

Unionisation

In his discussion on unionisation in South Africa during the 1970s and 1980s, researcher Steven Friedman describes agricultural and domestic workers as "workers the eighties forgot". He might well have added public service workers.

The rapid unionisation and worker militance of the 1970s and 1980s bypassed the state. Its internal industrial relations remained hidden from the public eye. Apart from a few isolated attempts by relatively unknown unions, state employees did not organise effectively until the early 1990s. By this time, the transition to democracy had begun in earnest.

Employment relations

The formal management and co-ordination of labour relations within the South African state began with the formation of the Public Service Commission (PSC) in 1912, two years after the creation of an independent national state. Its stated purpose was to "depoliticise personnel relations" and to develop an efficient and competent administration.

The Commission has remained virtually unchanged over the years. It was renamed the Commission for Administration (CFA) in 1984 and granted wider responsibilities. In the early 1990s, it once again became known as the PSC.

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Functions

The PSC was responsible to parliament. It could make recommendations, but these had to be approved by parliament or a cabinet minister. Its major function was to co-ordinate and regulate employment in the different state departments. It also played an important planning and policy function with regard to employment issues. It was responsible for all aspects of the employer-employee relationship. These included:

- bargaining with workers around conditions of service,
- disciplinary action not resolved at departmental level,
- the resolution of grievances between the state and individual employees.

Although departments had responsibility for day-to-day labour relations issues, through the PSC, management became highly centralised. This tendency increased over time. The PSC has become an extremely bureaucratic form of management, based on a complex web of rules and regulations contained in various legislative measures, such as the Personnel Administration Standard (PAS) and, in particular, the Public Service Act of 1954.

Management

As in the private sector, the style of management has been slow to change. Management techniques were intended to enforce strict control over employees. The PSC, for example, had an Organisation and Work Study Directorate, staffed by inspectors who supervised the activities of departments, almost all of whom had work study officers. The work of these officers involved "examining methods and procedures in minute detail and determining what has to be done, why it has to be done, how it is done and how that which must of necessity be done, can be done better" It was only in the early 1990s that new techniques, such as quality circles, were experimented with in the public service. These techniques had been in widespread use in other countries from the 1960s.

Job structure

Public service jobs are fragmented and relatively poorly remunerated. The job structure is highly complex and characterised by "an extraordinary number of job categories and a correspondingly complex system of wages and wage differentials" (Standing et al, 1996). By the early 1990s the number of 'occupational classes' had been reduced from 520 to 340, but salary differentials remained marked. Low wages for unskilled workers and for those involved in service delivery, notably nurses and police, persisted.

In all the occupational groups, wage rates and conditions of employment have varied significantly by race and gender (see p 20) De Bruyn notes that the hierarchy is: "white men, white women, African men and, at the bottom, African women". With the exception of nursing and educational work, occupational differentiation has persisted, with Africans and women being concentrated in the

lesser skilled categories of work. Until the late 1980s, this was exacerbated by the categorisation of employees into officers (with permanent status), temporary, and contract workers.

While there have been attempts to iron out differentiation and discrimination, the state's ability to address these problems is constrained by a prior commitment to reducing the wage bill as a proportion of public service consumption expenditure. Employment relations continue to provide ample grounds for grievances on the part of public service employees and, theoretically, for sustained collective organisation.

Unionisation

The largest organisation within the civil service, the Public Servants Association (PSA) was formed in 1920, shortly after the Public Service Act provided for the recognition of staff associations. Recognition was based on majority representation of 'officers' - permanent employees in the various divisions of the public service. It also required that staff associations be representative of certain 'interest groups', which translated into representivity along racial lines. The PSA therefore represented white, permanent civil servants

With recognition came formal consultation through the Public Service Joint Advisory Council, a body established by the PSC which met annually and which was composed of equal representation of the PSA and the PSC. The Council was a purely advisory body with which the PSC consulted on labour relations issues.

The PSA remained the only organisation within the public service until the 1980s. Although there were other bodies, such as the Medical Association of South Africa (MASA), these played no significant role with regard to labour relations. From the

early 1980s, the number of bodies expanded and by 1985, the Commission had granted recognition to the Public Service League (PSL), the Public Service Union (PSU) and the Institute of Public Servants (IPS). All of these were represented in the Advisory Council.

Bounded consultation

All the organisations active within the state up until the 1990s could be classified as staff associations. Their role was either purely advisory, or involved some form of consultation. They did not conceive of themselves as trade unions. They had limited independence from their employer and industrial action did not feature on their agenda. They were all racially based and, except for the PSL, represented mainly permanent employees.

This is not to suggest that these associations were completely ineffective. They were able to raise a number of concerns and they did so regularly, particularly regarding wages and other conditions of employment. The PSA played a key role in improving pension benefits and it lobbied for the introduction of collective bargaining during the 1980s.

Transition

From the late 1980s, the public service entered a period of turmoil, which set in motion a process of profound change in labour relations. The origins of this process lay in an attempt by the state to restructure itself so as to reduce its size and expenditure. From the mid-1980s it began a process of 'commercialisation' of state enterprises, which entailed retrenchments, a freeze on new employment, attempts to reduce real



Public sector workers march against privatisation.

wages and a privatisation of large parts of the public sector.

In 1988, the CFA submitted proposals to the cabinet aimed at amending the Public Service Act to allow for joint determination of remuneration and conditions of service by staff associations and the PSC. In the same year, a directorate of labour relations was established by the PSC to undertake research, evaluate the state of labour relations and to liaise with staff associations to "constitute bargaining and consulting bodies and to provide supporting services for them".

Strikes

These changes did little to delay the inevitable. In late 1989 and 1990, health workers, teachers, police and prison

warders embarked on a wave of strike action. Many workers were not union members and only joined unions after going on strike. In nearly all cases the underlying issues were the same: wages, union recognition, solidarity with dismissed or harassed workers and discriminatory treatment.

Over the next few years, the number of trade unions organising public service workers grew rapidly. Membership of existing unions, such as NEHAWU and the PSA, increased dramatically. Negotiations around a new legal dispensation started soon after the strikes, culminating in the adoption of the Public Service Labour Relations Act (PSLRA) in 1993. This put in place a labour relations system in line with that governing the private sector.

The PSLRA

The PSLRA marked a key moment in the transition of public service labour relations and highlighted a controversial issue, namely whether the public service should be governed by a separate dispensation or whether it should be incorporated within the ambit of the LRA.

The PSLRA was passed in 1994, but it was short-lived. In late 1996, the public service was included in a revised LRA, albeit with certain transitional measures. The transition in public service labour relations was formally complete, but in many respects the real challenges of transformation were only beginning.

Representation

During the transitional period, a number of crucial institutional and political changes occurred. These have shifted the nature of labour relations from consultation to interaction between the state and representative organisations.

The first of these changes was the creation of a new collective bargaining

structure consisting of a central chamber, provincial councils and departmental structures (see p 39). In the education sector, a separate bargaining structure, the Education Labour Relations Council (ELRC) was set up. A negotiation forum has also been established for the police.

Labour relations were transferred from the PSC to the newly established Office of the Minister for the Public Service and Administration. A process of negotiation, which had been started in the early 1990s, was formalised within this structure, although the primary emphasis appears to be on Chamber negotiations.

The third major change was the statutory recognition of trade unions, first under the PSLRA, and then in terms of the LRA. This established a permanent foothold for the unions that had been struggling to gain a presence since the 1980s. It also opened the door to new unions and increased competition between unions. By 1995, 19 unions and staff associations were meeting with government representatives in the Chamber.

Growth

In the early 1980s the PSA was the largest organisation, with approximately 80 000 members. By 1997 there were in excess of 20 organisations representing roughly 760 000 employees, a union density of approximately 54%. In the 1980s Japan registered 67%, West Germany 75%, and Britain 80%. In relation to these countries and to the local manufacturing industry, South Africa's rate is still low.

Although there is an absence of data for the different branches of the public service, it would be safe to assume that there is significant variation and that this is likely to be further affected by the rationalisation or rightsizing programme currently underway. Union density is probably highest within the health and

education sectors, and lowest within the central and provincial administrations. Local government has been unionised for some time and has been regulated by the LRA.

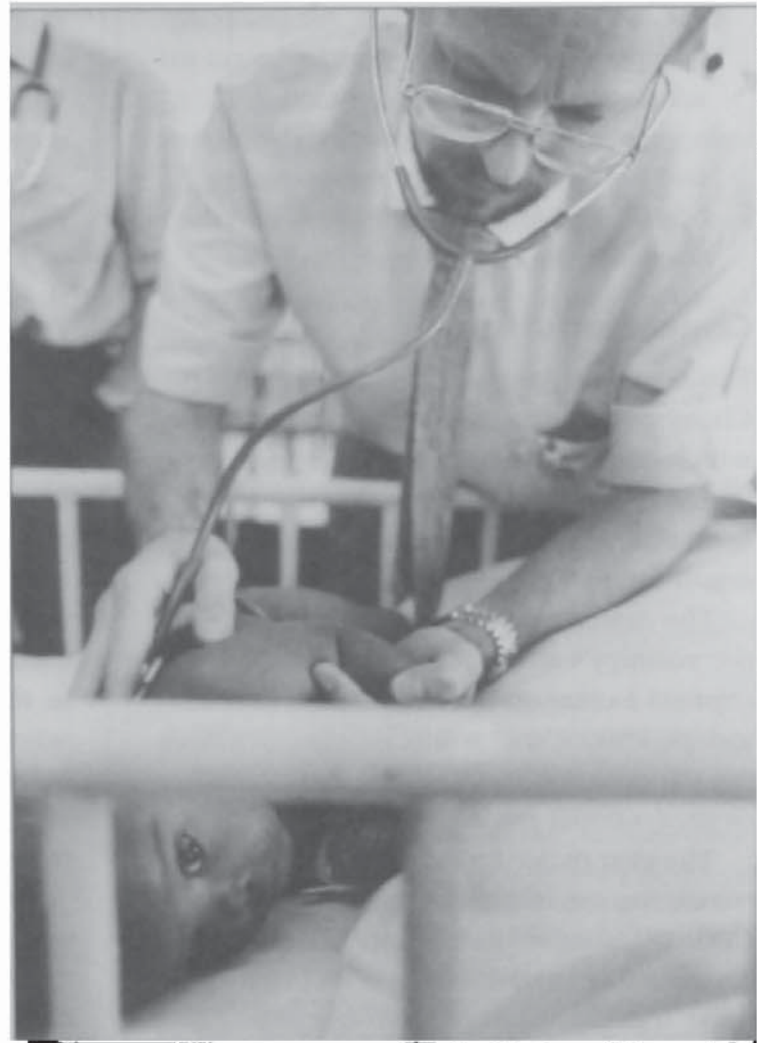
Classification

The organisations representing workers in the public service differ in significant respects. Indeed, to refer to the 'unionisation' of the public service is something of a misnomer. The following types of organisation can be identified:

□ *Staff associations* are involved in advisory forums, consultation and full scale negotiations. Their preparedness to take industrial action is not always easy to determine. Their degree of independence from the employer may vary. They tend to represent workers in the more skilled occupations and offer a fairly wide range of benefits to their members.

Examples of such organisations include the South African Public Servants' Association (SAPSA), the Public and Allied Workers' Union of South Africa (PAWUSA), the United National Public Servants' Association of South Africa (UNIPSA), the PSA and the PSU.

□ *Professional associations* represent the interests of highly skilled personnel. They may also play a role in the regulation of entry into professions through certification procedures and training requirements. Examples include MASA and, possibly, the Health Workers' Union (HWU) and the Democratic Nursing Organisation of South Africa (DENOSA). Organisations such as SADTU and the Hospital



pic: Paul Wenter © South Press Agency

Professional associations represent skilled personnel.

Personnel Association of South Africa (HOSPERSA) are concerned with particular features of professional and semi professional groupings, such as educators and nurses, leading to certain organisational dynamics which distinguish them from those oriented primarily to blue-collar workers. Organisations that do not have the membership size to qualify for access to the Central Chamber, but which fall within this category are the Lebowa Magistrates Association, the Society of State Advocates of South Africa and the Association of State Attorneys.

□ *Trade unions* express a clear commitment to negotiation on behalf of members, backed up, if necessary, by

the use of sanctions. They are generally independent of employers and tend to adopt a more member-centred approach in their organisational structure and functioning. Examples include NEHAWU, SADTU, HOSPERSA, and the South African Police Union (SAPU).

Characteristics

The organisations party to the Central Chamber exhibit a number of characteristics which distinguish them from their private sector counterparts and which illustrate their different backgrounds and organisational development.

The majority are not affiliated to any of the country's major federations and express a clear commitment to independence and political neutrality. With the exception of SAPU, these are all staff or professional associations.

The two major federations to which the remaining organisations are affiliated are COSATU (four affiliates) and FEDUSA (three affiliates). Despite the fact that these federations have relatively few affiliates amongst the organisations represented in the Chamber, they represent the largest number of organised workers. They tend to operate as two powerful blocs to which the other organisations align themselves.

All the organisations present in the Central Chamber engage in collective bargaining on behalf of their members around remuneration and conditions of service. This is a recent development. It has led to significant changes in the character of those organisations that did not previously engage in bargaining activity. The move to collective bargaining has been accompanied by an increase in militance, with some staff associations having engaged in strike action during the past few years.

With the exception of the IPS and POPCRU, all organisations report an

increase in membership and for some, such as the PSA, SADTU, SAPU and NEHAWU, membership growth has been extremely rapid over a relatively short period of time. Mergers have not been a real factor in this growth.

There is, however, a considerable degree of overlapping membership between organisations, a feature not found amongst private sector organisations. Nurses, for example, may belong to both HOSPERSA, which offers an indemnity scheme, as well as NEHAWU, which offers a militant and predominantly black working class orientation.

Employee organisations in the public service are relatively more heterogeneous in terms of racial and gender composition when compared to private sector unions. Many of the staff associations represent a wide spread of occupational groupings, from management to unskilled workers.

While most organisations claim to practice decentralised decision-making, this is complicated by the fact that they have relatively few branches compared to unions of similar size in the private sector. The high degree of centralisation of collective bargaining complicates these efforts. A decentralised structure would, however, be in keeping with recent moves towards decentralised decision-making within the structures and departments of the state in general (see p 39). Finally, quite a few organisations are regionally based, for example, HWU and NAPSA.

In 1979, the Wiehahn Commission argued for the extension of worker rights to public servants and their inclusion under the LRA. These recommendations were not politically acceptable to the government of the time. The fact that the public service did not fall within the terms of reference of the PSC offered the state a ready-made excuse for ignoring its recommendations.

The consequences of the 15-year delay in modernising public service labour relations have now been inherited by the new state. Government's vision for the public service involves "an ethos of service, geared towards development and the reduction of poverty". This is based on "the maintenance of fair labour practices for all public service workers". Attaining such a vision would be difficult enough even if state policies and services were grounded in stable, efficient and productive labour relations. The fact that the state has to grapple with the transformation of its own labour relations, while simultaneously creating a new public service, presents a formidable challenge.

The new state does not have a well developed relationship with its own employees and, as a consequence, it lacks a stable bargaining partner. The unions have also had to cope with rapid change. The degree of fragmentation and competition amongst unions is relatively high. Organisational resources have been placed under pressure and internal procedures and structures remain undeveloped.

On the employer side, there is a marked lack of experience of industrial relations, particularly of bargaining. Management is under pressure to improve its processes of mandating and of interacting with the parliamentary process. It has to devolve greater managerial responsibility and take collective bargaining processes to lower levels of government.

A complicating factor for both parties is that they need to develop a more stable relationship in an environment characterised by economic constraints.

To achieve success, labour and government may have to recognise the limitations of collective bargaining in a situation where there are not two, but three competing interests (if one takes the public or 'national' interest into account).

Creative and innovative approaches will be needed. These might include:

- subjecting wage changes for certain occupational groups to an independent review process,
- maintaining the centralised structure of bargaining, but with an increased emphasis on co-determination at the lower levels of government,
- more effective and judicious dispute resolution procedures.

The fact that so much has already been achieved within such a short space of time gives cause for cautious optimism as far as the future is concerned. ★

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