in the activities of the union after the first democratic elections in 1994. This is paradoxical, as workers would be expected to play a more prominent role now that they have the constitutionally entrenched labour rights.

According to the presentation and analysis of the figures above, the perceptions of the shop stewards and the workers can be summarised as being similar. The overall indication is that the shop stewards at the UOFS have relatively positive perceptions about the institution, although there are some issues that the shop stewards seems to hold in contempt. On the other hand, the perceptions of the shop stewards at Vista University can be said to be dichotomised. On the one hand there is group of militant shop stewards who have the history of the workers' struggle and a newly formed white-collar group of shop stewards with a middle-class identity.

### 5.11 Managements' perspectives

In this section, the results pertaining to management's perspectives on labour relations practice at both campuses are presented and discussed. In general, both managements at the UOFS and Vista University have positive perceptions about labour relations practice at their respective campuses.

Although the management at the two campuses do have incentive schemes other than annual and merit bonuses, such as gift vouchers and promotion opportunities, no fixed outlines exist for the blue-collar workers. These aspects serve to hamper effective labour relations practice at the two campuses. Incentive schemes are indispensable in any social organisation of the workplace. They serve as motivational factors in the work force and contribute to higher productivity levels (cf. Broadwell, 1986:7-8). The importance of incentive schemes and morale building functions of management cannot be stressed enough. As the workers still tend to emphasise **consumption** (emphasis on higher wages, etc) part of their work and less on the **productive** (emphasis on hard work) part, the reward structure of the organisation has to incorporate incentives to motivate the workforce to increase productivity output. In addition to this, proper training cultivates an intrinsic sense of self-worth, which in turn has a salutary effect on a much-needed commitment to the organisation's competitiveness within the global economic interaction.

Seven (70.0%) line managers at the UOFS believe that their relationship with the unions has improved in the recent past, while three (30.0%) line managers felt that it remained the same. At Vista University, three (60.0%) line managers indicated that their relationship with the unions remained the same, while two (40.0%) pointed out that it deteriorated.

Table 5.15: Perceptions of line managers about their relationship with the unions

Improved		Remained the same		Deteriorated		Not sure		
N	%	N	%	N	%	N	%	
7	70.0	3	30.0	-	-	-	-	U*
3	60.0	-	-	2	40.0	-	-	V**

U\*=UOFS, V\*\*=Vista University

The figures above suggest that at the UOFS, the line managers perceive employment relations with the workers as having improved in the recent past. One factor mainly responsible for this trend is noteworthy: An increasing number of the white managers are increasingly becoming receptive of the process of social change and have accepted these changes. They realise that progress and development can only be achieved by maintaining close co-operation with all the stakeholders including mainly Black worker organisations. They also began to believe that where it occurs, conflict should by all means be resolved amicably. At Vista University, (N=3/60.0%) line managers indicated that their relationship with the union remained the same in the recent past.

Most line managers at the UOFS (N=6/60.0%) felt that disparity in annual wages between the blue-collar workers and other occupational groups is unjustified, while (N=4/40.0%) believe that it is justified. On the other hand, (N=4/80.0%) line managers at Vista University pointed out that disparity in wage increases is unjustified, while (N=1/20.0%) maintained that it is fair. Table 5.15 below provides an indication of the perceptions of the line managers on whether or not disparity in wages between the blue-collar workers and other occupational groups is justifiable.



**Table 5.16: Perceptions of line managers on justifiability or unjustifiability of differences in wage increases the between blue-collar workers and other occupational groups**

Disparity justifiable	Disparity not justifiable	
4 (40.0)	6 (60.0)	U*
1 (20.0)	4 (80.0)	V**

U\*=UOFS, V\*\*=Vista University

According to the figures above, most line managers, six (60.0%) at the UOFS, and four (80.0%) at Vista University, believe that the workers in all occupational groups, perhaps with the exception of top executive managers, should get equal percentage increases. This is borne out of a perceived belief that much of industrial action with regard to salary increases has been triggered by differential wage increases among the occupational groups. These line managers therefore believe that the blue-collar workers should receive an-across-the-board wage increase that is in line with other categories of employees. Their view is based on the premise that the work the blue-collar workers do is just as important as that of other occupational groups. One manager expressed his/her motivation thus: "All grades should receive similar percentage increases. The only exception to this should be with respect to occupational categories of top management already earning top notches. The percentage increases in this regard should be much lower as compared to other categories of employees". Four (40.0%) line managers at the UOFS on the one hand, and one (20.0%) at Vista University, hold an opposite view. The essence of their view is that wage increases depend on the workers' position and type of work he/she performs. This more or less balanced schisms among the line managers at both campuses highlight two characteristics of managers, a reformatory and progressive one on the one hand, and a more conservative one on the other hand.

Proper communication between employers and employees has a number of positive effects. Nel & Van Rooyen, (1993:21-22) highlight five important benefits of proper communication. Firstly, the commitment and dedication of employees to their tasks are bolstered by proper communication. As a result the worker is motivated and would strive to accomplish the goals of his work group, his department and ultimately the goals of the entire institution. Secondly, proper communication serves to minimise grapevine distortion. Thirdly, feedback is elicited. Exchange of information reinforces trust relations and opportunities to the actors to assess the opinions and reactions of each other in the employment relationships. Fourthly, the status of the manager/supervisor is bolstered. Having information and being able to share it with employees have the positive sanctioning effect. The supervisor or manager who shares vital information with employees is likely to project a positive image as the bearer of management information. Fifthly, the workers get the opportunity to influence the process of change through being given time to evaluate, prepare and co-operate with the proposed change. Various structural and organisational problems relating to communication between the management and the workers were cited as some of the problems managers face with the workers.

Cultural differences were mentioned as one of the factors affecting relations between the management and the employees. Lack of understanding about each other's culture has negative effects on communication between the workers and management. Communication breakdown has adverse effects on the workers' motivation and productivity. In fact, it is a recipe for conflict and subsequent potential trigger of industrial action. Less informed workers are therefore likely to cultivate demotivation, despondence and alienation. Some respondents pointed out that racial discrimination also impacts negatively on proper labour relations practice. One respondent indicated that a serious personnel problem is "racial discrimination which is still very prevalent among the white staff members". Most of the line managers indicated that some supervisors (line managers) treat the workers in a preferential manner although this may not be exclusively racial. The

line manager for instance may have sour relations with the employees not because he/she is racist, but because of his/her management style or because of an employee who previously acted in an undisciplined manner.

Half of the line managers at the UOFS, (N=5/50.0%) and two (40.0%) at Vista University pointed out that the institutions intend reducing the number of employees in the next two to five years. The other five (50.0%) at the UOFS and three (60.0%) at Vista University indicated that the current number of employees may be maintained in the next two to five years. A fairly large proportion of the line managers at the two campuses are optimistic that retrenchments would be kept at bay among the blue-collar workers for at least two to five years to come. However, this notion is contrary to a hesitant yet on-going retrenchment process in the entire university sector. This rampant process of retrenchment continues to take place despite a large proportion of line managers at both campuses who seem to have hope that retrenchments should be subdued.

### 5.9 Summary

As far as the biographical profile of the respondents is concerned, the UOFS like most of the national campuses (with the exception of Vista satellite campuses) employs a large number of women in the cleaning and catering departments<sup>85</sup>. The large concentration of the women in the aforesaid occupational categories at the UOFS has significant implications for labour relations practice. Women's productivity is among other factors partly influenced by attitudes of male colleagues both at management and union levels. A more concerted effort should therefore be pursued with renewed vigor both by the management and the trade unions towards more gender sensitive policies. The women in these departments are one of the most unhappy occupational groups in the workforce at the UOFS. With respect to Vista University, most blue-collar workers are employed in the department of technical services, the department that incorporates most traditionally male occupations. In this department, there is virtually no women employed. Lack of women in this department cannot be justified in anyway. Rossi in this regard pointed out that "... in modern industrial society the conditions under which a division of labor by sex was adaptive no longer exist. Few jobs require brute strength..." (Bassis, Gelles & Levine, 1991:290).

The empowerment of women is one aspect in which the management and the union structures have not placed adequate emphasis not only at the two campuses, but also in the other sectors of the economy. Although there are common grounds in principle between the policies of the management and the trade union structures on gender equity, the actual thrust towards implementation of the constitutional rights of women in the labour market is still not without some quandaries. The success of gender equity programmes would also be replenished by the guidelines of the recently enacted Employment Equity Act by government (EEA).

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<sup>85</sup> Vista University campuses do not provide residential facilities for students and therefore do not have female workers in the residences like the rest of other campuses.

As far as the levels of literacy are concerned, it has become a common practice among many companies to incorporate education and training programmes such as the Adult Basic Education and Training (ABET) programme in the social organisation of their workplaces. The objective of such programmes are to enhance the human resource component and to achieve improved worker productivity. At the UOFS for example, important training courses such as the ones on grievance and disciplinary procedures, conflict management, creativity, leadership, self-motivation, stress and on telephone ethics, *etc*, are, however, offered only in Afrikaans. Many workers are uncomfortable with Afrikaans. Furthermore, the workers are also concerned about the administration and management of education and training programmes. The workers indicated that there is no consistency in class attendance by some private teachers hired to conduct the classes. Secondly, the workers raised the concern that timetable schedules do not entirely suit them. Some classes take place very late in the afternoon thereby clashing with the workers' parental obligations. Another factor having a negative effect on the success of these training programmes is that sometimes the workers do not understand the contents of certain lessons even if they persisted in asking for further clarification. The latter problem needs thorough analysis including training needs for teachers. At Vista University Adult Basic Education and Training programmes are non-existent.

As far as the wages are concerned, wage discrepancy among the blue-collar workers did not prove to be a major factor contributing to industrial action at the two case studies. The workers at both campuses consider their respective employers to be offering them competitive remuneration in the sector. However, satisfactory wage settlement is more often than not preceded by some protracted disputes on what constitutes a reasonable wage increase between the unions and management. The majority of factors contributing to labour unrests are related to working conditions at the two campuses. The workers appear to be concerned more about humane working conditions than about wage increases.

After all, management at both campuses is considerate either about making a wage offer that is in par with the inflation rate, or is not rigid in making a compromise to that effect.

The euphoria that accompanied the general elections in 1994, however, in many respects served as a smoke screen towards the development of misperceptions of the workers' struggles. The rapid political changes, by implication, were somehow misconstrued especially among the blue-collar workers to mean the end of the working class struggle. As a result there is a general decline in worker militancy and active participation by the workers in union matters such as attendance and participation in the union meetings in comparison to the eighties and nineties. One shop steward pointed out that the workers attend the union meeting or consult the shop stewards mainly when they had a problem with a supervisor/employer. This is also the case with some shop stewards whom according to some other shop stewards seem to have lost enthusiasm in the day-to-day activities of the union.

Less skill assets more or less provide sufficient condition for the exploitation and plunder on the workers by some paternalistic employers. These employers see such workers as nothing more than an industrial reserve army readily available for maximum extraction of **surplus value**. In this regard, conflict theorists "...believe that social analysts should not separate their work from their moral commitments, and they see their theories as a force for change and progress. They also believe that objectivity is more or less impossible. For them social science is inextricably bound up with the particular views of a writer, which are in turn a function of his or her society, and fact is consequently inextricable from value" (Wallace & Wolf, 1986:73).

Some degree of trust and co-operation exists between the workers and their superiors in certain departments. This synergy is also further reflected on the perceptions of the workers in the transformation process in which some believe

that the transformation process carries on fairly well. The findings also revealed some conclusive evidence about the existence of the two extremes on the perceptions of the workers at the two campuses. Those that experience job satisfaction fall within a group that can be classified as meek, reserved, conservative and an older generation of employees. This group apparently evaluates the present situation in terms of the past. To them the working conditions are at present far better than what they used to be in the days gone by. Pondering on the past conditions, one worker lamented that "in the past a Black worker was treated almost like an animal, today the situation improved dramatically". For that reason these workers believe that the workers have every reason to be happy at work. On the other hand, there is a group of militant younger generation of employees who believe that the institutions are still riddled with White conservative management who (they believe) need to be persuaded to change through the medium of dialogue, participation and even strike action if need be.

Although the transformation process is still in process, and is still in its embryonic stage, there is on the one hand, anxiety and latent resistance on the part of White management against any move challenging what the workers perceive to be the "comfort zones" of managers at both campuses. Training programmes as highlighted earlier, are not implemented with all the vigor it deserves, so that representivity in all institutional components could be promoted. If this obstacle could be overcome, fundamental contribution to more sound labour relations practice could be boosted at the two campuses under study. With the exception of the women working in the student hostels at the UOFS, the women are generally more satisfied with their work than men, even when their jobs are lower in status, power and prestige. A similar comparison at Vista University was not possible since virtually all the workers were men.

The representation of the workers in the University Council is an extension of worker participation in decision-making processes. This is vital in the context of an emergent democratic culture, which emphasises accountability and consultation. Although most line managers at both campuses agree with this idea, others still feel that representation of the workers at this level is unnecessary as workers already have representation *via* their respective unions that are recognised by the institutions. Such perceptions among the line managers are indicative of deeply ingrained racial prejudice by these managers against the manual labourers. These kinds of sentiments also serve to aggravate the negative element of conflict in labour relationships. As a consequence, the capacity of the labour relations actors to contain and manage destructive conflict is therefore made to appear as a pipe dream.

According to the research findings, most of the blue-collar workers at the UOFS believe that the workers and students experience common struggles, more particularly during the period of transformation. The point of convergence in terms of these sentiments between these two social groupings is characterised by a common experience of prejudice and discrimination. This is also consolidated by the belief amongst the workers that without collaborative struggles to reverse the *status quo*, their common plight will persist unabated. This belief is also deeply embedded in a more or less justifiable inference that any racial group that has been enjoying exclusive opportunities in life for a long time is likely to be reluctant to extend such opportunities to others because of vested interests. This statement pertains to some White managerial staff who wittingly or unwittingly are not ready to accept the transformation process in general. Some of workers at the UOFS (43.0%) believe that the workers and the students have divergent interests and are persistently adamant that collaboration can for whatever reason not be justified. The transformation process, however, is inherently a political issue touching deep into organisational structures of fundamental institutions of the society. It is also an important vehicle for bringing about social justice and egalitarian values necessary to refurbish the general



welfare of the university community. Any method, which seeks to effectuate these ideals, including collaboration among the organs of civil society such as labour and student movements, may not necessarily be construed as diabolical. There are innumerable international instances where similar political collaborations were pursued to achieve social justice.

The workers at both campuses join the trade unions as organised interest groups mainly with a reasonable expectation that the union would bargain with employers over pay and conditions of work on behalf of them. So there is some degree of conscious class interests that identify the blue-collar worker as an occupational group. However, the workers also highlighted some concerns about the way the union officials conduct the union activities. The problem of time management by the shop stewards during the meetings with the workers, setting up of dates and agenda for the meetings, *etc*, need to be addressed with more effective training courses. In general, the workers at the UOFS are not happy about the logistical arrangements relating to the union meetings. There is also some degree of personal conflict among certain workers and shop stewards stemming from favouritism allegedly by some shop stewards to certain workers. For this specific problem, effective courses on conflict management and on leadership are of critical importance if this specific problem is to be resolved. These concerns should be treated with extreme caution since they are extremely sensitive. They should also be seen as constructive criticism to further strengthen the labour movement and generally serve as watchdogs against creeping oligarchic tendencies within the union structures.

According to the research findings, most of the disputes in both cases have arisen out of the working conditions. At the UOFS, for example, the workers do not understand how leave days are worked out. This problem was apparently worsened by management's decision to delete information relating to leave on the workers' pay sheets. This effectively placed the workers in a difficult situation in terms of how they should keep management's records on the workers'

employment profiles on check. There are also problems of logistical nature at both campuses. There are problems relating to bad planning in certain departments. For example, there is a problem relating to the delivery and storage of goods ordered, and inadequate personal work equipment (tools, uniform, etc). The workers receive the transformation process at both campuses and affirmative action in particular with mixed feelings. The findings revealed that satisfaction generally increases with age. Consequently, most blue-collar workers at both campuses are older and therefore generally satisfied. The younger workers on the contrary are dissatisfied. Most of the employees in the current blue-collar workforce which consists of much older employees, would in the near future be retiring giving way to a much more militant and dissatisfied group of younger workers.

Furthermore, there are problems relating to sick leave of the workers at the UOFS. Some workers indicated that when the worker is ill, he/she has to consult the medical practitioner allegedly prescribed by the institution. The individual workers should be free to attend to any doctor of his/her choice and there ought not to be any barrier against this option. One worker in the department of physical planning raised strong dissatisfaction on the way his job is evaluated and graded. This worker has for a long time been performing welding work as an artisan but he is still paid as an assistant. The worker believes that like his colleagues, who were promoted through experience, he also qualifies for promotion.

The women in the hostels in particular are faced with serious problems regarding the working conditions. Their specific situation requires them to start work at 06h00. The institution seems to be less concerned with the physical security of the women working that early. The women are particularly vulnerable to criminal activities that are currently rampant in the cities. Most women working in the hostels have to walk long distances to bus stops and on weekends, and there are often no people around who also commute to work as is the case on week days.

The risk of rape is more real on weekends because there is often more cases of drunkenness in the township shebeens.

The shop stewards at the UOFS in general have positive perceptions about labour relations practice. This perception is underpinned by the fact that the union and management have been maintaining amicable relations and co-operation for a long time. The unions are able to interact in a meaningful way in the decision-making process and management is substantially consultative. This is so despite the absence of worker representation in the University Council. At Vista University, worker representation in the University Council was endorsed when the new Council was inaugurated in 1997 (cf. page 93). Although there are significant challenges relating to the transformation process that still have to be tackled such as taking the transformation process to its logical conclusion, the shop stewards in general at the UOFS do not see this challenge as unattainable. At Vista University the perceptions of the shop stewards are different. The shop stewards (from highly politicised trade unions such as NEHAWU) regard management as highly antagonistic. The basis of antagonism is perceptions of conservative White managers against the highly militant Black trade union officials. The other two unions, VUSU and NTESU which also organise the blue-collar workers at Vista University, perceive labour relations practice positively. They believe that management has done well in driving the process of transformation forward. The shop stewards from these unions come from the middle-class tradition and therefore are more likely to be sympathetic to management, which is still predominantly White. The rights enjoyed by the shop stewards at both campuses enable them to exert some degree of influence on management decision-making at the campus-level.

Most of the line managers generally are positive about labour relations practice at both campuses. The majority pointed out that they have, in general, healthy relations with the workers and the shop stewards. Serious problems that are encountered are perceived as expected and typical in the context of societies in

transition like South Africa. Both management and trade union representatives in the two case studies hold common perceptions around centralised bargaining. The blue-collar workers at both campuses (and indeed in most campuses nationally) have already been accorded some degree of participation in their recognition agreement packages with management. In this regard, the legislative innovations with respect to the idea of workplace forums, is an intensification of the degree to which the workers already participate in decision-making at their respective campuses. Half of the line managers at both campuses maintain that the institutions are likely to lay off some blue-collar workers in the next two to five years because of an inevitable rationalisation process and shrinking financial sources. Indeed retrenchments, more particularly at the UOFS, have affected the workers most severely thus far.

**CHAPTER SIX**

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**Summary and recommendations**

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**6.1 Introduction**

In this chapter, the summary of the research as well as a number of recommendations with which it hoped would contribute to the resolution of the research problem are outlined. The underlying objective of the empirical study was to analyse the dynamics of labour relations practice at the two specific case studies. Chapter one seeks to provide an exposition of the research methodology on which this study is based. The research design incorporated both qualitative and quantitative components and consisted of both the literature and empirical phases. The survey method was used as a mode of observation. Structured in-depth interviews were compiled and relevant strategic role-players in labour relations practice, namely the blue-collar workers, the shop stewards and the line managers at the two case studies participated as respondents.

A cross-section investigation on labour disputes and industrial action among the South African universities was performed in order to unearth and display the extent of the problem. The objective of this exercise is also rooted in a need to understand the extent of structural and substantive transformation of labour relations practice in this sector. Part of responding to this imperative was to develop an overview of industrial action in which the nature and dynamics of labour disputes and industrial action were evinced. A more comprehensive understanding of this overview was made possible by an integration of this overview with the broader history of industrial action within the South African industrial relations system. Printed media-reports were used extensively in developing an overview of industrial action in the South African university sector. Although these media-reports are more often than not, ambiguous in terms of

relating the incidences of labour disputes thoroughly, the purpose was to utilize them to put the picture of labour disputes and industrial action into perspective<sup>86</sup>.

On the basis of the investigation of industrial action in chapter two, the factors that contribute to labour disputes and industrial action in the South African university sector were clarified. The specific incidences of labour unrests were investigated in terms of how and when particular incidences of industrial action start and spread were discovered and analysed. The general outcomes/consequences of respective disputes and industrial action were discovered and critically analysed. In chapter two, therefore an array of an integrated source of information with which labour relations practice in the university sector in South Africa could be comprehended was developed. It was also necessary for the purpose of this study to provide a section accounting for the historical developments of the two case studies for this research. Chapter three accounts for this. The dynamics of labour relations practice at the two campuses could not be fully understood if their historical backgrounds were not narrated. In doing this, chapter three commences with a brief explication of the broad history of the case studies as well as brief backgrounds of labour relations practice at the two campuses.

As all social institutions in South African society are undergoing unprecedented process of social transformation, so are its in-house subsystems such as the labour relations practices at various workplaces. A key product of this social transformation has been the introduction and implementation of the new Labour Relations Act of 1995<sup>87</sup>. This Act has already begun to affect and influence employment relationships across various workplaces on land. The purpose of including chapter four on the new labour law is to provide both the guidelines of the new law as well as the implications of such guidelines on the outcome of

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<sup>86</sup> Cf. page 13.

<sup>87</sup> Cf. chapter four.

employment relations between the major role-players in the labour relations practice in the university sector.

Chapter five forms another dimension of the study, i.e. the empirical phase. Here the survey results are presented and discussed. With the findings on the empirical study, the research problem and research questions were addressed. As already highlighted in chapter one, the undertaking of this study was to investigate the full range of factors (i.e. social, economic political, organisational, institutional, etc) that impact on labour disputes and industrial action at the South African universities in general. The specific aim of this study was also to investigate these issues in the two case studies. This study is one of the few as far as could be ascertained to apply sociological analysis of industrial action in the South African university sector. Before the implementation of any transformation plan, no matter how ingenuous it might appear to be in terms of purporting to engineer institutional reorganisation, one naked harsh reality stands out visible. The university sector at large including the two case studies on the "historically Black" and "historically White" campuses, like many other societal institutions, have been deeply affected by lamentably far-reaching inequality. This study can therefore be of benefit in informing the restructuring and transformation processes currently experienced in this sector in order to truly transform this sector and help in bringing equity in labour relations practice in this sector.

## 6.2 Recommendations

It is recommended that Vista University must set in place the Adult Basic Education and Training (ABET) programme. In doing so strategies to motivate and persuade the workers to enroll in this programme must be given special attention so that these programmes should not just be cosmetic paper work, but be of tangible benefit to the workers. The ABET programme and training courses at the UOFS as well need to be improved with specific emphasis on the following areas: More flexibility should be exercised in the medium of instruction. The standard language for practical reasons should be English. Flexible ways in terms of attending and conducting classes need to be adopted so that the employees could also be able to execute their employment tasks as well as being able to fulfill their obligations and interests both in and outside the workplace. This arrangement can serve a useful purpose as a blueprint at Vista University in providing important insight when setting up the ABET programme.

The recommendations relating to the working conditions are also made towards the possible easing of employment relations. It is recommended that the responsibility of carrying out strenuous tasks at the UOFS should either be given to men instead of women because men are physically stronger than women are. As an alternative, tap water should be installed in an unused storeroom adjacent to lecture halls upstairs. This arrangement can go a long way in alleviating the problem because water would be easily accessible. The cleaning equipment would also be easily stored in this storeroom.

The women form the bulk of the blue-collar workers at the UOFS. The effects of the patriarchal system are still visible in the form of the continued oppression of women at work. In the light of this observation it is recommended that a more aggressive gender sensitive approach needs to be adopted both by the labour relations department/ human resource department and the trade union structures



at the two institutions. Part of this approach includes the implementation of a further recommendation that as a common practice in other universities throughout the country, the workers in the hostels should work five days a week. Only a minimum number of the workers in the hostels should be on duty on weekends to cook for the students. The students' rooms should not be cleaned on weekends, a practice already in operation at the other universities. One or two workers per hostel should be on duty starting at about 09h00 just to empty dustbins and sweep corridor floors on weekends in the hostels. The kitchen staff who have to be on duty early in the morning need to be picked up by transport provided for by the University. This is a common practice at some other universities in the country. The other universities alternatively provide accommodation for the kitchen staff who have to wake up early to prepare meals for the students.

The UOFS does not have a serious problem with the availability of staff, while Vista University does. The workers at Vista University pointed out that shortage of staff has resulted in the workers having to deal with an increased workload.

For more stable labour relations practice, the statistics relating to leave should regularly be reflected either on pay sheet or on the personal memoranda that has to be accessed by all workers. In this regard, the Basic Conditions of Employment Act (BCEA) 75 of 1997 confirm the provision in which the employer is bound to disclose such information on a regular basis to employees. In particular "section 29 (1) (n), (o) & (p) and section 30, 31, & 33 dealing with certain written particulars of employment, duty to inform employees of their rights, keeping of records and information about remuneration that must be given to employees n each pay day" (du Plessis, Fouché & van Wyk, 1998:41). This would go some way in terms of enhancing job satisfaction of the workers and minimising labour disputes. While the women have to be incorporated into the traditionally male dominated positions, care should be made not to over-stress the women with physically strenuous duties as is the case at the UOFS where

the women have to carry heavy objects such as beds, chairs, table, *etc* in the hostels. The other women in the other departments carry heavy baskets of water up and down long stairways.

The recognition of prior learning at both campuses among the blue-collar workers as has been and is still the case in South Africa in general does not count. It is hoped that with the new education system, the National Qualification Framework (NQF) under the auspices of the South African Qualification Authority (SAQA), a significant change will be observed in this regard.

The security workers at both campuses are faced with a problem in which their working conditions are not conducive to carrying out their obligations properly. At the UOFS for example, there is no proper shelter for these workers. When it rains or very hot the security workers have to squeeze into a small wooden shelter. Despite the fact that the security service personnel at Vista University is provided by the private contractor, at night the security personnel has to work in the dark because of lack of electrification in the boom gate area. The responsibility of installing electrification in this area clearly belongs to management. It is recommended that electricity be installed in the boom gate area.

It is further recommended that disciplinary code and procedures be reformulated with the participation of employees through their representative trade unions. Further recommendations with respect to bargaining arrangements is that centralised bargaining in the university sector be accommodated in the current transformation process. A shift to centralised bargaining should be seen in the broader context of democratisation of the university sector. A bargaining council for the university sector could prove more effective in dealing with the conditions of service, wages, promotion of education and training programmes, *etc*. The possibility of introducing a sister Bargaining Council like the Education Labour Relations Council (ELRC) for the university sector need to be viewed in a serious

light<sup>88</sup>. However, a certain degree of flexibility (i.e. flexible bargaining) should be incorporated to accommodate labour relations issues more suited to the shopfloor level. Centralised bargaining will ensure consistency and predictability and more stable labour relations practice in this sector. The transformation of labour relations practice is imperative in the context of transformation topics around integration of curricula, a shift towards regional consortia in response to diminishing resources, and increasing competition by the so-called "fly by night" colleges in offering higher education. These new realities present complex challenges to institutions. Regional integration especially, as part of the rationalisation process is condoned by government in this respect. The proper transformation implies that regional integration of institutions has to incorporate integration of labour relations departments of which various institutions are an integral part. This is an important step towards establishing centralised bargaining.

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<sup>88</sup> NEHAWU as a major trade union force in this sector at present is calling for the establishment of the Tertiary Education Ministry to be established to facilitate the transformation of tertiary education institutions (cf. chapter two).

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APPENDIX A

**INTERVIEW SCHEDULE FOR THE BLUE-COLLAR WORKERS**

**OFFICE US**

**A BIOGRAPHICAL PARTICULARS:**

1 **Gender**

Male	1	Female	2
------	---	--------	---

2 **Age**

18 years and younger	1
19 - 39 years	2
40 - 60 years	3
61 and older	4

3 **What is your highest educational qualification?**

Std 6 and less	1
Std 7	2
Std 8	3
Std 9	4
Std 10	5

4 **Did you receive on-the-job training?**

Yes	1	No	2
-----	---	----	---

5 **Where do you live, Mangaung, Botshabelo, Thaba Nchu, etc?**

---

6 **What type of work do you do, e.g. Cleaner, Gardener, Security Officer, etc?**

---

7 **How many years have you been working at this University?**

<5 years	1
6 -10 years	2
11 - 15 years	3
16 years and more	4

8 **Which describes your employment position best?**

Full-time	1	Temporary / Part-time	2
-----------	---	-----------------------	---

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

9 **Income**

9.1 In which salary category do you fall before deductions?

Per Month	
R700 and less	1
R701 - R800	2
R801 - R900	3
R901 - R1 000	4
R1 001 - R1 500	5
R1 501 - R2 000	6
More than R2 000	7

9.2 How many people are you supporting with your salary?

1
2
3
4
5
6 and over

B **JOB SATISFACION:**

To what extent do you agree or disagree with each of the following statements:

- Key:
- 1 - Strongly Agree
  - 2 - Agree
  - 3 - Uncertain
  - 4 - Disagree
  - 5 - Strongly Disagree

10	I am unhappy in the Department where I work	1	2	3	4	5
11	My fellow workers are generally happy to work here	1	2	3	4	5
12	My supervisor praises me when I do my work well	1	2	3	4	5
13	Management is doing enough to improve working conditions	1	2	3	4	5
14	My work load is too heavy	1	2	3	4	5


15 Since been employed by this institution, has your attitude towards it ...

Improved	1	Remained the same	2	Deteriorated	3	Uncertain	4
----------	---	-------------------	---	--------------	---	-----------	---

16 How regularly are you informed by management about developments/ events that have implications for you?

Always	1	Mostly	2	Seldom	3	Never	4
--------	---	--------	---	--------	---	-------	---

How satisfied are you with respect to each of the following aspects at your workplace?

	Very Satisfied	Satisfied	Uncertain	Dissatisfied	Very Dissatisfied
17	1	2	3	4	5
18	1	2	3	4	5
19	1	2	3	4	5


**C WORKERS' VIEWS ON THE UNIONS**

20 Do you belong to a trade union?

Yes	1	No	2
-----	---	----	---

20.1 If yes, what trade union do you belong to?

---



21 Do you think shop stewards at this university are doing enough to represent the workers' interests?

Yes	1	No	2
-----	---	----	---

22 If no, why not?

---



---



23 Are you happy about the way in which trade unionists conduct meetings?

Yes	1	No	2
-----	---	----	---

*(If yes, go question 24)*

23.1 If no, please motivate your answer.

---



---



24 What do you like most about the trade union in general?

---



---



25 What do you dislike most about the trade union in general?

---



---

D **WORKING CONDITIONS**

26 What time do you start work?

\_\_\_\_\_

27 What time do you have to leave your home in the morning to be in time for work?

\_\_\_\_\_

28 Is this time convenient for you?

Yes	1	No	2
-----	---	----	---

29 What time of the day do you stop working?

\_\_\_\_\_

30 What time do you reach home?

\_\_\_\_\_

31 How many days do you work in a week?

4 or less days	1
5 days	2
5 and a half days	3
6 days	4
7 days	5

32 Do you get day offs?

Yes	1	No	2
-----	---	----	---

*(If no, go to question 33)*

32.1 If yes, how frequently?

One day off per week	1
One day off per fortnight	2
One day off per month	3
More than one day off per month	4

33 Are you entitled to annual leave?

Yes	1	No	2
-----	---	----	---

*(If no, go to question 34)*

33.1 Is your leave paid leave?

Yes	1	No	2
-----	---	----	---

33.2 How many days is your annual leave?

\_\_\_\_\_

34 Do you get sick leave?

Yes	1	No	2
-----	---	----	---

Indicate if you are satisfied or dissatisfied about the following processes at your workplace:

35 Transformation 

Satisfied	1	Dissatisfied	2
-----------	---	--------------	---

36 Affirmative action 

Satisfied	1	Dissatisfied	2
-----------	---	--------------	---

37 In your opinion, do you think workes should have representation in the university council?

Yes	1	No	2
-----	---	----	---

37.1 Motivate your answer.

---

---

---



38 Do you think students should be involved in sympathy action in support of workers' demands?

Yes	1	No	2
-----	---	----	---

38.1 Motivate your answer.

---

---

---



39 If you have a grievance, what do you usually do?

Go to your supervisor	1
Report the grievance to your shop steward	2
Keep quiet for fear of victimisation	3

Indicate if you agree or are undecided on the following statements

40 It is good to be represented when a disciplinary inquiry is conducted against an employee

Agree	1	Disagree	2	Undecided	3
-------	---	----------	---	-----------	---

41 When workers embark on industrial action, it is justifiable to barricade the streets to make management feel the effects of industrial action

Agree	1	Disagree	2	Undecided	3
-------	---	----------	---	-----------	---

42 What is the most serious problem you face as a worker?

---

---

---



43 According to your experience, has the recruitment policy of the institution ...

Improved	1	Remained the same	2	Deteriorated	3	Uncertain	4
----------	---	-------------------	---	--------------	---	-----------	---

44 Are you satisfied about your leave?

Yes	1	No	2
-----	---	----	---

45 Which language do you prefer as an official one in your workplace?

English	1
Afrikaans	2
Other	3

46 Does management provide training courses for the blue-collar workers?

Yes	1	No	2
-----	---	----	---

*(If no, ignore questions 46.1 & 46.2)*

46.1 Do you have any problem with the way the courses are presented?

Yes	1	No	2
-----	---	----	---

46.2 If yes, what do you find problematic about the courses?

---

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THANK YOU FOR YOUR PARTICIPATION



APPENDIX B

**TRADE UNION QUESTIONNAIRE SCHEDULE**

**OFFICE USE**

--	--	--

GENERAL INFORMATION REGARDING TRADE UNIONS

1 What is the name of the trade union you are affiliated to?

---



2 What is your position in the union, e.g. Organiser, Shop Steward, Senior Shop Steward, etc?

---



3 Did trade union membership at this university increase or decline in the past few years?

Increased	1	Decreased	2	Do not know	3
-----------	---	-----------	---	-------------	---

3.1 If increased, why?

---



---



3.2 If declined, why?

---



---



4 What type of meetings do you have, e.g., Committee, Shop Steward/Management, Shop Steward/Council meetings, etc. State all.

---



---



5 How often are these meetings held?

Every Week	1
Every fortnight	2
Every Month	3
Once in 3 Months	4
Once in 6 Months	5
Once a year	6

6 Has the union been party to the formulation of disciplinary code and procedure?

Yes	1	No	2
-----	---	----	---

7 Which level of bargaining in the university sector would you prefer?

Centralised	1
Shopfloor	2
Both	3

7.1 Please motivate your answer.

---

---

---

8 In your experience, is the disciplinary procedure fair?

Yes	1	No	2
-----	---	----	---

(If yes, go to question 10)

9 If no, please motivate your answer.

---

---

---

10 How would you describe your relationship with management?

---

---

---

11 Has your relationship with management in the recent past ...

Improved	1	Remained the same	2	Deteriorated	3	Uncertain	4
----------	---	-------------------	---	--------------	---	-----------	---

12 Management appreciates your effort of contributing to sound labour relations practice.

Agree	1	Disagree	2	Uncertain	3
-------	---	----------	---	-----------	---

13 The rate in which affirmative action is implemented is reasonable.

Agree	1	Disagree	2	Uncertain	3
-------	---	----------	---	-----------	---

14 Is management doing enough to improve working conditions in your department?

Yes	1	No	2
-----	---	----	---

(If yes, go to question 15)

14.1 If no, please explain.

---



---



---



To what extent do you agree or disagree with each of the following statements:

- Key:
- 1 - Strongly Agree
  - 2 - Agree
  - 3 - Uncertain
  - 4 - Disagree
  - 5 - Strongly Disagree

15	We have a fair disciplinary procedure in place at our work	1	2	3	4	5
16	It is necessary to represent the worker when a disciplinary case is handled	1	2	3	4	5
17	Management is doing enough to improve working conditions	1	2	3	4	5
18	Workers are generally happy to work here	1	2	3	4	5
19	The promotional system here is fair	1	2	3	4	5
20	The transformation process carries on fairly well	1	2	3	4	5
21	When workers embark on industrial action, it is justifiable to barricade the streets to make management feel the effect of industrial action	1	2	3	4	5
22	Participation of workers in the trade union meeting is poor	1	2	3	4	5


THANK YOU VERY MUCH FOR YOUR CO-OPERATION

APPENDIX C

MANAGEMENT QUESTIONNAIRE SCHEDULE

OFFICE USE

--	--	--

**NOTE:** The blue-collar worker for the purpose of this study refers to workers doing manual as opposed to administrative work

1 What is your occupational position, e.g. Foreman, Supervisor, Industrial Relations Officer, etc?  
\_\_\_\_\_

2 How many years have you been working here?

<5 years	1
6-10 years	2
11-15 years	3
16 years and >	4

3 Did you receive any on-the-job job-training?

Yes	1	No	2
-----	---	----	---

(If no, skip question 4)

4 What on-the-job training did you receive?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5 What are your main duties (job description)?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Indicate if the following aspects form part of the agenda of the management/union meetings.

	No	Yes
6 Communication between management and workers	1	2
7 Workers' grievances	1	2
8 Productivity improvement programme	1	2
9 Wage negotiations	1	2
10 Disciplinary action	1	2
11 Restructuring	1	2
12 Disclosure of information	1	2
13 Other, specify _____	1	2


14 Do you think workers should have representation in the University Council?

Yes	1	No	2
-----	---	----	---

14.1 Motivate your answer.

---

---

---

15 Does management have incentive schemes such as merit awards for the blue-collar workers?

Yes	1	No	2
-----	---	----	---

*(If no, go to question 16)*

15.1 If yes, briefly explain them.

---

---

---

---

16 How would you explain your relationship with the unions?

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---

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17 Do you think disparity in annual wage increases between the blue-collar workers and other occupational groups is justifiable?

Yes	1	No	2
-----	---	----	---

17.1 Motivate your answer.

---

---

---

18 What is the most serious personnel problem related to the blue-collar workers you face as management?

---

---

---

19 Do you think this institution needs to transform?

Yes	1	No	2
-----	---	----	---

19.1 Motivate your answer.

---



---



---



20 Do you think affirmative action is justifiable?

Yes	1	No	2
-----	---	----	---

20.1 Motivate your answer.

---



---



---



21 Which level of bargaining in the university sector would you prefer?

Centralised	1
Shopfloor	2
Both	3

21.1 Motivate your answer.

---



---



---



22 Has your relationship with the trade union(s) in the recent past...

Improved	1	Remained the same	2	Deteriorated	3	Uncertain	4
----------	---	-------------------	---	--------------	---	-----------	---

23 During the next two to five years do you intend to:

Employ more people?	1
Maintain the current number of employees?	2
Reduce the number of employees	3
Uncertain	4

23.1 Motivate your answer for your choice

---



---



---



THANK YOU FOR YOUR PARTICIPATION



APPENDIX D



Department of Sociology  
Faculty of Social Sciences

339 BLOEMFONTEIN 9300  
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REPUBLIC OF SOUTH AFRICA  
FAX (051) 401-2117 SA  
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Our ref:

Your ref: L.A MOTLOUNG

19 February 1998

The Vice-Rector/Campus Director

The Department of Sociology is conducting a research project on sociological analysis of industrial action among the blue-collar workers in South African universities. The purpose of this project is to investigate the full range of factors (i.e. social, economic, political, organisational, institutional, etc) causing labour disputes and industrial action at South African universities.

This study will be of invaluable benefit both to the industrial relations/Human Resource Departments and the working movement alike, particularly at the University of the Orange Free State (UOFS) and Vista satellite campus in Bloemfontein as it attempts to magnify a deeper understanding of the nature, problems and dynamics of labour relations practice at the South African universities.

The researcher is hereby requesting for permission and co-operation in conducting interviews with the blue-collar workers and line managers for the purpose of this study.

The information provided will be treated with strictest confidentiality.

Your co-operation is highly appreciated.

Yours sincerely

L.A MOTLOUNG

# THE UNIVERSITY OF THE ORANGE FREE STATE



## Department of Sociology Faculty of Social Sciences

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Our ref:

Your ref: L.A MOTLOUNG

19 February 1998

The Secretary

The Department of Sociology is conducting a research project on sociological analysis of industrial action among the blue-collar workers in South African universities. The purpose of this project is to investigate the full range of factors (i.e. social, economic, political, organisational, institutional, etc) causing labour disputes and industrial action at South African universities.

This study will be of invaluable benefit both to the industrial relations/Human Resource Departments and the working movement alike, particularly at the University of the Orange Free State (UOFS) and Vista satellite campus in Bloemfontein as it attempts to magnify a deeper understanding of the nature, problems and dynamics of labour relations practice at the South African universities.

The researcher is hereby requesting for permission and co-operation in conducting interviews with the shop stewards for the purpose of this study.

The information provided will be treated with strictest confidentiality.

Your co-operation is highly appreciated.

Yours sincerely

L.A MOTLOUNG

## Summary

In recent years, the South African university sector has come to be characterised by trade union and student backlash. The roots of the crises lie in the need to transform this sector. The acceptability and effectiveness of tertiary education institution rest fundamentally on visible institutional change that parallels the change the country is currently undergoing. One of the flashpoints in the transformation process in this sector has been a wave of industrial action by the blue-collar workers amidst the arbitrary and often paternalistic authority of almost an all white management in virtually all the university campuses nationally.

The 2<sup>nd</sup> of February 1990, however, brought into the scene the whole array of changes that overhauled the draconian-type social policy of the apartheid regime. The constitutional talks in the Convention for Democratic South Africa (CODESA) gave way to democratic elections that resulted in the Government of National Unity (GNU). In the first five years in office, the African National Congress (ANC) led government introduced far-reaching legislative mechanisms including the supreme law of the land, (the Constitution) within which transformation and nation building objectives were envisaged. Part of these vicissitudes relates to democratisation of labour relations in South Africa. Applicable pieces of legislation were accordingly revised. The most fundamental change is the introduction and implementation of the new Labour Relations Act 66 of 1995 (LRA) which became operational in November 1996.

The labour movement and management view these changes differently. The blue-collar workers on the one hand have certain expectations about these changes. They expect that things would change for the better at their respective workplaces/campuses, that their working conditions and security of their jobs would improve. The university management on the other hand views itself as being hard-pressed by imposing government directives that prescribe inflexible preconditions to transform their institutions. The protracted labour disputes and

accelerated incidences of industrial action in this sector were largely propelled by abysmal conditions perpetrated by banditry oriented policies of the past system. The current labour disputes especially in the early nineties between the blue-collar workers and management authorities should be seen in this context.

This study undertook an investigation, clarification and delineation of the full range of factors (i.e. social, economic, political, organisational, institutional, etc) causing labour disputes and industrial action at South African universities. The investigation was performed both through the literature and empirical studies. Two university campuses in the Free State, the University of the Orange Free State (UOFS) and Vista University in Bloemfontein formed case studies for the empirical part of the research. The literature study consists of the reconstruction of the history of labour relations system in South Africa in which the influences that this broad labour relations practice on industrial action pattern in the South African university sector in particular were evinced. The literature study also covers the historical background of the two case studies as well as background of their labour relations practice. A detailed explication on the objectives of the new Labour Relations Act (LRA) and on how the parties in labour relations practice in this sector would be affected by this law also formed part of the literature study. The main objective of the LRA is to promote productive employment relationships.

In the empirical phase of the study, insightful findings regarding labour relations practice were noted on two methodologically relevant case studies, the "historically Black" and "historically White" institutions. The empirical study consists of descriptive and exploratory investigations of the biographical profile of the respondents at both campuses. There has been compelling evidence that generally defines more severe consequences of industrial action in the former category of institutions as opposed to the latter. Although the findings of this study cannot simply be generalised to other campuses, the study provides useful

insights that can be drawn to enhance amity in labour relations in the rest of the campuses nationally.

The value of the study lies in the sociological contribution it seeks to make in terms of attempting to magnify a deeper understanding of the nature, problems and dynamics of labour relations at South African universities. The study also attempts to make a revelation regarding some of the subtle transformatory factors that have come to riddle labour relations practice in the university sector in South Africa.

## Opsomming

Gedurende die afgelope paar jaar is die Suid-Afrikaanse universiteitsektor toenemend gekenmerk deur vakbonde en studenteopstand. Die oorsake van die krisis is geleë in 'n behoefte om hierdie sektor te transformeer. Die aanvaarbaarheid en effektiwiteit van tersiêre instellings berus fundamenteel by sigbare institusionele verandering, soortgelyk aan die veranderinge wat tans ook in die land aan die gang is. Een van die kern aspekte van die oorgangsproses in die universiteitsektor, was die golf van bedryfsaksie deur blouboortjiewerkers te midde van arbitrêre en dikwels paternalistiese gesag van 'n bykans eksklusiewe wit bestuur in so te sê al die universiteitskampusse in die land.

'n Hele reeks veranderinge het eëgter op 2 Februarie 1990 op die toneel verskyn, wat die drakoniese styl van sosiale beleid, eie aan die apartheidsbestel, uiteindelik sou inhaal. Die grondwetlike samesprekings in die *Convention for Democratic South Africa* (CODESA) het die weg tot 'n demokratiese verkiesing oopgelê, wat uiteindelik ook die tot stand koming van die Regering van Nasionale Eenheid (RNE) sou moontlik maak. Die *African National Congress* (ANC) het gedurende sy eerste vyf jaar aan bewind verrykende wetgewende meganismes ingestel, waaronder die grondwet transformasie en nasie-bou as baie belangrike oogmerke voorgelê het. 'n Gedeelte van hierdie veranderinge hou ook verband met die demokratisering van arbeidsverhoudinge in Suid-Afrika en gevolglik is toepaslike gedeeltes van bestaande wetgewing diensooreenkomstig hersien. Die mees fundamentele wysiging is die voorstelling en implementering van die nuwe Wet op Arbeidsverhoudinge 66 van 1995 wat in November 1996 in aanvang gekom het.

Terwyl blouboortjiewerkers sekere verwagtinge in verband met hierdie veranderinge koester, sien die arbeidsbeweging en –bestuur dit anders. Eersgenoemde verwag dat dinge by hul onderskeie werkplekke/kampusse aansienlik sal verbeter en dat werksomstandighede en –sekuriteit 'n positiewe rigting sal inslaan. Aan die ander kant beskou die universiteitsbestuur hulself in 'n

moeilike situasie waarin die regering onbuigbare riglyne voorskryf as voorvereistes tot verandering. Die uitgerekte arbeidsonenigheid en die verhoogde insidensie van bedryfsaksie in hierdie sektor, was grootliks voortgedryf deur grondelose omstandighede, veroorsaak deur die selfgesentreerde beleide van die vorige sisteem. Die huidige arbeidsgeskillen, veral dié van die vroeë negentigs tussen blouboortjiewerkers en bestuursliggame, behoort dan ook in hierdie konteks gesien te word.

Hierdie studie ondersoek, verklaar en skets 'n prentjie van die volledige span van faktore (bv. sosiaal, ekonomies, polities, organisatories, institusioneel, ens.) wat arbeidsgeskillen en bedryfsaksies by Suid-Afrikaanse universiteite veroorsaak. Die ondersoek is beide deur middel van literatuur- en empiriese studies uitgevoer. Twee universiteite in die Vrystaat, naamlik, die Universiteit van die Oranje Vrystaat (UOVS) en Vista Universiteit in Bloemfontein, het gevallestudies vir die empiriese gedeelte van die navorsing voorsien. Die literatuurstudie verteenwoordig 'n rekonstruering van die geskiedenis van arbeidsverhoudinge in Suid-Afrika, waartydens die invloed van die breër arbeidsverhoudingspraktyk op die bedryfsaksiepatroon in die Suid-Afrikaanse universitêre sektor, van nader beskou word. Die literatuurstudie omvang verder die historiese agtergrond van die twee gevallestudies, waartydens 'n oorsig van byde universiteite se arbeidsverhouding-geskiedenis aan die leser voorsien word. 'n Gedetailleerde verduideliking wat handel oor die doelwitte van die nuwe Wet op Arbeidsverhoudinge, en ook 'n verklaring van hoe die verskillende partye, betrokke by die arbeidsverhoudingspraktyk deur die nuwe wet geraak sal word, is ook in die literatuurstudie vervat. Die belangrikste doelwit van die nuwe wet is om produktiewe indiensnemingsverhoudinge uit te bou.

Insiggewende bevindinge in verband met arbeidsverhoudingspraktyk, het uit die empiriese fase van die studie in die twee metodologies relevante gevallestudies ("histories Swart" en "histories Wit") na vore gekom. Die empiriese studie word eerstens gekenmerk deur sy<sup>7</sup> beskrywende en verkennende inslag op die biografiese profiel van respondente op byde kampusse. Daar bestaan duidelike bewyse dat bedryfsaksie in "histories Swart" universiteit meer verrykende



gevolge meebring as wat die geval by die "histories Wit" universiteit is. Alhoewel die bevindinge van die studie nie bloot na ander kampusse in Suid-Afrika veralgemeen kan word nie, voorsien dit tog bruikbare insigte wat effektief benut kan word om 'n vriendskaplike atmosfeer tussen universiteitskampusse in Suid-Afrika te kweek.

Die waarde van die studie is geleë in die sosiologiese bydra wat dit poog om te maak, deur 'n dieper begrip van die aard, probleme en dinamika van arbeidsverhoudinge in Suid-Afrikaanse universiteite by mense tuis te bring. Die studie poog verder ook om sekere meer subtiële oorgangsfaktore, wat dwarsdeur al die Suid-Afrikaanse universiteite besaai lê, te ontbloot.

UO.V.S. BIBLIOTEK